

Submission No: 1528

Date Received: 24-9-03

Secretary: .....

24 September 2003

I am here as a result of the suffering my daughter and have experienced at the hands of the Family Court and the CSA. My daughter currently lives in Canada as a Canadian citizen and will not be returning to Australia. She was allowed to relocate to Canada by the Family Court despite my best efforts.

I am here because The Family Court purports to act in the best interest of the child and the CSA states they are there to help parents meet their financial responsibilities but in both cases they fall short.

I am here to highlight the discriminatory, sexist and adversarial means utilised by the Family Court to ruin the lives of non-custodial parents and how the CSA assists in that process. It is more than a mentality, it is a culture. It has been done this way for years and it has to stop. Not only do the father's in most cases miss out but the children lose a parent. Other countries recognise the advantages of shared parenting but Australia turns a blind eye to it. My understanding is that in 91% of divorce and separation cases the mother gets custody. I also understand that one father a day will suicide as a result of custody and CSA imposed debt. It has to stop. The Family Courts discrimination and the CSA's lack of flexibility are the reasons for the violence and suicides and the Fathers are getting the short end of the stick. Despite [REDACTED] indifferent attitude that suicide is a mental health issue you have to get to the root of the problem and that is the Family Court and the CSA.

My daughter has lost out. She has no fatherly contact despite my best attempts, she lives with an angry vengeful mother who has used her in this system as a bargaining chip to punish me and ensure she gets as much money as possible from CSA. I am a soft target [REDACTED] I am a Family Court and CSA dream. You can discriminate against me and I apparently have no recourse, I make a heap of money and you can take it right off my pay.

My ex-wife has realised that if she does not cooperate and if she make false accusations or slags me in court she will get everything... and she has. My court tactic has been to say and prove what a great father I am, what I have to offer my daughter and how my daughter is better off with me in her life. This is 180 degree out from how the other party has handled the situation but she has won.

I am a great father when allowed to be. I don't drink, do drugs or smoke. I am a supervisor for 17 men that work on my aircraft so I must have a reasonable level of responsibility. I have represented both Australia and Canada in Bosnia and the Gulf not to mention representational officer duties in New Zealand, UK and the USA. I have been in a stable relationship since shortly after my divorce and I am soon to be married. My daughter and my fiancée were best friends just as my daughter and I were best friends. I have never attempted to have sole custody, just to live up to my responsibility. I have encouraged the relationship between my daughter and her biological mother. I

have done what I can to foster a friendship with my ex-wife so as to improve the situation. I have paid CSA from day one despite what has been said. If I am not allowed to be an equal parent I don't know who is.

### Chronology

June 1999 – [REDACTED] biological mother contacts me while I am overseas to advise of her desire to return to Canada for a 'visit'. This was [REDACTED] to have me buy the airfare when actually she was relocating to Canada and the marriage was over.

July 1999 – After I return home from overseas I find [REDACTED] mother has moved out with my daughter and will not allow me access.

July 1999 – [REDACTED] mother takes [REDACTED] to Canada on a one way ticket (at my expense).

July – October 1999 – [REDACTED] mother and I in contact daily.

August 1999 – Child support payments commence. I Have paid every month ever since. I have made \$12500 in both agency and non-agency payments. Despite providing receipts the CSA has disallowed over \$7000 because the mother has said they were not CSA payments but furniture payments? This despite there being no legal agreement in place. I am suddenly \$3500 in arrears.

OBVIOUSLY SHE SET THIS UP PRIOR TO HER DEPARTURE.

October 1999 – [REDACTED] mother informs me she will never return. I am now legally bound to cover \$30000 of her debt. Leases and her personal loans. I continue to make her credit card payments as a courtesy so her credit is not damaged should she decide to change her mind and return with my daughter.

November 1999 – Lawyer contact<sup>s</sup> me to 'settle' property and custody issues. Paperwork signed that eventually disappears prior to court in March 2000.

November 1999 – I decide I will leave my job and return to Canada to sort this out and be with my daughter. I am threatened with restraining orders from both my ex-wife and her mother. I am told should I try to see my daughter for Christmas she will leave the city until I return to Australia.

December 1999 – [REDACTED] mother decides she wants to come back to Australia stating she is in a dangerous situation in Canada. This is unexpected but I am looking forward to being a father again. She has not held a job in seven months but has had over \$12500 from me to keep her going. I miss my daughter's first Christmas.

January 2000 – I fly to Canada to facilitate the move back for [REDACTED] and her mother (at my expense). Return trip took over a week as we visited family in Canada prior to coming home. Upon our return she immediately tries to have me kicked out of my own house. Obviously the games have begun

OBVIOUSLY A PLANNED MOVE SHE HAS HAD FOR US COMING COURT ISSUES

HINDSIGHT 20/20.

again. I take care of [REDACTED] for days while she tries to find a job and lend her money to buy a car. Later I am told in court, by Registrar [REDACTED], that I have no experience to care for my young daughter.

February 2000 – I try to extend more courtesy and tell my ex-wife that she can continue to stay with me and she will not have to pay for anything. The House and car is hers until she gets herself settled. Then while I am overseas for work [REDACTED] mother moves out again and takes all of the furniture despite legal documents in place. She will not allow me to see [REDACTED]

March 2000 – Forced to go to court just to see my daughter. I have done nothing wrong. Registrar [REDACTED] drags it out as long as possible, CAPS, no CAPS, Family assessment, psych selection. Every barrier that could be put in my way was. I was not allowed to see my daughter until this was sorted. Eventually I was allowed to see my daughter for three hours a week, supervised by my ex-wife because I apparently lacked experience and this was after I was accused of violence against my ex-wife. Summary: she wrongly accuses me of violence to manipulate the custody hearing, and then says she will supervise contact with my daughter at my house. The Registrar sees this as normal and limits my access. I should mention that I am also criticised for my job saying that I am away a fair bit. They seem comfortable with taking the money from the salary of that job.

March 2000 – August 2001 Endless court battles to be a father.

December 2000 – Despite having one month off for the holidays and being in Adelaide I am not permitted to see my daughter for Christmas. This is the second year in a row I miss out.

August 2001 – Court to prevent [REDACTED] mother from relocating to Canada. I lose... again [REDACTED] and trial scheduling fiasco. The court fails to see that my daughter has been relocated to Canada once already and that attempt to get their lives together failed so she returned. She has held four different jobs, three different residences and no less than five partners in the year and a half since their return but I am assessed as not suitable to have shared access. I have had the same relationship for the whole time, the same job and the same house. I tried to highlight the fact that my daughter should not be uprooted so often and so drastically. My daughter spent 50 hours a week in Child Care and I had four days a week off but all I could get was a few hours a weekend and no over night visits. I was offered overnight visits if I conceded to relocation but I refused to concede so in court my ex-wife said she could not fathom the horror my daughter would suffer if my daughter had to stay a night in my house. After I lost the overnight visits started immediately but the lies were there to manipulate the custody and relocation issues. I pointed these out to Justice [REDACTED] in Court but was ignored. Two contravention hearings I had at that time were just never heard, they disappeared but it was too late.

August 2001 – As I am entitled to be responsible for long term care welfare and development of my daughter I attempt to contact her Childcare agency,

██████████ Childcare and Kindergarten. I am abused and disrespected by the staff being told I have no part in my daughter's education. I provide the orders to the contrary but again I am ignored. To date I have no idea about my daughter's educational development both here and now in Canada. This is a culture the Australian government have created with respect to a father's role in a child's upbringing. HAS.

December 2001 – Away for work in Darwin (short notice), I am not permitted to have access with ██████████ over Christmas... at all. I would call every day and was never allowed to speak to my daughter. My ex-wife never once called me. I went to court with this in June 2002, I had phone bills as evidence of my attempts and my ex-wife provided her phone bills showing that she in fact never did call Darwin to allow me to speak to my daughter. This is the third year in a row I have not had a Christmas with my daughter. Justice ██████████ sees this as OK and within the Orders of the court.

February – May 2002 – Away for work in New Zealand for three months. Again I was not permitted to have any contact with ██████████ at all and again, Justice ██████████ sees this as normal and says my ex-wife did all she could to foster the relationship between my daughter and I. I again provided phone bills as proof and my ex-wife had no evidence to show she ever called New Zealand because she did not.

June 2002 – Into court to seek an injunction to prevent the relocation of ██████████ to Canada. I lose... again absorbing all legal costs (\$5000) and take a verbal hammering from Justice ██████████ who has made it clear I have inconvenienced him for an urgent hearing. He has said my ex-wife has been more than generous in the amount of contact she has allowed despite never letting me see my daughter at Christmas, despite never letting me speak to my daughter when I have been interstate or overseas. Clearly his goal and the goal of the court is to allow her to relocate so this is no longer an issue for the Family Court. This judge denigrated me and abused me for trying to be a father. He made me feel like a criminal and told me I psychologically abused my daughter. He abused me for giving my ex-wife court funded documents on Parenting and a book on coping with separation and kids after divorce. This judge did not allow me to see my daughter again prior to the relocation. I am floored. I am given all the other parties legal costs despite my continued attempts to keep this all out of court. I explain to the judge that because I have all my ex-wife's debt already, I have my own legal costs and I am paying \$1000 a month in child support, and because I have to pay \$5000 to travel to Canada to see my daughter I could not afford the legal bill. I explained that I would default on other payments. I had an assessment from a state financial counsellor stating that I had no way to afford this extra bill. I explained that if I damaged my credit rating it would cost me my RAAF security clearance and as such I would lose my job. The judge's response was to get a loan. I explained that was not possible given the debt load I had but he ignored my pleas. Since the relocation I have no idea about my daughter's schooling, Neither the job my ex-wife has nor the place of residence are where she told Justice Dawe she would be when she filed for the relocation in 2001. She has

lived in three different locations again showing even more instability and this is what she has been allowed to subject my daughter to.

July 2002 – [REDACTED] mother takes [REDACTED] away. Does not allow me to retrieve furniture until she is gone and then I find out every piece is wilfully damaged and some is missing. I have to pay for repairs.

August 2002 – March 2003 – attempts to sort out Contraventions on other parties behalf. Attempts to come to a payment arrangement for the \$5000 legal bill but the other party will not negotiate. File with the court to have the contravention and court cost issue heard. No hearing until Feb 2003.

December 2002 - I advise listings and Justice [REDACTED] Directly that I will be deployed to the Gulf and will not be available for a hearing. Never hear back from Justice [REDACTED] but the Case Manager tells me not to expect to hear back as she was on leave.

February 2003- Despite never being told the hearing goes ahead without me and Justice [REDACTED] say my case holds no merit... bills me \$1000 on top of the \$5000 I am trying to pay. Because I am away until May and she knew this she <sup>also</sup> has taken away my right of appeal.  
My Contraventions papers are rescheduled.

Jun 06 2003- I miss the official welcome home for the troops from the gulf because I have to appear in court again. The other lawyer and I come to an agreement on the court costs meaning my case did have merit and Justice [REDACTED] wrongly billed me the extra \$1000. I had 2 months to come up with \$6000. When I tried to discuss the matter with Justice [REDACTED] at the eventual contravention hearing she said "I don't have to discuss my findings."

August 2003 – Justice [REDACTED] again hears contravention of orders but the Court tells me they cannot enforce their own orders because they allowed the other party to escape jurisdiction. I am again threatened with court cost if I go ahead. The court is adamant they have no jurisdiction and in the same breath issue new orders for my ex-wife and I to attend counselling over visitation in Canada. I have suspended proceedings as I am fearful of what I will suffer at the hands of the Family Court. What a farce. I apparently have no rights in this system.

Current – I have not seen my daughter in over a year. The other party has not met her obligations in accordance with any of the court orders and I have no grounds for correcting this. I have been threatened by the other party that should I return to Canada to see my daughter she will disappear. I will not see my daughter for another year again as a result of the bills levied against me by Justices [REDACTED] and [REDACTED]. I have been intimidated out of seeing the court issues through. I still pay a heap of child support for my little girl and I am never allowed to see her. I have been treated like a criminal when I have done nothing wrong. I have only ever tried to live up to my responsibilities as a parent and the Family court and CSA have ensured I could never do that.

This is why fathers run away, suicide, go onto the dole or commit acts of violence. The family Court and the CSA ruin people's lives and do not look to the best interests of the child. My case is evidence of that. I should not have to be treated as a criminal for the breakdown of my marriage. I tried to keep this away from the courts and negotiate a solution but my ex-wife knew, through lawyers and history that the family court, being a sexist and adversarial system would not only shelter her but it would allow her to lie and manipulate the system so as to ensure I spent the least amount of time with my daughter while paying the most amount of money. The system has allowed her to use my daughter as bargaining power to get back at me for the breakdown of the marriage. Ironically I am made out to be the bad guy. The system dictates that I am good enough to be a financial provider but certainly not good enough to be a parent. For four and a half years my daughter has suffered because of it. She now has no father to be with her. I tell her how much I miss and love her yet unable to explain why I cannot be there and to a four-year old actions speak louder than words. This is the fault of the Family Court. The Family Court and the CSA do not resolve issues; they are the cause of the majority of tension and grief between the parties. I have never been allowed to have a father's day with my daughter, never a Christmas, never a birthday, hers or mine. How is that parenting? The courts have never acknowledged any of the barriers my ex-wife has put in the way of my relationship with my daughter, they have in fact rewarded her. This discrimination has to stop. None of this is in the best interest of my daughter.

The following is a list of people I have written to. Every one of them has given the same political drivel. They know what they say about a fair and non-discriminatory system is not true but, as government officials they are forced to tow the party line.

Prime Minister (intercepted by Attorney General)  
Attorney general, state and federal,  
Ombudsman, state and federal,  
Equal Opportunities Commission,  
Strategic Analyst for the Family Court,  
CEO Family Court,  
Chief Justice Family Court,  
Chief Registrar Family Court,  
Case Manager,  
Justice Dawe,  
Justice Strickland,  
Amanda Vandstone (Not yet responded),  
Bettina Arndt(no response),  
Department of Veteran's Affairs,  
CSA, and  
EAYS