

The Joint Select Committee on Australia's Family Law System

From laptop

Dear Joint Committee members

I am [REDACTED].

Any turnaround strategy for the 2 family courts is a waste of time. Instead, massive cultural change is needed to the whole system, not just the courts. The family law system is a lawyers club, with no law and lots of power given to those who have an incentive to drag everything out and go to court. Delay arises because its profitable to do so. No amount of money or procedural rules will blunt those incentives.

There is massive institutional bias, not actual corruption. Judges are effectively appointed by the law society. The judges don't want to rock the boat and do things for the public good. They want to give the annual after dinner speech at the next Australian Family Law Conference in Bali (or Suva). They have the exisiting power to fix this mess, but they just refuse to do anything. As anyone with economics training will tell you, if you give people great power they inevitably use it tribally, whatever good intentions they may have.

That's why, with all the power to decide things, there is no legal precedent that been made applicable in 45 years. That's why all of the judges and lawyers fell for the McIntosh parenting embarrassment, without dissent. Until you change the culture all the words in the world and all the money in iron ore just won't achieve anything. Instead of fiddling with rules on legal fees, bla, blah, blah, just dump the rule of lawyers and go for a system based on the rule of law. It's the only way to make the system work for outsiders.

I would dearly love to speak but can't. My lawyer mates tell me that I've got another 18 months of hell ahead of me in the federal circuit court even though I have already made a 60-40 written settlement offer. My wife's lawyer insists on 80 -20 or no speak. Our entire net wealth is a cash deposit. The lawyer doesn't even bother to reply to emails or produce the information requested. Im told she almost always settles 3 days before the hearing is finally due, on the same sum, less her fees. My lawyer mates say its a well-known scam - they all rort the system and they have some telegenic women turning up before you guys crying and saying "throw more cash at the courts".

Please don't show my name. Section 121 and our judge – or should I say revolving carousel of them- is indecisive and it will take too long to get clearance. Today I will wait 5 hours in this foyer to see a judge for 7 -15 minutes who will do nothing. I will be doing this for some time.

Please change the entire system.

Regards