

SUBMISSION BY DAVID CHARLES MATTHEWS

Committee Secretary,
Senate Standing Committee on Legal and Constitutional Affairs,
Department of the Senate,
PO Box 6100,
Parliament House.
CANBERRA. ACT 2600
Australia

Dear Sir/Madam

To who it may concern, in reference to the **Inquiry into Australia's Judicial System, the Role of Judges and Access to Justice.**

Whilst I feel Australian law is lacking in many areas, I would like to address both I and J of the terms of reference, as to me they would seem to be in relation to each other.

In reference to **I: *the ability of people to access legal representation***-In relation to family law matters in particular, which is a highly biased system of law to say the least. It was my experience that legal representation was immediately available whilst my child was under my care but no sooner than when my child was forcibly removed from her home, then that same help was restricted and came down to having to either offer up assets to finance legal representation or somehow magically gain favor with Legal Aid. Many of the solicitors I approached at that time seemed uninterested when I informed them of my perhaps having to apply for legal aid.

In reference to **J: *the adequacy of legal aid***; The manner in which alienated parents are treated by the Legal Aid system only serves to further the impression of hopelessness that the Family Court dishes out. It does not offer aid in an equal fashion. Double standards are the norm and were most noticeable initially while my child was under my care. Initially I was spoken to in positive reassuring tones by members of legal aid, and was told I would qualify; however, as soon as my child was taken from my care, I was under extreme duress not knowing how or if I would qualify for legal representation by legal aide or be able to finance a court based decision via my assets and family home.

My barrister during final legal proceedings even used the tact of threatening that if I didn't accept his advice on the outcome, that he would notify Legal Aid that I was being uncooperative and that I may have to pay all court costs if I didn't succumb to his assertions and accept the inadequate offer of my former partner and her legal representatives. At the onset; my former wife had gained almost immediate representation via Legal Aid and once she had established residency of our child; was assured it whilst I myself was forced to wait almost twelve months and was not notified that I qualified for legal aid until within about a month of our final court decision, which of course by then went negatively for me. How this can be deemed a fair process is beyond all my understanding of fairness. family law is indeed a gender based decision making process with little to no assistance via governmental support systems, (that is of course if you are the wrong gender,) and this is regardless of either input or bond of the parent to child, or child to parent. I haven't seen my child in almost four years now and this is entirely due to corrupted biased and outdated law which was introduced in 1975. I refer of course to the no fault legal system, which in essence, when it comes down to a legal decision. Simply means that it's the male's fault.

Yours truly, David C Matthews.