

5 September

Senator Ian MacDonald

Chairman of the Law and Constitution Committee

Australian Senate (family law Bill committee)

Canberra

Hi Ian,

The new Family Law Act 2018 - # 39

I have read your Bill last night on the internet and I agree with everything except for 1 thing. Section 39 new gives the lawyers a monopoly instead of making things work better for DIYs.

I had to DIY 7 years ago. Mate I hated it. I wanted a lawyer. I asked 9 times. I was forced to DIY because 5 judges refused to release one cent of the money not even in contest. My first judge said she had asked the chief judge to only give her kids cases so refused to listen to any argument on our case. The 2nd said to borrow even though it was a bank account and my wifes claim was 80% not 100% and my bank had said said no way. Then #3 when I asked politely with all the law from the internet called AUSTRALII and a legal aid kid, she had a 10 or maybe 15 minute speech about how the High Court is "utterly hopeless at family law" and then said she was busy and so was everyone so she was sympathetic but all judges refuse to exercise the law because it would be too hard. The 4th says section 79 clearly says " young man" (thats a lawyers humour for you) that you need a full balance sheet = and I had enough by this stage so I said "No it doesn't mate=it just says be just, there is a balance sheet anyway". This bloke chokes about 4 times and then asks me if I am a "little smart arse" and I say "I pay your wages mate so do your job, this is just and will just cut the time" cause I am not a bloke to take it lying down. He and my wifes lawyer then gang up on me and but cant remember why they wont- so he says "look, forget the case law, I know its something, and sure what can happen , but its just not the family law way"- and still no. And I say the family law way is long queues so try shrinking the fight because you have clearly been a failure with your family law ways and he just loses it about how everyone says family lawyers are looking after mates and thats not why (what a der, of course its is). He wont let me appeal and he wont give any reason at all. The next time no again but then allows my wifes lawyer to delay on all other things for 4 months because she was flying to Thailand for an Australian law conference for 7 days- and yet she didn't have time in 23 months to meet even once to compromisebecause I didn't use a lawyer (totally illogically circular). We have the last judge 5 who said it make sense, but no because she doesn't have time to write a judgement until the main judgement but said ALL delays are the fault of ALL politicians.

So I had 3 days doing a law case on my own. A barrister v me was not a contest - mate, I took a real beating. Angry, angry, angry with me and everyone. I was rooted and she realised that and told the wifes lawyer "Sydney family lawyers are a total disgrace to the rest of us, you do nothing until told". On the Wednesday I just cried and thought of suicide, I was so down on it all. This was worse than when my mum died of cancer . But rather than talking on the Thursday I just turned up, stood tall, and lobbied in everything in writing that an old judge helped me with.

But then our judge took 19 months to write her judgement! Then she "forgot" that liabilities shouldn't be added to assets. Back again. It's like Dads Army. It costs \$ 250,000 for a couple for lawyers. Who can afford that? Its more than the real fight - judges must know that if they do this all the time- whose side are they on !! My wife got 21% less than her lawyers promised her and wouldn't negotiate with me. And also over and 6 % below my first offer. She also lost 7% in their fees. The problem of no care and nothing at risk= => she can't sue the predators. I bail her out now because they led her on something chronic during endo.

Lots of people DIY. Most are ladies with Uni degrees, mainly ex lawyers. One of the girls called my judge # 4 a bottom feeder when at law school with him. It's a mess.

Look I believe new 39 makes it even worse= yet again because:

- Keeping prices high by way of hiding it in the small print.
- Anti the free market of Keating and Howard i.e. no longer licences for subbies these days
- Making DIY too hard. You need whatever help you can scrape together when up to your kneck in it (i.e. my best mates father in law was a top kiwi judge and he helped me over Skype when I was thinking of giving up. At 77 this top bloke is retired but in 14 hours he makes a memo of all the right and tight legal cases, plus some words of The High Court judge of who he is footy mates with, plus England, plus a speech in our senate from 1975, and spotted 13 mistakes made by my wifes barrister and 4 by the judge. Top bloke. Huge brain. Owe him my life, my sanity and would have closed down otherwise , so 3 families loosing jobs. I didnt tell my judge I didnt write it but it must have been clear when I said "I am emotional and now wish only my written memornadum to speak for me until I go on appeal" 6 times as she read it in open court.
- Still allow spiv law firms not be obliged to stay the distance.
- Anti the Productivity Commission saying EVERYONE must compete, no excuses from the equality of everyone and no special rules for mates because low prices are needed.
- Puts more pressure on Google Reviews who give more info than the law society for dodgy lawyers = and we all know why a union would do that, don't we ! Our judge was right as my wifes lawyer had 26 complaints found out and yet guess what =they do sweetwhen their mates are creaming it.

The judges are but they all good waste more time on having the same lawyer turn up every day with the same issue, reinventing the wheel. A DIY can waste judges time, for sure, but that's like a 99th order problem. Lawyers sell delay -that's why it exists. If you guys want to fix their mess up then bring in someone successful to organise the judges better- ie Kerry Packer or army logistics or Netball Australia or the tax office. Or pay lawyers and judges last = that would speed it up! Parliament must remember you are the only hope of ordinary Australians to stand up to the judges using the existing system just to make money for their mates, whether deliberately or not deliberately = it just doesn't matter.

So add in a bit to say:

"But the paragraph heretofore doesn't apply up until delay is below 43 days as every taxpayer has the right to speed up things with their judge by choosing as a lawyer as a person who is:

1. Anyone over 65, but used to be a law society paying member = unless 3 or more ever complaints.
2. A start up lawyer but no complaints but unless the judge says the DIY would do a better job on their own.
3. Any woman refugee staff, even if not trained as lawyers, or Rose Mary Batty types, or any tough lesbian, so as that a rape victim // girl bashed by way of an AVO is not left to be stranded if the judge is one of the ones that just waffles on making lame excuses no one normal agrees with.
4. Anyone who is a law professor etc can "help" any overworked judge.
5. A law student for the "mention" hearngs part only (where nothing happens anyway and they help out the back anyway so it would be better saying it more direct than a DIY just repeating it).
6. Any competitor as per the ACCC to keep prices down to what ordinary Australians can actually afford, paid more than as to 50% retention at the end of the job.
7. A family member if you are not good on your feet speaking to a judge= if Aboriginal, or don't speak English at home, or you didn't finish school.
8. Anyone with a terminal illness can use their doctor to explain and the judge must just do as the doctor orders, because fiddling around and not allowing asap experimental drugs is just not in the spirit of a fair go at all.
9. Any retired judge, QC, or barrister over Skype or Apple face time from a country that is just a great mate of Australia, helping when things just go spaz, not taking jobs, for free
10. Where the judge knows they really are not good with maths, accompany tax accountant to do it for them and they can just tick the box if indeed busy

PS. Most lawyers are great Australians, I am not knocking them all. I just finished a big job for a very big time QC and he says not many lawyers agree with the law society as its all too aggro in divorce. His wife also grew up doing it tough and on y laptop she shows me all this and all the government stuff and tells me write to you Ian and because she said you are a getting things done type of guy just like Howard was. Thank god someone in our Parliament is.

Okay , sorry this is as long as a lawyers speech. In conclusion otherwise it's all waffle words in this Bill, but it looks like the right direction. Long overdue and good on you and Christian Porter for standing up to all the self-centred legal beagles whinging on being a fool only to themself that they are doing the public a favour. No one wants delays. No one. They keep their jobs and you loose yours at the polls= brilliant idea, good luck selling that one to voters. You can't blame them for trying one on I suppose = but what a joke as they wont delay fees, just action.

So please while it is overall good please just a small change for normal people to get their best foot forward for a once in a lifetime event.

Cheers