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Sunday 21 October, 2018

The Chairman

Senate Legal and Constitutional Affairs Committee  
Canberra

Dear Senators

The Family Law Bill: more dithering by the peoples “representatives”

The public don't care about this Bill and its debate about what shingle to hang on the front door of a dilapidated court room. We want a real debate in its place. The one the Law Reform Commission is designed to run away from. The one a Royal Commission would address if politicians ever listened to voters.

Courts are clearly not the right forum to solve the core issues that causes divorce-financial insolvency, mental health break down, structural aged based unemployment, middle age anger management due to biological change , exhaustion with modern life, and domestic violence. Letting the litigation junkies loose from the bottom of our overcrowded law schools has merely increased the negative effects of these problems, not solved them.

Those not good enough to do photocopying at Freehills have had 43 attempts to get this right. Not once have they succeeded. Instead they encourage mass litigation. The Family Court has been an institutional failure. Instead of the speed your predecessors promised is helps the chumocracy retail delay by refusing to narrow disputes. Instead of substance over form they have invented family law voodoo economics that can change depending on which judge you get. It's a sheltered workshop. It's time to close the doors of Bleak House for the last time.

There is no evidence that people who lack skills in finance can solve financial disputes. To the contrary - the only thing the incumbents seem to have achieved is elaborate procedures to pay lawyers first and sell delays. There is also no evidence that people who have no social policy training know the first thing about parenting, nor children at risk. To the contrary - look how far behind the rest of the world we are with Parliaments innately silly decision to trust lawyers with equal parenting laws. What a surprise , it was replaced by processes that make law firms profitable. Look how strong support is for a Royal Commission to expose the shrinks and sharks who have put their profitability before child safety.

Don't rearrange the deck chairs on The Titanic. The bottom of law school should have cleaned up their own mess by making clear guidelines and enforcing them. The “ where is Wally “ court debate the troglodytes from The NSW Bar Association are left peddling in the media is just inane. Get rid of ALL family courts and make the family law delay retailers redundant at Christmas. It's time to put early financial rehabilitation front and centre by a 50/ 50 rule. Lawyers take far too much of the gap.

It's time also to make equal parenting the norm. unless he is a deadbeat dad. Its time to realise that their part time parenting model is not self reinforcing and is doomed to fail .

That is reform. It requires real leadership by our political class. Not delegation of your job to The Lawyers Reform Commission who run away from debates and talk in their little echo chamber.

Bills like this just defer the inevitable. Please put your collective IQs and your collective large salaries together and come up with something that makes a real difference to real people. We vote for you, not judges or law professors or luvvies from The Lore Society. Make laws, get rid of unbridled powers, and lets get this swamp drained once and for all.

Yours Sincerely

Don Nesbitt,

Retired

Sydney