

Senator Ian MacDonald

Chair person

Senate Legal and Constitutional Affairs Committee

PO Box 6100

Parliament House

Canberra ACT 2600

Dear Senator MacDonald

***Family Law Amendment Bill 2018: no more delays***

Senate cross-benchers took the unusual step of delaying this Family Law Bill for 5 months because of impending recommendations by The Australian Law Reform Commission. Australians who voted for those 4 cross benchers, in the forlorn hope independents might do something bold and different, were forced to wait while Canberra dithered. While we waited two reported suicides occurred because of family court delays this Bill seeks to ameliorate; kids got thrown out school to pay lawyers' fees as they always do; and small businesses went bankrupt with all the adversarial stress the lawyers so desperately need to facilitate just to keep their income high. Delays cost society far too much. Dithering on this critical measure deepens cynicism about who politicians go to bat for.

Now the committee of ALRC lawyers that the 4 new cross benchers had such naive faith in have, after a year, issued an interim report. And, what a surprise, the ALRC timidly recommend:

1. ***NO reform of financial disputes.*** The poor still get nothing, and lawyers will still be paid first. There is no discussion at all as to whether lawyers, who have no financial skills, are best placed to do the job. Judges can still roam free plucking numbers out of thin air. No guidance like the English Law Reform Commission suggested. No new innovative ideas like the NZ Law Reform Commission suggested. No minimums. A few things about mediation first and taking family violence into account. Instead of any debate The Law Reform Commission polled 800 Australian that made submissions to it to conclude there was no community consensus for change. Many of them small law firms. So much for intellectual rigour or debate. Yet over 98,000 Australians signed a petition for a public investigation of The Family Court. That's ten times the numbers at the banking Royal Commission. Putting lawyers in charge of reform has resulted in complete regulatory capture. It's worse than putting General Motors and Holden in charge of tariff reform. Shame on you Senator Derryn. Shame, shame, shame.
2. The ***Howard Equal Parenting reforms are to be rolled back.*** You were an outstanding Howard Government Minister, Senator MacDonald. I lobbied all Howard Ministers in my day and the 2006 Howard Equal Parenting Law was backed by all sides of politics and genders. That 2006 Law got even more public support than the original Family Law Act. Yet a committee of lawyers now recommends that my grandchildren's generation don't need equal parenting, because of "evidence-based experts". Give us a break. No country in the world is suggesting less equal parenting. I'm a retired economist with a math major. There is

no evidence at all, none, that that lawyers and shrinks have any crystal ball that has ever worked when it comes to parenting insights. Their lucrative intervention approach just destroys so many more children's lives than they ever protect.

3. ***All the deficiencies recommended by The Australian Productivity Commission in 2014 are ignored.*** No cheap legal services for the poor- instead spend even more taxpayers' dollars on training schemes for insiders. Three new QANGOs for us to fund. This is not an independent report – it's a job application by the Law Society to remain relevant.

What on earth were those 4 cross bench senators thinking? Not leadership that's for sure. None of these ALRC recommendations, tentative or otherwise, reflects community views, common sense or good public policy. None of it is debated. None of it is vaguely politically saleable. Lionel Murphy was a great law reformer. John Howard was as well. These people at the ALRC tinker at the edges of reality. They are very nice, very decent and very lost. But bold or incisive - it is not.

Australia is crying out for real change again. And political leadership. Senator MacDonald, as an experienced hand, please ask young (but astute) Mr Porter to close down this unhinged Law Reform Commission group because they have no insights and no new ideas. They are wasting other people's lives and money. Their report will just be binned anyway along with the 39 other reports on family law. No more Sir Humphrey solutions. Mr Porter should table more solutions, and fast.

We so badly need an independent Royal Commission into family courts headed by a proper judge, with real community representatives that people can believe in. Even retiring Judge John Pascoe came out last night and admitted this on the ABC. Good on him.

Cure this Canberra disease of delaying reform for the benefit of insiders. Pass this Bill and then roll your sleeves up. Waiting for the predictable self-interest of insiders to bubble to the surface should have surprised not one cross bencher, far less 4 of them. No further delay is vaguely excusable. Pass this Bill before Christmas. Just please achieve something this year. And then take control, bring all the ideas you have for fast tracking the clean up of this mess out into public, and give us a vision, not just more dithering.

God speed with good work.

Best Regards

Bill Patterson

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