4th of August, 2003.

Attention : The Child Custody Arrangements Inquiry
C/ Department of the House of Representatives,
Parliament House,
Canberra, ACT., 2600.

SUBMISSION FOR REVISION OF CHILD CONTACT CIRCUMSTANCES

Dear Sir/Madam,

Please find following my submission on a much needed revision of child contact circumstances. This submission, and its supporting circumstances, is based upon my own experience, with the Family Law Courts, over a period spanning six and one half years.

OVERVIEW.

My former partner and I planned a pregnancy [redacted]
Before the child was born, the mother left and formed a relationship with another man.
I filed for contact with the child through the Family Law Court once my son was born [redacted]
I began paying Child Support once my son was born.
In [redacted] the mother of my son, and I reformed a relationship.
We again planned a pregnancy [redacted]
In [redacted] shortly after the birth of our second child, the mother again left and reformed her relationship with another man.
I was then paying child support for both children and again was forced to lodge an application in the Family Law Court to gain access to my children.

DOMESTIC VIOLENCE.

Soon after filing for contact [redacted] I found myself facing Domestic Violence allegations. I was at this time 35 years old and had not been to court before, so the situation was rather overwhelming.
Due to the fact I was facing substantial legal fees from my contact application and I was financially stretched at the time, I, upon advice from the Police Prosecutor chose to "Consent to a Domestic Violence Order" with no admission of guilt. I had no problem with the conditions of the order, and I was assured that by consenting to the order I would not be compromised in any way.
THIS COULD NOT BE FURTHER FROM THE TRUTH.
I have suffered at the hands of consenting to that order from that day forth in terms of contact with my children. There has never been any basis to my ex-partners domestic violence allegations. Since that initial order to which I consented [redacted], my ex-partner has initiated five subsequent domestic violence applications against me. On each of these occasions , I have successfully defended the allegations. On each of these occasions , the applications were timed so that when I appeared before hearings in the Family Court in relation to my contact applications, there would be an "undealt with" Domestic Violence application hanging over my head.

Due to financial constraints, I have been forced to represent myself in the courts over the years, as a working , tax paying citizen. I am not entitled to legal aid. On the other hand, my ex-partner on many occasions has excersized her right to have legal aid represent her in these bogus domestic violence allegations, along with police prosecutors. If, over the course of 6 years in the Family Court (approx. 10-15 appearances), I had come before the same judge who could have physically kept tabs on this case, it would have never got to the situation it has. But instead, on every occasion that I have been before the Family Law court (all appearances in Brisbane) I have not once been before the same judge. So on each occasion I went to the Family Law court , the domestic violence allegations have grown to the extent that it would be physically impossible for any judge to sift through the material in the minuscule amount of time allocated to each matter. Instead, on a number of occasions, even though the fact that none of the allegations of domestic violence have ever even amounted to an order being made, except intially by consent, some judges have no doubt wooed to the moronic notion of "where there's smoke there's fire" and made orders accordingly, ie. limiting my contact. On a recent occasion before a judge in the Family Court, following my submission that the domestic violence allegations made against me over the years have been false, and they were purely engineered to affect my contact applications, the judge replied, and I quote, " any one that has consented to a domestic violence order, in my eyes, has committed domestic violence." Should you require a transcript of this particular hearing, please contact me and I will organise a copy to be forthcoming.

Six domestic violence applications have been made against me.I have personally defended three of these against police prosecutors. [redacted]. There has never been any domestic violence proven against me. There is no doubt that these applications have served to severly limit my contact, and the conditions thereof, with my children over the years.

FEDERAL POLICE.

One of the more farcical aspects of the entire Family Court debacle is that of policing Family Court Orders. Following the extremely lengthy, expensive, and stressful process of obtaining Contact Orders for your child/children when the "Residential Parent" is opposed to that contact, there is no one to police those orders.

As mentioned, I have had six domestic violence applications made against me. These applications can be made, without any foundation whatsoever. Once the application is made, the police then make a case against you, and attempt to prosecute you, all paid by the tax payer. I have had the police on my doorstep, (something very undesireable in itself), in regards to domestic violence issues over the years on probably twenty occasions.

However, even though I have abided by the system and obtained a Family Court order by the appropriate means, if the residential parent decides that they don't want to give contact on a particular occasion for no apparent reason, there is virtually nothing that can be done.

I have rang the state Police on such occasions, and they can't get you off the phone quick enough, passing the buck directly to the Federal Police, saying, "it is not their jurisdiction," which of course is correct.

I have rang the Federal Police on such occasions, and if you happen to be lucky enough to be able to ring during office hours, or just be lucky enough to catch the "appropriate person" on duty, the standard reply is that "the Federal Police are now more focused on Terrorism issues and don't have the resources to deal with Family Law matters".

The only option that remains, of course, is to return to the Family Court and file a Contravention of Child Order, if indeed you have any money left at all by this stage, or like me, represent yourself.

Of course, once back at the Family Court, the mandate of favouring the residential parent, is again all too evident.

There is no doubt that the Family Court attempts to discourage the filing of Contravention Orders by ensuring a minimalist outcome, even to quite serious breaches.

On one occasion , my former spouse was stopped at [redacted] International Airport when a PACE Alert was activated on my son's passport. She did not know at the time that I had placed the alert on the passport, but was fully aware that the child was not to leave the country without my permission, which of course , was made clear in an existing Family Contact Order of that time. In addition to this, on the very day that her and

her new partner, and my son, were stopped at the airport, I was scheduled to have my regular contact (2 hours per week). I believe, given that the mother was born in [redacted] and has many relatives there, she had no intention of returning to Australia, without a fight.

On facing a Contravention application that I filed in relation to this matter, her "penalty" was that my contact was increased from 2 hours to 4 hours per week.

On subsequent Contravention of Child Order Applications that I took out against my former spouse for blatant and "serious" breaches of contact orders, they were either dismissed, deeming that she was not aware of the contact orders existing, even though she was present when they were made and consented to them, or she recieved a mild warning.

CONTACT CENTRES

Over the past six years, it has been ordered by the Family Court, that I use contact centres for contact changeovers. I have used four different Contact centres over this period.

In my view, these contact centres, all funded predominately by the Federal Government I believe, should be for the benefit equally of the child/children and non-residential parent. Unfortunately, from my experience of each of the contact centres that I have attended , they are all very much biased towards the needs of the residential parent.

This ludicrous situation, although denied in principal by the centres, is still blatantly evident in most of the centres' Service Agreements.

Firstly, each contact centre has its own individual rules.

Rules such as "no phone contact" being allowed at a contact centre can, I am sorry to say, only be compared to a gaol. I at one stage, due to the unfounded, unheard domestic violence allegations being present during a Family Court hearing, I was ordered to have "supervised only" contact with my young daughter. At this time, the contact centre I was forced to attend was two and one half hours north of my residence in an area where I did not know anyone. My entire family lived another four and one half hours south of my residence. I did not , at any time that I had supervised contact with my child, have a protection, or temporary protection order against me. None the less,

contact centre policy prevented me from phoning the childrens grandparents, so that the children could maintain contact with their extended family. The children's grandparents were too elderly to be able to make a seven hour trip to see their grandchildren, especially given that they could only see the children within the constraints of a contact centre for three hours. Again, if I did not have the capacity to represent myself in court, this situation would remain today, and certainly does for many other users of the centre. I believe this, and other rules of these so called "Contact Centres" are a deprevation of liberties and a gross infringement of the intrinsic rights of both the children and non-residential parents who have been ordered to attend these centres.

AMOUNT OF CONTACT

One of the aspects of current Family Law court decisions that never ceases to sicken me, and appal anyone that has heard my story, is the "amount of contact" that the courts award to a non-residential parent. I of course have the benefit of my own experience in this matter, but also, from simply physically spending so much time sitting either in, or outside the court room, I have heard the judgement of many other cases.

On almost every occasion, and certainly in my case, the amount of contact time granted to non-residential parents is akin to that which you would expect would be given to an axe murderer.

The patronising attitude of many judges who hand out these decisions to non-residential parents is something that I would not even bestow upon my dog. To tell a parent such tripe which amounts to something like, "if you be a good boy or girl, and come back in six months, the courts might give you the right of an extra hour or two contact with your own child per week or fortnight," is probably the most

demoralising insult that the human soul has to endure in this so called "civilised world."

Following my ex partner running off with another man, I was awarded two hours per week with my child. This continued for two and one half years, when , as I have previously mentioned, this was increased to four hours per week, as a penalty against my former spouse for attempting to travel to another country, in blatant contravention of a contact order. This extra two hours contact would have probably been forthcoming in a Family court application that was at that time already set for hearing two or three weeks later, anyhow.

This is basically where the "generosity" of the Family Court ended for quite some years. After another period of approximately twelve months at four hours per week contact with my son, my ex partner did a backflip, and allowed me more "normal" contact that a seperated parent would and should enjoy with their child.

Contact carried on like this for a couple of years, at which time the mother and I reformed a relationship, and planned another child. During this time I enjoyed a reasonably conventional father / child relationship with my children.

Seven months after the birth of our second child, my ex-partner again "took off" with the children and reformed a relationship with the partner that she had previously left me for. It is probably relevant that I should mention now,and which I certainly did in my Family Court applications, that the partner that the mother of my children left me for on both occasions, was a 65 year old man, who was unable to sire children.

However, despite all of this, following another application in the Family Court that I had to make so as to have contact with my children, I was granted four hours with my son, and two hours supervised contact with my daughter, on an interim basis. Eight months later, I have only just been granted fortnightly overnight weekend contact with my son, but I am to date, still only allowed two four hour contact periods per fortnight with my daughter.

This discriminatory behaviour of the Family Courts must stop. It is time they ceased hiding behind the pretence of "in the best interests of the child", because it is plain to see , that they do not, in most cases, know what the best interests of the child/children are, and it is even more obvious to see, that they do not have the capacity to seek out what those best interests are.

SUMMARY

My children and I have been deprived of our intrinsic rights by a system that is so flawed that it is impossible that any intelligent person could not see these loopholes. I will never again have the opportunity to see and be involved with my children at the most precious time of their lives. Residential parents have been using these ridiculous circumstances to deprive ex partners of contact with their children on a monumental scale. The Family Law Courts of Australia cannot escape the fact that they have allowed this situation to continue, and have even used these injustices to facilitate their undeniable mandate of favouritism toward the residential parent.

It is my opinion, that the Family Law Courts descrimination is the major factor in 1) the Australian male suicide rate being the highest in the western world.

2) the dramatic increase in the Australian male homosexual population, over the past 30 years.

I have personally spoken to several deprived fathers who have been suicidal at the prospect of virtual elimination of their children from their lives.

I have witnessed boys, deprived of fathers by the Family Court, who are certainly not genetically homosexual, yet turn to homosexuality, because of, I believe, a lack of male role model in their lives from a very early age. They grow up in a world, dominated by females.

When a marriage or partnership fails, it is predominantly the non-residential parent which makes the sacrifice. From my experience, it is usually the non - residential parent who amicably accepts the role of provider, and forsakes the privilege of coming home to their children on a daily basis. They forsake the most inherent part of their being.

And for this sacrifice, most often, the non -residential parent is treated by the general population and particularly by the Family Court, as a third rate citizen, showered with scorn and contempt that is only fit for our darkest criminals.

There will always be conflict with marriage breakups. It is human intrinsic nature to want hurt your other partner for hurt that you feel you have suffered during the breakup. No amount of counciling or legislation, or family court intervention will ever change this, and I would challenge ANY human being that has been in these circumstances, that at some stage, they at least had contemplated some form of retribution. This is very basic psychology.

Why then, given these circumstances of conflict, that you would ever totally empower one person within that conflict with total control of the most powerful weapon possible(the children), and leave the other party stranded powerless, is simply beyond my grasp. This obviously is, and obviously has been, a recipe for war. It is the recipe for terrorism in our society, and it is no different in family matters, it is just the scale that varies. The "in the best interests of the children"adage has been belted to death by feminist lobby groups for the past 30 years and it would appear quite evident that indeed the best interests of the each child is just that. Each childs wants and needs can be so different to the brother and or sister beside him/her that I don't believe that any one can accurately "predict"what the long term best interests of a child really are. Certainly, by eliminating one parent from their lives, and leaving them exposed to the views and prejudices of one particular parent and family, in by far the greater number of circumstances, cannot surely be seen by any logical person, to be beneficial to the childrens' long term well being.

We appropriately refer to the Aboriginal "Stolen Generation" with horror and shame. We continually show compassion for ethnic minority groups, and illegal immigrants who have reputedly been "hard done by" due to Government policy.

Yet, the compassion and understanding that non - residential parents recieve in this country wouldn't fill a thimble on an annual basis. The Family Court of Australia has created, promoted and condoned a fatherless culture over the past thirty years, and I believe we are yet to feel the full brunt of this hideous injustice in terms of social and moral turmoil.

In short, it just is not natural to keep children away from either parent.

The Family Court must cease its predudicial incompetance now.

SUBMISSION

That the Chief Justice of the Family Law Court of Australia be removed as soon as possible, and replaced with an Officer with an"appropriate moralistic" outlook, which shows compassion to each of the three parties involved in family breakdown, ie. The chidren, and each of the two parents equally.

That a review of all Contact Centre policy and service agreements be undertaken. These policies should become standard throughout all such centres within Australia, and these policies should focus on the children and non-residential parents as the main users of these facilities. The number of centres and locations also needs to be addressed.

That all recipients of Domestic Violence applications are verbally made aware that Consenting to a Protection Order will geatly inhibit any application they may have, at any stage, before the Family Law court for contact with their children. Also, any allegations of Domestic violence that have been successfully defended in the Magistrates Court before a full hearing, should not be allowed to be submitted in any way before the Family Court. This should also include those allegations contained in temporary protection orders.

That Contravention of Child Order Applications be treated much more seriously, and actual penalties be imposed for breaches. More weight should be given to applications made by the non-residential parent, however serious breaches by either parent should be dealt with much more harshly.

That upon initial breakdown of a relationship that involves children, that 50% custody be granted to each parent on an alternating weekly basis. That following councilling, if an amicable arrangement regarding

custody has not been reached, and a consent order has not been made, then each party must apply to the Family Court and negotiate an outcome. Throughout this process the Family Court must not show any prejudice against or for either parental party.

I make this submission with a great deal of personal experience , pain, and sacrifice at the hands of my ex partner and the Family Court of Australia. Given this experience , I feel that I have good first hand knowledge of the failures of the present Family Law system. Should you wish to clarify any detail, or contact me in regards to any part of this submission, please call [redacted] or write to the address shown above.([redacted]