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Thursday 10 July 2003

Committee Secretary
Standing Committee on family and Community Affairs
Child Custody Arrangements Inquire
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 16

Date Received: 24-7-03

Secretary:

Dear Committee Secretary

I note your terms of reference and while I understand the best interests of the child are paramount I believe that it is true to say that there are those who have used this quote as a means to giving credibility to what is in many ways a contradiction, i.e.. If you remove any part of the biological connection to that child you have already ignored the best interests of the child.

There are many area's where this can be verified. What if the child needed a bone marrow transplant or similar. By removing the influence of dad, you have successfully removed half of that child's biological connection, further, if the child is always given to the mother than there must be numerous occasions where the child is being placed in what may well be the wrong environment. The father can't always be the scoundrel and the crime rate including murder, suicide, drugs and violence would all seem to relate to the absence rather than the presence of the father and clearly step parents don't necessarily care about the children just because they have formed a relationship with the mother.

In a letter to Mr. Windsor's office dated Friday 10 January 2003, I said there should be an inquiry or even a Royal Commission into the Family Law Court / Act and that to ostracize me in an illegal separation from my own flesh and blood and I will always believe the family law court is a very high profile criminal activity and whether right or wrong it would seem that child abuse and drugs, prostitution, street kids all stem from it.

Its also interesting to note who the creator of the Family Law Act/court was and I note the Daily Telegraph of 26 March 2003. Murphy files get ALP OK. "Inter Alia." The Hawke Government suppressed the material when Justice Murphy died in 1986, prematurely ending an investigation into allegations he was associated with organised crime.

Frustration, resentment and all of those other human emotions are factors in the early part of most separation's and I would suggest a cooling off period is necessary. At this point someone needs to assess the progress of each partner. It does no one any good to have mum and dad continuously revisiting what is usually silly issues of the past. Clearly the child support agency could have its roll somewhat changed so that qualified persons are available for the handing over of children and the demeaning of one partner or other in front of or to the children should be avoided.



There should be a presumption that children will spend equal time with each parent unless there is a threat to the health or well being of those children, whether from the parents themselves or someone living with either parent, however this should have to be investigated and proved. Someone's bare word is simply not acceptable and there needs to be a penalty for tarnishing someone's good name.

Who was it who said, To take away all of my goods and chattels, is sheer dross but to take my good name is to take away my most prized possession.

There is far too much misuse of the domestic violence act in this way with the onus usually on the man to prove his innocence in court. This should be vigorously objected to as we all should have a right to be investigated before being arrested.

The foundation of our laws are based on the St James' bible and the ten commandments given the Queen is head of the Anglican church and the executive power of the commonwealth (see section 61 of the Australian constitution.) however I understand that perjury is not taken into account in the family court. If not, why not? One of our commandments is "Thou shalt not bare false witness."

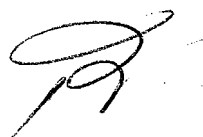
A simple way of stopping most of the false claims would be to advise the complainant they will be expected to, if they wish to continue with their claim sign a Stat Dec and show them a copy of the oaths act. This would / should make both parties more responsible for their actions

I believe the child support agency in terms of maintenance if equal custody and care is accepted within our system will not be a major issue as both parents will have equal responsibility and because of the formula of equal custody and care it would have to be assumed that grandparents would automatically be included in the children's lives, however this could be put into a court's decision process particularly in the event of the death of one or the other parent.

Other problems with the family court are those with vested interests. When someone has a suggestion there are the incessant knockers who rarely come up with alternatives. I have noticed Mr. Justice Nicholson is typical and I wonder if he is simply self serving or does not have the ability to understand certain problems. A good example is his attitude to DNA to prove paternity by the father.

In the first instance does he expect a man to pay for perhaps 18 years for a child he believes isn't his and does he really believe that child won't pick up on the resentment felt by that man for that child and the child would wonder why his father doesn't like him.

Verily in terms of Domestic Violence particularly where it is not serious a family in crisis needs help, not to be arrested, of course that needs to be assessed at the time but the added financial burden can't help. If drugs or alcohol are a problem perhaps health care, or even a place to dry out or perhaps a couple of times a week a professional should visit the home. It maybe a program / study at TAFF could be considered.



In closing, I believe the sanctity of marriage has to be restored, commitment is paramount and divorce should be a last resort not a simple option.

Yours Sincerely

D J Brown JP

A handwritten signature in black ink, appearing to read "D J Brown JP". The signature is written in a cursive, flowing style with large, sweeping loops and flourishes, particularly around the letters 'D', 'J', and 'P'.