

40 CHILD CUSTODY ARRANGEMENT INQUIRY

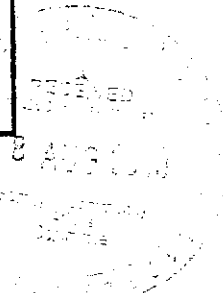
House of Representatives Standing Committee  
on Family and Community Affairs

Care of Office Shop  
14 Alexander Street  
Burnie  
Tasmania 7320

Submission No: 425

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Secretary: \_\_\_\_\_



DEAR SECRETARY -

I appreciate very much to have a opportunity to lodge this submission. The fact remains, there is a major problem with the whole issue regarding child abuse in institutional care, and more so with general child abuse (that includes sexual). The correspondence that was drafted and forwarded to all the senators on the 9<sup>th</sup> December 2002 (please refer to the copy attached) pursuing an enquiry and royal commission as the best forum regarding concerns and actions. The facts are as stated. There is a inadequate and total gross imbalance of the infrastructure. That is in place, that is open to massive abuse by the element out there that unfortunately are mostly women, mothers that are selfish think only of themselves with no thoughts of the child or anyone else. All cultures accept the so-called bonding of the mother with the child "WHY" for one real reason and this is breast-feeding. Most Fathers stand back and allow that to happen. The reality is that it is biological behaviour based on trust and not law. Some mothers breast feed their children for four years. The mother of my child did for three years. Are the fathers supposed to take a minimal roll for three - five years. The fact is yes most of them do. In my case I was almost completely cut off from my child. Some mothers go into a world of obsession and possession. That can last for years, in my case the mother suffered nine months of pre-natal depression, for me to have a better understanding of this I went to hospital class. After the birth the mother did not really go into postnatal depression of which I was concerned about, instead she went into obsession and posscssion, of which I had no answer for. (I believe there should be research into this.) The mother has still not allowed me to be part of my child's life after nearly three years. So for the well being of the child and the father, when does the father bond??

I must quote this is not an attempt to degrade the female gender, as I have similar thoughts about a category of men. When a woman becomes pregnant, married or not she has the power of "God" granted to her, she could if she wants to -

- Terminate the child, married or not and say nothing to the father.
- She has the right to adopt the child out, without saying anything to the father (not on birth certificate).
- She can choose who the father is if the biological father does not suit her.
- If she doesn't want the child to have a farther she can put on the relevant form "father unknown" (D.N.A. statistics show thirty percent to forty percent of children born in Australia are not the biological children of their fathers.
- After the child id born she can decide when and if the father can be part of the upbringing of the child.
- In a court of law she will have the child seventy to eighty percent of the time.
- In some cases the father has been made financially responsible for the child but has not been allowed to see the child, let alone be a responsible father.
- After great financial difficulty through the courts seventy to eighty percent of the time the father is granted custody for the weekend every two to three

weeks, so the child is really reared with no father of and imitation father who may be an "abuser".

- At anytime a mother decides she doesn't want the father around she simply takes out a restraint order. That can be for days, weeks, or years based on an allegation as small as "he yelled at me", (verbal abuse).
- How that is done in Tasmania, the police arrest you, take you to the police station, write it up and tell you, "you cannot go within one hundred to two hundred meters within the house, and you are not allowed to ring or you will be charged with stalking". On the charge sheet will be the time when you have to appear in court, which can be two to four weeks away.

The point that I make here is if your child has been abused you are not allowed to protect your own child??? You have to leave your child there and there is nothing you can do about it, (STATUS QUO), (Quote senators letter attached). The father should providing there has been nothing done illegally towards the child or family should be able to use status quo to determine the well being of his child and he should not be stopped from doing so. In my personal case the police illegally stopped me. I have never signed any document that allows the government (public service) the right that says that they own my child and when I can protect my child and when I can't.

I have no doubt that an element of men don't want to be fathers

- Abandon the mother and child
- Not capable of responsibility
- Are the majority of abusers
- Prone to domestic violence
- Unable to provide when possible
- Incompetent

Similar element as some mothers. The point I would like to make here is given a fairer opportunity to be part of the process there may very well be better fathers, in turn better children, (Quote statistics letter to senators). Forty percent of cases of child abuse happen in single parent families. Census figures – 635,094 sole mothers

127,538 sole fathers

This group commits Forty-four to fifty percent of violent crimes. The impact of the economic and social consequences are devastating. The reality is competent fathers are denied by an infrastructure that is purposely designed to help block them out. So if we ask the question why are they blocked out? Various reasons. The main one is if you protect your child there is every possibility you can save them from being made one of the dysfunctional people in the community, eg – drug addict, prisoner, prostitute, homeless, mental disorders. There are hundreds of thousands of them. All the evidence points to this. In my personal case (Quote letter senators last paragraph page three) that case is I as the father, a father that was stopped from protecting his child with no legal or valid reason. That is still to this day, which leaves my child vulnerable. Nearly fifty percent of child abuse is taking place in single parent families, which means mostly under the so-called protection of the mother. 37,000 cases of suspected child abuse were reported in the state of Victoria. To work out an average figure of all the states that would give us approximately 200,000 cases of suspected child abuse every year in this country. The statistics say it all; we must find solutions as the social and economical cost are in the billions. I could continue with statistics but please (Quote letter to senators).

What I have stated is based on facts.

The relevance to the terms of reference is solutions to help stop children from being put in institutional care in the first place. Which means we have to, as I have stated before, have a fairer infrastructure system put in place for the child, first "priority" as the father and mother, as adults are responsible for their own actions.

A established procedure with a centralised mechanism (this must become federal level) including child abuse (as the states have failed), this also has to be based on laws that are upheld, not to be personally interpreted, not like in my case where the police broke the law because of their criminal motivations, but a mechanism that cannot be broken.

The absolute sovereignty of the state has become in time the supreme anarchy. (I'll be straight to the point). The reality is we have a network of organised crime in that anarchy of social engineering where there exists beneficiaries of such a system, from religions to the courts, professionals and socialists, capitalist institutions, it is termed the HIDDEN AGENDA. To put it more to the point all agendas are for total power of whatever category that may be in. To create the dysfunction in our community is really the oldest strategy in the book, DIVIDE AND CONQUER. So the reality is there is a percentage of divide and conquer in each generation. We all know there is never any guarantees in life, relationships fail, if something happens to the parents and a child is left, then yes, we as a civilised country must have a efficient effective institution to care for the child based on safe and lawful care. How many hundreds of thousands of children could have been saved from being in institutional care if the infrastructure allowed the two parents to be part of the child's life, even if they're not married. (To maintain the alternative voice) and to have the hidden agenda dismissed. How many mothers are using the infrastructure "NOW" and turning our children into the next generation of abused children. There would not be many mothers or fathers that would like to see their children dysfunctional, but circumstances can predict this, and if we have organised circumstances then there is a better of chance you children can end up there. Does the mother have the right to assume she owns the child?

Above all else we must have law enforcement that is acted on, it really is quite simple. Example – if a call gets made to the police station by a mother or father or who ever (emotionally upset), perhaps with the scenario of – the father of my child is knocking on my door to see his child.

It would only take a couple of minutes to ask 4 questions:

1 Q – Is he doing any criminal act to property, etc?

A – No

2 Q – Has there been any child abuse or domestic violence in the past?

A = No

3 Q – Is he the legal birth right father of the child?

A – Yes

4 Q – Are there any court orders in place for us to act on?

A – No

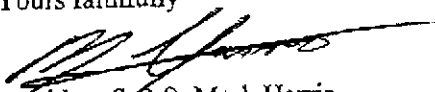
Police – if that is the case then we have no legal right to interfere and you have no legal right to stop the father from protecting, checking and seeing his child to act on anything else it would be illegal and criminal.

I have no doubts that there can and are situations when there is domestic violence. But the law enforcement body cannot look into a crystal ball and say this is going to happen so therefore they are not responsible if something does happen. They must stick to the law, which is the required criteria, and never stray from that. We either have laws or we don't, this should be over seen on a federal police level with

complaints investigated. As the statistics show there is four to five times out of ten that the child is being abused and the alternative voice, the father is there to protest and protect. Interference of that (laws) can only mean one thing and that is criminal motivation (Quote letter senators). There is no statutory or legal agreement that the mother has ownership of her child, and is often used as a weapon or bargaining tool that really is emotional blackmail which is my personal case. The law should be very specific about that, it is a great failure by our society to assume child ownership and more importantly a great failure to the child as the alternative voice is taken away from the child, which I have no doubts would contribute to children ending up dysfunctional. We must allow the competent fathers be fathers to their children. Once every two to three weeks is not right, once the child becomes a teenager they start to live their own life, the father has not really been the influence he could have been. The law should always be equal to everyone, fifty percent to the mother and fifty percent to the father as priority and allow both parents to work around that. This will only affect the mothers who deny the father access for no valid reason, which is my case. Competent mothers already do this. The fact is the states have failed in this issue, which is their responsibility. It is now time for the commonwealth to take responsibility on a federal level to save the next generation. To have all public service, (Quote senators letter) police, judiciary, to have more and more accountability and integrity. Last year statistics were the highest in Victoria's state history, thirty-two children died after they were referred to the department of human services, this included thirteen babies. The cases of more than half of the infants had been closed at the time of their death. That is, a decision had been made to take no action to protect the child. This falls into a category called (priority 1 levels 2/3) which means no action or actions if thought of. They were all supposed to be under government watch??? Whenever a complaint is given to H.S.D. about child abuse must (I repeat), MUST investigate, once diagnosed with special teams, (Quote senators letters) report them instigate charges to be laid by special community police workers that will have the power to do so, including compulsory medical checks, welfare officers, etc. regular police cannot be trusted. There would have to be sufficient resources available for funding a new team of investigators, which would also have medical personnel. Solutions and strategies must be put in place. (Quote senators letter). A royal commission is required for the best forum. There has been a load of information over the years, books, statistics, semi state enquiries, etc; evidence upon evidence and the child abuse issue has hardly changed. The federal government has got to be serious about making changes to get this issue under control and instigate strategies. This may be our last chance to keep a civilized society. An Australian institute of criminology study this year shows the total cost of crime in this country is thirty-two billion a year. How much is child abuse victims responsible for (Quote senators letter)?

I would appreciate very much as the president of S.O.S. to be invited to give evidence at a hearing if required. I have substantiation and documentation.

Yours faithfully



President S.O.S. Mark Harris  
Child abuse support victims group