

Submission - Family Law Reforms

House of Representatives Standing Committee on Family and Community Affairs
Submission No: 491
Date Received: 12-8-03
Secretary: _____

Sophie Panopoulos  
Federal Member for Indi  
117 Murphy St  
Wangaratta. 3677.

Dear Sophie,

The aims of the Family Court of Australia set down in writing, may give some comfort to separating families, but what really happens in many cases, hardly reflects what is assumed. The present system is not honest or fair to huge numbers of parents and children who become caught in its 'web'.

If only the expected outcomes of Family Law cases could be based on the premise that both parents were being absolutely honest, then there would be a solid foundation for a fair decision to be made in the best interests of every child. Unfortunately this is NOT the case.

Distorted unreliable information is given to lawyers, mediators, and court assessors. This information is used to defend the client's right to child access, often with devastating results particularly for the child/children.

It could be assumed that if parents lie in their own defence they have something to hide. It is a baffling concept that legal counsel would not have the training, experience, and intuition to detect distortions of the truth. Parents who call themselves "victims" of the present system would gladly take lie detector tests. They would have so much to gain, and so would their children.

Some aspects of the briefing of clients before hearings by lawyers is alarming. Awareness is made to the client of the idiosyncratic needs of mediators, assessors, and judges. Doesn't this make the present system unreliable at the very least? Whatever happened to free speech?

Within the community there is a deep mistrust of existing Australian Family Court policy. On the whole parents wish to avoid any contact with the Federal Magistrates Service, and many struggle with a 'messy'

arrangement of their own believing it to be more positive and secure for their family.

Financial limitations can restrict opportunity for the equal quality of legal defence. Money is power and can indirectly or directly distort results, as it feeds the motives of revenge, ego and values.

The proposed changes of present legislation by the Pathways Advisory Group are commendable, but unless every future verdict concerning child parent contact has at its very core the absolute truth, justice will never prevail.

Perhaps the notion of a system that identifies families at risk of separation, that has the expertise and capacity to provide support for very early intervention, may have some merit. To inform any dysfunctional partnership of what may be in store legally should there be family breakdown, would be a realistic deterrent, or alternatively motivation to seek positive solutions to relationship problems.

Yours sincerely

[Redacted signature]

[Redacted address line 1]

[Redacted address line 2]

## Submission - Family Law Pathways.

My name is [REDACTED] I'm a teacher with 40+ years of experience having taught every age group, and am currently part time employed.

My TAFE (tertiary) employment of thirteen years has unmasked many of the negatives of past Family Court decisions. These are the disadvantaged students I've been a tutor for who have dreadful stories to tell that relate to coerced visits to parents they hated and feared. Many of these young people endured undesirable contact with an unworthy parent for many years and now have no relationship with either parent because the parent they felt should have provided protection for them, was unable to. Anti social behaviour, drugs, alcohol, and a total lack of self esteem, prevents them from making positive progress. They have the possibility of becoming the debris of society.

During 20 years as a pre-school director, I was aware of family violence and child physical, psychological, and sexual abuse. I experienced the stress, frustrations and the heartbreak with both Mums and Dads, as their child's teacher, while observing the fallout after they sought legal help.

This past 3 years my child and grandchildren have endured the stark environment of the Family Court of Australia, its contradictions, and lack of empathy and compassion. I've spoken to many young parents who concur with my description, and others who desperately need a definition, and fair legal guidelines, who will not approach the court system for the fear of losing what they have.

I applaud any efforts for positive change or improvement that in anyway at all provides avenues for agreeable outcomes that protect the rights, and the safety of all children.

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