

Submission No: **1590**

Date Received: **28-7-03**

Secretary:

From: David A. Smith [REDACTED]

Sent: Monday, 28 July 2003 1:41 PM

To: STANDING_UP_WITH_DADS_SUDS@yahoo.com.au; enquiries@spinneypress.com.au;
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Cc: nwmc@ozemail.com.au

Subject: Submission to Standing Committee on Family and Community Affairs

**** Kindly respond with email attached. ****

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July 27, 2003

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

Fax: (02) 6277 4844

Email: FCA.REPS@aph.gov.au

RE: Submission to Standing Committee on Family and Community Affairs
including joint custody, child support, and contact with grandparents.
Final submission date: August 8, 2003.

Dear Sir/Ms.,

For your consideration:

1. **"Married women have the lowest suicide rate in the community. (p.11)"**
Source: *Facts & Figures*, The Spinney Press, PO Box 1469, Rozelle NSW 2039, Australia,
Tel: +61 2 9555 9319, Fax: +61 2 9810 6024,
Web site: <http://www.spinneypress.com.au/index.html>
E-mail: enquiries@spinneypress.com.au
<http://www.spinneypress.com.au/166_book_desc.html>
2. **"Among women, divorcees also had the highest suicide rate, at 11.1 per 100,000 people. (p.11)"**
Source: *Facts & Figures*, The Spinney Press, PO Box 1469, Rozelle NSW 2039, Australia,
Tel: +61 2 9555 9319, Fax: +61 2 9810 6024,

Web site: <http://www.spinneypress.com.au/index.html>
E-mail: enquiries@spinneypress.com.au
<http://www.spinneypress.com.au/166_book_desc.html>

3. **"There's intriguing US research showing a lower divorce rate in states with presumptions of joint custody, apparently because women denied the freedom traditionally associated with sole custody are more inclined to stay in the marriage and try to work out their problems."**

Source: Fathers may get justice at last, Bettina Arndt, staff writer, *The Age*, June 20, 2003
opinion@theage.com.au, <http://www.theage.com.au/articles/2003/06/19/1055828433380.html>

4. **"Very few Australian children experience the type of care they would prefer after divorce - namely equal care by both parents."**

Source: Fathers may get justice at last, Bettina Arndt, staff writer, *The Age*, June 20, 2003
opinion@theage.com.au, <http://www.theage.com.au/articles/2003/06/19/1055828433380.html>

5. **"The Family Court's dismal record in failing to support children's contact with their visiting dads prompts many complaints, which add to the workload of MPs across the country."**

Source: Fathers may get justice at last, Bettina Arndt, staff writer, *The Age*, June 20, 2003
opinion@theage.com.au, <http://www.theage.com.au/articles/2003/06/19/1055828433380.html>

6. **"... joint custody is the type of care preferred by most children who desperately want, in most cases, to have equal time with both parents."**

Source: Fathers may get justice at last, Bettina Arndt, staff writer, *The Age*, June 20, 2003
opinion@theage.com.au, <http://www.theage.com.au/articles/2003/06/19/1055828433380.html>

7. **"The chances of the House of Representatives committee recommending the joint custody presumption may be slim, since most family law "experts" are likely to line up against it."**

Source: Fathers may get justice at last, Bettina Arndt, staff writer, *The Age*, June 20, 2003
opinion@theage.com.au, <http://www.theage.com.au/articles/2003/06/19/1055828433380.html>

8. **"The real benefits of a joint-custody presumption are educational. It teaches parents that shared care is in children's best interests - a message that the present family law system constantly undermines."**

Source: Fathers may get justice at last, Bettina Arndt, staff writer, *The Age*, June 20, 2003
opinion@theage.com.au, <http://www.theage.com.au/articles/2003/06/19/1055828433380.html>

9. **"According to Australian statistics, males aged 25-44 are most at risk of suicide. Research shows that relationship breakdown - exacerbated by experiences with the family law system - have been identified as major trigger factors," Dr Newman said."**

Source: Family Court Driving Fathers to Suicide, Dr. Muriel Newman, July 9, 2003, Press release.

10. **"I agree with Prime Minister John Howard's comment that "it still remains the case that a happy functioning family provides a person with far and away the best emotional environment in which to grow up".**

Source: The child's rights come first, Chief Justice Alastair Nicholson, Family Court of Australia, *The Age*, June 21, 2003,
<http://www.theage.com.au/articles/2003/06/21/1056119528093.html>

11. **"Official' research is controlled by the Family Court and given a privileged place in court. The Court initiates, funds and receives its own research."**

12. **"A number of parliamentary inquiries and their subsequent reports have taken detailed evidence and uncovered system corruption and illegality in family law institutions and practices and Parliament**

refuses to act."

13. "Parliament has a duty to ensure that laws are followed and a duty to ensure that breaches of statutes are forwarded to Crown Law for investigation and where appropriate, prosecution."
14. "Australia's Family Law Act has a secrecy provision, section 121, which makes it an offense for any person to identify anything or any person to a family court case without the Chief Justice's approval."
15. Only 'approved' research can be admitted in court and the only officially 'approved' research institute is the Australian Institute of Family Studies which is an administrative arm of the Family Court itself.
16. An Australian politician suicided as a result of his own divorce.
17. Politician 'mates' in his own Labor party (the party which introduced the Family Law Act in 1975) wept in the parliament but not one mentioned the reasons he gave for his distress in the weeks up to his ending his life, his exclusion from his children. His suicide, and more importantly reasons for it were never officially recognized by the members of Parliament.
18. However, his sister and mother did talk openly and passionately about this and again the politicians refused to utter one word of recognition.
19. The politicians appear to have failed in their collective humanity and their duty to uphold the law and the system of government – that is why we put them there and they demonstrably failed."
20. From Canada, *For the Sake of the Children* and the omitted 1996 report described in the article, Formula from Hell was not mentioned.

<http://www.parl.gc.ca/InfoComDoc/36/1/SJCA/Studies/Reports/sjcarp02-e.htm>

<http://www.parl.gc.ca/InfoComDoc/36/1/SJCA/Studies/Reports/sjcarp02/07-forw-e.htm>

http://www.parl.gc.ca/37/1/paribus/chambus/house/debates/046_2001-04-23/han046_1455-e.htm

<http://report.ca/archive/report/20020513/p52i020513f.html>

21. In sum, the foregoing suggests Chief Justice Alastair Nicholson of the Family Court of Australia has other reasons than the interests of children, moms, and dads at heart when he wrote a recent opinion piece in *The Age* in which he was advocating "against" joint custody. Kindly forward this email to him and invite his comments.

Source: The child's rights come first, Chief Justice Alastair Nicholson, Family Court of Australia, *The Age*, June 21, 2003,

<http://www.theage.com.au/articles/2003/06/21/1056119528093.html>

In America the group most likely to be wiped out overnight by a change to shared custody is divorce lawyers who earn a staggering \$26.4 billion a year. Followed by all other divorce related professionals. Sadly, divorce proceedings in America have reached the stage of kangaroo court with judges now accepting bribes to decide who gets the kids. Following is but one example!

"NEW YORK -- A judge charged with taking gifts while on the bench has sued the prosecutor, accusing him of abusing his power by treating a disciplinary matter as a felony.

District Attorney Charles Hynes "is proceeding in excess of his jurisdiction" in the

case against Justice Gerald Garson, court papers filed Monday allege.

A spokesman for the prosecutor said he would respond in court "at the proper time." No immediate ruling on the matter was expected.

Garson was arrested in April for allegedly taking cash and gifts -- including a box of cigars -- to influence divorce cases. He has pleaded innocent to six felony counts of receiving reward for official misconduct.

The new defense filing argues that the alleged abuses violated the Judicial Code of Conduct, not criminal laws. It quotes the code as saying its rules "are not intended as a basis for criminal prosecution."

Source: N.Y. Judge Charged With Taking Gifts, By Associated Press, July 21, 2003, 7:47 PM EDT

<http://www.newsday.com/news/nationworld/wire/sns-ap-judge-indictment.0,7234728.story?coll=sns-ap-nationworld-headlines>

This concludes my submission.

Regards,

David Smith

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