

Committee Secretary
Standing Committee on Family and Community Affairs

House of Representatives
Parliament House
CANBERRA ACT 2600

11th October 2003

Dear committee Members,

**Re: SUBMISSION FOR INQUIRY INTO CHILD ACCESS &
FAMILY COURT OF AUSTRALIA**

In reply to The Attorney Generals letter dated 11th August 2003 inviting submission on behalf of child access and Family Court of Australia my reply is as follows.

Obviously there will never be an ideal system that suits every family or situation, however I believe that it is possible to take steps to ensure a community system that is more in tuned to compromise and positive adaptable family solution in order to benefit the greater majority of Australian children and families.

Many [REDACTED] Australian people have stated that their legal fees have been in excess of \$40,000, one man above \$100,000, this particular case has not been finalised and is still proceeding through the Family Court system. The father said he became so frustrated and angry about unsuitable child access and traumatic Family Court hearings that he attempted murder of his wife and ended up in jail for 18month. This caused loss of his thriving business, employment, home and a greater limit of access and lack of financial support for his young children. The damage and trauma has been enormous. The amount of legal fees per couple is double = the price of a moderate Adelaide home.

Many lawyers have stated that they advise their clients to attend their general practitioner to obtain prescription for anti depressive medication prior to Family Court hearings. The ripples of stress and trauma extend to grandparents and extended family as well as friends and the wider community.

Many small [REDACTED] Australian children also face the fear and indignity of having change over access at local police departments. For most children this indignity promotes nightmares followed by low motivation at school and a dread at access changing times. Many children also become too lethargic and sick to attend school on a regular basis.

Children need to know that their parents love them enough to want to compromise the most positive solution while taking their best interests to heart without using them as pawns in a vicious tug of war game of mind and legal manipulation of frustrations that ensue with prolonged Family Court cases.

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1597

Date Received: 14-10-03

Secretary: _____



I ask you to not only take into consideration the cost to Australian children and families, but also the cost to Australian community and economy as a whole. The Family Court of Australia and child access is a matter for the Australian Medical Association, Medicare & Hospital systems to address using data from the following:

- 1: Australian Medical Association = stress, trauma, ill health & breakdown
- 2: Medicare = stress, trauma, ill health, counselling
- 3: Relationships Australia=mediation \$95.00 per hour per family
amicable and efficient settlement
- 4: Centacare = stress, trauma, counselling & homelessness
- 5: Centrelink = loss of employment + loss of BUSINESS
- 6: Children's Education = loss of education + change of school
- 7: Housing Trust = loss of home = homelessness

Parliament debate for positive change to the system of The Family Court of Australia could easily be simplified in the following way:

- 1: Compulsory Mediation (Relationships Australia)**
- 2: Tribunal set up similar to Moot Court System.**

All the evidence as well as medical and financial submitted to a responsible panel for accurate documentation followed by one tribunal or Moot Court hearing of approximately two - three hours. Both the above can result in efficient formal legal contract or agreement being drawn up and the cases can be finalised before it becomes too traumatic for the families concerned. Only those extreme cases would need to proceed into trial by Family Court of Australia.

Financial cases = A Trial Balance + Legal Contract = settlement 4-6 weeks.

A few weeks ago A Current Affair held an on air conference regarding child access, and obviously what suits one family may not suit another, adolescent children and families were given voice in this programme, they are the people who are affected by access visits and at last the children were given the chance to speak openly and with confidence.

Children know how to communicate their needs when they are born. It's children who are severely affected in the short and long term by unsatisfactory access visits because they don't understand the battlegrounds that can be drawn between parents, families and the legal profession and they can't understand why they can't see loving grandparents and family any longer.

Again competent counselling and mediation by Relationships Australia has had proven results. Many families have been tortured by the current Family Court fallout and Hospitals, medical staff and counselling services as well as Centrelink who are reeling under the weight of the added financial burden placed on them by an unsatisfactory and overburdened legal system.

I have personally seen men break down completely when they are denied access to their children and I have seen people commit suicide and crack up completely when the shock of the system and lawyer stagnation of settlement becomes too much to bare and I have seen children being placed in abusive situations made more intolerable by prolonged and inaccurate information being relayed and accepted at court hearings. Many men seem to become angry, violent and financially and emotionally vindictive adding to our crime rate while women become illogical, vindictive and can't cope with the added pressures and the children suffer.

Lets be logical. How would you like to be forced to pack your bag and school? books twice each week to sleep in two different beds and adhere to two completely different sets of rules? No wonder school work and friendships suffer while children become frustrated, angry and violent in adolescence.

The Family Court of Australia was set up to protect the people and children of Australia, however the current system is open to financial fraud and emotional legal manipulation that in turn is the catalyst for severe trauma and abuse to children, families and the Australian economy.

Attached please see letter from Equal Opportunity. The legal stagnation that continues to accompany the original Family Court matter associated with this claim also continues to carry financial and emotional abuse lasting for a period of five (5) years to the family concerned. To date there has been no political or legal redress to ensure honest justice or payment of frauded joint family money owed.

Apparently there is no responsible political party or body that the Family Court of Australia system must answer to which obviously leaves the system wide open to family fraud, open manipulation and abuse.

The main factor that hasn't been taken into account for child access is the opinion of the children who are quite capable of knowing and understanding their needs.

Recently a ten year old child stated her main fears after parent separation.

- 1: Parent dying = having no one to care for her
- 2: War
- 3: Not being able to get a job when she is older

This child and her sisters had lost their family home due to Family Court fraud, the mother's place of employment and income and had suffered the death by suicide of a loved grandmother and a mother too stressed to cope because of Family Court battles. Severe stress and ill health has been the ongoing result to this family.

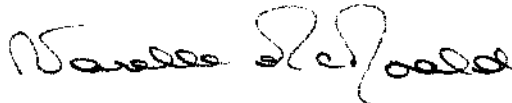
● Page 4

Education Department introduction of "School Debate" (topics can be wide ranging) **as a communication subject** and would allow children to communicate their needs in a caring and protected environment without fear of reprisals in order to work toward positive overall solutions that are possible for separated families to cope with.

Community Centre's can also supply a list of competent grandparents capable of audience participation to provide the added benefit and stimulation for question and answer time **allowing children to communicate their needs with competence to the wider community and in turn giving them the opportunity to stimulate a learning environment of fun in order to insure good communication and confidence skills for future employment prospects.**

Until something is actively and positively done to address the system in it's basic and complete form no amount of counselling or talking is capable of making positive change until positive action is followed up, instigated and passed by Parliament to insure and protect the needs of Australian children, families and the wider community.

Yours faithfully,



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