

INQUIRY into Child Custody Arrangements 2003

Supporting argument of Lone Fathers Association NT Inc
 Given at Parliament House Northern Territory

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by
 Robert E Kennedy Coordinator

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Secretary:

To day I wish to briefly reinforce the outline of our written submission and its 44 recommendations to this inquiry. Especially I wish to concentrate upon the states and territories jurisdiction of responsibilities. I find it appalling in the extreme that MLA's vary from being subject ignorant, unwilling and in blind denial, to outright aggressive when this subject of their jurisdictional responsibilities are raised.

Today I wish to attempt to drive home to many obstinate souls that states and territories have the major responsibility to the cohesion of family entities and good parenting. Also that while they have been in denial of their lawful responsibilities, their public servants have opportunely substituted a gender based ideology instead of services according to prevailing laws made in parliament. Most services have been degraded into advanced decay. See our recommendations #8,9,10.

We are most sceptical that any well intended law changes such as 50 – 50 rebuttable parenting in the federal jurisdiction will still be rendered null in states and territories jurisdictions, unless these jurisdictions are first made law compliant along the family law pathways. Everybody has a strong opinion, no knowledge of the laws and an aggressive attitude upholding gender based diversionary views. Instead of families being encouraged and assisted to be more cohesive about their joint parenting responsibilities they are only ideological chattel.

Submission update

1. At annexure of submission of Mr J and son, and his personal submission to this inquiry there is a sequale. Since submitting in early August to this inquiry the child has been hospitalised for a week from a fractured skull by a family member blow in the mothers home. This is now his fourth time of hospitalisation from severe domestic child abuse in the mothers home.
2. Note in the attached Federal Magistrates orders the father is prohibited from taking this son to a doctor. I wish to confirm I was present in a shopping centre when by chance I met Mr J and this son when his son was hospitalised the third time. He had only minutes before accepted change over contact with his son. His son presented with a limping and apelike gait and his father pointed out his son's very swollen right leg. I suspected infection and drove them to

hospital. The boy was immediately hospitalised on an intervenous drip for over two days from infection. It was recorded as child abuse.

3. I wish to bring to the committee's attention the absurdity of such court orders and the great probability that they are unconstitutional in the extreme. The better interests of the child are entirely ignored and the safety and legal responsibilities of parents to their children cannot be denied to them to protect their ill or injured child. Such Family Court decisions are constitutional and legal absurdities to achieve court megalomania and gender based ideological outcomes. This and similar Family Court practices require further parliamentary investigation. See our recommendations # 21
4. Note whilst the family court is at liberty to make parenting orders and recovery orders, there is no power in The Family Law Act per se to enforce them. There is also no power of arrest of an unwilling child to comply with a family court recovery order. In both cases it would be unconstitutional if there were. The committee may wish to expand these points by questions later in this session. Recommendation #20
5. Read FLPAG report [short]
 - What is meant by the family law system
 - A number of people are frustrated
 - From Men [from fathers].....
 - The system does not deal well with violence
 - Commonwealth – State division of responsibility.....

Outline of Entity laws

1. Marriage is a legal partnership entity in the federal jurisdiction. The source document is the Marriage Certificate. There are two partners, one of each gender, and their individual gender is a legal irrelevancy. The entity has no fixed term and may be dissolved by application to The Family Court. Save pensions, most other services to the entity occur in States and Territory jurisdictions.
2. Parenting is a legal partnership entity in the federal jurisdiction. The source document is the Birth Certificate and it may carry mistaken or falsified information about the child's father. There are two partners, one of each gender and their individual gender is a legal irrelevancy. It is a partnership of legal responsibilities to their progeny and save by death is binding for a minimum of 18 years. Extendable under special circumstances by application to The Family Court. Domestic and geographical separation between the partners does not legally change the entity into a sole proprietorship.
3. In civil "defacto" partnerships the property component of the entity is in states and territories jurisdictions and the parenting entity is in the federal jurisdiction.

Dealing "externally" with partnership entities

1. The gender of the partners is irrelevant
2. The joint responsibilities between the partners makes the entity the lowest common denominator that can lawfully be dealt with. Viz BOTH partners.
3. It is not lawful to side with one partner on their joint responsibilities.
4. The partners may conduct themselves independently on non-entity responsibilities.

THESE FEDERAL ENTITIES RESIDE IN STATES AND TERRITORIES JURISDICTIONS AND ARE SUBJECT TO THEIR INTERLOCUTORY LAWS AND DAY TO DAY SERVICES.

THERE IS LITTLE L LEGAL AND OPERATINAL DIFFERENCE BETWEEN THE FAMILY COURT OF AUSTRALIA AND THE FEDERAL BANKRUTCY COURT. Both deal with only the individual partnership entity before the court.

Within the partnership entity [Parenting]

1. "Internally" the partners may operate and share unequally on both joint and non joint responsibilities. Note The Law constitutionally has no place in most of these matters albeit The Family Court often intrudes without having any authority within The Family Law Act to do so., eg Mr J and doctors, and others like children and fathers who want more contact but are "bluffed" by Family Court orders decreeing less that they want and can manage.
2. Upon failure between the partners there are triggers in other interlocutory support and remedial laws mainly in states and territories jurisdiction. For example family violence, child abuse, restraining orders, family crisis centres and filing delays by solicitors all have a bearing upon setting parenting ratios of responsibilities and duties in states and territories jurisdiction when viewed in the federal jurisdiction for Child Support, Family Benefits, and The Family Court.

IT IS ESSENTIAL THEREFORE THAT THESE INTELOCUTORY SERVICES BE SCRUPUOUSLY HONEST TO THE PARTNRSHIP LAWS AND CASE FACTS. THEY MOST FREQUENTLY ARE NOT SO AS EMPLOYEES IN THE SYSTEM CAN ACHIEVE THEIR PRSONAL IDOLOGICAL OUTCOMES AND THIS INQUIRY HAS RESULTED. See

The Federal jurisdiction is beginning to work much better. The States ad Territories remains completely awry, fundamentally because they deny they have any responsibility for families in separation. Consequently the information entering the federal jurisdiction is largely 'tampered evidence'. So as to achieve states and territories staffs ideological outcomes to favour motherhood over fatherhood so that mothers unjustly draw the major proportion of power and financial benefits. No more than an ideological 'empowerment of

women' as the ideology began and now runs. Parenthood and the children have become forgotten in this ritualistic and networked conduct now very much no longer in the control of government. Hence this inquiry Thank God and the courageous politicians who withstood the intimidation this regime now weilds.

Some examples of these blatant failings.

Police and family violence.

It is an often police confirmed fact that there is a 'directive' to police upon attending a "domestic call" that they are to remove [by restraining order] the male or father. There is no law to this 'directive', it is grossly unjust and gender biased, as males are as frequently victims as females. Unless fathers go promptly to the family court he is further biased in the family court as the mother may alone of wit solicitor connivance, deny him contact with the children for up to and beyond twelve months. It is then further unjustly claimed by the mothers solicitors he is violent and has not been interested in his children. He and his children are consequently awarded minimal contact by the family court. In the majority of case the allegation was vexatious amid a lot of role playing to achieve this unjust 'directive' and biased family court outcomes. See our recommendations #13,14, 15.

Courts and restraining orders.

In Northern Territory 'domestic violence legal help' is run out of The Legal Aid Commission as another honey pot for mothers. Legal Aid will have a duty solicitor at the court also giving dad free advice to consent to the mother application. This is a legal conflict of interest. As I have witnessed the duty solicitor advises him that by doing so he does not prejudice himself. This is not so and it is deliberately misleading advice to unjustly assist the mothers family law case already on foot or pending, and denying him and the children contact for as long as possible.

He is not advised that the same violence order will firstly separate him from his children and secondly that in the family court he will be regarded as being found violent and not interested in seeing his children. He and his children will be ordered only the minimal contact with each other. Mission accomplished by states and territories pro-motherhood gatekeepers.

Much skulduggery could be overcome if magistrates were al aware of their powers under the family law act section 11 division VII. Whereby existing contact orders are preserved or struck simultaneously wit a restraining order. See our recommendation #16.

Child protection team

Constitutionally child protection is a states and territories responsibility. No other has these powers. Leastwise, in the Northern Territory child protection team work under the Public Service Employment Act and to the Welfare Act. The welfare Act describes their response powers to be “on a reasonable belief” of child abuse.

We have experienced abused children in the mothers jurisdiction and child protection team have a number of ploys to evade and avoid removing the children from the mothers residency. Or lawfully investigating so that the mother or her house partner does not become case material in family court hearings that the fathers would stand as a better parent than she.

Such conduct includes ridiculous replies such as ‘She has The Orders and we can’t do anything’, *[both parents have parts A and B of ‘the orders’]* or “This is a Family Court matter and we can’t do anything”. Both and other examples are false information, to the legal responsibilities of child protection team. Because child protection team have the entire and sole constitutional responsibilities to respond to an allegation of child abuse. Other tactics to draw their desired outcomes is to have police investigate or attend minor aged children alone in a room to extract a response of the child to speak in words that they would prefer to remain living in the abusive home. *[There is possibly a first hand case present at this hearing today].*

When such misconduct takes place and as recently as recent weeks these public servants break two laws. Firstly their public service employment tact. By using their privilege of position and insider information to transfer a benefit, of protecting an abused child, to another person, i.e. the mother, protecting the reputation of her abusive home. Secondly offending the welfare act and their constitutional and legislative responsibility to protect the child under the welfare act on a “reasonable belief of child abuse”. The Committee may wish to question further on completion of this introduction.

Child protection in Northern Territory is unique in Australia in that it has ‘absolute’ confidentiality over the files of the department. That is, there is no subpoena capacity to obtain and examine the contents of these files for factual reporting, or inappropriate or unlawful conduct by the department. This must be repealed to be at least as accessible as police files by subpoena. Sole powers of action and total secrecy is an absurdity and predictably has produced the worst nightmare of concealing unlawful conduct by Government employees to enforce their personal ideologies.

I conclude by reiterating that States and Territories Governments are presiding over much unlawful conduct severely affecting the private lives of victimised families and impairing the lawful working of the family law pathways, and indeed any outcomes of improvements recommended by the committee.

- I close this introduction to answer questions.