



0889483544

LONE FATHERS ASSOCIATION NT INC

♦♦♦♦♦

NT OFFICE STATUS OF FAMILY

Post Office Box 988

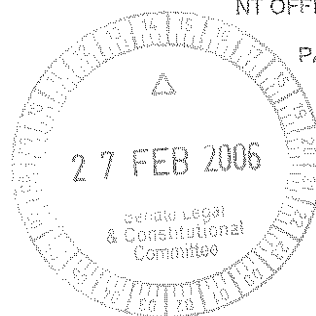
PALMERSTON NT 0831

Phone 08 8932 3339

ABN 46 849 495 173

27th February 2006

Legal and Constitutional Committee
Department of The Senate
Parliament House
CANBERRA ACT 2600

**SHARED PARENTING AMENDMENTS BILL(S)**

The Secretary
Dear Sir / Madam
Attention also Anne Palmer

We learned only yesterday {Sunday} of this inquiry. We seek an extension of time to the extent of getting this submission to you. We propose using our local Senators facilities in achieving our most expedient despatch to you.

We declare our support of the proposed amendments to the extent or the exception that the following submission bears upon those deliberations. Generally there seems to be no exceptions.

We use our submission to the government researchers on "Practitioner Criteria" for where and when it may bear upon this Committee's deliberations. Bearing in mind who will use the legislation and what might be their lack of understanding of it in conjunction with other laws. Generally the amendments appear to be positive to only reiterate into The Family Law Act those pertaining to partnership law that hitherto were absent from The Family Law Act. Well done it is most essential.

These are important changes with exceptionally good intent. Great care must be taken in forming such legislation for lower echelon workers to use, that while permitting "flexibility" it excludes "ambiguity".

This comes from the former system that "ambiguity" based on gender characteristics currently prevails and makes the present system the mess it has become known for. This gender bias out of ambiguity has been a fatal flaw in dealing with heterosexual legal partnerships, especially parenting.

We have experienced many practitioners who know they are wrong but hold out "until someone tells us to do it differently". These amendments must now do that very clearly without further prompting.

We wish the bill or bills clear and precise definitions {unambiguous} and speedy passage in conjunction with FRC's to encourage better family cohesion and stronger families. This is overdue for our children.

Sincerely

Robert E Kennedy

Coordinator

RECEIVED TIME 27. FEB. 14:49

PRINT TIME 27. FEB. 14:55

0889483544

*Family Relationship Centres
Practitioner selection criteria*

LONE FATHERS ASSOCIATION NT Inc



NT Office Status of Family
Post Office Box 988
PALMERSTON NT 0831

Phone 08 8932 3339
ABN 46 849 495 173

27th January 2006

Community Services and Health Industrial Skills Council Ltd.
GPO 0948
SYDNEY NSW 2001

COPY

Attention M/s Lisa James

Family Relationship Centres

Thank you for your time and quality interactive discussion 25th January 2006. I take this opportunity to recap and submit to your inquiry and wherever this information will assist the FRC's to be run optimally for the benefit of our Australian families in or contemplating separation.

What similar models already exist?

It may come as a surprise to some that a model of the family law system already exists, also in the federal jurisdiction. in the form of the Bankruptcy Act and Bankruptcy Court.

Both systems are structurally almost the same and they deal with legal entities, and assist the partners with their problems of the entity in times of failing operation. The two most dissimilar features are that the bankruptcy model had one extra feature than the family law model. That missing feature has been the weakest point of the family law system. The second feature is that bankruptcy entities can be "wound up" {permanently} whereas in family law the entity {on parenting} continues until the children attain the age of eighteen years of age. Therefore in family separation all that is necessary is to "remake" a severely changed or failed parenting plan [=entity]. Into a new one more appropriate to the changed circumstances. With the intentions of it lasting for the full or next duration until the children attain the age of eighteen years.

Whereas the bankruptcy model had a resolution forum as a discussion, agreement, for making deed of agreement and the like resolutions the family law system had nothing.

The Family Relationship Centres in the family law system will now fill that vital missing forum for resolution without it being done by the family court. Save registering the new agreement in the family court when an agreement has been reached. Then again like bankruptcy matters which fail to be resolved in the dispute forum family matters will go into the family court under The Act "on application" for the courts to "lawfully" enter the entity and make a final ruling. Until that point no one else has "lawful" authorisation to "enter" the entity and force or connive changes upon the partners. Be the partners agreeing or disagreeing with each other.

Back to basics = Back to the law

RECEIVED TIME 27.FEB. 14:49

PRINT TIME 27.FEB. 14:55

0889483544

*Family Relationship Centres
Practitioner selection criteria*

Hitherto counsellors, solicitors and other family law pathways providers have been "unlawfully" entering the entity and frequently "taking sides" with one partner against the other. Most frequently on gender based ideological grounds. The consequence of this conduct in a system where gender is a legal irrelevancy has been the eventual failure of the family law pathways to fulfil the needs of the family entity {and especially for children} by an alleged impartial "assisting" service that was not impartial.

Enough public criticism and several federal inquiries speak volumes of the tragic consequences of the failures of the past, and that the new FRC's {and families} must be not allowed to go the same way ever again. By not employing in the FRC's the same employees bearing the same ideologies without a positive debriefing and retraining of practitioners chosen.

As provided previously and again here the most fundamental legal base of entities and how to deal with entities is the first and foremost underlying principle of being a good practitioner and by remaining "impartial". ***Indeed any aspiring "practitioner" who cannot grasp the concept of legal entities should not be accepted.*** It is that fundamentally important.

Where can already experienced "practitioners" be found?

Surprisingly a few already exist. Not surprisingly working in the bankruptcy system handling legal entities of partnerships and companies in "receivership" or "deed of agreement" or "insolvency" or the full bottle of "bankruptcy".

They already deal legally and correctly with entities whose partners are making and changing agreements within the entity or people in utter dispute on joint matters of the entity. About which they facilitate and complete and record agreements. Both the family court the bankruptcy court have powers under The(ir) Act(s) upon application to the court for it to enter the entity and make a ruling on insoluble disagreements.

Like other fields a good "qualification(s)" it may well be no qualification if a person's capacity is inadequate to carry out the optimum standards of people negotiations as is sometimes required in the same field as the qualification. On the other hand some "very capable" persons excel in roles without formal qualifications where the "qualified" are mediocre or sometimes less. *Good practitioners in this field could well come from any walk of life and be mature aged persons with "life's experiences" from dealing with negotiations between two or more persons. And have no previous formal qualifications.*

Having and holding to the basic understanding of the law of entities and how to deal with their uninformed partners without taking sides and while still providing them both with impartial information. And having them both {or more} to come to a consensus on a list of topics requires much from the "nature" of the person. More than it is from any particular current academic qualification.

The current standards of solicitors and counsellors and social workers may harbour a few of the 'very capable' souls. But their current mindsets on gender, ideology and "just a job" for income, renders selecting from this current field a potential hazard for the FRC's relapse into the same imminent failure in a few years.

Back to basics -- Back to the law

RECEIVED TIME 27. FEB. 14:49

PRINT TIME 27. FEB. 14:55

0889483544

*Family Relationship Centres
Practitioner selection criteria*

A rigorous debriefing is essential. Then specialist training to establish the datum of entitles and dealing with entitles upon which peoples skill are applied or developed by a specific training programme FRC's based. One recognising the influence of states and territories jurisdictional evidences and events that "creates" or "corrupts" the facts of the family. Which the federal jurisdiction like the family court, child support, family and tax benefits FRC's then rely upon in their cases. Evidence must arrive into the FRC's as the "true" evidence forming the basis for remaking parenting plans.

Families are enshrined in LAW as "a legal class" [as entity's] and do not exist in a vacuum or as two gender separated "sole proprietors" as most current family law pathways workers incorrectly presume. Although operationally and in practice entities may in FRC's be called relationships. Notwithstanding when the softer names are used the legal significance and meaning does not diminish or alter that they remain a partnership entity.

From my years of experience to introduce early "what is an entity", is what most people understand far better as their "legal" position than calling them relationships. "Relationships" is too imprecise and a client and practitioner may well be saying the same but interpreting it differently. One is dealing with basic people for the majority of time and it is best to keep to basics. They are no fools and only need a little patience and information as an 'opener' to continue and build upon it a better repertoire of more accurate information.

The answer to a good future for FRC's and Australian families and especially tomorrows children will be if practitioners and other family law pathways workers become and remain fully law compliant when dealing with families in separation. No qualification in law is needed any more than in other jobs.

Auditing of practitioner case facts integrity

It is essential in the FRC's that the true facts of the family entity are correctly received and recorded and dealt with throughout the "practitioners" conduct of the case. It is equally essential that a "practitioner" is able to be "audited" for retaining authentic facts and not be the practitioner's "opinions" of the family's true status.

This is a one chance in thirty years or more, so the opportunity for our families and children of tomorrow must be carefully considered here today. Many have worked long and hard as volunteers to get this opportunity of repairing a very broken system that has harmed many Australian families. This is a most precious chance not to fumble with half measure and "near misses" ever again as has been the case before with "tinkering" to satisfy biased ideological advocates.

Subcontractors and tenderers to government in these FRC's matters are contributing to a most historic change of Australian government administration of Australian families. It requires producing at all times the best in their common interest. Please use this at every appropriate opportunity.

With respect and with thanks.

Sincerely

Robert E Kennedy

Coordinator



Back to basics -- Back to the law

RECEIVED TIME 27.FEB. 14:49

PRINT TIME 27.FEB. 14:55

0889483544

*Family Law Pathways Conference Darwin 2004***A SIMPLIFIED OUTLINE****WHAT IS A LEGAL ENTITY?**

A legal entity is a formal legal relationship between persons or organizations bound as a legal structure forming the joint entities into a single entity of partnership, or organization.

A PARTNERSHIP ENTITY of persons

- May consist of two or more persons but is regarded externally as a single legal entity.
- Partners internal of the entity may have unequal shareholding and perform unequally. That is referred to as the internal arrangements and options of the entity partners.
- These balances may change internally within the entity without affecting the external identity of the entity and how it is dealt with externally.
- These ratios are the partnership internal agreement
- These internal arrangements may be changed by the partners by mutual agreement without altering the entity externally
- These internal arrangements are "legalised" by writing and registering an agreement to an oral agreement. A written agreement is not necessary but becomes likely to be essential in the event of internal dispute.

DEALING WITH PARTNERSHIPS ENTITIES

- Externally it must be assumed by service providers that all partners have equal shareholding. Viz all partners are equal.
- External negotiations may be with one partner but only with the formal collective consent of the entity other partners to act on their behalf.
- Without the entity permission it is unlawful to deal with one partner alone on the entity matters.

FAMILY ENTITIES IN THE FAMILY LAW PATHWAYS

A LEGAL CLASS OF CITIZEN

1. Marriage Partnership
2. Defacto Partnership
3. Parenting of children
4. Children as entity partners
5. Extended family and Others as entity partners.

MARRIAGE is a federal jurisdiction binding partnership under The Marriages Act Commonwealth for the duration of the partner's mutual agreement. The duration may be brief or for a lifetime. The source document is the marriage certificate. The partnership may be dissolved by application to The Family Court and after a set period be formally dissolved absolute. Accumulated asset is distributed mutually or by application to and at the direction of the family court.

DEFACTO is a states and territories civil partnership usually without written agreement, and may be brief or for a lifetime according to the partners mutual agreement. The Agreement is proven by historic circumstance that it existed and was exercised by the partners. Accumulated asset may be distributed by mutual agreement or by application to and at the direction of a states and territories civil court

"Dealing with legal entities"

0889483544

*Family Law Pathways Conference Darwin 2004***PARENTING**

Irrespective of marriage or 'defacto' it is a partnership of the parents parenting their biological children. It is a federal jurisdiction partnership binding the mother and the father for a period of eighteen years. The source document is the child(ren)s birth certificate, reinforced in the Child Support Act.

Children of a parenting entity whilst they are the legal caring responsibility of the partnership principle partners, progressively become participating partners, in accordance with the internal principles of partnerships set out above.

CHILDREN AS ENTITY PARTNERS

Whilst a parenting entity is a partnership principally of parent's legal responsibilities to their children, the children are implicitly entity partners also. This becomes more apparent and active as the children's wishes as junior participating partners are increasingly incorporated until they attain eighteen years of age. The parenting responsibility to them then usually ends but their participation may continue as co-opted partners in support of other siblings and other members as an internal arrangement. These entity partners are recognised and reinforced in the family law act as rights of children.

EXTENDED FAMILY AND OTHERS AS ENTITY PARTNERS

It is the prerogative of entity partners to accept other family relatives and 'significant others' as members and proxy [voting] partners into their entity. This is the 'internal' prerogative of the entity members, and it makes no difference externally to service providers dealing with the entity. Except that providers are more likely to have to satisfy a greater number of partners with what they offer to transact with the entity. These entity partners are recognised and reinforced in the family law act as reciprocal rights of children and 'significant others'.

CONCLUSIONS

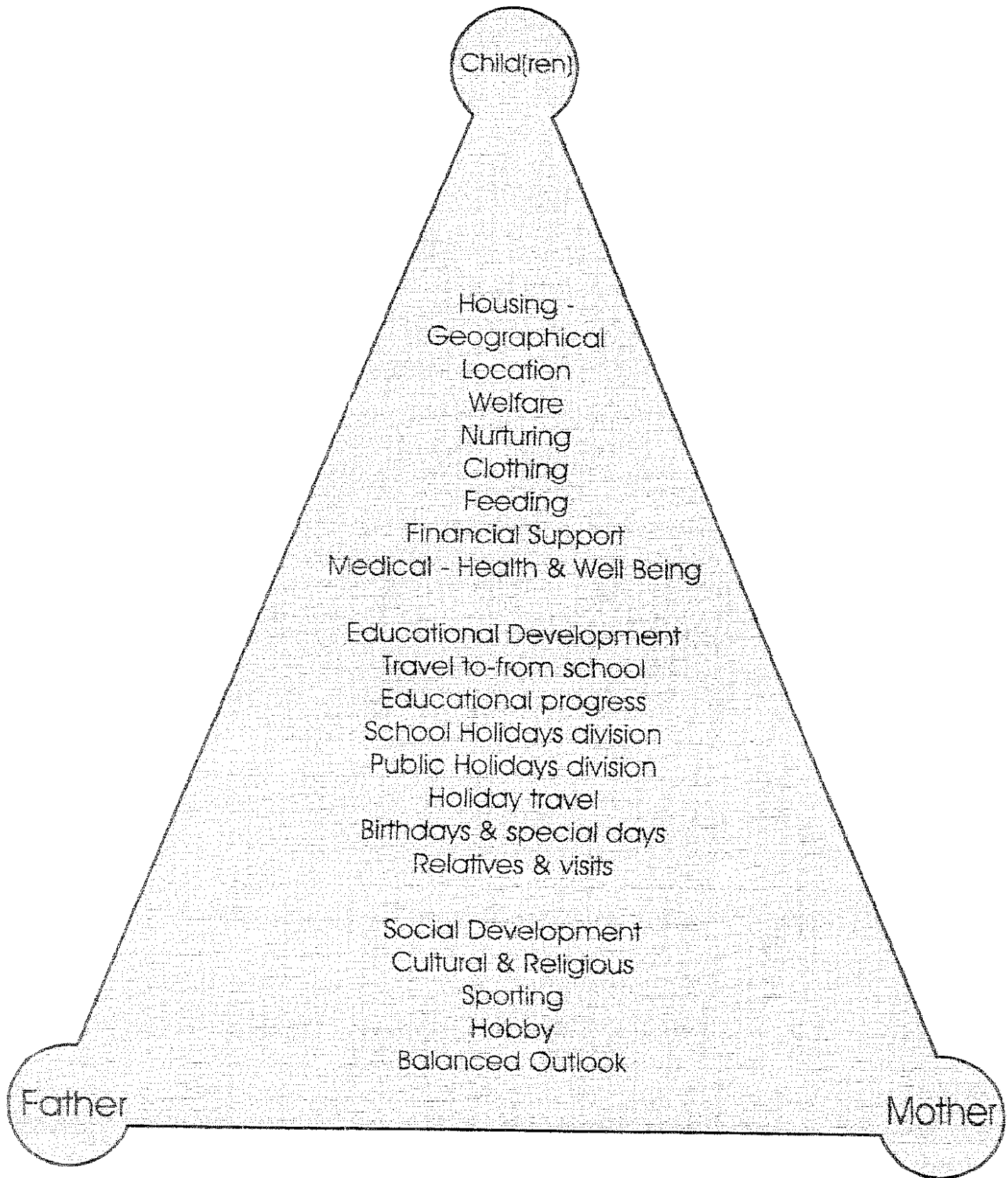
1. In The Family Law Pathways service providers to Family Entities deal with a single entity consisting of a number of people. A partnership structure.
2. It is unlawful to transact entity business and entity responsibilities with only one partner on a sole proprietorship basis.
3. It is unlawful for a service provider to collude with one partner conducting entity transactions against the other uninformed or dissenting entity partners.
4. By nature of partnership laws and constitutional responsibilities a domestically and geographically separated family is legally the same entity as an intact family of a common address. By nature of these interlocutory facts, The Family Law Act and The Family Court of Australia are incipit legal instruments compared to what the uninformed expect them to be.
5. The gender of parents, children, grandparents and 'significant others' is a legal irrelevancy throughout transacting matters and responsibilities between service providers and family entities.
6. Many family law pathways service providers are misled outside their legal responsibilities by not understanding and not adhering to these entity structures and interlocutory laws.

"Dealing with legal entities"

0889483544

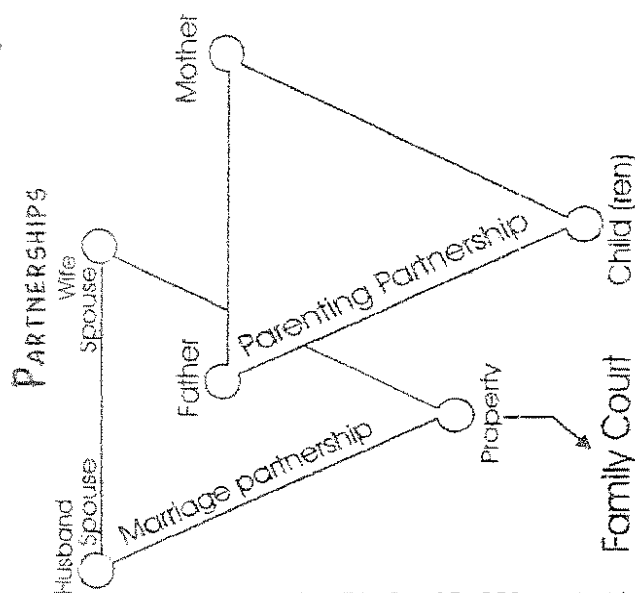
The Parenting Partnership Entity

Joint Responsibilities Of Parents To Children



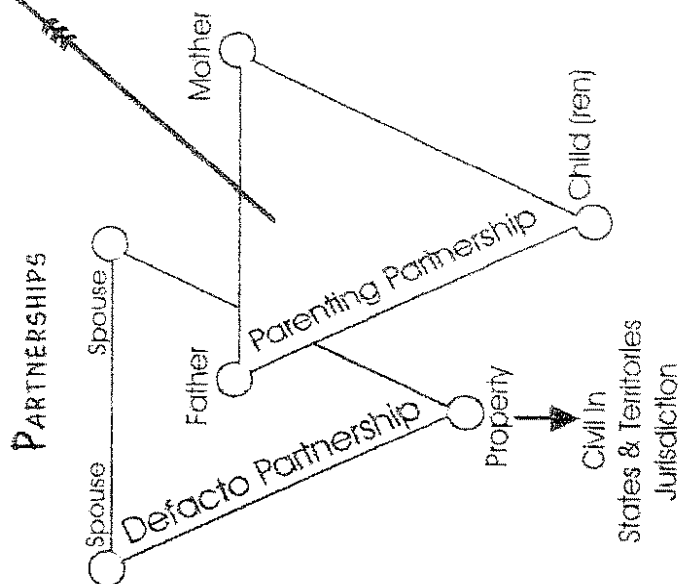
0889483544

REAL WORLD



<u>ACTS</u>	<u>DEPTS</u>	<u>COURTS</u>
Public Service Employment	Family Services	High Court
Marriages	Attorney General	Family Court
Child Support	Office Status Women	Federal Magistrates
Taxation	(Domestic Violence)	
Family Benefits	Federal Police	

States & Territories



<u>ACTS</u>	<u>DEPTS</u>	<u>COURTS</u>
Public Service Employment	Family and	Supreme
Solicitors	Community Services	Local
Welfare - Child Protection	Office Status Women	Family Matters
Domestic Violence	(Domestic Violence)	
Police	Police	
Associations		