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How to make your Submission for the Family Law Inquiry

Closing Date 18 December 2019

If this is your first time submitting online to an inquiry you will need to create a

[My Parliament](#) log in. (click on the pink link My Parliament to create your username and password.)

If you have previously submitted to an inquiry and have a user account with the parliament you can log into that account and upload your submission: [log in](#)

The Family Law inquiry [website can be found by clicking here](#)

First step..

Writing your Submission:

- clearly address some or all of the terms of reference—you do not need to address each one
- are relevant and highlight your own perspective
- are concise, generally no longer than four to five pages
- begin with a short introduction about yourself or the organisation you represent
- emphasise the key points so that they are clear
- outline not only what the issues are but how problems can be addressed, as the committee looks to submissions for ideas to make recommendations
- only include documents that directly relate to your key points
- only include information you would be happy to see published on the internet.

*Submissions that include complex argument, personal details or criticise someone may take the committee longer to process and consider.

TERMS OF REFERENCE:

These are the list of issues the inquiry will look at.

Your submission needs to relate to these terms in the link below...

[This is the link to the terms of reference the committee wants you to reference in your submission](#)

First Steps: Open a Word Document on your computer

Write in a word document, a Chronology/ Timeline of issues that you have experienced

- Make Bulletpoints of incidents you experienced
- Included in your timeline the times that things went wrong, where the current system failed you.
- Include False allegations of DV which ended with an AVO charge.....etc
- Include your journey through the Family law court system and where you were failed....
- Include Contraventions and not abiding by final orders and no penalties incurred.
- Include any Problems with CSA (Child Support Agency)
- It is important to include the emotional impact in each instance, it had on you, your child/children and your family.



An example of Chronology / Timeline of Events

Make headings as follows.....

False Allegations of Domestic Violence

(example below)

- March 2016 I was instructed by relationships Australia mediator and Legal aid lawyer to not involve police when my former partner stalked, harassed and verbally assaulted me and my new partner. They both told me that it was not “worth” upsetting the mother of my child by reporting the harassment and that it was futile as the police would not take the incident seriously. She took photos of me and my partner during this time and sent them to my mother. My 2 year old son was present with her during the time she was stalking, harassing and verbally assaulting me.
- The following week my former partner made false allegations of domestic violence as well as placing my 2 year old son on the AVO, (backdating it to 3 months before), in order to keep my child away from me. She accused me of stalking her via telephone calls and texting and yet could not provide proof of these allegations to the police.
- Police contacted me and told me that I had been charged with an AVO based on the false allegations and that I had to appear in Lismore court (800kms away from where I lived) with only 3 days notice. They did not ask me questions about the accusations but told me that I could defend the charge in court if I did not believe I was guilty.
- Etc ...etc.....

Child Support Matters

(Example below..)

Because of DV order Children were being restricted and I was forced to pay maximum amount of child support

- Sept 2016, I was earning \$30,000 less than I was the last financial year but was assessed to pay on “My capacity to earn” not mu actual earnings.
- Child Support emptied my bank account after creating a debt
- Etc, etc

Mediation

(Example below ...)

- December 2016, still not having seen my children I attempted mediation but mother of children kept avoiding it by cancelling and then rescheduling, stringing it out.... until I had no choice but to ask for the Certificate 60 I
- The mediators were all women and ALL insisted that I give the mother everything she wanted.
- I had to call the mediators four times to try to get the certificate 60 I
- Etc... Etc....

Family Law Court Proceedings

(Example below)

- February 2017 went to see a lawyer and they asked me to put \$40,000 in trust before they would start their application
- My Mum had to mortgage her home to make the money available to the lawyers.
- August 2017, Went to court
- After 6 months in family court, with interim orders the children's mother ignored ALL orders made by the court, still refusing to allow me any access to my children
- Etc... Etc.....

Child Protection

(Example below)

- October 2017, The mother of the children complained to child protection about abuse and child protection chose not to interview me before deciding that the allegation was substantiated after 7 days.
- Police investigated the child protection matter and after 3 months found that there was no case to answer.
- The Mother continues to say that there are child protection issues in the Family Court even though the police investigated and found that there was no evidence of child abuse.
- Etc etc

Support services

(example below)

- November 2017 Called a Domestic Violence Provider because the mother of my children had assaulted me and they asked me what had I done to upset her.
- Went to the police after being assaulted by the mother of my children, asking for help and the constable at the counter laughed at me and told me to go away.
- I went to the office of my Federal Member and asked for help, they told me there was nothing they could do.

Victim Impact Statement

(example below)

The emotional impact it has had on your life

The psychological impact it has had on your life

The Financial Impact it has had on your life.

Here are examples of what some people have experienced....

Eg: finding it hard to concentrate at work, feeling of treading water financially, never being able to get ahead, loss of family home and assests, change of employment due to not being able to concentrate on job.

Worried about your children, seeing your parents and extended family suffer from no contact with your children, engaging in risk taking behaviour, unwillingness to comply with the police or courts, shutting yourself off from my society, Idolation of Suicide.

Etc Etc Etc.....



Open the template....

To make it easier to submit your feedback, the [inquiry has prepared a template that you can download by clicking here.](#)

Complete the template by first clicking on “enable editing” at the top of the page, and then copy and paste your chronology/timeline onto the template.

If the template link does not work, you can [visit the page where it is located here.](#)

This section of the template will give you the opportunity to make recommendations to the committee how things could be done better (fill it out in the online template)

Some of the Problems we see nationally with social policies that relate to family access after separation:

- Lengthy delays in the legal process
- How disputed access is determined
- Use of no fact evidence in custody matters
- How child support calculations are made
- Reduced burden of proof for DV matters
- Unenforced penalties for false allegation and perjury

We also believe that both Parents should have natural rights of access and a legal responsibility to care for their children.

OUR SUGGESTIONS FOR CHANGE.....

We suggest some very simple changes will go a long way toward providing positive life outcomes for children, families and our society.

- Equal shared care on separation with mandatory enforcement.
- Enforce penalties for false allegations and perjury
- Remove the CSA calculations and replace with a flat rate child care payment.
- Introduction of heavy penalties for unfounded abuse allegations.
- Capped cost outcomes associated with Family Court matters.
- Establishment of a family access tribunal for child access issues.
- Criminalize parental alienation as child abuse.
- Provide gender neutral access to crisis accommodation and support.
- To give State Police powers to enforce court orders.
- Make domestic violence laws gender neutral

Proposed solutions

Please indicate any proposed solutions you may have that correspond to the committee's Terms of Reference

- a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including:
 - i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and*
 - ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;**
- b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;*
- c. beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;*
- d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning 'disappointment fees', and:
 - i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and*
 - ii. any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings;**
- e. the effectiveness of the delivery of family law support services and family dispute resolution processes;*

When you have finished filling in all the information, SAVE your submission so you can upload it as your final step in having your voice heard.

To upload your completed submission....

If this is your first time submitting online to an inquiry you will need to create a

[My Parliament](#) log in.

If you have previously submitted to an inquiry and have a user account with the parliament you can log into that account and upload your submission: [log in](#)

Once you have logged into your My Parliament Account, you can choose from the list of inquiries....CHOOSE FAMILY LAW & then follow the instructions to.....

UPLOAD YOUR SUBMISSION

Thank you for putting in your submission, know that you are a part of thousands of people across our nation who are about to cause change for Australian Families.

<https://betterfamilies.org.au>

**This template has been prepared by Jewell Drury NSW Senate Candidate for Australian Better Families on behalf of Australian Better Families.*



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