

Tuesday, November 25, 2008



To:
Federal Courts Branch
Australian Attorney-Generals Department
Robert Garran Offices
3-5 National Circuit
Barton ACT 2600

RE: Future Governance Options for Federal Family Law Courts in Australia-Striking the Right Balance.

To Whom It May Concern,

I have never before entered into a submission process and am hoping that I am undertaking this correctly.

In this submission I wish to highlight a number of issues that I believe are relevant in the current Family Law processes and legislation, and have them considered in any reviews that may be pending.

As a single mother of a seven soon to be eight-year-old son, I am currently facing a considerable number of problems with the current Family Law legislation.

I have been separated from my husband since August 2003 and throughout this time and even prior to our separation I have been the primary (often sole) caregiver to my son. Before we separated my husband constantly displayed erratic, irresponsible and often abusive behaviour, fuelled by alcohol and drug use. This behaviour continues to this day. My ex has contact with my son every second weekend and supposedly for one week of each school holidays (although he has to date declined contact during holidays), he is continually behind in his child support payments (current arrears are over \$500.00), has never once contributed to school fees, uniforms, excursions, after school sports, haircuts or anything else. He is constantly altering contact arrangements, as it suits him and every second Friday picks my son up from school early and the following Monday returns him to school late, as this fits in with his own plans. When he wishes to alter contact arrangements he often does so with very little notice (sometimes a few hours notice), and

spares no thought to any prior arrangements that I may have made, leaving me in a position to make alternative arrangements or cancel existing ones. On the occasions that I refused to do so, I have become the target of verbal and at times physical abuse, and recently to my horror this occurred in the presence of my son.

In five years my ex has moved at least five times, and changed jobs at least three times. In contrast, I have remained at the same place of residence for over four years now allowing my son to experience the stability of a home, school and a social network with his friends. While I am not currently employed, I have returned to study and am currently undertaking a full time double degree in order to strengthen my future employment options, to provide a financially stable life for my son and myself and to move permanently away from being a recipient of government welfare. However, prior to study I held a position in the same company for a little over nine years. I do my utmost to ensure that all the needs of my son are met and I do this on an income of less than \$15,000 per year. I provide a safe, warm and loving home without the support of my family, as they are interstate and I also suffer from narcolepsy.

Do not misunderstand, this is not a sob story, and despite all the hardship and multiple disadvantage that I have in my life, my determination to succeed is driven by the love and wellbeing I wish to provide for my son, and failure to accomplish this is not an option.

I am currently in the process of trying to formalise some form of contact orders with my ex; firstly to provide consistency for my son and secondly to ensure that I am no longer subjected to abuse, or that my son is no longer forced to bear witness to it.

The current system makes me doubt that I will be able to accomplish such simple reasonable needs.

I attempted to begin the mediation process in September 2008, attended interviews and the like, my ex was sent three to four letters from the mediation service and only responded after being told that I would be free to begin court proceedings if he did not answer. His answer to the mediation service was that he didn't want to undertake mediation; he wanted to undertake family dispute resolution and had made an application to do so. I was issued with a certificate of attendance and then rang the family dispute resolution to obtain details of his arrangements only to be told that they had not received any application from him. So his attempt to delay or suspend (or perhaps wear me down)

these proceedings see me now faced with again doing the work, and then waiting for the courts to order him to mediation, and basically start all over again. In the meantime, my son and myself still have no consistency, safety or security. The worst part of this whole process is knowing that when the time comes, despite all his unwillingness to participate in mediation the presumption of shared parenting responsibility will become the starting point of negotiations. How can this be? It makes a mockery of the words shared and responsibility.

A person who has shown no stability, responsibility or consistency, an abusive person with substance abuse issues, who cannot maintain a steady form of employment, who has lost his drivers licence, who doesn't pay his child support or participate in any of his child's life outside his contact time. This person who's idea of quality time is allowing my son to sit on a computer game all weekend, has never attend one school activity or outside activity and who shows the level of responsibility he is capable of by telling me the last time my son was sick at his place and had been for two days, that when I arrived to pick him up my ex said to me "you had better take him to a doctor, he's been sick for two days". This person in the current system is seen to be responsible enough to consider my son's best interests.

I am tired of my ex's threats to take my son away, just to hurt me, and he does this whenever he doesn't get his own way, and I am tired of a system that reinforce this sort of behaviour as acceptable.

I submit that legislation needs to return to the consideration of the best interests of the child and not the presumption that shared parenting responsibility is always the case. The elements of current and prior care giving, the stability, consistency and character of parents needs to be at the forefront of any legislation.

I believe, and research is now showing, that the current shared parenting legislation is paving the way for a generation of children with increasingly fractured lives, higher levels of mental anxiety, children who feel they have no real "home", and these conditions are not conducive to healthy development, as in many cases levels of care differ greatly between households, for example, my own ex doesn't consider homework to be his problem, and if his contact were increased then my son's school work could potentially suffer. Additionally, current legislation does little to protect the victims of

family violence, all it does is increase the exposure for many to greater incidences, and the law does very little to prevent, assist or even intervene.

It is with the harshness of these realities that I face on a day-to-day basis, and these are realities that the current ideology of family law ignores that have compelled me to begin a petition seeking reform. If you are interested you can find it along with some very valid comments at: Reference removed

I conclude by stating that I am not a hater of men, nor do I wish to be vengeful towards my ex, I am driven purely by my intentions to provide my son with the best possible chances for a safe, happy, stable upbringing that is not tainted by violence or disappointment and wish that the law would support me in this endeavour.

I will continue to seek reform and sincerely hope that you will give due consideration to my submission.

Yours Sincerely,

Name not disclosed for legal reasons