

To
Federal Courts Branch
Australian Attorney-General's Department
Robert Garran Offices
3-5 National Circuit
BARTON ACT 2600

Date: 11/02/2009

Submission to the Review by Name not disclosed for legal reasons
Re: Improving access to justice

It is of great concern to me, that I have only been given 24hrs to formulate a submission and that non of my questions, re this inquiry, have been answered.

At the outset I say this: As long as we have a Family court, with its present Judges and the involvement of the Legal profession in Family disputes. No justice is possible.

I will be quoting from your paper: under Q my comment: C

Q IMPROVING ACCESS TO JUSTICE

1. The Australian Government is committed to ensuring the justice system uses public resources with maximum effectiveness to assist people resolve disputes.

C That may hopefully be the intention, the reality however it is not. The very institution (the family court) that is to bring this about, is not part of the solution but part of the problem. At the Jon Faine program on the 6/2/09 discussions were held on the Family court, for an hour. Every single caller advocated that the lawyers should be kept out of the negotiations as they were causing more problems than they solved, no doubt to lengthen proceedings for their financial gain.

Q 2. The Australian Government believes that litigation should be a last resort and that families and the community are best served where family members can reach their own decisions about their future.

C That will not happen as long as the judges of the family court and lawyers are involved. Both groups are "self interest groups" the judges, to justify their egos and the lawyers to enrich their bank accounts. No one is interested in a resolution.

Lawyers should be paid an absolute maximum of \$ 5000 per case, now that would speed up negotiations. Once settlement is reached; there should be no involvement by the court.

Q enable the resolution of disputes without resort to courts.

Q 5. The Australian Government is keen to extend the alternative dispute resolution mechanisms available to separating families.

C Alternative dispute resolutions were never offered or mentioned by our lawyers or court officials.

C The question has to be asked why not. Failure to adequately explain these should result in the lawyer forfeiting any fees.

Q Court processes should facilitate resolution, rather than further inflame disputes through their complexity and unnecessary formality.

C The court does everything in its power to prevent resolution and further inflames disputes. Judges, Registrars and other court officials need to be held accountable. Presently Magistrates and Judges are not accountable for inflaming disputes or sexual bias. That is an urgent issue that needs addressing.

Q 19. The Australian Government is concerned that the present court structures for family law are unsustainable.

C We have read the Chief Justice's submission to the review. It is of concern to us that; she was privy to information we are not. (when attending a meeting in Adelaide). Judging by her comments, her only concerns are - more money -- for an already bloated bureaucracy that is failing the community in a monumental way.

Q *Simpler procedures* Where possible, rules of evidence and procedure should be limited and simplified. Forms and affidavits should be minimised and procedures should be easily understood.

C The fundamental principal of "Justice" requires that those signing affidavits and or giving oral evidence under oath, -- **tell the truth** -- presently the court will not take action against females blatantly committing perjury. What is the purpose of a hearing or an affidavit if all we are presented with, are lies. The Family court is 'perverting the course of justice' by its failure to apply the law of perjury. Should we ever have the misfortune to face this institution they will hear from us stories that will put the Grimm's brothers to shame.

My comments:

The family courts have to be abolished. They are a blight on any civilised society. The lawyers fees have to be limited to a maximum of \$ 5000 to obtain a speedy resolution to any dispute. Lawyers are inflaming disputes for their financial interests. We were told that the " Final Hearing " would cost each of us , my son and I , \$ 50 000. That is some \$ 100 000 to prove that the "Applicant" is a liar, with absolutely no hope of getting one single cent back.

The Family court is responsible for some of the greatest tragedies in our society. Last year, three young boys were drowned, when their father drove his utility into a dam. In January this year, a father threw his 4 yr old daughter off the West Gate bridge.

Those children are the innocent victims of the perverted justice administered by the family court. The Chief justice of the family court, our parliamentarians and the lawyers are as guilty of murder as the fathers of those children. How many innocent children have died as a result of ' family court' decisions. We will never know. The authorities will ensure that the figures are never made public to defend the in-defensible

I know of two fathers that have committed suicide after being involved with the Family Court, there would be hundreds in the country.

I know of groups of men that will never enter into another relationship for they were stripped of everything the ever had, by a judicial system that is designed to degrade and destroy whatever dignity a man had.

Our great concern is the secrecy surrounding this review. I rang the Law institute, they had not heard of it. I rang 3 Family Law specialists in the Geelong Region, they did not know what I was talking about.

If there is to be a genuine "Review" of the family court. There should be broad public discussion on the issues over 3 – 6 months. Some 1000 "victims" of the court should have been informed and encouraged to make a submission. But --- do you really want to hear the "facts" or is this a 'white-wash' ?

I would have liked to go into greater depth but this is all the time I can spend in the 24hrs given.

I am prepared to attend the review in person if there is a genuine attempt to reform.

Signed:

Name not disclosed for legal reasons

Attached hereto. For your information, are my submissions to the Chief Justice and Attorney General

1.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

To
The Hon. Robert Mc Clelland
Attorney General, MP

The Honourable Chief Justice of the Family Court

Date: 3/12/2008

Members of Parliament

Others; As addressed

Re: **The Family Court “*Perverting the course of Justice*”
A “blight” no civilized society should have to endure.**

~~Line numbers have been inserted for easy reference~~

Dear Sir

This is , a very brief outline, of how, my wife and I, became the victims of extortion,
facilitated by the idiosyncrasies of the Family Court.

You may find it hard to believe, but it is true.

I am writing to you , as a ageyr old former member of the occupation . In the hope,
that you, in your capacity as the Attorney General , investigate and take the appropriate action .

My wife and I are absolutely devastated and have been to Hell and back, caused by the inherent
injustices in the Family Court.

In about year I commenced building a second residence on our (my wife and my) land, just south of
place . My son later occupied that house. Initially, with a women in a de facto relationship and
later with a women (name) he married in 1997. They separated in Sept 2005

In month of 2006 my son’s former wife (name) commenced proceedings in the Family Court,
citing me as the Second-named respondent and initially, demanding that I pay her \$ 300 000.

I subsequently spoke to some 11 different Family law specialists in the place Region
all of them said:” *Pay her, you will not get any justice in the Family Court .*” Some lawyers, quite
openly called it *extortion*, others called it *‘social engineering’*. Other comments : *You got
some land and she got nothing, the court will give her something , count on it.*

We (my wife and I) have done nothing wrong , we have not broken any laws, we have tried to
help our son by providing him with a roof over his head. Yet we are forced to pay out in excess of
\$ 60 000 dollars (in lawyer fees) and spend thousands of hours defending an action in the Family
Court . An action that is based on ~~fraud and fabricated evidence~~ invented by (name) (my
son’s former wife

(*name) has made numerous fraudulent statements in her Affidavits. She relies on “fabricated
evidence “ to support her claim. In short, she has committed perjury on several issues.

54 We however, are not even recognized under the "Family Law Rules", we have no rights, we can
 55 not influence the outcome, all we are allowed to do is succumb to extortion, sanctioned by the
 56 Family Court.
 57 Murderers have more rights and protection than us, as was clearly demonstrated by the injunction
 58 granted on "Underbelly"

59
 60 We have seen former Judge Marcus Einfeld committed for "perjury" over a few hundred dollars in
 61 traffic fines. (name) is trying to extort in excess of \$ 300 000 by fraudulent means, by
 62 fabricating evidence and committing perjury. I have raised these issues at every "compulsory
 63 conference, of the Family Court", to no avail. The Family court is not interested in facts or
 64 justice.

65
 66
 67 =

68 We respectfully ask; that you, as the 'Attorney General' appoint someone from your Department to
 69 address and investigate:

- 70 (a) the injustices that are inherent in the Family court, the Family Law Act & Rules.
 71 (b) The fact that: Applicants ' are perverting the course of Justice' by " false -, misleading
 72 statements and ' the fabrication of evidence' in Affidavits'. *Those issues are ignored and*
 73 *treated like "Kindergarten stories" by the Family Court' and should, appropriately, be*
 74 *dealt with under the Crimes Act 1914.*
 75 (c) The failure of Judges, Registrars & lawyers, complying with the Family Law Rules

76
 77 We further, respectfully request that your Department undertake an urgent review of Section 1.12
 78 of the Rules .

79
 80 Section 1.12 (of the Rules) makes a charade of what Parliament enacted. This section enables judges
 81 to make decisions, at their whim, quoting the "Rules" when convenient, in justifying their verdict.
 82 Whatever possessed Parliament to have Section 1.12 inserted in the Rules, is beyond
 83 comprehension. Why did Parliament pass any Rules at all, if it intended to give Judges the power
 84 to " *dispense with compliance* " (of the Rules). It is like a football game where the umpire can
 85 change the rules to ensure that Geelong wins or loses.

86 How can I, or my Lawyer, prepare a case in the Family Court, what preparation do we need to
 87 make, what evidence do we present, when we do not know which Rules a Judge will ' *dispense*
 88 *with,*' at the trial.

89 We are also very disturbed by the fact, (we have experienced it) that the Judges of the Court,
 90 the Registrars and lawyers have a blatant disregard for the **Rules**. The very Rules that Parliament
 91 laid down for the conduct of the Court and the courts choose to ' *Dispense with*' .
 92 Parliament must take the blame for this mess.

93 We are convinced, that the Judges use these Rules, in their attempt, to *justify a pre-determined*
 94 *verdict, in favor of the female* and not on what is "Just and equitable"

95
 96
 97 Other issues that need urgent attention are ; the ' *astronomical charges*', that were enacted by
 98 Parliament and charged by the legal fraternity, precluding any possibility of obtaining "Justice"
 99 Who can afford \$ 10 000 a day for lawyers ? plus the additional \$ 50 000 for pre - trial expenses

100
 101
 102
 103
 104

The History

Some 40 yrs ago we (my wife and I) purchased a 15 acre block just south of place We worked 15hr days to pay off the land and over the next decades built our house on it and raised two children.

In about year we commenced building a second house, with the assistance of our son. We paid for the materials and our son helped build the house so he could live somewhere, rent free as a "Tenant at will".

My son later formed a de-facto relationship and had two children. That relationship broke up in 1994 after his de facto smashed up the house in a fit of rage, causing several thousand dollars of damage. When I demanded that she leave, she assaulted me and 8 days later was granted a 'Restraining order' against me. That order was dismissed when I challenged it. When I however applied for a 'restraining order', to keep her away from the house, the court refused, on the grounds that 'I was not related to her'.

Perhaps someone can explain to me ; why she is related to me, can smash up my house, can assault me on my property and to add insult to injury, take out a restraining order, - whilst my application is refused.

Shortly after departing, she placed a caveat on my land and demanded \$ 3000. She later consulted a "lawyer" through 'Legal Aid' and demanded \$ 8000. we sought legal council and were advised to pay her, as it would cost more to defend the action and no cost recovery was available under 'Legal Aid'. Our legal costs were close to \$ 8000.

That was our first experience with the Family Court and legalised extortion

In 1997 my son married a women (name) that brought two of her children into the marriage.

In 2005 they separated. She persuaded my son:

- (a) To pay the bond and 4 weeks rent for a house in place
- (b) Give her furniture from the former matrimonial home, of her choosing.
- (c) Buy her \$ 10 500 worth of additional new furniture,
- (d) Give her a 2yr old , 4 wd car
- (e) Give her \$ 28 000 in cash on the promise that she would sign an 'Order of Mutual Consent', drawn up at (name s*) request and direction, at my son's expense.

After she had received , all she requested, she refused to sign the 'Order of Consent" and took out proceedings in the Family Court.

(name) left the matrimonial home in September 2005 but broke into the house, during my son's absence, on several occasions, stole some documents and took photographs that she produced under the "disclosure provision" of the Family Law Rules, claiming those photos had been taken during their marriage. (due to alterations to various rooms, since her departure, we knew she had been in the house)

We applied for a 'restraining order' in the place Magistrate court to keep (name) off the property and out of the house.

At the ' Preliminary hearing', she initially denied that she had ever entered the house and also denied that she had taken any photos in the house . Later, under cross examination, she eventually admitted taking the photos but, claimed that she had not been in the house since April 2006. We produced photos from her documents, showing dates on a Notice Board from the month of August. When I pointed this out to the Magistrate he said: " She is either lying or mistaken." (in an Affidavit, she later stated that she had been in the house on the 29th of July 2006)

157. (name) told a few more lies, fabricated more evidence and I requested that she should face
 158 "perjury charges ". The Magistrate suggested that I report it to the Police, but that he would not
 159 take any action.

160
 161 When I requested that an "Interim Intervention Order " be granted, the Magistrate indicated that he
 162 was satisfied that (name) had been in the house, - without permission - (Court transcript available)
 163 but as she had stolen nothing of value and did no damage, probably had a good reason to protect
 164 her interests. The Magistrate would not grant an 'Intervention Order.'

165 I than said:" With respect your Honour, if I had broken into her house you would have had no
 166 hesitation to issue an intervention order."

167 The Magistrate said:" Are you suggesting that I am biased ."

168 I said:" Too right, you are sexually biased, you are not giving me the order because she is a
 169 woman."

170 The Magistrate made some comment that I could not understand and I left.

171 We later withdrew our Application for an Intervention Order, as there was no point in pursuing it in
 172 a sexually biased Court, a Court that sanctioned perjury.

173

174 It is a fundamental requirement, of a functioning judicial system, that a person on oath tells the
 175 truth.

176

177

178 On month of 2006 , before the Honourable Justice name , (name) claimed that the
 179 former matrimonial home, according to a Rate notice (she had stolen and we had never seen) was valued
 180 at \$ 1.2 million (due to a Council stuff up) that our 15 acres were valued as \$ 15 million. That our
 181 land was about to be subdivided and that I had gifted the land, the matrimonial home stood on, to
 182 my son. **All lies and fabrications**

183 The submissions by our lawyers, to the contrary, were given no consideration.

184 Without going into lengthy details, Judge name made orders, obviously based on (name s*)
 185 unsubstantiated and false claims, that were to cost us thousands of dollars and countless hours in
 186 time, but could not be carried out, (as has been proven) wasting 18mths.

187

188 In later Affidavits, (name) made claims that : " throughout the marriage she was of the opinion
 189 that my son and her had paid for the land", she can not name the price for the land , she can not
 190 state when payments were made, nor can she explain where the money came from.

191 In another Affidavit she claimed " that my son and her made regular weekly payments to me, for
 192 the land."

193 (name) has no receipts and no records of any payments . According to her Affidavit; 'no records
 194 exist' and later claims, that I held those records and refused her access to them.

195 The various Affidavits made by name are a litany of lies, misleading statements and
 196 fabrications.

197

198 My son refutes all of (name s*) claims. Our son, nor (name), have ever paid a single cent to us,
 199 for any land.

200

201 I am named as the second respondent in this case. I am a victim of this litany of lies and
 202 fabrications by (name). We (my wife and I) have nothing to do with (name s*) dispute with my
 203 son, but due to the 'quirky sense of justice' deployed by the Family Court, we were dragged into
 204 this mess.

205

206 My wife and I have been extremely distressed by all of this over the last 18mths and are both on
 207 medication for anxiety and sleeplessness. We are both in our 70's and this " perversion of justice "
 208 has taken its toll on our health. No one can believe that this is happening in our society.

209.
 210 At the recent compulsory "Conciliation Conference", conducted by Registrar (name), I posed the
 211 question : " We have spent thousands of hours on this, (*name *) claim is fraudulent and based on
 212 fabricated evidence, it has cost us over \$ 50 000, when am I going to get my costs back and some
 213 justice."

214 (name) said:" as the second respondent, you don't, you will just have to grin and bear it."

215 Other issues of this "Conciliation Conference" that need addressing are:

216 (name) claimed that she had not read the 'full case notes' and that she had not seen the valuer's
 217 report (that was ordered by the Court and cost \$ 6000>.) but that in her (name) opinion, my son should
 218 offer (name ') at least \$ 70 000 and that she would not feel comfortable with an offer over \$ 130
 219 000. One of the lawyers called it extortion.

220 By way of comment, name explained, that it would cost, each of the 3 parties, about \$ 50 000 in
 221 lawyers fees, if the matter went to trial, and that we could avoid those fees if we gave the money
 222 to (name ') who might settle for that amount.

223 That is what I call **e x t o r t i o n** in the most blatant form, not just sanctioned , but actually
 224 cultivated by the Court.

225 Is that the Justice - Parliament is looking for ??

226
 7 This was not a conciliation conference, it was an attempt by (name) to intimidate and extort.

228 (name) comments led to (name) demanding an additional \$ 100 000 +.

229 In my opinion, this is an absolute 'perversion of justice ' perpetrated by the Family Court.

230
 231 (name) contributed nothing to our land, (she arrived with \$2950 of goods, including a car, and two children,
 232 as her total possessions) she did little to maintain the dwelling, yet she walked away with \$ 100 000.

233 We succumbed to extortion, as we could not see any value in continuing in such a biased
 234 environment.

235
 236 (*name *) case is based on **lies and fabricated evidence**, in blatant contravention to the
 237 'Federal' "Crimes Act 1914" sections 35 & 36 .

238 The Federal Police in Melbourne claim, they have nothing to do with the Crimes Act 1914 and only
 239 enforce 'Family Court ' orders.

240
 241
 242 We respectfully request that your department launch an investigation into this case with a view of
 243 addressing:

244 (a) the issue of " (* name ')" **misleading and fabricated evidence** , before the court, and in
 245 her Affidavits

246 (b) The failure of the Family Court Judges and Registrars , heeding the Family Law Rules

247 (c) The failure, of complying with the Family Law Rules by (name s*) lawyer (name) (*our*
 248 *Lawyers have informed us, that there would be no point in complaining to the Family court, about name'* , or
 249 *making an 'Application for Contempt ' as the court would not take any action. My son and I have been told,*
 250 *on numerous occasions, that should we fail to comply with the Rules or any Orders, we would face serious*
 251 *consequences*) Yet (name*) and her lawyer can do as they please, ignore the Rules and defy
 252 the orders made by the court.

253
 254
 255 We respectfully ask that you acknowledge receipt of this correspondence.

256
 257

258 Respectfully yours

Signed: Name not disclosed for legal reasons

259