

ALRC: Australia Law Reform Commission
Review of the Family Law System submission
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7 November 2018

Re: Submission for: ALRC Discussion Paper 86, 2018,
on *Review of the Family Law System*; and the terms of
reference I am addressing are listed above my
comments.

Dear Commission

I wish to make a submission on:

- the importance of providing dignity ... – this also relates to rules of procedure.

I have observed that both advocates (solicitors or barristers) and judges have presented that or referred to one of the parties as in effect a worthless human being without necessarily using that phrase. No one in a family law case, or anywhere else in law, should be referred to or implications made that they are a worthless human being. It can only affect the parties and children moving forward detrimentally.

- the desirability of finality in the resolution of family disputes ... combined with ...
- the desirability of ... the least costly manner ... – this also relates to reviewing and appealing decision.

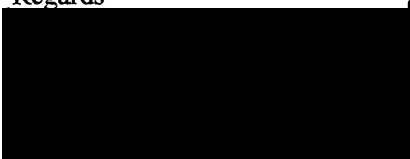
I have observed judges making obvious errors of fact in their judgments which in turn negatively affect how they arrive at the orders they decide. If judges were to deliver their judgments as interim, allowing for the parties to raise issues regarding errors of fact within their full judgments including reasons, then the judges could make amendments to correct errors. This could avoid or reduce the costly need for appeals which may be financially out of reach of a party affected by the errors.

- the benefits of the engagement of appropriately skilled professionals in the family law system.

I have observed experts who are clearly biased or some may not be current. Bias can be determined by looking at the expert's CV – is their research, for instance, concentrating on the positive qualities of one gender over another, and the negative qualities of the other gender? Currency can also be determined by looking at their research – is it current? These experts should be ruled inappropriate.

They are some of the terms of reference I wish to comment on and my suggested remedies. Thank you.

Regards



John Drake

Rec. 9.11.18