

## Submission to the Review of the Family Law System

**Background:** I am a former government policy analyst, strategist and advisor, working for the Industry Department and the Prime Minister's department. Now I own and manage an internet-based publishing company.

### No Confidence in the Work of the Australian Law Reform Commission

Frankly, it's difficult to support any of the propositions made by the ALRC or to trust the ALRC to do good work in the future. This is a sentiment I believe many, many parents hold based on feedback from parents' groups on social media. Based just on the statistical evidence provided here, the ALRC lacks intellectual rigour in its policy development.

### Violence

Guess how many times in the Discussion Paper of 2 October 2018 words associated with *violence* appear? Answer: a whopping 1,691 times. These include 'violent' and 'violence' (954), 'safe' and 'safety' (337), 'risk' (179), 'abuse' (151), and 'trauma' (70).

Guess how many times words 'father', 'man' and 'men' appear? Answer: 40. This is a low representation of the group. 'Mother', 'women' and 'woman' appear a total of 260 times. 'Disability' and 'disabled' appear 243 times; 'Aborigine' and 'Aboriginal' 167 times; and even 'LGBTI' and 'LGBTIQ' appear 47 times. Why do minority groups with low reproductive outcomes warrant more explicit attention than fathers? Bizarre.

Men are hardly referred to in the discussion paper yet they are the central focus. Who, after all, can be responsible for all the violence that so dominates discussion?

### Men are Protectors

I speak, I believe, for many fathers in saying – No, We Are Not Violent Towards Our Children! When you get a divorce, the normal reaction is not to start abusing your own children who you love and naturally want to protect. Many men feel the abuse actually comes from a family law system that marginalises fathers, thereby hurting their children in many ways.

The disparity in frequency of 'violence' references compared to 'father' references in the paper demonstrates the ALRC doesn't get one of the basic and most critical problems with the family law system: it too often marginalises fathers in the lives of their children.

How is it possible for a 357-page report on family law to entirely miss the point about men being marginalised!! Unbelievable. Where is it addressed at all? Nowhere! And yet The Discussion Paper presents numerous policy prescriptions to encourage more of the marginalisation – by emphasising to everyone the potential for parents to wreak violence, abuse and neglect upon their very own children.

### "Shared Care" is Not a Dirty Word

Guess how many times the term 'shared care' appears in The Discussion Paper? Answer: twice. Even 'shared parental responsibility' only appears 7 times.

Isn't shared care the ideal arrangement to aim for? Don't a great many parents hope that they can arrive at a shared care arrangement for the benefit of their children? Shouldn't, indeed, shared care be the normal outcome for parenting cases that arrive in the family law system if the system were working effectively?

If the ALRC can't even mention the term "shared care" more than twice – and both times just to highlight the confusion of parents who naively think it might be how the system works – how on Earth can you come up with good policy formulations?

Please understand this ALRC, shared care is good for children. Two parents are better than one! It's the goal here, not a dirty little phrase that's never to be mentioned in good company.

### **People Lie**

Nowhere, literally nowhere, in The Discussion Paper does it mention anything about parents making false and misleading statements. For the many thousands of people who have been subject to false claims of violence, etc, this is a shocking omission. If you recognise that people lie, policy prescriptions related to allegations of abuse and alike may be (i) more measured and (ii) more effective overall.

### **Policy Recommendation**

I really wanted to be constructive in this submission. However, as I've alluded to, the Discussion Paper is a failure. We need a much better starting point to achieve meaningful reform of the Family Law System. I hope decision-makers take notice and treat the ALRC's proposals with great suspicion.

### **A) Provide Practical Advice for Self-Represented Litigants**

The people who perhaps most need good, simple practical advice in court are self-represented litigants. However, the family court system has a tendency to direct people towards free and paid professional services. Self-represented litigants should be allowed to help themselves. This requires the kind of advice that the law industry is inclined to keep to itself. Information packs should include detailed, practical information to enable parents to better represent themselves.

**Dr Andrew Lancaster**

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## **Discussion Paper: Word Frequencies**

### **A. Demographic groups**

child or children	1,853
parent or parenting	572
mother, women, women	260
disability or disabled	243
aborigine, aboriginal	167
LGBTI or LGBTIQ	58
father, man, men	40

**B. Safety and care**

violence or violent	954
safe or safety	337
care or caring	180
risk	179
abuse	151
trauma	70
shared parental responsibility	7
shared care	2

**C. Court groups**

professional or professionals	294
dispute resolution	178
lawyer or lawyers	152
judicial officer	87
judge or magistrate	77
litigant or litigants	34
self-represent or self-represented	12

**D. False allegations**

false, misleading, lie or dishonest	0
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