



Fwd: Discussion Paper 86 - FAMILY LAW REVIEW

2 messages

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To: familylaw@alrc.gov.au

To the Australian Law Reform Commission

This is my submission for the long awaited and overdue REVIEW OF THE FAMILY LAW SYSTEM. The Family Law Act 1975 (Cth) should be rewritten to include Western Australia and all the points I have listed below.

1. Get the Family Court judges and Judicial Registrars investigated and removed the judges that have been administering/facilitating a miscarriage of justice. Family court judges have making orders that allow the abusive parents to be custodial parents. Family Law Act 1975 (Cth) Section 22 states in reference to judges "(b)shall not be removed except by the Governor-General, on an address from both Houses of the Parliament in the same session praying for the Judge's removal on the grounds of proved misbehaviour or incapacity." Family Law Act 1975 (Cth) Section 26L states "(1)The Governor-General may terminate the appointment of a Judicial Registrar for misbehaviour or physical or mental incapacity."
2. Parents to have a WWCC (Working With Children Check) if they want custody of their children.
3. Sex offender and/or violent/abusive parents should never be allowed unsupervised access to their children.
4. All abuse of children also needs to be backed up police and criminal court transcripts.
5. Remove SECT 11D from the FAMILY LAW ACT 1975, as this is helping to enable a miscarriage of justice in the Family courts of Australia. This section of the Family Law act 1975 allows the family consultant to behave against the best interest of the children and the protective parents.
6. Abuse (including sexual harm/abuse) and other types of violence on children mentioned in the Family Court also needs to be backed up with criminal court transcripts.
7. Malicious allegations of abuse/violence/abusive parents needs to be addressed by perjury charges against the party making these claims - if these allegations have been found to be untrue and have shown that the party making these claims in order to gain access to children and/or assets that both parents use.
8. If the police have determined by investigating thoroughly that a parent cannot be convicted in a criminal court of abuse, then this parent should only be allowed supervised access visits to his/her child or children. The police investigation **must** be provided as evidence in the Family Court.
9. The Family Law Act 1975 section 67Z http://www7.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/fla1975114/s67z.html describes how the Registry Manager of the court **must** notify allegations of abuse to "a prescribed child welfare authority". Fines of least \$20000 should be applied to the various people mentioned in the above legislation if they do not report abuse to the prescribed child welfare - as children will suffer if these people do not fulfill their mandated duty of care to children.

10. Reporting abuse and or violence to police should be added to the Family Law Act 1975 section 67Z or in another part of the Family Law Act 1975.

11. Section 60CA of the Family Law Act 1975 says "In deciding whether to make a particular parenting order in relation to a child, court **must** regard the best interests of the child as the paramount consideration." This has not been happening as judges have repeatedly ordered children to live with abusive and/or violent parents. Section 60CG also makes reference to family violence and considering the best interests of the child/children when making orders.

12. Section 60CE of the Family Law Act 1975 needs to be deleted or amended to state that the court **must** take statements from the children, as this maybe enabling miscarriages of justice. How is the court going to assess the best interests of the child or children if they do not take into consideration the statements/views from children?

13. Section 60CE of the Family Law Act 1975 states in reference to advisers "should regard regard the best interests of the child as the paramount consideration; and (b)encourage the person to act on the basis that the child's best interests are best met". The word **should** be replaced with **must**, as many family court lawyers are not acting in the best interests of the children by not properly defending the protective parents. Hence many protective parents have wasted lots of money and in some cases their houses to the abusive parents, and their children are ordered to live with abusive parents. Advisers in Section 60CE of the Family Law Act includes lawyers (legal practitioners). Disciplinary action should be taken against these family court lawyers that have not properly defended their protective parent clients.

14. Section 121 of the Family Law act 1975 needs to be amended to allow people to be able to publicize their case in the media - as this is enabling many miscarriages of justice in the family courts. As the judges and other professional people in the family law are doing what they like when it comes to making orders to for children to live abusive parents and not accepting the evidence of abuse and/or violence from experts.

Thank you

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