Inge Vann

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Submitted by user: Inge

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Full name Inge Vann

Phone number

Email

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Question 1

To ensure equal access for both parents to their child/ren and (if need be) that this access be granted to extended family as a priority, to ensure children’s right to a meaningful relationship with both rightful parents as per UN Conventions on the Rights of the Child and in line with the avoidance of Parental Alienation (PA) abuse, to ensure parental rights are observed as a priority and to ensure mediation is mandatory and enforceable from the beginning.

Question 2

Presumption of 50/50 custody as baseline, observance of meaningful access and relationship for children to both parents, the inclusion of parental rights as opposed to solely the ‘best interests of the child’ (this takes into account the diminished judgemental capacity of a child suffering from the emotional abuse of PA, mandatory DNA testing at birth and/or before the commencement of any child support of court action, strict penalties for perjury (in court, evidence or affidavits) and strict penalties for false allegations of abuse, strict penalties for contempt of custodial Orders.

Question 3

More and better community law centres and more community service by lawyers. We note that for many centuries now the public has become forced to pay lawyers to access their own laws and judges and judgements. We believe the judiciary should be reminded it exists to serve the public and the public has a right to free access of it. Instead, an entire industry has grown up around accessing public law and is in danger of becoming a bloated system of cronyism stretching all the way to judges who are observed NOT reading or understanding the evidence on which they sit in judgement but relying on court reporters who also make money off the system. Lawyers should be made to donate a meaningful portion of their time in free advocacy service to the public.

Question 4 See 3. Free access to advice and advocacy.

Question 5

See 3. Specific access for marginalised sectors of the Community and sponsorship of young people to study the law.

Question 6 See 3.

Question 7 See 3.

Question 8 See 3.

Question 9 See 3.

Question 10

Ideally no-one in the family court should have to pay for any legal service OR private report, the government should cover that cost OR those experts should be made to donate their service as part of their community advocacy. We do not believe the public should have to pay to be represented in its OWN legal system. This system exists to SERVE the public.

Question 11

A percentage time of free legal advocacy as a requisite of all lawyers and legal firms representing Australian Family Law.

Question 12 See 11

Question 13

They work well enough as is with safe rooms available. This is the least of the court’s concern

Question 14

Australia must observe its own signatory promise to the UN Conventions on the Rights of the Child as a baseline – in particular all Articles referring to the right of the child to know, access and have meaningful relationships with its rightful parents, extended family and heritage.

Question 15

PA must be recognised as Emotional Abuse under the DSM-5 and as domestic violence against children to be addressed as such under the law. Courts must be better informed about the real statistics governing domestic and family violence: specifically that men are not correctly represented in DV statistics and this MUST be cleared up, that it is in fact CHILDREN who are the primary victims of DV (this would also change significantly the current statistic on DV which do NOT include children for some bizzare reason) and that women are far more likely to abuse, harm and kill their own children. Men who commit DV against their partners almost never perpetrate this against their own children and while exposure to this for a child is never good, the long-term harm to a child to lose a meaningful relationship with fathers is much, much worse. REPEAL the Gillard Government’s weakening of the evidentiary test for violence which was changed via The Family Law (Family Violence) Bill 2010 (Cth).

Question 16 See 15

Question 17

What each came in with they leave with - if they contributed equally before children came along then it’s 50/50 (for example they worked right up until children came along). If one party was 100% supported for the whole relationship and made no contribution (working in the home with housekeeping and child-rearing notwithstanding) then I think the percentage split should favour the party who provided the income ( for example 60/40)

Question 18

Spousal maintenance is irrelevant unless there has been an agreement between partners that one partner would forgo a career in order to stay home to care for children and can prove this arrangement post separation and divorce has left them at a significant disadvantage in the workplace. This has to be balanced against the presumption of “equality”. We must not send the message that women are equal unless they have children or that women are not expected to contribute equally financially to the upbringing of their children or that women are incapable of these things or that they are worth more by virtue of giving birth. Men are equally capable of raising children from birth and more and more are doing this perfectly successfully, especially in gay relationships.

Question 19

Binding Financial Agreements can be preferable to dealing with The Child Support Agency and should be offered to all separating couples via free legal advice.

Question 20

Ideally, there should be an abolition of all family courts and the Danish Model adopted but failing that, separating couples must be obliged to register the separation (50/50 custody supposed unless otherwise agreed) and any children involved, generating an immediate date for Mediation presided over by Mediator, Negotiator and Child Psychologist appropriately trained in pathogenic parental behaviours. This Mediation must have binding legal powers to decide at least the first year’s arrangement for the children subject to review. As in the Danish Model, withholding of access to children results in police visitation to collect and return the children with an instant fine. A second incident results in the same with a doubling of the fine and the third results in the children been removed to the permanent custody of the other parent. Additionally, a Family Help Line should be available to assist families in crisis with custodial issues.

Question 21 See 20

Question 22 Unsure

Question 23

There is already provision for them in the system with security in courts. Provision of Advocates to sit with them may help but at the moment we suffer with an avalanche of fake and false accusations of abuse which are currently protected thanks to the weakening of the evidentiary test for violence introduced by Gillard Government via the Family Law (Family Violence) Bill 2010 (Cth).

Question 24

Potentially, however a FAR greater problem is men who are dismissed by police and services when they raise concerns about the welfare of their children while out of their custodial care. We MUST begin to honour the truth about the greater risk of children in mother’s care than fathers care and dismiss the ‘mother knows best’ pall over all government services.

Question 25 Instant penalties.

Question 26 Instant penalties

Question 27

See above: abolition of Family Court in favour of Separation Divorce and Custodial Tribunals with mandatory mediation/negotiation and powers to penalise for contempt.

Question 28

No. Online anything masks the live reactions of humans and makes it impossible for relevant experts to read body language and other essential signs of dishonesty and psychosis.

Question 29 See above

Question 30

This should already be covered by the inclusion of affidavits from supporting people on both sides. However, if judges wish to hear from other people they should do so.

Question 31 See above

Question 32 See above

Question 33

Start by LISTENING and RESPONDING regardless of gender, then punish those who waste Responders time with vexatious action. Fine people wasting Responders time with on-the-spot fines. Better data sharing access between Departments, automatic sharing of ‘RED FLAG” concerns, automatic generating of ‘RED FLAG’ concerns….

Question 34

They cannot. They are THE collateral damage in the system. The SYSTEM needs to improve by observing parental rights over their own children, and by observing the child’s rights as per international law with specific attention to the worldwide epidemic of PA and generational damage made by fatherlessness.

Question 35

They are informed by their parents – do we need to intervene at all? For what purpose? It is bad enough we have an increasing generation of children who are fatherless, abused by PA and growing up seeing the other parent in a contact centre! Are we now to advise them through a school course?

Question 36

Mandatory appointment of an ICL could be part of every lawyers obligation to partake in Community Service.

Question 37 See above

Question 38

YES. Children under the influence of PA are already being emotionally abused and used by the alienator to attack the targeted parent. They are therefore suffering diminished capacity to judge their own feelings and must not be relied on to accurately represent their own thoughts. If we accept children do not drink or drive cars or vote or are left in charge of other children, why do we feel they should be making decisions about their own futures unless it is proved they are capable at all? If however we begin to observe their Rights properly (as per international UN law) and ensure parents are held accountable for adverse behaviours and children get equal and meaningful access and relationships with all their family, we may find we don’t NEED courts as much as we do now. An ounce of PREVENTION.

Question 39 See above

Question 40 See above

Question 41

ALL professionals in the family court system should be made to undergo review of their competency and their professional knowledge as well as compelled to study further and avail themselves of new studies etc. We insist marriage celebrants do compulsory study to maintain their licences – why not our own law?

Question 42

See above – courses in new studies and relevant statistical reviews, registration ordinances etc

Question 43

Immediately with their appropriate governing body. ALL members of the public should be able to express concerns about any legal professionals and have that investigated immediately by the relevant Ombudsman OR governing/registrating body and this should NEVER be a body of peers either.

Question 44

We are far less concerned about this than we are of the rise in parental suicides and fatherless children, homelessness among men as a result of corrupt child support agency practises and rates of depression rampant in people suffering this system. Legal professionals make enough money off us to get their own help, frankly.

Question 45

YES. These stories are deliberately quashed in order to protect a very infected system which assist the cover-up of many dubious decisions and practises by judicial officers.

Question 46

Any investigation of any judicial officer should be public knowledge. The public has a right to know what is going on in its OWN judicial system.

Question 47

More transparency, better processes for objections, more public scrutiny of judicial behaviours and competencies, investigations into competencies of judges and officers etc.

Other comments?

File

The results of this submission may be viewed at:

<https://www.alrc.gov.au/node/8362/submission/7679>