

JUDICIAL IMPARTIALITY – Federal Inquiry (11 September 2020)

Submission by : Don Huggins
Submission to : Australian Law Reform Commission (ALRC)

Dear Advisory Committee,
Please accept this Submission from myself and I request that it be published.
I am qualified to make this submission as I have experience in the Family Court and the District Court.

My submission is in regard to the following consultation questions and proposals.

Consultation Proposal 23

Commonwealth courts should introduce methodologically sound processes to seek structured feedback from court users, including litigants and practitioners, about their satisfaction with the court process, in a way that allows any concerns about experiences of a lack of judicial impartiality to be raised.

Consultation Question 24

Are the measures that are already in place in Commonwealth courts to collect feedback from, and measure satisfaction of, court users sufficient and appropriate?

Consultation Question 25

What other data relevant to judicial impartiality and bias (if any) should the Commonwealth courts, or other bodies, collect, and for what purposes?

Consultation Question 19

What more should be done to map, coordinate, monitor, and develop ongoing judicial education programs in relation to cultural competency relevant to the federal judiciary, and to ensure that the specific needs of each Commonwealth court are met? Which bodies should be involved in this process?

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I have absolutely no confidence whatsoever in our Judiciary of the Family Court, because they have the power to issue orders [REDACTED] with absolutely no accountability whatsoever.

[REDACTED] separating a child from a good parent inflicts immense [REDACTED] mental abuse on the parent and the children, from being wrongfully separated each other. Therefore, the acts by the Judiciary to separate a good parent from their children directly causes suicides and worse.

No accountability whatsoever, because the Judiciary of the Family Court is given 'Complete Independence' in their decision making and have 'No Accountability' whatsoever to Act At All Times with HONESTY, INTEGRITY, DILIGENCE, TRANSPARENCY and FAIRNESS without Bias.

[REDACTED]

Separating a child from a good parent without any evidence is wrong. [REDACTED]
[REDACTED]

The Judiciary of the Family Court is further protected from being held accountable by Sec. 121 of the Family Law Act, which prohibits the publication of the identities of families in Family Court cases. This is a legal requirement despite the fact that the family maybe deceased, [REDACTED]
[REDACTED]

Clearly there is a significant problem with a lack of accountability of the Judiciary exist in the Family Court, which then enables Judiciary Impartiality in the Family Court, to not only exist, but to absolutely thrive.

Therefore, it is a most despicable act of the government to not hold the Judiciary of the Family Court accountable, because every other employee is held accountable to act at all times with honesty, integrity, diligence, transparency and fairness without bias.

The bottom line is that the Judiciary of the Family Court are protected from being held accountable by a cartel of politicians, the Legal Fraternity and the Media tycoons. Therefore it is in the Family Court that there is the greatest impartiality / bias committed by the Judiciary, as they are unaccountable.

Proposed Solutions

There must be a no cost avenue for complaining against a blatant wrongful action of a magistrate, where the complaint is swiftly reviewed by a panel of 3 senior judges / magistrates and the magistrate's actions immediately overturned if deemed to be wrongful.

The Judiciary of the Family Court must be prevented from separating a parent from their children, if there is no substantial actual supporting evidence of abuse or violence.

If there are allegations of abuse or violence, then the Judiciary of the Family Court must refer the allegations to the Police for investigation and prosecution. That is the Police have the resources and the experience to properly investigate of allegations of abuse or violence, where as the Family Court does not and hence leaves the Judiciary free to make decisions of impartiality / bias.

There must be a highly efficient and simplified means for participants of Family Court cases to provide feedback. This feedback must be highly proficient in identifying impartiality / bias.

The Family Court must absolutely gather quality follow-up statistics on the outcomes for the Children and the Parents.

Consultation Question 24, 25

Clearly the current Joint Select Inquiry into the Family Court has exposed the fact that there are absolutely no statistics collected by the Family Court on the effects of Judicial Decisions on the family members of the families going through the Family Court. In particular the suicides and worse.

Consultation Question 19

The Judiciary of the Family Court should be required to have training and certification on the following;

- Children need, want and love both GOOD parents.
- Children need their parents to not be fighting.
- Children do not want to be separated from a Good Parent.
- Children do not dislike hate or be scared of a good parent, they are taught to be that way.
- Both parents have equal 50-50 parenting rights, whether they are the primary care-giver or not.
- Start with 50-50 shared parenting, unless valid evidence of abuse or violence.
- Develop an Amicable Fair Shared Parenting Agreement that is focused on the wellbeing of the Children.
- Separating a GOOD parent from their children is wrong; it inflicts immense mental torture and mental abuse on the Innocent Children and the Parent. It destroys the Parent and cripples the Children's future.
- A good parent does not seek to separate a GOOD parent from their children.
- The adversarial system of the Family Court encourages, inflames and prolongs the parental conflict by having the PRIZE of 'Primary Caregiver'.
- That not prosecuting 'FALSE STATEMENTS / ALLEGATIONS / FABRICATIONS', only encourages, inflames and prolongs the parental conflict.
- Making 'Orders of Separation' without supporting EVIDENCE is wrong.
- The Family Court is a 'Combative System' and this is totally not what children need or want