

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

THE WEIGHT OF EVIDENCE: INDIVIDUALS BEFORE THE INQUIRY

It was always going to be an emotion drenched inquiry. While the government funded domestic violence industry, along with the entire bureaucratic and judicial edifice, all united in their opposition to shared parenting, were well represented, there was also a solid body of evidence taken from fathers, grandmothers and non-custodial mothers to indicate the sweeping sense of pain and enormous private distress that existed in the community around family breakdown and separation issues. The poor reputations of the Family Court of Australia and the Child Support Agency were clearly on display. The government inquiry, the most publicly open and comprehensive of the many inquiries held into family law, heard numerous tales, in some ways similar in some ways very different, right across the country.

The Committee kept up a cracking pace. From the first day in Geelong and then Melbourne it travelled to Launceston in Tasmania and in the following week moved several thousand miles up the east coast, taking in Wollongong, Sydney, the Gold Coast, Brisbane and Cairns. In a second dash mid-way through the inquiry it took in Adelaide, Darwin and Perth and in the final stages of the inquiry it took in three regional locations, Wyong, Coffs Harbour and Gunnedah.

The commitment of the committee to change was clear from the beginning. In the Launceston hearing, in an exchange with the Tasmanian branch of Relationships Australia Committee Member Chris Pearce said: "We have had quite a lot of evidence, and our own practical experience demonstrates to us as members of parliament, that in fact the system is not working very well overall. It is quite clear, in my experience anyway, that we need to make some significant changes."

Committee Member Harry Quick chimed in:

"We are hearing from the fathers. We are hearing from the mothers. We are hearing from Relationships Australia. I want to see the judges come before us so we can ask them some really important questions because they are, in my mind, one of the contributors to this stupid foul-up."

To which Witness One responded:

"From my point of view, I will hold you to that because time is running out with my children. They are growing up and I would like to spend quality time with them, so I will hold you to that."

The emotional swings and roundabouts of the inquiry were also there from the beginning.

Ian Hickman from the Tasmanian Men's Health and Wellbeing Association was particularly intense:

"On my way up here today from Hobart, I was just overcome by the emotion of the whole thing. I was thinking, 'I want to say this. I want to tell them that story.' I want them to feel the pain of the children, and of the fathers and the mothers too. My contact has been mostly with the fathers. I want them to know that this is an issue right now. No

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more research. The research is out there. This is an issue right now that needs to be dealt with before we lose too many lives or wreck too many more lives because too many people have already gone under."

Chairwoman Kay Hull concluded that part of the morning with the words: "We really do understand that it is a very difficult and emotional issue..." There would be more tears.

The first main individual witness in Tasmania, a school teacher, was cogent in his condemnation of the system:

"Even though the law of this nation allows and permits males through the law—men who have the capacity, I might add, to care equally as well as mothers—to have dual custody rights, a judge or magistrate in the Family Court, if this decision has to be made by such a person, will not allow dual custody to be a reality for fathers. If you are part of that five per cent, you often come away badly. But that is unless the father can afford the most expensive lawyer or can prove beyond a shadow of a doubt and then some that the mother is an unfit person. This second option only helps to undermine future mother-father and family relationships.

"The adversarial nature of the Family Court is the wrong way to settle such personal disputes. This common knowledge is not just privy to this room. All separated mothers, greedy lawyers, Family Court registrars and Family Court counsellors are also aware of it, thus forcing less well off separating fathers to settle for far less contact than what they or their children would have wished. After being a teacher in a low socioeconomic area high school, I can definitely attest to witnessing the problems that teenagers of separated families have. This is especially evident for boys, who suffer from a lack of contact or regular contact with their fathers."

He said of changes ordered in his case by the Family Court: "I cannot tell you the distress it caused to our situation. I could not—you know how I feel, so you can see that.

This caused considerable emotional distress to them, and the adversarial nature of the court caused irreparable damage to myself and the boys' mother. We are three years hence and it still exists. The conclusion I came up with as a citizen, a father, a businessman, a teacher, is that I am expected to have and demonstrate an equitable moral point of view to participate in the modern world and especially within Australia. I am just asking this committee to recommend to the federal parliament that this equity point of view be legislated into the Family Court structure. As a male, I feel that I am not equal. In the words of my sons, 'Dad, we want to see you and mum fairly.' "

A clearly moved Julia Irwin said: "I hope that there can be changes made and I am sure when your beautiful boys grow up and you keep a copy of this Hansard, you can say to them, 'Well, kids, I tried to make a difference.'"

Kay Hull wound up by saying it was a difficult hearing for the committee because each and every one of them had a role as a parent and as a grandparent. "I think the issues we are confronting are daunting and difficult, and a lot of times it is not made easier by the very difficult circumstances that we hear people are in."

FROM CHAOS AT THE CROSSROADS

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The next witness was as equally strong, intelligent and articulate.

She spoke from the perspective of having been the spouse of a weekend contact father for the past five and a half years. In her submission, which related to both the Family Court and the Child Support Agency, she said she talked of the huge financial burden imposed on parents who use the Family Court system.

"In our case, we had no choice but to either give up on contact or fight through the court. Costs and the long delays, which also add to costs, mean the current system of resolving disputes over custody or contact between parents is not proving effective and nor is it available to those people disadvantaged financially or socially...that the current system is inequitable in its treatment of fathers' custody rights and that the court system creates further animosity between parents where they cannot agree by making parents adversarial rather than encouraging negotiation and mediation from the outset...

"If I had not agreed to assist him to pay the legal fees and assist with providing for his child he would not even be able to have contact now. Legal Aid was not a possibility as means tests factored my wage into the equation. Our first bill for initial contact arrangements from 1999 to 2001 we have only just paid off, at the rate of \$100 a fortnight. I raised the issue of the huge financial burden this has placed on us. We are about to receive a bill for the period going forward from 2001. I encouraged my husband to pursue, perhaps naively at the time, what I saw as his right and his child's right to have a relationship going down the track. At the time I encouraged him I had no idea of the effect this would have on our ability to have a different sort of lifestyle or even to consider a child within our own marriage.

"For many people who do not have this financial or emotional support, to even contemplate court is not an option due to the prohibitive costs. The Child Support Agency does not factor in legal fees as a valid cost associated with contact in its current formulas, and this is a further deterrent for parents choosing the Family Court route."

She said gender inequality was evident in the system and for any father to get beyond the standard contact arrangements to a dual parenting situation required costly litigation for fathers "to prove themselves worthy or, worse, the mothers need to be proved unworthy, causing parents to come into further conflict over the issue of custody contact, rather than there being an expectation of continued dual parenting of the child or children beyond divorce."

Her submission also gave extensive details of the poor administrative processes, errors and poor computer systems of the Child Support Agency, with long delays in getting action, which she said in her case had created confusion and immense distress.

She called for reforms to address these imbalances and to ensure all the structures – the Child Support Agency, the Family Court and all the support mechanisms – were in line with current community values and norms.

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Hers was important evidence because it demonstrated that many women, often highly articulate in their denunciations, were extremely upset with the operations of the Family Court and Child Support Agency.

Committee member Jenny George said that as a feminist herself she was interested in how the system was promoting the model of the primary care giver as a stay at home mum. To which "Witness Two" replied:

"Certainly in our case the presumption all the way through, both in the courts and with the Child Support Agency, has been of the mother as the primary caregiver at home. The reality was that my husband's former wife worked and she earned a lot more money than my husband – three times his salary. That just did not fit into any of the equations where the CSA was coming from and where the court was coming from."

First of the community witnesses, confined to three minutes each, was an impassioned father Justin who told the committee he believed every parent had the obligation to care for their children 50% of the time, as they were 50% parents, which fitted in with what "you guys" were proposing. He said: "I do not believe that any legal process is needed, unless there is molestation and everything else going on. Why do we need lawyers to figure out the shared proportion of a parent's obligation to care for the child? For me, child support is a punishment on a parent."

Many grandparents across the country spoke passionately to the inquiry. Thus the quip: it's a brave government that ignores the grannies of Australia!

In Launceston Maria said: "I have a question. We have been everywhere, to lawyers and all, trying to get some kind of legal advice on behalf of the grandchild. The girl ran off with him two years ago. We have not seen him since. My son cannot get any help. I do not know who to turn to. We do not know where to turn to. Nobody really gives us any advice. How can we get in contact with him? My son is paying the child support, but he does not know if his son is alive or dead. I really do not know what to do about it."

The previous day in Melbourne a string of grandmothers had also given evidence, already establishing one of the significant themes of the inquiry.

Grandmother and member of Grans Victoria Margaret Molder had said:

"I can see where grandparents and other family members could be a part of helping this new system to work. We could be there as a backup to both parents. As somebody pointed out, there are four grandparents in most cases. We would like to be able to see this system work. I think it would work in being more equitable in the costs involved in rearing children. I think it would reduce a lot of the costs and the need for government personnel to police infrastructures like the CSA to try and retrieve money. I think it would reduce the waiting list times for family law court hearings, because parents would then have to accept the responsibility of the care of their children. That covers all aspects of their care."

FROM CHAOS AT THE CROSSROADS

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She was followed by another grandmother, Ann, who had two divorced children, including a son who rarely even got to see his kid on Fathers Day. "Children in marriage and partnerships are the emotional and financial responsibility of both parents. Both parents should have joint input into their children's lives. Both parents are responsible for their children's care, wellbeing, education, health and upbringing. Both parents have the need and emotion to give their love, affection and time to their children. Children need this love, affection, contact, discipline and time from each parent equally. If joint parenting was mandatory at divorce or separation, in most cases all these needs would be met and a huge disruption in lives, as experienced in the current family law custody orders, would hopefully be minimal."

The following week in Cairns, thousands of miles to the north, another grandmother, known only as Witness 3, said:

"We have a grandson who is 3½ years old. We love him dearly and he loves us, but we are not allowed by the mother to see him, speak to him on the phone or have any contact with him whatsoever. Up until eight months ago we played a very big role in this little boy's life, even up to the point where the mother left him in our care for five days while she went on a trip to Bali. Then one day the mother decided she had had enough of the lifestyle she was living in Cairns and took our grandson away...

"He was taken away from his father—our son. It has taken our son six months to access some rights through the legal system to enable him to see his son. But these rights do not make any allowances for us, as grandparents, to see our grandson. It is quite the contrary. If the mother knew that we were seeing our grandson at the times that his father had access, she would undoubtedly put greater restrictions on the father's access."

Another heartbroken grandmother in Cairns told the story of her son:

"Last month he had occasion to take the truck down to Gympie with some horses for somebody that we had sold them to and he was to have two days of access. He had not had access since January or February because of the hospitalisation of the child. In the agreement that they have stamped by the court he cannot have him a month either side of major surgery, so he had not had any access. But there is no catch-up mechanism in that for him to make up for the access he lost in the first six months of the year and he begged her for a second lot of two days, giving the child two days rest in between, and she refused. She said if he kept pestering her she would bring a domestic violence order against him."

In Darwin, midway through the inquiry, a grandfather said:

"First of all let me say that, while most people seem to think the Family Court functions very well, it does not function at all. Firstly, people tell lies and, while the magistrate says such things as 'If the wife is proven to be telling lies, she will be severely punished', the wife can be proven to be telling lies but there seems to be no punishment for perjury.

"They say to us, 'We would like mummy and daddy back together.' This is not practical, but they would like to see more of daddy."

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Weeks later, at Coffs Harbour, Bev, co-founder of a group called Grandparents in Distress at Grafton, said it had been founded "after we realised that we were not alone in our anguish over our grandchildren being separated from us and from one of their parents, usually the father—our sons. We felt we were powerless to make changes unless we formed a group..."

"We found that we were just part of a system where members of a family had lost their rights and that lawyers, psychologists and the court had taken over the role, causing suffering, hardship, dismay and suicide. We found that mothers now had all the rights and fathers had none until such time as the court decided otherwise, that in most cases the fathers had been pushed aside as being irrelevant and unworthy of fathering their children and that it could cost thousands of dollars to prove their worthiness to be included in the child's life."

"The child support system was enough to cause the non-custodial parent to sometimes live in desperate poverty. We found that the word 'violence' had been twisted to mean even an angry word. After much anguish and research, we found that we were fighting a powerful and secret government authority that had been instigated in the days of the federal Labor government and had not been changed in the days of the coalition."

She said many grandparents would not speak out for fear of creating further problems.

"As you will have gathered by now, this is a worldwide problem in Western societies and so it is no use trying to correct the problem unless we know how it started, who the actual enemy is and why it continues to this day," she concluded. "Unless we realise that it is part of social engineering, based on the socialist-communist manifesto to destroy the family unit and religion, we are wasting our time and will bring even further anguish and sorrow upon our society."

The evidence of non-custodial parents was also often gut wrenching.

Back in Launceston, where the tapestry of pain first began to take on force, one father, Brett, said:

"Only recently my little boy came up to me and he said, 'Dad, why didn't you ever want me?' I said, 'What do you mean?' He said, 'I've always wanted to come and spend more time with you than every second weekend.' I said, 'That's true, and I wanted to spend more time with you.' He said, 'But now I think it's just good to leave it the way it is.' I said, 'Why do you think it's good to leave it the way it is?' He said, 'Because mummy showed me some court orders with your signature on it to say that you never wanted me.'"

A non-custodial mother Jo, amongst the first of a number of powerful speeches by non-custodial mothers, told the committee she let her son's father acquire full custody to allow him a stable life and to avoid bickering, arguing and fighting. She said of the father: "He has avoided any sort of allowance for me to have contact with him over the years. At every stage he has travelled the country extensively with our child and created for himself a status quo that will allow him to be able to continue to do this throughout the course of our child's adolescent life. Currently I have to somehow find the funds just to

FROM CHAOS AT THE CROSSROADS

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correct the wrongs. The injustice is that he has 100 per cent custody. My child is now 12 years old. Again, as one other person said, he believes that I abandoned him."

Before spending the afternoon taking in camera evidence the Chair Kay Hull thanked the audience and witnesses and described the morning as "an awakening".

"Certainly every day we hear further and further evidence which means that we can perhaps look to having a bipartisan outcome that perhaps can make the position better for the children and for the adults in the children's lives," she said.

With a short break for the weekend the committee resumed again on Monday morning in the traditionally industrial city of Wollongong south of Sydney, committee member Jenny George's seat. In the afternoon they were to travel to Blacktown in Western Sydney, another working class area.

Once again it was the community statements which provided some of the strongest evidence to the inquiry of the dysfunctional nature of the system and its destructive impacts on people's lives.

One father, Stephen, reported: "I came to a conclusion with my ex-wife only after we lost a house in legal costs fighting it in the Family Court and then, after four years, they decided to start back at square one and we were both broke. Then we had a mediation session and we sorted it out. I now am a non-custodial parent under the family court act and under the decision of that court, but I am a shared parent: I have two children; my ex-wife has two children. We have alternative weekends. And this was sorted out after we lost everything, after we sat down. I was not the one - my ex was told by her lawyer she would get everything. So for four years I fought her to prove that she was not going to get everything. That was between us. Our children suffered. Now our children are better adjusted."

Another father Dennis described the CSA as "harsh and unfair" while John said: "There is a financial inducement because of the amount of support that I have to pay which prevents me from seeing my son on some occasions. I find it absolutely abhorrent that the system is set up in such a way that it can be used to prevent fathers from being able to have contact with their children."

In something of a rarity one father Robert didn't use up his full three minutes. All he said was: "I would like to spend more time with my daughter. Meanwhile, she is stuck in day care because the mother is worried about her pension being reduced and her family payments being reduced. To go through all this she has wasted taxpayers' money through legal aid and day care."

One separated mother Barbara, whose ex was a Qantas pilot with an irregular routine, spoke strongly in support of the shared arrangement they had evolved, saying children were very adaptable.

Shelley, who was engaged to a father who pays child support, said they had been in court for a year and a half and spent \$30,000 on court and legal fees. She said the process was drawn out and expensive. "Without

FROM CHAOS AT THE CROSSROADS

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the presumption of shared parenting, there is the presumption that both parents are not equally important and not equally capable, which I think is not fair," she said.

The hearing in Wollongong ended with Andrew Thompson, secretary of the Non Custodial Parents Party, saying: "Please, it is very important for our children that we do something about the system. In relation to lawyers, it is a disgrace. Why do we spend \$120 million per annum on the Family Court?"

"Why do we spend millions of dollars on the Child Support Agency when they do not do their job? I am sure you know that they are not efficient. I have had my wages garnisheed and I have had my tax return taken from me. I have a second family now with three children under eight years of age so I know what it is like from both sides. I have not seen my first two children for the last nine years. My oldest boy is 21 and my daughter is 14 and I do not even know what they look like.

"I have done nothing wrong. I have got no criminal convictions whatsoever. I was led astray by my own solicitor and barrister. I took them on as well. You have got lawyers investigating lawyers. You have got barristers investigating barristers. It is an absolute joke. I lost \$50,000 to \$60,000 of money which I did not have. I had to get a mortgage to pay for it. I lost my property outright at the court hearing. I was told to pay for her costs as well. I have done nothing wrong. I am just here for justice for all of us, and we have to do something. Please do something."

To which Kay Hull, in closing, responded: "This is a hugely emotional issue, not just for yourselves but actually for the committee members as well. We are hearing some significantly difficult issues that we need to come to terms with and be able to understand completely so that we can, hopefully, put forth recommendations that will try and redress the problems that are out there at the moment."

By 3pm the committee was once again facing a crowded room, this time at the Blacktown civic centre deep in Sydney's west; once again a working class area where the problems of family law and child support impacted significantly on people's lives.

The first of the individual witnesses was an aboriginal woman who spoke about domestic violence and read the committee a poem: "If a child lives with acceptance and friendship, He learns to find love in the world."

Witness Two, a registered nurse, argued for mediation and said: "Sometimes ordinary people can strive to do extraordinary things."

Witness Three was a psychologist and researcher at the University of Western Sydney with an academic interest in the area. He said his own shared parenting arrangement had worked well for his children but he was concerned about the lack of shared parenting in Australia, given the social changes of the past 30 years.

He said his own ex partner, also a psychologist, only agreed to a trial run of shared parenting 12 years ago because he was threatening to drag the matter through the courts.

FROM CHAOS AT THE CROSSROADS

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"At the end of that year she was satisfied that it was good for her, too. She was also interested in her career. That was one of the things, during that year, which really helped her to realise, 'Hey, wait a minute. I've got some freedom. I can look after my career interests now, too. I don't have to try to juggle everything. I've got someone I can call on if I am sick, when I have special times or when I have to go to meetings.' All those things became clear for her in that intervening year of the trial and at the end of that year she said, 'Fine.' He said if separating couples were obliged to enter shared parenting trials for a year "a lot of them would realise that it is not only for the benefit of their children but for their own benefit to do that."

"The experience of fathering for me has been very powerful in my life," he said. "If I had been deprived of that experience it would have been a terrible loss. I only know about it because I have been through it. I would never have known about it otherwise. Looking back, 12 years ago, if I had gone to the Family Court I would have lost. I would not have had my kids; that is very clear. I know too many dads—and they were good dads—who did end up in the Family Court and did lose; they lost the opportunity to have the sort of input into their children's lives that I was lucky enough to have."

Fathers were particularly strongly represented among the community witnesses at Blacktown. These parts of the hearings were inevitably intense.

One father, Ryan, said he was the primary carer of his daughter before she was abducted to the United States by her mother more than two years ago and pleaded with the committee to introduce not just a rebuttable presumption of joint custody but to ensure that such abductions could not take place. "I have slept little since my daughter's abduction. I have not been to bed since, waiting every night for the phone to ring. I do not know anything about my daughter. I do not know whether she is well. I do not even know what she looks like. I spent over two years fighting to get this matter into the Family Court of Australia, whilst my now ex-wife is allowed to frustrate the process. The Hague Convention does not work."

A Dr Monaem, who had two daughters aged ten six years old who strongly supported joint custody, said as a Muslim man and an ethnic person he was fearful of the court system. He said since his wife left three months previously he had been allowed to see the children only a couple of hours a week.

"My problem is, as an ethnic father, should I go to the court? As I have heard from so many people around here, I am very sceptical about family courts—whether I can get a proper hearing. Coming from an ethnic background and also as a Muslim person, I am more sceptical. In a way, I am very scared of the current political situation: how will my case be heard in the court? I understand from various sources that my wife is preparing something for court so that I can be demonised as a bad Muslim, as a violent Muslim man. That really scares me to go to the court. Before the separation, I calculated that I spent about 60 per cent of the kids' time going to the school, piano lessons, swimming

FROM CHAOS AT THE CROSSROADS

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lessons—all of this—but now I can only see them for a few hours a week."

One divorced father, Mr B, condemned the court as an adversarial environment without "the best interests of the children at heart" while another from the Lone Fathers Association in Newcastle said he went through "a very nasty, savage and brutal hearing" to get access to his three daughters aged eight, six and four. He said after a spate of false accusations he had not seen them he had not seen them for two years, "so the four-year-old will not remember me."

Another father, Robert, said his strong attachment to his children was ignored by the court. "I found that the words 'the best interests of the children' were mentioned in nearly every single page in my hearing, whereas nothing whatsoever in the hearing was to do with the best interests of my children."

Not for the first time, and certainly not the last, one of the most powerful speakers was a grandmother Rhonda, who's son, a high profile advocate of joint custody, had, during the course of the inquiry, just had an extremely negative judgement in the Family Court, losing the shared parenting arrangement that had been in place for three years. The government had done nothing to protect the children and parents from the institutions they were criticising.

She said after her two grandchildren had been abducted into a cult by their mother it had taken a great deal of money and effort to try and get some normality for the two children involved, costing more than \$50,000 to get a shared parenting arrangement in place.

"I had to sell my house as my son could not afford litigation," she said. "This resulted in a shared parenting order for my grandchildren, which was working well for the children for about three years. Unhappy with lack of control of the children and her ex partner— my son—the mother filed a further application for sole residency. At the directions hearing my son was refused to allow bringing evidence of the mother's previous conduct of abducting the children and her involvement in the cult. Subsequently the court went ahead with no evidence of material harm to the children by the current shared care arrangement.

"The Family Court subsequently sided with the mother and criticised my son for his desire to stay at home and parent his children. All evidence brought by my son was completely ignored, notwithstanding the children were thriving under the current arrangement.

"Last Friday the Family Court in Adelaide took the children from my son and they have now exposed my grandchildren to further psychological and emotional harm by disrupting a well-established, equal and fair residential arrangement.

"The Family Court takes little or no consideration of the permanent harm caused to children by having their relationship with one of their parents terminated. The Family Court has demonstrated, in my son's case, its absolute opposition to shared parenting."

The hearings adjourned at 6.25 pm. It had been another long day.

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The next day the Illawara Mercury carried the story on page eight with the headline "Parents plea for custody fairness".

The paper quoted Committee Chair Kay Hull as saying: "Primarily what we're seeing is a cross-section of issues - dads who are paying child support and who don't appear to be getting contact with their children, and mums who are in the same position. There is strong concern that the cost of family law and the cost of fighting for your rights is just so almost insurmountable that they don't have a choice."

The Daily Telegraph also reported Hull saying they wanted to remove the law and adversarial focus from the process as much as possible. She floated the idea of children having their own legal representation. The idea ignored the very poor if not appalling reputation of those already practising this craft.

By Thursday morning the committee was in Robina on the Gold Coast; later the same day they would travel to the Brisbane suburb of Keperra.

Witness One, a divorced father of two, said the whole point about 50-50 contact is that it is fair: "It is fair for the father, the mother, the children and the extended family. The public—those who are not involved in divorce or have not been touched by it—do believe that the present system is fair. Only when they enter a divorce or are touched by this do they realise how unfair the present system is. The Australian ethos is based on fair play. This is what the public expect and this is what they want."

He said 50-50 contact would empower the father to give emotional support to the children. "It will empower him to be more financially responsible. It will also allow him to be practically involved in the day-to-day care and upbringing of the children. The education system is continually crying out for more male influence in the system. This will also encourage him to be included and valued in and throughout the schooling life of the children. This sort of parenting will also allow a balance of religious views to be imparted to the children from both the mother and father.

"The mother will also benefit from a 50-50 parenting arrangement as she will be given more time to better establish herself in the work force. She will also be allowed to share the pressures of single parenthood with the father."

Committee member Julia Irwin stated: "For that to work you would have to be close to their schools and their sporting activities, for example."

To which he replied:

"Bring it on. I am living here. I am staying close. I am doing everything I possibly can to be close. I am stopping promotion. I am not moving back to Sydney. I am doing everything I possibly can to be there. We want to make those decisions. We want to live close. We want to deny ourselves climbing the corporate ladder to be with our family and kids. That is what we want."

FROM CHAOS AT THE CROSSROADS

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"I spent \$100,000 to get every second weekend. I could have walked in off the street, put my hand up and said, 'I am the father,' and I would have got every second weekend."

Witness two, a father of four children aged 24. 14. 12 and 10 said:

"All the wake-up calls that have been given to anybody have never been taken notice of by any political party, by any committee or by anyone in the Family Court. You people have the chance to make a very fundamental statement - not for the next few years, not as an experiment. You have to look at the principle involved here, and that principle has to be enshrined so that it will stand the test of time, forever.

"The Family Court, with respect, have failed in their application of the act of the seventies. There is no performance criterion that can be used that says they have been successful.

"They have failed and you have got to accept that. If you do not accept that, the solution that is going to come out of this will not be a good one for the future of our children. You have got to attack that legislation and ask, 'What is right for the children?' What is right for the children is an equal right of parenting for those kids by the mother, the father or whomever - an equal right to both of the parents for the children. How that is worked out and drafted I do not know...but I know it was not drafted properly in the first place."

Witness Two said he had avoided the Family Court "because it was a fruitless, pointless, prescribed route".

In response to questioning he said he believed the court should be opened up to greater public scrutiny. "You need only to go into that temple in Brisbane to see that it is not a family court - that is a shrine of intimidation. It is a venue that is not family orientated. It is not user-friendly. It is a very frightening experience to go into those so-called hallowed chambers and people are not friendly-everybody. It is not a family court. I find it to be misnamed. I agree that they have to open it up. It has to be made accountable; it has to be open and transparent."

The committee then moved on to the Brisbane suburb of Keperra.

It was here that committee member Peter Dutton gave the clearest exposition yet of the idea of a tribunal to replace the Family Court, a window into the evolving thinking of the committee. It was an idea that once understood by the media would go on to make repeated headlines.

"One of the suggestions that has been made is that we should take this whole matter out of the Family Court, that we should exclude lawyers from the process and that we should have people speaking to each other through mediation. One of the suggestions, as I say, that has been made is that we set up a tribunal where we have, say, a three person panel that people deal with-it might be a child psychologist, somebody who is a trained mediator and somebody who might have a legal background."

At one point the Chair asked of one of the apologists for the system: "My question is: if people legitimately believed that the odds were not

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

stacked against them—for various reasons the perception certainly is that the odds are stacked against people in the family law courts—and they knew they did not have to go through the huge cost and the trauma of going there, don't you think that would take some of the angst, anger and aggression out of the whole debate?"

As always, in Queensland the community statements provided some of the strongest material. One of the novelties of this inquiry was that the material was all available on the net within days:

John said: "I am here today because I feel that my role as a father has been trivialised and nebulised by the current laws and the family courts. I feel that both boys and girls need a father in their lives. From birth to the age of two, I was denied contact with my daughter by her mother. After paying to go to the family courts, they said I could have contact for four hours a week under supervision of the mother, because she was bonded with her mother. How she was supposed to bond with me if I had not seen her, I am not sure.

"For two years, I had contact with my daughter on the driveway in fine weather and in a rubbish bin enclosure when it rained. When I asked for a cuddle from my daughter she said, 'Mummy said no.'"

One working mother, Jennifer, who's ex husband did not work, had waged a long legal battle for shared care. "I was forced back to work because my husband lost his job and as I have no other way of supporting my son and myself," she said. "If I had thrown myself on the mercy of the social welfare system, my position in the family law court would have been entirely different. Working parents, whether they are mothers or fathers, are extremely disadvantaged under the current Family Law Act."

Echoing the concerns of many fathers, she said:

"No mother can establish a relationship with her child, particularly with one as young as my son, every second weekend. This would not allow me to be a mother to him, to play with him, to bath him or to have any sort of meaningful input into his life."

She said fortunately her family had provided sufficient financial support to obtain an interim order for shared care, which her husband continued to resist, and the the next round in the Family Court was expected to cost in excess of \$20,000.

"While it is clear that shared care will not work in every case, it is the best starting point to negotiate a fair and equitable outcome for children," she said. "Currently family law court mediators do not even consider shared care as an option."

The evidence simply continued to mount.

In Cairns, a week after the committee had begun its sweep up the eastern seaboard, Witness One declared:

"In my situation I worked the hours and made the money by mutual agreement and my ex-wife stayed home. When it came to the separation

FROM CHAOS AT THE CROSSROADS

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and the court proceedings, I was told that I had no chance of even going for custody of the children because she spent most of the time with the children. Therefore, she was most likely going to get the children. That is what happened in my case.

"If we have joint custody, I believe that this will certainly ease the pain of children upon separation. It certainly will ease the pain of the parents and grandparents. Hopefully, it might even make people try to work their marriage out a little bit better before they do separate. I believe that it will decrease any suicidal risks or suicidal thoughts that pop into people's heads upon separation. Grandparents play a big part in the children's lives before separation so I believe they should play a great part post separation, and that is on both sides of the family."

Witness 4 was one of a number of concerned citizens without a personal grievance who made representation to the committee. He was expressing concern over a workmate: "I have seen what it has done to him and how it has affected his health. He is absolutely financially destitute and he is on the verge of selling his house. The Family Court does not care - it says, 'Sell your car as well, as long as she is getting her payment'. I have seen what it is doing to his life and what a mess it is making of him. His health has suffered and he has got to the stage where he is passing blood. He is just a nervous wreck. Something has to be done. He does not know where to turn for help."

A Mr Pearson, 26, said he was about to go to court to fight for Access to his son, "but the thing that pushes me away is that it is going to cost me thousands. I am going to send myself bankrupt in order to see my child."

James said emotional and spiritual support were difficult for a non-residential parent to offer "when courts, agencies, society in general and ex-spouses, male or female, insist on using children as pawns in a game of revenge, which is never conducive to helping the child achieve their full potential. "Emotional support is difficult to offer when these external influences insist on depleting the non-residential parent's finances—and, ultimately, their esteem and chances of recovering and bettering themselves.

"Often when separation occurs, to avoid rocking the boat, non-residential parents will forgo their legal status and rights with regard to contact. Finances are often settled to their detriment, they are emotionally distraught from loss of contact with their beloved offspring and they have few avenues open to them to address the trauma and grief. The emotional issues are compounded by the insistent pressures of financial stress. Without any doubt in my mind, the ultimate twin losses are the non-residential parent's inability to live their own life properly, prosperously and fully and the children's lack of much-needed and desired stable emotional support from the non-residential parent."

Another father, Mr A, described his expensive court proceedings as absolute madness and the results devastating.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

"At my son's first birthday, I would get 12 hours contact per week and, at 18 months of age, I would get 16 hours per week. In January 2004, when my son is two, he will get his first night with dad. At 2½ years of age he will get alternate weekends with his dad and at five years of age he will spend half the school holidays with me. At no stage is shared residency implemented.

"The mother immediately swore, 'You will never have him overnight and I will gather as much evidence as is necessary and spend every last cent to ensure that.'"

The Cairns session ended on yet another highly emotional note with a father of an eight year old girl presently in a 50/50 shared parenting situation speaking of his fears of the situation breaking down and having to go to a court he could not afford.

"To date I have spent about \$15,000. Where I am going to find the money for the rest of it, if I have to go to court, I don't know. I don't know if I will be able to. If I can't find the money, I guess I will just have to walk away. The only way I can get her mother to budge is to do it through the court with the order of a judge.

"They talk about a child's best interest. We have a little girl here, who is eight years old, who wants to see her mum and her dad. In a lot of ways it appears that no-one is really listening to what she wants. I just hope at the end of the day we end up with a system that is more workable, that makes things more equitable for all members of the family – not just one person. If you did put some sort of arbitration system in place, it could achieve more results, rather than put families through a mediation system that often does not work or through a Family Court system that no-one can afford and where the money spent could better be spent in the interests of the child."

After a hiatus of ten days the "industry" in the form of the Attorney General's Department, followed by the Department of Family and Community Services and the Child Support Agency, faced their first grillings at a committee room in Parliament House in the heart of the nation's capital, a room the bureaucrats no doubt learnt to dread.

The role of these agencies in the present debacle was under intense scrutiny.

The starting time of 8.30am was indicative of a committee meant business.

Nine days later the committee was once again clocking up thousands of miles of air travel as it moved in successive days from Adelaide to Darwin to Perth.

As with other locations, some of the most powerful and damning evidence the committee took was from individuals.

In Adelaide the atmosphere was already heightened with the appearance of a bristly Elspeth McInnes from the National Council of Single Mothers and their ideological opposites, the Joint Parenting Organisation and the Shared Parenting Council of Australia. While most people were arguing for a rebuttable presumption of joint custody, McInnes was arguing for a rebuttable presumption of no contact in cases of domestic violence.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

Once again, too, it was the volatile Tasmanian Labor man Harry Quick who provided some lively exchanges. In grilling yet another representative from the domestic violence industry Mr Quick commented:

"The 'best interests of the children' is bandied about at will.

"How do you do that in an adversarial setting where Family Court lawyers are reaping in money hand over fist and not having anything to do with the interests of the child – just their own self-interest?"

He went on to declare "This whole issue of separation, family payments and child support and the Family Court is a bit like cancer or AIDS – if it does not affect you, you do not want to know about it."

In Darwin he compared the system to a sausage machine where "the lawyers are reaping untold wealth and there is this adversarial, dog-eat-dog situation."

It was also heard that Quick quizzed "Witness 2" as follows:

"We hear 'in the best interests of the child' bandied about ad nauseam. If we got your son here and said to him, 'How do you feel about the shared care arrangement?' what do you think he would say?"

"Witness 2—I asked him that question and he said, 'It's good.' He likes it as it is and he said that—in his words—he gets to go fishing twice as much."

It was here, too, that the notion of a tribunal was once more enunciated: "Some of us are of the view that before it gets to that, before you start spending some money, there ought to be some sort of tribunal where parenting plans are put forward and all the people involved in the children's best interests are somehow coerced or forced to sit down and work out a parenting plan in the best interests of the children."

It was also in Darwin, in yet another exchange with the domestic violence industry, that Chair Kay Hull quizzed a representative as to why a father that had been prepared to spend \$180,000 in the Family Court should not be allowed to share the care of his child.

To the by now familiar arguments from the industry that there would need to be good communication between the parties Hull pointed out that "the majority of individuals who have come before us who have shared care have basically no relationship – they are unable to get on with each other as individuals – but they still have a successful shared care relationship. That has been the norm in the individuals who have come before us who have shared care."

Back in Adelaide, the torrent began with Witness One:

"At no time has the system taken into account the care I have given to my child or the relationship I have with my child... I am of the view that the current system has developed a culture where it encourages further disharmony between parties, in particular where children are involved, from lawyers who inflame already emotional situations – I believe so that they can earn more fees—to the Family Court itself.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

"All I ever wanted to know was that my child was going to have the best upbringing that she could receive and that I would play a part in it. I am of the opinion that the system fails to ensure that this happens.

"Everyone who has been involved with the Family Court or the Child Support Agency has had a painful experience. The system simply must change, as it does not work."

Like many another, Witness 2 condemned the Child Support Agency.

"I work a lot of hours and it is very annoying on a Sunday when you know you are only getting 24c of your dollar," he said before the following exchange between him and committee member Chris Pearce.

"Do you think that your former wife would say to you that that is too much?

"She has said it. She laughs about it.

"She laughs about it?"

"Yes."

Later in the day another father, Martin, said men were killing themselves daily and if it had been women there would have been an inquiry years ago. He says the Child Support Agency "does drive you nuts." I pay 80 per cent gross income, I pay for their sports, full doctors and medication, full rent, rego and movies, but nothing is taken into account by the CSA. All the while my ex-wife is sitting home, having a beer, watching Foxtel with her pension card with all discounted, subsidised fees."

In Perth one of the major witnesses spoke passionately against the CSA. He seemed particularly incensed by the word "their" in the organisation's logo "Helping Parents Manage Their Responsibilities".

"It is only to be wondered at what sort of person works for the CSA. Everyone—all the despots in the world – needs someone to back them up in order to support their regimes. How can this exist in Australia in 2003?

"I have a stack of letters to the editor there, with people complaining about it. Everyone can read these things, including Labor politicians, but what has been done about it? Isn't that the reason we are here, so that something is done?"

Like others, penalty payments imposed the moment a person falls behind, also incensed him.

"I have a friend in Kalgoorlie whom I spoke to just yesterday. He owes \$1,000 in penalty payments. Where do these go to? How come we cannot find out? It seems to have little consequence that the child is not being looked after, as long as this person pays that penalty first. Why is it that I cannot find out whether my child exists? Why is it my responsibility to find this out at my expense? Why is there no-one to turn to in this country?

FROM CHAOS AT THE CROSSROADS

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In finishing up, Kay Hull asked of Witness 4: "So primarily it would be a distance factor that would prevent you from seeking to go to court to get some contact with your daughter?"

To which he replied, I am reluctant to do that. Why should you have to go to court to have access to your flesh and blood? Why should this be?

In Adelaide one child of divorce, Chantel, described the consequences of sole custody after her mother made false allegations of abuse against both her father and her paternal grandparents. As a consequence she did not see them for ten years.

She said although the accusations of abuse were proved to be false "when my mum went to court for sole custody, she still won due to the fact that she accused my father of being abusive. Little did I know that it was shown in court that my mum was the abusive one and he was just defending himself and me.

"Part of the reason the court said to my father and his family that he could not see me was because I said so, but little did they know that the reason I said the things I did was because of my mother and what was going on behind closed doors...

"For the 10 years that I was living with my mother, I do not recall one week that my mother did not pressure me into talking to her and listening to my so-called sexual abuse story.

"I have lived 10 years of hell and have been deprived of a childhood with a family that loves me – which I now know—and had to live a life full of lies and pain. If it had not been for my father keeping the papers in the hope that I would one day return, I would never have known the truth and would not have had the chance to finally be with my family. My case was also the longest Family Court case in South Australia, to my knowledge. It went for 54 days; not to mention the amount of taxpayers' money that was spent on my case, money that could have been spent on a case based on truth rather than on a case full of lies; not to mention the money that my family spent fighting for me—money which they needed to survive.

"Once the case was over, that was it. No-one checked up whether I was okay. Nothing ever happened. I was just alone with my mum for 10 years."

Amplifying the theme of false sexual abuse allegations, in the Adelaide community session Stephen said:

"I would like to tell you that in no way, in no arena—whether it is the Family Court or the child welfare agencies or the Youth Court—dealing with the best interests of the child, is there any way in which a person accused of any type of child abuse, particularly sex abuse, can demonstrate their innocence.

"In my case, my children were removed and my case went from the Family Court to the Youth Court, because my children were then in foster care. I had to represent myself but all other parties had their representation paid for by the state government."

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

He records that on the first day of the trial "the barrister supposedly representing the children stood up and said, 'I object to the return of any child to this man on the grounds that he's never admitted to anything he's been accused of.'

"I have not seen my son now for two years and I have not seen my daughter for three years."

Other witnesses came forward. Mark said he went to jail for 42 days after false domestic violence accusations were made against him.

He said his cell mate was known as the Samurai sword killer and other inmates were laughing at him for simply being there on a domestic violence order.

"There were people in there wanting to go over and get my wife fixed up," he said. Can you tell me how jail helped anybody in any way in that case?

"I have been the subject of several police raids. They have raided me for drugs, which they have never found; they have raided my parents' house for drugs, which they have never found. They even raided their own police force up at Aldinga looking for drugs that they never found, all on the accusations of my ex-wife."

He said he was charged with 37 different domestic violence orders and found guilty on two. "Those two were me writing a love letter and the other one a poem. The gist of the matter is now that I have not seen my children in 2½ years; my wife has a \$400,000 house on the esplanade at Silver Sands; she has my grandfather's stamp collection and my stamp collection. Everything I have ever owned since I was a child, she has. She had no house, she had no car, she had nothing when we entered the relationship, yet she moved away with everything. I was left with a 1992 Honda and \$8,500 after 14 years.

"Where has the Family Court helped me in any way, shape or form as a male? It is not necessarily male against female, but I have not seen my children in those 2½ years. What about their rights to see me? They have no rights. You have a woman making up any bullshit under the sun and getting away with it. She had me locked up, with no evidence, no proof, nothing at all and I spent 42 days in Yatala. I had to spend 42 days covering my rear end. That was the most horrible thing about that place. I doubt whether any of you have ever been in that situation."

Pauline, a grandmother who says she was falsely charged with sexual abuse of her grand-daughter, said there was no evidence to support the claim but the child had suffered enormously through repeated interviews and internal examinations while she and her husband had been targeted at work.

"There was no checking up," she said. "There was no communication between the Family Court and the criminal courts. Hearsay evidence was taken as being true evidence.

"Hearsay evidence from the mother was quoted as being from the child. Perjury and collusion were also involved; perjury with the mother saying that I had committed these offences and collusion when friends of hers said the same thing. Witnesses were never told at the end of

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

the trial that we were cleared by the judge in the Family Court. They still believe that we are sexual abusers. My mother and my brother have not spoken to me for 13 years, because they believe I am a sexual abuser."

In Wyong another grandmother, Rosemary, said they had been subject to Apprehended Violence Orders being handled willy-nilly.

"Our son has had it done to him," she said. "It is a horrible thing, isn't it? It is a horrible thing to have put on you when it is absolutely false. She pleaded with the committee to "get to the bottom of all these matters, because there is a terrible lot of injustice. Men are just as loving as women. There are some loving men out here, and grandparents as well."

In Perth yet another father said the current situation in the Family Court is that an allegation is almost as good as a conviction.

"Allegations are made at a very strategic point during proceedings," he said. "It is never investigated, it is never disproved and it immediately works against. Many people, once they are issued with a restraining order, wonder:

'What's happened? I've been a responsible citizen. I've never been in trouble with the law. Suddenly, a restraining order presumes that I am guilty.'

"The restraining order is heard ex parte. The husband does not know about the proceedings until he is served with a restraining order. He is immediately judged guilty until he can prove himself innocent – if he can. It is a reversed onus of proof, and it may be three or four months before the ex parte restraining order is heard in court.

He said there was very high level of strategic use of restraining orders within the context of family law proceedings.

"The reason that restraining orders are so successful is that they need to alienate contact with one parent," he said. "It bumps up the property percentage. That, to my mind, is the saddest condemnation of our family law system as it stands."

The words corrupt, criminal and hypocritical were used to describe the family law system on a number of occasions.

One father, Dennis, said: "As far as I am concerned, based on my experiences over the years with the Family Law Act and the people involved – including politicians, certainly the police force and others – I regard it as a corrupt faggot-ridden system and it has been that way for a very long time."

In Darwin the next day a Mr Kennedy talked of the "corrupted role taken by the Family Court of Australia".

"I know of a father who had 42 per cent contact with his child after separation. They had a private agreement. The mother was sleeping over with the boyfriend and sandwiching the other child in with his children, and he did not like that. It does not sound satisfactory. One of the days of the week she was putting the kid in a creche. He went to the court to ask if he could have that extra day and the extra night.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

"The federal magistrate, without argument from the other side, said, 'You're going to get the fathers package,' and he was cut back to 19 per cent. So the child spends another day and God knows how many more nights sardined in with other kids.

"To me that is absolutely corrupt. They say it in the child's best interests; that is not in the child's best interests."

He said the court, by routinely placing the child in the statistically most dangerous environment of single mother households was "corrupt and hypocritical".

In Adelaide a string of aggrieved fathers told of their disgust and horror at the present system.

Witness "Peter 1" described a common scenario of coming home to find his wife and left and taken their young children, leaving a note to say they had been taken away.

"She played hide and seek with the children for several weeks, denying me contact. I sought legal advice. Her lawyer never got back to us, prevaricated and it was only in the week before it finally got to court for an interim hearing that I was granted two hours access to my children.

"I say to the committee that the experience of having one's children taken and kept away from you and being legally unable to do anything about it is extremely distressing. I would not wish that upon anyone and I can understand why there is a high suicide rate in these situations."

Reflecting broad dissatisfaction with the court processes, he said:
"When it finally got to court the system seemed to rely a lot on affidavits. It appears to me that one can write anything they like in an affidavit, sign their name to it and it is considered to be fact. The judge or magistrate, who had supposedly read these lengthy documents, did not even know the basic details of the children's names and ages. He struggled to do some very basic calculations determining my capacity to pay child support and spousal maintenance. His opening statement to my solicitor when he was responding to my wife's offer of one night per week was,
'Well, that's a pretty reasonable offer, isn't it?' "

He was left paying \$554 per week in child support plus \$60 spousal maintenance and got to keep about 20c in every dollar that he earned after tax and payments.

"I was successful in my work. I have now lost most of my possessions. I am back home, living with my family like a monk.

"My experience of the system has left me quite appalled by how it operates and I would urge you very strongly to do something to give fathers a fair go."

Roy, an RAAF officer and one of a number of servicemen and women who feel poorly served by the system.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

"I have been in the system for four years. There are a lot of familiar faces here," he said. "It is a tragic venue to make acquaintances. I have paid \$80,000 over this divorce and subsequent custody issues. It is not just about the legal fees; there is so much more involved there. I pay \$900 a month for my daughter, who I never get to see because the court has allowed her to go to Canada on orders that they cannot enforce.

"I fought to keep my daughter in Australia so that we could see each other because it is beneficial for her and both parents. The judge basically said, 'You're wasting my time. You'll lose. She goes to Canada. I'm loading you with \$5,000 for the court costs because you're wasting my time,' and he would not allow me to see my daughter who was leaving the following week.

"The court system rewards the best storyteller regardless of truth or lies, as we have heard here today. I reiterate that. By lying in the court the custodial parent ensures that they are going to get financial benefits in most cases and definitely access to the child more than the non-custodial- parent.

"Clearly I have to say divorce is not a crime. There is no way in hell I should have been treated like a criminal. The punishment obviously is the loss of my daughter. Nothing I say here today is going to get my daughter back into the country, so I have no obligation to be here. I am doing this because I do not want to see anybody else suffer."

In Darwin another serviceman father, Brett, said he was paying for two children he loved dearly, one of whom was not biologically his, but his ex-wife "stops me from seeing my children at whatever opportunity she can, even telephone contact. I have my court orders here, which is the 80-20 that I am really happy with-not! So it is a bit of a farce. There are that many loopholes in the court orders that she gets away with, and she knows that I cannot take her back to court because of the money that I am earning. I cannot do it by myself."

Another witness, Tony 1, said he ran a children's program in Palmerston for children between the ages of five and 15. "Particularly in Palmerston, one of the things we do during the program is ask the children, 'What would you like to pray for?' Week after week the children's hands would leap up and they would almost dislocate their arms to say, 'We want daddy back. We want daddy back.' "

"The problems we see in our youth come back to the family. I guarantee you that if this fifty-fifty comes in there will be a lot of happy children and they will not be saying, 'We want daddy back,' because they will have daddy back. That is half the problem: the children are angry, hurt and bitter inside. They know the lying that has gone on; they know who is abusing whom and they are carrying a lot of hurtful secrets in their hearts. That is what is happening, and if you can bring this fifty-fifty in, it will relieve an enormous amount of pressure in the children."

Fathers groups, with the existence of Men's Confraternity, Reliable Parents, Dads Landing Pad, Ozy Dads and others, had always been a strong and lively outpost of the fathers movement.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

Brett, a representative of one father's group, said the current system did not work.

"In our experience, we have found that the majority of the people that approach us come to us having approached lawyers and sought legal advice. They have been told that seeking shared parenting is a fruitless exercise. They have been told that the only way they can achieve any reasonable amount of contact with their children is to show that the other parent is somehow deficient. This is the crux of the problem with the current system. It makes the system adversarial and it makes it so that the parties must fight each other – and the problem with this is that the children are the ones that lose..."

He was also upset over the use of the man's breadwinner status

"I think it is disastrous that the honourable sacrifice that a man makes in choosing to go out and work to provide for his partner and children can then be used against him in the event of separation so that he cannot continue to have a proper relationship with his children," he said.

There was a string of grievances over the court processes. Also in Darwin, Kevin said: "In the time that I have been representing myself, I have noticed there are more and more men representing themselves. The women have lawyers, because they get legal aid as they do not work. The men have jobs—most of the time—or have assets, so they do not get legal aid. So we are behind the eight ball right from the start."

Just as the internet has transformed the fatherhood debate around the world, it was clear at points in the inquiry that a number of the witnesses determined to give evidence in the community sections were well up to date with recent research and trends. Dave noted that it was soon to be the internationally promoted Equal Parents Week, dismissed the opposition to joint custody of the Family Law Practitioners Association and the Family Law Foundation as commercially based. He said:

"There are irrefutable reasons demonstrating the need for rebuttable presumption of shared parenting and a complete modernisation in family law reform. Statistical research confirms an incredibly baneful social trend for children who have a biological parent absent through separation and divorce.

"However, by far the greatest negligence of today's Family Court is the failure to address the insidious incidents of parental alienation—a prominent and destructive form of domestic violence. The non-residential parent and their families are continually obstructed, denied and quite often ostracised from their children because of the former spouse's selfish intention.

"I have been denied access from my only child for over 3½ years. It is because of nothing other than malicious intentions. I have found the courts not to be accessible. It is very restrictive for the greater majority of society, and it pains me each time I watch reports or read editor's comments that take for granted that the courts will be there to resolve these issues. That is far from the truth."

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

One father of two sons spoke strongly in support of shared parenting and his travails with the Child Support Agency.

"I feel that I would be better off in jail, locked away from the society which I can only view as I walk past, with my wallet never having any spare cash. Living like this I am on the edge of suicide. There is constant stress in not having enough money and not feeling or being able to start over again.

"The erosion for me of a fair society is such that while my ethics and morals do not allow me to become involved in illegal activity they are slowly being eroded as this goes on. That is my personal story and it upsets me."

One father, who had driven hundreds of miles to be at the inquiry, said he had only achieved shared parenting by spending \$150,000.

Bruce, a divorced dad with two children seven and five years old, described the situation as a Pandora's box and the use of the "best interests" of the child phrasing as a complete cop-out if anyone believed that was being reflected in the sorts of decisions and results that we get today. "As people, we have only two parents – a mum and a dad. Nobody will ever love us to the depths that they do, and I find it astonishing to suggest that it is in the child's best interests to remove them from access to the love of one parent to the degree that does happens. It is such an absurd piece of logic. The thought that a judge who will never know, never meet, never even see my children and only be aware of their existence for one day can decide that it is in my children's best interests not to see me to the degree that they do not is quite astonishing. That is myth No.1—that best interests are actually being addressed right now."

The next month was hearing free after a bank of industry interrogations in the middle of October. But as October ended the committee took a sweep through three rural locations; Wyong, Coffs Harbour and Gunnedah. These hearings received sympathetic local media coverage, making the front page of the Coffs Harbour Advocate, and were, just as they had been a month before, emotion drenched.

There was compelling evidence from non-custodial mothers on this wing of the inquiry. At Wyong these women's voices made an odd contrast to Pru Goward's strident anti-father comments, culminating in the claim that fathers would need an auto-cue to remember the names of their children. But it was some of these non-custodial mothers that reflected very strongly the sentiments of non-custodial fathers,

Witness One at Wyong said that as a result of my children living with their father she was not able to adequately share the parenting.

"This has arisen for a number of reasons. One is the constant breaking of court orders for which I believe there is no adequate enforcement, other than my returning to court to try to represent myself. This has been a costly exercise. Over the last five to six years that I have been involved in this, it has cost me in excess of \$200,000 with the legal profession to have orders put in place, then to go back to court

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

to get orders reinforced, only to find at the end of the day that certainly the access orders are not adhered to.

"This occurs with physical access and telephone access—for instance, on a stated day when I was to speak to my children, the fax machine was usually on. The children do not come up to visit me very often, because in our orders I should go down to the South Coast to collect them and the father should come to our area to return them. But he insists that, if the children wish to see me, they have to be placed on the train—which of course is a disincentive for them.

Her complaints against the Child Support Agency were almost exactly the same as many fathers.

"Within a week of my children moving to the South Coast, my ex-husband put in an application against me to the Child Support Agency for child support," she recalled. "He refused to come to an agreement with me on the day of the court hearing for payment in an ongoing way. Therefore, I was left to be assessed by the Child Support Agency at a cap income because of my profession. But he had not put in his tax return for four years, so he submitted to the Child Support Agency that he was in fact earning only \$35,000 per annum. Therefore, the Child Support Agency assessed him as having no child support income, and my child support income was assessed at the cap, which meant that I would have been paying \$36,000 after tax in that year."

She further complained, as so many men had done, that the onus was on her, the other parent, to provide all the relevant information to the agency. "The custodial parent does not have to reply if they do not wish to, let alone provide documentary evidence," she said.

She also spoke of the enormous distress the Family Court and its processes had caused. She said in the final judgement, the judge suggested that he would 'give' the father her eldest son so that he would not be seen to be a resounding loser in the case and 'anyway the child would grow up to see through the antics of the father'.

"I am very concerned that if we have children in the sole custody of one parent, particularly at young ages, it will be extremely damaging to the relationship with the other parent. For the children, it means that for many years they are often estranged from the families of the other parent and are unable to get a good understanding and a feel."

There were clearly issues around the psychiatrist who had recommended she relinquished custody of all of her children. "His comment was: 'Even though I'm asking you to give these children to him, he doesn't love them, you know.' That was very distressing for me. He added: 'Other than the fact that he wants to be able to say, "This my son, the doctor," or "This is my daughter, the whatever."' He said: 'He cares about them, but he doesn't have the capacity to act in a way that is good for them.' I think that, if you are dealing with those problems, the only way you can deal with them is to legislate. Those people are not going to have the insight."

Chairwoman Kay Hull said they had received a lot of criticism because the inquiry was seen as being directed towards unfavourable results for particular men's groups.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

"More and more throughout this inquiry we have seen women in your position who are non-custodial parents. There is a feeling in the community that non-custodial parents are all men, not women. The fact that this is taking place more often, as you have indicated, with women as well as men is constantly within the submissions and before us. It is really not a gender issue it is about the children..."

On questioning from Kay Hull Witness One confirmed, on that Sunday late in October, that shared parenting had never at any time been encouraged by the Family Court.

"One of the greatest griefs for me is that it feels like a death. I feel like each child has died. There is no relationship because I do not know their friends, I do not know their interests, I do not know their clothes size and I do not know their latest music. The way this is occurring for the non-custodial parents at the moment is incredibly damaging to relationships and also for the children, I might add."

Speaking of her now 14 year old girl, she said: "Every time we see each other there is inappropriate time to educate ourselves mutually about what has happened in that intervening period. In other words, she has started to menstruate so she wanted to tell me about all these things and then tried to ask me what my experiences had been. She has looked to a girlfriend - excuse the frankness of this-to teach her how to put in tampons because her mother was not available, she was not going to ask her father and the relationship with her de facto mother is not all that great.

"There needs to be a lot more contact and a lot more legislation so that, irrespective of the agendas of either parent, for the sake of the child it happens..."

"She told me recently that her life was - excuse the expression - shit, and she said, 'Oh well, I suppose you're just getting on with your life, are you?' looking to me. 'I said, 'Darling, I miss you every day and I think of you every day.' But because of this win-lose situation-because we are told, 'You can have the children and you can be the accessing parent'-in my view the children are suffering."

Witness 2, another non-custodial mother, was equally as strong and equally as powerful in her condemnation of the system. It was perhaps unfortunate that the media chose to ignore this testimony, and instead to focus on the easy copy provided by Sex Discrimination Commissioner Pru Goward.

Witness 2 told the following story of the destruction wrecked in her own life and that of her children:

"Over a 13-year period, access to my child has been continually denied me by the custodial father. Over that time, due to lack of contact, I have been unable to explain the reasons behind my absence to my child. Consequently I no longer have what could be described as a good relationship with my child, who is now 15 years of age. Over the last 13 years, every effort I have made to have those original court orders

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

enforced has been thwarted by the very court that instigated them in the first place.

"In these years, the father has received a social security pension and remains unemployed. I am at his mercy as he uses this situation to maximise his financial status through the welfare system. As a result of his actions, I have been ordered by the court to furnish all my financial and personal details, including bank account numbers. This is not only unfair; it is also dangerous. I have not adhered to these orders as that would allow this man to have access to my personal documents. Therefore, I am liable for prosecution. Also bear in mind that this man receives legal aid at the expense of the taxpayer.

"I also have four other small children and I receive minimum wages. I am trying to keep my home business afloat to be around my family. I now have to work the graveyard shift while my children sleep as the financial burden for us is too much. On top of that, I cannot apply for legal aid and cannot afford a solicitor – I represent myself.

"I believe the Family Court system is a destructive system and is contrary to fostering good a relationship between a non-custodial parent and their child. It works to keep them apart by supporting a parent who prefers to use the child as a weapon.

"The current legal system offers no motivation for custodial parents to take some responsibilities for themselves and promotes welfare dependency with the assistance from the non-custodial parent through child support payments. How can I get on with my life when I have to face a family law system that actually promotes vindictive behaviour due to the biased way it supports the custodial parent in the quest for revenge through welfare dependency and the denial of access for the other parent? As a non-custodial mother, I believe in the child's rights to have equal contact with both parents as well as with grandparents."

Witness 2 also said she had also been through the Family Court system in relation to another child and another ex-partner which had made both their lives miserable until they settled on a shared care arrangement. "The Family Court officers were of no help whatsoever," she said.

"It was not until a year or two later – when both of us grew up as adults – that we put what our child wanted first, instead of what we wanted. We now share everything. We share his life, his schooling, his grandparents.

"When he is in his father's care, what he decides is up to him; when he is in my care, what I decide is up to me.

"We come half way between and that is only for him. We have had to do that so he could have a good life and a good future. But while we were in the Family Court system, it was horrible, especially for him. It does work but the parents have to grow up and be adults about what they want for their children – not what they want for each other – and it will work."

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

Provoked by Witness 2, once again we were to witness an enunciation of the evolving thinking of the committee in the words of the Chairwoman Kay Hull:

"The reason why we have spoken at length about tribunals is that, in our observation—after listening to all the witnesses who have come before us and certainly after reading over 1,600 submissions, most of which I have read, and I am sure most of which the committee have read—it has been indicated to us that the family law process, the adversarial process, creates animosity between partners. It can break down a fairly good relationship, rather than establish a better relationship. Once solicitors become involved in the issue of contact and residency orders, it tends to deteriorate significantly.

"As you have said, you can go through a family law court process, pay squillions of dollars, not get on at all and be unable to come to an agreement, and then come to some sort of sense after a lot of pain, expense and emotional trauma. You then sit down, grow up, and do the right thing and come to an agreement about your child."

In her interaction with Pru Goward that same day Kay Hull was providing even clear indications of the committee's thinking:

"There are a lot of unhappy people out there. We are not just responding, as it has been put to us, to an aggrieved male audience who do not want to pay child support and who want to manipulate things. We do have a major problem: the children are unhappy because they want to see more of their individual parents; the women are unhappy because they want their children at times to be seeing more of their ex-partner; and the men are unhappy because they want to see more of their children. We have all these tools available to us. Why isn't that happening?

"There are people who are currently in shared parenting arrangements who are unhappy about the amount of time and the cost that it took to get there. They are unhappy with the Family Court system. There are people who have been outside the Family Court system and who have come to arrangements where they do not get on at all, they do not even speak to one other, but their shared parenting arrangement works very well because they have the interests of the children at heart. It works very well, even though they do not get on and they do not share a lot of things. We have also heard people, whether it be the female or the male non-resident, complaining that contact is denied them. They turn up to collect their children, the children are not there and the child has been told that daddy or mummy did not come. It is manipulated dreadfully.

"There has been concern and criticism about the Family Court, the adversarial process and the legal profession — that once they are involved it seems to go downhill and people move further and further apart. It is only when they leave that process that people finally come together. It is difficult not to say, 'Why did you go down that pathway?' "

But while non-custodial mothers got a lot of attention during this final swing through regional areas, once again there was a string of

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

strong of strong statements from fathers during the community statements in Wyong, Coffs Harbour and Gunnedah.

Andrew said the mother considered their child "her daughter, not our daughter. The consent order is not in our daughter's best interest, nor is it the shared parenting I prefer. I was advised I did not have a hope in hell of getting a court order to order shared parenting by a competent solicitor and barrister who, incidentally, is now a Family Court judge. The mother makes veiled threats of obtaining an AVO when I disagree with her and she starts yelling."

Alex, the father of one adult son and two girls aged 10 and 11, said his contact had been continuously sabotaged for eight years.

"To go to the court and show contempt of the court orders costs a fortune and is just impractical.

"I feel that it is in the best interests of the children that two parents look after them and physically spend time with them.

"I have seen today's hearing and I have seen a lot of submissions, particularly from the people who are funded by the taxpayer. For some reason, these people just do not want to have to change any existing arrangements. They are happy with the sole parenting concept, where the father has to go away, do the work and pay and sometimes gets to see the children. I do not find that very satisfactory, and again I stress that it is not designed in the best interests of the children.

"The money which the mother receives through the Child Support Agency does not go directly to the children. More often than not it just goes to support her lifestyle rather than the children's interests. Of course, the lawyers also have a vested interest, because they like their revenue to be maintained – not the children's but their own revenue. During this inquiry I had a conversation with my eldest daughter, who is 11. My daughter said, 'Hey Dad, why don't you go and talk to Mum and agree? Why don't we make an arrangement so we will be one month with you and one month with mum and so on, and that would continue through the year? We would go to the same school and have the same friends and the same lifestyle, but we would just avoid all that continuous uncertainty and pushing from one place to another.'

"So that is the children's wish. And never go through the Family Court— if you go to the Family Court it will go through a very corrupt process and the outcome will be antifather and anti-children.

"Find a way to actually get feedback from actual children and hear their voices and what they think. I think most of the children would say, 'We would like to see Mum and we would like to see Dad.'"

Gary, a non-custodial parent, said orders for access to his young Daughter had been breached some 47 times.

He said he was reluctantly about to go through the court process but was unable to get legal aid. Nor could he afford a solicitor and had to represent himself in court. "This is very unfair because the court system is very complex and affects normal people in a way that they should not be affected," he said.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

He said due to his commitments and child support payments he was living on the breadline and he felt penalised by the Child Support Agency, which he regarded as very unfair.

"I think the system in its current form encourages non-custodial parents who are overcommitted in a lot of areas to go on the dole, to be dishonest and to work for cash, which they do not pay tax on. The system in its current form is letting a lot of people down – both parents and children – and it sets the wrong example for everybody in the community."

He said "if there was a fairer system available to everybody involved, you would find more men back in the work force, fewer people on the dole and more men facing up to their commitment of paying their child support and looking after their kids' needs. A fairer system would make it better for everybody involved. It might even stop some of the bitterness that the courts and the child support system produce."

A custodial father, Craig, said the Child Support Agency had made his life very difficult after his ex-wife's visitation had gone over the 109 threshold.

"I am bringing the kids up at home, trying to keep everything going, and she is getting child support for her visitation rights. It just makes it unbelievably hard. She has got on with her life, which is good. She has a partner and is getting married to him. He has his own business and there is no shortage of money for her to live off. It is getting to the point where my mortgage and support for the kids is getting near impossible, and the Child Support Agency cannot do anything about it. I have sent them all my expenses, telling them what is left at the end of the month and they say, 'Sorry, that is the formula. See you later.'"

The next morning, further up the east coast at Coffs Harbour, a tourist, fishing and commercial centre on the picturesque mid-north coast of NSW, saw yet another emotional roller coaster of a day begin, this time with a doctor with 20 years experience who was also a separated father with three children.

He said he had seen many people going in and out of the family law system.

"One thing is for sure: the current system is not working," he said. "There is a lot of pain and suffering that surrounds any form of involvement in the current family law system. In fact, some of the suffering is horrendous. Children are being told they cannot ever see their father again in some cases, and men are being accused of the most horrendous crimes against their own children, purely as a part of the Family Court system. Lawyers are using these techniques to win cases. There is often a callous disregard for the welfare of the families involved, in an effort to win a case in the Family Court."

"Currently there is too much that is unknown in the family law system, and it is causing absolute chaos. I think very few people who have gone through the system are happy with it."

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

He described the abuse of Apprehended Violence Orders as "horrendous".

"Here would be a father who loves his child, used to love his wife, has never done a thing wrong in his life, who is suddenly landed with some legal criminal accusation. It is appalling. All these violence organisations and so on are drumming it up; they have hijacked the family law system. Parents generally love their children; parents generally are good. You have got to get all these organisations away from them. That is criminal law – put it aside and leave it for the criminals. The family law is for everybody now. Parents love their children. They do not abuse their own children. It would be very rare."

Witness 3, another non-custodial mother, said the fact that she worked while her husband did not and that she had been the one to leave the house had all been used against her. She said she lived near her 10 and 11 year old but was only allowed to see them every second weekend. She disputed the assumption that someone who worked full time could not also be the primary carer of their children. She said that as the residential parent her husband held "all the cards".

But even she said she had no doubt a 50/50 split arrangement could work with certain provisos.

She said if she had evidence "they were not at risk, I believe that, yes, an equal residence arrangement could work. Certainly my children believe it would work. They see their friends living in shared arrangements and moving between houses, and they do not see any reason why it would not work for us.

"The other thing that astounds me is that, on the two occasions I have appeared before the deputy registrar, the children have not been mentioned. The first time I was absolutely astounded. I thought that finally somebody will ask whether my children are safe and well. All they said was, 'You'd better get a valuation of property. You'd better get a valuation on that. What's this amount here? Better go and look at that.' I was just dumbfounded. I wrote a letter of complaint."

"The person who handled it did not look at me. They had their head down. I was in there waiting for my children's names to be mentioned and the person I was appearing before did not even make eye contact with me or with my husband."

An exasperated chairwoman said the situation "always inflames my intestines because the Family Court process has continually indicated that all areas are always looked at for and on behalf of the children and that you go through all these processes first in looking at the parenting responsibility"; but while even the previous day taxpayer funded bodies had been declaring that no parent was disadvantaged in family law and the child's best interests were paramount, there hadn't been a single individual case before the inquiry where that had proved to be the case. She said she had not come across a single instance where "the Family Law Act works as it is written".

Witness 3 said she had been assuming that once they got before a judge then the children's interests and needs would be heard.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

To which Kay Hull replied: "I am probably becoming sceptical, but do not hold your breath!"

Sadly, she described how she had to sneak around to have contact with her children and how they called her behind his back.

"I go there every day," she said. "I am allowed to sit outside the house and spend time with the children. They sneak away to see me. I take my children to doctors and dentists but, again, by subterfuge. If I ask permission, it is denied. So I am doing everything that I can to be actively involved and to influence choices."

Once again the fathers statements from the community section were very strong.

David, a separated father, said: "My children were taken from me the day my ex-wife left our marriage. Since that day, nearly three years ago, I have been fighting her and the whole system for regular contact with my children. This is a system that has armed my ex-wife with money and the children, who she uses against me as weapons and human shields.

"This is a system that makes my children cry in anguish because they cannot see me. It makes me cry in anguish because I cannot see them. This is a form of child abuse, I think, and a form of domestic violence and I think it should be seen as that. This is a system that depletes so much of my salary in child support that I literally struggle to survive. I walk around with painful teeth, I avoid medical treatment, I have to sleep in cars at times, I drive unsafe vehicles and I shop at St Vincent de Paul. There is no light at the end of this tunnel. I will be 52 years old when I finish paying child support and before I can start saving again.

"This is a system that pretends that Family Court consent orders are working. They should be called blackmail consent orders or 'sign here or I'll take you to court' orders. I signed on the dotted line knowing that it was not in the best interests of my children. I had no choice, because I had no money. This is a system that pretends there is justice in the so-called Family Court. My experience so far is that this is not a Family Court. It should be renamed 'men's and children's discrimination court'. I feel that I am teetering on the edge at times. I struggle to keep fighting."

He said any decision by the committee short of shared parenting would not help his situation.

"Please do not be misled by the fear campaign that men are a risk to children. I am here to tell you that I have been beaten numerous times by an angry woman. My child alleges that he has been physically and emotionally abused by a woman. My understanding and experience is that children are at just as much risk from their mothers as their fathers. But we never hear this.

There are already numerous services protecting children at risk out there—I have used them. As a health care worker I am mandated to screen women for domestic violence but not men. No-one is counting these abused men."

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

Another father, Michael, said he had four children in his care and was still forced to pay child support for one child that was with his ex-wife, said: "We should understand that the child is brought into this world in a partnership which is 50 per cent woman, 50 per cent man. That partnership endures past the separation. To see it as a 50 per cent partnership is the correct way. To see it as one partner having to battle to get the field level before they can have a normal arrangement with their children is wrong. To be able to have normal access to your child is a human right that is not available to most, unfortunately, after a family breakdown."

Yet another father, Matthew, said the majority of children wanted to spend time with both parents but his children had been denied that.

"I think it is ridiculous that I have not seen my children since January," he said. "If I am lucky, I will see them again next January."

He said he had been forced to cash in his superannuation, sell furniture and disconnect his phone in order to keep up child support payments.

"I know that my children are suffering now, and that is grossly unfair on them," he said. "I would love to have my children with me 24 hours a day, but that would not be fair on my children, because I know that they need their mother. It would also not be fair on their mother, because I would not want her to go through what I currently go through. I would not want to inflict that upon her. Please let me have 50 per cent of the time with my children. Please let me be a father to my children."

Another woman, Harriet, said she had always been encouraged to be proud of being a woman, but "lately I have been ashamed of the behaviour of some women in Australia who are causing much unnecessary grief."

"I, like most of my friends and family, have been oblivious to the unhappiness that is going on right in our own communities. Since I have become the partner of a divorced man with children, I have seen and felt his pain and his children's pain when the children are kept away from their father. I have seen and heard of the manipulation of many children which stops them spending precious time with their fathers, whom they love dearly.

"I have heard many stories highlighting the same patterns of behaviour, and all I can think of is: why on earth is this happening? What can make a woman stop the children whom she loves from spending a reasonable amount of time with the other parent? Once a fortnight, if it happens, is not enough time to continue a close relationship with a child. People in jail have more time with their families than my partner does with his daughters.

"I is critical that the government urgently stops encouraging and supporting parents to separate and use their children as a means to ensure their own financial security
Fathers are capable carers—I have seen it with my own eyes—and they want to be part of the day-to-day lives of their children. If anyone bothers to listen to children, they want their fathers to be there for them."

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

"This inquiry has the capacity to help the next generation of children in separated families, and it is not too late to help the current cohort of children who are suffering.

She said while feminism had produced many positive "when separation occurs, all the outdated clichés about men's role as the main breadwinner are resurrected to justify women being able to take away everything from the marriage, including the house and the children. No wonder men in this situation have absolutely nothing to live for. Men need representation and their rights recovered. Currently, separated men have a very poor standard of living. This inquiry has the capacity to help Australian men have a fair go. I hope that these men and their children will see positive changes in their lives soon."

Later the same day, in the agricultural centre of Gunnedah, the inquiry was to hear from the last of the individual witnesses before the inquiry. Once again the evidence was emotional and compelling; and it was these very voices which provided more than enough evidence for the government to act.

Witness One said the announcement of the inquiry, with it being "broadcast that the government would be looking to have more husbands getting custody" halfway through her hearing made it seem "almost as though the judge was doing his bit and making sure it did not go her way."

Chairwoman Kay Hull, by now clearly frustrated by the family law industry, said:

"I do not know that the Family Court judges take any notice of governments, let me tell you. They do not demonstrate it in some of the things that they deliver. There is a clear intent in legislation and a clear intent in law but that does not appear to be what is out there, so I would relieve your mind of that."

With the individual contributions to the public hearings winding up in Gunnedah, fathers remained strongly represented.

Witness 3 said there was absolutely no reason why joint custody would not work in his case and in the case of many other parents in similar situations.

"My son lives three kilometres away from me. He would attend the same school, his friends would stay the same and he would live in a house that he is very familiar with. Nothing would really change in his life. I see my son every day from a distance. I pass him on the way home from school and I wave to him. His grandparents pick him up—my ex-wife's parents. I am not allowed to speak to him. The only time I can see him is on my allotted weekends each fortnight. I think that is extremely unfair. My son and I were always extremely close; we still are. He wants to spend more time with me."

"I have to return him home at 5 o'clock on Sunday afternoon or all hell breaks loose. I have often said, 'We'll come home a little bit later. It'll be all right,' and he says, 'We can't do that; Mum will blow her head.' So I get him home.

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

"He constantly emphasises to me that he wants to be with me more. He still loves his mother and he wants to be with his mum but he wants to be with his dad too."

Wayne said:

"I am a loving and committed dad who, after separation, simply wants to share in and carry on with the upbringing, welfare and schooling of my little boy, now aged 4½. I separated in October 2001 and, from the first day of separation, the mother maintained an absolutely cruel and vindictive campaign of a zero contact regime. The mother simply deemed that no contact would be in order, and that position has been supported in the last two years that I have been involved in the Family Court. The mother filed for sole residence orders in the Family Court. After huge amounts of exchange between our solicitors, still my son did not get much contact with his father.

"Not a single shred of evidence supporting the current sole custody model has been presented to this parliamentary inquiry by the array of family law industry participants. The reason for this is simply that none exists."

Ben said he was a recently separated father of two young children he loved dearly. "I want the opportunity to be there as a good role model to my children and a positive influence in their lives without robbing my children's mother of the same opportunity, and to have a situation where we accept that our rights and responsibility are shared equally, where we both work together to further the interests of our children, putting aside our own differences. The reason I want this is because I genuinely believe that it is in the best interests in the long term of our children. It enables them to maintain strong relationships and bonds with both parents and overcomes the need for parents to be adversaries in court over the kids, greatly increasing the likelihood that they will remain on speaking terms."

Rex, father of an eight year old boy, said he had been to the Family Court. "I have no contact on Christmas Day, no contact on his birthday, no contact on Father's Day, and no contact on my birthday because the court has granted the mother discretion on those occasions...I do love my children. I want to see more of them."

"Who has been to Family Court? It is not tennis; it is like football: the parents are the captains of the team and the child's best interest is the football. Hopefully, when you go to Family Court, the playing field is level—you think it is going to be. You hope that you can score a few tries that you think are worth trying for for the child; you hope the goalposts are not too far away. And, by the way, whatever you do, never argue with the ref and put on a good public show."

There were many other voices, both in the public hearings and in the submissions, which added powerfully to the volume of evidence before the government.

Chairwoman Kay Hull, who had by this stage already admitted to the emotional strain and intensity of the inquiry, nonetheless wound up the

FROM CHAOS AT THE CROSSROADS

To be published by Dads On The Air in January 2004.

Gunnedah hearing on that mid-Spring afternoon of 27th October 2003 by saying the public hearings had been a very valuable process.

"It is important that everybody is exposed to other people's experiences," she said. "I think that this is why the public hearing process is good. If you think that you are the only person with a problem or the only person who is experiencing a certain issue, you start to understand that other people are experiencing them as well. If you think that men are the only ones who experience this problem, it is also very good for you to recognise and hear that there are women who are experiencing the same problem.

"In the last 24 hours we have had people come in and say, 'When I came in this morning I was just coming to be abusive and disruptive. I wanted to scream at you and tell you that you didn't understand. Having sat and listened through the whole day, now I want to come up and say that, because of everything that everyone has said here today and the questions that you sometimes asked, I feel confident that you do understand.' That lady also indicated that she had not realised that there were others in her position. Some of the gentlemen came up and said, 'I didn't realise that there were women non-residential parents as well. We thought it was all us blokes.'"

In counterpoint to this was the parade of representatives from the so-called "industry".