



# JOINT SELECT COMMITTEE ON AUSTRALIA'S FAMILY LAW SYSTEM

## Individual witness submission

To ensure accuracy, please PRINT all information. Your personal contact details will **not** be published

### CONTACT DETAILS

**Title**  
 Mr     Ms     Mrs     Dr     None     Other (please specify):

**First name:** Trevor

**Last name:** Cooper

**Mobile:** [REDACTED]

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### SUBMISSIONS

**Would you like your submission to be confidential?<sup>1</sup>**

Yes  
 No

**Would you like your submission to be name withheld?<sup>2</sup>**

Yes  
 No

### PUBLIC HEARINGS

**Please indicate whether you would like to appear as a witness at a public hearing**

*Please note that it is a committee decision to determine who will be invited to appear as witnesses at a public hearing*

Yes  
 No

**Please indicate whether you have any safety concerns about appearing at a public hearing**

*The secretariat can make special arrangements for you to appear as a witness if you have safety concerns*

Yes  
 No

*Please note: As indicated in my book ([The Pinball Machine The Family Separation Industry and Parental Alienation](#)) from Ch11, various people(including one that:*

- had his air fares funded by my former spouse that was seeking donations to recruit mercenaries,*
- lodged false police report (I was properly investigated and exonerated),*
- made threats to people associated with court orders (police issued a warning to protect the woman that was the property purchaser, but not me),*
- I believe issued the veiled death threats (police would not investigate).*

*I do not fear for my safety from such individuals as much as the many extreme feminists, police, and others that will be potentially exposed within the Family Separation Industry.*

<sup>1</sup> Confidential submissions are only read by members of the committee and the secretariat.

<sup>2</sup> Name withheld submissions are published on the committee's website with all personal information redacted.

<p><b>FAMILY DISPUTE RESOLUTION</b></p> <p>Please indicate whether you have engaged in family dispute resolution, and not proceeded with a court application</p> <p>Please indicate whether you have been issued with a section 60I certificate by a family dispute resolution practitioner under the <i>Family Law Act 1975 (Cth)</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p><b>RELEVANT DOCUMENTATION</b></p> <p>Please indicate whether you have any relevant documentation to share with the committee.</p> <p><i>Please do not provide this documentation with your submission. The committee will contact you if it requires this documentation.</i></p> <p>1. <i>“The Pinball Machine The Family Separation Industry and Parental Alienation” (referred to in this submission as <a href="#">my book</a>) Print ISBN: 978-1-925935-18-9 eBook ISBN: 978-1-925935-19-6 which is critical information for the committee to consider.</i></p> <p><i>The book was recently featured in “Parental Alienation International”, being the newsletter of the Parental Alienation Study Group (PASG) (Sept 2019 Volume 4 Issue 5)</i></p> <p><i>The book sets out many of the circumstances of what occurred to me (a matrix or the names and places used in the book to the real names and places is available) along with other case studies and reasons for recommended changes to the administration of the family law act.</i></p> <p>2. <i>Parenting Time, Parent Conflict, Parent-Child Relationships, and Childrens Physical Health by William V. Fabricius, Karina R Sokol, Pracilla Diaz and Sanford L. Braver 2012</i></p> <p>3. <i>Equal Parenting Time: The Case for a Legal Presumption by William V. Fabricius, June 2019</i></p> <p>4. <i>Included in this submission is also various hyperlinks and references that are publicly available and can be downloaded.</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>Issues</b></p> <p><i>Please indicate which issues from the committee's Terms of Reference are relevant to your submission</i></p>	
<p>a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including:</p> <p>i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and</p> <p>ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>c. beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning ‘disappointment fees’, and:</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

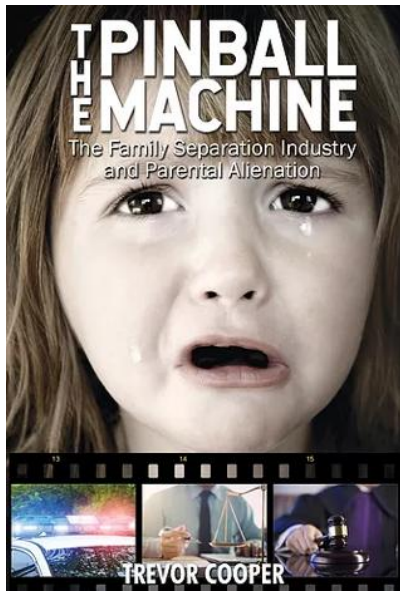
<p>i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and</p> <p>ii. any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings;</p>	
<p>e. the effectiveness of the delivery of family law support services and family dispute resolution processes;</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. any issues arising for grandparent carers in family law matters and family law court proceedings;</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>i. any improvements to the interaction between the family law system and the child support system;</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>j. the potential usage of pre-nuptial agreements and their enforceability to minimise future property disputes; and</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>k. any related matters</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Your submission

Please provide a brief summary of your experience and any relevant issues. Your submission should respond to one or more of the committee's Terms of Reference

My submission and relevant experience are best described in the book "The Pinball Machine The Family Separation Industry and Parental Alienation" (referred to in this submission as my book) Print ISBN: 978-1-925935-18-9 eBook ISBN: 978-1-925935-19-6 which will need to be read by the committee to understand the circumstances and recommendations contained therein. It is extremely unlikely that the committee could receive such a detailed account of personal and professional impact that has been obtained from both my personal experience and then running separated parents' groups.

**I therefore, formally request to present at the hearings.**



This book was originally written to drive discussion on this subject and create the necessity for government to hold a royal commission or this broad parliamentary inquiry and was released on Father's Day 2019, some two weeks prior to the announcement of this inquiry. It is now, not only useful, but essential evidence for consideration. The book is particularly relevant as:

- Has been recognised internationally (sales into the US libraries) and been featured in "Parental Alienation International" September 2019 (Sept 2019 Volume 4 Issue 5) being the newsletter of Parental Alienation Study Group (PASG). "The PASG has more than 550 members, mostly mental health and legal professionals from 52 countries, including Australia, who provide scholarship and thought leadership in the field of parental alienation." and as such the book is vital information for the committee.
- **One testimonial is from Krister Thelin, Chief Justice of Appeal (ret), Former Member UN Human Rights Committee**, which includes "A truly depressing tale with **valuable suggestions for reform**" and with such a recommendation, should be mandatory reading for every member of the committee.

Contained within the book is:

- The experience from running groups with some of the case studies that I was exposed to while running separated parents' groups and includes a specific chapter on the "players compounding conflict"
  - Police: with real cases of police practices which serve to tilt the scales of justice as they take sides which creates an advantage within the courts rather than simply processing without bias and presenting the information to courts, in effect becoming defacto judge, jury and executioner. The case of B- including how he learned to deal with police practices along with a survey by a social worker of discussions with police of their practices.
  - Lawyers: Practices including the tactic of "burning off" or "burning down" as they maximise fees, the practices

and results which has referenced a document that discusses and shows, the migration of cases into the domestic violence courts and why. I also discuss how simple process changes and incentives may prevent the practice of “burning down” assets and keep them available for raising children.

- Social workers: and go over the case of S – accused of violence and child removed only to be given the infant back, with broken ribs and limb, but it was what happened after that is more disturbing and demonstrates the highly discriminatory practices of the Human Services departments and the reasons why such practices are endemic (including training and culture). In addition, the “believe the accuser” impact on A– where the victims’ reaction was naturally a combination of outrage or anger and sealed her fate as an alienated parent and that of her children to be left in an abusive environment.
- The Judiciary
  - Including their tolerance of late submissions (many are submitted the day of the case) that allow matters to drag out, along with some of the difficulties the judiciary face
  - Personal experience when working with a government Information Technology department that impacted social workers and impacted court cases.
  - The courts lack of ability to cater with mental health issues was recently backed up by a lawyer that stated “the court has great challenges, dealing with someone that has a tendency towards a psychopath”.
  - The sheer frustration (references given in the book) when the judiciary make recommendations to government for prosecution that are completely ignored, is in my opinion, unconscionable and prevents the judiciary managing their court.
- The Australian Federal Government critique is also included showing
  - The actions taken by government which increased the use of lies within the police and court system to the detriment of the children of those going through divorce.
  - The impact of never ensuring that the CSA comply with court orders in a siloed approach to government departments that harm the children.
  - The lack of effort by the government to evaluate and put in place “Key Performance Indicators” that actually measure the success of the family court in terms of the outcomes for children.
  - The lack of focus of inquiries to address the simple issues (as outlined by a former Family Court Chief Justice and believe relevant to this Inquiry) that would reduce the impact on society if they were addressed.
  - The lack of assessment and impact on suicide as recently revealed in the psychosocial causes of suicide and the enormous mental health impact of the system as it currently exists.
  - Possibly the greatest problem is actually the attitudes of senate and parliamentary MP’s that tend to think legislation is the key, whereas in my opinion, the management (especially in terms of incentives for the various players) is definitely more important!
- The personal experience that has included:
  - cutting all power and services to a property when I was unable to walk,
  - physical attacks,
  - false police reports,
  - the payment of a person that was trying to raise funds to recruit mercenaries,
  - the recruitment of lawyers and the use of lies within affidavits to delay and extend cases,
  - multiple courts (where each court was approached with different and conflicting scenarios to get the most, be it child support or property from that court).
  - The opposition to have a child get psychological services (to prevent the truth being revealed) along with severe parental alienation and details of the impact that can have.
  - Personal health impacts

As outlined in my book and this submission, I cover nearly every item in the terms of reference.

**If there is insufficient room above to summarise your experience and relevant issues, please attach an additional page to this submission.**

## Proposed solutions

Please indicate any proposed solutions you may have that correspond to the committee's Terms of Reference

- a. ongoing issues and further improvements relating to the interaction and information sharing between the family law system and state and territory child protection systems, and family and domestic violence jurisdictions, including:
- i. the process, and evidential and legal standards and onuses of proof, in relation to the granting of domestic violence orders and apprehended violence orders, and
  - ii. the visibility of, and consideration given to, domestic violence orders and apprehended violence orders in family law proceedings;

*There are without doubt challenges for the courts (and others) working with child services and police with a personal example of what a police sergeant stated is on page 354 of [my book](#) and the department social workers on page 369 of [my book](#), that left interviews to the day before the court case. Such attitudes towards the courts and lead times require a firm hand by the judiciary and perhaps when departments not work with the courts, public reporting may facilitate change. Unfortunately, the public reporting has largely been inhibited within the Family Court system by the Family Court Act.*

*There is nothing wrong with a person not wanting to see their former spouse and should be free to request a restraining order. It is however totally inappropriate and unacceptable to deny persons their basic rights such as:*

- *Access to children and this is a very common tactic used by perpetrators of Parental Alienation.*
- *Access to the accommodation to which they have an interest, making them homeless.*
- *Removal of a former spouse's ability to earn an income or create significant restrictions. The inability to continue to work often applies to many professions such as security, armed forces and police, where their job requires carrying a firearm. The problem is far more widespread, as have dealt with specialist doctors that are not permitted to interview patients under 18 by themselves. These are people that have often had no interaction with the police and the legal system and were often told (through brochures and incompetent advisors) that they should simply agree to a restraining order without any admission of guilt. We need to look at such cases from an employer's perspective as, in the case of the specialist doctor, what hospital would recruit a doctor that has such a restriction and incur the overhead of having a co-worker, such as a nurse be employed to shadow the doctor for selected patient interviews and therefore this impacts his ability to change employers. That specialist doctor I know was called into court at the last moment one day, resulting in 6 operations being cancelled that day, so restraining orders that are not for legitimate personal protection have a much wider community impact!*
- *Destroying a person's reputation when lodging a false police report and fraudulent court documents can impact mental health and lead to suicide*

*RECOMMENDATIONS to be considered as basic principles when restraining orders are requested within a family or defacto relationship that, such a lodgement shall be taken as the first sign of a high conflict family separation. Actions need to be aimed at immediate early intervention and minimise negative impacts that escalate conflict:*

1. *A request for a restraining order places an obligation to provide full disclosure of information to facilitate the family separation in accordance with the spirit of the [Family Law \(Self Assessment\) Bill 2019](#) with the assistance of a mediator if required.*
2. *A request for a restraining order where children are involved, even if not named on the order will require both parents to attend a parenting program (previously known under various names such as "Parenting after Separation") to ensure attention is focussed on the child's needs such that the impact of their actions may not become child abuse (often disguised as a protective parent or simply actions that remove a parent that a spouse no longer wants to see) are known and understood. The removal of a loving parent may reduce this form of child abuse and may prevent creating the situation where the infantile splitting defence mechanism (usually associated with Parental Alienation) is triggered as outlined in the links contained within [my book](#).*
3. *That it shall be illegal to make public knowledge the results of a restraining order between two adults, where the restraining orders was made in the absence of a defence or made by "consent without admission of guilt" (i.e. evidence never tested) and that any adverse employment practices and processes are deemed illegal.*
4. *That anyone being granted a restraining order either directly or on their behalf through a law enforcement agency SHALL have enforceable obligations imposed upon them e.g. if the restriction is on the recipient to not*

go within 200m then this shall also be applied on the applicant.

5. That should a police report or affidavit to remove a person from their property or access to their child when they would otherwise be deemed a fit and proper parent be found to be fraudulent, then criminal procedures for lodging the false police report or affidavit shall be applied and such a conviction would have the same general requirements of proof as for perjury (basic principles of perjury are outlined on page 346 of my book which protect and differentiate the perpetrator between the malicious act and the honest error).

People should be considered “innocent until proven guilty beyond reasonable doubt” and any change to this fundamental premise in law, has significant implications and therefore needs exceptionally close scrutiny that has been traditionally provided by a court process. The use of the police and the magistrate’s courts to deny a child access to their other parent is abhorrent and a health imperative (as discussed later) and the court processes must be adjusted to ensure that the police and courts are not complicit by negligence in this removal of basic rights. Failure to correct the operation of restraining orders, may make the entire restraining order system unconstitutional (according to advice from a former state chief justice).

When people are subjected to false allegations and suffer a loss, then the victim should be entitled to compensation to redress those losses. Where government and its agencies are complicit by negligence in causing a loss due to false allegations, denying a person access to their property, income and children then similar principles should apply as no government should be exempt from its responsibility. The greater issues are shown in the Larry King interview of Tony Craft where a kindergarten teacher was accused of child abuse and it was found the questioning methods by the investigators caused the accusations by the children. It would be very foolish of the government to believe this is not happening in Australia as per the case on p324 of my book where a father no longer sees his daughter due to the false memories implanted into his daughter by a social worker, that were shown in court, could not have happened.

As discussed in Ch20 of my book), the current misuse of restraining orders creates the perfect storm for mental health issues and suicide within the children and a targeted parent. Those that lodge a fraudulent restraining order **MUST** be prosecuted when a restraining order is found to be for fraudulent purposes such as tactically gaining the upper hand in a family separation case and not for the correct purpose of self-protection.

The current approach of the Family Court, (according to a lecture I attended by a barrister/ Senior Counsel) is to largely ignore an intervention order when evidence has not been tested (in either the lower magistrates / domestic violence court) which is very appropriate and may need to be formalised in judicial notes as in some cases, this does not occur. When a litigant lodges an affidavit in the Family Court, they may attach the evidence and the judgement of the Magistrates court so any affidavits and findings can be included from other courts. It is however not automated and is up to the litigant to provide the appropriate evidence. Unfortunately, lawyers and barristers often tend to try to influence the judges by continually mentioning the fact a restraining order was issued and this badgering of judicial staff impacts the litigant’s perceptions of justice and needs to be addressed. The use of such tactics (mentioning a restraining order which may have been issued in a three minutes hearing (i.e. without any defence) and evidence not tested according to some research<sup>1</sup>) should result in a reprimand by the judiciary and disbarment of the lawyer responsible should it continue. Failure to do so, means that the opposing litigant will naturally feel their court case has been compromised by lies and misleading the judiciary and this needs to be addressed.

It would be inappropriate for the Federal Court to rely upon untested testimony in the state court and **RECOMMEND** that this should be formalised.

<sup>1</sup> Rosemary Hunter, *Domestic Violence Law Reform and Women's Experience in Court: the Implementation of Feminist Reforms in Civil Proceedings* (2008), at 77, 8 1–2.

- b. the appropriateness of family court powers to ensure parties in family law proceedings provide truthful and complete evidence, and the ability of the court to make orders for non-compliance and the efficacy of the enforcement of such orders;

One of the fundamental issues the court faces is that we are dealing with a two people litigating and the person is not on trial for perjury. To prosecute for perjury to my knowledge (and I am not qualified in this area), involves a separate trial (possibly absorbing Judicial time while they give evidence). The persons concerned however, could easily be

ordered to be jailed for contempt as happened in Brisbane for child abduction in 2018. Unfortunately, this was far too late and earlier intervention needs to be taken. Many people that do lie to the police and courts are suffering mental health issues and / or encouraged as described by a lawyer on page 358 of my book with the devastating results that are also described in my book.

The impact of false police reports, perjury and grossly misleading statements as described in Ch10 of my book (around pages 176-178) in the incident where I faced the claim of an alleged heart issue being submitted in an affidavit as justification for a 6-month recess. I objected to the delay and requested legible copies of the medical certificates, which when finally received, showed that the recommendation by the Cardiac ward was that she see a psychiatrist! This ruse caused a delay in the case, wasted judicial resources and significant legal costs regardless of my success in having the misleading request contained in the affidavit dealt with. One question we should raise is that should lawyers and their clients be responsible for the costs to the court system as well as opposing litigants when using such tactics.

The main issue here is, when it gets to this extent, it is too late and enormous damage has already occurred which negatively impacts the children, targeted parent and the perpetrator themselves. The court can play its part in ensuring that truthful and complete evidence is made available. The current police forces are more akin to a sausage factory rather than an integral part of the solution that cost the court time, and help destroy the former assets of the intact family that should be available to the children reduced. By rejecting all police input that does not contain unedited body camera and interviews at the police station, then greater integrity would be ensured. Similarly, this practice needs to be applied to single expert witnesses (Family Report Writers) and others. The judges have the capability of bringing accountability into the system and it is disappointing that they do not. Perhaps legislation or judicial directions from the Chief Justice needs to be made.

The judiciary should have a duty to ensure the quality of those presenting evidence and this is best illustrated by the recent case in WA involving Dr Darryl Menaglio which took the psychology board 7 years to act upon. It is ridiculous that the judiciary were not able to insist and ban Dr Menaglio as soon as they realised he had acted with extreme bias and prejudice.

At the first sign of a false police report or meaningful (not just a mistake) fraudulent affidavits then the offender must be prosecuted to ensure integrity is returned to the system and the ordering of such prosecution should not involve the Attorney General as discussed below.

- c. *beyond the proposed merger of the Family Court and the Federal Circuit Court any other reform that may be needed to the family law and the current structure of the Family Court and the Federal Circuit Court;*

*While I do not have specific expertise and experience in this area, I learned what it was like to be bounced around multiple court systems. The merger of the two courts and rationalisation of processes I am in favour of, however the devil will be in the details of the rationalisation, implimentation and more importantly improvements.*

**Constitutional boundaries** are another improvement this inquiry needs to address and ensure such boundaries are placed upon the government. The inability of the court to order the commencement of proceedings into perjury means the government is undermining the courts independence. The current processes of the judiciary being forced to pass a request back to the Attorney General (government administration that manages police and criminal prosecution) is something that should be reviewed from a structural perspective. The judiciary should have the right to manage their court independently of government and be able to order prosecutions without the government's interference. I believe this would be more in line with the principles of the separation of powers we are informed as framed within the constitution. Such independence would be assured if an amount was allocated in the courts budget to fund such prosecutions and simply monitor the adequacy in the "Family Court of Australia Annual Report", presented to parliament and increase the allocation as required. I believe after a few prosecutions there will be a marked decrease in case load (in terms of perjury prosecutions and family law cases themselves when the tool of perjury removed) and need for further prosecutions significantly reduced. In a meeting with the Senior Legal Advisor to the Hon George Brandis on the 11 October 2016, this was discussed and she informed us that she had seen the strategy of one or two high profile and publicised cases result in changes culture in other areas of the law overnight and worked well. Unfortunately, this has still not been done with respect to the Family Court by George Brandis or any subsequent



Attorney General.

**Other courts:** The one matter that I was asked to consider was the provisions available in the Victorian State Supreme Court hearing my case when there was a question of jurisdiction. This was suggested as a tactic by the same lawyer that ran the case outlined in [my blog on RUOK Day](#) (discussed in section (d)). As such, the bouncing around other courts such as State Courts may also need to be considered by this Inquiry in addition to the merger of the two courts.

Other issues relate to problems with being bounced between the state magistrates' courts with respect to DV, then the Family Court, and quite rightly, when new events occur, back to DV and Children's courts etc. Unfortunately, I have seen cases where restraining orders were issued in a vexation way to pervert the Family Court access orders. In one case when the judiciary finally lost its patience and banned vexatious restraining orders being issued by the mother against the father the mother simply put one against the grandmother (the fathers' mother) and as the father lived close to the grandmother he was unable to take the children home. The tactics used appear boundless and vexatious intervention orders requested after a family court order, need to be properly investigated and only then, acted upon.

- d. the financial costs to families of family law proceedings, and options to reduce the financial impact, with particular focus on those instances where legal fees incurred by parties are disproportionate to the total property pool in dispute or are disproportionate to the objective level of complexity of parenting issues, and with consideration being given amongst other things to banning 'disappointment fees', and:
- i. capping total fees by reference to the total pool of assets in dispute, or any other regulatory option to prevent disproportionate legal fees being charged in family law matters, and
  - ii. any mechanisms to improve the timely, efficient and effective resolution of property disputes in family law proceedings;

By far the best way to reduce the cost to families is to largely eliminate the need to use the legal system and ensure the earliest intervention. I discussed the practice of "burning off" or "burning down" of the family assets in legal fees in "Chapter 23 The pinball players compounding conflict", subsection "Lawyers" of [my book](#). For those that do not believe burning down occurs, one recent incident confirmed the existence when I rang a lawyer to find out if he knew a reputable cost assessor (also known as a cost or taxation lawyer) to go over the case that was described in [my blog on RUOK Day 2019](#). What was not stated in the blog was that this traumatised parent was left with a \$400k legal bill (when all she initially asked for was a contravention order to see her children), meaning she will almost certainly lose her house and have nowhere for the children to return to. The response when I asked about a cost assessor was "how much was the original estate worth? as that will give you the best indication of the fees". NOTHING to do with the number of hours or effort! Legislation to prevent lawyers perpetrating "burning down" would however, be fraught with difficulties. Capping fees although raised in [my book](#), may result in people running out of the capped amount of money and have to self-litigate (or minimal / inadequate support) for the rest of their case unless such provisions were carefully constructed and there was good oversight. It could be better to cap the hourly fees that lawyers and barristers can charge. While this may seem against competitive market principles, it may weed out those that are there solely for profit and it is these lawyers that often promote conflict and "burn down" assets.

One of the issues I regularly find is lawyers are often faced with bad clients that cannot get their act together and provide the lawyers with information in a timely manner. It can be that the client is so traumatised they are incapable of simple tasks or because of their personality, put things off! It is for this reason the [Family Law \(Self Assessment\) Bill 2019](#) is something that needs to be strongly considered and perhaps facilitated by counsellors / mediators when people are traumatised. After completion a fixed fee conveyancing like check by lawyers could be developed to ensure all matters appear correct. E.g. when I do a property purchase I will have the conveyancer check the title has no caveats and the rates are all paid etc. A competitive fee type system to do a property, business search on someone's name to check assets etc is something that could be done. I outlined in [my book](#) "Chapter 23 The pinball players compounding conflict", subsection "The Australian government" the paraphrased talk of a former Chief Justice of the Family Court (on page 377 of [my book](#)). The [Family Law \(Self Assessment\) Bill 2019](#) would deal with two of the three main reasons people get into protracted litigation within the family court and aid with detailed discovery for the 3<sup>rd</sup> scenario the former chief justice described.

*By far the worst thing that we can do to someone that has suffered domestic violence is allow that trauma to continue by providing a new set of tools to drag on the trauma, often perpetrated by services such as police and lawyers for many years. Sadly, for many that experience domestic violence this is the reality of the family separation industry which needs to be transformed. While this includes many of the DV services that continue to disempower and make all decisions for their clients under case management, one issue this inquiry needs to focus is to prevent the ongoing trauma and prevent the development of cPSTD (complex Post Traumatic Stress Disorder which is caused by prolonged exposure to trauma) for the former victim by the players in the Family Separation Industry. It is not only the adult victims but the children that are more prone to adverse brain development through the trauma of being removed from a loving parent and their supports. The rectification of the Family Separation Industry and that of the family courts is therefore a national health emergency (discussed in the section f with respect to shared parenting), and something that must be corrected by good policy and not primarily by treatment by the medical services after the damage is done.*

*e. the effectiveness of the delivery of family law support services and family dispute resolution processes;*

*The system is incredibly effective if you are a lawyer wanting to earn money. It is ineffective and disastrous if you wish to settle a dispute and retain funds for raising children and for the children themselves. By far one of the best analysis of the shift from the family court to the DV court was submitted in the 2017 parliamentary inquiry which was discussed in chapter 23 of my book and the article referenced can be downloaded from <https://www.trevorcooperauthor.com/book-referenced-material> or on the Attorney General website (for the submissions to that inquiry but can be difficult to find).*

*Unfortunately the delivery of the mediation support services while claiming that it is having an impact (and at one forum of around 60+ participants, seemed to agree on around 60% of mediation was successful), however this may be primarily for people that want to agree anyway. I even heard from one provider when discussing the subject claiming that they have 100% success rate at mediation as they simply defined success as “they agreed that they could not come to an agreement” and went to court! The lack of a measure of the claimed success rate (which should be that the children have great access to both parents and co-parent for 5 years after mediation) is what needs to be considered and not the variety of measures that are used to market their services and renew their funding! The hypocrisy of the claims that the existing system is working is explained in the same submission to the 2017 Family Law Inquiry (as referenced above) in that document section 4 that can be downloaded from <https://www.trevorcooperauthor.com/book-referenced-material> or the Attorney General website.*

***Confidentiality within mediation** needs to be removed and hold people accountable. The mediator needs to be able to document the mediation and not hide behind a veil of confidentiality. As stated in my book on page 368:*

*I must confess. I often feel sorry for many of the mediators. I know one who told me one day, “It’s so frustrating, some of those people need real help,” and was referring to people with personality disorders that will defy logic and cannot be reasoned with. It did not reflect her skill as a mediator, but her inability to inform the court that in their opinion that there was an undiagnosed mental health issue. Should they have the right to outline their suspicions, so the court can enforce (on both parents), a proper mental health assessment to aid both the mediators and courts in their decisions?”*

*The argument that people would not open up if it was not confidential is simply unacceptable and does not reflect well on the competence of the sector and their accountability.*

***Mediation is frequently used as a method of delaying court action.** Early intervention is the key to settling disputes and should a mediation organisation not be able to see a client within a week they should refer across to another organisation that can and this should be a condition as part of their funding (and an intake interview is not mediation). With all the talk of flexible workforce, many of the mediation companies claim to be so busy that they are delaying the first meeting for months. In this time, especially when child access is being frustrated then the animosity escalates and the possibility of successful mediation would be expected to decrease!*

*Furthermore, when people fail to turn up to the arranged mediation, the reports to must state this as a fact to the court (they can explain to the court) and the time lost. Avoiding the mediation shows a pattern of behaviour and should the court face similar issues, the court can react immediately. Such communications between mediators and the court are*

hampered under the guise of “mediation must be confidential”, and this needs to be reviewed if mediation is to be an integral part of family separation.

**Outcome of mediation could be better targeted.** I have seen people so traumatised by the separation that they do not come across well to anyone and cannot get their thoughts structured. It is for this reason that I believe the Family Law (Self Assessment) Bill 2019 would add structure for the mediation and get all the facts together quickly for proper assessment. If needed there could be a method of confirming asset bases (possibly operated by solicitors on a fixed fee and much like a conveyancing process which should preclude them from involvement in family litigation to prevent them from causing issues to seek greater fees), to ensure the asset base is not only recorded but checked.

**The siloed structure of the Family Separation Industry** is a significant issue before this inquiry and the ability to put in place a new system of processes to ensure at the earliest intervention, the identification of the core issues (Mental illness, drugs, alcohol) is made and people channelled into the correct assessment process for verification is critical. Mediators must be part of the system to channel people into the appropriate assessment regimes and when their service are used as a stalling tactic and they cannot report what is going on, then this delays resolution and the entire system fails.

**Perceived or actual systemic bias** While I have seen this in the family reports it is very likely to be also occurring in the mediation area. This is most obvious with the clear policy direction of the largest group of mediation centres being Relationships Australia, when they dismissed a male employee for distributing information about domestic violence and was discussed in my blog <https://www.trevorcooperauthor.com/post/the-family-separation-industry-human-needs-and-fear> along with comments in my book damages the mediation credibility. As discussed in chapter 23 (The players compounding conflict) of my book, subsection Social Workers, there needs to be a massive focus on the education and recruitment processes to eliminate the perceived or actual bias that has crept into this area as outlined in section k of this submission.

**Mediators & Social workers should have the capability of assisting people take action** When I meet someone that is accused or likely to be accused of being a drug addict I ask the question direct and suggest that he / she goes off for a drug screen to prove or disprove the accusation. A good mediator should be able to negotiate such accusations / claims and have the participant act upon them with a report of their findings to the court. It should not have to wait months for the court to order such drug tests and lose time. Even when people wait for the court to order them to have tests, I have seen people simply not take the tests and come back months later with no repercussions, so personal accountability needs to be dealt with in both mediation and the court system! The development of a system to monitor the mediator’s ability to resolve issue is something that should be reviewed.

**Preparation for mediation** on line course needs to be designed. So many people that I deal with say “I am going to mediation next week, what should I expect” and a detailed discussion follows.

- “What plans do you have for the children?”
- What are your plans that you wish to negotiate and why is your plan better for the children?”

It is a particularly challenging question and so many people simply go into mediation saying I want to see the kids (more), with little or no practical plans formulated behind their desires and the children’s needs. I have discussed with various people that provide their direct experience where mediators have been able to step in, where people are behaving unacceptably (e.g. the woman that agreed to hear the husband’s perspective and then interrupted and would not, being pulled up by the mediator) however having something to work with and mediate towards is the best preparation. Another case that was brought to my attention was where every week a new allegation was made up of domestic violence that the mediator explored and no progress was made on mediations pertaining to the future for months. Again, false allegations stalled the mediation.

f. *the impacts of family law proceedings on the health, safety and wellbeing of children and families involved in those proceedings;*

1. **School teachers** that I personally know, they see the massive turmoil on children that are subject to intervention orders and are told not to talk to a parent, and actively reject a parent that has done nothing but love and nurture them as any good parent. My friend stated that she one day went through all the intervention orders and all she saw was bitter and twisted parents in the vast majority of the documents!

Chapter 18 of my book is dedicated to the impact on the children and the committee should refer to my book. The impact is well documented and a failure of the courts to address these issues is beyond reprehensible. Several countries around the world have now criminalised this type of violence and it would be unconscionable for this committee to not consider making Parental Alienation a criminal offence. Such an offence would send such a strong signal that the courts cannot accept such behaviour even if prosecutions were rare. My guess is that like the case of S-, the firm action by the courts would ensure child abuse could be minimised.

2. **Failure to act can create false memory disorders** As also documented in my book, it is clear that those involved in false police statements and perjury will often start off reinventing their circumstances to suit their objectives which eventually become their reality. As such, they become very convincing about their circumstances until the evidence is uncovered and tested by the court. By allowing such delusions to fester and be reinforced with time, the courts and family separation industry are negligent in their duty of care to both those making the false accusations and also those falsely accused.
3. **The target of false allegations** is rarely compensated apart from the occasional cost orders (being the court scheduled costs), rarer is indemnity costs (being whatever is cost in legal fees), but to my knowledge NEVER compensated for the consequential damages. For example, I outlined in my book (Chapter 11) the actions of those recruited to harass and the ineptitude of police to protect the innocent. The last time I lodged a full year of working tax return was in the around \$170k but due to the cPTSD is now below a taxable income. Over a 10-year period the financial loss is upward of \$1.7m. The police and family courts along with the facilitation (by the courts) of the ongoing Parental Alienation are without doubt a major factor in the losses. Loss of income and moving people to a lower socioeconomic situation undoubtedly has health implications.

The protracted impact of the Family Law Industry, facilitating false allegations therefore impacts the community at large (including schools), the children, those perpetrating the crime and the targets. The Family Law Industry must be reformed and the only way is to provide detailed accountability to all those involved at every touch point in the industry.

4. **Shared parenting is a health imperative** that impacts the mental health of the children and consequent lifespan. As outlined in my book (around p367), shared parenting was corrupted recently by what was termed the "tender years doctrine" to paraphrase "based upon fraudulent research and where it was not fraudulent, results were misinterpreted". A document was signed by 110 international researches in the field that the various papers published around 2010 were fraudulent which is available on my website. The result was that the so-called expert presentation to the Australian Parliament mislead parliament. At recent presentation (2019), I saw the same person being promoted by the public service for opening new programs. Such hypocrisy appears to have no end!

Historically, similar arguments were presented that the concept of shared parenting is flawed and it is the quality of time spent with the child that is more important and hence the downgrading of share parenting time. This was also shown to be misleading and attach papers to correct the misinformation:

- Parenting Time, Parent Conflict, Parent-Child Relationships, and Childrens Physical Health by William V. Fabricius, Karina R Sokol, Pracilla Diaz and Sanford L. Braver 2012
- Equal Parenting Time: The Case for a Legal Presumption by William V. Fabricius, June 2019

These papers show the relationship between the outcomes of the years of Shared Parenting being denied (even in high conflict separations) and the childrens long term health outcome. This is something that the federal government and its public servants appeared to wish to avoid as shown by the video in questioning by the Senate Legal and Constitutional Affairs, Legislation Committee as available on my web site. In terms of relocation (of the custodial

*parent and children) the papers referenced above show the health issues associated with relocation:*

*“Instead, compared to non-relocating families, relocation of more than an hour’s drive from the original family home was associated not only with long-term harm to children’s emotional security with parents and their emotional security about parent conflict, but also with more anxiety, depression, aggression, delinquency, involvement with the juvenile justice system, associations with delinquent peers, and drug use. These associations held after controlling for parent conflict, domestic violence, and mothers’ family income.”*

*It is therefore imperative that the longer-term health issues of the children are considered when judgements are made.*

#### **5. Parental Alienation must be addressed**

*The impact of what many parents do through ignorance or through purposeful efforts to remove a loving parent for no good reason (i.e. Parental Alienation) needs to be tackled through both education and criminal prosecution of this form of child abuse and the Family Court needs the right, to make that determination (of child abuse) as the State Government instrumentalities seem unwilling to gather and act upon the relevant facts that are regularly presented to the Family Court. My book covers the subject (in “Ch18 The impact on children of parental alienation” and “Ch 19 Parental alienation, mental health and personal revelation”), contains many references along with the impact on children. The book also has a foreword by William Bernet, (M.D., President, Parental Alienation Study Group, Distinguished Life Fellow of the American Psychiatric Association, Professor Emeritus, Department of Psychiatry, Vanderbilt University Nashville, Tennessee, USA) and while it would be impossible to condense those learnings into one sentence, the conclusion is that the current system is complicit in, and that “Parental Alienation is child abuse”.*

*A Conference will be held on the Gold Coast in 17-19 June 2020 and while parliament is sitting 2 of the 3 days there is no sitting on the final day. It would be prudent of the committee to contact the conference organisers or speakers direct and organise a private session to educate themselves on why Parental Alienation MUST be addressed in this inquiry and how the courts are being used (and therefore complicit), in this horrific form of child abuse.*

*Please note that I would be willing to coordinate the required experts in psychology and film production to produce a short course (to be designed to be made available “on line” to minimise the cost to separating parents), that could be made available as a mandatory requirement for separating parents with questionnaire (to confirm understood) with certificates issued. With proof of knowledge and understanding through such a system that the perpetrators knew the impact of their actions on the children, then evidential standards could then be applied to criminal prosecutions for child abuse. While this may be considered a carrot and stick approach, it is also educational in that it would be designed to ensure they know what they were doing impacts the children and that there is help out there in terms of therapy to manage their grief (from the dissolution of their family structure) and what they can do.*

*Rewarding a parent for denying a parent access through false allegations, breaching court orders for access and gaining benefits through increases in child support, while criminal in some countries, is abhorrent and must be addressed by this inquiry.*

*It is facts such as these, that lead some groups to believe that the entire Family Law System should be moved under the Department of Health. I disagree, as legislation outlines the rules that we as a society deem to be proper behaviour and the court need to be the final arbitrator of last resort.*

*g. any issues arising for grandparent carers in family law matters and family law court proceedings;*

*My mother gave up on life and I put this partly down to the lack of access and being able to see my daughter grow up. Just as children do better with access to both parents, the more family members that they know genuinely care for them such as grandparents, the more secure they feel and I believe translates the better they will do.*

*A default equal shared custody arrangement would help enshrine the rights of a displaced parents parents (i.e. shared parenting would then assist the children’s displaced grandparent).*

*I have unfortunately found myself assisting some grandparents (outlined in Ch 21 of my book) due to the drug*

dependency of their daughter, (the children's mother) and the various fathers (also with former or existing with drug dependency). Investigation of what could be done to assist them with a 10-month-old granddaughter due to the processes within the state department responsible for children was horrifying to say the least.

The main issues I have been involved in, is traumatised grandparents seeing what happens when false allegations are made against their children and their shock that this can happen in a country like Australia and the law is so unsupportive, false allegations are routine and innocent people have no rights compared to a person that breaks the law (using false police reports and perjury) and when finally exposed there is no repercussions.

- h. any further avenues to improve the performance and monitoring of professionals involved in family law proceedings and the resolution of disputes, including agencies, family law practitioners, family law experts and report writers, the staff and judicial officers of the courts, and family dispute resolution practitioners;

While the whole of my book needs to be read to put matters into context, "Chapter 23 The pinball players compounding the conflict", includes specific overview of the Police, Lawyers, Social Workers (including Family report writers and mediators), Judiciary and the Australian government.

What is most troubling is that of lawyers, see that their primary duty is to their client rather than that as an officer of the court and which is meant to work for the children. This has been demonstrated time and time again that lawyers not only work against the opposing side but also against the court in helping it reach the best decision in the interests of the child. I have provided examples of how misguided independent children's lawyers have shown themselves to be (particularly in the case of S-).

The shroud of secrecy by the various professions using the cloak of confidentiality is reprehensible and needs to be addressed by this inquiry. As outlined in my book and the reasons supplied, mediators must be compelled to notify the court of possible personality disorders that impede the mediation and court, that require investigation (of both parents). The moving of family assessments (single expert witnesses)

- should not be moved from the private consultants to court appointed lists,
- should not be claimed to be improved if better education / training

but requires they video all encounters which could be used by the other litigants' experts for cross examination. I outlined in Ch 19 where a social worker implanted false memories of child sexual abuse and should these sessions have been video recorded then the perpetrator (the social worker) could have been easily prosecuted and professional accountability established. Currently there is little to no accountability in virtually any area of Family law.

Prior to presentation to the committee I intend to construct an accountability guideline which will be based upon the blog "What should we want from the "Joint Select Committee on the Australia's Family Law System"?""

The recent decision against a Western Australian Family report writer (Single Expert Witness), is discussed in section k (subsection - Changes proposed by this committee) of this submission in relationship to qualifications

- i. any improvements to the interaction between the family law system and the child support system;

There is limited interaction between the two systems and this also goes for the Family Law System and Centrelink (see page 303 of my book where a drug effected parent kept the children but did not look after them and after the change in custody occurred, Centrelink wanted to keep funding the drug addict and that decision was attributed to gender bias). Not only are court orders not followed by many primary custodial parents (due to the lack of application of enforcement processes), but also encouraged by other government departments such as Centrelink and the Child Support Agency (CSA), which is a complete disgrace.

The number of times that a displaced parent claims the other parent is "cutting them out to maximise their income" for child support and other benefits is concerning and just one of the reasons why this inquiry is required. In too many cases an abusive and uncaring parent seizes children for reasons other than the children's benefit (again per page 303 of my book as one example). Providing incentives to support the vulnerable is admirable and needed in a caring society,

however without the checks against misuse, government agencies are providing incentives and are therefore facilitators in the abuse, leading to long term health issues for the children (and the displaced parent). The committee would be justifiable in stating in legislation that child support is made in accordance with the custody ordered by the courts or by agreement of all parties and place strict requirements for the notification of change in custody (in cases such as that on page 303), that must be formally adjudicated within 14 days by the court. Failing to follow court orders by the government departments should be made an offense to which employees are personally liable.

It is essential that all parties are held to account for their actions and this includes the Child Support Agency.

While my matter did not involve the CSA, the tactics used in court to ruin me are outlined in chapter 8 (specifically relevant to child support is around p148-155), where the claims were submitted to court to take control of 90% of our joint income after separation (based upon a deemed amount equal to what our pre-separation income was when we earned similar amounts).

The ability to earn an income also changes over time. The displaced parent and court action may result in the inability to work with some suffering trauma and many diagnosed CPTSD (as per my diagnosis), the impacts of which are outlined in chapter 16 of my book (with a table that is included on p295 & 296). The fact is that my income has probably dropped by \$160+k p.a. is not by choice. I am fortunate as my daughter is now 25, however if I was paying child support based upon assumed income, such distress may have led to a completed suicide! I am also fortunate in that the court case for child support was clearly an attempt by the mother to maximise her utility (income) and, as you may conclude, use the system to facilitate domestic violence and child abuse. I cannot emphasise enough that assumed or designated income needs to be reviewed.

Bob Hawke in his infamous 23 June 1987 speech that "By 1990, no Australian child will be living in poverty" that led to the formation of the Child Support Agency, has proven to be a complete fallacy with the Smith Family reporting on their web site:

The effects of growing up in poverty go beyond the home environment. For over 1.1 million Australian children and young people <sup>1</sup> this can negatively affect their school life and mean they are less likely to achieve the educational outcomes (and in turn employment outcomes) that then limit their overall life outcomes, passing on disadvantage to the next generation.

<sup>1</sup> cross reference pointing to the Poverty in Australia, 2018, ACOSS/UNSW Report.

While the concept of a non-custodial parent needing to help finance the raising of their children is fortunately, now well established, the system has failed to keep children out of poverty and we need to focus on ensuring the parents and their children are not destroyed by the destructive nature of the Family Separation Industry, their wealth not plundered by the Family Separation Industry and that they are able to continue to contribute to their children's lives (both financially and emotionally), to ensure the best outcome for those children. The Child Support Agency has failed spectacularly to meet the government promise of keeping children out of poverty and the entire sector needs to be reformed to meet that governments election promise and objectives, rather than just operate a bureaucratic process.

- j. the potential usage of pre-nuptial agreements and their enforceability to minimise future property disputes;  
and

Pre-nuptials may assist however as shown in my book, I was lied to and "set up" from the first date! Any pre-nuptials I would have agreed to would also be based upon lies.

The fact is, that initial assets of the parties should be quarantined and earnings over the relationship suitably divided when the lives of a family are intertwined as per a traditional marriage or long term defacto. Any concept of a 50/50 split after a two-year relationship is simple nonsense, however inheritance during a relationship is also a vexed issue.

- k. any related matters

The Family Court has become a battle ground for gender warfare and has impacted the fundamental principle of equality under the law and best interests of the children. Many of the government departments and funded agencies have through their active discriminatory practices facilitated the crisis that is the Family Separation Industry.

**1. Early Intervention and self-assessment**

The general consensus within the community services sector is that the earlier the intervention, the lower the cost and damage to all parties (with the exception of those that profit from the conflict) and therefore needs to be the focus. As stated earlier I therefore fully support the concept of the Family Law (Self Assessment) Bill 2019 as a great initiative into the future. The caution I have with the implementation of this system is the ability of the parties to complete the requirements and they may need the help of mediators / counsellors / therapists with basic skills to assist the parties. I have dealt with people that are so traumatised by affidavits that they cannot fill in basic documents.

Completing this task before family court affidavits, I believe would assist and create an environment where the business of family separation is separated from the emotional aspects. We have, unwittingly, conflated the reasons for the financial separation and child custody with the emotional separation through the current legal system (be they the real or simply tactics used within the Family Separation Industry such as domestic violence, personal vengeance driven by a grieving process or other factors). This is the primary reason why I support the principles the Family Law (Self Assessment) Bill 2019 so that people would know where they stand and not degrade themselves down such a destructive route at huge cost. When we see lawyers taking 40-50% of the joint asset pool, leaving the separated parents with 25% each (and each parent trying to establish and run a new household), we have to ask ourselves if a quick self-assessment (even with a 5% margin of error) such that both parents get close to 45% of the joint assets (there will be some costs in selling properties with state taxes etc and minor legal fees in conveyancing like activities described previously) if the children would be better off. I suggest that the children would be better off using any measure. I tend to think that by performing this basic information as a requirement before submitting affidavits to the Family Court, then simple checks, similar to the services provided by a property conveyancer (as discussed earlier) would reduce the number of long-lasting cases.

The forms themselves MUST have the same force of law as an affidavit and misleading and deceptive conduct prosecuted (with similar tests to that of perjury as outlined on page 346 of my book). Failing to do so will be just another useless process that delays the inevitable court case when one party is both uncompromising and often personality disordered.

**2. Funding of DV research:** By far the most overlooked area that this inquiry MUST address is the management of the public service and the allocation of research funding to Universities and the Domestic Violence sector, promoting an ideology rather than equality (ironically quality under the law is portrayed by the “Lady of Justice” outside many of our nations courts). This has perverted much of the law over the recent decades and created a situation where agencies have lost focus on the children and basic human rights.

**3. The National Domestic Violence Family Law Bench Book**

is best described as a piece of propaganda designed to pervert the course of justice. What is most troubling is that the Department of the Attorney General is responsible for its existence.

Comments I have, from my various contacts, is that the bench book is so biased that in the opinion of one former state chief justice, that any judicial officer that read the document could be so prejudiced that they would need to excuse themselves from any family court matter involving domestic violence. Comments on the Family Law Bench book have been adequately discussed in a paper submitted by Parents Beyond Breakup and found on the Attorney Generals Web site .

What needs to happen is that those responsible for funding of government services need to be representative of the demographics and held to account when they oversee projects that breach basic human rights.

**4. University & research funding** directed by the public service has resulted in staff “run out” of Universities when doing research that is counter to feminist ideology. Of the two people I have been contacted by in 2019, one was



out of Newcastle and the other Melbourne (more specifically Monash University). The lady (a qualified criminologist) doing her PhD at Monash University found an overwhelming effort was made to ensure that her research was never completed and destroy her career. The effort to destroy anyone that speaks against the current mantra is disgraceful any university and the (government) funding bodies that oversee their existence require investigation. The public service through its directed funding, has created an employment pool that creates groupthink within the Universities that marginalize anyone not following their mantra and eliminated pure research, that tries to establish facts.

Government funding of research to confirm beliefs, needs to be removed as part of general government policy. For example, ANROWS (Australian National Research Organisation for Women's Safety) surveys tend to be biased due to the basis (e.g. Women are unsafe, but never consider relative to men) and their sampling (often out of Women's shelters) biased. Other organisations that look at broader community research show that domestic violence is similar and socio-economically focussed while the largest study in the world (Partner Abuse State of Knowledge (PASK)) show very little difference in the rates between genders. From a policy perspective this inquiry needs to recommend against funding of research with a stated or implied outcome and consider the references in P384 of my book.

Government funding of branches of the public service needs to be re-evaluated. There is no question that in terms of suicide, men make up roughly three quarters of the suicides and a largest identifiable group is separated fathers. This is not to dismiss the plight of estranged mothers as outlined in my blog on RUOK day of 2019. Unfortunately, the experience with a former CEO of the National Mental Health Commission showed how the public service is actually usurping the government policies. In meetings it was stated (and I paraphrase) "that my staff does not understand how the public service works which has already decided that the government initiatives on suicide reduction will never be accomplished as we will only allocate funding to LGBTI, Aboriginals and Women". In other words when 75% of suicides are male and government department would not address the issue of male suicides, then objectives will never be fulfilled in spite of what is directed.

5. **Employment Equity** to create an environment whereby men are not just seen as the cash machine and disposable parent is essential in changing cultures and providing equity in the Family Court. The public service has been busy with putting women into traditional men's roles like engineering, but done nothing in the equal opportunities area of ensuring men go into traditional women's areas. There are no scholarships for men to study social work and similar areas which are desperately needed when you consider the analysis outlined in the best-selling book The Boy Crisis. The problem is very relevant to the family court in that the domination of women in many areas of social work has led to the perceived or real systematic bias in the various service networks (as outlined above) that influence the courts. The dynamic faced by many separating families (not necessarily the high conflict ones) are well explained in The Boy Crisis.
6. **Changes proposed by this committee** MUST not fall into the trap of greater qualification of the players (that are regularly seen as a solution for tick the box bureaucrats), rather than professional and personal accountability. For example: Family Report writers, prequalification by listing a long list of qualification and update courses has failed too many children and we see similar failures in other areas of employment. Providing a video of their interviews for independent validation (by the respondent or applicant) is essential, if we are to stay with the adversarial system) and tracking their recommendations for any structural bias is more appropriate.

A recent example of this fallacy in the system was exposed recently by the Family Report Writer Darryl Menanglio, a Perth based psychologist (exposed by the "The Australian" on Wednesday December 11, 2019). As a psychologist he was qualified in various areas but 7 years later in the Administrative Appeals Tribunal found to have exceeded his qualification by labelling a parent "psychopathic traits". Check boxes are fraught with difficulties. Providing the evidence for a robust cross examination of the expert in many cases would be preferable and with the cost of data storage being minimal there are no discernible reasons not to ensure evidence is made available to the court.

#### 7. **Legislation reform without management is a fallacy**

It is often seen that committees such as this see legislation (the function and ability of parliaments to make rules) as the end of their task. We have seen that the Family Law Act from its inception was seen as a big step forward. As

*outlined in the book "Mums the Word" ISBN: 978-1-925833-96-6, more specifically the foreword which was written by the second Chief Justice of the Family Court of Australia, The Honourable Alastair Nicholson AO, where he stated about the system prior to the Family Law Act "it is not often appreciated how bad it was" .... "where finding of matrimonial fault, such as adultery and desertion, determined who was entitled to a divorce and the outcome of custody, access and property settlement." and we moved to a no fault system which I believe was both desirable and appropriate even in hindsight. In the conclusion to the foreword he states "This book is a significant indictment of the effect that poor decision making by successive governments has had and is an important contribution to the ongoing family law debate."*

*What we do not want of this inquiry is a change to the system without providing a method of monitoring of the success of failure of the objectives and monitoring for unforeseen consequences. Clearly as stated above, the Bob Hawke speech that saw the formation of the Child Support system has been a monumental failure in that 1.1 million children are living in poverty. The (possibly) unforeseen impacts is the misuse of the system to maximise the utility of a custodial parent rather than fix the poverty issues and may have led to increase in mental health and other detrimental consequences for the children (based upon the research of Fabricius et. el.) which society along with this inquiry must consider. Note that the current Victorian government following the interim report of the "Victorian Royal Commission into Mental Health" is even considering a new tax for the treatment of mental health and this inquiry has the opportunity to address a root cause of some (and I believe a significant proportion) of the mental health issues facing Australian citizens.*

**If there is insufficient room above to discuss your proposed solutions, please attach additional pages to this submission.**