
From: ISABEL FIELD
Sent: Friday, 6 February 2009 6:20 pm
To: Federal Courts Consultation

Federal Courts Branch
Attorney-General's Department
Robert Garran Offices
3-5 National Circuit
Barton
ACT 2600

Improving access to Justice-a better framework for federal Courts
Submission to Consultation on Review and Report of Future Governance Options for Federal
Family Law Courts in Australia,

Dear Sir/Madam,

If the Federal Magistrates Court is hearing eighty percent of cases, and the remaining twenty percent the Family Court are hearing also comprise cases that the Family Court has "advertised" for, and changed policy in order to accumulate, then the Family Court is already out of existence. (barring the last crumbs).

I find it interesting that Mr Des Semple is charged with making decisions and assisting in this matter. As a former Department of Human Services executive from NSW (or so I read), there is a conflict of interest. The department of Human Services have for years illegally ran cases in the Family Court, where they can escape the scrutiny of the Magistrates from their own State Courts, (report by Justice Fogarty 1993-Child Protection-forum shopping)and take advantage of the paltry evidence standards of the Family Court, including falsifying State Court orders, falsifying affidavits, etc.. For these deeds, the Department of Human Services can increase their pay packets, and so can the Family Court Judges. The former Chief Justice Nicholson of the Family Court of Australia said not that long ago, via the Family Court website. that the worst thing that ever happened to his Court was the entry of the Department of Human Services. Additionally, the departments work is not only known currently as shoddy, they engage in criminal activity. The fact that they have not been held accountable or called such does not remove the existence of the truth.

I find that it is improper that a person from the Social Work Guild be advising in a matter that is of the Legal Industry. The Legal Industry is not subservient to the Social Work Industry. This review and report should be torn up, and perhaps, a new one stated, placed firmly in the hands of the correct type of persons, and not as it has been managed here. The Legal Industry does have the right to enjoy a good reputation wherever that reputation can be garnered and so far the past has bought them into disrepute. Whilst the secrecy provisions of the law Act may have assisted to keep this reputation from being attacked with strength by attempting to keep it out of the media spotlight, generations of citizens, and politicians, are well aware of the failings and have made it clear to myself that the Family Court does not enjoy a clean nor good reputation, and in fact the Court itself has caused billions of dollars of economic loss during a number of decades to the Country, and degraded the reputation of the Judiciary as a whole.

The claim that the current system is confusing lawyers who do not know where to file their cases appears as a ludicrous suggestion. A likely scenario is that persons who attend the Family

Court by mistake and wish to lodge in the Federal Magistrates Court are being misled or misdirected by the Family Court. Additionally, it would be very easy for the Family Court currently to falsify that a matter is a complex matter and get the "first pickings". In this fashion, they can pay themselves forever.

Mr Lionel Murphy when Attorney-General for the Commonwealth, did, as a few others have before him over the centuries, attempt to bring about an improvement in the delivery of marriage and divorce. He sought to create a federal place of simplicity and informality. A quiet, not open to the public arena where families could seek out assistance for any remaining difficulties they had sharing out possessions and duties. I read that Mr Murphy had at the time, been recently divorced himself, and if so, then his motive for creating the Family Court was not that of an Attorney-General, but rather that of a family man who was also fortunate enough to have an abundance of capability and intelligence. I suspect, that after that era, a different entity entered into the family Law arena, and damaged the original work.

Perhaps, today, the Federal Magistrates Court, which is already overwhelmingly the people choice, could be the next evolution in marriage and divorce. In one and a half decades, I myself, have never seen a need for the existence of the current Family Court. Therefore, I recommend that if the Commonwealth truly wishes for one juris then the Family Court Era has come to its natural end. The Family Court Judges should be sacked as they are no longer needed, the Family Court closed, and all matters should now remain at the State Courts, or at the Federal Court. I do not recommend that any Family Court Judges be offered an appointment in the Federal Court. Additionally due to the era of the Family Court and the vast majority of dissatisfaction that has occurred to its users (Michael Lavarch Federal attorney-general circa 1998 by survey- "majority, sixty-four percent of those surveyed were dissatisfied with their outcome at the hands of the Family Court" by way of televised broadcast.) the public would be best emotionally served by the cessation of the name-The Family Court.

The Family Court became an entity that was supposed to take all the work that was spread throughout many departments and combine that work into a single unit-they failed-and the entire country was and remains faced with cleaning up the mess. Whilst your review and report claims Family law affects the Family and Federal and State Courts are affected by the current arrangements, it fails to include other affected parties. Many government departments are overworked unnecessarily by the Family Court failures including the Police, the health departments, hospitals, child welfare departments, state legal aid, the education department, etc.. Many State departments are dealing with and paying for the consequences of Family Court matters.

The Family Court changes from 1999 onwards that have been positive for the nation such as Family Law Relationship centres to attempt mediation, a support mental health approach to assist users who are feeling traumatised, the creation of equality between parents sharing duties and costs of raising children more equally and the benefit to the children from this, and the teaching and promotion of harmony following separations with children, were ideas that were not originating in the Family Court. That Court fought against such items and embraced them because they had to, and also possibly as they could see their era ending. Other persons, including myself and a vast array of citizens and persons of authority, created that scene. Therefore it is wrong to consider the Family Court as providing the solutions, rather they were the problem.

I believe that placing the current Federal Magistrates into the Family Court will end their good works, and their popularity, and change their operations. In simple terms, they will become corrupted and not necessarily by choice. I think by allowing the Magistrates to be moved to the Family Court and then allowed to continue in the Federal Court with some of their non-family law matters will have a negative affect on the quality of the Federal Court which currently enjoys a good reputation ie., policy and very low evidence standards could be passed onto the Federal Court.

I recommend that any restructure plans be restarted, that consultation with all politicians rather than just the Attorney-General be carried out and this be done by a person of the Highest possible authority, experience, and personal dedication, within the Legal Industry but not

someone from the Family Court or the Federal Magistrates Court, nor from someone recommended by them. I offer assistance to the correct person for this job, but to no-one of lesser status and lesser ability.

Remaing today,yet hopefully subsiding are the thoughts of many males, expessed to myself over the years-they would like to marry, but fear the consequences if a marriage fails, including the loss of all of their assets, and never being able to see their children. Today in particular, due to the rise of assets amonst women, I believe that some women also fear marriage. Our society today due to I believe enviromental and work factors, sees many person having at least a couple of substantial relationships or marriages, often producing children from each. This Country needs those relationships marriages and children, and must continue recent pushes to teach, create and assist friendships and realtionships after marriage and seperation where children needs continue to be placed not just during childhood but after maturity securing those children biological parents and grandparents and extended family. Sad communties fail to thrive and fail to contribute to the National revenue and productivity of the Nation, according to their true potential. Hearing men tell myself they fear marriage due to a feeling that they may become subject to unfair or inhumane treatment later is not good. It is a very sad state of affairs.

I write this submission in good faith, secure in the knowledge that evidence exists to support my submission, and expecting I will be protected from any criminal attack (or other) by the Family Court of Australia and their associates and agents, and believing that the Parliament of the Commonwealth of Australia are quality enough to be able to protect citizens from having their right to make a submission kept free from harassment or other.

Yours sincerely,
Miss Isabel Field

CHILD ADVOCATE CLASS ACTION