

A Bloke's Guide  
to  
Family Law  
&  
Child Support

by

The Divorce Doctor

Version 1.1

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# 1. Introduction

## 1.1. Access to Justice

1.1.1. Back in the 1970s or so Ozzie Osborne of Black Sabbath sang Sabbath Bloody Sabbath, which starts off as:

*You see right through distorted eyes, you know you had to learn,  
The execution of your mind, you really had to turn.  
The race is run, the book is read, the end begins to show.  
The truth is out, the lies are old, but you don't want to know.*

*[CHORUS]*

*Nobody will ever let you know,  
When you ask the reasons why.  
They just tell you that you're on your own,  
Fill your head all full of lies.*

1.1.2. Now it is hard to know what was going through Ozzie's mind [if anything] when he sang that but if I was asked to guess I would say he was "having a bad family law day". To fortify that belief we see that Verse 2 appears to go down the "standard track case management" stream on the Yellow Brick Road of family law, whereby he gets all angry, depressed and suicidal [in that order of course].

*The people who have crippled you, you wanna see them burn.  
The gates of life have closed on you and there's just no return.  
You're wishing that the hands of doom could take your mind away.*

*And you don't care if you don't see again the light of day.*

He then repeats the chorus, but adding "you bastards" for good measure

*Nobody will ever let you know,  
When you ask the reasons why.  
They just tell you that you're on your own,  
Fill your head all full of lies.  
You bastards!*

1.1.3. Only those blokes who have had their own "family law experience" could understand why I am putting this up as a most appropriate introductory passage into my book. About half way through my own decade of personal family law experience, Paul Keating provided a Press Release on 8 January 1996 for his Access to Justice Reform of family law. The AG Michael Levarche delivered the package saying in a Nev Chamberlain sort of way "there **will** be access to justice in family law, lawyers **will** be relegated to the sidelines - information sessions will be conducted in all registries of the family court"

1.1.4. In my view it is a totally appropriate subject by way of this Introduction to A Bloke's Guide to Family Law to explain what the term "reform" means [and why you should **never** even mention the word], by way of a little story. The so called reform of 1996 was that the nasty word "custody" would be outlawed and replaced with the nice term "residence", and also parents could make their own warm & cuddly parenting plans and the court would **register** them thus making them as binding as "real orders" - which of course is "not very binding at all but better than nothing". Of course we have all had the experience of judges simply agreeing with your consent signature to give "residence" to mum and remarking to you "we used to call it custody you know". In other words who cares what it is called as it

simply means she gets the kids so she gets the house, car, super, cat and dog and you pay child support.

1.1.5. Then in 2004, in the ultimate example of audacity, Howard initiated yet another of his own talkfests to "reform the family law system" and he actually called it the "custody reforms", in what in my view was a direct rebuff by the Rodent to throw the Keating reforms overboard, ie **deny** that those amendments were ever made to the Family Law Act. But it gets worse folks - while the Stockholm Syndrome mushrooms in the so called men's groups were revving their testosterone up to the requisite 6,000 RPM [and I explain all these terms and concepts hereunder], he axed the ability of parents to **register** their warm & cuddly parenting plans in a court, meaning they are no longer worth the paper they are written on, while giving us 50 new warm & cuddly "family relationships centres" [or whatever the winning tenderer Relationships Australia is called this month!!], in order to **make** these worthless plans [and at a bargain price of only half a billion to J Doe].

1.1.6. So why should anyone care about Howard's clandestine Amendment Act 138 of 2003, introduced in 2004 while the Rodent was billing & cooing at the so called men's groups via his custody talkfest, in order to get re-elected? Well as I state above the Keating concept of a parenting plan was to firstly allow the parents, and **not** the lawyers, to formulate the plan and secondly to allow the plan to be registered in a court whereby it had the same power as an order made by the High Court, meaning if Buttercup offended the plan you could have her sanctioned for contempt of court - in theory that is.

1.1.7. So the first "reform" of the Rodent was in 2000 and he watered down "contempt" to the pussy term "contravention", but be that as it may, you could still have Buttercup sanctioned. But the 2004 "reform" says you are on your own [same as Ozzie says] with your warm & cuddly

parenting plan because the court no longer has jurisdiction to deal with Buttercup for contravention. Maybe I should rephrase that to say you are on your own but have Relationships Australia to "help" you by charging you only \$50 per hour to see your kid at a Relationships Australia "contact centre" better known as Camp Belsen without McDonalds, after mum's lawyers and Relationships Australia coached mum to merely utter those immortal words of [false and unsubstantiated] accusation "Dad put his finger in my bum, it was yukkie".

1.1.8. If you don't believe me regarding the deception of this particular [Claytons] reform just check out section 63DA before and after the reform, eg the former words have been thrown overboard by the Rodent while you were screaming your tits off about 50/50 rebuttables:

*"(a) the obligations that the plan creates; and*

*(b) the consequences that may follow if either of them fails to comply with any of those obligations; and"*

These original clauses referred to contempt [and by 2000 to contravention] action hanging over Buttercup's head like the sword of Damocles [as my favourite judge Bell J puts it], but the Rodent's Reform simply leaves (c), which is worthless code for Relationships Australia.

*"(c) the availability of programs to help people who experience difficulties in complying with a parenting plan."*

1.1.9. If there ever was a case of the fox being put fully in charge of the chookyard this reform is it. The same people who post 2004 will advise you on your warm & cuddly but totally meaningless parenting plan were funded in 2000 to set up and operate these horrific Belsen/Baxter Camps to "allow" dads and kids contact behind a razor wire

fence. What is more, these are the same people who prior to 1994 were called Marriage Guidance being funded to advise people on keeping their marriage **together**, but having declared on TV in 1994 that [in code] there was far more money to be made joining the lawyers in the divorce pig trough.

1.1.10. The Explanatory Memorandum to Parliament for this Bill of course quickly disappeared off the government web site but the reason for axing registration under S 63E was simply "it was observed that few parents seemed to want to register their parenting plan". Well now, few people want to pay tax, but the Rodent has not axed the tax act.

1.1.11. I will deal more fully with all these matters in later chapters but by way of introduction this takes us back to Ozzie Verse 1 where he says "The truth is out, the lies are old, but you don't want to know". Therein lies the probable absurdity of my decision to go ahead and write this book, after having explained at the web page initially that I was conducting a survey to see if the thirst for knowledge was sufficient [with blokes] to wipe out the Stockholm Syndrome, which in simple language says blokes get to actually **like** being family law victims and will do almost anything to **stay** as victims when threatened by the truth.

1.1.12. So I went to several of the so called men's group forums to do some marketing research by letting fly with the truth and observing the reactions of both the group "moderators" [their self imposed title] and the members/guests [and glove puppets] and although it is almost impossible to shock me regarding "family law tactics and consequences", I was shocked beyond my wildest predictions at the web site about just how entrenched was the Stockholm effect.

1.1.13. What this Stockholm assistance to the Rodent means is that he can indeed "amend" the FLAct to give

"rebuttable 50/50", mainly because it is already **there** via the 1996 reforms [as the new Chief Justice recently remarked - correctly in my view]. But as we see above, the "agreement" from Relationships Australia means nothing as it can't be enforced in any way [but you might get a discount at Camp Belsen]. However while blokes don't care to show their hand we know that while they love their kids, a lot of the reason for 50/50 [rebuttable of course] is to get to the nicer area of the CSA formula where "disregarded income" = "exempted income" and the whole apple pie smells better. Bad news again as the CSAAct requirement to get the bloke to those green pastures is a **court registered** agreement regarding residence/contact [or custody/access even], and the bit of paper from Relationships Australia saying you have 50/50 [rebuttable of course] can't be registered because the Rodent just chucked s 63E overboard.

1.1.14. Sorry, I should be more correct and say s 63E got the "rs" tag and that does not mean ratshit, even when dealing with a Rodent, but means "repealed and substituted". The new look s 63E says you can apply to your friendly court to have your formerly registered warm and cuddly **unregistered**. In my wildest dreams I can not imagine under what circumstances anyone would want to do that. In other words a repeal in isolation creates a bit of a smell but a substitution must be a reform - well isn't that logical, the Gummt would surely be working towards access to justice in our best interests? Think again folks, and if you can't think for yourself just read on to see how Howard made this "legislation gymnastics with PowerPoint bullet lists" into an art form by 2007.

1.1.15. But I promised an access to justice story, so here it is. As we know after the 1996 reforms the Rodent quickly booted Keating out of Yarralumla and it was at that very time my local branch of the family court at Parramatta put on its access to justice information sessions [the new AG

Williams at least honoured the promise of the outgoing AG Levarche]. I was surprised to see a huge rollup of some 100 victims for the first session, conducted by a blood sucking lawyer doing his Sabbatical as the Registrar. It reminded me of my first day at school as he proceeded to say "at first you will feel sad and she will feel angry" and he held up a picture of a bloke looking sad and Buttercup looking angry. He went on "then you will feel angry and she will feel sad, then you will both feel sad then you will both feel angry" [drone, drone -----].

1.1.16. Of course this little softening up bit quickly got to the point of "so when you see your solicitor he will understand how you are feeling". He then said "ask your solicitor about s 75(2) factors [which are in fact matters and not factors at all] as he will be most impressed". By then I had had enough so I asked about the press release from Levarche and why were the solicitors not sitting on the sidelines with a Yellow Card? He said to me "Sir, some of these people are in deep trauma and your questions are interfering with their healing process and if you interrupt again I will have you thrown out" [back then the concept of overboard throwing had not been brainstormed by the Rodent's marketing team].

1.1.17. I was not to be denied my right to access to justice so I asked if both sides could use the same solicitor so as to avoid arguments. With that, the Marshal of the Court was called and I was turfed out of the revolving door onto the footpath. Now shortly before we got access to justice a bloke [suffering trauma] shot his wife [severely] on the steps of the court and in a scene reminiscent of Macbeth, the Marshall had been unable to remove the bloodstains from the steps. So as I sat there on the steps contemplating the bloodstain I thought to myself "I am not sure I **like** having access to justice" Now forget all about Stockholm and read on.

