

## 0.1. Submission on "De Facto" Amendments

0.1.1. Submissions are currently being invited [generally & personally] from the public [including what are termed "stakeholders"] as to the Bill before Parliament at present, to "remove discrimination to de factos" from the Family Law Act [herein FLAct].


0.1.2. As was my practice with the recent "Privacy Inquiry" I propose to make this submission as a "Free Extract", posted at the website <http://www.ablokesguide.com>, for my book A Bloke's Guide to Family Law, and the reasons will become obvious.

0.1.3. And I am also taking the opportunity implicit in the "anti discrimination" nature of the Bill to seek an additional Bill to remove the [in my submission, **far greater**] discrimination against those in the "Vietnam Conscription" fiasco. This might well be a Private Members Bill via my own MP Jim Turnour, given his concerns with this Bill. So this submission will have the Dual Purpose of asking him the question.

0.1.4. But as a Kafkaesque preliminary issue, I only became aware of the Invitation to make Submissions from a posting at Howard's Cash for Comment Site [herein CFC], **the same CFC Site who Pirated my book**, and subject to upcoming legal action under the Copyright Act. It appears that rather than save taxpayers from further waste of money by truncating their funding, the Kevin '07 Government has promoted them to "stakeholders" [whatever that might mean], as was seen by the "Bruff Mark II, Chase Deadbeats to the Grave Initiative" by the new boy Mr Ludwig inviting the CFCs to Canberra for a Workshop on CSA Terror Tactics.

0.1.5. This is the post at the CFC site admitting the Piracy and Character Assassination, required by their Minders.

[Conan](#)



I see the moderators have removed yet another post about the very badly written and incomprehensible 'Blokes Guide' advertised by the idiot that has the Australian record of being banned by the most forums

I have a copy - its a complete waste of money - he should be paying people to read it instead of trying to rip off people at a very vulnerable stage in their lives - he is worse than a lawyer

SRL-R member

Anyone want a **free** pdf copy please email me at [ozziebarbarian@yahoo.com.au](mailto:ozziebarbarian@yahoo.com.au)

Warning, its a boring read, reading the local telephone directory would be more interesting and useful

0.1.6. Here is the posting at the CFC Site:

*Mr Michael Green QC  
Shared Parenting Council of Australia*

*Dear Mr Green QC*

*Inquiry into the Family Law Amendment  
(De Facto Financial Matters and Other Measures) Bill 2008*

*I write **to invite you** or your organisation to make a submission to a Parliamentary inquiry.*

*On 26 June 2008, the Senate referred the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 [Provisions] to the Legal and Constitutional Affairs Committee for inquiry and report by 27 August 2008.*

*Peter Hallahan  
Committee Secretary*

0.1.7. Given that Howard saw the need to have these "people" Pirate my book **and discredit me**, presumably because the book was "too truthful", it would seem Intellectually Honest to think that I too may have got an invitation, as I did in 1993 from Roger Price MP regarding the JSC Inquiry into Child Support, but I will let that all pass to the keeper.

0.1.8. So the obvious lead in for this submission is my initial two paragraphs in my Property Chapter, per:

*4.1.1. By asking what is the scope I am setting the subject matter of this chapter. Firstly, as distinct from Child Matters and Child Support, in 2004 you still need to have been [or still be] married to ask a **federal** court to make orders in relation to property. That is not to say de factos and non heterosexuals would not love to be included [for reasons which totally escape me] and for reasons totally obvious the FLIndustry would love to have these folk on board, albeit that the departure of Al CJ, as a campaigner, will put such efforts back a few decades.*

*4.1.2. De facto provision [which I don't cover in this book] as it is called is covered under state laws [and courts] and I have no idea or interest in "de faggoto" provision, mainly because the taxpayer will already be pouring out millions of dollars into such boo hoo groups that cover such matters. That is once again no reflection on "people who take it up the arse" per se, but simply to say this is a book for the race of blokes who "do it the usual way" as I detail in an earlier chapter, and get done over in the usual way once Buttercup starts on her DIP.*

0.1.9. So it seems an injection of "anti discrimination pushing" from my own MP in Leichhardt, Jim Turnour, and Warren Entsch before him, has made this all happen sooner than later.

0.1.10. My first comment is that **if** this is about anti discrimination and "equalisation of rights", then I am all for it to

happen, but with a caveat. If the Kevin '07 Government is "Ridgy Didge" on discrimination, then please **be consistent** and **start a Bill** on my complaint regarding Vietnam Conscripts, in my "Supplementary Matter" at the end of this submission.

0.1.11. My general comment is that there appears to be RimmerGate type word for word duplication [plagiarism, if you will?] of all sections relating to married folk, both for rights and responsibilities, but with the "S Word" [ie "shall"] being replaced by "must" in the new versions of s 77A and s 79(2). I explained that aspect in my book per Moss J in Evans & Spicer, and it is also noted that that case has **suddenly** been allowed on austlii after 16 years on the "suppressed list".

0.1.12. But it is puzzling why the Legislature should have still pushed the s 77A dead parrot [s 90SH for the new de factos], given that after the courts decided to ignore specification since 1987 [at a cost of some \$50 Billion to the taxpayer, as per my book], Howard then **deleted** s 1116 from the Social Security Act, meaning even if the courts relented and **used** the new s 90SH and/or s 77A, it would mean nothing as the **ClawBack** facility has been removed along with s 1116.

0.1.13. But that is just money, so let me jump to my main concern [and that of Sir Gerald Brennan in Harris & Caladine] which is just **what is** a "family". Curiously the FLAct does not define "family", albeit it defines [*inter alia*] "family violence" as being violence in that [undefined] family, but no clues as what the family is, per:

#### 4 Interpretation

*(1) In this Act, the standard Rules of Court and the related Federal Magistrates Rules, unless the contrary intention appears:*

***family violence means** conduct, whether actual or threatened, by a person towards, or towards the property of, a member of the person's **family** that causes that or any other member of the person's **family** reasonably to fear for, or reasonably to be apprehensive about, his or her personal wellbeing or safety.*

0.1.14. In my submission this is in no way mere semantics as we move to a society where "spouse/marriage" have all but been deleted from the dictionary, and replaced with "partner". With the new Kevin '07 his partner [and I don't know or care if they are or were or might be married] has a different surname. So I will post here the words of Sir Gerald from 1991:

*"It seems that the pressures on the Family Court are such that there is no time to pay more than **lip service** to the **lofty rhetoric of s.43** of the Act. That is the section which speaks of the need to **preserve and protect the institution of marriage** as the union of a man and a woman to the exclusion of all others voluntarily entered into for life (par.(a)) and the need to give the widest possible **protection and assistance to the family** as the natural and fundamental group unit of society, particularly while it is responsible for the **care and education of dependent children** (par.(b))."*

0.1.15. So Brennan J is commenting on a "copout budget report" from Fogarty J and calling the FCA just a **big sausage factory**. In my view, in the passage above, he most definitely equates the "lofty ideals" of s 43 to the **Married Family** as the "natural and fundamental group unit of society". Nicholson CJ [with Fogarty, Lindenmyer JJ] tried to "revise" that in 1996 in B&B per:

*7.15 The forming of personal relationships, often **within** marriage, is an integral part of our society, and one which is encouraged at all levels. It is not simply that it fulfils the*

*personal desires of the persons involved. It is an essential aspect of life in our society. Section 43 of the Family Law Act, which sets out principles which this Court **shall** apply in exercising jurisdiction under the Act, includes "the need to preserve and protect the institution of marriage" and to "give the widest possible protection and assistance to the family as the natural and fundamental group unit of society." There is **no reason to suggest** that these principles apply only to **first marriages**.*

0.1.16. So while this piece of *obiter dictum* has a slight leaning to de facto relationships [albeit he still talks to second **marriages** and not "partnerships"], Nicholson CJ remained CJ of the FCA and as much as he aspired to the HCA, Harris & Caladine trumps him.

0.1.17. But what have our legislators in the Brave New [Y2K] Millennium got to say? Well they say:

*34 Section 43  
Before "The", insert "(1)".*

*35 At the end of section 43  
Add:  
(2) Paragraph (1)(a) does not apply in relation to the exercise of jurisdiction conferred or invested by Division 2.*

0.1.18. So they **have** entered the **very murky water** of amending Objects. To see what that might mean we need to read s 43, per:

*43 Principles to be applied by courts*

*The Family Court **shall**, in the exercise of its jurisdiction under this Act, and any other court exercising jurisdiction under this Act **shall**, in the exercise of that jurisdiction, have **regard** to:*

*(a) the need to preserve and protect the institution of **marriage** as the union of a man and a woman to the exclusion of all others voluntarily entered into for life;*

*(b) the need to give the widest possible protection and assistance to the **family** as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependent children;*

*(c) the need to protect the rights of children and to promote their welfare;*

*(ca) the need to ensure safety from family violence; and*

*(d) the means available for assisting parties to a **marriage** to consider reconciliation or the improvement of their relationship to each other and to their children.*

0.1.19. Well it seems firstly they doubled up on the "shalls" originally, but not to worry as "shalls" are a dying breed, as seen hereabove. But there is no attempt to "preserve and protect" **anything at all** in relation to de facto relationships. What does that mean? Are these somehow less valuable? Why was there not a subsection added to say:

*(aa) the need to preserve and protect the institution of **de facto relationships** as the union of a man and a woman to the exclusion of all others voluntarily entered into for life;*

0.1.20. And if this might be seen to cause some confusion with (a), then better still simply do a "repeal & substitute" of (a). After all we are **not** talking here to possibilities or trends, but to something that **has happened** by the Feminisation of Western Society [whether you or I like it or not]. The replacement of "Miss/Mrs" with Ms is now over 20 years old and is so entrenched

that one could easily get up in a discrimination action against a person calling a Ms a Miss/Mrs.

0.1.21. As we move forward, going forward, it is now 10 years since the similar change from "married/spouse" to "partner" was beautifully satirised in the cult movie *American Beauty*, in the Jim & Jim scene. But once again it **has happened**, where even big boofy footballers now have partners and not wives.

0.1.22. But we also see there is no thought of duplicating s 43(1)(d) to **reconcile or improve** de facto relationships. Is this simply a Freudian admission that the whole point of all this is simply all blood sucking lawyers to the pig trough and **forget lofty ideals forever?**

0.1.23. But let us pause for a moment [where two mountain valleys met] to look at some history. Of course by the time the Marital Causes Act had been "caused" to become the FLAct in 1975 the **white-anting** of the family was already under way from our very own Germaine Greer and her famous "Lady Love Your [unmentionable part]", thus replacing a short but beautiful period of "Flower Power" with the concept of the SNAG [Sensitive New Age Guy], ie a SoftCock or Pansy, where the male of the species was to become a DoorMat.

0.1.24. So by the mid 1980s things were under way. Geoffrey Robertson produced his brilliant Hypothetical "Till Divorce Us Do Part" in 1986, to prove that the FLIndustry was simply about sucking blood at the Pig Trough.

0.1.25. A Canadian Leonard Cohen composed a song Hallelujah to describe the whole emerging scene of SNAGism. In the song he laments the replacement of a "Holy Hallelujah" [the Schiller/Beethoven Ode to Joy] with a "Cold & Lonely Hallelujah" of becoming a SNAG ["she broke your Throne, she cut your hair"], with Buttercup "waving her Victory Flag on the Marble Arch". The

brilliance of the song is that the prophecy was so accurate and complete that nobody in the 3 million UTube viewers born after 1950 can understand what he is talking about.

0.1.26. For its part, the Government had the same concern as me as to what **is** a Family, and added s 114A to M to the FLAct to create the Australian Institute of Family Studies [AIFS], to:

*S 114(2)(B)(a) to promote, by the conduct, encouragement and co-ordination of research and other appropriate means, the identification of, and development of **understanding** of, the **factors** affecting **marital** and **family** stability in Australia, with the **object** of promoting the **protection of the family** as the natural and fundamental group unit in society; and*

0.1.27. Of course the AIFS **never had any intention** of doing any such thing as to "Lofty Ideals". Give a group of Raging Feminists unlimited buckets of taxpayer funds and they will produce unlimited bucketloads of Feminist Bile, so they **did**.

0.1.28. But the commonality of these three "things" starting in the 1980s is that, for better or worse, by right or wrong means, the **end result** was the same where Bloke and Buttercup end up "**single**", at the end of the day, going forward. So the Intellectually Honest question must surely be do we conclude that "Family" now means "a Family of One" or a "Single Parent Family [with various percentages of chopping up the kiddies for access/contact/visitation/spending time/Kevin '07 new word]"?

0.1.29. And at least back in 1990, MBF made no distinction in their "Family Plan" between an intact family and one separated by the width of Australia.

0.1.30. To return to the Bill, there is **no attempt** to amend S 114(2)(B)(a) to cater for de factos, for example by adding (c) per:

*S 114(2)(B)(c) to promote, by the conduct, encouragement and co-ordination of research and other appropriate means, the identification of, and development of understanding of, the factors affecting **de facto** and family stability in Australia, with the object of promoting the protection of the family as the natural and fundamental group unit in society; and*

0.1.31. So the next Kafkaesque Twist here is that what the AIFS actually **did** was to throw the **Married** Family overboard, by ignoring their "Charter" at S 114(2)(B)(a), and for over 20 years flog the **de facto** "Family Values", as if their Charter was in fact my hypothetical S 114(2)(B)(c). Strange days indeed!

0.1.32. My conclusion as to these events is simply that "all things **did** come to pass" and we are now in a "situation" where, even **if** "Family" had been defined at any time in the past, such definition would be obsolete now, going forward inexorably to this "Outcome", which says IMHO we need a "Root & Branch" solution to "Family Matters" [no AIFS pun intended], starting with the question of the actual **inclusion** of the word "Family" in the amended legislation.

0.1.33. Indeed we see that Howard's CFC site has "Crossed the Rubicon" in establishing a new "social norm". They [the self named SPCA] have a **single issue purpose in life** which is a supposed Nirvana of "Shared Parenting". The practice of "Parenting" has 429 mentions in the FLAct but sadly, as for "Family", is not **defined** in s 4. "Parenting Skills" has no mentions at all, but of course is the most popular bile from the various Government Agencies/Organisations, NGOs etc, and especially SPCA.

0.1.34. Indeed the Nirvana of SPCA is a type of State of the Origin "BikeOff" where the waring parents trade blows by way of Parenting Skills to outdo the other combatant. The rules say each combatant must have equal "time spending" and sub rules specify

complex ChangesOver [at McDonalds] with precision that would put the Coaches of the State of Origin Teams to shame.

0.1.35. There is absolutely no intention/consideration of providing the unfortunate children with a "Family" of their biological mum and dad [married or not]. In fact it seems that once the marriage [or de facto "rites"] has been consummated, the parties forsake any HoneyMoon to move directly to the BikeOff.

0.1.36. But wait a moment, there **is** another platform for the SPCA CFCs which was their insistence to Howard/Parkinson that the Family Tax Benefit [herein FTB] also must be split 50/50, along with the splitting of the poor kiddies. However [as well as **Maintenance** Income Testing (ClawBack) for Buttercup's Child Support] the FTB is **also** Income Tested, so here we have another Kafkaesque situation.

0.1.37. I refer to the situation whereby **any** "family" [ie the FTB is "tested" on the **combined** income of the "HouseHold"] is almost certain to be Income Tested out of their 50% of the FTB, or at least down to the Vanstone "sandwich and a milkshake" level of the **Basic** FTB.

0.1.38. Therefore the SPCA model says you shall [must, if you will] not form any "Relationships" with any person of any gender, plutonic or otherwise, and indeed there is so much Skilling and InterChanging going down in this model that there would be no time left for anything else, including Hanky Panky.

0.1.39. This leads inexorably to the question of why FTB uses the word "Family" at all, given we don't know what it means, and is on the way out in any case. So the natural extension is why do we still call this legislation the **Family** Law Act?

0.1.40. We have the ultimate precedent for change if we think back to 1994 as we sat dumbfounded watching A Current Affair to

hear and see The Marriage Guidance Council trade in their Bibles for Ros Kelly WhiteBoards and announce that [as Relationships Australia] they were now "getting into dividing up the house, just like lawyers".

0.1.41. That was pure marketing brilliance and they have gone from strength to strength, getting a large cut of every Government handout including the latest quangos called "Family Relationship Centres". I suppose that given the fact they threw Marriage Overboard long before Howard ever considered such "not quite cricket" activities, the Government was sort of beholden to them, especially using the then new word "Relationship" for their FRCs.

0.1.42. I mean to say that the fact Howard/Parkinson did not simply call their new "Lawyer Job Centres" as "Family **Law** Centres" rather than the chosen "Family **Relationship** Centres" is surely testimony, going forward, to the dedication of the Howard Government [now imitated by Kevin '07] to actually move forward, going forward, with these important Social Reforms. It is one thing to RollBack WorkChoices, but one does not spend 24 hours in the WorkPlace, so our Social Conscience needs to reach to our "non-working" hours as well, going forward.

0.1.43. So why not amend the title of the FLAct to The Relationship Act 2008, or similar? And of course it would need new "Lofty Ideals" at s 43, and given that, as before, nobody is about to take one bit of notice of them, why not call Professor Parkinson back from his UK Junket and give he and Howard the job to scribe them. Even throw in Gleeson who is about to fall off his perch at HCA and, like Howard, will be "looking for mission".

0.1.44. In fact, as this is such a momentous "Semi Constitutional" issue following the folding [**by** Howard] of the "Howard Nuclear Family" from 1996, why not go the Full Hog and make a replica of the Good Ship Lucinda and put this mob to sea to ponder the issues "Far from the Madding Crowd". And to better

utilise TaxPayer Funds, sail the New Lucinda in the Southern Ocean to do a symbolic protest against Japanese Whaling as the pondering goes on, going forward.

0.1.45. Because the SPCA is dead against **any** Relationships at all [in favour of a dash for the cash], then one of their breed should be on the "Ark", but surely confined to steerage!! As for Feminists, surely we must shed the Greed Feminists [eg Greer/Goward] and give a voice [and passage] to a **True** Feminist such as Helen Garner.

0.1.46. But let's pause for some **Rice & Asplund** hilarity to ease the burden of these momentous decisions as the Good Ship Lucinda once again takes to the high seas.

0.1.47. The singular [KISS] purpose of Howard's "Custody Reforms" was to suck in more votes from blokes [who are easy to fool] without upsetting the votes from the [shrewd] females.

0.1.48. So as explained in the book he did his usual 3 card trick and "gave" Bloke Shared Parenting **Responsibility** [which he already **had**], and with a few Advance Australia Fairs at the Footy Howard virtually had Bloke fooled, well unless Bloke read my book. So just to be sure, Howard organised a 2 pronged attack of **paying** all the waring "mens groups/peak bodies" to form a conglomerate [along with Minders from the FLIndustry] to cement the "Joint Parenting Vote" and spread the "Howard is a **good** Rodent" message, while at the same time Pirating my book and discrediting me.

0.1.49. So that was that for the Plan, and many might say it did not work as Howard was thrown overboard, albeit voters simply tick the box and are not required to give reasons for overboard throwing.

0.1.50. But Bloke was now Gung Ho to "convert" his 29.9999% of nights [as "arranged" by his lawyer] to 50%, as per the new Holy Grail [as told to him by SPCA, **not** the FLAct]. So Bingo, a new Business Opportunity for lawyers, except Howard had paid extra to the CFCs to set up a "SRL Resource", so Bloke was hoping that his conversion would be **free of charge**, rather than the \$10,000 he paid to his Blood Sucking lawyer to give him the "normal order" at 29.9999%.

0.1.51. This [SRL] threat to the Business Opportunity caused severe indigestion at the Laws Society, so the FLIndustry exhumed the decayed body of a case Rice & Asplund, so that the CFCs could bleat out Rice & Asplund on a daily basis at the Site to say "look Bloke, your conversion is going to be **way harder** than we first indicated so we can not help you at our SRL Resource [even though you 'paid us forward', as required] and you will need a [Blood Sucking] lawyer at **another** \$10,000, but you won't win anyway, so come in sucker!".

0.1.52. Now any honest lawyer [the ultimate Oxymoron] would tell Bloke that this is just another trick by the CFC Minders. The story says Risotto & Asparagus [using s 121(9)(g) pseudonym rule to protect Rice and Asplund "kiddie", who turned 37 last year] is some type of Guideline/Rule of Court/Precedent as to a [high] Threshold Hurdle to assist Buttercup seeking Summary Dismissal. But if that ever was true back in 1978 or so, Sir Harry in Mallett, Sir Gerald in Caladine and Sir Michael [yet to be officially Knighted] in Lindon, Harrington etc say it **can't** be a Guideline or Rule of Court [**or** FLRules according to Harrington], because it would "fetter what the Parliament has left unfettered" and thus be "forbidden by the Constitution". And given Risotto is simply a "Budgetary Consideration", we can throw in "the Constitution does not bend to the exigencies of a Budget".

0.1.53. So that leaves the possibility of a Precedent, and I will return to that in relation to this Bill. But in the meanwhile the

Risotto debate has reached fever pitch at the CFC Site where the Minders [associates to judges one would assume] have jumped the gun and fed in a new case with Shock & Awe comment, but without the case being published at austlii [or elsewhere] so that a sane person can check the frenzied claims. All this is to herald a Chaucerian Pilgrimage to Canberra to see the AG and complain that Risotto & Asparagus [even renamed] has reached its Use by Date.

0.1.54. Of course the AG will explain the Separation of Powers to the Pilgrims [which includes a QC no less, who should know better] and how they would need to "find a vehicle" [eg the B&B example] and the vehicle convince the court to ask him to intervene via s 91 [which he wouldn't anyway, and neither would the court ask in the first place]. The Pilgrims will then return from Canberra, following a visit to "a Certain Curry Restaurant in Deakin" where many "Matters of State" were digested by some famous ALP MPs in Days of Yore.

0.1.55. So to return to the Bill and Risotto as a precedent, MDB QC [of CCH fame] for the father argued the self same Summary Dismissal "estoppel rule" as the current CFC Pilgrims, via their Minders the FLIndustry. The Gravamen of the Full Court decision says:

*As their relationship was a probability foreseen by Larkins J, it was not, he [MDB] submitted, a change in circumstances which could be relied on. This submission seems to be **very special pleading**. The court **cannot** determine the welfare of the child by applying some sort of **estoppel rule**. The fact is the wife's future in late 1975 was fraught with uncertainties, most of which have **now been resolved**. The **remarriage** was, in the circumstances of this case, a **sufficient reason** for **reopening** the issue of custody, although not necessarily for changing custody.*

0.1.56. It is hard to see any **general** agreement **at all** as to a "rule" in that bit of *Obiter Dictum* about estoppel, or in simple terms there is no standard starting height for the high jump bar. So to move to Precedent issues, the hurdle **was** reached **purely** by the fact Ms Risotto became Ms Asparagus, ie **re-married**. As seen there was little scrutiny at all as to the "character" of Mr Asparagus.

0.1.57. To return to this Bill, we have seen that, despite the Lofty Ideals of s 43 and your **coyness** in the amendments to s 43 to actually **say** marriage is a Dead Parrot, the intervening 30 years has seen the annihilation of Marriage "*as the union of a man and a woman to the exclusion of all others voluntarily entered into for life*", and with no guidance at all to the Punter as to what a "Family" might be.

0.1.58. It is a good indicator, for such a shrewd survivor that 12 years back Howard's initial vision of the Howard Nuclear Family [married of course] was quickly allowed to slip through to the keeper and never made it to 1997.

0.1.59. So where does this take us, going forward? My conclusions at this stage are that the Bill is basically sound but needs to be a little more brutally honest in "telling it as it is", so we don't have any more spectacles of the High Court tearing strips off a hapless Fogarty J "just doing his job within a Budget". So that extends to the possible re-naming of the FLAct, albeit I personally hate the term "Relationship" as much as "Partner" and "Gay".

0.1.60. As for Risotto, it would be totally contradictory of me to suggest the Legislature might "do anything at all", given that if Risotto ever lived at all, it was killed off by Mallet some 25 years ago. But there is an **indirect** way to not only fully "lay the ghost" of Risotto [and all other sources of Family Law and Child Support mis-information] but also relieve the TaxPayer, and that is to

simply **not pay one more cent** to Howard's Cash for Comment Glove Puppets.

0.1.61. After all, these Cash for Comment freaks are the Evil Agents of the Howard Regime, and from where I sit, Kevin '07 **threw him overboard** and is **Rolling Back** numerous other abuses from WorkChoices to Hospitals, to Education, to "ATSIC Rights" with alacrity, as **mandated** by the voter. Well the voter **also** voted out the Howard/Parkinson devious tricks in Family Law & Child Support, so it would seem to be the **ultimate exercise in Political Suicide** for the new Government to be getting their "Policy Direction" from these same "Nazgul".

0.1.62. STOP PAYING THEM, and the situation will **normalise itself**. After all that is what the courts are there for, and they do the job very well. And the courts now need to set a whole new raft of precedents [see below] for "what is a de facto", so let's not have another Risotto Pilgrims farce.

0.1.63. And with the Lucinda steaming off towards the South Pole, and with the issues of this Bill firmly in hand, I will now move on, going forward, to issues of **real** discrimination. But to start with the present Bill, it will be appreciated that **all** the issues, past, present and future with the FLAct are essentially **Choses in Action** [herein CIA]. The decision to marry/divorce/litigate [and the associated terms under this Bill] are all CIAs.

0.1.64. John Marsden [RIP] maintained that his disposition to becoming "a Pot Smoking Old Poofter" [and Claytons Pedophile] was "beyond his control". It would be Intellectually Irresponsible to agree with such an irresponsible stance. At the end of the day, going forward, the matters of this Bill simply **add** de facto CIAs to CIAs of those of those formerly catered for by the FLAct [even though we don't have any guidance as to what a Family might be in 2008].

0.1.65. So while this Bill is purporting to address some implied discrimination as to "Acts & Things" available to "Married Folk", those very "Acts & Things" were CIAs. So this Bill [if passed] will do no more than **extend** certain Heads of Relief to other "categories" of Folks. But at the end of the day, going forward, **all** such pleadings [before or after this Bill] to these Heads of Relief are in fact CIAs.

0.1.66. So to move on, going forward, to the **real** discrimination alluded to hereabove, we are no longer talking to CIAs. In or about 1964 the Menzies Government staged its own WMD farce to push the Draconian National Service Act through Parliament. The most Draconian/UnConstitutional aspect was that it Deprived the Liberty [to use modern terms] of 20 year old men/boys [ie **not** for females] for 2 years, even though these people were considered as "minors" at the time and **Unable to Vote [but old enough to die]**.

0.1.67. That Gross Discrimination was quickly corrected by increasing the voting age [male **and** female] to 21, but females were still **not** included in the "Lottery of Death". But of course the Horse had already well & truly Bolted [down Kosciusko way] and if one **refused/contested** that Nazi Style anti Constitution type Discrimination, then one was in jail, vote or no vote. So on any number of counts a bloke could have won an anti discrimination case based upon today's "precious standards" [at least for females].

0.1.68. But don't get me wrong about the **Terrorist Training** part of National Service. The first 10 [of 104] weeks of National Service 1965 style was essentially the **totality** of the 1950 scheme [and every male was called up, ie **no lottery**]. As we will see it is the **remaining 94 weeks** that are in issue.

0.1.69. As a participant in these Terrorist Training Camps [Kapooka, Wagga Wagga in my case] one can understand to some

extent the buzz of David Hicks in his **chosen** Terror Camp in Pakistan. We were given all sorts of WMDs to play with and we had Workshops on 101 ways to "blow the Yellow Peril [Charlie] to bits". And because Charlie's Family carried messages in their "body cavities", we were told to blow up the **whole Family** [incl dogs]

0.1.70. My favourite Terror trick was how to run Charlie through from behind with fixed bayonet and then, "because the blade gets stuck in the marrow" to stomp on his neck and heave the weapon out. But given Hicks actually **had** a choice with his Terror Training Camp [which we didn't], or of course not to Terrorise at all, he chose very wisely as they were promised 72 Vestal Virgins [heading for the coast?] and we got **nothing at all**.

0.1.71. So I was able to understand first hand the History Lesson of Bob Dylan in God on Our Side, and fill in the unfolding bits, going forward. The rules are, to become a terrorist one simply needs the **availability** of terror weapons and a **depletion** of any counsel that might offer sane advice on **not** using them. Then if one adds to that mix the notion of "I am doing this for God", we have Terrorism at the various levels, as per bin Laden/Blair/Bush/Hicks/Howard etc. Thank God [no pun intended] Dylan was wrong with Russia, or rather they decided God was **not** on their side, so chose peace.

0.1.72. The thing that really stuck in my craw was that the Act [which is **not available** on the web, so one can not check their rights] provided "Repatriation" after the 2 years. I applied for an engineering text book at \$32 to "kick start" the wasted 2 years stolen from my Engineering Career. Some pimple faced Bureaucrat [now retired in luxury on a Costello Future Fund guaranteed **unfunded** Super Payout] told me I had "overeducated" myself already so did not **need** repatriation. I hope you are starting to see the depths of our discrimination - but there's more.

0.1.73. The truth about conscription would not sell papers, so the media **spun** it all up. Here is the truth. Firstly the Army never asked for or needed Conscription, it was simply an early Congoline of Suckholes [per your Mark Latham] to go "all the Way with LBJ". Secondly, the Army itself revealed that, at least in my Corps of RAEME, there was a **higher** risk of being killed on the road in Australia than in Vietnam.

0.1.74. Thirdly, the **only** reason a person joined the Army as a Regular after WW2 was to get the Holy Grail of the War Service Home Loan [ie a 100% (no deposit needed) loan pegged at about **3% interest**], but you had to be in a "Theatre of War" for 7 days, and by the time of Vietnam many Regulars were getting desperate for a war, before they had to retire. So, as we all found out very quickly, "over my dead body will you get my posting to Nam". Or you could **pay the bribe** of \$500, which was about 10 weeks' pay.

0.1.75. Because I was straight from University I had no money for the bribe and so became one of the 70% who simply rotted away for 2 years, striking day after day from the Calendar.

0.1.76. But on the minus side, apart from loss of income [about \$100,000 in today's terms] and loss of career opportunity/experience, the biggest slug was the total and absolute boredom/depression/decay of self worth. Furthermore in a bumble footed attempt to pass the whole "blame" to private employers, the Act said that a prospective employer **had** to pay me the wage of a **third year** Engineer, as if the two years of our Stolen Generation did not happen. Naturally they simply employed **first year** graduates at first year rates, so Victims like me became unrepatriated and unemployable.

0.1.77. Meanwhile the Feminists were going from strength to strength with Secret Wimmins Business [discriminatory] facilities [even a Ministry advising the Prime Minister about "the Status of Women"], but were silent about discrimination in the Old Age

Pension, which was offered to women at 60 while men had to wait to 65 [and Costello was trying to increase that to 67].

0.1.78. But your bloke Paul Keating reversed that discrimination, albeit that the reversal is a **gradual 20 year process** from 1994 to 2014, so for men [heterosexual ones at least] anti discrimination action can be somewhat "protracted", when compared to the fast response to the "powerful gay lobby" for this Bill.

0.1.79. But I was contented in thinking [wrongly as we see] that as a "Veteran" I would get the Pension at 60 "as a symbol of gratitude for your service to your country", as it says. But alas, when I applied to the Dept Veteran Affairs [as War Service Homes was to become], I and the 70% of those conscripted not able to afford the bribe to get posted to Vietnam for 7 days **were not Veterans at all**. The only benefit on offer was the John Howard Deputy Sheriff Tin Badge. Here is my UTube to explain.

<http://au.youtube.com/watch?v=dOBZcN-j1KM>

0.1.80. So in truth "the forgotten 70% conscripted" are **totally and utterly forgotten/disregarded** [except for the Howard Tin Badge]. And it seems it is still fine to spit on us, on the suspicion we actually **got** a War Service Home for terrorist killings of babies in Vietnam. In my view this goes far beyond what Pru Goward would have seen as discrimination in her nasty little Feminist Tribunal [of one], it is downright NAZI.

0.1.81. What is more there is not a sniff of any Choses in Action here. In fact there were only two Choices [if you could not afford the \$500 bribe to get your War Service Home]. You either went along with it and had your brains **rot to sawdust** for 2 years in some ShitHole Army Camp in Western Sydney, or as a Conscientious Objector you had the Federal Police and Prison Officers **beat** your brains to a pulp. I chose the former.

0.1.82. In conclusion, for sure let's not deny these "gay little people" the "right to their Family Law Experience". Our current Pansy Society says we **shall/must** cater to every whim of the Pansies. But let's be honest about it and take a proper look at the Dinosaur/White Elephant aspects of Marriage/Family, and update/rename the FLAct to suit our new Pansy Values, going forward.

0.1.83. But then let's use the Feminists' own words of "Get Real" and look at **real** discrimination, as set out hereabove, even **if** we are happy to be entrenched in a Politically Correct Pansy Quagmire.

0.1.84. So it is fitting to return to the Taylor case which was about how blood sucking lawyers tried on the **very first day** of the FLAct back in 1975 to hijack the scene, but Sir Harry Gibbs [quoting Cameron & Cole] in the High Court had "things to say" about **access to justice**.

*"In such a case there has been **no valid trial at all**. The setting aside of the invalid determination **lays the ghost of the simulacrum of a trial**, and leaves the field open for a **real trial**"*

0.1.85. It seems to me that we need a **whole swag** of "Ghost Laying" to be done in the field of **true** discrimination, now we have catered for the **simulacrum** of Politically Correct discriminations.

0.1.86. As the law stands, the men able to **get** the Aged Pension at 60 are the **same** ones who **got** the War Service Loan [and for Regular Soldiers, also the DFRBS, or whatever the Army Superannuation was/is termed]. That may be very fortunate for the Government as the greater majority will be "means tested" out of the Aged Pension in any case [whether at 60 or 65].

0.1.87. But the ones who **got nothing** for their "forced internment", and may be very much **in need**, are the ones who **miss out** on the [**very small**] dispensation to get the Aged Pension at 60. And if it might be pleaded by the Government, with hand on heart and Public Purse in Costello mode that "we can't afford it", let us not forget firstly that the War Service Loan involves a **huge** "topup" from the taxpayer [the reason it got axed], and secondly that in most cases the Super was of the "UnFunded" variety [also axed in recent times except for Politicians & Judges], so also involves a huge topup from [the same] taxpayer.

0.1.88. And not only was it "credited" under the old UnFunded system but Captain Smirk [contrary to my reading of the Constitution] **stole** \$60 Billion from Aged Pensioners, Hospitals, Education etc to **secure** the payments via His Future Fund.

0.1.89. Obviously there is no capacity [even using the Future Fund Billions] to **properly** compensate those discriminated against in a financial sense. What I am suggesting is a mere **token gesture** [a "Sorry" if you will] to at least get us back onto that **lowest rung of society**. This could be simply done by amending the section of the Veterans Act [I forget what it is] to **make** us Veterans. As with the Howard Tin Badge, I have no desire *per se* to **be** a Veteran, but if that is the easiest way to remove the Aged Pension discrimination then I don't **object** to becoming a Veteran. I will leave the details to You[s].

0.1.90. Once again this is not a criticism *per se* of **this** Bill. As set out hereabove, because our Lofty Ideals about Marriage/Families have "become amended" [for better or worse, and I say worse but that is not important] we need to amend the legislation currently called the Family Law Act to reflect the "values" of the new [Y2K] Millennium, and move on, going forward, to address the **real** discrimination in our society, even where these are "sins of the Father".

0.1.91. But it would be recalcitrant of me to not mention the **utter hypocrisy** of the Risotto "Budgetary Concerns" [even given Sir Gerald saying "*But the **Constitution does not bend** to the exigencies of a **budget** and, if the **humanly important** problems of **familial relations** create a mass of controversies justiciable before the Family Court, **Justices must be found** to hear and determine them*"], given the **huge** increase in court resources for **just the first step** in deciding just who is a de facto.

0.1.92. For married folk no such step exists as they must simply provide a Marriage Certificate at the time of Filing. But for de factos the "Matters" in the new s 4AA definition are as long as your arm and so wide as to allow a Mac Truck to drive through. For example just **One** of these [Nine] Matters is:

s 4AA

Working out if persons have a relationship as a couple

(2) Those circumstances may include any or all of the following:

(c) whether a **sexual relationship** exists;

0.1.93. So at the new s 90RD, if a Respondent wants nothing to do with a property/maintenance claim, he [normally he] will ask the court to declare there was **not** a de facto relationship, before even getting to the substantive matter [or having the Application dismissed].

0.1.94. So not only will depositions on both sides make previous Barbara Cartland 50 page Affidavits pall into insignificance, but the judge will be at a loss as what to decide, until a whole new swag of Risotto style precedents are developed. To use this example, after 3 days of evidence he may conclude the

parties never slept together - but so what? The legislation **does not say they have to**, as s 4AA goes on to say:

*(3) **No particular finding** in relation to any circumstance is to be regarded as **necessary** in deciding whether the persons have a de facto relationship.*

*(4) A court determining whether a de facto relationship exists is entitled to have **regard to such matters**, and to **attach such weight to any matter**, as may seem **appropriate** to the court in the **circumstances** of the case.*

0.1.95. To paraphrase Sir Winston, "*never in the history of the Family Law jurisdiction have so few words been so loosely phrased to invite so many lawyers to suck so much blood at so many Pig Troughs*".

0.1.96. Possibly the only good thing to come of this will be that Risotto & Asparagus will be dropped like a hot cake as the lawyers line up to draft "**Super Cartlands**" for the new Folks. And to **gather** that evidence we will be going right back to the bad old days before Lionel Murphy's no fault divorce with Reds Under the Bed etc, but on a far grander scale.

0.1.97. Back then it was simply a question of was Buttercup inviting the MilkMan in - yes/no? [and here is the photo], so judge simply says divorce/no divorce. Now there are Nine **similar** Matters to be investigated, all of them without any simple yes/no "implications". So if you notice your lawyer to be salivating profusely, this is why [as I forecast in my book].

0.1.98. But for J Doe the TaxPayer, your EM "Financial Impact Statement" says nothing more than:

*FINANCIAL IMPACT STATEMENT*

*The Bill will confer **additional jurisdiction** on federal courts and the Government will **monitor**, in consultation with the courts, the impact of the new jurisdiction created by the Bill. Additional resources **were** provided to the courts in the 2007-08 Budget to deal with the increased workload.*

0.1.99. With the greatest of respect that is a **CopOut** and not a FIS at all. It would be Intellectually Dishonest to expect anything less than a **doubling** of the funding required.