

## NOONAN REVIEW PANEL

### YOUR BRIEF TOO LIMITED TO MAKE THE IMPACT REQUIRED

1. In January 2019 , just prior to the release of your draft report , the North and South magazine published an article by Donna Chisholm ( Editor at Large who has significant experience with writing on the Family Court ) that asks “ what will it take to fix the Family Court that looks more broken than ever ? “ .She reports on interviews with quite a wide range of knowledgeable commentators .
2. Standout comments relate to the almost unendurable delays , burgeoning costs and functionaries lacking expertise . The Backbone Collective is quoted saying the problems with the Family Court are much bigger than your Panel is mandated to investigate . It calls for a Royal Commission of Inquiry so a more powerful inquiry could prevail .
3. With much experience over 22 years with the Family Court as a user , a Mackenzie Friend and a case writer , I agree as it is high time to expose and address major systemic failings in the entire Family Court. Tweaking legislation in the manner you are proposing is simply not going to fundamentally lower the cost structure and reduce the ridiculous delay scenarios . A major redesign of the whole system is required . Financial , Human Relationship and Communication Experts should be involved . The Wisdom of Grandparents is required . Lawyers and judges have had too much say in past Reviews . It is high time to allow wider knowledge to prevail .

### CASE STUDIES

4. In your Overview to the on-line January 2019 consultation document ( Third Subheading : Information about Third Parties ) you report that the case study approach to better management has not been allowed on grounds of privacy under the founding Family Court Act 1980 . This is the first time I have seen a Family Court Review provide this comment .
5. For previous Reviews I have made submissions concerning myself , mothers , fathers , children , and grandparents – all on a case study basis as I have been trained on the management significance of this approach at a major USA Business University . Privacy was waived in all cases in the public interest . Sadly , all my efforts to help were wasted because it was claimed without reason that the case study approach was not acceptable . As a result the previous Reviews did not address the fundamental Family Court processes requiring change with an evidence based approach .
6. The helpful management nature of case studies should now be provided for via legislation if necessary . A Royal Commission of Inquiry could handle the privacy issue . Should there be a privacy issue when waivers are given .The public deserves to know about the extent of the horror stories being produced in the Family Court that are inflicting gross injustices in families . Then the need for major change would be seen .

### FOCUS ON A MAJOR COST AND DELAY REDUCTION STRUCTURE REQUIRED

7. The above North and South article reports that the Ministry of Justice does not actually quantify how much it costs the Family Court to run annually !! This clearly is a major failing in Government Administration . Surely this is base knowledge for a Review where burgeoning costs are of major concern. Any Review must now address the cost structure to enable cost savings and effectiveness to be detailed .
8. Additional to Taxpayer costs the case study approach is now required to establish the magnitude of the private of Family Court processes . My experience shows that there is a huge transfer of family money to Family Court lawyers when families breakup – placing huge financial strains on parents enhancing conflicts of interest . The money is needed for children , housing , food and health .

9. Lawyers are paid on time – not results so there is an inbuilt incentive for lawyers to engage in delays to maximise income . Most parents entering Family Court processes have no advance knowledge of the horrendous costs that are usually involved – to the detriment of themselves and their children . Lawyers have excessively benefitted from the longstanding mismanagement of the Family Court .
10. There is little law involved in most cases . It is the WISDOM OF GRANDPARENTS WITH MANAGEMENT SKILLS that is most needed for good , effective parenting and financial plans – not the limited life skills that I have seen on show in the Family Court from lawyers and judges over 22 years .
11. Tribunals of grandparents with financial , human relationship and communication skills should form the basis of a fundamentally new service . Enough is enough of the current system fostering excessive delays which in turn fosters family conflicts especially in the field of financial hardship . JUSTICE DELAYED IS JUSTICE DENIED . The new service must have functionaries who can readily address the delay problem . It is high time to move on from the delay scenario currently in the hands of lawyers and judges who have had more than enough time to put the matter right .
12. You have been asked to look at effectiveness of IN-COURT and OUT- OF – COURT processes . With the failure of lawyers and judges to bring about effective processes it is high time to now focus the new service on out – of – court processes . With well chosen personel , huge savings for parents and taxpayers are on offer and process delays would be dramatically reduced .

#### MAJOR IMPROVEMENTS IN IN- COURT PROCESSES REQUIRED

13. Over 22 years I have been horrified again and again with the unjust behaviour witnessed fom lawyers and judges . I have called on the help of the JUDICIAL CONDUCT COMMISSIONER but this office is so restricted in the interests of judges that it is useless for addressing judicial misconduct and should be closed . The judicial profession is the only profession that is not subject to effective accountability . This needs to change in the public interest – but it will be a hard one on which to get political action . My many approaches to MP's have shown that there is little knowledge in this domain about just how badly the Family Court is run . Politicians quickly point to the separation of powers between them and judges . The NZ public would be astounded with what a Royal Commission of INQUIRY would reveal .
14. Some people allege that Family Court decisions are subject to appeals to higher courts but in my experience this rarely applies It is not well known that Family Court judges decide cases as they think fit. I have witnesses judges saying they are not subject to appeal – and my own case shows that they can say this with confidence in spite of ridiculously unjust decisions .
15. New Zealanders who have not witnessed the Family Court would find it hard to believe the horrific behaviour shown by some lawyers and judges .Bad temper , impatience , psychological abuse ,disregard for dyslexics and intimidatory behaviour are regularly on display I have witnessed a judge slam acourt door in a rage and another one throw a file so hard along a court bench that it broke open scrambling papers . The technology of closed circuit TV recording of hearings would surely put an end to this badness.Tape recordings have been used sometimes but I have witnessed judges saying tapes have been lost when they are wanted for an attempted appeal .
16. Ending the right of Family Court judges to decide cases as they think fit , making closed circuit TV recordings of hearings available to appellants and introducing a proper appeal system to higher courts would quickly bring to an end the horrific behaviour I have encountered in the Family Court . Costs and delays would greatly reduce and more fairness for children , parents and grandparents would prevail. Some of these things are beyond your

brief . That is why a much wider terms of reference is required to fix the many problems in the Family Court .