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Man sues former wife over children

November 15 2002
By Ian Munro

Three years after he and his wife separated, Liam Magill found what he said was the first hint that he was not the father of all their children.

While caring for their three children during his estranged wife's illness in August, 1995, he read an entry in her diary that revealed Meredith "Pat" Magill believed a family friend had fathered their second child.

Mr Magill was 37 and a career public servant when he met his wife at work at the Bureau of Meteorology. Yesterday, aged 52, living on a disability pension and with a recent history of depression and anxiety, Mr Magill told the County Court that the diary revealed that his wife had for some time been trying to convince the friend to "own up" to fathering the child.

The court was told DNA testing had since revealed Mr Magill is the father of only the first born of the children. Instead of being liable for the 18 per cent of his income in child support which is due for one child, he paid 32 per cent of his income from 1993, after the couple separated, until 1999.

He had suffered anxiety and psychiatric illness and was unable to work, said his barrister, Paul Bingham.

Mr Magill, who broke down and had difficulty answering when presented with photographs of the children, is seeking compensation for loss of past and future earnings, pain, suffering and humiliation.

"I believed that I was the father of all three of my children," Mr Magill said. "I had no reason not to believe



Picture: KEN IRWIN
Liam Magill and Meredith Magill outside court yesterday.

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it. I watched all three of my children born." He said he initially thought his wife's diary entry reflected the fact that she was mentally unwell. Over time, however, the son referred to in the diary as having a different father developed markedly different physical features. Mr Magill stopped work in August, 1999, and had not seen the children since December, 1999.

"I noticed that I was not functioning properly," Mr Magill said. "I noticed that something was wrong. I was not myself after what had happened since 1995 and everything that went on over the four or five-year period had just come to a head."

"I love the kids dearly. I don't want the children to see their father in this state."

Confirmation that the two youngest children were not his came through DNA tests ordered in 2000.

Observers in the crowded courtroom included John Abbott, the head of the Blackshirts, a group for aggrieved husbands and fathers.

During cross examination by barrister Bill Gillies, for Meredith Magill, Mr Magill said he had not been given financial help to mount his case. Mr Magill's action, of a husband suing a former wife for deceit and misrepresentation on paternity matters, is believed to be a legal first in Victoria.

Mr Magill agreed, however, that he had sent a Christmas card, which featured a nativity scene, to Mrs Magill's parents. Inside the card he had written: "Has the baby on the front been DNA tested?"

He denied the purpose of the case was to embarrass and humiliate Mrs Magill.

The case is continuing.

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