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## Policy Discussion Paper - The Family does Matter.

### Executive Summary

In this policy discussion paper the Council for the National Interest Western Australia Committee (CNI) argues that:

- \* the family is the cornerstone of our society (and has been throughout history) and government policies should be directed towards promoting, supporting, maintaining and protecting the intact family;
- \* the major political parties claim to be the 'Party' for the family but in the case of each party, the claim is unsustainable;
- \* a starting point for government is the adoption of a Family Impact Statement (FIS) which would require all Cabinet submissions, legislative and regulatory changes to be tested for any impact on the family;
- \* a Home Child Care Allowance (HCCA) should be paid to the spouse who remains home to care for dependent children thus eliminating the inequity of the income taxation system on single income families;
- \* the image and role of motherhood should be strongly promoted;
- \* amendments should be made to the Family Law Act 1975 such that it is more supportive of marriage;
- \* Relationships Australia should be renamed as The Australian Marriage, Family and Relationships Guidance Services and revamped and funded to provide a whole range of positive counselling services dedicated to keeping families together where possible and where not possible, to achieve the best outcome for children. This should include a greater focus on pre-marriage education as a social norm; pre-separation counselling to focus on the interests of the children and family relationship education, including conflict resolution, in high school curriculum;
- \* The United Nations Convention on the Rights of the Child (UNCRC) should be replaced by a Charter of Family Rights and Responsibilities (CFRR) designed to ensure that the rights of parents are paramount whilst at the same time protecting the reasonable rights of children;
- \* early intervention to identify families at risk and to provide support, guidance and encouragement;
- \* pride in Community Councils and a whole range of other initiatives covering moral and ethical values, school to work transition, homeless youth etc should be implemented.

May 2001

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### Background

The natural family, based on marriage between a man and a woman, has throughout history played an essential role in the formation and maintenance of healthy economies, with every person representing the creative potential which is the real wealth of nations. “By having, raising and educating children, the family is both the producer of human capital and its first investor. Above all the family transmits values and virtues, thus creating human capital in the true sense - men and women who are willing to give of themselves, to make commitments, to trust others and co-operate with them. Without this ethical social basis, a strong economy cannot develop or be sustained”.(i)

It is not surprising therefore that the Federal Liberal/National Party Coalition Government and the Australian Labor Party in Opposition both claim to be the ‘Party’ for the family. This is a commendable aim but, in fact, in the case of each Party, is an unsustainable claim.

Whilst on the one hand, the Prime Minister Mr Howard’s statement “Towards a Family Strategy”, issued 23 June 1999, contains a number of laudable initiatives these are far from comprehensive and the funding commitment is minimal. A great deal more needs to be done.

It is unacceptable too that these laudable initiatives are undermined by Government funded agencies such as the Australian Institute of Family Studies which, in its Journal, Family Matters, No. 55 Autumn 2000, published an article advocating the legal recognition of gay and lesbian families. Nothing could be more inimical to the concept of the family.

On the other hand the Leader of the Opposition, Mr Beazley, in the debate about invitro fertilisation for single and lesbian women, fails to support the right of a child to be born to and be nurtured in the traditional two parent married family, seeing the issue, wrongly, as one of sex discrimination.

The latest Australian Bureau of Statistics Report on marriages and divorces indicating that nearly half - 46% - of Australian Marriages are likely to fail should alarm every politician in the land.

Adoption of the following policies will restore the family to its rightful place as the cornerstone of our society.

### KEY ISSUES

#### (1) Family Impact Statement

The family is composed essentially of a father, mother and children in a wider but necessary relationship of grandparents, grandchildren, aunts, uncles - a kinship of human beings linked by blood, marriage and adoption, structured to bear and rear children, to care for the young, the sick and the old and meet other human needs.

**The family is the cornerstone of our society and government policies should be directed towards promoting, supporting, maintaining and protecting the intact family.**

Many laws protect the family while others strike at the very foundation of families. The key

therefore to ensuring that governments do promote, support, maintain and protect the family is the adoption of the concept of a Family Impact Statement (FIS). The FIS would require that all Cabinet submissions, legislative and regulatory changes must be accompanied by a FIS. The FIS would clearly spell out any adverse effects flowing from the proposal and the action to be taken to eliminate the adverse effects. Where the proposed measure is essential for critical economic or other reasons then the FIS would spell out the steps to be taken to compensate for the adverse effects on the family.

In the absence of the concept of a FIS Australia today is a nation where divorce and family breakdown are ever rising and the research evidence leads to the inescapable conclusion that the cost to the community of family breakdown and single and sole parenthood is enormous, not only in taxpayer's dollars, but also in increased juvenile delinquency and adult criminality, homelessness, poverty, drug abuse, welfare dependency and the sexual precociousness and under achievement educationally and socially of the affected children. (ii)

## (2) Promoting the Family

- (i) Home Child Care Allowance. To eliminate the inequity whereby the single income family, ie, where one parent stays home full time to care for the dependent children, is taxed more heavily than the two income family with the same level of income and the same number of dependants, who may also receive child care assistance, the concept of a Home Child Care Allowance (HCCA) should be introduced.

Surveys have shown time and again that the majority of mothers would prefer to remain at home as full time carer at least in the early years of their children's lives. It is inequitable that the tax system should penalise them for doing so. The HCCA should be established as a simple tax based measure not a welfare handout and should be paid directly to the spouse who undertakes the full time carer's role. The amount of the HCCA should be \$150 - \$200 per week, thus having relevance to the tax-free threshold and child care support.

This measure would encourage mothers to defer career options until children are at school but consistent with freedom of choice, if mothers choose to resume their careers earlier then there should be no obligation on the government to fund their child care cost. The massive cost of child care subsidies should be gradually wound back so that couples take responsibility for caring for their own children.

Other options include income splitting and the French System of Family Unit Taxation. The Home Child Care Allowance is preferred as it is targeted more effectively and specifically to the care giver.

- (ii) The image and role of motherhood should be strongly promoted so that it is seen as having the worth which it properly deserves in the community.
- (iii) The falling birthrate, now below the population replacement rate, warrants the introduction of a 'baby bonus scheme' to encourage married couples to have larger families.

### (3) Family Law

A prerequisite to promoting the family is a Family Law Act, the operation of which, supports and promotes the concept of marriage. Steps must therefore be taken to amend the Family Law Act to build a legal framework which;

- \* supports marriage as an institution and a way of life distinguishable from male-female co-habitation and other forms of domestic relationship.
- \* This involves the recognition of marriage as a special contractual relationship characterised by the voluntary exchange of vows.
- \* To support this concept of marriage, whilst at the same time allowing divorce by consensus or on the petition of one partner, amendment to the Family Law Act will be needed to provide sanctions for breach of the contract by punishing marital misconduct, if proven, through judicial determination of compensation in settling the terms of the divorce. (This is not to argue for the reinstatement of 'Fault' divorce but rather to achieve a more equitable settlement of the marital property when one partner is proven to have behaved badly).

The adoption of these clear principles in relation to the concept of marriage, divorce and marital misconduct, together with a much greater emphasis on magistrates/mediators to negotiate out of court solutions for property settlement, custody and child support, will work towards strengthening the institution of marriage and towards remedying the injustices and uncertainty arising from The Family Law Act 1975 and the undue exercise of judicial discretion. These injustices continue despite amendments to the Act.(iii)

To further strengthen the institution of marriage and ameliorate the difficulties should breakdown be unavoidable, there needs to be a major increase in funding for education, counselling and guidance by properly qualified professionals. A two pronged approach is required, government and non government. The peculiarly named Relationships Australia, formerly the Marriage Guidance Council, should be renamed as The Australian Marriage, Family and Relationships Guidance Service and revamped to provide a whole range of positive counselling services dedicated to keeping families together if possible and where not possible to try to achieve the best outcome for the children and the separating parents. The role of the non-government sector needs to be strengthened through funding support and facilities to such agencies as Anglicare, Centrecare, Salvation Army, etc., who can play a cost-effective complementary role in these areas of marriage education, support and counselling.

The increased funding support and revamping of the government and non-government agencies is necessary to ensure a greater focus on:

- \* pre-marriage education as a social norm
- \* positive counselling to try to avoid separation with focus on the children
- \* compulsory post-breakup mediation to shift the focus to what is best for the children
- \* Counselling for the children to assist them to cope
- \* counselling and mediation for custodial and non custodial parents in dealing with issues in relation to children

- \* family relationship education in high school curriculum including conflict resolution techniques.

These initiatives must be seen as an ongoing long term bipartisan programme to restore marriage and the family and to reverse the devastation of families caused through the excesses of the Family Law Act and divorce on demand. Research over a period of 25 years by Judith Wallerstein, University of California in Berkeley, shows that the harmful effects of divorce on children continue well into adult years. (iv)

These measures, positively supporting marriage and the family, should act as a disincentive to single parenthood which, as a matter of policy, should be discouraged.

In advocating support for traditional marriage, CNI recognizes that to do so will be seen as possibly contrary to covenants of treaties and laws against discrimination on the grounds of marital status, sexual preference, etc. CNI argues that statistics show the great majority of Australians, living in some form of domestic relationship, favour traditional marriage and Governments should recognize this and support and encourage the aspirations of this majority, with legislative provision should this be necessary.

#### (4) Child Support Agency

Steps must be taken also to overhaul the Child Support Agency to bring justice and accountability to its decisions, to eliminate deceit and untruths by participants, to assess child support on net income NOT gross income allowing for the custodial parent's benefits and other financial support and finally, to reverse the provision for jailing of non custodial parents who are in arrears in their payments. Where payments are proven to be affordable and fair but are not being met, then confiscation of income or assets would be the appropriate option rather than jail.

Justice and accountability in Child Support Agency decisions and counselling through The Australian Marriage, Family and Relationships Guidance Service will start to address and reverse the alarming rate of suicide among separated, divorced and widowed fathers, currently five times the rate of youth suicide but little publicised.(v)

#### (5) United Nations Convention on the Rights of the Child (UNCRC)

The Government should give twelve months notice of an intention to denounce UNCRC and during that time should develop a Charter of Family Rights and Responsibilities to replace the UNCRC. This charter should ensure that the rights of parents are paramount whilst at the same time stressing parents' responsibilities, children's responsibilities and protecting the reasonable rights of children within the overarching concept of family life.

This course is preferred rather than denouncing UNCRC and signing it again after lodging reservations about certain aspects, particularly clause 12-16 inclusive, as advocated by the minority report of the Joint Standing Committee on Treaties (JSCOT). The wording of UNCRC is too vague and ambiguous for it to remain a document by which to judge the behaviour of children or parents.

## (6) General

There needs to be a renewed national focus on the family and family life as a national culture. Much more emphasis, funding and programmes need to be given to:

- \* Early intervention, post-natal and pre-school, to identify children and families at risk and to provide support, guidance and encouragement to those families.
- \* Early intervention with problem children in the primary school setting. Such problem children are often a symptom of family problems. Early intervention can identify dysfunctional families and provide an opportunity for constructive remedial action;
- \* The focus of the Department (State and Federal) of Family & Children Services should be the development of a culture of assistance, encouragement and education for parents and children to assist families to function successfully not to remove children from parents unless there is no option, e.g., abuse, serious drug addiction, etc.
- \* Moral and ethical values must be included in all school curricula, thus supporting the role of parents in inculcating these values in their children.
- \* The transition arrangements from school to work are critical to the development of future families. Those who succeed in becoming part of society have a greater chance of being the next generation of family makers; those who don't succeed have a much greater chance of becoming marginalised and dropping out of society.
- \* There should therefore be a commitment by government to ensure that every child leaving school is either employed, apprenticed, undergoing training, attending tertiary education or is involved in some form of national service, including the option of national service in the defence forces. Benefits, such as Austudy, should be paid to the parents while the student is dependent on the parents.
- \* Government assistance to homeless youth needs to be made more accountable and to include parents/guardians in conflict resolution for the child to return home, or if not desirable, to be found alternative accommodation in which the child is supervised and required to complete school education, rather than living on the street.
- \* Codes of conduct and other regulatory regimes in relation to violence and pornography in all forms of the media, including the Internet, need to be strengthened and enforced to ensure that anti-family material is deleted.
- \* Steps should be taken to develop a strong sense of community by the establishment, in co-operation with State Governments, of Pride in Community Councils which would:
  - comprise a wide range of community representation - parents, students, business, local government, law and order agencies, health, education and church authorities etc, many of whom would act in a voluntary capacity;

- be based around local (Government and Non-Government) schools as the centre of the community and would encourage/ensure much more comprehensive use of school assets, buildings, libraries, theatres, recreation facilities etc, seven days a week;
- bring a sense of belonging and a sense of pride in the community encouraging a whole of community approach to early intervention and remedial education and in promoting law and order, anti-drug activities, anti-graffiti and other vandalism
- \* Migrants , refugees to be allowed 3 years to decide to become citizens and if they choose not to, then they should move on. English lessons should be provided for migrants and refugees.
- \* The government of the day needs to be ever-vigilant in protecting family values from being undermined by its own agencies.

## (7) Conclusion

Finally, the very survival of our nation depends on its families. To quote Gordon B. Hinkley, “No nation, no civilisation can long endure without strength in the homes of its people. That strength derives from the integrity of those who establish those homes. No family can have peace, no home can be free from the storms of adversity unless that home and that family are built on the foundations of morality, fidelity and mutual respect. There cannot be peace where there is no trust, there cannot be freedom where there is no loyalty, the warm sunlight of love will not rise out of a swamp of immorality.”(vi)

## The Challenge

**The Council for the National Interest Western Australian Committee and members Challenge all political parties to adopt the above policies to restore the family to its rightful place as the cornerstone of our society.**

## References

- (i) Extract from the Report on "The Family and Economy in the Future of Society" Conference Rome, March 1996, Reprinted from L'Osservatore Romano 20/3/96
- (ii) "Rebuilding Australia - a Start" Council for the National Interest Western Australia November 23, 1993
- (iii) Maley, Barry "Marriage, Divorce and Family Justice" CIS Policy Monograph, 25 provides background and elaboration for these concepts
- (iv) Wallerstein, Judith S, Lewis Julia M, Blakeslee, Sandra The Unexpected Legacy of Divorce, A 25 year land mark study.
- (v) Stapleton, John, "Accepting Fathers' Responsibilities, Promoting Fathers' Rights

- (vi) and Nurturing Family Equity, The Equity Express, April 2000 issue
- (vii) Reprinted from Report of the Second World Congress of Families Geneva November 14-17 1999, Joint Statement to Legislative Assembly of W.A. by K Hodson-Thomas and E Cunningham.