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Secretary: 14 Goomalibee St  
Benalla

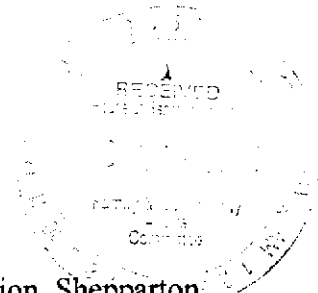
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The House of Representatives  
Standing Committee  
On Family and Community Affairs  
Parliament House  
Canberra  
ACT 2600

Dear Member,

Please find enclosed a submission on behalf of the Lone Fathers Association, Shepparton Branch to your inquiry into Family Break Up with a view of achieving better outcomes for the children, parents, immediate families and communities involved.



### CONCILIATION AFTER FAMILY BREAK UP

In the vast majority of family situations both parents set out to live with their children. To care and nurture them until they are adults and move out. Their view is of a lifelong marriage or partnership and lifelong involvement with their children. This partnership or balanced care of the Mother and Father is essential to the development of healthy well adjusted children.

In most cases when marriages break up it is because the couples have or one of the couple has fallen out of love with the other. This does not mean that both parents do not love their children dearly, or that the children do not love both their parents.

Nearly all couples that are involved in family breakups are good parents that work hard to provide a loving home and good future for their children. They are ordinary law abiding people from all walks of life.

In a minority of families one of the parents may be violent or abusive to their spouse or children. There are avenues through the criminal justice system where the instigator of this abuse can be removed and the victim can be protected. This process should be strengthened and applied rigorously.

**Family breakup is not a legal problem.** Nobody has broken the law or done anything illegal.

It is the parting of ways of two people who once loved each other and its effect on members of the family.

It is a family, then a community and as it becomes more widespread a **social problem**.

## Conciliation After Family Break Up

**There is no place for solicitors, and the family court.** There is no place for the adversarial nature of the court system that tears partners who once loved each other and their families further apart. The family court is not a place of justice, it is a place where lies and unsubstantiated allegations can effect the time a child can spend with a parent. Court approved family assessors are often biased and manipulated when making reports to the court and are not subject to any accountability. There is no place for solicitors who play on the emotions of ex-partners to extend court proceedings and maximize the money they can make out of the case. **The family court and legal system by its adversarial nature and unjust practices creates very bad outcomes for children involved in family breakup.** It creates a very bad picture of the legal system and has a huge negative social and financial cost to the community.

### THE ALTERNATIVE : COMMUNITY BASED MEDIATION and ARBITRATION

All family breakups are different. No family structure is the same. **What is needed in the advent of family breakup is a community based mediation process that at the end has the ability to make binding agreements for ex-partners and failing that make binding recommendations.**

This process would only involve qualified mediators, ex-partners and their children. The mediators would be trained in Marriage Guidance, Relationships, Child Development, Mediation etc. Their aim would be to devise the best shared parenting plan to suit the needs of the children and the aspirations of the parents.

Because the mediators would be part of a comprehensive Relationship and Family Care organization it is probable that the partners have been to Marriage Counseling prior to their separation and have developed a trust with their facilitators. The prospects of a successful mediation would be very much enhanced.

I am not qualified to suggest the structure of the Mediation and Arbitration process. I am sure that good working examples exist and professionals in the field could set up a panel that would provide consistently good outcomes. Possible facilitators could be Relationships Australia, Centacare or Anglicare.

**Family funding arrangements** based on the specific needs of the children could be decided and binding agreements made. Because the family funding arrangement is a joint agreement very few cases of default would occur. The Child Support Agency would only be involved if a partner reneged on their agreement.

**Both parents need good accommodation** to house their children when they are with them. Mediation and Arbitration would provide much fairer property settlement based on the families location, shared parenting arrangement, transportation needs etc. In vast contrast to the percentage split "clearing sale" approach of the family court. Assets would be redistributed to benefit the children to the maximum.

## Conciliation After Family Break Up

### SUMMARY

**A caring and compassionate community based mediation and arbitration centre is required** to assist parents devise :

A shared parenting arrangement that is most beneficial for their children

A family funding agreement designed for the particular needs of their children.

The best accommodation and transportation when children are in the care of either parent

Reduce the financial drain of separation to their family and the community

And Replace

The adversarial and callous legal and family court system that produces unjust outcomes and costs taxpayers massive amounts of money that at the end of the day produces a result detrimental to our society.

Thank you for considering my submission. I look forward to hearing the findings of your committee. Your work is much needed and very much appreciated.

Yours faithfully



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