

CATHOLIC WOMEN'S LEAGUE AUSTRALIA INC

Member Organisation of the World Union of Catholic Women's Organisations
'NGO in Consultative (Roster) status with the
Economic and Social Council of the United Nations'



National President: Mrs Mary Schultz
National Secretary: Mrs Maureen Clark
National Treasurer: Mrs Helen Rodriguez

Secretary's Home Address:
572 States Road
ONKAPARINGA HILLS
SA 5163
CWLA Phone line (08) 8382 1363
Email: clarkm@picknowl.com.au

17th February 2006

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary,

Re Senate Inquiry in The Family Law Amendment (Shared Parental Responsibility) Bill 2005

I herewith forward, on behalf of our National Social Issues Convenor, Mrs Betty Roberts OAM, our submission to your committee on the above mentioned Bill.

Yours sincerely,

Maureen Clark

National Secretary
CWLA Inc.

CATHOLIC WOMEN'S LEAGUE OF AUSTRALIA INC.

**39 Wakefield Street, Adelaide, South Australia 5000
Ph 08 8382 1360 or 08 8566 2086**

SUBMISSION TO:

**THE SENATE LEGAL AND CONSTITUTIONAL
LEGISLATION COMMITTEE**

16TH FEBUARY 2006

**Contact Person: Betty Roberts OAM,
National Social Issues Convenor CWLA**

The Family Law Amendment Bill 2005.

Catholic Womens' League Aust. Inc. want children to have a meaningful relationship with both parents to the greatest extent possible, and is particularly pleased that the court will consider the views expressed by children.

The CWLA agrees with the objects of the Family Law amendment Bill 2005 to:

- (a) ensure that children receive adequate and proper parenting to help them achieve their full potential: and
- (b) ensure that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children: and
- (c) ensure that children have the benefit of both their parents having a meaningful involvement in their lives, to the maximum extent consistent with the best interests of the child - except when it is or would be contrary to a child's best interests.

CWLA has reservations about the Family Law Amendment Bill 2005 because one year is not enough and many people subsequently regret their divorce.

- it contains little to assist families to avoid separation and divorce.
- it oversimplifies the level of conflict between separated parents
- and assumes that all parents desire a continuing relationship with their children.
- there is no suggestion of how the child's best interests are to be determined.
- though it may suit the parents it is very disrupting to a child's life to spend alternate weeks in different homes.

Every picture tells a story, tabled on 29th December 2003 has a strong focus on the need to reduce the conflict in separation and divorce. Make no mistake about it couples who separate pending divorce are at war.

In Stephen Spielberg's "War of the Worlds" it takes an invasion from outer space to bring about commitment and equalise the children's regard for both parents.

If mediation is to be the starting point of a family separation, then clear strategic measures must be implemented to ensure the Centres do not risk further violence and abuse to staff and clients and a high priority must be given to safety issues. I have accompanied a mother to the Family Law Court and the Security Guards have not permitted us to leave until they are quite sure that the spouse is well away.

A separated family has had everything stable in their life shattered. Rejection and insult are blended with pain and remorse. Security and confidence have given way to fear, anxiety and panic. The future has lost its significance and at least one party feels utterly disdained and unlovable. It takes time to drain these wounds. It behoves workers to tread gently through this minefield. The situation would challenge the wisdom of any profound 'Solomon of Psychology'.

CWLA has concerns about the proposed **65 community-based Family Relationship Centres** because in many instances it will require a 180 shift in attitude before one or both parents become willing and able to facilitate and encourage a close relationship between the child and the 'other' parent.

The required face-to-face meetings have the potential to reopen deep wounds and provide further opportunities for violence. The "Safe at Home program" now operating in Tasmania that allows for arrest and imprisonment **on the word of a complainant** is not conducive to reasoned discussion.

- despite prior counselling, conflict resolution techniques are unlikely to suffice in mediating between deeply hurt and angry couples.
- what kind of training and experience will mediators have?
- who is to train the staff of Family Relationship Centres?
- will the staff be trained to accept the family's religious and cultural values?
- will FRC's be staffed by mature age people who have experienced marriage?
- what professional services will be employed to screen violence and risk?

Marital conflict always involves an interaction between two imperfect human beings who share the responsibility to one degree or another. Every counselling program now in existence is designed to bring together two people who can at least agree to discuss their problem. The presence of the frightening word *divorce* will not automatically make a couple agreeable and willing to discuss their problems with strangers and may not be in the best interests of the child (over whom the fight is often raged). The child must return after these sessions to the broken home and the renewed hurt of their parent.

I have witnessed the joy and excitement of the 'children of divorce' when both parents are together in the one setting and the subsequent wrench to the child when they part.

Shared parenting requires

- convenience of location,
- the means to duplicate requirements and
- the cooperation of both parents.

Couples who accept that they both have a contribution to make to their child's well being will not require the assistance of FRC's but those who do will present a minefield of complexities.

Studies show that children desire above all else to be with both their parents in the one family home. Yet there are few young people enjoying the experience and example of intact family life.

We need to be pro active not just reactive about preserving marriage through Marriage and Family Education programs, in a non-threatening environment - maybe as an option for parents of Primary School children on School premises.

The Prime Minister is encouraging men and women to undertake pre-marriage education to help cut the divorce rate. CWLA favours the courses but question the choice of FRC's as a suitable venue. We favour a programme such as the "Two Equals One Kit". This excellent resource was created in 2003 and available through the Dept. of Family and

Community Services who could arrange to have it encouraged and distributed through Churches and Marriage Celebrants.

The Archdiocese of Sydney has recently opened a new Marriage and Family office at the Polding Centre in Liverpool St., Sydney. Mr. Chris Meney who is in charge of this new office said

“the truth about the beauty of marriage and family needs to be re-discovered – we need to grasp the real grandeur of this most intimate and loving of relationships and its fruit - the gift of children”.

Betty Roberts OAM
National Social Issues Convenor
CWLA Inc.
16th February 2006