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Subject: Standing Committee Family and

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PM

Committee Secretary

Standing Committee on Family and Community Affairs

Child Custody Arrangements Inquiry

Department of House of Representatives

Parliament House

Canberra ACT 2600

To the Standing Committee on Family and Community Affairs - Child Custody Arrangements Enquiry

We welcome the above enquiry as an opportunity to review an important issue impacting on the solidity of the family and the integrity of society as a whole.

Rather than focus merely on the issues set out in the Terms of Reference, we consider that the root of the problems of child custody should be addressed at its source and consideration should be given to the whole problem of divorce.

We consider that the laws relating to divorce should be overhauled. The government should introduce an 'at fault' divorce scheme. Divorce should not be an easy result to obtain. The lifelong commitments of marriage should be promoted as a good for the married couple and importantly for the children of that union. No fault divorce laws undermine efforts to maintain that unity and the stabilisation of society. Couples should be encouraged to work at, over a lifetime and after the initial honeymoon phase, their relationship and to grow in the love that develops only after continual and disinterested self-giving. This is not easy for any couple and is made harder when laws and society do not value the permanency of their union and commitment.

If divorce laws are to exist at all, at fault divorce laws should at least make it more difficult for divorce to be obtained and encourage couples to continue to work at their relationship. Such laws would also encourage people to seriously consider the commitment to marriage before making it and take care to choose the right spouse and be motivated to work at the demands of marriage and raising a family. Community efforts to introduce programs which prepare couples for marriage and parenting and assist them in the ongoing challenges of marriage and family life could then be a focus and priority.

In considering the circumstances of a marriage and an at fault party the determination of the spouse most suitable to take custody of the children should become apparent in the process. In addition, spouses if they know they could lose custody of children, if through their fault they break their marriage vows would be encouraged not to do so.

During the course of deliberations as to fault, better judgements on the environments most suitable for children should be made (the at fault spouse often leaves a marriage for arrangements that would cause trauma for children (e.g. live-in arrangements or same sex unions).

Children need stability and a place of belonging. Custody arrangements that involve more than one permanent living arrangement where children "live out of suitcases" are not suitable. Automatic sharing of custody is not suitable in this context. Arrangements which alienate children from their immediate and extended family, not to mention their friends, can cause irreparable long-term damage.

There is no substitute for the individual consideration of each case and the contributing circumstances. Arbitrary custody orders would rarely suit the circumstances of each divorce.

It is clear today that many children of divorced parents suffer from the absence of their father and his lack of involvement in their lives. Suitable arrangements for the involvement of the father is vital in the process of making custody orders.

Should you require further information or elaboration please call Louise Brosnan on 0733920807 or email on louise.mackie@au.pwcglobal.com

Yours sincerely,

Louise Brosnan

Chairman

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