



FEDERAL POLICY: FAMILY LAW

One Nation believes in restoring the authority of the family and that responsible parents should not have their authority eroded by frivolous legislation or UN treaties. We recognise that the best support we can give to any family is support that keeps the marriage and family unit intact.

FAMILY LAW

- One Nation believes that safe, secure and happy societies require as a guiding principle, strong functional family units. We consider governments should recognise this basic principle and adopt responses that are aimed at long-term family stability. We recognise the very significant distress suffered by families with children who have been traumatised through divorce.
- Fair treatment for parents and their children will be pursued and realistic outcomes from the tribunals expected. Grandparents' and extended families' access needs shall be considered as a priority for the children in ensuring that their environments remain stable.
- The perception that the female is the "best" primary care giver and decision-maker must be challenged. Men are also good parents and subject to circumstances, should be afforded equal opportunity in gaining at least half custody of their offspring.
- The Family Law Court should be abolished and replaced with a Family Tribunal. A Family Tribunal would exclude legal interference and eradicate the current adversarial system. In the unfortunate circumstances of irretrievable marriage breakdown, support services will be provided that work towards ensuring amicable arrangements between the aggrieved parents in the best interests of the children.
- Compulsory counselling reinforces societies' values and commitments to the sanctity of marriage and the individual's commitment to work strongly to retain the marriage vows.
- Custody and Access: Whilst joint custody is theoretically the ideal for all parties concerned, in practice, it can present many problems, which are not in the best interest of the upbringing of the children. Individual circumstances need to be assessed, making it difficult to set rules. It is paramount that both parties are able to re-establish their lives and therefore create the environment that is best for their children. Access and Child support should reflect this, at this point in time it does not. In general it must be seen in the child's best interest to have regular contact with both parents.
- Settlements: This is also a major controversial area, causing as much argument as custody. Property settlements based on a 50/50 allocation are based on Murphy's Law of no fault divorce. This may be ideal in theory but in practice it is open to abuse.

- Second Family: All children from a second relationship should be treated equally. Children in subsequent marriages should be afforded the same futures as those from a previous marriage.
- Statistics: Generally, they show that children of single parent families have a very poor future, for this reason alone all effort should be made to keep the family unit in place.
- Protection of Families: The role of the family is paramount in the upbringing of children. We have all met especially "difficult" children. Parents must have the right to enforce reasonable household rules by mild physical punishment as a last resort and any law contrary must be repealed.

THE FAMILY

One Nation will restore the authority of the family to discipline their children. Responsibility for the children must ultimately rest with the parents and not the State. The union of a man and a woman in marriage is a social institution and the cornerstone of a healthy society.

WE WANT TO:

- A) Implement tax relief for families with children (split income of single income families).
- B) Introduce a parent homemaker allowance for a parent to stay at home with children
- C) Place emphasis on the values of the traditional family and on moral behaviour.
- E) Discourage divorces (counselling and tightening of laws}.
- F) Give better legal access to children by non-custodial parent and a fairer separation settlement for divorcees.
- G) Return to parent's responsibility and authority for the upbringing of their children.
- H) Remove the secrecy and review the Family Law Court.
- I) Recognize the needs of second families when determining maintenance.
- J) Place emphasis on the concept of joint custody.
- K) Ensure consideration of access for grandparents and extended family.

BACKGROUND BRIEFING

Owing to numerous reasons, some parents or carers are temporarily or permanently incapable of parenting and the child is in danger of being physically or mentally harmed if the child remains in the custody of such a carer or parent. On a showing that such harm has occurred or is reasonable to be feared, the child involved must be placed in the care wherever possible with the next capable immediate family member, progressing to extended family. Failing that, made a ward of the Crown for a specified period and placed, not necessarily in a foster home, but a modern, well-run institution capable of addressing and repairing any trauma or grief causes by their circumstance.

The expressed desire of the child to stay with the incapable carer or parent shall be taken into account by the judicial officer, but no legal aid shall be provided for the child in any hearing unless so required by the judicial officer. International treaties have given teenagers rights, which are beyond their capacities to exercise properly. The unsettling effect of having custody matters coming over and over before the judicial officer before they can be dealt with because of the number of parties represented is harmful to the child. If the judicial officer is satisfied that the present custodian is incapable and no immediate or extended family capable of caring for the child is before the court, awarding custody to a caring institution would be better for the child than further delay in an effort to locate ideal foster parents.

Governments have closed institutions that formerly operated and no one wants to see a return to the horrors that once existed. However, with increasing numbers of street children, such facilities are needed. Conscious policy and screening shall ensure staff is qualified and also of the right psychological aptitude to be capable care givers and surrogate nurturers of these unfortunate children. Street children who have come under the influence of drugs and/or bad companions who are too strong to be broken by well-intentioned parents, have publicly requested Government assistance to help them keep their children off the streets but are told that unless the child wants to go home, the law will not require him/her to do so. Again, we meet the insanity of Rights of the Child permitting the child to grow up as a prostitute, thief or drug addict without a future.

If parental pleading and lawful coercion will not keep a child off the streets, then that child belongs in a caring institution until he or she attains 18 or wisdom, whichever comes first.

THE FAMILY: AN ENDANGERED SPECIES

The release of a study of Australian families by the Australian Bureau of Statistics has shown a dramatic fall in the number of marriages in 2001 and a continued rise in the number of divorces. Despite Australia's growing population, over the past ten years the number of marriages has fallen from 113,900 to 103,100, while the number of divorces rose from 41,400 to 55,300, the highest level since the introduction of the Family Law Act in 1976. The decline in marriage and rising divorce rates coincide with the increase in cohabitation outside marriage, rapidly increasing age of marriage and figures showing that 29% of men and 23% of women will never marry. Implications: The falling level of commitment to marriage has also been accompanied by a decline in the birth rate with long-term adverse implications for Australia's population, its economy and ultimately, its capacity to sustain its own future.

DESTRUCTION OF MARRIAGE AND THE FAMILY

The assault on marriage and the family began in earnest with the Convention on the Elimination of all forms of Discrimination against Women (signed 1983). While this purports to abolish discrimination against women in all aspects of life, its real purpose was to implement feminist agenda globally. The treaty requires Australia (Article 5) "to modify the social and cultural patterns of conduct of men and women". It requires the government to "erase the traditional concept of the roles of men and women at all levels and in all forms of education.

- It has led to blatant anti-male prejudice in the administration of the Family Law Act, in the awarding of custody and/or access to the children and to domestic violence legislation under which men can be locked out of their own homes by ex-party orders issued by courts without the men even being present to defend themselves.
- 'Anti-stalking' legislation empowers courts to issue a restraint order if a man follows his spouse on one occasion, or even sends her flowers. Understandably, many men now regard relationships with women as potentially dangerous. The United Nations 'Year of the Family' came and went with almost no activities at all because nobody could agree on what a 'family' was. Family is defined as man and wife, children and blood relatives. The U.N. says homosexual liaisons now have to be included otherwise there is 'discrimination' on the basis of 'sexual preference'. Under the doctrine of 'inclusiveness' everyone will be a family, or no one will be a family. The day every relationship becomes a "family" the concept itself is lost.
- One Nation does not recognise a homosexual relationship as in the terms of husband and wife, nor marriage, nor family. Such a relationship is a commitment and union between man and woman and is sacrosanct to the creation of life and the nurturing of a child. Therefore, One Nation will pursue that be reflected in government policy and legislation.
- It is NOT One Nation policy to denigrate homosexuals or deprive them of legalities such as Will recognition, the sharing of their superannuation entitlements or to live as a couple etc. One Nation will NOT make homosexuality illegal or force homosexuals to walk around town wearing a pink triangle.

- Where One Nation has an issue is with such things as police services being rendered free where others are forced to pay and taxpayer's money being spent to fund a large part of the cost of "The Gay and Lesbian Mardi Gras." Why, when maternity wards cannot be used or sufficiently staffed because of a severe shortage of funds?
- One Nation does NOT believe that a homosexual relationship qualifies a same sex couple the exact same rights as a husband and wife, or for that matter do we regard a defacto relationship between a heterosexual couple as marriage. We therefore DO NOT advocate or recognise their "automatic right" to adopt children.
- A wedge between children and parents is being driven by the Convention on Rights of the Child (signed 1991) which creates children's rights against parents and empowers teachers and social workers to monitor activities within families. Children in Australian schools have been encouraged to keep diaries on what happens at home and bring them to school for "class discussion". The ideology says that parents disciplining children and discouraging them from early sexual expression is a denial of children's 'rights'. Disciplining children can now be deemed 'child abuse'.
- The treaty requires that the education of children must include global education, multiculturalism, feminism and environmentalism and requires the setting up of a national system of daycare. The children must be out of the hands of mothers and into the hands of social scientists as early as possible.

Ref: One Nation Policy Direction/Child Support Scheme, papers.
 Submissions by William D Craig, Dr, Juris. B.Sci. L.L.B.
 "22 Steps to Global Tyranny" by Graham Strachan.

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BACK!**

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