



NSW.ACT

Submission to the Inquiry into the Family Impact Commission Bill

On behalf of UnitingCare NSW.ACT, Synod Uniting Church in Australia, October 1, 1997

Executive summary

This submission opposes the Family Impact Commission Bill.

Objection: A more appropriate mechanism would be legislation to implement to Convention on the Rights of the Child, and establishment of a Commissioner for Children.

Objection: It is not appropriate for legislation to assume or to attempt to define a particular religious tradition's ethics or understanding of family

Objection: The NSW Parliament should not establish a Family Impact Commission unless the proposal has been developed in consultation with and has widespread support of the community sector (including religious, non-religious, Aboriginal and ethnic organisations).

Objection: Nominations to any Advisory Committee related to the Family Impact Commission should be made by representative community organisations (including religious organisations) who have demonstrated competence in providing family support services and/or in public policy analysis relevant to families.

Objection: It is incorrect for the legislation to assume that the NSW council of churches is a body which adequately or effectively represents the Christian churches. The appropriate body is the NSW Ecumenical Council.

Objection: The bill's bias towards two parent families is not only unjust to other forms for families that exist, have responsibilities, and have needs, but is also dangerous.

Objection: The Bill appears to assume that the principles and definitions in sections 2 and 3 of the Bill provide the Judeo-Christian ethic referred to in section 10. We cannot agree.

Objection: the bill fails to give priority to the needs of low income and at-risk families

Objection: In the light of Uniting, Catholic and Anglican work on families, the Committee must reject any suggestion that the principles and definitions in sections 2 and 3, and the bias towards two parent families, are an adequate or appropriate expression of the Christian ethic in the public policy context. It confuses the Christian ideals and hopes for family life with criteria by which to evaluate who should or should not benefit from public policy.

Objection: The fallacy in the reasoning underlying the bill is that it adopts an "either... or..." approach, whereas the Christian ethic supports a "both...and.." approach.

Objection: Any bill for Family Impact Assessment should be consistent with the human rights of all people, provide assistance to families on the basis of their caring responsibilities rather than their family form, and should support the marriage relationship in ways that do not conflict with these two prior requirements. This bill fails these criteria.

Objection: Any bill for Family Impact Assessment should acknowledge the rights of children, the sick, people with disabilities and the aged to care, and that these rights are independent

of the form of family on which they are dependent. It should recognise that people have the right to leave situations of family violence. This bill fails these criteria.

Objection: This sweeping generalisation in Question 7 is morally dangerous, since it encourages an uncritical and unreflective attitude towards past policy and history

Objection: The bill fails to clearly articulate the particular values and principles on which assessment should be based; instead they are hidden under vague terminology. References to the Judeo-Christian ethic in both the bill and the attached schedules, are vague , ambiguous and historically inaccurate, and have no place in legislation.

Objection: The failure to differentiate when assessments are crucial from when they are not means that the whole process is likely to be debased.

Objection: some proposed questions seem impossible to answer in a valid and reliable way

Objection: The Bill is unrealistic in its demands on resources.

Objection: The questions for the family impact assessment are confused, inadequate in scope and have not been developed in consultation with relevant community organisations.

Summary Objection: The bill is ill-informed, ill-considered, discriminatory against non-traditional families, and discriminatory on religious and racial grounds. The bill would remain fundamentally flawed even after the proposed amendments were incorporated

Introduction

The major submission on the *Family Impact Commission Bill* on behalf of the Uniting Church will be made by Burnside, the child, youth and family support agency of the NSW Synod of the Uniting Church. This supplementary submission deals mainly with matters that do not come within Burnside's specific expertise, namely the appropriateness or otherwise of the bill's dependence on "the Judeo-Christian ethic" and the bill's reliance on mainly Christian organisations for nominations to the Advisory Committee. It also gives an overall assessment of the bill

This submission opposes the *Family Impact Commission Bill*.

This submission opposes the *Family Impact Commission Bill*. The amendments listed at the end of the Discussion Paper deal with some of the difficulties, but are inadequate to salvage a bill which is fundamentally flawed in its origins, assumptions and mechanisms. While we support the view that public policy should support, or at least not damage family life, we do not support other assumptions on which the bill is based. The bill has not been developed through consultation with the relevant church and community organisations. The theological assumptions are wrong, and it is not appropriate for legislation to define or assume a particular expression of religious belief and ethics. All families are valuable, a bias towards two parent families in public policy would be contrary to human rights and especially to the rights of children in other families, and there are better mechanisms for protecting the rights and needs of families, such as implementation of the Convention of the Rights of the Child in legislation, and the establishment of a Commissioner for Children.

Objection: A more appropriate mechanism would be legislation to implement to Convention on the Rights of the Child, and establishment of a Commissioner for Children.

The "Judeo-Christian ethic"

The bill refers to the "Judeo-Christian ethic". We have great respect for the Jewish tradition. We recognise that there are areas of commonality between the two religions, but reject this attempt to subsume Judaism under Christianity and eliminate the distinctive features of both. It is not appropriate for legislation to assume or to attempt to define religious tradition, ethics or understanding of family, or the degree to which different religions agree or disagree about these matters.

Objection: It is not appropriate for legislation to assume or to attempt to define a particular religious tradition's ethics or understanding of family

For example, since early 1994, the NSW Synod of the Uniting Church in Australia has been developing a statement on family ministry. The first section of that statement is "Theological perspectives on family ministry", which includes eight principles. While some might well be expressed in a way that is compatible with Judaism, others are distinctively Christian in form, substance and implications.

The way in which major themes of the Christian faith are understood to relate to family life has changed over time, not only in the Uniting Church traditions (which include Methodist, Presbyterian and Congregational traditions), but also in other mainstream Christian tradition. This will become more evident later in this submission.

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The rest of this submission will look at the Bill from a Christian viewpoint. We leave it to the Jewish community to comment from their perspective.

Churches and public policy

Because the *Family Impact Commission Bill* claims a Christian basis and gives a privileged place to Christian churches and organisations in determining the advisory committee, it is appropriate to offer some description of how we see our role as a Christian Church in the public arena.

The Board for Social Responsibility works within national constitution of the Uniting Church in Australia, and the by-laws determined by the NSW Synod.

The by-laws of the Synod require that the Board for Social Responsibility be actively engaged in representing the NSW Synod of the Uniting Church in Australia in the community sector and in dialogue with government. In determining our understanding of issues we draw on the biblical and theological tradition of the church for our values and perspectives. The vision of society and social values for which we work are informed by our hope of the Kingdom of God in all its fullness. They are also guided by the decisions of the official councils of the church, namely the Synod and the national Assembly.

Particular political agenda and public policies should not be confused with the Kingdom of God

The Uniting Church in Australia believes that Christians and Christian Churches have much to contribute to public policy. However, we stand in the mainstream Christian tradition in believing that particular political agenda and public policies should not be confused with the Kingdom of God. History shows that such confusion can be very dangerous and destructive, often leading to violation of human rights and harm to individuals, families and groups. God challenges all political agenda, of all political parties and all social institutions and interest groups, including those that call themselves Christian or church.

We, like many other church social justice and welfare agencies, therefore work alongside other community organisations. The criteria by which we decide which organisations are worthy of respect, and the criteria on which we expect we will be evaluated by those organisations, are not the mere claim to be Christian or to hold Christian values. Rather the criteria focus on the appropriate expression of social values through (a) respect for clients, ie respect for people who seek our support and help, especially those who are poor or discriminated against, (b) respect for the human rights of all people, whatever their particular characteristics and situation and (c) the ability to make a difference in the lives of those clients, either through appropriate support services or through advocacy for relevant changes in public policy. Thus our belief in a God of compassion and social justice, a God of love and forgiveness leads us to work with other groups who share the values of compassion, social justice, love and forgiveness. As is the case in other mainstream traditions in recent times, we are committed to working alongside all people of goodwill in the achieving of social goals.

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Thus the Uniting Church understanding of the place of Christianity is very different from that which underlies this bill.

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This understanding would require that a bill of this type be developed through a different process. It would need to be the subject of substantial consultation with the child, youth and family support agencies of the churches, and with the major representative councils of those churches, both individually and ecumenically, before and during the drafting of the bill. It would equally require that the bill recognise and value the important role played by other community groups whose work benefits families either directly or indirectly such as Barnados, The Smith Family, NSW Shelter, and so on, as well as NCOSS as the peak organisation in the community sector in NSW, and Aboriginal and ethnic communities' organisations. These groups should also have been consulted in the preparation of any bill which claims to serve the family. Neither the Board for Social Responsibility nor Burnside were consulted, and we assume that this is indicative of the general lack of consultation. Fred Nile's second reading speech does not indicate consultation with any specific church or community organisations.

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Objection: The NSW Parliament should not establish a Family Impact Commission unless the proposal has been developed in consultation with and has widespread support of the community sector (including religious, non-religious, Aboriginal and ethnic organisations).

Our viewpoint also requires that the Advisory Committee set up in Section 39 be quite different. We reject the bill's attempt to enshrine particular churches, the NSW Council of Churches and the Festival of Light as the guardians of family life. The bill discriminates against non-religious community groups. It is not appropriate to have a religious test for such a committee. Rather the decision about what church and community groups should have a role in nominating any advisory committee should be on the basis of their demonstrated competence in providing family support services and/or in public policy analysis relevant to families.

The decision about what church and community groups should have a role in nominating any advisory committee should be on the basis of their demonstrated competence

Objection: Nominations to any Advisory Committee related to the Family Impact Commission should be made by representative community organisations (including religious organisations) who have demonstrated competence in providing family support services and/or in public policy analysis relevant to families.

Furthermore, the proposal that the institutions to nominate the Advisory Committee include the NSW Council of Churches is inappropriate, since it is essentially an unrepresentative organisation whose membership is only some of the Protestant churches. The Uniting Church is not a member, nor are Orthodox Churches or the Catholic Church. The widely representative body is the NSW Ecumenical Council.

Objection: It is incorrect for the legislation to assume that the NSW council of churches is a body which adequately or effectively represents the Christian churches. The appropriate body is the NSW Ecumenical Council.

The Uniting Church view on the role of government with respect to families

The Interim Statement of a Framework for Family Ministry adopted by the 1996 meeting of the NSW Synod of the Uniting Church includes a number of principles directly relevant to the role of government.

- Family life depends on human rights and social justice
- Principle 5 Commitment to human rights ...
- Principle 6 Cultural inclusiveness...
- Principle 8 Family life depends on social justice...
- Families depend on appropriate social policies
- Principle 13 Families depend on appropriate social policies

The right to establish and maintain a family is a fundamental human right. All institutions in society, businesses, government, community organisations, political parties and the church, have a responsibility to order their lives in ways do not cause harm to families, and that, where possible, support and nurture families.

Families cannot meet the needs of their members on their own. Families require adequate income to provide for their needs, and access to the services which their family members need, such as education, health, housing, income support and services in times of difficulty. this implies duties for both employers and government.

In assessing the adequacy and appropriateness of services provided for families through the public sector, the church will take as standard requirements that the system should be "user friendly", and embody the following characteristics: access, equity, simplicity, transparency, flexibility, adequacy, stability and certainty.

In addition the Statement stresses the importance of all work with and on behalf of families being inclusive, ie supporting all family structures, not only what Mr Nile calls "the traditional family" in his second reading speech. The church's attitude to family life must be informed by its belief in the grace of God, who loves people whatever their family situation. The Uniting Church understanding of Christianity, based on the Bible and informed by its Basis of Union and the creeds, cannot support any public policy which treats "non-traditional" families less favourably than "traditional families".

In our understanding of the Christian ethic, it is appropriate to support the "stability" and "integrity" of two parent families through programs such as marriage preparation, family skills training, and family therapy where that is needed. It is not appropriate to use goals such as "stability" and "integrity" of two parent families to deny other families the support that they also need if they are to fulfil their responsibilities, whether to children, partners, or other adults who are dependent because sick, disabled or aged.

The bill's bias towards two parent families (admitted by Mr Nile in his second reading speech) is not only unjust to other forms for families that exist, have responsibilities, and have needs, but is also dangerous. The NSW Synod of the Uniting Church has since 1991 had a very clear statement on family violence, recognising that it is always a sin and often a crime. We do not support using public policy to discourage victims of family violence from leaving the family that has betrayed and damaged them.

Objection: The bill's bias towards two parent families is not only unjust to other forms for families that exist, have responsibilities, and have needs, but is also dangerous.

Families and the Christian ethic

We have already noted above why we believe it inappropriate to refer to the "Judeo-Christian ethic".

Section 2 of the Bill sets out the following principles, which we have numbered for convenience in the discussion:

The family, consisting of those individuals related by blood, adoption or marriage, is the foundational social unit of the nation.

The family is to be given the widest possible protection and assistance as the natural and fundamental unit of society, particularly where it is responsible for the care and education of dependent children.

The family has primary responsibility for the welfare, education and property of its members.

The sanctity and unique authority of the family is to be recognised and preserved.

Optimum conditions for maintaining the integrity of the family unit are to be preserved and promoted.

Section 3 defines the family as "an organic unit composed essentially of a man and a woman related by marriage and the children of either or both of them by blood or adoption, whether or not in a wider relationship of grandparent, aunts, uncles and cousins".

Section 10 requires that family impact studies look at whether any effect of a policy "contradicts or adversely affects the Judeo-Christian ethic...".

The Bill appears to assume that the principles and definitions in sections 2 and 3 of the Bill provide the Judeo-Christian ethic referred to in section 10. We cannot agree.

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Fred Nile's second reading speech acknowledges that the Bill is biased towards "traditional" families of two parents and their children. As will already be clear from the previous subsection of this submission, we cannot support this as the basis of public policy in general, since it would inevitably lead to disadvantage and harm for many forms of family that have responsibilities and needs, and violation of human rights of their members, including people who have been the victims of violence in "traditional families".

Mr Nile takes definitions from the Family Law Act, which uses particular definitions because of its particular role and purpose in Australian Law, and seeks to apply it in all areas of public policy. This is poor public policy. It is also un-Christian, since the effect will be punitive for many family forms, thus denying the forgiveness of God.

The Uniting Church's Framework for Family Ministry expresses it this way:

- Principle 5 Family ministry is being neighbour to families

In response to the second great commandment and the story of the Good Samaritan, the church has a role to play as neighbour to families. This includes a responsibility to strengthen and affirm all families, offering them resources...and avoiding actions and policies which may damage families...

The church is called to follow Christ's example, by affirming and encouraging all those who act as "family" for others, whether or not there are legal or biological ties between them. The church has a responsibility not to dismiss caring people by labelling them on the basis of their unconventional relationships.

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- Principle 10 Families are vital to children's healthy development

Children need a stable family life which, under normal circumstances, includes their own biological parents and siblings, and may also include, in some cultural traditions, other kin or non-relatives who have specific responsibilities in a child's rearing. However, marriages break down. Some families are dangerous. Society has a responsibility to encourage and support parents in their responsibility for their children, to minimise those factors which contribute to family breakdown, to provide intervention where families are dangerous and to support other family groupings and arrangements in which children are raised.

The research and reflection underlying the Synod's Framework for Family Ministry has been published as: Ann Wansbrough *Families: reality, faith and ministry* Sydney: Board for Social Responsibility, NSW Synod, Uniting Church in Australia 1996; the Biblical material has also been published in Ann Wansbrough *Good news for families* Melbourne: Joint Board of Christian Education, 1997.

It is not our role to speak on behalf of other churches. However, we believe it is appropriate to indicate that in developing our Framework for Family Ministry we have, in accordance with the Uniting Church commitment "to work within the faith and unity of the One Holy Catholic and Apostolic Church" taken account of the views of other churches. We note the following comments the Australian Catholic Bishops' Conference publication, *Families our hidden treasure: a statement on family life in Australia*:

"We wish to restate that people *must avoid the false idea that divorce is always chosen as the easy way out.*" (Australian Catholic Bishops, 1985/1993)

In 1985 the Catholic bishops of Australia addressed a pastoral letter to all separated and divorced people. We wish to restate that people *must avoid the false idea that divorce is always chosen as the easy way out. Separation and divorce mark the death of a dream, and dreams die when hope no longer holds meaning* (*When Dreams Die*, 1985). In writing that letter we were mindful that whenever a marriage ends in separation or divorce a profound sense of sadness is almost always experienced.

Sometimes the decision to separate is a welcome relief for those couples in a particularly harmful and oppressive relationship. Separation and divorce are always tragic because all marriages begin in love, and the path that leads to separation is marked by much pain and heartache.

If you as a couple have separated, although the legal bonds between you come to an end with divorce, parental obligations continue. Separation and divorce mean a change in the patterns of caring for your children, but they do not mean the end of your parental responsibility.

(Australian Catholic Bishops' Conference *Families our hidden treasure: a statement on family life in Australia* Melbourne: Aurora Books 1993 page 29)

The Catholic Bishops' document looks at the importance of sole parent families, the problems that they face, the need for adequate assistance, and the right of sole parents not to be stigmatised. It affirms the value of their family life.

Sole-parent families are as important to our community as two parent families, and we wish to acknowledge the contribution that they make. We are aware that as sole parents you face all the same challenges of parenting without having recourse to the same physical, emotional or financial support that two parent families enjoy.

The increased number of sole parent families in Australia reflects an inability of married couples to cope with the difficulties confronting them at an earlier stage of their relationship. Sole parent families also include mothers who have never been married. All sole parent

families know the burden of caring for children without the benefit of immediate adult support, and the lack of adequate assistance from the wider community.

For many women, being a sole parent is often a pathway to poverty. The Catholic Church acknowledges the courageous commitment of sole parents in caring for their children. Their efforts need to be supported adequately, through allowances and concessions that acknowledge the special challenges that confront sole parents.

Sole parents also need the support of the church so that they are not stigmatised within the parish community...Their person dignity and that of their children must also be respected.

(Australian Catholic Bishops' Conference *Families our hidden treasure: a statement on family life in Australia* Melbourne: Aurora Books 1993 page 30-31).

"Their efforts need to be supported adequately, through allowances and concessions that acknowledge the special challenges that confront sole parents." (Australian Catholic Bishops 1993)

Objection: the bill fails to give priority to the needs of low income and at-risk families

The Anglican Church conducted an international study into the family in preparation for the Lambeth Conference in 1988 (the Lambeth Conference being the international meeting of all Anglican bishops, held every ten years). The work was done through the Mission of St James and St John in Melbourne. The findings are available in the official working paper for the Lambeth Conference: Alan Nicols, Joan Clarke and Trevor Hogan *Transforming Families and Communities* Sydney: Anglican Information Office.

The starting point for the Anglican document is the social and political reality of families and communities, and the pluralism of experiences of reality within the Anglican Communion. Its discussion of reality within families is set within the wider context of society and its impact on families.

"the changing shape of the family is not just a matter of internal relationship changes, but a matter of a complexity of internal and external pressures on the family"
(Anglican Church's *Transforming Families and Communities*)

Again and again, we have seen both in Occasional Papers written for the Family Project by sharing experiences among the International Family Network, and in the special consultancies by visitors, the situations of families and communities are immensely complex. While in this report we attempt to separate political and economic from social and personal factors, in each situation these are all mixed up and almost impossible to separate. What is important is to see that, in every part of the church worldwide, analysts are now recognising that the changing shape of the family is not just a matter of internal relationship changes, but a matter of a complexity of internal and external pressures on the family, and that you cannot separate the future of the family from the wider social order questions facing the Church. Peace and justice are as much a part of the family and community question as intimate relationships and parenting.

"Peace and justice are as much a part of the family and community question as intimate relationships and parenting." (Anglican Church's *Transforming Families and Communities*)

They argue that the "micro" scale of society cannot be understood in isolation from the "macro", and therefore takes a wide view of the ways in which society affects family - politics, militarism, economics, racism, technology, development, sexism. This is fundamental to the whole document.

The "Micro" issue of family leads naturally to the "macro" issue of politics, which impacts on families and communities, often in a devastating and destructive way.

They adopt an empathetic, not judgemental approach to families, seeking to understand the dynamics of family-society and intra-family dynamics - what is happening, and the factors that contribute to these happenings. It acknowledges that families are in crisis, but places this in

social context instead of seeing it as a problem of moral willpower, or a matter of providing 'welfare'. For example, in discussing the global economic system, they comment:

Certainly it is not enough to treat the symptoms of suffering by families and communities without addressing the root causes of economic injustice across the world...A primary motivation for the church engaging in discussing these rights will be our need to follow Christ with the poor and social outcasts in our contemporary world.

Christian pastoral response to families is not fundamentally a response to internal relationships within families, but a response to the life experience of families as part of society

The study appears to be based on three underlying assumptions

- the pursuit of justice and peace is Christian
- families are valuable and should be encouraged, supported and protected
- Christian pastoral response to families is not fundamentally a response to internal relationships within families, but a response to the life experience of families as part of society

Its theological reflection flows out of its description of the reality of families, to illuminate family life and offer help and hope to families, rather than to provide moral rules. Biblical stories are used to illuminate what is happening to families, ie to elicit understanding rather than as an attempt to control or dictate family life.

It reflects objectively on the life of the church, recognising examples of both the ways in which the Church in some places and times has responded appropriately to families and their needs, and the ways in which the Church has often been unhelpful to families and untrue to the Christian tradition and the nature of God's mission.

Some of the key principles which emerge from the study are:

1. Pastoral ministry should be based on the political and economic realities which either support or hinder effective family functioning.

6. That the Church must develop its theology on marriage, family and community by reflecting honestly on ministries dealing directly with the hard social realities of life for families. In particular, our theology must be able to handle brokenness in relationships, and the possibility of a new start in Christ.

7. In developing Christian affirmations on family, the Church must ensure that its own laws, guidelines and pastoral practices liberate and facilitate the transformation of people when their marriage, family or community has for some reason broken down.

"our theology must be able to handle brokenness in relationships, and the possibility of a new start in Christ." (Anglican Church's *Transforming Families and Communities*)

These documents all recognise the significant role of sole parent families and the importance of social justice and human rights to healthy family life.

Objection: In the light of Uniting, Catholic and Anglican work on families, the Committee must reject any suggestion that the principles and definitions in sections 2 and 3, and the bias towards two parent families, are an adequate or appropriate expression of the Christian ethic in the public policy context. It confuses the Christian ideals and hopes for family life with criteria by which to evaluate who should or should not benefit from public policy .

The fallacy in the reasoning underlying the bill is that it adopts an "either... or..." approach, whereas the Christian ethic supports a "both...and.." approach. That is, the bills seems to be based on the assumption that public policy either supports two parent "traditional" or supports other forms of family life over against the "traditional" family. The Christian ethic both values married family life and argues for public policies which support rather than damage "traditional" families, and also recognises and values the caring work of other families, the

dignity of family members in those families, and the need for public policy to ensure that those families also have the resources that they need to meet their responsibilities.

Objection: The fallacy in the reasoning underlying the bill is that it adopts an "either... or..." approach, whereas the Christian ethic supports a "both...and.." approach.

The Christian ethic, as understood in the church documents to which we have referred, does not use public policy to force people to stay in violent, painful or otherwise inappropriate family situations against their will. To do so would violate the dignity and human rights of those who are forced to stay. In contrast to this, the *Family Impact Commission Bill* seems geared to using public policy to force people to remain in families, through the bias towards two parent families and the fourth and fifth principles in section 2, which stress the sanctity, authority and integrity of the family unit. This problem is evident, for example, in questions 8,9, 11, 20 and 21 in Schedule 1.

Objection: Any bill for Family Impact Assessment should be consistent with the human rights of all people, provide assistance to families on the basis of their caring responsibilities rather than their family form, and should support the marriage relationship in ways that do not conflict with these two prior requirements. This bill fails these criteria.

Objection: Any bill for Family Impact Assessment should acknowledge the rights of children, the sick, people with disabilities and the aged to care, and that these rights are independent of the form of family on which they are dependent. It should recognise that people have the right to leave situations of family violence. This bill fails these criteria.

The Judeo-Christian ethic "as the basic historic moral ethic of Australia". (Schedule 1, page 21, question 7).

The Uniting Church cannot support the assumption made in this question. It is at best meaningless, and at worst dangerous and destructive. The recent report of the Human Rights and Equal Opportunity Commission *Bringing them home* shows that government policy that appears Christian, and is supported by the Christian churches, can be profoundly, destructively, wrong. While there are many initiatives in public policy of which Australia should be proud, and which might well have their basis in a Christian understanding of ethics, there is no morally unambiguous history of Australia. Even in periods that saw advances in the human rights of some groups, such as the vote for women or a living wage for workers, there were other policy decisions discriminatory of people on the basis of sex, sexual orientation, age, race, religion, disability or other characteristic. In these matters the church itself has an ambiguous history, and has at times opposed changes towards a more just society.

Objection: This sweeping generalisation in Question 7 is morally dangerous, since it encourages an uncritical and unreflective attitude towards past policy and history

This sweeping generalisation in Question 7 is morally dangerous, since it encourages an uncritical and unreflective attitude towards past policy and history, a confusion of the Kingdom of God with particular public policies and actions. The claim is historically and theologically incorrect.

Objection: The bill fails to clearly articulate the particular values and principles on which assessment should be based ; instead they are hidden under vague terminology. References to the Judeo-Christian ethic in both the bill and the attached schedules, are vague , ambiguous and historically inaccurate, and have no place in legislation.

Workability of the bill

The bill seems to have an extraordinarily wide ambit. It requires that every bill considered by the NSW parliament be accompanied by a family impact assessment, and provides that the Commission can assess all current legislation in NSW and also assess Commonwealth legislation, or legislation of other states, that might impact on families in NSW. The failure to differentiate when assessments are crucial from when they are not means that the whole process is likely to be debased.

Objection: The failure to differentiate when assessments are crucial from when they are not means that the whole process is likely to be debased.

Schedule 1 provides a long list of proposed questions the Family Impact Assessment must answer. There are a number of questionable assumptions and values underlying these questions. While some questions seem very sensible, at least with respect to some types of legislation or expenditure, some proposed questions seem impossible to answer, eg "Give a full description of the likely moral effect of the proposed legislation or expenditure" (question 7).

Objection: some proposed questions seem impossible to answer in a valid and reliable way

"Will the proposed legislation or expenditure reinforce the stability of the home and particularly the marital commitment that holds the home together?" (question 8) might have quite different answers, depending on one's level of understanding of family life and the problems family members encounter, and on one's ideological commitments. For example, some people blame Family Law for divorce, others recognise it as enabling people to deal with the reality of a marriage that is over. Is it the youth homeless allowance, or family violence, that leads to young people leaving home and being on the streets?

Question 12 "what message will the proposed legislation or expenditure send..." assumes that there is only one message - but most legislation will send several messages, depending on who you are and what your circumstances are, and how well you understand the policy and the reasons for it.

There is no indication in his speech as to how Mr Nile expects valid and reliable answers to the proposed questions to be developed, whether appropriate databases are available, what time and effort would be involved, what would be the cost, and whether the work can in fact be done in the way proposed in the bill.

The lack of adequate thought in the bill is evident in Schedule 1, Application for Family Impact Study/Assessment, which seems very confused. Are these questions those the applicant must answer to apply for an assessment, or those the Commission should answer in providing its assessment. If the former, how are applicants to determine the answer to these questions? If the latter, then why is there no separation of the application from the form of the report?

While we strongly affirm the role of the community sector in working with families, Question 18 seems to ignore a whole range of problems implicit in expecting the community sector to do the work of government. The relative roles of the community sector and the government is a major question in its own right. It suffices here to say that the assumptions underlying Question 18 are questionable.

Schedule 1 assumes that the same set of questions is appropriate for all legislation. This is obviously silly. While a wide range of legislation has an impact on the family and therefore some impact assessment might be appropriate (eg environmental protection is important to the health of individuals and therefore to family welfare), questions like "Will the proposed legislation or expenditure stress the integrity and preservation of the family unit?" (Question 20) are relevant only to some legislation and not all.

Schedule 1 assumes that the same set of questions is appropriate for all legislation. This is obviously silly

Question 21 makes a vague reference "family values". If these values are the principles specified in section 2 of the legislation, this should be stated. If not, the question has no place in the schedule as it has not been defined.

Some of the questions in Schedule 1 appear repetitive. For example, is "family values" in question 21 different from or additional to the values underlying previous questions in the schedule, and if so, in what way?

Objection: The Bill is unrealistic in its demands on resources.

Objection: The questions for the family impact assessment are confused, inadequate in scope and have not been developed in consultation with relevant community organisations.

Conclusion

The Uniting Church in Australia agrees that public policy should be supportive rather than destructive of marriage and family life, and that there need to be mechanisms to achieve this. However, the Uniting Church cannot support this bill. Mr Nile claims too much for this bill when he claims it as promoting the Judeo-Christian ethic and family welfare. That claim would only be possible if he had consulted the churches, the church child and family support agencies and the community organisations that deal with family related issues. He has not done so. The bill is ill-informed, ill-considered, discriminatory against non-traditional families, and discriminatory on religious and racial grounds. Some of these problems are lessened by proposed amendments. Nevertheless, amendments would be merely bandaids on a fundamentally flawed proposal. The Family Impact Assessment Bill has no place in the law of NSW and should be rejected.

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Summary Objection: The bill is ill-informed, ill-considered, discriminatory against non-traditional families, and discriminatory on religious and racial grounds. The bill would remain fundamentally flawed even after the proposed amendments were incorporated

This submission was prepared on behalf of the Board by Rev Ann Wansbrough on the basis of the NSW Synod's Interim Statement on Family Ministry.

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