



## GIPPSLAND

### Gippsland Family Law Pathways Network

The monthly FLPN bulletin for practitioners across Gippsland who intersect with the family law space.

If you know a service provider or organisation who wishes to be included in this network newsfeed, email us at [gippslandfamilylawpathways@betterplace.com.au](mailto:gippslandfamilylawpathways@betterplace.com.au)

#### **Latrobe Valley Service Providers News:**

Our last Latrobe Valley Service Providers meeting for the year was held on the 19th November at the Moe Library meeting rooms. The well attended meeting heard from Financial Capability workers Lisa Garlick from Gamblers Help and Mike Kirkness from LCHS, who discussed the valuable work financial capability workers achieve through our sector for community members in deep financial strife. Interesting take-aways include just how much debt compulsive gamblers can get themselves sunk in (extraordinary sums!), the broader role of financial capability workers in helping non-gambling individuals achieve money management and resource literacy skills, and the emerging online *after-pay* systems which are replacing traditional lay-by and are possibly helpful to the debt inclined because the system can be used as an additional tool for young people to successfully learn how to manage their monthly budgets. The speakers were informative and ensuing discussion was very interesting, thankyou to all who participated.

## News and Developments from the Family Law Sector

The debate about Family Law restructure continues in the aftermath of the ALRC findings. Richard Ingleby penned a response to the published discussion “Family Law For the Future- A “Radical” Recommendation” (2019) by the Honourable Justice Derrington, regarding the ALRC’s report no 135, *Family Law for the Future – An enquiry into the Family Law System*, recommendation 1. Ingleby comes out swinging in favour of the ‘*Family Court one court*’ (*reverse radical*) option due to the complexity of doing anything else amongst Federated States:

“It seems paradoxical that the alleged constitutional difficulties with a “Family Court one Court” option are a reason to oppose the “reverse radical” while the “radical” is proposed as if it would be unproblematic for the Federal Government “to explore with State and federal governments the possibility of encouraging them all to establish state family courts”. Reassuring as it may be to be informed that “Once state family courts have been established throughout the states and territories, there will no longer be a need for trial division federal family courts” the process contemplated by the ALRC seems far more logistically problematic than the “Family Court one court” option...Referral of powers has already happened in relation to two significant areas. The first was in relation to ex-nuptial children and the second was in relation to de facto property matters. In each case there was a need for complimentary State and federal legislation and for co-operation between State and Federal Attorney-Generals. But such complexity is hardly unusual in a federation and since each of the referrals the world has continued to spin on its axis without apparent deviation and the sun has continued to rise each morning. Unless the ALRC is prepared to challenge all externalities, there seems little point in engaging on purportedly broad-ranging reviews. On any level, it is not open to the ALRC or anyone else to characterise a proposal as “radical” if the proposal is constrained by externalities which are not themselves the subject of challenge. If the ALRC really regards itself as hamstrung by the constitutional niceties of federation, then perhaps it should seek a specific referral in relation to the abolition of the States.”

- See Richard Ingleby, editor for the Australian Law Journal, Volume 93/10, 2019 for full article.

## International Research regarding Shared Custody

A recent study conducted in Sweden into post separation child care arrangements and children's experience of stress looks at the relationship between the form of postseparation custody and children's perceived stress and shows that children in Sweden who share residence equally after a parental union dissolution are less likely to report high levels of stress compared to those living full time in one parental household. The finding is in line with other research on shared physical custody and other aspects of children's well-being from Sweden.

There are various mechanisms that might explain the lower stress levels for children who live alternately in two households. The first explanation is that sharing and alternating residence limits a loss of parental resources, both economic and social, that affect children's well-being. Economic theory predicts that a parental investment in a child is greater when the parent has higher control of the investment, something that shared physical custody provides. A second interpretation lies in the notion that having steady, everyday contact between the child and both parents after a divorce, rather than living with one and seeing the other occasionally or on weekends, creates a stronger relationship and facilitates a parenting style that is beneficial for children's well-being. It is also plausible that sharing the burden of child-rearing is beneficial for the parent who otherwise would have been a single caregiver, reducing the workload and offering greater possibilities for work and other non-child-centred activities. Similarly, it could help both parents develop in their roles and competence as parents.

- Shared Physical Custody and Childrens Experience of Stress, Jani Turunen, Stockholm University Demography Uni, Stockholm University and Kalstad University, Sweden 2017

It is not clear how this research can be applied in an Australian context due to differences between the two countries socio-economic conditions across various demographics, different cultural contexts and underlying religious, family and social institutions, however in a general sense the study supports current research findings conducted in Australia. This and other family relationship matters will be explored more fully in a series of Podcasts produced by the Family Law Pathways Network, Gippsland to be released midyear in 2020.

If you would like a copy of this research paper, please contact [katezizys@betterplace.com.au](mailto:katezizys@betterplace.com.au)



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**Merry Christmas Everyone...**