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Dear Sir/Madam

Re. Senate Inquiry into Domestic Violence and Gender Inequality

We thank the Senate Finance and Public Administration Committee for allowing us to present our submission to the inquiry into *Domestic Violence and Gender Inequality*.

We note that our submission specifically refers to item C of the Terms of Reference for this Inquiry, i.e.

- C the role of government initiatives at every level in addressing the underlying causes of domestic violence, including the commitments under, or related to, the National Plan to Reduce Violence against Women and their Children;

Our political party is supported by both men and women. We strongly condemn violence against all men, all women and all children.

We further note that the above term of reference refers to just "*women and their children*." Our submission relates to all men, all women and all children.

## 1. Definitions

"Intimate partner violence" or "domestic violence" describes violence perpetrated by a current or previous partner,

Family violence is a broader term encapsulating violence between family members as well as intimate partners.

That is, family violence is a form of domestic violence.

(reference: Institute of Family Studies: <https://aifs.gov.au/cfca/publications/childrens-exposure-domestic-and-family-violence/defining-domestic-and-family-violence>)

Therefore we would query whether your Term of Reference C should just refer to the domestic violence issue. Alternatively should the Term of Reference have referred to the broader issue of family violence?

We have referred to both domestic violence and family violence in this submission.

## 2. Gender Bias in Legislation.

After divorce or separation, sole custody of the children brings with it significant financial gains. These financial gains include increased social security payments, child support payments, property settlements and superannuation transfers.

Following the substantial legislative amendments made to the *Family Law Act 1975* in 2012, gender bias in that regard has now become more obvious in the family law legislation.

For example, an easily-made family violence allegation can subsequently give one parent, normally the mother, a significant financial advantage over the other parent, normally the father.

This is because there is a direct and significant link between an application for a family violence order\* and the contact and residence arrangements later made for children of separated families.

## 3. Procedure to Obtain Effective Sole Custody of Children.

The procedure to obtain effective sole custody of the children after family separation is as follows:-

- a. One parent, normally the mother makes an application for a family violence order\*. This is made in a lower state and territory court (- the local court in NSW and the magistrates court in the other states and territories) or at the local police station. Very often this application is made on unfounded and made-up allegations.

- b. The police with their limited resources will usually not investigate the allegations. As a result, these allegations will usually remain unproved during the later court proceedings.
- c. When the matter does come to court, the police prosecutor will pressure the alleged offender to accept a family violence order "without admission". Even if the family violence order is not accepted and is contested, the family violence order is normally made by the court in any case. This is the start of the trap.
- d. Once the family violence order has been made, the initiating parent will then make an application for residence and contact orders in the Family Court/Federal Circuit Court.
- e. Under section 60CC of the Family Law Act 1975, and in particular sub-sections 60CC(2) and (2A), any issues of violence will be sufficient reason to significantly restrict contact to only supervised contact or no contact at all given to the other parent, normally the father.

This procedure establishes effective sole custody of the children for the custodial parent. Significant financial rewards such as property, superannuation and child support then flow from this result.

#### 4. Our Reason for this Gender-Biased Situation

Our reason for this situation can be simply found by answering the question:

*What the fundamental reason for conflict (of any type) in Family Law?*

The answer is that Family Law has the hidden agenda of providing equal pay for women. At the same time to achieve this agenda, fairness is literally "thrown out the window".

We strongly believe that there should be equal pay for women. However domestic violence should not be used as a screen to achieve this objective.

#### 5. Conclusion.

Unfortunately the outcomes of many family law proceedings are based on false and unfounded allegations of family violence. We submit that this has led to a gender-biased situation based on unfounded and unproven domestic violence and family violence situations.

These outcomes are supported by the many Government financial initiatives relating to domestic violence.

We believe that there is no real reason for the Government financial initiatives that exist for domestic violence and the broader family violence issue. That is, unless there is an

ulterior motive of pay equality and subsequent asset transfer as referred to above.

If this is the case, the Government needs to make the community aware of the reasons for their agenda. This is so that their actions, in using domestic violence as a screen, are more transparent to the voters at the next Federal Election.

Thanking you,

Yours faithfully,

**John Flanagan,**  
Deputy Registered Officer,  
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<http://www.equalparenting.org.au>

\* Family Violence Order.

Family violence orders/Protection orders have different names in different states and territories.

The names that are used are as follows:-

- Queensland - Protection orders
- New South Wales - Apprehended violence orders
- Victoria - Intervention orders
- Australian Capital Territory - Protection orders
- Northern Territory - Domestic violence orders
- South Australia - Intervention orders
- Western Australia - Violence restraining orders
- Tasmania - Family violence orders