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The Secretary,
Inquiry Into A Better Family Law System,
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Dear Sir/Madam

Re – **Submission to the Inquiry Into A Better Family Law System**

We thank the Parliamentary *Standing Committee on Social Policy and Legal Affairs*. This is for allowing us to present our submission to your *Inquiry Into A Better Family Law System*.

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

However the issue of family violence is currently being used to wrongly undermine legitimate attempts at children being able to have contact with both parents after either separation or divorce.

The *Family Law Amendment (Family Violence and Other Measures) Act 2011* (Act no. 189 of 2011) came into effect on 7 June 2012.

As a result of this amending legislation, changes were then made to the *Family Law Act 1975*. This was, in particular, to sub-section 60CC(2) of the principal act with a new sub-section CC(2A) being added.

In this new sub-section, the “consideration” of equal time provisions was now only given a “secondary” consideration – i.e. after alleged or otherwise issues of family violence.

The result of this amendment has significantly undermined legitimate attempts at children being able to have contact with both parents after either separation or divorce;

when this should not be the case.

This is despite the fact that many of these allegations are not true and are not required to be substantiated. These allegations are often merely made to obtain an advantage under this sub-section 60CC(2A) of the *Family Law Act* (and also to obtain an advantage with other issues such as property settlements and child support).

It is noted that paragraph (2)(a) of sub-section 60CC(2A) refers to children being able to have contact with both parents after either separation or divorce. Whereas the currently dominant paragraph (2)(b) of the same sub-section refers to family violence.

To overcome the negative effects of the *Family Law Amendment (Family Violence and Other Measures) Act 2011*, we would propose that the priority now given to paragraph (2)(b) over paragraph (2)(a) should be reversed.

That is, the changes to sub-section 60CC(2A) would be as follows:-

Delete

(2A) If there is any inconsistency in applying the considerations set out in subsection (2), the court is to give greater weight to the consideration set out in paragraph (2)(b).

Insert

(2A) If there is any inconsistency in applying the considerations set out in subsection (2), the court is to give greater weight to the consideration set out in paragraph (2)(a).

As a result of this change, family violence would be still an issue that has to be considered. However there would be now a priority given to children being able to see both parents after either divorce or separation.

At the same time, it is hoped that many of the currently false allegations of family violence would then become less prevalent.

Yours faithfully,

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