



John Flanagan  
Deputy Registered Officer,  
[Non-Custodial Parents Party](#)  
[\(Equal Parenting\)](#),  
PO Box 57,  
[THIRROUL](#). NSW. 2515.

Email: [noncustod@yahoo.com.au](mailto:noncustod@yahoo.com.au)  
11 December 2015.

Committee Secretary,  
Senate Legal and Constitutional Affairs Committee,  
PO Box 6100,  
Parliament House.  
[CANBERRA](#). ACT. 2600.  
Phone: (02) 6277 3560  
Fax: (02) 6277 5974  
[Legcon.sen@aph.gov.au](mailto:Legcon.sen@aph.gov.au)

Dear Sir/Madam

Re. [Senate Inquiry into the Family Law Amendment \(Financial Agreements and Other Measures\) Bill 2015](#)

We thank the Senate Committee for allowing us to present our submission to the inquiry into the *Family Law Amendment (Financial Agreements and Other Measures) Bill 2015*.

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.

The key change contained in the *Family Law Amendment (Financial Agreements and Other Measures) Bill 2015* is the proposed removal of the 21-day time limit contained in Section 68T of the *Family Law Act 1975*. It is noted that should this change be made, then this would have a consequential effect on the operation of Section 68R of the *Family Law Act 1975*

This proposed change is summarized in paragraph 23 of the Explanatory Memorandum as follows:

The key change is to sections 68R and 68T of the Act, which provide that a state and territory court making an interim family violence order may revive, suspend, vary or discharge a parenting (or other) order to the extent to which that order provides for a child to spend time with a person.

We are opposed to the changes proposed to section 68T (and consequently to section 68R) of the *Family Law Act 1975*.

### Section 68T

The Explanatory Memorandum says that this Bill is designed to protect children by removing any inconsistency between family violence orders and other orders. To achieve this aim, the Explanatory Memorandum states that one of the aims of the Bill is the removal of the 21-day time limit contained in Section 68T.

The Explanatory Memorandum clarifies this aim, in detail, at paragraph 245:

245. Existing section 68T places a strict 21-day time limit on the operation of a state or territory court's revival, variation or suspension of an Order under section 68R, where the revival, variation or suspension occurs in the context of proceedings to make an interim family violence order or an interim variation of a family violence order.

The aim of the removal of the 21-day time limit was also re-iterated by Senator Ryan in the Second Reading speech given in Parliament on 25 November 2015.

As it stands now, this 21-day time limit does give some limited protection to people who are falsely accused of family violence. If the Bill, including the proposed changes to section 68T, is passed by Parliament, then this protection will be removed.

### History of Section 68T

Section 68T was introduced into the *Family Law Act 1975* via amendments contained in the *Family Law Reform Act 1995*.

The Explanatory Memorandum to the *Family Law Reform Bill 1994* (as circulated by the the Attorney-General, the Honourable Michael Lavarch MP stated at Paragraph 359 that

359 New subsection 68T(5) limits the effect of a contact decision made during interim family violence proceedings and provides that no appeal lies in relation to such a decision. If a court makes an interim family violence order or an interim order varying a family violence order and exercises its powers under this section to make, revive, vary or suspend a Division 11 contact order then the order made with respect to contact will cease to have effect after the interim order stops being in force or after a period of 21 days

starting when the interim order was made, whichever happens first.

(Ref 71147 Cat. No. 94 53416 and 70790 Cat No 94 51390)

(underlining added by the undersigned).

Subsequently, section 68T was then significantly amended by the *Family Law Amendment (Shared Parental Responsibility) Act 2006*. However, despite this subsequent amendment in 2006, the 21-day provision remained in that same section of the *Family Law Act 1975*.

The Explanatory Memorandum for the Family Law Amendment (Shared Parental Responsibility) Bill 2005 (as circulated by the then Attorney-General, the Honourable Philip Ruddock, MP) reinforced this fact at paragraph 935, by stating that:

*Section 68T - Special provisions relating to proceedings to make an interim (or interim variation of) family violence order.*

935 Section 68T makes special provision for proceedings involving interim family violence orders or interim variations of family violence orders. Subsection 68T(1) provides that in such proceedings, if the court revives, varies or suspends an order, injunction or arrangement under section 68R, that revival, variation or suspension ceases to have effect at the time the interim order stops being in force, or 21 days after the interim order was made (whichever is earlier). No appeal lies in relation to the revival, variation or suspension (subsection 68T(2)).

Therefore, although Section 68T was considerably amended in 2006, the 21-day time still remained in place. As a result, it can be only assumed that the original intention of “*limit(ing) the effect of a contact decision made during interim family violence proceedings*” remained the main reason for the continued existence of this 21-day provision in section 68T.

### Our Reason for the Proposed Change to Section 68T

Our reason for the proposed change 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”.

Therefore this Bill is not simply about the prevention of family violence. This Bill is really about equal pay for women disguised as a bill about family violence.

This change, if made, can only lead to further allegations of family violence.

Conclusion.

Unfortunately the outcomes of many family law proceedings are based on false and unfounded allegations of family violence.

If passed by Parliament, this Bill will no doubt increase the number of false and unfounded allegations of family violence in both state and federal courts.

We fully support equal pay for women. It is a very important issue in the community. However this Bill is not the solution to this issue.

Consequently, there is no real reason for the Government to amend Section 68T and remove the 21-day time limit. That is, unless there is an ulterior motive (of pay equality and subsequent asset transfer) as noted above.

Thanking you,

Yours faithfully,

**John Flanagan,**  
Deputy Registered Officer,  
*Non-Custodial Parents Party (Equal Parenting).*  
<http://www.equalparenting.org.au>