

FAMILY LAW REVIEW

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ARTICLES

Australia and the 1996 Hague Child Protection Convention – *Michael Nicholls QC*

This article describes how the rules about jurisdiction, applicable law, recognition and enforcement in the 1996 Hague Child Protection Convention work in children's cases between the 42 states who are parties to it; how those rules have been brought into Australian law; and the effect of them on children's cases in Australia. 123

False allegations in family law proceedings: Using the Family Court as a sword, not a shield – *David Fryer*

This article assesses a parent's ability to protract proceedings within family law litigation by knowingly making a false allegation of sexual abuse against the other parent. The family law system is well placed to respond to allegations of family violence and it is apparent that both adult and child victims of genuine family violence are well protected by the current system. What is not so clear, however, is the level of scope that exists for a parent to make a knowingly false sexual abuse allegation purely as a means of gaining a tactical litigious advantage; and what, in practical terms, that means for the subject child and falsely-accused parent. The article seeks to bring a level of clarity to the present ambiguity by identifying the significant flaws in the current approach. While further research is required, this article seeks to establish the issue of false allegations as being real, thus inviting further debate and consideration of the issue. 137

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