

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.1

Question No. 3

Senator Stott-Despoja asked the following question at the hearing on 31 October 2005:

- a) Can the Department explain whether it has advised the Attorney-General's Office to adopt the Committee's recommendation that the safety of children should be recognized as an object of Part VII alongside the requirement to ensure meaningful involvement with both parents?
- b) Has the Department advised the Attorney-General's office against adopting the Committee's recommendation to change the definition of family violence in the Family Law Act?

The answer to the honourable senator's question is as follows:

- (a) The Shared Parenting Bill implements the Committee's recommendation that the safety of children should be recognised as an object of Part VII alongside the requirement to ensure meaningful involvement with both parents (recommendation 17).
- (b) The Shared Parenting Bill amends the definition of family violence to implement recommendation 9 of the Committee that the definition should include an objective element. A requirement of 'reasonableness' is added to the existing definition. While there is no requirement for reasonableness for violence that has actually occurred, fear or apprehension of violence must be reasonable.