

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

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Question No. 6

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

The framing of the current s60B(2) has been shown to have contributed to the prioritising of contact over safety. This framing includes stating that the principles are to apply except when it is or would be contrary to a child's best interests. The Exposure Draft essentially proposes to repeat this reference in the *negative* to best interests in s60B (2) (a). The Committee has recommended that s60B be redrafted to make it clearer that the best interests of the children are paramount. Has the Department also recommended that the Attorney-General reframe s60B to make positive reference to the best interests of children?

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

In the Shared Parenting Bill section 60B has been redrafted to implement the Committee's recommendation and to better focus the objects and principles of the Part on the best interests of the child. New subsection 60B(1) makes positive reference to the best interests of children by clearly stating that the objects of Part VII are to ensure that the best interests of children are met by the items set out in paragraphs (a), (b), (c) and (d).