

## **FOREWORD**

The Committee has carefully considered the Bill and the written and oral evidence presented by a wide range of groups.

The Committee has concerns as to whether the Bill, as drafted with amendments, is the necessary or appropriate response to achieve the stated aims of the Bill.

The Committee is concerned that the Bill is unable to achieve its objective, as stated by the Prime Minister and the Attorney-General,<sup>1</sup> of facilitating the right of a child to the ‘reasonable expectation, other things being equal, of the care and affection of both a mother and a father.’<sup>2</sup> In fact, departmental officers have acknowledged this fact in conceding that the Bill can only apply to the moment of conception and has no effect on any subsequent action of the parents of a child.

Insofar as the Bill appears to have an unstated objective, of allowing State and Territory law to be exempt from the consideration of the courts, the Committee is concerned that it is not the appropriate method of achieving this objective.<sup>3</sup>

The Committee has not made a specific recommendation with respect to this Bill. In the case of the legislation considered in this inquiry, the terms of reference were to inquire and report on the provisions of the Bill, in accordance with Standing Order 25(2)(b) of the Senate. The Committee believes that its conclusions, detailed in Chapter 5 of this report, have met this obligation.

Senator Marise Payne

**Chair**

February 2001

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1 See Appendices 5 and 6 for copies of these Press Releases

2 See especially Chapter 4, Paragraphs 4.41-4.43

3 See Chapter 4, especially Paragraph 4.37

