**Explanation of FL reforms (Not all proposed changes are included just the really important ones)**

New reforms are in Green, Existing legislation is in Rust Colour.

1. **Removes the now considered primary relationship to exist between the biological child and biological parents. Anyone can now be considered as a carer (which has redefined parent) with the same primacy as the biological child/parent relationship currently has. Incumbent government refers to Case Law.**
2. 4  Section 60B

Repeal the section, substitute:

1. 60B  Objects of Part

                        The objects of this Part are:

  (a)          to ensure that the best interests of children are met; and

  (b)          to give effect to the Convention on the Rights of the Child done at New York on 20 November 1989.

Note:        The text of the Convention is set out in Australian Treaty Series 1991 No. 4 ([1991] ATS 4). In 2023, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)).

### FAMILY LAW ACT 1975 - SECT  60B

**Objects of Part and principles underlying it**

             (1)  The objects of this Part are to ensure that the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=60B) of [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) are met by:

                     (a)  ensuring that [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) have the benefit of both of their [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) having a meaningful involvement in their lives, to the maximum extent consistent with the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=60B) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B); and

                     (b)  protecting [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) from physical or psychological harm from being subjected to, or [exposed](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#exposed?stem=0&synonyms=0&query=60B) to, [abuse](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#abuse?stem=0&synonyms=0&query=60B), neglect or [family violence](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_violence?stem=0&synonyms=0&query=60B); and

                     (c)  ensuring that [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) receive adequate and proper [parenting](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) to help them achieve their full potential; and

                     (d)  ensuring that [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B).

             (2)  The principles underlying these objects are that (except when it is or would be contrary to a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B)'s best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=60B)):

                     (a)  [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) have the right to know and be cared for by both their [parents](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parent), regardless of whether their [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) are married, separated, have never married or have never lived together; and

                     (b)  [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) have a right to spend time on a regular basis with, and communicate on a regular basis with, both their [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) and other people significant to their care, welfare and development (such as grandparents and other [relatives](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#relative?stem=0&synonyms=0&query=60B)); and

                     (c)  [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) jointly share duties and responsibilities concerning the care, welfare and development of their [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B); and

                     (d)  [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) should agree about the future [parenting](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parent) of their [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B); and

                     (e)  [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) have a right to enjoy their culture (including the right to enjoy that culture with other people who share that culture).

   (3)  For the purposes of subparagraph (2)(e), an [Aboriginal child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_child?stem=0&synonyms=0&query=60B)'s or [Torres Strait Islander child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#torres_strait_islander_child?stem=0&synonyms=0&query=60B)'s right to enjoy his or her [Aboriginal or Torres Strait Islander culture](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_or_torres_strait_islander_culture?stem=0&synonyms=0&query=60B) includes the     right:

                     (a)  to maintain a connection with that culture; and

                     (b)  to have the support, opportunity and encouragement necessary:

                              (i)  to explore the full extent of that culture, consistent with the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B)'s age and developmental level and the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B)'s views; and

                             (ii)  to develop a positive appreciation of that culture.

             (4)  An additional object of this Part is to give effect to the Convention on the Rights of the [Child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) done at New York on 20 November 1989.

1. **Removes the right of a child to have meaningful relationship with both parents. Section 60CC**
   1. **Additionally removes the right of the child to have this relationship to the maximum extent possible.**

6  Section 60CC

Repeal the section, substitute:

1. 60CC  How a court determines what is in a child’s best interests
2. Determining child’s best interests
3. (1)          Subject to subsection (4), in determining what is in the child’s best interests, the court must:
4. (a)          consider the matters set out in subsection (2); and
5. (b)          if the child is an Aboriginal or Torres Strait Islander child—consider the matters set out in subsection (3).
6. Note:        Section 68P also limits the effect of this section on a court making decisions under that section about limiting, or not providing, an explanation to a child of an order or injunction that is inconsistent with a family violence order.
7. General considerations
8. (2)          For the purposes of paragraph (1)(a), the court must consider the following matters:
9. (a)          what arrangements would best promote the safety (including safety from family violence, abuse, neglect, or other harm) of:
10. (i)   the child; and
11. (ii)   each person who has parental responsibility for the child (the ***carer***);
12. (b)          any views expressed by the child;
13. (c)           the developmental, psychological and emotional needs of the child;
14. (d)          the capacity of each proposed carer to provide for the child’s developmental, psychological and emotional needs, having regard to the carer’s ability and willingness to seek support to assist them with caring;
15. (e)          the benefit to the child of being able to maintain a relationship with both of the child’s parents, and other people who are significant to the child, where it is safe to do so;
16. (f)           anything else that is relevant to the particular circumstances of the child.
17. Additional considerations—right to enjoy Aboriginal or Torres Strait Islander culture
18. (3)          For the purposes of paragraph (1)(b), the court must consider the following matters:
19. (a)          the child’s right to enjoy the child’s Aboriginal or Torres Strait Islander culture, by having the opportunity to connect with, and maintain their connection with, their family, community, culture, country and language;
20. (b)          the likely impact any proposed parenting order under this Part will have on that right.
21. Consent orders
22. (4)          If the court is considering whether to make an order with the consent of all the parties to the proceedings, the court may, but is not required to, have regard to all or any of the matters set out in subsection (2) or (3).

### REMOVE : FAMILY LAW ACT 1975 - SECT  60CC

**How a court determines what is in a child's best interests**

Determining [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=60Cc)

             (1)  Subject to [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s58.html#subsection?stem=0&synonyms=0&query=60Cc) (5), in determining what is in the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=60Cc), the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) must consider the matters set out in [subsections](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s58.html#subsection?stem=0&synonyms=0&query=60Cc) (2) and (3).

Note:          [Section 68P](http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s68p.html) also limits the effect of this section on a [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) making decisions under that section about limiting, or not providing, an explanation to a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) of an order or injunction that is inconsistent with a [family violence order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_violence_order?stem=0&synonyms=0&query=60Cc).

Primary considerations

             (2)  The primary considerations are:

                     (a)  the benefit to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) of having a meaningful relationship with both of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc); and

                     (b)  the need to protect the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) from physical or psychological harm from being subjected to, or [exposed](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#exposed?stem=0&synonyms=0&query=60Cc) to, [abuse](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#abuse?stem=0&synonyms=0&query=60Cc), neglect or [family violence](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_violence?stem=0&synonyms=0&query=60Cc).

Note:          Making these considerations the primary ones is consistent with the objects of this Part set out in [paragraphs](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60a.html#paragraph?stem=0&synonyms=0&query=60Cc) 60B(1)(a) and (b).

          (2A)  In applying the considerations set out in [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s58.html#subsection?stem=0&synonyms=0&query=60Cc) (2), the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) is to give greater weight to the consideration set out in [paragraph](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60a.html#paragraph?stem=0&synonyms=0&query=60Cc) (2)(b).

Additional considerations

             (3)  Additional considerations are:

                     (a)  any views expressed by the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) and any factors (such as the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s maturity or level of understanding) that the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) thinks are relevant to the weight it should give to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s views;

                     (b)  the nature of the relationship of the [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child) with:

                              (i)  each of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc); and

                             (ii)  other persons (including any grandparent or other [relative](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#relative?stem=0&synonyms=0&query=60Cc) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc));

                     (c)  the extent to which each of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc) has taken, or failed to take, the opportunity:

                              (i)  to participate in making decisions about [major long-term issues](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#major_long-term_issues?stem=0&synonyms=0&query=60Cc) in relation to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc); and

                             (ii)  to spend time with the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc); and

                            (iii)  to communicate with the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc);

                    (ca)  the extent to which each of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc) has fulfilled, or failed to fulfil, the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc)'s obligations to maintain the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc);

                     (d)  the likely effect of any changes in the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s circumstances, including the likely effect on the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) of any separation from:

                              (i)  either of his or her [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc); or

                             (ii)  any other [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc), or other person (including any grandparent or other [relative](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#relative?stem=0&synonyms=0&query=60Cc) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)), with whom he or she has been living;

                     (e)  the practical difficulty and expense of a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) spending time with and communicating with a [parent](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parent) and whether that difficulty or expense will substantially affect the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s right to maintain personal relations and direct contact with both [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc) on a regular basis;

                      (f)  the capacity of:

                              (i)  each of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc); and

                             (ii)  any other person (including any grandparent or other [relative](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#relative?stem=0&synonyms=0&query=60Cc) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc));

                            to provide for the needs of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc), including emotional and intellectual needs;

                     (g)  the maturity, sex, lifestyle and background (including lifestyle, culture and traditions) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) and of either of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc), and any other characteristics of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) that the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) thinks are relevant;

                     (h)  if the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) is an [Aboriginal child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_child?stem=0&synonyms=0&query=60Cc) or a [Torres Strait Islander child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#torres_strait_islander_child?stem=0&synonyms=0&query=60Cc):

                              (i)  the [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child)'s right to enjoy his or her [Aboriginal or Torres Strait Islander culture](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_or_torres_strait_islander_culture?stem=0&synonyms=0&query=60Cc) (including the right to enjoy that culture with other people who share that culture); and

                             (ii)  the likely impact any proposed [parenting order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=60Cc) under this Part will have on that right;

                      (i)  the attitude to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc), and to the responsibilities of [parenthood](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc), demonstrated by each of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60Cc);

                      (j)  any [family violence](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#family_violence) involving the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) or a [member](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s90xd.html#member?stem=0&synonyms=0&query=60Cc) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s family;

                     (k)  if a [family violence order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_violence_order?stem=0&synonyms=0&query=60Cc) applies, or has applied, to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc) or a [member](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s90xd.html#member?stem=0&synonyms=0&query=60Cc) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s family--any relevant inferences that can be drawn from the order, taking into account the following:

                              (i)  the nature of the order;

                             (ii)  the circumstances in which the order was [made](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#made?stem=0&synonyms=0&query=60Cc);

                            (iii)  any evidence admitted in [proceedings](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s102q.html#proceedings?stem=0&synonyms=0&query=60Cc) for the order;

                            (iv)  any findings [made](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#made?stem=0&synonyms=0&query=60Cc) by the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) in, or in [proceedings](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s102q.html#proceedings?stem=0&synonyms=0&query=60Cc) for, the order;

                             (v)  any other relevant matter;

                      (l)  whether it would be preferable to make the order that would be least likely to lead to the institution of further [proceedings](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s102q.html#proceedings) in relation to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc);

                    (m)  any other fact or circumstance that the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) thinks is relevant.

Consent orders

             (5)  If the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) is considering whether to make an order with the consent of all the parties to the [proceedings](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s102q.html#proceedings?stem=0&synonyms=0&query=60Cc), the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60Cc) may, but is not required to, have regard to all or any of the matters set out in [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s58.html#subsection?stem=0&synonyms=0&query=60Cc) (2) or (3).

Right to enjoy [Aboriginal or Torres Strait Islander culture](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_or_torres_strait_islander_culture?stem=0&synonyms=0&query=60Cc)

             (6)  For the purposes of [paragraph](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s60a.html#paragraph) (3)(h), an [Aboriginal child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_child?stem=0&synonyms=0&query=60Cc)'s or a [Torres Strait Islander child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#torres_strait_islander_child?stem=0&synonyms=0&query=60Cc)'s right to enjoy his or her [Aboriginal or Torres Strait Islander culture](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_or_torres_strait_islander_culture?stem=0&synonyms=0&query=60Cc) includes the right:

                     (a)  to maintain a connection with that culture; and

                     (b)  to have the support, opportunity and encouragement necessary:

                              (i)  to explore the full extent of that culture, consistent with the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s age and developmental level and the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60Cc)'s views; and

                             (ii)  to develop a positive appreciation of that culture.

1. Subsection 60CD(1) 7  Subsection 60CD(1)

Omit “60CC(3)(a)”, substitute “60CC(2)(b)”.

60cc(2) (b)  the need to protect the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60cc) from physical or psychological harm from being subjected to, or [exposed](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#exposed?stem=0&synonyms=0&query=60cc) to, [abuse](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#abuse?stem=0&synonyms=0&query=60cc), neglect or [family violence](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_violence?stem=0&synonyms=0&query=60cc).

60CC(3)(a)(3)  Additional considerations are:

                     (a)  any views expressed by the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60cc) and any factors (such as the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60cc)'s maturity or level of understanding) that the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60cc) thinks are relevant to the weight it should give to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60cc)'s views;

1. **Omit “60CC(3)(a)”, substitute “60CC(2)(b)”.**

60cc(2) (b)  the need to protect the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60cc) from physical or psychological harm from being subjected to, or [exposed](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#exposed?stem=0&synonyms=0&query=60cc) to, [abuse](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#abuse?stem=0&synonyms=0&query=60cc), neglect or [family violence](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_violence?stem=0&synonyms=0&query=60cc).

### REMOVE: FAMILY LAW ACT 1975 – Section 60CC(3)(a)

(3)  Additional considerations are:

                     (a)  any views expressed by the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60cc) and any factors (such as the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60cc)'s maturity or level of understanding) that the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=60cc) thinks are relevant to the weight it should give to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60cc)'s views;

1. **Repeals and substitutes 60B.**
2. 60B  Objects of Part
3. The objects of this Part are:
4. (a)          to ensure that the best interests of children are met; and
5. (b)          to give effect to the Convention on the Rights of the Child done at New York on 20 November 1989.
6. Note:        The text of the Convention is set out in Australian Treaty Series 1991 No. 4 ([1991] ATS 4). In 2023, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)).

### REMOVE: FAMILY LAW ACT 1975 - SECT  60B

**Objects of Part and principles underlying it**

             (1)  The objects of this Part are to ensure that the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=60B) of [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) are met by:

                     (a)  ensuring that [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) have the benefit of both of their [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) having a meaningful involvement in their lives, to the maximum extent consistent with the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=60B) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B); and

                     (b)  protecting [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) from physical or psychological harm from being subjected to, or [exposed](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#exposed?stem=0&synonyms=0&query=60B) to, [abuse](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#abuse?stem=0&synonyms=0&query=60B), neglect or [family violence](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_violence?stem=0&synonyms=0&query=60B); and

                     (c)  ensuring that [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) receive adequate and proper [parenting](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) to help them achieve their full potential; and

                     (d)  ensuring that [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B).

             (2)  The principles underlying these objects are that (except when it is or would be contrary to a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B)'s best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=60B)):

                     (a)  [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) have the right to know and be cared for by both their [parents](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parent), regardless of whether their [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) are married, separated, have never married or have never lived together; and

                     (b)  [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) have a right to spend time on a regular basis with, and communicate on a regular basis with, both their [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) and other people significant to their care, welfare and development (such as grandparents and other [relatives](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#relative?stem=0&synonyms=0&query=60B)); and

                     (c)  [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) jointly share duties and responsibilities concerning the care, welfare and development of their [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B); and

                     (d)  [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=60B) should agree about the future [parenting](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parent) of their [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B); and

                     (e)  [children](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) have a right to enjoy their culture (including the right to enjoy that culture with other people who share that culture).

             (3)  For the purposes of subparagraph (2)(e), an [Aboriginal child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_child?stem=0&synonyms=0&query=60B)'s or [Torres Strait Islander child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#torres_strait_islander_child?stem=0&synonyms=0&query=60B)'s right to enjoy his or her [Aboriginal or Torres Strait Islander culture](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#aboriginal_or_torres_strait_islander_culture?stem=0&synonyms=0&query=60B) includes the right:

                     (a)  to maintain a connection with that culture; and

                     (b)  to have the support, opportunity and encouragement necessary:

                              (i)  to explore the full extent of that culture, consistent with the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B)'s age and developmental level and the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B)'s views; and

                             (ii)  to develop a positive appreciation of that culture.

             (4)  An additional object of this Part is to give effect to the Convention on the Rights of the [Child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=60B) done at New York on 20 November 1989.

Note:          The text of the Convention is set out in [Australian](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#australia?stem=0&synonyms=0&query=60B) Treaty Series 1991 No. 4 ([1991] ATS 4). In 2011, the text of a Convention in the [Australian](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#australia?stem=0&synonyms=0&query=60B) Treaty Series was accessible through the [Australian](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#australia?stem=0&synonyms=0&query=60B) Treaties Library on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)).

1. **Removes current pathway that Judicial officers have available, ie weighing up "Best Interests", with a list of relevant items, then Parental Responsibility, then Shared Care Time, then if not practical or in the best interests, then substantial and significant time, which there are definitions for. Now, nothing.**
2. **Removes FDR's obligations to discuss and push shared care time and if not shared then significant and/or substantial time.**

***Repeals section 63.***

1. At the end of subsection 63C(2B)

Add:

Note:         For the definition of ***major long‑term issues***, see subsection 4(1).

  (2)  A [parenting plan](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_plan?stem=0&synonyms=0&query=63C) may deal with one or more of the following:

~~(a)~~

                     (b)  the time a [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child) is to spend with another person or other persons;

1. Paragraphs 63DA(2)(a) and (b)

Repeal the paragraphs.

REMOVE: (2)  If an [adviser](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s63da.html#adviser?stem=0&synonyms=0&query=63DA) gives advice to people in connection with the making by those people of a [parenting plan](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_plan?stem=0&synonyms=0&query=63DA) in relation to a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA), the [adviser](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s63da.html#adviser?stem=0&synonyms=0&query=63DA) must:

                     (a)  inform them that, if the [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child) spending equal time with each of them is:

                              (i)  reasonably practicable; and

                             (ii)  in the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=63DA) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA);

                            they could consider the option of an arrangement of that kind; and

                     (b)  inform them that, if the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) spending equal time with each of them is not reasonably practicable or is not in the best [interests](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#interests) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) but the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) spending substantial and significant time with each of them is:

                              (i)  reasonably practicable; and

                             (ii)  in the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=63DA) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA);

                            they could consider the option of an arrangement of that kind; and

1. Subsections 63DA(3) and (4)

Repeal the subsections.

REMOVE:  (3)  For the purposes of [paragraph](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s64b.html#paragraph?stem=0&synonyms=0&query=63DA) (2)(b), a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) will be taken to spend ***substantial and significant time***with a [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=63DA) only if:

                     (a)  the time the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) spends with the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=63DA) includes both:

                              (i)  days that fall on weekends and holidays; and

                             (ii)  days that do not fall on weekends or holidays; and

                     (b)  the time the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) spends with the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=63DA) allows the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=63DA) to be involved in:

                              (i)  the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA)'s daily routine; and

                             (ii)  occasions and events that are of particular significance to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA); and

                     (c)  the time the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) spends with the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=63DA) allows the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) to be involved in occasions and events that are of special significance to the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=63DA).

             (4)  [Subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s64b.html#subsection?stem=0&synonyms=0&query=63DA) (3) does not limit the other matters to which regard may be had in determining whether the time a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=63DA) spends with a [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=63DA) would be substantial and significant.

1. At the end of subsection 64B(3)

Add:

Note:         For the definition of ***major long‑term issues***, see subsection 4(1).

 (3)  Without limiting [paragraph](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s65a.html#paragraph?stem=0&synonyms=0&query=64B) (2)(c), the order may deal with the allocation of responsibility for making decisions about [major](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#major_long-term_issues?stem=0&synonyms=0&query=64B) [long-term issues](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#major_long-term_issues) in relation to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=64B).

1. **Removes considerations for shared, significant and substantial time.**

*Repeals 65DAA and replaced it with nothing.*

### REMOVE: FAMILY LAW ACT 1975 - SECT  65DAA

**Court to consider child spending equal time or substantial and significant time with each parent in certain circumstances**

Equal time

             (1)  Subject to [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60c.html#subsection?stem=0&synonyms=0&query=65DAA) (6), if a [parenting order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA) provides (or is to provide) that a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) are to have equal shared [parental responsibility](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parental_responsibility?stem=0&synonyms=0&query=65DAA) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA), the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) must:

                     (a)  consider whether the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) spending equal time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) would be in the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=65DAA) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA); and

                     (b)  consider whether the [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child) spending equal time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) is reasonably practicable; and

                     (c)  if it is, consider making an order to provide (or including a provision in the order) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) to spend equal time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA).

Note 1:       The effect of [section 60CA](http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60ca.html) is that in deciding whether to go on to make a [parenting order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) to spend equal time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA), the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) will regard the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=65DAA) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) as the paramount consideration.

Note 2:       See [subsection](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s60c.html#subsection) (5) for the factors the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) takes into account in determining what is reasonably practicable.

Substantial and significant time

             (2)  Subject to [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60c.html#subsection?stem=0&synonyms=0&query=65DAA) (6), if:

                     (a)  a [parenting order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA) provides (or is to provide) that a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) are to have equal shared [parental responsibility](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parental_responsibility?stem=0&synonyms=0&query=65DAA) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA); and

                     (b)  the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) does not make an order (or include a provision in the order) for the [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child) to spend equal time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA);

the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) must:

                     (c)  consider whether the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) spending substantial and significant time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) would be in the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=65DAA) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA); and

                     (d)  consider whether the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) spending substantial and significant time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) is reasonably practicable; and

                     (e)  if it is, consider making an order to provide (or including a provision in the order) for the [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child) to spend substantial and significant time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA).

Note 1:       The effect of [section 60CA](http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60ca.html) is that in deciding whether to go on to make a [parenting order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) to spend substantial time with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA), the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) will regard the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=65DAA) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) as the paramount consideration.

Note 2:       See [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60c.html#subsection?stem=0&synonyms=0&query=65DAA) (5) for the factors the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) takes into account in determining what is reasonably practicable.

             (3)  For the purposes of [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60c.html#subsection?stem=0&synonyms=0&query=65DAA) (2), a [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child) will be taken to spend ***substantial and significant time***with a [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) only if:

                     (a)  the time the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) spends with the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) includes both:

                              (i)  days that fall on weekends and holidays; and

                             (ii)  days that do not fall on weekends or holidays; and

                     (b)  the time the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) spends with the [parent](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parent) allows the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) to be involved in:

                              (i)  the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA)'s daily routine; and

                             (ii)  occasions and events that are of particular significance to the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA); and

                     (c)  the time the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) spends with the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) allows the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) to be involved in occasions and events that are of special significance to the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA).

             (4)  [Subsection](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s60c.html#subsection) (3) does not limit the other matters to which a [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) can have regard in determining whether the time a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) spends with a [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) would be substantial and significant.

Reasonable practicality

             (5)  In determining for the purposes of [subsections](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60c.html#subsection?stem=0&synonyms=0&query=65DAA) (1) and (2) whether it is reasonably practicable for a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) to spend equal time, or substantial and significant time, with each of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA), the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) must have regard to:

                     (a)  how far apart the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) live from each other; and

                     (b)  the [parents](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parent)' current and future capacity to implement an arrangement for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) spending equal time, or substantial and significant time, with each of the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA); and

                     (c)  the [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA)' current and future capacity to communicate with each other and resolve difficulties that might arise in implementing an arrangement of that kind; and

                     (d)  the impact that an arrangement of that kind would have on the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA); and

                     (e)  such other matters as the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) considers relevant.

Note:          [Paragraph](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s60b.html#paragraph) (c) reference to future capacity--the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) has power under [section 13C](http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s13c.html) to make orders for parties to attend [family counselling](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_counselling?stem=0&synonyms=0&query=65DAA) or [family dispute resolution](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#family_dispute_resolution?stem=0&synonyms=0&query=65DAA) or participate in courses, programs or services.

Consent orders

             (6)  If:

                     (a)  the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) is considering whether to make a [parenting order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA) with the consent of all the parties to the [proceedings](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s102q.html#proceedings?stem=0&synonyms=0&query=65DAA); and

                     (b)  the order provides (or is to provide) that a [child](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#child)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=65DAA) are to have equal shared [parental responsibility](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parental_responsibility?stem=0&synonyms=0&query=65DAA) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA);

the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=65DAA) may, but is not required to, consider the matters referred to in [paragraphs](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60b.html#paragraph?stem=0&synonyms=0&query=65DAA) (1)(a) to (c) or (if applicable) the matters referred to in [paragraphs](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60b.html#paragraph?stem=0&synonyms=0&query=65DAA) (2)(c) to (e).

             (7)  To avoid doubt, [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60c.html#subsection?stem=0&synonyms=0&query=65DAA) (6) does not affect the application of [section 60CA](http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60ca.html) in relation to a [parenting](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA) [order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA).

Note:          [Section 60CA](http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s60ca.html) requires the best [interests](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#interests) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=65DAA) to be the paramount consideration in a decision whether to make a particular [parenting](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA) [order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=65DAA).

1. Subsection 65D(1)

Omit “sections 61DA (presumption of equal shared parental responsibility when making parenting orders) and”, substitute “section”.

1. Subsection 65D(2)

Omit “61DA (presumption of equal shared parental responsibility when making parenting orders) and”.

1. **Insertion of s 65DAAA "If a parenting order is in force in relation to a child, court must not reconsider the final parenting order". Codifies the application for a parenting matter.**

This is possibly the meanest, anti-father measure within the bill (not that the number of examples are lacking). Many fathers and/or secondary parent's consent or gain orders where the child/ren do not spend a lot of time with them, for a range of reason, age of children, cost of litigation, entrenchment of the mother's view, etc.

So they take a view that they will "get time on", and work on themselves being the best father and co-parent they can be and take their matter back if required to get more time on for the children.

And this cruel measure is retrospective. "The amendment made by this Part applies in relation to final parenting 6 orders whether the orders came into force before, or come into force on 7 or after, the day this item commences."

65DAAA  Reconsideration of final parenting orders

               (1)          If a final parenting order is in force in relation to a child, a court must not reconsider the final parenting order unless:

               (a)          the court has considered whether there has been a significant change of circumstances since the final parenting order was made; and

               (b)          the court is satisfied that, in all the circumstances (and taking into account whether there has been a significant change of circumstances since the final parenting order was made), it is in the best interests of the child for the final parenting order to be reconsidered.

               (2)          For the purposes of determining whether the court is satisfied as mentioned in paragraph (1)(b), and without limiting section 60CC, the court may have regard to any matters that the court considers relevant, including the following:

               (a)          the reasons for the final parenting order and the material on which it was based;

               (b)          whether there is any new material available that was not available to the court that made the final parenting order;

               (c)           the likelihood that, if the final parenting order is reconsidered, the court will make a new parenting order that affects the operation of the final parenting order in a significant way (whether by varying, discharging or suspending the final parenting order, in whole or in part, or in some other way);

(d)          any potential benefit, or detriment, to the child that might result from reconsidering the final parenting order.

               (3)          The failure of a court to comply with subsection (1) does not affect the validity of any order made by the court.

25  Application provision

The amendment made by this Schedule applies in relation to final parenting orders whether the orders came into force before, or come into force on or after, the commencement of this Schedule.

1. **Places greater emphasis on a reasonable excuse for not following court orders, based on a fear felt.**

This proposed legislation places a standard of proof of beyond reasonable doubt for the party making the application and a standard of proof of balance of probabilities for the respondent who also has "out: to say, I felt fear.

This is undoubtably to address fathers trying to see their children, even after they get orders. Mum still refuses. So when they make a contravention application, the bar for them to reach is high, bar for an abusive mother to reach is very low. Outcome. The children stay in conflict.

And if the applicant is not wholly successful, then the judicial officer must consider a fine or imprisonment up to one year.

1. **Removal of any evidence from post parenting programs. This is so refuse/resist mothers can reveal in these programs they have no real objection other than they don't like the other party. This effects programs like New Ways for Families and Certified Parenting Coordination, where in real time, the parents' friendliness and absent or present nature of violence and/abuse and/or good or bad co-parenting is recording and available for the court.**
2. Division 5—Post‑separation parenting programs
3. 10PA  Admissibility of communications in post‑separation parenting programs
4. (1)          Evidence of anything said, or of any admission made, by a person attending a post‑separation parenting program is not admissible:
5. (a)          in any court; or
6. (b)          in any proceedings before a person authorised by a law of the Commonwealth, of a State or of a Territory, or by the consent of the parties, to hear evidence.
7. (2)          Subsection (1) does not apply to the following:
8. (a)          an admission by an adult that indicates that a child under 18 has been abused or is at risk of abuse;
9. (b)          a disclosure by a child under 18 that indicates that the child has been abused or is at risk of abuse;
10. unless, in the opinion of the court, there is sufficient evidence of the admission or disclosure available to the court from other sources.
11. Note:       A court may make an order directing a person to attend a post‑separation parenting program under subsection 65LA(1) or 70NBD(1).
12. (3)          For the purpose of this section, ***court***:
13. (a)          includes any court of the Commonwealth, a State or a Territory, whether exercising jurisdiction under this Act or any other law of the Commonwealth, a State or a Territory; but
14. (b)          does not include a coronial inquiry or inquest.
15. **Removal of shared parenting responsibility who has it. A person who leaves with the child (kidnap) automatically has PR.**

20  Subsection 65D(1)

Omit “sections 61DA (presumption of equal shared parental responsibility when making parenting orders) and”, substitute “section”.

21  Subsection 65D(2)

Omit “61DA (presumption of equal shared parental responsibility when making parenting orders) and”.

### REMOVE: FAMILY LAW ACT 1975 - SECT 61DA

**Presumption of equal [](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s61da.html?stem=0&synonyms=0&query=shared%20parental%20responsibility#disp0) shared parental responsibility [](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s61da.html?stem=0&synonyms=0&query=shared%20parental%20responsibility#disp2) when making parenting orders**

             (1)  When making a [parenting order](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parenting_order?stem=0&synonyms=0&query=shared%20parental%20responsibility) in relation to a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility), the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=shared%20parental%20responsibility) must apply a presumption that it is in the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=shared%20parental%20responsibility) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=shared%20parental%20responsibility) to have equal [](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s61da.html?stem=0&synonyms=0&query=shared%20parental%20responsibility#disp1)**shared**[**parental responsibility**](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parental_responsibility)[](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s61da.html?stem=0&synonyms=0&query=shared%20parental%20responsibility#disp3) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility).

Note:          The presumption provided for in this [subsection](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s58.html#subsection?stem=0&synonyms=0&query=shared%20parental%20responsibility) is a presumption that relates solely to the allocation of [parental responsibility](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parental_responsibility?stem=0&synonyms=0&query=shared%20parental%20responsibility) for a [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility) as defined in [section 61B.](http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s61b.html) It does not provide for a presumption about the amount of time the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility) spends with each of the [parents](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parent) (this issue is [dealt with](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s90a.html#dealt_with?stem=0&synonyms=0&query=shared%20parental%20responsibility) in [section 65DAA).](http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s65daa.html)

             (2)  The presumption does not apply if there are reasonable grounds to believe that a [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=shared%20parental%20responsibility) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility) (or a person who lives with a [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=shared%20parental%20responsibility) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility)) has engaged in:

                     (a)  [abuse](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#abuse?stem=0&synonyms=0&query=shared%20parental%20responsibility) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility) or another [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility) who, at the time, was a [member](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s90xd.html#member?stem=0&synonyms=0&query=shared%20parental%20responsibility) of the [parent](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=shared%20parental%20responsibility)'s family (or that other person's family); or

                     (b)  [family violence](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#family_violence).

             (3)  When the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=shared%20parental%20responsibility) is making an interim order, the presumption applies unless the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=shared%20parental%20responsibility) considers that it would not be appropriate in the circumstances for the presumption to be applied when making that order.

             (4)  The presumption may be rebutted by evidence that satisfies the [court](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#court?stem=0&synonyms=0&query=shared%20parental%20responsibility) that it would not be in the best [interests](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#interests?stem=0&synonyms=0&query=shared%20parental%20responsibility) of the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility)'s [parents](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#parent?stem=0&synonyms=0&query=shared%20parental%20responsibility) to have equal [](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s61da.html?stem=0&synonyms=0&query=shared%20parental%20responsibility#disp2)**shared**[**parental responsibility**](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s4.html#parental_responsibility)[](http://classic.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_act/fla1975114/s61da.html?stem=0&synonyms=0&query=shared%20parental%20responsibility#disp4) for the [child](http://classic.austlii.edu.au/au/legis/cth/consol_act/fla1975114/s4.html#child?stem=0&synonyms=0&query=shared%20parental%20responsibility).

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