

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

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Question No. 12

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

The *Every Picture Tells a Story* Report recognised the imbalance between obligations imposed on resident parents and the lack of obligations imposed on non-resident parents, and indicated that the consequences of a deliberate breach of a court order should be as serious for a parent who does not make themselves available as a parent, as for a parent who does not make a child available. Why is this not reflected in the Bill? Instead the Bill appears to impose more punitive measures on resident parents, whilst maintaining the current position that non-resident parents are not in any way compelled to comply with orders about seeing their children that they may well have sought in the first place.

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

The Shared Parenting Bill inserts a specific provision into the Act which allows the court, when making a decision in the best interests of the child, to consider the extent to which each of the child's parents has fulfilled, or failed to fulfil, his/her responsibilities as a parent. This includes the extent to which each parent has taken, or failed to take, the opportunity to spend time with the child, communicate with the child, and participate in decision-making about major long-term issues in relation to the child. This means that where a non-residential parent has failed to comply with orders about seeing his/her children in the past, the court must take this into account when making future parenting orders in the best interests of the child.