

1994

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

FAMILY LAW REFORM BILL 1994

SUPPLEMENTARY
EXPLANATORY MEMORANDUM

Amendments to be moved on behalf of the Government

(Circulated by the authority of the Attorney-General,
the Honourable Michael Lavarch, M.P.)



FAMILY LAW REFORM BILL 1994

NOTES ON AMENDMENTS TO CLAUSES

The amendments to be moved on behalf of the Government correct two minor oversights in the Family Law Reform Bill.

(1) The amendment to clause 31, page 82 inserts the words "day to day" so that the proposed section 69ZB will apply to special purpose orders giving responsibility for the day to day care, welfare and development as well as special purpose orders giving responsibility for the long term care, welfare and development. The proposed section 69ZB re-enacts on section 66W(7) of the Principal Act and provides that if a parent, guardian or a person who under a special purpose order is responsible for the long term or day to day care, welfare and development of the child, consents to a parentage testing procedure or act being carried out in relation to a child, the person who carries out or assists in the carrying out of the medical procedure is not liable to any civil or criminal action in relation to the proper carrying out of the procedure or act. The amendment, which should have been included in the Bill, ensures that a person who is responsible for the day to day care, welfare and development of the child can consent to a parentage testing procedure or act being carried out in relation to a child and that the person who carries out the procedure or act will not then be liable to any civil or criminal action in relation to the proper carrying out of the procedure or act.

(2) The amendment to clause 46, page 96, proposed paragraph 112AC(5) (b) inserts a line of text omitted from the Bill as prepared.

FINANCIAL IMPACT STATEMENT

The amendments to be moved on behalf of the Government do not have any financial impact.