

House of Representatives
Supplementary Order Paper

Wednesday, 12 June 2013

Family Court Proceedings Reform Bill

Proposed amendment

David Clendon, in Committee, to move the following amendment:

Clause 4

In *clause 4*, *new section 5*, after *paragraph (f)* (after line 20 on page 12), insert as *subsection (2)*:

- “(2) To avoid doubt, if the application of 1 or more of the principles in **subsection (1)(b) to (f)** conflicts with the principle in **subsection (1)(a)**, the principle in **subsection (1)(a)** prevails.
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Explanatory note

This Supplementary Order Paper gives greater weight to the principle that protects the child from all forms of violence if there is inconsistency in applying the principles in *new section 5*.

New section 5 provides that the 6 primary principles for the child’s welfare and best interests are—

- a child’s safety must be protected and, in particular, a child must be protected from all forms of violence from all persons:
- a child’s care, development, and upbringing should be primarily the responsibility of his or her parents:
- a child’s care, development, and upbringing should be facilitated by ongoing consultation and co-operation between his or her parents, guardians, or any other person having a role in his or her care:
- a child should have continuity in his or her care, development, and upbringing:

- a child should continue to have a relationship with both of his or her parents, and a child's relationship with his or her family group, whānau, hapū, or iwi should be preserved and strengthened:
- a child's identity should be preserved and strengthened.

New section 5(2) will provide the courts with clear legislative guidance that if the application of 1 or more of the principles in *subsection (1)(b) to (f)* conflicts with the principle in *subsection (1)(a)*, then the principle in *subsection (1)(a)* prevails.
