

FAMILY LAW

Statement

HON COLIN TINCKNELL (South West) [5.45 pm]: I take this opportunity tonight to talk about something that is, I believe, close to the most important thing that any Parliament in Australia could do something about. I am talking about family law. I touched on it in my budget contribution and my appropriations contribution, and I want to touch on it again. I want to talk about it tonight because on Monday we are holding a family law and child support community forum in Mandurah. The forum is free, and already some 250 to 300 people will be attending. It is a very important matter because the system is broken. I want to indicate how broken it is. Fifty-one per cent of children did not spend a single night at their non-resident parent's house in the past 12 months. These are people from broken families. More than half of them do not see one of their parents. Eleven per cent of children spent at least 110 nights with their non-resident parent. Just over 10 per cent are seeing one parent for maybe a third of the year. That does not leave too many. A few others may have a slightly better system. This separation causes problems. I admit that at this stage Western Australia's family law system is better than the federal family law system, but because we have two systems, there is duplication, delays and further problems for families. If we want to solve these problems—we will never be able to solve them all—and make inroads into murder, mental health issues, domestic violence, crime, homelessness, drugs, debt dependency, intergenerational welfare dependency, suicide, other health issues and education failure, we have to do something about the broken family law and child support non-system that we have at both a federal and state level.

Hon Pierre Yang: Sorry, member. What do you mean by the two systems, federal and state? Can you please clarify?

Hon COLIN TINCKNELL: There are only two systems in Australia—the federal family law system and the state system. Western Australia is the only state that has its own family law system. Other states do not have a family law system; they are covered by the federal family law system. In Western Australia, the federal system kicks in within two years, but we generally duplicate what is passed at a federal level.

Hon Pierre Yang: I have worked in family law for 10 years. I know there is a difference—the federal Family Law Act and the WA Family Court Act.

Hon COLIN TINCKNELL: I am saying that having the two systems causes some delay as we pick up those laws in a two-year period.

Every week in Australia three men commit suicide and one woman is murdered. I do not know whether that is acceptable to anyone. I cannot imagine that it would be. It is certainly not acceptable to me. Two hundred people a year die because of shortfalls in the system. We as a society need to get better at handling this. We have a duty to this society to make it better. The subject always seems to fall into the too-hard basket. The two major parties—that is, the Liberal and Labor Parties, because one is in government federally and one is in government at the state level—need to take this matter seriously. The former Prime Minister was serious about it for a little while, but then he was removed. Unfortunately, it does not seem to be on the radar of the current Prime Minister. But we can do something about it in this state. I have spoken to the Attorney General about it and he is sympathetic to helping us make the system better. He has been all ears, as I mentioned in my last speech on this subject.

I also want to add that more than 21 000 family law cases are currently backlogged in the court system. The Family Court can take up to four years to hand down decisions. Imagine waiting that long for a decision to be made before you can see your daughter or son. We know the problems that family breakdown cause. Children are often used as pawns in their parents' psychological attacks on each other. Legal fees are out of the reach of most normal people. Grandparents are prevented from seeing their grandchildren because of these delays. Child support does not work and needs a major overhaul.

We have a choice in this place to just complain about things or to try to solve or alleviate problems in our society. I tend to go for the second option. It is something I have done all my life and I will continue to do it while I am in this place. Hopefully, I will be able to get some converts in this house and in the other place to continue that fight. No one party can solve this; it goes past party politics. This is a matter about our society. If we do nothing about it, we are failing our society and our people.

The law forum to be held at the Mandurah Peel Convention Centre on Monday, 12 August, will be important. People will be able to speak to us and tell us about their issues. Prominent people will be at that forum to make sure it is guided well. That will include a family law lawyer, who is used to addressing people in a forum such as this, and a professor who was part of the Family Law Commission. It is all about listening and seeing what we can do to get action taken at the highest level of government.

I understand that this is a tough issue. Inquiries have been held into this matter in the past. However, I do not think we will get to the bottom of this issue unless we have an inquiry at a federal level, and possibly even at the state level. I believe that inquiry will be similar to the banking inquiry, which led to a royal commission, and also lead

to a royal commission. However, it is one step at the time. We saw what happened with the inquiry into the abuse of children by the church. These types of inquiries usually point to a giant problem in our society.

As a house of Parliament, we need to act on this issue. I see this as a real test for us. A lot of important votes will be coming up in this house over the next few months. However, we need to highlight this issue. When I arrived in this place as a member of Parliament, I was absolutely overwhelmed by my inquiries in this area. I consumed myself for about three months—probably too long—listening to stories and finding out how bad this situation is. I already had a fair idea about how bad it is, because my wife used to volunteer for a group called Dad's Landing Pad, which used to support men, because men tend to have a lack of places to go to get help. We need to take this issue seriously. We intend to put a petition to this Parliament, with many signatures, to let members of this Parliament, and the people of Western Australia, know how those people feel about this important subject.

Many people in this Parliament and in other places have experienced family breakdown. I am one of those. I was married once before, a long time ago. I divorced 35 or 40 years ago. The current family law system was not in place at that time. The system in those days was not great. We had to go through a magistrate. However, I found that better than the system we have now, and that was 40 years ago. Therefore, we are not advancing as a society, and we are not serving the people of Western Australia well. We need to do better at this.