

**CHILD SUPPORT (ADOPTION OF LAWS) AMENDMENT BILL 2017**

*Second Reading*

Resumed from 23 August.

**HON COLIN TINCKNELL (South West)** [12.32 pm]: Yesterday, Hon Alison Xamon made some comments on the Child Support (Adoption of Laws) Amendment Bill 2017. I want to mention that I have the full support of the crossbench on this. We will be supporting this amendment bill. As has been mentioned by other members, all states, with the exception of Western Australia, have referred legislative power on this matter to the commonwealth Parliament. We will also be asking the Attorney General of this state to do that. I have had some discussions with the Attorney General, and I was given some verbal support towards that course. I have also spoken to the former Attorney General. There does not seem to be any strong argument against that. However, I want to make a couple of points. Firstly, a child's welfare should be the top priority at all times; I want to make that quite clear. The current family law and child support system is broken. By introducing this amendment, are we adding more people into this broken system? I want that to be clear to members. It is not a black-and-white scenario. When an estranged parent makes payments to a custodial parent, it causes the welfare benefits granted to the custodial parent to be reduced. Essentially, the child receives no additional funding for their welfare. The government is financially better off, the estranged parent is potentially put under financial pressure, and the child is not necessarily better off financially or psychologically due to the other parent now being under financial stress. These circumstances are known to create other problems such as financial abandonment—in other words, quitting their job and stopping all payments—resentment, domestic violence, self-harm and suicide.

What happens to those people who are in an amicable arrangement and do not require the law to intervene? Will these arrangements be affected? That could potentially create hostility or negative events. By passing these amendments, are we simply adding people into a system that is known to cause both financial hardship and psychological and emotional trauma to many of those already involved in it? Should we attempt to fix the system first before widening the scope of those affected? We are all for providing a safety net for those who do not have legal protections with marriage, but this must be based on the welfare of the child and minimise the negative repercussions for all parties involved. Costs will be driven up because of the duplication; that is a further impost on struggling families.

As the government has not provided One Nation with the adequate resources that it requested, it is unable at this point to provide all the facts and figures relating to the impact of this amendment. However, from those with whom we have spoken—there are many—these are the issues that we believe will be raised.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [12.38 pm]: — in reply: I thank members for their support of the legislation and their commentary to that effect. I will respond to a couple of the issues raised. Hon Alison Xamon and Hon Colin Tincknell touched on the issue of why we refer, rather than adopt, legislation. They are not the first people to ask that question. If Hon Norman Moore were still in this place he would stand and speak for half an hour on why we should never cede anything.

**Hon Alison Xamon:** He did.

**Hon SUE ELLERY:** He did on many occasions. He would do it again if he were here now. He would speak on why we should never cede anything to Canberra. Historically, the Parliament of Western Australia has made clear time after time that it does not want to cede its rights to Canberra completely, and that was about protecting the right of the Western Australian Parliament to have sovereign control of certain elements, including the family law provisions as they apply in Western Australia to ex-nuptial children—that is, children whose parents are not married. I am entirely sympathetic to that. Modern governments should be streamlining and not duplicating, and although the government does not have a particular agenda to fix this, it is not something on which there is particularly strong opposition. It would be interesting to see where people stood if we were to start a debate in here, but, historically, that is why it has been so. It is a matter for further conversation.

**Hon Colin Tincknell:** You've got the support.

**Hon SUE ELLERY:** Yes, I appreciate that. This debate has been had before.

**Hon Donna Faragher:** And we'll have it again.

**Hon SUE ELLERY:** Yes, we will.

In response to Hon Colin Tincknell's comments broadly about the family law system in Australia, this bill is not about how people are treated when families split and financial obligations cannot be sorted by negotiation. That is not what this bill addresses in the global sense. That debate is being had nationally and that is where it will be resolved—nationally. I know that his party has raised that issue nationally. I have been in this Parliament for 16 years and I reckon that this house has debated legislation like this probably once a year, sometimes twice a year,

in that whole time. This bill is recognition that we did not refer the need to preserve the provisions and protections that apply to children in exnuptial relationships. That is what the member wanted to put at the heart of any policy change in any event, and that is what this legislation does. It puts the needs of those children first by ensuring that the obligations of the non-custodial parent to contribute to the financial costs of those children continues to be met.

I thank members for their contribution to the debate and commend the bill to the house. I do not think anybody wants to go into committee of the whole.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [12.42 pm]: I move —

That the bill be now read a third time.

**HON ALISON XAMON (North Metropolitan)** [12.43 pm]: I want to make a couple of comments on the Leader of the House's second reading reply to the Child Support (Adoption of Laws) Amendment Bill 2017. I am pleased to hear that we will at least contemplate referring these matters in the future. I encourage the Leader of the House to consider that because I am concerned that our failure to consider referring these matters will mean that we will have to keep dealing with this legislation. I am concerned that that will mean that children from ex-nuptial relationships will continue to be disadvantaged by delays with these provisions.

Question put and passed.

Bill read a third time and passed.