

40TH PARLIAMENT



Report 120

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

Child Support (Commonwealth Powers) Bill 2018 - Extension of time

Presented by
Hon Michael Mischin MLC (Chairman)
December 2018

Standing Committee on Uniform Legislation and Statutes Review

Members as at the time of this inquiry:

Hon Michael Mischin MLC (Chairman)

Hon Pierre Yang MLC (Deputy Chairman)

Hon Laurie Graham MLC

Hon Robin Scott MLC

Staff as at the time of this inquiry:

Felicity Mackie (Advisory Officer (Legal))

Mark Warner (Committee Clerk)

Address:

Parliament House

4 Harvest Terrace, West Perth WA 6005

Telephone: 08 9222 7300

Email: lcco@parliament.wa.gov.au

Website: www.parliament.wa.gov.au

ISBN 978-1-925578-59-1



Child Support (Commonwealth Powers) Bill 2018

Extension of time

On 5 December 2018, the Legislative Council referred the Child Support (Commonwealth Powers) Bill 2018 (Bill) to the Standing Committee on Uniform Legislation and Statutes Review (Committee) for consideration and report. The reporting date is 12 February 2018, being the next sitting day after the 45 day period mandated by Standing Order 126 and the first sitting day after the summer recess.

The Bill proposes to:

- adopt certain Commonwealth laws relating to the maintenance of exnuptial children which will then apply in Western Australia
- refer the matter of the maintenance of exnuptial children to the Commonwealth Parliament, which will enable the Commonwealth Parliament to amend or affect the operation of those laws in Western Australia.

On 5 December 2018 the Committee passed a motion that in the event the Bill is referred to the Committee on 5 December 2018 or 6 December 2018 the Committee seek an extension of the time in which it was to report to the Legislative Council. The extension of time is requested to enable the Committee to properly discharge its reporting obligations to the Legislative Council due to the need to consider:

- the significant Parliamentary sovereignty issues raised by the Bill
- whether to conduct hearings on the Bill and the availability of witnesses over the summer recess
- commitments of Committee Members over the summer recess.

The Committee therefore requests an extension of time in which to report on the Bill from 12 February 2019 to 19 March 2019.

A handwritten signature in blue ink, appearing to read 'Michael Mischin', with a stylized circular flourish at the beginning.

Hon Michael Mischin MLC
Chairman

Standing Committee on Uniform Legislation and Statutes Review

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

'6. Uniform Legislation and Statutes Review Committee

- 6.1 *A Uniform Legislation and Statutes Review Committee is established.*
- 6.2 The Committee consists of 4 Members.
- 6.3 The functions of the Committee are –
 - (a) to consider and report on Bills referred under Standing Order 126;
 - (b) on reference from the Council, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to Standing Order 126;
 - (c) to examine the provisions of any treaty that the Commonwealth has entered into or presented to the Commonwealth Parliament, and determine whether the treaty may impact upon the sovereignty and law-making powers of the Parliament of Western Australia;
 - (d) to review the form and content of the statute book; and
 - (e) to consider and report on any matter referred by the Council.
- 6.4 In relation to function 6.3(a) and (b), the Committee is to confine any inquiry and report to an investigation as to whether a Bill or proposal may impact upon the sovereignty and law-making powers of the Parliament of Western Australia.'



Parliament House,
4 Harvest Terrace, West Perth WA 6005
Telephone: +61 8 9222 7222
Email: lcco@parliament.wa.gov.au
Website: <http://www.parliament.wa.gov.au>