

PARENTAL SUPPORT AND RESPONSIBILITY BILL 2005

Council's Message

Message from the Council notifying that it did not insist on its amendments Nos 6 to 8, 10 to 12, 18, 19, 24 to 36, 40 to 45, 49 and 50 to which the Assembly had disagreed; agreed to the amendments proposed by the Legislative Assembly in substitution for Legislative Council amendments Nos 15, 17, 20 and 22; agreed to the further amendment to amendment No 48; did not insist on amendments Nos 4, 14, 16, 23 and 39 to which the Assembly had disagreed but had substituted alternative amendments; and agreed to substituted amendment No 21 proposed by the Legislative Assembly subject to a further amendment now considered.

Council's Amendments — Consideration in Detail

The amendments made by the Council were as follows —

Amendment No 4

New amendment as an alternative to Amendment No 4 —

Clause 3, page 3, after line 3 — To insert —

“income support” means financial assistance provided under a law of the State or the Commonwealth;

Amendment No 14

New amendment as an alternative to Amendment No 14 —

Clause 9, page 6, line 6 — To delete the full stop and insert instead —

; or

(c) a prescribed agency of the Commonwealth.

Amendment No 16

New amendment as an alternative to Amendment No 16 —

Clause 13, page 11, after line 12 — To insert —

(5) The Court cannot make an order after the fifth anniversary of the day on which this section came into operation and an order in force on or after that anniversary ceases to have effect at the end of the 6 months immediately following that anniversary, if it does not otherwise cease before that time.

Amendment No 21

Legislative Assembly's substituted Amendment No 21 agreed to subject to a further amendment —

Clause 18, page 14, after line 28 — To insert —

(b) if relevant — the income of the child's family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth;

Amendment No 23

New amendments as alternatives to Amendment No 23 —

Clause 20, page 16, line 8 — To delete “\$2 000” and insert instead —

\$200

Clause 20, page 16, lines 12 to 14 — To delete the lines and insert instead —

(3) The CEO cannot give approval under subsection (2) unless the CEO —

(a) is satisfied that all reasonable efforts to assist and encourage the parent to comply with the order have failed; and

(b) has taken into account the income of the child's family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth.

Amendment No 39

New amendment as an alternative to Amendment No 39 —

Clause 35, page 23, lines 21 to 30 — To delete the lines and insert instead —

- (4) A warrant of execution under section 45 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* cannot be issued in respect of the person.
- (5) Section 47A of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* applies as if all of subsection (1) from and including “if the Registrar is satisfied” were deleted.

Mr D.A. TEMPLEMAN: The government has agreed to a number of amendments. I seek to move those amendments as one question.

Leave granted for the amendments to be considered together.

Mr D.A. TEMPLEMAN: I move —

That the amendments made by the Council be agreed to.

We are all aware in this place that the Parental Support and Responsibility Bill 2005, which was introduced to the Parliament in 2005, has been the subject of much debate and discussion. I certainly do not want to go over the issues that we have debated in this place on a couple of occasions. Clearly, the government’s position and view have always been that this bill is an important bill. The amendments that have been agreed to in the upper house and supported in this place cover a number of important clauses. The first amendment is a simple amendment dealing the definition of “income support”; it is a straightforward amendment that has been agreed to. The second amendment concerns the sharing of information with commonwealth agencies. This amendment ensures that information pertaining to child protection matters can be shared with relevant commonwealth agencies. The third amendment seeks to insert a sunset clause that will commit to a five-year trial of responsible parenting orders, and commits Parliament to reconsider and decide whether responsible parenting orders will continue. The fourth amendment refers to matters about which the court must be satisfied. It relates to the income of the child’s family being taken into consideration before a decision is made about a responsible parenting order. Again, it clarifies and deals with parenting order matters. The fifth amendment is a new amendment to the earlier proposal for fines. The new amendment reduces the maximum penalty for a breach of an order from \$2 000 to \$200 and also includes a provision regarding matters about which the CEO must be satisfied before applying to breach a responsible parenting order for noncompliance. There are two elements to this: first, that all efforts that can be taken to assist a parent to comply have been made; and, second, that details of the child’s family income are taken into account. Again, the amendment has been supported by the opposition and the government in the upper house. The final amendment is a new amendment from the Legislative Council. It provides that default on a fine that has been imposed upon a parent for noncompliance with a responsible parenting order will not lead to a warrant of execution or the seizure of any goods. The fines can be paid within 28 days of issue, or arrangements can be made to allow time to pay the fine. In situations in which a person has not paid a fine, the person can be offered a work and development order, which will entail less than six hours of community work, depending on the balance owed.

As I have already mentioned, the amendments have been supported in the upper house and are supported by the government in the Legislative Assembly. I commend these amendments to the house so that we can ensure that the bill can now be paid. Sorry—this bill can now be progressed. If there are any unpaid bills, they are not my responsibility!

Ms A.J.G. MacTiernan: I commend your gas bill to the house!

Mr A.J. SIMPSON: The opposition supports the Legislative Council’s amendments. I have previously supported this bill in the house and I stand by my words. Anything that can be done to help children in a supportive way will make for good legislation. It is great to see that the government has agreed to the amendments made by the upper house. It will be good to finally get this legislation out into the community and to see what good work it can do.

Question put and passed; the Council’s amendments agreed to.

The Council acquainted accordingly.