

CHILD SUPPORT (ADOPTION OF LAWS) AMENDMENT BILL 2007

EXPLANATORY MEMORANDUM (Bill No. 200-1B)

The Commonwealth child support scheme enables maintenance payments to be collected and paid to parents having responsibility for a child or children. The bill will adopt recent changes to the relevant Commonwealth legislation to allow ex-nuptial children in Western Australia to be treated in the same way as nuptial children.

Clause 1. Short Title

Clause 1 provides the Bill is to be known as the Child Support (Adoption of Laws) Amendment Bill 2007 (WA).

Clause 2. Commencement

Clause 2 makes provision for the commencement of the Bill. Clause 2(a) provides that clauses 1 and 2 commence on assent. Clause 2 (d) provides that the rest of the Act, with the exception of clauses 6 and 7, are to commence the day following assent. Clause 6 is to commence on 1 January 2008 and clause 7 is to commence on 1 July 2008.

Clause 3. The Act amended

Clause 3 provides that the amendments in the Bill are to the *Child Support (Adoption of Laws) Act 1990* (WA).

Clause 4. Purpose of the Act

Clause 3 sets out the purpose of the Bill which will adopt the provisions of Commonwealth legislation detailed in paragraphs (a) and (b).

- (a) The *Child Support (Registration and Collection) Act 1988* (Cth). This paragraph provides that the provisions of the *Child Support (Registration and Collection) Act 1988* (Cth) as amended by the other Commonwealth Acts listed extend to the *Child Support (Adoption of Laws) Act 1990* (WA). The relevant Commonwealth Acts are:
 - (i) the *Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006* (Cth). This Act repealed a substantial number of provisions in taxation laws that were no longer operative.
 - (ii) the *Child Support Legislation Amendment (Reform of the Child Support Scheme – New Formula and Other Measures) Act 2006* (Cth). This Act made extensive amendments to the Child Support scheme.
 - (iii) the *Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget Measures) Act 2006* (Cth). This Act amended the law relating to social security, veterans' entitlements, family assistance, student assistance, aged care and child support.

- (iv) The *Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Act 2007* (Cth). This Act makes further provision in relation to the law relating to social security, veterans' entitlements, family assistance, student assistance, aged care and child support.
- (b) The *Child Support (Assessment) Act 1989* (Cth)
- (i) the *Child Support Legislation Amendment (Reform of the Child Support Scheme – New Formula and Other Measures) Act 2006* (Cth). See (a)(ii) above.
 - (ii) the *Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget Measures) Act 2006* (Cth). See (a)(iii) above.
 - (iii) the *Families, Community Services and Indigenous Affairs and Veterans' Affairs and other Legislation (2006 Budget and Other Measures) Act 2006* (Cth). This Act made a minor amendment to the law relating to social security, veterans' entitlements, family assistance, student assistance, aged care and child support.
 - (iv) the *Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Act 2007* (Cth). See (a)(iv) above.

Clause 5. Sections 3 and 4 amended

Subclause (1) provides that sections 3(a) and 4(b) are both amended so that the date “1 January 2007” is read in place of “1 July 2006”. The change is necessary to adopt Commonwealth changes that commenced on 1 January 2007.

Subclause (2) repeals section 4(a) that referred to amendments to three Commonwealth Acts that have been repealed or exhausted by the amendments having been made to the principal Commonwealth legislation.

Clause 6. Sections 3 and 4 further amended on 1 January 2008

The clause provides that sections 3(a) and 4(b) are further amended such that the date “1 January 2008” is read in place of “1 January 2007”. The change is necessary to adopt Commonwealth changes that will commence on 1 January 2008.

Clause 7. Sections 3 and 4 further amended on 1 July 2008

The clause provides that sections 3(a) and 4(b) are further amended such that the date “1 July 2008” is read in place of “1 January 2008”. The change is necessary to adopt Commonwealth changes that will commence on 1 July 2008.