



Speech by

Mr P. PURCELL

MEMBER FOR BULIMBA

Hansard 18 October 2001

COMMONWEALTH POWERS (FAMILY LAW—CHILDREN) AMENDMENT BILL

Mr PURCELL (Bulimba—ALP) (12.25 p.m.): I would like to concur with my colleague from Toowoomba North in regards to the Harvester case. It was indeed a landmark decision for Australian families. The courts have not made decisions like that in recent times. It is a pity that the family is not protected a lot more than it is. The Commonwealth Powers (Family Law—Children) Amendment Bill 2001 will go some way to doing that.

The bill amends the Commonwealth Powers (Family Law—Children) Act 1990 to refer to the Commonwealth certain powers relating to children subject to child welfare orders under the Queensland legislation and ex-nuptial children. Reasons for the bill include the fact that the Family Court has no jurisdiction in relation to children who are under the care of persons under the Child Protection Act 1990. The Department of Families is restricted in its range of available options that can be considered while conducting an appraisal of a child's welfare. The Commonwealth has no authorisation in the matter of maintenance payments for children who are under the Child Protection Act 1990. The Family Court is unable to make maintenance orders and the child support agency has no authority to collect maintenance for such children. The bill will rectify those problems.

Jurisdiction will be granted to the Commonwealth government to create laws with respect to: custody, guardianship and access matters of children who are subject to child welfare law; maintenance for children who are subject to child welfare law; and declarations of parentage for Commonwealth purposes. Similar legislation referring these powers has been enacted in New South Wales, Tasmania and Victoria. These amendments represent an important reform of the law in relation to children subject to state child welfare orders. Unquestionably, the bill is positive for children who are subject to child welfare orders.

Wide consultation has taken place on the matters covered by the bill. The winners are the children. The Commission for Children and Young People and Legal Aid Queensland totally support the bill.
