

Queensland



**COMMONWEALTH  
POWERS AMENDMENT  
BILL 1995**

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**COMMONWEALTH POWERS  
AMENDMENT BILL 1995**

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**1995**

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**A BILL**

**FOR**

**An Act to refer to the Commonwealth Parliament certain matters  
about de facto relationships, and other matters**

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*Commonwealth Powers Amendment*

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	<b>The Parliament of Queensland enacts—</b>	1
	<b>Short title</b>	2
Clause	<b>1.</b> This Act may be cited as the <i>Commonwealth Powers Amendment Act 1995</i> .	3 4
	<b>Commencement</b>	5
Clause	<b>2.</b> This Act commences on a day to be fixed by proclamation.	6
	<b>Act amended</b>	7
Clause	<b>3.</b> This Act amends the <i>Commonwealth Powers (Family Law—Children) Act 1990</i> .	8 9
	<b>Amendment of long title</b>	10
Clause	<b>4.</b> Title, ‘relating to children’— <i>omit.</i>	11 12
	<b>Insertion of new part heading</b>	13
Clause	<b>5.</b> Before section 1— <i>insert—</i>	14 15
	<b>‘PART 1—PRELIMINARY’.</b>	16
	<b>Amendment of s 1 (Short title)</b>	17
Clause	<b>6.</b> Section 1, ‘(Family Law—Children)’— <i>omit.</i>	18 19

	<b>Omission of s 2 (Commencement)</b>	1
Clause	<b>7.</b> Section 2—	2
	<i>omit.</i>	3
	<b>Insertion of new part heading</b>	4
Clause	<b>8.</b> Before section 3—	5
	<i>insert—</i>	6
	<b>‘PART 2—REFERENCE OF CERTAIN MATTERS ABOUT CHILDREN’.</b>	7 8
	<b>Replacement of s 5</b>	9
Clause	<b>9.</b> Section 5—	10
	<i>omit, insert—</i>	11
	<b>‘PART 3—REFERENCE OF CERTAIN MATTERS ABOUT DE FACTO RELATIONSHIPS</b>	12 13
	<b>‘Definitions</b>	14
	<b>‘5.</b> In this part—	15
	<b>“financial matters”</b> include matters about property or maintenance.	16
	<b>“property”</b> includes the following—	17
	(a) a prospective claim or entitlement under a scheme, fund or arrangement providing superannuation, resignation, termination, retirement or similar benefits;	18 19 20
	(b) property that may vest or be beneficially applied under a discretionary trust;	21 22
	(c) a right to dispose of property;	23
	(d) any other valuable benefit.	24
	<b>“State tax”</b> means—	25
	(a) a tax, fee, duty, levy, charge or other impost under, or purportedly	26

*Commonwealth Powers Amendment*

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under, an Act; or	1
(b) a penalty in relation to a tax, fee, duty, levy, charge or other impost under, or purportedly under, an Act.	2 3
<b>‘Meaning of “de facto relationship” and “de facto partner”</b>	4
<b>‘6.(1)</b> A <b>“de facto relationship”</b> is the relationship between 2 persons who, although they are not legally married to each other, live in a relationship like the relationship between a legally married couple.	5 6 7
<b>‘(2)</b> A <b>“de facto partner”</b> is a person who lives, proposes to live or lived in a de facto relationship.	8 9
<b>‘Reference to Commonwealth Parliament</b>	10
<b>‘7.(1)</b> The matter mentioned in subsection (2), to the extent to which it is not otherwise included in the legislative powers of the Commonwealth Parliament, is referred to the Commonwealth Parliament.	11 12 13
<b>‘(2)</b> The matter referred to the Commonwealth Parliament is the resolution of financial matters ( <b>“referred financial matters”</b> ), including disputes about financial matters, arising out of the de facto relationship between de facto partners other than because of death.	14 15 16 17
<b>‘Matters included in reference</b>	18
<b>‘8.</b> Without limiting section 7(2), the matter referred to the Commonwealth Parliament includes the following matters—	19 20
(a) agreements between de facto partners about referred financial matters;	21 22
(b) adjusting referred financial matters at the end of a de facto relationship;	23 24
(c) maintenance between de facto partners;	25
(d) declaratory, injunctive or other relief in relation to referred financial matters;	26 27
(e) declaratory relief about the existence or non-existence of a de facto relationship, whether in the present or past.	28 29

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**‘Matters not included in reference** 1

‘9.(1) The matter referred to the Commonwealth Parliament does not 2  
include any matter in relation to State tax. 3

‘(2) Subsection (1) has effect despite sections 7(2) and 8. 4

**‘Limitation on reference** 5

‘10.(1) The matter referred to the Commonwealth Parliament under this 6  
part is referred only for the period beginning on the commencement of the 7  
part and ending on the day fixed under subsection (2). 8

‘(2) A regulation may fix a day when the reference is to end. 9

**‘PART 4—MISCELLANEOUS** 10

**‘Application of Acts Interpretation Act 1954, s 13** 11

‘11. To remove any doubt, it is declared that the *Acts Interpretation Act* 12  
*1954*, section 13<sup>1</sup> does not apply, and has never applied, to this Act. 13

**‘Regulation making power** 14

‘12. The Governor in Council may make regulations under this Act.’. 15

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<sup>1</sup> Section 13 (Future Acts when binding on the Crown)