

COMMONWEALTH POWERS (FAMILY LAW—CHILDREN) ACT

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Queensland



ANNO TRICESIMO NONO

ELIZABETHAE SECUNDAE REGINAE

No. 37 of 1990

An Act to refer to the Commonwealth Parliament certain
matters relating to children

[ASSENTED TO 21ST JUNE, 1990]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Commonwealth Powers (Family Law—Children) Act 1990*.

2. Commencement. (1) Section 1 and this section commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), the provisions of this Act, or such of them as are specified, commence on a day or days appointed by Proclamation.

3. Reference of certain matters relating to children. (1) The following matters, to the extent to which they are not otherwise included in the legislative powers of the Parliament of the Commonwealth, are referred to the Parliament of the Commonwealth for a period commencing on the day this section commences and ending on the day fixed pursuant to section 4:—

- (a) the maintenance of children and the payment of expenses in relation to children or child bearing;
- (b) the custody and guardianship of, and access to, children.

(2) The matters referred to the Parliament of the Commonwealth pursuant to subsection (1) do not include the matter of adoption of children or the matter of the taking, or the making of provision for or in relation to authorizing the taking, of action that would prevent or interfere with—

- (a) a Minister of the Crown, an officer of the State or any other person having or acquiring the custody, guardianship, care or control of children under a provision of an Act specified in Schedule I;
- (b) the maintenance of, or the payment of expenses in relation to, children who are in such custody, guardianship, care or control;
- (c) the jurisdiction of the Supreme Court, or a Court of the State under a provision of an Act specified in Schedule I, to make Orders or take any other action in respect of—
 - (i) the adoption of children;
 - (ii) the custody, guardianship, care or control of children;or
 - (iii) access to children or the supervision of children.

(3) In this section—

- (a) references to children are to be read as references to persons under the age of 18 years;
- (b) references to the maintenance of, and the payment of expenses in relation to, children are to be read as including references

to the maintenance of, and the payment of expenses in relation to, persons who have attained the age of 18 years and who have special needs in respect of maintenance or expenses by reason of being engaged in a course of education or training or by reason of a physical or mental handicap;

- (c) references to an Act specified in Schedule I are to be read as references to that Act as amended and in force from time to time, and as including a reference to any Act or Acts replacing that Act and as amended and in force from time to time.

4. Termination of reference. The Governor in Council may at any time by Proclamation fix a day on which the reference made in accordance with section 3 is to terminate.

5. Repeal of certain Act. The *Child Support (Adoption) Act 1988* is repealed.

SCHEDULE I

Adoption of Children Act 1964-1988

Adoption of Children Act Amendment Act 1983-1987

Adoption of Children Act and Another Act Amendment Act 1986-1987

Children's Services Act 1965-1989