



Queensland

# **Family Responsibilities Commission and Other Acts Amendment Act 2011**

**Act No. 35 of 2011**





Queensland

# Family Responsibilities Commission and Other Acts Amendment Act 2011

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## **Family Responsibilities Commission and Other Acts Amendment Act 2011**

**Act No. 35 of 2011**

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**An Act to amend the Adoption Act 2009, the Births, Deaths and Marriages  
Registration Act 2003, the Child Protection Act 1999 and the Family  
Responsibilities Commission Act 2008 for particular purposes**

**[Assented to 4 November 2011]**

[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Family Responsibilities Commission and Other Acts Amendment Act 2011*.

## **Part 2 Amendment of Family Responsibilities Commission Act 2008**

### **2 Act amended**

This part amends the *Family Responsibilities Commission Act 2008*.

### **3 Amendment of s 8 (Meaning of *welfare recipient*)**

Section 8, ‘Social Security Act’—

*omit, insert—*

‘Social Security Administration Act’.

### **4 Amendment of s 48 (Matters commissioner or commission may have regard to in considering whether a person is a community member)**

Section 48(a), ‘centrelink secretary’—

*omit, insert—*

‘secretary’.

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**5 Amendment of s 68 (Decision to enter into agreement)**

Section 68(2)(b) and (6), ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.

**6 Amendment of s 69 (Other decisions)**

Section 69(1)(b)(iv), ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.

**7 Amendment of s 70 (Notice of decision)**

Section 70(2)(c), ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.

**8 Amendment of s 71 (Matters commission has regard to in making particular decisions)**

Section 71(1)(b), ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.

**9 Amendment of s 74 (Notice to centrelink secretary)**

Section 74, ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.

**10 Amendment of s 75 (Revocation of notice to centrelink secretary)**

Section 75, ‘centrelink secretary’—

[s 11]

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*omit, insert—*

‘secretary’.

**11 Amendment of s 81 (Definitions for div 2)**

Section 81, definition *proposed action*, ‘centrelink secretary’—

*omit, insert—*

‘secretary’.

**12 Amendment of s 87 (Commission may decide to take proposed action)**

(1) Section 87(2) and (7), ‘centrelink secretary’—

*omit, insert—*

‘secretary’.

(2) Section 87(7), ‘Social Security Act’—

*omit, insert—*

‘Social Security Administration Act’.

**13 Amendment of s 89 (Notice to centrelink secretary)**

Section 89, ‘centrelink secretary’—

*omit, insert—*

‘secretary’.

**14 Amendment of s 92 (Commissioner may give information to particular entities)**

(1) Section 92(2) and (4), definition *relevant entity*, paragraph (c), ‘centrelink secretary’—

*omit, insert—*

‘secretary’.



- (2) Section 92(2), ‘Social Security Act’—  
*omit, insert*—  
‘Social Security Administration Act’.

**15 Amendment of s 99 (Decision about application)**

- (1) Section 99(6)(a), ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.
- (2) Section 99(6)(a), ‘Social Security Act’—  
*omit, insert*—  
‘Social Security Administration Act’.

**16 Amendment of s 102 (Notice to centrelink secretary)**

- Section 102, ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.

**17 Amendment of s 106 (Asking for referral to community support services or income management)**

- Section 106(b), ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.

**18 Amendment of s 108 (Responding to request about referral to income management)**

- Section 108(1) and (6), ‘centrelink secretary’—  
*omit, insert*—  
‘secretary’.

[s 19]

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**19 Amendment of s 109 (Amendment or ending of voluntary agreement)**

(1) Section 109(3) and (6), ‘centrelink secretary’—

*omit, insert—*

‘secretary’.

(2) Section 109(6), ‘Social Security Act’—

*omit, insert—*

‘Social Security Administration Act’.

**20 Amendment of s 138 (Commission’s notices to centrelink secretary)**

(1) Section 138, ‘centrelink secretary’—

*omit, insert—*

‘secretary’.

(2) Section 138, ‘Social Security Act’—

*omit, insert—*

‘Social Security Administration Act’.

**21 Amendment of s 152 (Expiry of Act)**

Section 152, ‘2012’—

*omit, insert—*

‘2013’.

**22 Amendment of s 155 (Vacation of office on expiry of Act)**

Section 155, ‘2012’—

*omit, insert—*

‘2013’.

**23 Amendment of s 156 (When particular agreements or family responsibilities orders end)**

Section 156, ‘2012’—

*omit, insert—*

‘2013’.

**24 Amendment of schedule (Dictionary)**

(1) Schedule, definition *centrelink secretary*—

*omit.*

(2) Schedule—

*insert—*

‘**secretary** means the Secretary under the Social Security Administration Act.’.

(3) Schedule, definition *family responsibilities order*, ‘centrelink secretary’—

*omit, insert—*

‘secretary’.

(4) Schedule, definition *income management*, ‘Social Security Act’—

*omit, insert—*

‘Social Security Administration Act’.

(5) Schedule, definition *income management decision*, ‘centrelink secretary’—

*omit, insert—*

‘secretary’.

(6) Schedule, definition *Social Security Act*, ‘Social Security Act’—

*omit, insert—*

‘**Social Security Administration Act**’.



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**‘290B Deciding applications for notice of adoptions in another country**

- ‘(1) If, on application under section 290A, the chief executive is reasonably satisfied that the adopted person was adopted in the other country under arrangements made between the chief executive and the competent authority for the other country, the chief executive must give notice to the registrar to record the adoption in the adopted children register.
- ‘(2) If the chief executive decides not to give notice to the registrar, the chief executive must give the applicant an information notice for the decision.
- ‘(3) The chief executive may not make a decision mentioned in subsection (2) having regard to information other than the information received from the applicant unless the chief executive—
  - (a) gives notice of the information to the applicant; and
  - (b) allows the applicant a reasonable opportunity to make submissions to the chief executive about the information.

**‘290C Registrar to record information about adoptions granted in another country**

- ‘(1) This section applies if the chief executive gives the registrar notice under section 290B(1) about an adoption in another country.
- ‘(2) The registrar must record the adoption by incorporating the notice about the adoption in the adopted children register.’.

**27 Amendment of s 319 (Right of review against particular decisions)**

Section 319—

*insert—*

[s 28]

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‘(f) if the person is an interested person mentioned in section 290A(4)—a decision under section 290B(2) not to give the registrar notice.’.

## **28 Amendment of sch 3 (Dictionary)**

Schedule 3, definition *adoptive parent*, paragraph (a), ‘part 13’—

*omit, insert—*

‘parts 12 and 13’.

# **Part 4 Amendment of Births, Deaths and Marriages Registration Act 2003**

## **29 Act amended**

This part amends the *Births, Deaths and Marriages Registration Act 2003*.

## **30 Amendment of s 41A (Registering adoptions)**

Section 41A(1), from ‘if’—

*omit, insert—*

‘if—

- (a) the registrar receives, under the *Adoption Act 2009*, section 289, a notice of the making of a final adoption order; or
- (b) the registrar receives, under the *Adoption Act 2009*, section 290B, a notice to record an adoption granted in another country.’.

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## Part 5                      Amendment of Child Protection Act 1999

### 31      Act amended

This part amends the *Child Protection Act 1999*.

### 32      Amendment of s 12 (What is effect of custody)

Section 12(1)(c), after ‘assessment order’—

*insert*—

‘, temporary custody order’.

### 33      Amendment of s 162 (Offence to remove child from carer)

Section 162(1), after ‘assessment order’—

*insert*—

‘, temporary custody order’.

### 34      Amendment of s 166 (Offence to refuse contact with child in custody or guardianship)

Section 166(1), definition *child*, after ‘assessment order’—

*insert*—

‘, temporary custody order’.

### 35      Amendment of sch 3 (Dictionary)

(1) Schedule 3, definition *appellate court*, paragraph (b), after ‘order’—

*insert*—

‘or temporary custody order’.

[s 35]

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- (2) Schedule 3, definition *order*, after ‘assessment order’—  
*insert—*  
‘, temporary custody order’.

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