



Queensland

Commonwealth Powers (Family Law—Children) Act 1990

Reprinted as in force on 27 October 1999

Reprint No. 1A revised edition

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 27 October 1999.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprint.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



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Commonwealth Powers (Family Law— Children) Act 1990

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Commonwealth Powers (Family Law—Children) Act 1990

[reprinted as in force on 27 October 1999]

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

1 Short title

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

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 authorising the taking, of action that would prevent or interfere with—
 - (a) a Minister, 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 1;

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- (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 1, to make orders or take any other action in respect of—
 - (i) the adoption of children; or
 - (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 1 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.

Schedule 1

section 3

Adoption of Children Act 1964

Adoption of Children Act Amendment Act 1983

Adoption of Children Act and Another Act Amendment Act
1986

Children's Services Act 1965

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Commonwealth Powers (Family Law—Children) Act 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

5 Tables in earlier reprints

Name of table	Reprint No.
Obsolete and redundant provisions	1

6 List of legislation

Commonwealth Powers (Family Law—Children) Act 1990 No. 37

date of assent 21 June 1990

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 1 August 1990 (proc pubd gaz 21 July 1990 p1818)

amending legislation—

Child Protection Act 1999 No. 10 ss 1, 2(2), 205 sch 3

date of assent 30 March 1999

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force

7 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Repeal of certain Act

s 5 om R1 (see RA s 40)

8 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Child Protection Act 1999 No. 10 ss 1, 2(2), 205 sch 3 provides as follows—

1 Schedule 1, ‘*Children’s Services Act 1965*’—

omit, insert—

‘Child Protection Act 1999’.