

Queensland



COMMONWEALTH POWERS (FAMILY LAW—CHILDREN) ACT 1990

Reprinted as in force on 9 February 2001
(includes amendments up to Act No. 55 of 2000)

Reprint No. 1C

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Information about this reprint

This Act is reprinted as at 9 February 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

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

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**COMMONWEALTH POWERS (FAMILY
LAW—CHILDREN) ACT 1990**

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COMMONWEALTH POWERS (FAMILY LAW—CHILDREN) ACT 1990

[as amended by all amendments that commenced on or before 9 February 2001]

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

Short title

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

Reference of certain matters relating to children

3.(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 the schedule;

*Commonwealth Powers (Family
Law—Children) Act 1990*

- (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 the schedule, 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 the schedule 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) A reference in this section to an Act specified in the schedule includes a reference to a part of an Act specified in the schedule.

Termination of reference

4. 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

section 3

Adoption of Children Act 1964

Adoption of Children Act Amendment Act 1983

Adoption of Children Act and Another Act Amendment Act 1986

Child Protection Act 1999

Succession Act 1981, part 5A

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). Accordingly, this reprint includes all amendments that commenced operation on or before 9 February 2001. 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.

*Commonwealth Powers (Family
Law—Children) Act 1990*

3 Key

Key to abbreviations in list of legislation and annotations

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	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	21 December 1995
1A	to Act No. 10 of 1999	27 October 1999
1B	to Act No. 10 of 1999	24 March 2000

5 Tables in earlier reprints

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
p 1818)

as amended by—

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 commenced 23 March 2000 (2000 SL No. 45)

Succession and Other Acts Amendment Act 2000 No. 55 pts 1, 3

date of assent 17 November 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 23 March 2000 (see s 2)

7 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Reference of certain matters relating to children

s 3 amd 2000 No. 55 s 6

Repeal of certain Act

s 5 om R1 (see RA s 40)

SCHEDULE

sch hdg amd 2000 No. 55 s 7(1)

amd 1999 No. 10 s 205 sch 3; 2000 No. 55 s 7(2)