



New South Wales

# Commonwealth Powers (Family Law—Children) Amendment Act 1996 No 60

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New South Wales

# **Commonwealth Powers (Family Law—Children) Amendment Act 1996 No 60**

Act No 60, 1996

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An Act to amend the *Commonwealth Powers (Family Law—Children) Act 1986* with respect to the reference of matters to the Commonwealth Parliament. [Assented to 19 September 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Commonwealth Powers (Family Law—Children) Amendment Act 1996*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Commonwealth Powers (Family Law—Children) Act 1986 No 182**

The *Commonwealth Powers (Family Law—Children) Act 1986* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 3 Reference of certain matters relating to children

Insert after section 3 (1) (b):

- (c) the determination of a child's parentage for the purposes of the law of the Commonwealth, whether or not the determination of the child's parentage is incidental to the determination of any other matter within the legislative powers of the Commonwealth.

### [2] Section 3 (2)

Omit "The". Insert instead "Subject to subsection (2A), the".

### [3] Section 3 (2) (a) and (d)

Omit "of an Act" wherever occurring.

### [4] Section 3 (2) (b)

Omit the paragraph.

### [5] Section 3 (2A)

Insert after section 3 (2):

- (2A) The matters referred by subsection (1) include 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 matter referred to in subsection (2) (a)–(d) if:
  - (a) the Minister of the Crown responsible for the administration of the relevant provision specified in Schedule 1, or

- (b) a person authorised, in writing, by that Minister of the Crown to act on his or her behalf for the purposes of Part VII of the *Family Law Act 1975* of the Commonwealth, as amended and in force for the time being,

consents, in writing, to the taking of such action by way of instituting, or continuing, proceedings under that Act in a court having jurisdiction under that Act.

**[6] Section 3 (3) (c)**

Omit the paragraph. Insert instead:

- (c) the references to a provision specified in Schedule 1 shall be read as references to the provision as amended and in force from time to time, and as including a reference to any provision or provisions replacing that provision and as amended and in force from time to time.

**[7] Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Statutory provisions**

(Section 3)

*Adoption of Children Act 1965*: sections 18, 24, 25, 31C, 34 (1), (2C), (3), (4) and (5), 35, 41, 43, 46 and 47.

*Adoption of Children Regulation 1995*: clause 24.

*Children (Care and Protection) Act 1987*: sections 14, 16, 20B, 21, 22, 23, 62, 62A, 72 (1) (c) (ii) and (iii), 77 (1) (a) (v) and (b) (iii) and (1A), 86, 88 (4), 95 (4), 96 and 112 (1) (e) and (f).

*Community Services (Complaints, Appeals and Monitoring) Act 1993*: sections 47 and 48.

*Guardianship Act 1987*: sections 13, 14, 23 (b), 25 (5) and (6), 31 and 32–48.

[Minister's second reading speech made in—  
Legislative Assembly on 1 May 1996  
Legislative Council on 11 September 1996]