

South Australia

## Commonwealth Powers (Family Law) Act 1986

An Act to refer to the Parliament of the Commonwealth certain matters relating to family law.

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### Contents

- 1 Short title
- 3 Reference of certain matters relating to children
- 4 Termination of reference

Schedule

Legislative history

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**The Parliament of South Australia enacts as follows:**

#### **1—Short title**

This Act may be cited as the *Commonwealth Powers (Family Law) Act 1986*.

#### **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 on which this Act commences and ending on the day fixed, pursuant to section 4, as the day on which the reference under this Act shall terminate, but no longer, namely:
  - (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 by subsection (1) do not include the matter of the 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 of the Crown, an officer of the State, an officer of an adoption agency approved under a law 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; or
  - (b) the maintenance of, or the payment of expenses in relation to, children who are in such custody, guardianship, care or control; or

- (c) the jurisdiction of 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 the preceding provisions of this section—
  - (a) the references to children shall be read as references to persons under the age of 18 years; and
  - (b) the references to the maintenance of, and the payment of expenses in relation to, children shall be read as including references to the maintenance of, and the payment of expenses in relation to, persons who have attained that age and 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; and
  - (c) the references to an Act specified in the Schedule shall 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 may, at any time, by proclamation published in the Gazette, fix a day as the day on which the reference under this Act shall terminate.

### **Schedule**

*Adoption of Children Act 1966*

*Children's Protection and Young Offenders Act 1979*

*Community Welfare Act 1972*

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act

Year	No	Title	Assent	Commencement
1986	89	<i>Commonwealth Powers (Family Law) Act 1986</i>	4.12.1986	29.10.1987 ( <i>Gazette 29.10.1987 p1449</i> )

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	