



# COMMONWEALTH POWERS (FAMILY LAW) ACT, 1986

No. 89 of 1986

## SUMMARY OF PROVISIONS

**Section**

1. Short title
2. Commencement
3. Reference of certain matters relating to children
4. Termination of reference

SCHEDULE.



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# ELIZABETHAE II REGINAE

A.D. 1986

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No. 89 of 1986

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

*[Assented to 4 December 1986]*

The Parliament of South Australia enacts as follows:

1. This Act may be cited as the “Commonwealth Powers (Family Law) Act, 1986”. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

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 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: Reference of certain matters relating to children.

(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 authorizing 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;

(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;
- (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;
- (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.

Termination of  
reference.

4. 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

**In the name and on behalf of Her Majesty, I hereby assent to this Bill.**

**D. B. DUNSTAN, Governor**