



Law and Justice Legislation Amendment Act 1992

No. 22 of 1992

**An Act to amend various Acts relating to law and justice,
and for related purposes**

[Assented to 13 April 1992]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Law and Justice Legislation Amendment Act 1992*.

5 Commencement

2.(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

10 (2) The amendment of the *Commonwealth Places (Application of Laws) Act 1970* made by this Act is taken to have commenced on 1 November 1991.

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Amendments of Acts

3. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 3

AMENDMENTS OF ACTS

Commonwealth Places (Application of Laws) Act 1970

After subsection 5(2):

Insert:

“(2A) Part 1C of the *Crimes Act 1914* does not apply to a member of the police force of a State in relation to, or in relation to matters arising under, the applied provisions.”.

Family Law Act 1975

Section 60:

Insert:

“ ‘**child welfare officer**’, in relation to a State or Territory, means:

- (a) a person who, because he or she holds, or performs the duties of, a prescribed office of the State or Territory, has responsibilities in relation to a child welfare law of the State or Territory; or
- (b) a person authorised in writing by such a person for the purposes of this Part;”.

Subsection 60E(1):

Omit “(4) and (5)”, substitute “(4), (5) and (7)”.

Subsection 60E(2):

Omit “(4) and (5)”, substitute “(4), (5) and (7)”.

Section 60E:

Add at the end:

“(6) The Governor-General, by Proclamation, may declare that the amendments of this Part made by the *Law and Justice Legislation Amendment Act 1992* extend to a specified State.

“(7) Despite anything else contained in this section, the amendments of this Part made by that Act do not extend to a State unless there is in force such a Proclamation in relation to that State.”.

SCHEDULE—continued

Subsection 60H(1):

Omit the subsection, substitute:

“60H.(1) A court having jurisdiction under this Act must not make an order under this Act (other than an order under Division 6) in relation to a child who is under the guardianship, or in the custody or care and control, of a person under a child welfare law unless:

- (a) the order is expressed to come into effect when the child ceases to be under such guardianship, or in such custody or care and control, as the case may be; or
- (b) the order is made in proceedings relating to the child in respect of the institution or continuation of which the written consent of a child welfare officer of the relevant State or Territory has been obtained.”.

Paragraph 60H(2)(a):

Omit “in the custody of, or under the guardianship, care and control or supervision of,” substitute “under the guardianship, or in the custody or care and control, of ”.

Paragraph 60H(2)(b):

Add at the end “and”.

Paragraphs 60H(2)(c) and (d):

Omit the paragraphs.

After section 66F:

Insert:

Limitation in relation to maintenance proceedings

“66FA. Proceedings in relation to the maintenance of a child who is under the guardianship, or in the custody or care and control, of a person under a child welfare law may only be brought by:

- (a) the child; or
- (b) a parent of the child who has the daily care and control of the child; or
- (c) a relative of the child who has the daily care and control of the child; or
- (d) a child welfare officer of the relevant State or Territory.”.

Section 117C:

Add at the end:

“(4) A judge of the court mentioned in subsection (1) is not disqualified from sitting in the proceedings only because the fact that

SCHEDULE—continued

an offer has been made is, contrary to subsection (3), disclosed to the court.”.

Law Officers Act 1964

Section 9:

Add at the end:

“(2) Where the Attorney-General gives consent to the engaging by the Solicitor-General in the practice of a barrister or solicitor, the Attorney-General is to lay before each House of the Parliament within 15 sitting days of that House after the day on which the consent is given a written statement of the reasons for the giving of the consent.”.

Trade Practices Act 1974

Paragraphs 50A(1)(a) and (b):

Omit the paragraphs, substitute:

“(a) either:

- (i) as a result of the obtaining by the person of the last-mentioned controlling interest, the person would be, or be likely to be, in a position to dominate a substantial market for goods or services in Australia, in a State or in a Territory; or
- (ii) in a case where the person is in a position to dominate such a market:
 - (A) the body corporate or another body corporate that is related to that body corporate is, or is likely to be, a competitor of the person or of a body corporate that is related to the person; and
 - (B) the acquisition would, or would be likely to, substantially strengthen the power of the person to dominate that market; and”.

Paragraph 50A(1)(c):

Omit “(c) the obtaining”, substitute “(b) the obtaining”.

*[Minister's second reading speech made in—
Senate on 7 November 1991
House of Representatives on 29 November 1991]*