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**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.*

**Commencement**

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

**(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.

**Amendments of Acts**

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

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 **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 guaradianship, 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".

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[*Minister's second reading speech made in—*

*Senate on 7 November 1991*

*House of Representatives on 29 November 1991*]