

Family Impact Commission Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide for the establishment of the Family Impact Commission. The Commission is to study and report on the moral, social and economic impact on New South Wales families of existing laws and proposed laws and Government expenditure, for the purpose of ensuring that the following principles are recognised and upheld:

- (a) The family, consisting of those individuals related by blood, adoption or marriage, is the foundational social unit of the nation.
- (b) The family is to be given the widest possible protection and assistance as the natural and fundamental unit of society, particularly where it is responsible for the care and education of dependent children.
- (c) The family has primary responsibility for the welfare, education and property of its members.
- (d) The sanctity and unique sphere of authority of the family is to be recognised and preserved.
- (e) Optimum conditions for maintaining the integrity of the family unit are to be preserved and promoted.

The Bill provides for the following:

- (a) the preparation of Family Impact Studies and Assessments for all Bills introduced into Parliament and for all expenditure or programs of expenditure of public money,
- (b) the preparation of those Studies and Assessments for other matters considered appropriate by the Commission,
- (c) the principles to be taken into account when preparing such Studies and Assessments,
- (d) the constitution of an Advisory Committee,
- (e) the conferring of investigation powers on the Commission,
- (f) the publicising and review of Studies and Assessments.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 states the objects and principles of the proposed Act.

Clause 3 contains definitions of important expressions used in the proposed Act.

Family is defined to mean an organic unit consisting of a man and a woman, related by marriage, and the children of either or both of them by blood or adoption. **Marriage** is defined as the union of a man and a woman to the exclusion of all others voluntarily entered into for life.

Clause 4 contains definitions of other expressions used in the proposed Act.

Part 2 Family Impact Studies and Assessments

Clause 5 requires the Commission to prepare a Family Impact Study on proposed legislation and proposed Government expenditure, all enacted laws in force at the commencement of the proposed Act and any law or proposed law of the Commonwealth, another State, a Territory or of another country that the Commission thinks has or may have an impact on families.

Clause 6 provides that the Member introducing a Bill into Parliament is to table a Family Impact Assessment for the Bill issued by the Commission. If this is not done, the responsible authority for the Bill can be directed by the Commission to apply for and table the Assessment.

Clause 7 provides that there is to be no expenditure of public money until at least 7 days after a Family Impact Assessment has been issued in respect of the proposed expenditure or the expenditure program of which it forms part. The period of 7 days can be shortened by the Commission in appropriate circumstances.

Clause 8 lists the matters to be included in a Study, including an analysis of the likely moral, social and economic effect of the matter concerned on the family, any feasible alternatives and the consequences of not carrying out the proposal.

Clause 9 lists the matters to be included in an Assessment, including a summary of the impact on the family of the proposal concerned, a qualitative rating of the proposal on a scale of +10 to -10 in terms of how beneficial or destructive it is to the family and a recommendation as to whether or not the proposal should proceed.

Clause 10 requires the Commission to take a number of specified matters and principles into account when preparing a Study, including the moral, social and economic effect of the matter concerned on the family and whether that effect contradicts or adversely affects the Judeo-Christian ethic or the principles set out in proposed section 2.

Part 3 Application for Study and Assessment

Clause 11 requires the responsible authority for proposed legislation or expenditure to apply for a Study and Assessment of the proposal. The form of application is set out in Schedule 1.

Clause 12 enables an application for a Study and Assessment to relate to more than one matter where this is reasonable.

Clause 13 requires a Study and Assessment to be made within 14 days of an application being made. In certain cases a longer period is allowed.

Clause 14 specifies certain grounds on which the Commission may reject an application for a Study and Assessment.

Part 4 Public release of Studies and Assessments

Clause 15 requires the Commission to give a copy of a Study and Assessment to the applicant and to interested parties. The applicant is to consider and respond to the Study and Assessment.

Clause 16 requires copies of each Study and Assessment to be available to the public for inspection free of charge and for purchase. The Commission may delay public release if it thinks there is good reason for doing so.

Clause 17 requires the Commission to give a copy of each Study and Assessment to each member of the Advisory Committee.

Clause 18 provides that an Assessment of a Bill is to be read in each House of Parliament during the second reading speech of the Bill and a copy of the Assessment is to form part of the official records of the matter concerned.

Part 5 Responsible authorities

Clause 19 requires the Minister to appoint a public authority or public official as the responsible authority for one or more matters requiring a Study and Assessment.

Clause 20 requires each responsible authority to furnish an outline to the Commission, before 30 June in

each year, of the matters for which a Study and Assessment will be sought in the coming year.

Part 6 Information gathering etc

Clause 21 allows the Commission to invite public submissions on any matter which is the subject of a Study.

Clause 22 enables the Commission to refer a matter that is the subject of a Study to a public authority or public official for investigation or other specified action.

Clause 23 states that generally all matters that are the subject of Studies should be referred to the Advisory Committee for advice and consultation.

Clause 24 enables the Commission to conduct investigations on its own initiative or for the purposes of the preparation of a Study or Assessment.

Clause 25 provides that the Commission may require a statement of information from a public authority or public official for the purposes of an investigation.

Clause 26 enables the Commission to require the attendance of a person, or the production of a document or other thing, for the purposes of an investigation.

Clause 27 allows the Commissioner for the Commission or an officer of the Commission to enter premises used by a public authority or public official and to inspect anything on the premises and take copies of documents.

Clause 28 enables the Commission to hold hearings.

Clause 29 provides that such hearings are to be held in public except in special circumstances.

Clause 30 empowers the Commission to summon witnesses for the purposes of an inquiry.

Part 7 Commission

Clause 31 constitutes the Commission and enables the Commissioner of the Commission to perform its functions.

Clause 32 lists the functions of the Commission.

Clause 33 provides for the appointment of the Commissioner by the Governor. The appointment is to be on the recommendation of the Advisory Committee. The Commissioner may delegate any of the Commissioner's functions.

Clause 34 provides for the appointment of one or more Assistant Commissioners by the Governor.

Clause 35 gives effect to Schedule 2 which contains provisions concerning the Commissioner and Assistant Commissioners.

Clause 36 provides for the appointment of staff of the Commission under the *Public Sector Employment and Management Act 2002*. The Commission may also arrange for the use of the staff and facilities of public or local authorities.

Part 8 Advisory Committee

Clause 37 constitutes the Advisory Committee.

Clause 38 lists the functions of the Committee.

Clause 39 provides that the Committee is to consist of 15 members holding specified positions or qualifications.

Part 9 General

Clause 40 states that the proposed Act binds the Crown.

Clause 41 creates offences of wilfully obstructing, hindering or resisting officers of the Commission exercising functions under the proposed Act, failing to comply with requirements under the proposed Act and wilfully making false or misleading statements to officers of the Commission. The maximum penalty for those offences is 10 penalty units.

Clause 42 requires the Commission to prepare an annual report of the Commission's activities for submission to Parliament.

Clause 43 provides for the service of documents for the purposes of the proposed Act.

Clause 44 provides that proceedings for an offence against the proposed Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Clause 45 amends the *Statutory and Other Offices Remuneration Act 1975* to include the positions of the Commissioner and a full-time Assistant Commissioner.

Clause 46 amends the *Defamation Act 1974* to confer a defence of absolute privilege for publications to or by the Commission.

Clause 47 enables regulations to be made for the purposes of the proposed Act.

Schedule 1 Application for Family Impact Study/Assessment

Schedule 1 sets out the form of application for a Family Impact Study/Assessment.

Schedule 2 Provisions relating to Commissioner and Assistant Commissioners

Schedule 2 contains provisions relating to the Commissioner and Assistant Commissioners, including terms of office, vacation of office and remuneration.

Schedule 3 Provisions relating to appointed members of Advisory Committee

Schedule 3 contains provisions relating to the appointed members of the Advisory Committee, including terms of office, vacation of office and remuneration.

Schedule 4 Procedure of Advisory Committee

Schedule 4 contains provisions relating to the procedure of the Advisory Committee, including the quorum for meetings, presiding member and voting at meetings.