



NSW Legislative Council Hansard

Legislation Review Amendment (Family Impact) Bill

Extract from NSW Legislative Council Hansard and Papers Tuesday 21 June 2005.

Second Reading

The Hon. PATRICIA FORSYTHE [3.12 p.m.]: I move:

That this bill be now read a second time.

This bill is one of the least complex the House will have to deal with, yet in principle it represents one of the most important that we should address. Put simply, the bill proposes that the Legislation Review Committee be given the added requirement of reporting to both Houses of Parliament on whether a bill or regulation impacts on families and making recommendations following consideration of that issue. Currently section 8A of the Legislation Review Act 1987 requires the Legislation Review Committee to consider and then report to the House on whether, among other things, a bill by express words or otherwise trespasses unduly on personal rights and liberties. Under section 9 in relation to regulations the committee must report to the House on whether, among other things, a regulation unduly trespasses on personal rights and liberties and adversely impacts on the business community. In other words, importance is given to personal rights and liberties and to business.

The reports that the committee provides to the Parliament at the beginning of each sitting week provide a useful oversight of the impact of bills and regulations. As a Liberal, I endorse the importance of acknowledging the issue of personal rights and liberties. The House will recall that in relation to the Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Bill the committee reported extensively on the potential impact on personal rights of restricting the appeal rights of proponents and third parties in relation to decisions of the Minister made under the new critical infrastructure project clause. So personal liberty and business are adjudged as capable of being impacted by government actions and decisions, and that impact is quantified by the committee. What is missing from the list, and what this bill seeks to redress, is the issue of the potential impact on families by government Acts and regulations.

I gave notice of this bill in May 2004 with the enthusiastic support of the Liberal-Nationals party room. I hope the House, and the Government in particular, will give this bill similar enthusiastic support. It is an undeniable fact that some Government actions impact positively and some impact negatively on families, and that both should receive similar consideration by the Legislation Review Committee. The House should keep that in mind when it is considering legislation and regulations. The term "Families" is mentioned in the budget, in Budget Paper No. 2, page 2-27, where the Government outlines how the budget assists families. Table 2.6 is titled "Major Service Improvements in Support of Children and Families". However, "Families" are not defined in the budget papers, nor are they defined in the bill. This is not an attempt by me to avoid the issue but it is recognition that families have different configurations.

According to the 2001 Australian census, 47.8 per cent of families in occupied private dwellings were families with children and 15.5 per cent were one-parent families. The statistics for New South Wales are very similar. According to the Australian Bureau of Statistics, 42 per cent of the New South Wales population currently has the responsibility of caring for a family member. The most likely family impact will be the cost of the increased cost of dependency services. Care and dependency are not necessarily the same thing. Family impact is expressed and assessed most directly through children's services regulation, child protection legislation and parental responsibility legislation, but also through the regulation of care and support of people with a disability. In the latter case, dependency would extend beyond that of minors. Consideration of dependency may go further, for example, when costs for transport, water and energy services change and that change can be quantified and expressed as an impact on families.

Working hours and working conditions as well as public holiday changes are other examples of impact; the list will be broad. Tax changes that add to families' costs are as legitimate an issue for the committee to advise upon as is the impact of regulation changes upon business costs. Families are central to our social capital. The Legislation Review Committee acknowledges the importance of financial capital through its work: the bill is recognition that our social capital is equally vital. I do not believe that adding these functions to the role of the Legislation Review Committee will be unduly onerous or create an unrealistic cost burden. It is a sensible reform that recognises the value of the legislation review process. I look forward to the House giving the bill positive consideration. I commend the bill to the House.