



New South Wales

## **Family Impact Commission Bill 1995**

### **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:

- The family, consisting of those individuals related by blood, adoption or marriage, is the foundational social unit of the nation.
  - 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.
  - The family has primary responsibility for the welfare, education and property of its members.
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- The sanctity and unique sphere of authority of the family is to be recognised and preserved.
- Optimum conditions for maintaining the integrity of the family unit are to be preserved and promoted.

The Bill provides for the following:

- 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
- the preparation of those Studies and Assessments for other matters considered appropriate by the Commission
- the principles to be taken into account when preparing such Studies and Assessments
- the constitution of an Advisory Committee
- the conferring of investigation powers on the Commission
- 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 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.

### **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 which 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 The 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 Management Act 1988*. The Commission may also arrange for the use of the staff and facilities of public or local authorities.

## **Part 8 The 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 \$1,000.

**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.

## **Schedules**

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

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

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

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



New South Wales

# Family Impact Commission Bill 1995

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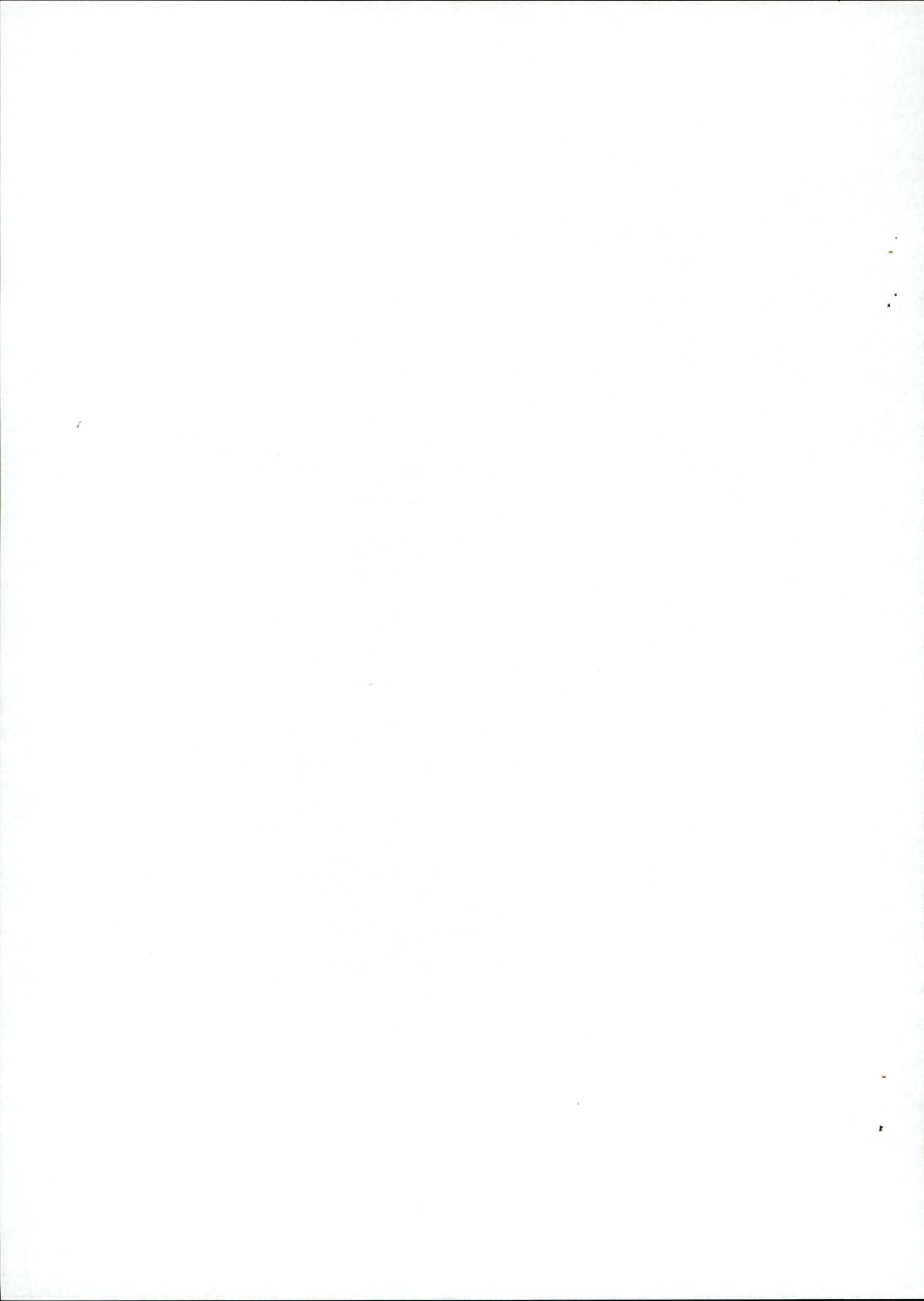
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New South Wales

## Family Impact Commission Bill 1995

No. , 1995

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### **A Bill for**

An Act to provide for the establishment of the Family Impact Commission to study the moral, social and economic effect on the family unit of certain laws and proposed laws and Government expenditure; and for related purposes.

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The Legislature of New South Wales enacts:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Family Impact Commission Act 1995*.

### 2 Object and principles

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The object of this Act is to establish an independent Family Impact Commission to study and report on the moral, social and economic impact on New South Wales families of enacted laws and proposed laws and Government expenditure, for the purpose of ensuring that the following principles are recognised and upheld: 10

- The family, consisting of those individuals related by blood, adoption or marriage, is the foundational social unit of the nation.
- 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. 15
- The family has primary responsibility for the welfare, education and property of its members. 20
- The sanctity and unique sphere of authority of the family is to be recognised and preserved.
- Optimum conditions for maintaining the integrity of the family unit are to be preserved and promoted.

### 3 Key definitions

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In this Act:

*family* means an organic unit composed essentially of a man and a woman related by marriage and the children of either or both of them by blood or adoption, whether or not in a wider relationship of grandparents, aunts, uncles and cousins, 30

*marriage* means the union of a man and a woman to the exclusion of all others voluntarily entered into for life.

#### 4 Other definitions

In this Act:

*Advisory Committee* or *Committee* means the Advisory Committee constituted by this Act.

*Assessment* means a Family Impact Assessment. 5

*Assistant Commissioner* means an Assistant Commissioner for the Family Impact Commission.

*Commission* means the Family Impact Commission constituted by this Act.

*Commissioner* means the Commissioner for the Family Impact Commission. 10

*exercise* a function includes perform a duty.

*function* includes a power, authority or duty.

*public authority* includes a Government Department, Administrative Office and a statutory body representing the Crown. 15

*public official* means an individual having public official functions or acting in a public official capacity.

*responsible authority* for a particular matter means the public official or public authority appointed by the Minister as the responsible authority for that matter. 20

*Study* means a Family Impact Study.



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## Part 2 Family Impact Studies and Assessments

### 5 Matters for which Study and Assessment required

- (1) The following matters are to be the subject of a Family Impact Study by the Commission:
- (a) any proposed legislation or expenditure (or expenditure program) that is the subject of an application for a Study by the responsible authority, 5
  - (b) all enacted laws in force in the State at the commencement of this section,
  - (c) any law enacted or proposed to be enacted by the Parliament of the Commonwealth or of another State or Territory or of another country, that the Commission thinks has or may have particular impact (whether direct or indirect) on the families of New South Wales. 10
- (2) The Commission is also to issue a Family Impact Assessment for each proposal for which it prepares a Study under subsection (1) (a). 15

### 6 Proposed legislation requires Family Impact Assessment

- (1) When a Member of either House of Parliament introduces a Bill into that House, the Member must also table a copy of a Family Impact Assessment for the Bill. 20
- (2) If a copy of an Assessment for a Bill is not tabled (but has been issued) when a Bill is introduced, the Commission may direct the responsible authority for the Bill to table a copy of the Assessment within a specified time or by a specified stage of its passage through the House. 25
- (3) If an Assessment has not been issued for a Bill when the Bill is introduced, the Commission may direct the responsible authority for the Bill to apply within a specified time for a Study and Assessment for the Bill and to table a copy of an Assessment issued for the Bill within 3 sitting days of the House after it is issued. 30
- (4) The responsible authority for a Bill must comply with a direction by the Commission under this section.

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- (5) A responsible authority complies with a direction by the Commission to table a copy of an Assessment in a House of Parliament by presenting a copy of the Assessment to the presiding officer of the House. A copy of the Assessment is then for all purposes taken to have been laid before the House. 5
- (6) A copy of the Assessment for a Bill need not be tabled if the Assessment states that it need not be tabled (whether it was issued before or after the Bill was introduced).

#### **7 Government expenditure requires Family Impact Assessment**

- (1) There is to be no expenditure of public money by or on behalf of a public authority until at least 7 days after the Commission has issued a Family Impact Assessment for the proposed expenditure or for an expenditure program of which it forms part, based on a Family Impact Study of it. 10
- (2) The Commission can reduce the period of 7 days if satisfied that the circumstances of the case justify a shorter period. 15

#### **8 Content of Family Impact Study**

A Family Impact Study of a proposal or other matter is to consist of the following:

- A full description of the subject-matter of the study. 20
- A statement of the objectives of the matter being studied.
- An analysis of the likely moral, social and economic effect of the matter on the family.
- A full description of any action to be taken in conjunction with the matter and an analysis of the likely moral, social and economic effect of those measures on the family. 25
- An analysis of feasible alternatives to the matter which, wherever possible, are not inconsistent with its objectives and which would be likely to have a more positive effect on the family. 30
- An analysis of the consequences of not carrying out the matter.

## 9 Content of Family Impact Assessment

A Family Impact Assessment for a proposal is to consist of the following:

- A clear description of the proposal to which the Assessment relates. 5
- A summary of the impact on the family of the proposal to which it relates, under the heading "Summary".
- A qualitative rating of the proposal in terms of its effect on the family. (A rating of +10 means that the proposal is extremely beneficial to the family and a rating of -10 means that the proposal is extremely destructive to the family. A rating of 0 means that the proposal will have neither a positive nor a negative effect on the family.) 10
- A recommendation as to whether or not the proposal should proceed. 15
- The period for which a proposal of an identical nature in the future would continue to be covered by the Assessment.

## 10 How Commission is to prepare a Study

- (1) To prepare a Family Impact Study of a proposal or other matter, the Commission is to consider its moral, social and economic effect on the family unit and whether that effect contradicts or adversely affects the Judeo-Christian ethic or any of the principles set out in section 2. 20
- (2) The Commission is to take the following into account: 25
  - Experience of similar matters in the State and in other jurisdictions (including outside Australia).
  - The matters raised in the questions set out in the form of application for a Study set out in Schedule 1.
  - Any other matter that the Commission thinks relevant. 30



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## **Part 3 Application for Study and Assessment**

### **11 Form of application**

- (1) An application for a Family Impact Study and Assessment of proposed legislation or expenditure is to be made by the responsible authority for the legislation or expenditure concerned. 5
- (2) The application is to be made in the form set out in Schedule 1. If the application relates to proposed legislation, it must be accompanied by a copy of the Bill.

### **12 Application can relate to multiple proposals** 10

If 2 or more matters are such that they could reasonably be the subject of the one Study and Assessment, they should be the subject of the one application. There is no limit to the number of matters that can be the subject of the one application or Study and Assessment. 15

### **13 Time within which Assessment to be issued**

- (1) The Commission is to prepare a Family Impact Study and issue a Family Impact Assessment within 14 days after it receives the application for the Study and Assessment, unless a longer period of consideration is justified or the Commission rejects the application. 20
- (2) A period of up to 45 days consideration is justified in either of the following cases:
- The Commission thinks it necessary or desirable to invite public submissions, and the Commission does so within 14 days. 25
  - The Commission thinks it necessary or desirable to obtain further information, and the Commission takes steps within 14 days to obtain that information.
- (3) A period of up to 6 months consideration is justified if the applicant requests an exhaustive Family Impact Study of the matter. 30

#### 14 Rejection of application

- (1) The Commission is entitled to reject an application for a Study and Assessment for any of the following reasons:
- The Commission is of the opinion that the application covers too many matters and that those matters should properly be the subject of separate applications. 5
  - The Commission is of the opinion that the application contains insufficient or inaccurate information.
  - Any other reason that the Commission thinks justifies rejection of the application. 10
- (2) The Commission must notify the applicant in writing if it rejects an application.
- (3) The notice of rejection must be given within 14 days of receipt of the application and must detail the following:
- The reasons for the application being rejected. 15
  - If rejection was based on the application covering too many matters, a breakdown of the matters in respect of which a separate application is required.
  - Any other matters that the Commission thinks may be relevant or of assistance to the applicant. 20

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## **Part 4      Public release of Studies and Assessments**

### **15 Copy to be furnished to applicant**

- (1) A copy of a Study and Assessment that results from an application by a responsible authority is to be furnished to the responsible authority. The responsible authority is to disseminate the Study and Assessment among interested parties. 5
- (2) The responsible authority is to consider and respond to a Study and Assessment and is to communicate its response to the Commission and other interested parties. 10

### **16 Copies to be made available for inspection and purchase**

- (1) A copy of each Study and Assessment is to be made available to the public at the office of the Commission for inspection free of charge and for purchase.
- (2) The Commission may delay public release and availability of a Study and Assessment that relates to proposed legislation or expenditure if satisfied that there is good reason for the delay, until the Bill is introduced into Parliament or the expenditure occurs. 15

### **17 Committee to be given copy of Study and Assessment**

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The Commission is to give each member of the Advisory Committee a copy of each Study and Assessment before it is publicly released.

### **18 Assessment to be read in Parliament**

- (1) An Assessment for a Bill is to be read during the second reading speech made by the member introducing the Bill in each House of Parliament. 25
- (2) A copy of each Assessment is to be kept as part of the Budget papers and other official records concerning the matter to which it relates. 30
- (3) The Commission may indicate in an Assessment which parts (if any) of the Assessment need not be included in it for the purposes of this section.



## **Part 5 Responsible authorities**

### **19 Appointment of responsible authorities for proposals**

- (1) The Minister in consultation with the Commission is to appoint a public authority or public official as the responsible authority for any matter that requires a Study and Assessment. The Minister can appoint himself or herself as a responsible authority. 5
- (2) If 2 or more matters are such that they could reasonably be the subject of the one Study and Assessment, the same responsible authority should be appointed for them.

### **20 Advance notification of proposals by responsible authority** 10

- (1) Each responsible authority is required to furnish to the Commission before 30 June in each year an outline of those matters for which the authority will be seeking a Study and Assessment during the coming year.
- (2) The outline is to indicate the approximate number and general nature of the matters concerned and the projected timing of the applications. 15
- (3) Each responsible authority must ensure that the applications it makes for Studies and Assessments are to the maximum extent possible spread evenly throughout the year. 20



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## **Part 6 Information gathering etc**

### **21 Submissions**

- (1) The Commission may invite public submissions on any matter that is the subject of a Study and is to give reasonable publicity to any such invitation. 5
- (2) The Commission is to make available a summary of any matter on which the Commission has invited public submissions, in order to assist a person to make a submission.

### **22 Referral of matters for report**

- (1) The Commission may refer any matter that is the subject of a Study to any public official or public authority for investigation or other specified action. 10
- (2) The Commission may require the official or authority to furnish a report on the matter or on the other action that the Commission requires be taken. A report is to be furnished in accordance with any directions given by the Commission. 15

### **23 Consultation with Committee**

Generally all matters that are the subject of a Study should be referred to the Advisory Committee for advice and consultation.

### **24 Investigations generally** 20

The Commission may conduct investigations on its own initiative or for the purposes of the preparation of a Study or Assessment.

### **25 Power to obtain information**

- (1) For the purposes of an investigation, the Commission may, by notice in writing served on a public authority or public official, require the authority or official to produce a statement of information. 25
- (2) The notice must specify or describe the information required, must fix a time and date for compliance and must specify the person (being the Commissioner, an Assistant Commissioner or any other officer of the Commission) to whom production is to be made. 30

- (3) The notice may provide that the requirement may be satisfied by some other person acting on behalf of the public authority or public official.

**26 Power to obtain documents etc**

- (1) For the purposes of an investigation, the Commission may, by notice in writing served on a person (whether or not a public authority or public official), require the person: 5
- (a) to attend at a time and place specified in the notice, before a person (being the Commissioner, an Assistant Commissioner or any other officer of the Commission) specified in the notice, and 10
- (b) to produce at that time and place to the person so specified a document or other thing specified in the notice.
- (2) The notice may provide that the requirement may be satisfied by some other person acting on behalf of the person on whom it was imposed. 15

**27 Power to enter public premises**

- (1) For the purposes of an investigation, the Commissioner or an officer of the Commission authorised in writing by the Commissioner may, at any time: 20
- (a) enter any premises occupied or used by a public authority or public official in that capacity, and
- (b) inspect any document or other thing in or on those premises, and
- (c) take copies of any document in or on the premises. 25
- (2) The public authority or public official must make available to the Commissioner or authorised officer such facilities as are necessary to enable the powers conferred by this section to be exercised.

**28 Hearings** 30

- (1) For the purposes of an investigation, the Commission may hold hearings.

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- (2) A hearing is to be conducted by the Commissioner or by an Assistant Commissioner, as determined by the Commissioner.
- (3) At each hearing, the person presiding is to announce the general scope and purpose of the hearing.
- (4) A person appearing before the Commission at a hearing is entitled to be informed of the general scope and purpose of the hearing. 5

**29 Public and private hearings**

- (1) A hearing is to be held in public, unless the Commission directs that the hearing be held in private. 10
- (2) If the Commission directs that a hearing be held in private, the Commission may give directions as to the persons who may be present at the hearing.
- (3) At a hearing that is held in public, the Commission may direct that the hearing or a part of the hearing be held in private and give directions as to the persons who may be present. 15
- (4) The Commission is not to give a direction under this section that a hearing or part of a hearing be held in private unless it is satisfied that it is desirable to do so in the public interest for reasons connected with the subject-matter of the investigation or the nature of the evidence to be given. 20

**30 Power to summon witnesses etc**

- (1) For the purposes of an inquiry, the Commission has the powers, authorities, protections and immunities conferred on a commissioner by Division 1 of Part 2 of the *Royal Commissions Act 1923* and that Act (section 13 and Division 2 of Part 2 excepted) applies to any witness summoned by or appearing before the Commission in the same way as it applies to a witness summoned by or appearing before a commissioner. 25
- (2) A witness appearing before the Commission is to be paid such amount as the Commissioner determines, but not exceeding the amount that would be payable to such a witness if he or she were a Crown witness subpoenaed by the Crown to give evidence. 30



## **Part 7 The Commission**

### **31 Constitution of the Commission**

- (1) There is constituted by this Act a body corporate with the corporate name of the Family Impact Commission.
- (2) The functions of the Commission are exercisable by the Commissioner, and any act, matter or thing done in the name of, or on behalf of, the Commission by the Commissioner, or with the authority of the Commissioner, is taken to have been done by the Commission. 5

### **32 Functions of the Commission 10**

The Commission has the functions conferred or imposed on it by or under this or any other Act and such other functions as may be necessary or convenient to enable it to give effect to the object of this Act.

### **33 Commissioner 15**

- (1) The Governor may appoint a Commissioner for the Family Impact Commission.
- (2) A person is not eligible to be appointed as Commissioner unless recommended for appointment by the Advisory Committee. The Committee is not to recommend a person unless satisfied that the person is supportive of the principles set out in section 2 and is experienced in and knowledgeable about issues which concern the family. 20
- (3) The Commissioner has and may exercise the functions conferred or imposed on the Commissioner by or under this or any other Act. 25
- (4) The Commissioner may, by instrument in writing, delegate to any person any of the Commissioner's functions, other than this power of delegation.

### **34 Assistant Commissioners 30**

- (1) The Governor may, with the concurrence of the Commissioner, appoint one or more Assistant Commissioners for the Family Impact Commission.



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- (2) A person is not eligible to be appointed as an Assistant Commissioner unless recommended for appointment by the Advisory Committee and the Committee is not to recommend a person unless satisfied that the person is supportive of the principles set out in section 2 and is experienced in and knowledgeable about issues which concern the family. 5
- (3) An Assistant Commissioner has and may exercise the functions conferred or imposed on an Assistant Commissioner by or under this or any other Act.
- (4) An Assistant Commissioner is to assist the Commissioner, as the Commissioner requires. 10

**35 Provisions relating to Commissioner and Assistant Commissioners**

Schedule 2 has effect.

- 36 Staff** 15
- (1) Such staff as may be necessary to enable the Commission to exercise its functions may be employed under Part 2 of the *Public Sector Management Act 1988*.
- (2) The Commission may arrange for the use of the services of any staff or facilities of a public authority or local authority. 20

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## Part 8 The Advisory Committee

### 37 Constitution of the Committee

There is constituted by this Act an Advisory Committee.

### 38 Functions

- The functions of the Committee are as follows: 5
- (a) to make recommendations for appointments to the offices of Commissioner and Assistant Commissioner,
  - (b) to refer matters to the Commission for study and report,
  - (c) to give advice to and consult with the Commission on any matter referred to the Committee by the Commission and on such other matters as the Committee thinks fit, 10
  - (d) to investigate and report on matters referred to the Committee by the Commission.

### 39 Membership and procedure

- (1) The Committee is to consist of 15 members, as follows: 15
  - (a) the Director-General of the Premier's Department or an officer of that Department nominated for the time being by the Director-General,
  - (b) the Director-General of the Attorney General's Department or an officer of that Department nominated for the time being by the Director-General, 20
  - (c) the Director-General of the Department of Health or an officer of that Department nominated for the time being by the Director-General,
  - (d) 12 members appointed by the Governor, each being a person nominated by, or by a body that the Minister is satisfied represents, one of the following organisations, churches or faiths: 25
    - Institute of Family Studies
    - Salvation Army 30
    - Anglican Church

- 
- Catholic Church
  - Uniting Church
  - Jewish Faith
  - Greek Orthodox Church
  - Presbyterian Church 5
  - Assembly of God Church
  - Australian Federation of Festival of Light  
Community Standards Organisation—NSW Branch
  - Australian Family Association—NSW Branch
  - NSW Council of Churches 10

(2) Schedule 3 applies to the appointed members of the Committee.

(3) Schedule 4 provides for the procedure of the Committee.



## Part 9 General

### 40 Act binds Crown

This Act binds the Crown in right of New South Wales and, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

5

### 41 Offences

A person must not:

- (a) without lawful excuse, wilfully obstruct, hinder or resist the Commissioner, an Assistant Commissioner or an officer of the Commission in the exercise of his or her functions under this Act, or 10
- (b) without lawful excuse, refuse or wilfully fail to comply with any lawful requirement made of the person under this Act, or
- (c) make any statement to the Commissioner, an Assistant Commissioner or an officer of the Commission exercising functions under this Act, knowing the statement to be false or misleading in a material particular. 15

Maximum penalty: 10 penalty units.

### 42 Annual report 20

- (1) The Commission must within 4 months after 30 June in each year prepare a report of its work and activities for the 12 months preceding that date.
- (2) The report is to include details of the following:
  - the Family Impact Studies and Assessments prepared and furnished by the Commission, 25
  - any recommendations for changes in the law or for administrative action that the Commission thinks should be made or taken,
  - the extent to which its studies have resulted in a change in policy direction for the Government, 30

- 
- any rejections of applications for Family Impact Studies,
  - the major impact on the family of the matters studied by the Commission during the year,
  - any recommendations by the Commission for Government expenditure in the following year. 5
- (3) The Commission is to present the report to the presiding officer of each House of Parliament and the report is then, for all purposes, taken to have been laid before each House of Parliament.
- 43 Service of documents** 10
- For the purposes of this Act, service of a document on a person may be effected:
- (a) on a natural person—by delivering it to the person personally or by leaving it at or sending it by post to the residential or business address of the person last known to the person serving the document, or 15
  - (b) on a body corporate—by leaving it at or by sending it by post to the head office, a registered office or a principal office of the body corporate.
- 44 Proceedings for offences** 20
- Proceedings for an offence against this Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.
- 45 Amendment of Statutory and Other Offices Remuneration Act 1975 (1976 No 4)** 25
- The *Statutory and Other Offices Remuneration Act 1975* is amended by inserting at the end of Part 1 of Schedule 2 the following:
- Commissioner for the Family Impact Commission.
- Full-time Assistant Commissioner for the Family Impact Commission. 30
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**46 Amendment of Defamation Act 1974 No 18**

The *Defamation Act 1974* is amended by inserting after section 17M the following section:

**17MA Matters arising under the Family Impact Commission Act 1995** 5

(1) There is a defence of absolute privilege for a publication to or by the Family Impact Commission or the Commissioner for the Commission as Commissioner, or to any officer of the Commission (within the meaning of the *Family Impact Commission Act 1995*) as such an officer. 10

(2) This section applies in relation to any hearing before the Family Impact Commission or any other matter relating to the powers, authorities, duties or functions of the Commission. 15

**47 Regulations**

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. 20



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**Schedule 1 Application for Family Impact Study/  
Assessment**

(Section 11)

1. Who is the relevant authority, individual or organisation requesting a Family Impact Study/Assessment? 5  
Name: .....  
Address: .....  
Phone: .....  
Fax: .....
2. Give a clear and detailed description of the legislation or expenditure for which you request a Family Impact Study/Assessment. 10  
.....
3. Do you request an exhaustive Family Impact Study/Assessment (which could delay receiving your Assessment by up to 6 months)?  
( ) Yes ( ) No
4. What are the objectives of the proposed legislation or expenditure? 15  
.....
5. How many families would be affected by the proposed legislation or expenditure? .....
6. Which type of families would be affected by the proposed legislation or expenditure? (eg families from a particular ethnic background or in a certain geographical area) 20  
.....
7. Give a full description of the likely moral effect of the proposed legislation or expenditure. For example, does the legislation contradict the Judeo-Christian ethic as the basic historic moral ethic of Australia? .....
8. Will the proposed legislation or expenditure reinforce the stability of the home and particularly the marital commitment that holds the home together? 25  
.....
9. Will the proposed legislation strengthen or erode the authority of the home and specifically the rights of the parents in relation to the education, nurture and supervision of their children? 30  
.....

Family Impact Commission Bill 1995

Schedule 1 Application for Family Impact Study/Assessment

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10. Will the proposed legislation or expenditure help the family to perform its function—or will it substitute government activity for that function? .....
11. What message will the proposed legislation or expenditure send to the public concerning the status of the family? ..... 5
12. What message will the proposed legislation or expenditure send to children and young people concerning their behaviour, their personal responsibility and the norms of our society? .....
13. Do any measures need to be taken in conjunction with the proposed legislation or expenditure? ..... 10
14. From Question 13 give an assessment of the likely effectiveness of those measures? .....
15. Will the proposed legislation or expenditure reduce or increase earned household income? .....
16. If so by how much? ..... 15
17. Are there feasible alternatives to the proposed legislation or expenditure and what is the reason for choosing the legislation or expenditure? .....
18. Can alternatives be provided by voluntary, private and/or religious institutions rather than Government instrumentalities? ..... 20
19. What would be the consequences of not proceeding with the proposed legislation or expenditure? .....
20. Will the proposed legislation or expenditure stress the integrity and preservation of the family unit? .....
21. Will the proposed legislation or expenditure respect family values and foster right behaviour? ..... 25

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## Schedule 2 Provisions relating to Commissioner and Assistant Commissioners

(Section 35)

### 1 Eligibility for appointment

A person is not eligible to be appointed as Commissioner or Assistant Commissioner if the person is: 5

- (a) the holder of any judicial office, or
- (b) a member of the Legislative Council or the Legislative Assembly or is a member of a House of Parliament of another State or of a Territory or the Commonwealth. 10

### 2 Acting Commissioner or Assistant Commissioner

(1) The Governor may, from time to time, appoint a person to act in the office of Commissioner or Assistant Commissioner during the illness or absence of the Commissioner or Assistant Commissioner, and the person, while so acting, has all the functions of the Commissioner or Assistant Commissioner and is taken to be the Commissioner or Assistant Commissioner. 15

(2) The Governor may, at any time, remove a person from the office to which the person was appointed under this clause.

(3) A person while acting under this clause is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Governor may from time to time determine in respect of that person. 20

(4) For the purposes of this clause:

(a) a vacancy in the office of Commissioner or Assistant Commissioner is to be regarded as an absence from office of Commissioner or Assistant Commissioner, and 25

(b) an Assistant Commissioner is to be regarded as absent from office as an Assistant Commissioner during any period when the Assistant Commissioner acts in the office of the Commissioner pursuant to an appointment under this clause. 30



**3 Basis of offices**

- (1) The office of Commissioner is a full-time office.
- (2) The office of Assistant Commissioner may be a full-time or a part-time office, according to the terms of appointment.
- (3) The holder of a full-time office referred to in subclause (1) or (2) is required to hold it on that basis, except to the extent permitted by the Governor. 5

**4 Terms of office**

- (1) Subject to this Schedule, the Commissioner or an Assistant Commissioner holds office for such term not exceeding 5 years as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for reappointment. 10
- (2) A person may not hold the office of Commissioner for terms totalling more than 5 years.
- (3) A person may not hold the office of Assistant Commissioner for terms totalling more than 5 years. 15

**5 Remuneration**

- (1) The Commissioner and a full-time Assistant Commissioner are entitled to be paid remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975* and such travelling and subsistence allowances as the Minister may from time to time determine in respect of them. 20
- (2) A part-time Assistant Commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as may be specified in his or her instrument of appointment or as may be afterwards determined by the Governor from time to time. 25

**6 Vacancy in office**

- (1) The office of Commissioner or Assistant Commissioner becomes vacant if the holder: 30
  - (a) dies, or
  - (b) completes a term of office and is not reappointed, or

- 
- (c) holds office for longer than the relevant period mentioned in clause 4, or
- (d) resigns the office by instrument in writing addressed to the Governor, or
- (e) becomes the holder of a judicial office, or 5
- (f) is nominated for election as a member of the Legislative Council or the Legislative Assembly or as a member of a House of Parliament of another State or of a Territory or the Commonwealth, or
- (g) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or 10
- (h) becomes a mentally incapacitated person, or
- (i) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or 15
- (j) is removed from office under subclause (2) or (3). 20
- (2) The Commissioner may be removed from office by the Governor on the address of both Houses of Parliament.
- (3) The Governor may remove an Assistant Commissioner from office for incapacity, incompetence or misbehaviour.
- 7 Filling of vacancy 25**
- (1) If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.
- (2) If the office of Assistant Commissioner becomes vacant, a person may, subject to this Act, be appointed to fill the vacancy.

**8 Public Sector Management Act 1988**

The *Public Sector Management Act 1988* does not apply to the appointment of the Commissioner or an Assistant Commissioner, and the holder of either office is not, as holder, subject to that Act.

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**9 Judicial office**

In this Schedule, *judicial office* means a judicial office of the State or elsewhere in Australia.



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## Schedule 3 Provisions relating to appointed members of Advisory Committee

(Section 39)

### 1 Definition of appointed member

In this Schedule:

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*appointed member* means an appointed member of the Committee.

### 2 Term of office

Subject to this Act, an appointed member holds office for such period (not exceeding 2 years) as is specified in the member's instrument of appointment but is eligible for reappointment if otherwise qualified.

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### 3 Remuneration

An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

15

### 4 Deputies

(1) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.

20

(2) In the absence of an appointed member, the member's deputy:

(a) may, if available, act in the place of the member, and

(b) while so acting, has all the functions of the member and is to be regarded as a member.

(3) A person while acting in the place of an appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

25

**5 Vacancy in office of appointed member**

- (1) The office of an appointed member becomes vacant if the member:
- (a) dies, or
  - (b) completes a term of office and is not reappointed, or 5
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Governor under this clause or under Part 8 of the *Public Sector Management Act 1988*, or 10
  - (e) is absent from 4 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Committee for having been absent from those meetings, or 15
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or 20
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable. 25
- (2) The Governor may remove an appointed member from office at any time.

**6 Filling of vacancy in office of appointed member**

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If the office of an appointed member becomes vacant, a person may, subject to this Act, be appointed to fill the vacancy.

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## Schedule 4 Procedure of Advisory Committee

(Section 39)

### 1 Meetings

- (1) Meetings of the Committee are to be held at such times and places as are from time to time agreed upon by the members of the Committee. The Committee must meet at least once each 3 months. 5
- (2) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Committee. 10

### 2 Quorum

The quorum for a meeting of the Committee is 8 members.

### 3 Presiding member

- (1) A member of the Committee elected as the presiding member for the meeting by the members present is to preside at a meeting of the Committee. 15
- (2) The member presiding at any meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

### 4 Voting 20

- (1) A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee, except as provided by subclause (2).
- (2) A decision to recommend a person for appointment as the Commissioner or as an Assistant Commissioner must be supported by not less than 11 votes. 25

### 5 Minutes

The Committee is to cause full and accurate minutes to be kept of the proceedings of each meeting of the Committee.



Family Impact Commission Bill 1995

Schedule 4 Procedure of Advisory Committee

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**6 First meeting of the Committee**

The Commissioner is to call the first meeting of the Committee in such manner as the Commissioner thinks fit.