

# Family Responsibilities Commission Amendment Bill 2013

Amendments during consideration in detail to be moved by

The Honourable the Minister for Aboriginal and Torres Strait Islander and  
Multicultural Affairs and Minister Assisting the Premier

## 1 After clause 2

Page 4, after line 7—

*insert—*

### **2A Amendment of s 50A (Constitution of commission for particular conference)**

(1) Section 50A(1) and (2)—

*omit, insert—*

(1) If the commissioner considers it appropriate in the circumstances, the commissioner may, for a particular conference, direct the commission to be constituted by 3 local commissioners appointed for the welfare reform community area in which the commissioner considers the person the subject of the conference lives or lived.

(2) Section 50A(3), ‘mentioned in subsection (2)’—

*omit.*

(3) Section 50A(3) to (5)—

*renumber* as section 50A(2) to (4).

### **2B Amendment of s 53A (Reconstituting of commission for particular conferences)**

(1) Section 53A(3) and (4)—

*omit, insert—*

(3) If the commission adjourns a conference under section 64(2) and the commissioner does not endorse the proposed income management decision, after the adjournment

the commission for the conference is to be constituted by—

- (a) the commissioner; and
  - (b) the 3 local commissioners who were constituting members for the conference before the adjournment.
- (4) If a constituting member mentioned in subsection (3)(b) stops being a member, or for any reason is not available for the conference after the adjournment, the commissioner may direct that the commission for the conference be constituted by—
- (a) the commissioner and the remaining constituting members; or
  - (b) the commissioner, the remaining constituting members and another local commissioner appointed by the commissioner.

- (2) Section 53A(5), '(3)(b)'—

*omit, insert—*

(4)(b)

## **2C Amendment of s 64 (Adjournment of conference)**

- (1) Section 64(2)—

*omit, insert—*

- (2) However, if the commission is constituted under section 50A for a conference, it must adjourn the conference to obtain the commissioner's endorsement if it proposes to make an income management decision.

- (2) Section 64(4)—

*omit.*

## **2D Amendment of s 68 (Decision to enter into agreement)**

Section 68—

*insert—*

- (3A) Also, if the commission is constituted under section 50A, a notice mentioned in subsection (2)(b) may only require the person to be subject to income management if—
- (a) the requirement has first been endorsed by the commissioner; or

*Note—*

See section 64(2) which provides for the conference to be adjourned to obtain the commissioner's endorsement.

- (b) if, after considering the requirement and each of the constituting member's reasons for the decision or not agreeing with the decision, the commissioner does not endorse it—the requirement is affirmed by the commission as constituted under section 53A(3) or (4).

## **2E Amendment of s 69 (Other decisions)**

Section 69—

*insert—*

- (3A) Also, if the commission is constituted under section 50A, a decision mentioned in subsection (1)(b)(iv) may only require the person to be subject to income management if—
- (a) the requirement has first been endorsed by the commissioner; or

*Note—*

See section 64(2) which provides for the conference to be adjourned to obtain the commissioner's endorsement.

- (b) if, after considering the requirement and each constituting member's reasons for the decision or not agreeing with the decision, the commissioner does not endorse it—the requirement is affirmed by the commission as constituted under section 53A(3) or (4).

## 2 After clause 5

Page 4, after line 20—

*insert—*

### 6 Insertion of new s 158

After section 157—

*insert—*

### **158 Transitional provision for Family Responsibilities Commission Amendment Act 2013**

- (1) This section applies to a conference if—
  - (a) the agency notice to which the conference relates was received by the commissioner before the commencement; and
  - (b) all or part of the conference is held after the commencement.
- (2) This Act, as in force immediately before the commencement, continues to apply to the conference despite the commencement of the amending Act.
- (3) In this section—

***amending Act*** means the *Family Responsibilities Commission Amendment Act 2013*.

***commencement*** means the commencement of this section.

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Authorised by the Parliamentary Counsel