



Queensland

# Family Responsibilities Commission (COVID-19 Emergency Response) Regulation 2020

## Subordinate Legislation 2020 No. 246

made under the

*COVID-19 Emergency Response Act 2020*  
*Family Responsibilities Commission Act 2008*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Family Responsibilities Commission (COVID-19 Emergency Response) Regulation 2020*.

### 2 Declaration

This regulation is made under the *COVID-19 Emergency Response Act 2020*, sections 8 and 17.

### 3 Definitions

In this regulation—

*application hearing* see section 98(1) of the Act.

*functions* includes powers.

*response period* means the period starting on the commencement and ending on the earlier of the following days—

- (a) the day the COVID-19 emergency period ends;
- (b) 31 December 2020.

*the Act* means the *Family Responsibilities Commission Act 2008*.

## Part 2 Conferences

### 4 Application of part

This part applies in relation to a conference held during the response period.

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## **5 Constitution of commission for conferences**

- (1) For the conference, the requirement under section 50(1) of the Act for the commission to be constituted by particular persons is taken to be satisfied if the commission is constituted by—
  - (a) the commissioner or a deputy commissioner to whom the commissioner's functions under that section in relation to the conference have been delegated; and
  - (b) 1 local commissioner appointed for the welfare reform community area in which the commissioner considers the person the subject of the conference lives or lived.
- (2) Section 51 of the Act applies in relation to a local commissioner mentioned in subsection (1)(b) as if a reference in section 51(3)(c) of the Act to '1 of the local commissioners' were a reference to the local commissioner.

## **6 Reconstituting commission for conferences**

- (1) This section applies if—
  - (a) the commission for the conference is constituted under this part by—
    - (i) the commissioner or a deputy commissioner; and
    - (ii) 1 local commissioner; and
  - (b) the local commissioner stops being a commission member for the conference or for any reason is not available for the conference.
- (2) The commissioner may direct that the commission for the conference be constituted by—
  - (a) the commissioner or deputy commissioner; and
  - (b) another local commissioner appointed by the commissioner.
- (3) In appointing the other local commissioner, the commissioner must have regard to the matters mentioned in section 51(2) and (3) of the Act.

- (4) However, for subsection (3), section 51(3)(c) of the Act applies in relation to the other local commissioner as if a reference in that section to ‘1 of the local commissioners’ were a reference to the other local commissioner.
- (5) Section 53(4) of the Act applies in relation to the commission as reconstituted under subsection (2).

## **7 Conferences may be held using communication technology**

Despite section 56(2) of the Act, the commission may hold the conference using any technology allowing reasonably contemporaneous and continuous communication between the persons taking part in the conference, including the persons constituting the commission for the conference.

# **Part 3 Dealings with show cause notices**

## **8 Oral representations may be made using communication technology**

Despite section 83(4) of the Act, the commission may, during the response period, allow a person to make oral representations in relation to a show cause notice using any technology allowing reasonably contemporaneous and continuous communication between the person and the persons constituting the commission for dealing with the show cause notice.

## **9 Constitution of commission for dealings with show cause notices**

- (1) This section applies if, during the response period, the commission deals with a show cause notice under part 7, division 2 of the Act.



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- (b) 1 local commissioner appointed for the welfare reform community area in which the commissioner considers the applicant for the application the subject of the hearing lives or lived.
  - (2) Section 98(2) of the Act applies in relation to a local commissioner mentioned in subsection (1)(b).
  - (3) However, for subsection (2), section 51 of the Act applies in relation to a local commissioner mentioned in subsection (1)(b) as if a reference in section 51(3)(c) of the Act to ‘1 of the local commissioners’ were a reference to the local commissioner.

## **12 Application hearings may be held using communication technology**

The application hearing may be held using any technology allowing reasonably contemporaneous and continuous communication between the persons taking part in the hearing, including the persons constituting the commission for the hearing.

## **Part 5 Other matters**

### **13 Board meetings**

The requirement under section 123(5) of the Act that the board members meet in person at least once a year is taken to be satisfied for 2020 if the members hold a board meeting in 2020 using any technology allowing reasonably contemporaneous and continuous communication between the members.

### **14 Decision-making by commission**

- (1) This section applies if the commission for a conference, a dealing with a show cause notice or an application hearing—
  - (a) is constituted under part 2, 3 or 4 by—

[s 15]

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- (i) the commissioner or a deputy commissioner; and
  - (ii) 1 local commissioner; and
  - (b) is making a decision mentioned in section 139(1) of the Act.
- (2) Despite section 139(3) of the Act, if the commission can not reach a unanimous decision, the decision of the commissioner or deputy commissioner is the decision of the commission.

## **Part 6                      Expiry of regulation**

### **15      Expiry**

This regulation expires on 31 December 2020.



ENDNOTES

- 1 Made by the Governor in Council on 1 October 2020.
- 2 Notified on the Queensland legislation website on 2 October 2020.
- 3 The administering agency is the Department of Aboriginal and Torres Strait Islander Partnerships.

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