

Family Responsibilities Commission Bill

Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Anna Bligh MP

Title of the Bill

Family Responsibilities Commission Bill 2008

Objective of the Amendments

The objective of the amendments is to ensure that the Bill can operate as was intended and to correct an incorrect reference.

Consistency with Fundamental Legislative Principles

The amendments do not conflict with Fundamental Legislative Principles.

Consultation

There has been consultation with the Department of Education, Training and the Arts and the Commission for Children and Young People and Child Guardian. Both agencies support the amendments.

Since these are technical amendments and do not substantively affect the Bill, external consultation was not considered necessary.

Notes On Provisions

Amendment 1 amends clause 2 to remove the commencement on assent of the definition of “student”. The amendments proposed to clause 94 mean that it is no longer necessary to commence the term “student” on assent. It will now commence on proclamation.

Amendment 2 amends the heading of clause 90 to refer to “Definitions for pt 8” instead of “Definition for pt 8”. This is necessary because amendment 3 inserts a further definition in this clause.

Amendment 3 amends clause 90 to add a further subclause (e) that will ensure that the definition of “prescribed entities” will include School Attendance Case Managers. School Attendance Case Managers are employed by Cape York Partnership Projects Pty Ltd to follow up on school absence and enrolment in the welfare reform trial communities.

This amendment will enable School Attendance Case Managers to provide information to the Family Responsibilities Commission to assist the Commission to make decisions under the Act, such as whether or not to hold a conference about a person whose child has failed to meet the school attendance or enrolment requirements.

Amendment 4 amends clause 92(4) to ensure that the Family Responsibilities Commission can give personal information to the Commissioner for Children and Young People and Child Guardian (CCYPCG) to enable the CCYPCG or the Commission to evaluate the effectiveness and operation of the Commission. The existing clause incorrectly refers to the “chief executive”.

Amendment 5 amends clause 94 to clarify the scope of the educational programs and services proposed to be implemented in the welfare reform communities. The amendments will ensure that the term “educational programs and services” includes MULTILIT and the Case Management Framework, under which School Attendance Case Managers will be engaged.

Clause 94 is amended to refer to “children of compulsory school age” rather than “students” to ensure that information can be shared in relation to enrolment as well as attendance. In addition, the reference is to be “in welfare community areas” rather than “at schools in welfare reform community areas” as the services will not be confined to school settings.

Amendment 6 inserts a new clause 148A into the Bill to ensure that if a magistrate is appointed as commissioner of the Families Responsibilities Commission, the magistrate is not disadvantaged because the position is only for the period of the trial.

The proposed clause will ensure that if a magistrate is appointed as commissioner, the term of appointment as commissioner counts as service as a magistrate. This will allow the person’s period of service as the

commissioner to be counted as continuous service for the purpose of long service leave entitlements.

To avoid any possible conflict of duties, the proposed clause provides that while holding the position of commissioner, the magistrate cannot perform the duties or exercise the powers of a magistrate.

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