



Queensland

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

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

Current as at 4 December 2020

Repeal/Expiry Information

This is the last reprint before expiry. Expired on 30 April 2022 the COVID-19 legislation expiry day—see section 15.

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

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

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) the COVID-19 legislation expiry day.

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.

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

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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.
- (2) For the dealing, the requirement under section 85(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 show cause notice 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 show cause notice lives or lived.
- (3) Section 85(2) of the Act applies in relation to a local commissioner mentioned in subsection (2)(b).
- (4) However, for subsection (3), section 51 of the Act applies in relation to a local commissioner mentioned in subsection (2)(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.

Part 4 Application hearings

10 Application of part

This part applies in relation to an application hearing held during the response period.

11 Constitution of commission for application hearings

- (1) For the application hearing, the requirement under section 98(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 hearing have been delegated; and
 - (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

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be satisfied for a year if the members hold a board meeting in that year 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—
 - (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 the COVID-19 legislation expiry day.