



Families Commission Act Repeal Act 2018

Public Act 2018 No 10
Date of assent 28 May 2018
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Families Commission Act Repeal Act 2018.

2 Commencement

This Act comes into force on the later of—

- (a) 30 June 2018; and
- (b) the day after the date of Royal assent.

Part 1

Preliminary provisions

3 Purposes

The purposes of this Act are to—

- (a) repeal the Families Commission Act 2003; and
- (b) disestablish the Families Commission; and
- (c) provide for the consequences of that disestablishment; and
- (d) make consequential amendments to other Acts.

4 Interpretation

In this Act, unless the context otherwise requires,—

appointment position means—

- (a) the position of Families Commissioner;
- (b) membership of the Families Commission;
- (c) membership of the Social Science Experts Panel

assets includes real or personal property, money, rights, or interests

Commission means the Families Commission established by section 6 of the Families Commission Act 2003

employee has the same meaning as in section 10(1) of the Crown Entities Act 2004

liabilities includes debts, charges, duties, and other obligations, whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

6 Act binds the Crown

This Act binds the Crown.

Part 2**Disestablishment of Families Commission****7 Repeal of Families Commission Act 2003**

The Families Commission Act 2003 (2003 No 128) is repealed.

8 Families Commission disestablished

The Commission is disestablished.

9 Residual assets, liabilities, agreements, leases, and licence arrangements, information, money payable, etc

- (1) All residual assets, liabilities, agreements, leases, and licence arrangements of the Commission in existence immediately before the commencement of this Act are vested in the Crown as assets or liabilities of the Ministry.
- (2) All information held by the Commission immediately before the commencement of this Act is transferred to the Ministry.
- (3) All money payable to or by the Commission immediately before the commencement of this Act becomes payable to or by the Ministry.
- (4) Unless the context otherwise requires, anything done, omitted to be done, or to be done by, or in relation to, the Commission is to be treated as having been done, having been omitted to be done, or having to be done by, or in relation to, the Ministry.

10 Employment and appointments

- (1) Section 9 and Schedule 1 do not apply to individual employment agreements or appointments.
- (2) All employment and appointment positions with the Commission are dissolved.
- (3) To avoid doubt, the entitlement (if any) to a redundancy payment of a person who, immediately before the commencement of this Act, was an employee, is subject to sections 61A to 61B of the State Sector Act 1988 (which deal with the transfer of employees within the State sector).

11 Consequential amendments

The Acts set out in Schedule 2 are consequentially amended as set out in that schedule.

12 Repeal of this Act

This Act is repealed on 30 June 2019.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to this Act as enacted

1 Proceedings and effect of Act

- (1) All proceedings or any other matters involving the Commission that are yet to be determined or completed at the commencement of this clause are to be determined or completed by the Ministry as if the Ministry were the Commission.
- (2) Nothing done or authorised by this Act—
 - (a) places the Commission, the Ministry, or any other person in breach of contract or confidence, or makes any of them liable for a civil wrong; or
 - (b) entitles a person to terminate or cancel an agreement, lease, or arrangement, or to accelerate the performance of an obligation, or to impose a penalty or an increased charge; or
 - (c) places the Commission, the Ministry, or any other person in breach of an enactment, a rule of law, or a provision of an agreement, lease, or arrangement that prohibits, restricts, or regulates the assignment or transfer of property or the disclosure of information; or
 - (d) invalidates or discharges an agreement, lease, or arrangement.

2 Registers

- (1) The Registrar-General of Land or any other person charged with keeping books or registers is not required to change the name of the Commission to the Ministry in the books or registers, or in a document, solely because of the provisions of this Act.
- (2) If the Ministry presents an instrument referred to in subclause (3) to a Registrar or another person, the presentation of that instrument by the Ministry is, in the absence of proof to the contrary, sufficient evidence that the property is vested in the Ministry.
- (3) For the purposes of this clause, the instrument need not be an instrument of transfer but must—
 - (a) be executed or purport to be executed by the Ministry; and
 - (b) relate to a property held by the Commission immediately before the commencement of this clause; and
 - (c) be accompanied by a certificate by the Ministry indicating that the property became vested in the Ministry by virtue of the provisions of this Act.

3 References to Commission

- (1) This clause applies to—
 - (a) things that are in force or existing immediately before the commencement of this clause; and
 - (b) references in any thing, including (without limitation) enactments, rules, bylaws, deeds, agreements, leases, licence arrangements, proceedings, instruments, documents, and notices.
- (2) Unless the context otherwise requires, a reference in any thing specified in sub-clause (1) to the Commission is to be read as a reference to the Ministry.

Schedule 2

Consequential amendments

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Crown Entities Act 2004 (2004 No 115)

In Schedule 1, Part 2, repeal the item relating to the Families Commission.

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 2, repeal the item relating to the Families Commission.

Legislative history

15 February 2018	Introduction (Bill 23–1)
20 February 2018	First reading and referral to Social Services and Community Committee
12 April 2018	Reported from Social Services and Community Committee
3 May 2018	Second reading
15 May 2018	Committee of the whole House
23 May 2018	Third reading
28 May 2018	Royal assent

This Act is administered by the Ministry of Social Development.