

# **Families Commission Act Repeal Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The main purpose of this Bill is to repeal the Families Commission Act 2003 and to disestablish the Families Commission (the **Commission**), in order to achieve greater effectiveness and efficiencies in the provision of social science research and advocacy for the interests of families generally.

The Commission, operating as Superu, is an autonomous Crown entity within the meaning of the State Sector Act 1988. Some of the Commission's functions have already been transferred, through non-legislative measures, to the Ministry of Justice, the Ministry of Social Development, and the Social Investment Agency. On the commencement of this legislation, the Commission's residual responsibilities, liabilities, and assets will be transferred to the Ministry of Social Development.

### **Departmental disclosure statement**

The Ministry of Social Development is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2018&no=23>.

### **Regulatory impact assessment**

There is no regulatory impact assessment for this Bill as the Bill has no regulatory impacts.

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* provides for the Bill to commence on the later of 30 June 2018 and the day after the date on which the the Bill receives Royal assent, which will be the day on which the Commission will be disestablished.

## Part 1

### Preliminary provisions

*Clause 3* sets out the purposes of the Bill.

*Clause 4* is the interpretation clause, which defines terms used in the Bill.

*Clause 5* and *Schedule 1* provide for transitional, savings, and related provisions.

*Clause 6* states that the Bill binds the Crown.

## Part 2

### Disestablishment of Families Commission

*Clause 7* repeals the Families Commission Act 2003.

*Clause 8* disestablishes the Commission.

*Clause 9* relates to the main consequences of the disestablishment of the Commission, namely, the vesting and transfer of residual assets, liabilities, agreements, leases, licence arrangements, and information of the Commission to the Ministry for the time being responsible for the administration of this Act (the **Ministry**). It is intended that the Ministry of Social Development will be responsible for the administration of this Act.

*Clause 10* provides that *clause 9* and *Schedule 1* do not apply to individual employment agreements or appointments and that all employment and appointment positions with the Commission are dissolved.

*Clause 11* gives effect to *Schedule 2*, which makes consequential amendments to other Acts.

*Clause 12* provides for the repeal of this Bill on 30 June 2019, at which time the provisions of the Bill will be spent.

*Clause 1 of Schedule 1* provides that any outstanding proceedings or matters involving the Commission are to be determined or completed by the Ministry. It also sets out the effect of the Act with respect to agreements, leases, arrangements, enactments, and any rule of law.

*Clause 2 of Schedule 1* sets out the effect of property held by the Commission being vested in the Ministry on registers of land.

*Clause 3 of Schedule 1* provides how references in any thing to the Commission are to be treated.

*Schedule 2* sets out consequential amendments to other Acts. In particular, it removes the Commission from the list of autonomous Crown entities in Part 2 of Schedule 1 of the Crown Entities Act 2004 and it removes the Commission from the list of organisations in Part 2 of Schedule 1 of the Ombudsmen Act 1975.



*Hon Carmel Sepuloni*

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## **Contents**

		Page
1	Title	2
2	Commencement	2
<b>Part 1</b>		
<b>Preliminary provisions</b>		
3	Purposes	2
4	Interpretation	2
5	Transitional, savings, and related provisions	3
6	Act binds the Crown	3
<b>Part 2</b>		
<b>Disestablishment of Families Commission</b>		
7	Repeal of Families Commission Act 2003	3
8	Families Commission disestablished	3
9	Residual assets, liabilities, agreements, leases, and licence arrangements, information, money payable, etc.	3
10	Employment and appointments	3
11	Consequential amendments	3
12	Repeal of this Act	4
<b>Schedule 1</b>		
<b>Transitional, savings, and related provisions</b>		
<b>Schedule 2</b>		
<b>Consequential amendments</b>		

**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—

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

**Part 1**

**Preliminary provisions**

**3 Purposes**

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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.

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**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

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**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

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**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.

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<b>5</b>	<b>Transitional, savings, and related provisions</b>	
	The transitional, savings, and related provisions set out in <b>Schedule 1</b> have effect according to their terms.	
<b>6</b>	<b>Act binds the Crown</b>	
	This Act binds the Crown.	5
<b>Part 2</b>		
<b>Disestablishment of Families Commission</b>		
<b>7</b>	<b>Repeal of Families Commission Act 2003</b>	
	The Families Commission Act 2003 (2003 No 128) is repealed.	
<b>8</b>	<b>Families Commission disestablished</b>	10
	The Commission is disestablished.	
<b>9</b>	<b>Residual assets, liabilities, agreements, leases, and licence arrangements, information, money payable, etc.</b>	
(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.	15
(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.	20
(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.	
<b>10</b>	<b>Employment and appointments</b>	25
(1)	<b>Section 9 and Schedule 1</b> 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).	30
<b>11</b>	<b>Consequential amendments</b>	
	The Acts set out in <b>Schedule 2</b> are consequentially amended as set out in that schedule.	35

**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**

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**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— 10
- (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 15
- (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. 20

**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. 25
- (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— 30
- (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. 35

**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. 5
- (2) Unless the context otherwise requires, a reference in any thing specified in **subclause (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.

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**Ombudsmen Act 1975 (1975 No 9)**

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