

# **Families Commission Amendment Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill amends the Families Commission Act 2003 to—

- restructure the Families Commission (the **Commission**) so it comprises a single Families Commissioner and other members, with scope for the appointment of a member other than the Families Commissioner to be chairperson of the board of the Commission; and
- give the Commission an additional main function of providing independent monitoring and evaluation of, and research into, key issues, programmes, and interventions across the social sector; and
- require the Commission, as part of its main function of advocating for families, to prepare and publish an annual Families Status Report on the well-being of families; and
- provide for the appointment of a Social Science Experts Panel to provide academic peer review and guidance.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause and provides that the Bill will come into force on the day after the date of Royal assent.

## **Part 1**

### **Amendments to Families Commission Act 2003**

*Clause 3* provides that this Part amends the Families Commission Act 2003 (the **principal Act**).

*Clause 4* amends section 4 of the principal Act, which is the interpretation section, by repealing the definition of Commissioner.

*Clause 5* replaces section 7 of the principal Act. The section currently provides that the Commission's main function is to act as an advocate for the interests of families generally. The replacement section retains this as a main function of the Commission (the advocacy function), but adds a new function. The new function is described as the monitoring, evaluation, and research function, and is about providing independent monitoring and evaluation of programmes and interventions across the social sector, and research into key issues, programmes, and interventions across that sector.

*Clause 6* amends section 8 of the principal Act, which sets out some additional functions that supplement the Commission's advocacy function. A new function is added, which is to prepare and publish an annual Families Status Report that measures and monitors the well-being of New Zealand families. Other amendments in this clause carry over 2 subsections, as *new subsections (2) and (3)*, that are currently located in section 7 of the principal Act.

*Clause 7* inserts a *new section 8A* into the principal Act. This sets out additional functions relating to the Commission's new monitoring, evaluation, and research function. It provides for the Commission to identify where evidence and research will assist in determining or achieving Government priorities across the social sector, and to commission research, and manage research contracts, in the social sector. Other additional functions are to set standards and specify best practice for monitoring and evaluating programmes and interventions across the social sector, and to establish and maintain a database of research across that sector that is undertaken by or on behalf of Government.

*Clause 8* amends section 13 of the principal Act, which is about mechanisms for obtaining the views of specified groups, and is relevant only in relation to the Commission's advocacy function.

*Clause 9* corrects a cross-heading above section 15 of the principal Act.

*Clause 10* amends section 18 of the principal Act. That Act currently provides that all members of the Commission are referred to as Commissioners, with the chairperson of the board being called the Chief Families Commissioner and the deputy chairperson being called the Deputy Chief Families Commissioner. The amendments in this clause omit the references to the appointment of the Chief Families Commissioner and Deputy Chief Families Commissioner, and to their appointment as chairperson and deputy chairperson of the board of the Commission. Those appointments will be made in reliance on Schedule 5 of the Crown Entities Act 2004, but *clause 12* provides that the current Chief Families Commissioner and Deputy Chief Families Commissioner hold those positions on the date the Act comes into force.

*Clause 11* inserts 4 new sections, and 2 cross-headings, into the principal Act:

*New section 18A* provides for the Minister to appoint 1 member of the Commission as the Families Commissioner. The Families Commissioner's functions are as determined by the Commission.

*New section 18B* establishes a new Social Science Experts Panel, whose function is to provide academic peer review of any research, evaluations, etc, done by or on behalf of the Commission, and otherwise to provide guidance to the Commission.

*New section 18C* provides for the membership of the Social Science Experts Panel. The Panel comprises 4 members appointed by the Commission on the joint recommendation of the Minister and the Prime Minister's chief science adviser (or equivalent). The Commission must appoint a chairperson. Members are appointed for a term of up to 3 years, and may be reappointed.

*New section 18D* provides that the Government Statistician may disclose individual schedules (as referred to in the Statistics Act 1975) to the Commission for bona fide research or statistical purposes pursuant to the Commission's functions.

## **Part 2**

### **Transitional provisions**

*Clause 12* provides that, on the day on which the Act comes into force, the Chief Families Commissioner will become the Families Commissioner and is the chairperson of the Commission under Schedule 5 of the Crown Entities Act 2004. It provides that, on that day, the Deputy Chief Families Commissioner remains as the deputy chairperson, but will have no title other than that of member, and all other Commissioners also become simply members. Other than that, the clause provides that nothing else in the Act affects the terms and conditions of appointment of the existing members of the Commission.

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*Hon Paula Bennett*

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Families Commission Amendment Act **2012**.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent. 5

**Part 1**

**Amendments to Families Commission Act 2003**

**3 Principal Act**

This Part amends the Families Commission Act 2003 (the **principal Act**). 10

**4 Section 4 amended (Interpretation)**

In section 4, repeal the definition of **Commissioner**.

**5 Section 7 replaced (Commission's main function)**

Replace section 7 with: 15

**“7 Commission's main functions**

**“(1) The Commission's main functions are—**

**“(a) to act as an advocate for the interests of families generally (the **advocacy function**); and** 20

**“(b) to provide independent monitoring and evaluation of programmes and interventions in the social sector,**

and provide research into key issues, programmes, and interventions across that sector (the **monitoring, evaluation, and research function**).

“(2) To avoid doubt, the reference to independence in **subsection (1)(b)** refers to independence from the providers of the programmes and interventions that are monitored and evaluated.” 5

**6 Section 8 amended (Commission’s additional functions)**

(1) In the heading to section 8, replace “**additional functions**” with “**advocacy function**”.

(2) In section 8, replace “main function stated in section 7” with “advocacy function”. 10

(3) After section 8(b), insert:

“(ba) to prepare and publish an annual Families Status Report that measures and monitors the well-being of New Zealand families:” 15

(4) In section 8, insert as subsections (2) and (3):

“(2) The advocacy function does not include acting as an advocate for the interests of a particular family or particular families in connection with a particular case or issue.

“(3) In performing its advocacy function, the Commission must identify and have regard to factors that help to maintain or enhance either or both of the following: 20

“(a) families’ resilience:

“(b) families’ strengths.”

**7 New section 8A inserted (Commission’s monitoring, evaluation, and research function)** 25

After section 8, insert:

**“8A Commission’s monitoring, evaluation, and research function**

In order to perform its monitoring, evaluation, and research function, the Commission has the following additional functions: 30

“(a) to identify opportunities where evidence and research will assist in determining or achieving the Government’s priorities in the social sector: 35

- “(b) to commission research in the social sector on behalf of the Government and others:
- “(c) to manage contracts for research in the social sector on behalf of the Government and others:
- “(d) to set standards and specify best practice for monitoring and evaluating programmes and interventions in the social sector: 5
- “(e) to establish and maintain a database of research in the social sector undertaken by or on behalf of the Government.” 10
- 8 Section 13 amended (Mechanisms for obtaining views of specified groups)**  
In section 13(1), replace “powers and functions” with “advocacy function and associated powers”.
- 9 Cross-heading above section 15 replaced** 15  
Replace the cross-heading above section 15 with:  
*“Members of Commission”*.
- 10 Section 18 amended (Membership of Commission)**  
(1) Repeal section 18(2) to (4).  
(2) In section 18(5)(b), replace “Commissioners” with “members”. 20
- 11 New sections 18A to 18D inserted**  
After section 18, insert:
- “18A Families Commissioner**  
“(1) The Minister must appoint 1 member to be the Families Commissioner. 25  
“(2) The functions of the Families Commissioner are as determined by the Commission.
- “Social Science Experts Panel*
- “18B Social Science Experts Panel** 30  
“(1) A Social Science Experts Panel is established.



“(2) The Panel’s function is to provide academic peer review of any research, evaluations, standards, reports, or other publications done or issued by or on behalf of the Commission, and otherwise to provide guidance to the Commission.

**“18C Membership of Social Science Experts Panel 5**

“(1) The Social Science Experts Panel comprises 4 members.

“(2) Each member of the Panel must be appointed by the Commission on the joint recommendation of—

“(a) the Minister; and

“(b) the person (if any) appointed as principal adviser to the Prime Minister on science matters or, if there is no such person, the chief executive of the department responsible for science matters. 10

“(3) The Commission must appoint 1 member of the Panel to be its chairperson. 15

“(4) Every member of the Panel may be appointed for a period of up to 3 years and may be reappointed at the expiry of each term of appointment.

*“Access to information*

**“18D Access to statistical information 20**

“(1) Despite anything in the Statistics Act 1975, the Government Statistician may disclose individual schedules (as referred to in section 37C of that Act) to the Commission solely for bona fide research or statistical purposes pursuant to the functions of the Commission. 25

“(2) Section 37C(2) to (4) of the Statistics Act 1975 apply as if disclosure authorised by this section were disclosure to a government department under section 37C of that Act.”

**Part 2**

**Transitional provisions 30**

**12 Transitional provisions relating to members of Commission**

(1) On the day on which this Act comes into force,—

- (a) the Chief Families Commissioner is renamed the Families Commissioner and holds office as the chairperson of the Commission in accordance with Schedule 5 of the Crown Entities Act 2004; and
  - (b) the Deputy Chief Families Commissioner (if any) ceases to be called a Commissioner but holds office as the deputy chairperson of the Commission in accordance with Schedule 5 of the Crown Entities Act 2004; and
  - (c) all other Commissioners cease to be called Commissioners but remain as members of the Commission.
- (2) Except as provided in **subsection (1)**, nothing in that subsection or in any other changes made by this Act affects the terms and conditions of appointment of any member of the Commission appointed before this Act comes into force.