EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 349

Issued by the Authority of the Minister for Families, Community Services and Indigenous Affairs

Family Law Act 1975

Family Law (Australian Institute of Family Studies) Repeal Regulations 2006

The Australian Institute of Family Studies (AIFS) is established under Part XIVA of the Family Law Act 1975 (the Act).

Subsection 125(1) of the Act provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Regulations is to repeal the Family Law (Australian Institute of Family Studies) Regulations 1981 (the Principal Regulations).

The governance arrangements of AIFS were reviewed in accordance with recommendations accepted by the government from the Review of the Corporate Governance of Statutory Authorities and Office Holders conducted by Mr John Uhrig.

Part XIVA of the Act was amended, with effect from 1 July 2006, by Schedule 8 to the Families, Community Services and Indigenous Affairs and Other Legislation (2006 Budget and Other Measures) Act 2006. The purpose of these amendments was to change the governance arrangements of AIFS from a Board of Management structure to an executive management structure and operation under the Financial Management and Accountability Act 1997 (the FMA Act).

The Principal Regulations deal with matters relevant to the management of AIFS including the appointment of the Presiding Member of the Board of Management (regulation 3), meetings of the Board of Management (regulation 4), Annual Report (regulation 5) and upper threshold for contracts (regulation 6).

The amendments to the establishment of AIFS have rendered the Principal Regulations inoperative because there is no longer any Board of Management, annual reporting requirements are now specified in section 114LC of the Act and any contractual arrangements are entered into under the requirements of the FMA Act and its regulations.
Consultation

No consultation in relation to these Regulations was undertaken because they do not have a direct or significant indirect impact on business and do not restrict competition.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commenced on the day after they were registered on the Federal Register of Legislative Instruments.