

April 2008

Unsuitable Information

Those of us who work for community organisations are all too familiar with the experience of being left muttering helplessly among ourselves when our expertise and knowledge in the area we work in is ignored. Too often we are left fuming on the sidelines as policy analysts and decision makers cook up bright ideas in splendid isolation. There is little satisfaction in watching as their plans unravel; indeed we are often left to pick up the pieces as they move merrily on to their next project.

Yet even those of us who think we are in touch with the needs of our communities can fail to hear the voices of the truly powerless, partly because some groups of people are so marginalised there is no forum for their voice to be heard in. In this situation we can easily make some very wrong assumptions.

The Problem Gambling Foundation was disappointed when the Minister of Internal Affairs announced that lotto products were going online without even consulting his own Expert Advisory Group. If he had consulted he would have discovered that internet gambling is a massive social problem in a number of countries. He would have been told of the dangers of solitary gambling and that young people, and the socially isolated, are particularly vulnerable to developing internet gambling problems.

If he had read a recently published survey, People's Participation in, and Attitudes to, Gambling, commissioned by his own department, he would have found that nearly 70% of New Zealanders see internet gambling as socially undesirable. He might not have claimed that a limit of \$400 a month will provide a safeguard against people developing internet based gambling problems if he had bothered to find out that this is many times higher than the average expenditure on lotto of \$149 annually.

Working our way through the same survey, PGF got something of a lesson itself on how easy it is to make false assumptions. We found beneficiaries are the biggest spenders on gambling by a significant margin. Because few beneficiaries present for treatment we had accepted the conventional wisdom that low income workers are the biggest spenders on gambling.

This information will change some of our practices, but it also highlights how we must all continually look for connections between the various ways in which people are exploited.

For example, do groups working with physically or sexually abused women know that a very high proportion of female problem gamblers have been the subject of abuse? Their gambling problems are another aspect of lives spent constantly being exploited by people more powerful than they are.

Is it acceptable to use funds obtained through one form of abuse to deal with the results of another? Should sports clubs that are struggling to make ends meet in poor communities be accepting money from trusts that deliberately target those communities and contribute hugely to their impoverishment in the first place?

Once we have information that makes us uncomfortable we either have to grapple with it, or risk becoming another barrier for the voiceless to overcome.

*Bill Bradford, Director of Social Marketing
The Problem Gambling Foundation*

Parliament

Announced

Payroll giving and payments to volunteers

The government has just announced plans to change tax laws to make both the charitable giving of money, and of volunteers' time easier.

From next year a voluntary payroll giving system will be introduced, allowing people to donate to charitable organisations through work-based payroll deductions. Payroll giving will be voluntary for both employers and employees—voluntary for employers to offer and employees to participate in and the system will only be available to employers who file their employer monthly schedules with Inland Revenue electronically. Rather than an annual rebate on donations, each payday employees will receive a PAYE credit of 33.3% on the amount of their donation.

Changes will also be made to clarify and simplify the law on how reimbursements and honoraria paid to volunteers in the non-profit sector are treated for tax purposes. This has been a long-standing problem for the sector. Under the changes reimbursements that are based on actual costs incurred by volunteers will be tax exempt. Honoraria will continue to be subject to withholding tax.

These changes will be included in the next taxation Bill, likely to be introduced in June, and coming into force next year.

90 Day Action Plan for Housing

Government agencies have committed to the development of a 90 day action plan to meet the housing needs of families living in sub-standard boarding houses in South Auckland.

Announced by Housing Minister, Maryan Street, the plan includes:

- An assessment of all tenants living in all boarding houses in South Auckland;
- Developing a set of national standards to ensure vulnerable families are only referred to appropriate accommodation; and
- Moving on changes to the Residential Tenancies Act, to give boarding house tenants better protections and to place greater obligations on boarding house landlords.

Introduced

Employment Relations (Breaks and Infant Feeding) Amendment Bill

This is a Government Bill introduced 2 April and since referred to the Transport and Industrial Relations committee. The Bill legislates for minimum meal and rest breaks for all employees, and will require employers to provide facilities and breaks for employees who wish to breast-feed, or express milk, while at work.

The government acknowledges that while most collective agreements do provide for rest and meal breaks, there is currently no statutory obligation on employers to provide them. The Bill will entitle employees to paid 10 minute rest breaks and unpaid 30 minute meal breaks—how many depending on the number of hours worked. Breaks for women to breastfeed will be unpaid and in addition to rest and meal breaks.

Some business and employer groups have called the Bill unnecessary, saying that all good employers already provide breaks, frequently over and above those set out in the Bill. However unions, particularly those representing low paid workers, welcome and support the Bill.

Maori Trustee and Maori Development Amendment Bill

Also a Government Bill, this Bill amends the Maori Trustee Act 1953 to make the Maori Trustee and the Maori Trustee Office a stand-alone organisation, amends the way the Maori Trustee is appointed and removed, and creates a new independent statutory corporation, Maori Business Aotearoa New Zealand, to further Maori economic development.

The role of the Maori Trustee, in existence since 1921, is to help manage Maori land by, for example, acting as either trustee or agent for the owners of Maori land. Trustees are accountable to both landowners and the Maori Land Court. The Maori Trust Office is currently part of Te Puni Kokiri.

Children, Young Persons and Their Families Amendment Bill (No 6)

A Government Bill, introduced late last year, makes a number of changes to the 1989 Act. These include raising the age of young people covered by the Act to include 17 year olds, clarifying when government and non-government agencies can share information about the safety and welfare of children, and strengthening the participation of children and young people in all care and protection processes especially family group conferences. Increasing the age of young people covered by the Bill to 17 is in line with research that shows that the youth justice system is more effective at stopping re-offending by young people. The Bill has been referred to the Social Services committee (see below).

Submissions requested

There is still time to make submissions on these Bills:

- **Children, Young Persons and Their Families Amendment Bill (No 6)** Submissions to Social Services committee by 28 April
- **Maori Trustee and Maori Development Amendment Bill.** See above. Submissions to Maori Affairs committee by 14 May
- **Employment Relations (Breaks and Infant Feeding) Amendment Bill.** See above. Submissions to Transport and Industrial Relations committee by 19 May.

You can read or download all New Zealand Bills, Acts and regulations free of charge on www.legislation.govt.nz.

Legislation Update

Legislation	Stage and Progress	Impact
Affordable Housing: Enabling Territorial Authorities Bill	Government Bill. Introduced 4 December 2007. Submissions closed.	Bill would allow councils to assess level of affordable housing in their area, require developers to include affordable housing in their plans.
Children, Young Persons & Their Families Amendment (No.4) Bill	Awaiting second reading.	Aims to improve youth justice processes, prevent persistent offending. CYFS may assign investigation and care to NGOs.
Children, Young Persons & Their Families Amendment Bill (No.6)	With select committee. Submissions close 28 April.	Increases the age of young people covered by the Bill to 17 years.
Climate Change (Emissions Trading & Renewable Preference) Bill	Government Bill. Introduced 4 December 2007. Referred to select committee. Submissions closed.	Bill would introduce a greenhouse gas Emissions Trading Scheme and implement a 10 year moratorium on new fossil-fuelled thermal electricity generation.
Corrections Amendment Bill (No.2)	With Law and Order committee. Submissions closed.	Bill to improve operation of corrections system, including ability to manage advances in electronic communication.
Corrections (Mothers with Babies) Amendment Bill Members Bill (Sue Bradford)	Reported back from select committee.	Allows children up to 2yrs old to stay with their mothers in prison, provided there is no record of offences against children.
Criminal Procedure Bill	Still in committee stages in the House.	A large "omnibus" Bill to improve court efficiency, modify jury system, change double jeopardy rules.
Criminal Proceeds (Recovery) Bill	With select committee. Report due 25 July 2008.	Enables confiscation of property from people engaged in or who have profited from crime.
Employment Relations (Breaks and Infant Feeding) Amendment Bill	With select committee. Submissions close 19 May.	See page 2.
Employment Relations (Flexible Working Arrangements) Amendment Bill	Members Bill (Sue Kedgeley). Passed 26 November. Comes into force 1 July 2008.	Establishes legal framework to negotiate flexible working hours.
Family Courts Matters Bill	With select committee. Reported back. See page 4.	Increases openness of Family Court proceedings, introduces new mediation processes.
Gambling Amendment Bill (No.2)	With select committee. Report due 23 May 2008.	Contains technical amendments to allow original Act (2003) to operate as intended.
Human Tissue Bill	Awaiting third reading.	Regulates supply and use of human tissue and organs.
Immigration Bill	With select committee. Report due 16 April 2008.	Rewrites and consolidates immigration legislation, introduces new visas.
Land Transport Amendment Bill (No.4)	With select committee. Report due 15 April 2008.	Increases powers of police to deal with drug-impaired drivers.
Maori Trustee and Maori Development Amendment Bill	With select committee. Submissions close 14 May.	See page 2.
Policing Bill	New Government Bill. Introduced 18 December 2007.	Replaces existing Act. Modernises organisation and administration of NZ Police. Addresses weaknesses e.g. confused lines of accountability.
Public Health Bill	Referred to Health select committee. Submissions closed.	Revises public health legislation including border protection and quarantine provisions.
Social Assistance (Debt Prevention & Minimisation) Amendment Bill	Reported back.	Enables data matching to allow Ministry of Social Development to prevent and recover debt.
Summary Offences (Tagging and Graffiti Vandalism) Amendment Bill	Government Bill. Introduced 15 February 2008. Submissions closed.	Bill creates specific offence for graffiti vandalism.
Waka Umanga (Maori Corporations) Bill	New Government Bill. Introduced 21 November 2007. Submissions closed.	Provides for the establishment of new legal entities by tribal groups or Maori associations.

Reported back

Family Courts Matters Bill

The Social Services committee has reported on the Family Court Matters Bill, recommending that it be passed. The Bill amends existing family law legislation to increase the openness of Family Court proceedings and provides for “non-judicial mediation”—a programme piloted in 2005—and allows Judges to direct attendance to mediation to resolve disputes.

A change to the Bill made at select committee allows Family Court Judges to recommend children to counselling when day-to-day care, contact or guardianship of the child is in dispute to help, for example, a child accept or understand a parenting order. Children who wish to participate in mediation can also request counselling.

News

1 April—Not just April Fools Day

1 April has traditionally been the starting date for a raft of government programmes and initiatives, and this year was no exception. Starting from that day:

- The removal of the \$1890.00 cap on charitable donations. Announced as part of the 2007 Budget, donations of any amount (up to an individual’s total net income) will be eligible for a 33.3% rebate. Previously only donations up to \$1890.00 were eligible for the rebate.
- KiwiSaver providers are required to disclose their approach to “responsible investing”—including what environmental, social and governance factors are considered when investing.
- A drop in the company tax rate from 33% to 30%

KiwiSaver enrolments

When the KiwiSaver scheme began July 1 2007, it was estimated that 276,000 people would enrol in the first year. However just 10 months into the scheme, total membership is 542,000. Concerns that membership would be confined to the middle-income and the middle-aged have proved to be unfounded. More than 1 in 4 people enrolled in the scheme are under 25, and 18% of members have household incomes of less than \$30,000, with a further 28% having household incomes between \$30-50,000. In addition, the “opt-out” rate is much lower than expected (every person starting a new job is automatically enrolled in KiwiSaver but can opt out) with just half rather than an estimated 83% choosing not to be part of the scheme.

Not bad for a country not famous for its saving and an interesting problem for the National Party who voted against KiwiSaver and have not committed to running it in its current form.

Electoral Finance Act

Claims made during last years heated debate on the Electoral Finance Act, that much of this year’s election campaign might be played out in the courts, may yet prove to be correct. National has challenged a Electoral Commission ruling that the EPMU could register as a third

party (allowing it to spend up to \$120,000 on election advertising) on the grounds that the union is too closely entwined with Labour, and is filing a second action seeking clarification on what taxpayer funded activities undertaken by MPs will or should be counted as election spending under the Act.

Census of Women’s Participation 2008

This Human Rights Commission report found that Maori women are among the most disadvantaged in the labour market. In 2007, female Maori earned less than Pacific women and just 86.1% of Pakeha-European women. And while Maori women feature strongly in community and voluntary work, they are almost invisible in governance roles. www.hrs.co.nz

New MP

Su’a William Sio has been sworn in as a Labour list MP, replacing retiring MP Dianne Yates. Sio was deputy Mayor of Manukau City and will stand against independent MP Taito Philip Field in the Mangere electorate.

Electorate profiles

New up-dated electorate profiles are now available on the New Zealand parliament website. More interesting than you might think! the profiles provide statistical information about people, households, schools and businesses in each of New Zealand’s 70 electorates. www.parliament.nz

Different treatment not unlawful

A human rights campaigner has lost her most recent claim seeking equal benefits for people disabled by illness. Melanie Trevethick had argued in the Human Rights Tribunal—and now the High Court—that the different treatment for people disabled by illness to people entitled to ACC was unlawful. While the High Court agreed that the different treatment is unjust, they found that it is not unlawful and does not fall under the Human Rights Act. Discrimination on the ground of cause of disability is not one of the specified grounds of discrimination.

Ms Trevethick has multiple sclerosis and uses a wheelchair. She has had to sell her home to buy a modified van. Had she been disabled as the result of an accident ACC would have meet the full cost of the van. Ms Trevethick’s lawyers are considering appealing to the Court of Appeal.

New Zealand Federation of
Voluntary Welfare Organisations 

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Working jointly with the Office for the Community & Voluntary Sector, the NZFVWO has also produced Keeping it Legal E Ai Ki Te Ture, a resource designed to meet a continuing need for all voluntary and not-for-profit organisations to have simple and accurate information about their legal obligations. It is online at: www.keepingitlegal.net.nz