

2005/2

March 2005

Single core benefit - for whose benefit?

Last month, Social Development and Employment Minister Steve Maharey announced that work to implement a single benefit system would begin in May of this year. Under the new system seven main benefits will be replaced with a single core benefit with just one set of rates and eligibility criteria. Extra payments, or “add-ons”, will provide additional assistance in areas such as housing and childcare and for people with disabilities. Mr Maharey has stated that no one will be financially worse off as a result of the changes.

The single core benefit will only replace the working age benefits (for example, unemployment, sickness, invalids' and DPB) and will not affect superannuation, or the orphans and unsupported child's benefit. There will be some changes to the emergency and youth benefits, but they are likely to remain as separate benefits. The widows benefit will be grandparented (or continued) for those currently on it, but will become part of the new system in the future.

As with most Labour Government policy announcements, the creation of a single benefit system was well-signalled, (perhaps in this case, fortuitously, to avoid any claims of a post-Orewa backlash as in 2004). The creation of a single universal benefit has been a long-held aim of many in the Labour Party and was first considered by then Social Welfare Minister Michael Cullen in the late 1980s. However there is an important difference between the universal system mooted by Dr Cullen in the 1980s and the new single core benefit, and it is this difference that is concerning voluntary organisations, particularly those working with people with disabilities.

A key feature of the new system is the emphasis not on income support but on moving people from welfare to work. The single core benefit will have two streams:

- the rapid return to full-time work for people ready to work
- the work development and preparation stream for people who need a more gradual transition to work.

The Minister stated some people with serious health problems or disabilities will continue to be exempt from any work expectations. But disability groups are concerned that invalid and sickness beneficiaries will be more tightly assessed for work-readiness (and this a group that already face significant barriers to finding meaningful employment) and that there will no longer be a presumption that disabled people and those suffering serious ill-health cannot work.

The heavy emphasis of the new single core benefit system on shifting beneficiaries from welfare to work raises interesting philosophical questions about the purpose of welfare.

- Is a welfare system about providing a decent standard of living for people unable to work or is it only about getting people into work?
- Is it better to be in work, any work, however low waged or casual, than to be temporarily financially supported while, for example, caring for children or disabled family members?

The government's timeline for introducing the new benefit system will see the system being trialled in 11 areas in May 2005, with policy decisions and legislation being decided from July. Full implementation is scheduled for 2007/2008. The government has indicated they will be talking to (note, not consulting with) key stakeholders over the next few months.

For more information see the Ministry of Social Development's website at www.msd.govt.nz

- Nicola Shirlaw

PARLIAMENT

Voted down

Sentencing Amendment Bill

The first reading of the private member's bill, Sentencing (Community Sentencing to Fit the Crime) Amendment Bill, introduced by Muriel Newman, was lost by a vote of 63 to 57.

Reported Back

Social Security (Social Assistance) Amendment Bill

The Social Services Committee recommended only one change to this Bill (which increases the amount deducted from the Domestic Purposes Benefit for parents who do not name the father of their child), to make it clear that it applies to existing beneficiaries as well as those newly applying. The Committee said that proposals for State-funded paternity testing, and a public education campaign to inform fathers of their legal rights, were outside the scope of the Bill but 'merited investigation by the Government'.

Passed

Relationships Bill

The Relationships (Statutory References) Bill which amended relevant Acts and regulations to provide the same legal rights and responsibilities to married, de facto (including same-sex) and civil union relationships passed its third reading on 15 March with a two-thirds majority. The Justice & Electoral Committee recommended several changes concerning references to de facto relationships, particularly the definition.

'De facto' is now defined as two people who live together as a couple in a relationship in the nature of marriage, are not married to, or in a civil union with, each other, and are both over 16. They also replaced a list of criteria for such a relationship with a simple requirement that the court or person must have regard to 'the context or purpose of the law in which the question is to be determined, and all the purposes of the relationship'.

The Select Committee also removed references to de facto relationships in some categories of law, and made changes covering protection of the language associated with marriage. The Law Commission is being asked to report on matters such as next of kin and other domestic relationships, and do further work on the law related to de facto couples.

Submissions called for Constitutional Arrangements

This committee is continuing its review of New Zealand's existing constitutional arrangements. The committee resolved to call for public submissions on New Zealand's existing constitutional arrangements. The closing date for submissions is Thursday, 14 April 2005.

The terms of reference are:

To undertake a review of New Zealand's existing constitu-

tional arrangements by identifying and describing:

1. New Zealand's constitutional development since 1840;
2. the key elements in New Zealand's constitutional structure, and the relationships between those elements;
3. the sources of New Zealand's constitution;
4. the processes other countries have followed in undertaking a range of constitutional reforms, and
5. the processes which it would be appropriate for New Zealand to follow if significant constitutional reforms were considered in the future.

Committee chairperson the Hon Peter Dunne says New Zealand's constitutional arrangements are complex and found in various places including formal legal documents, decisions of the courts, and practices and conventions. To assist it to understand the issues that the current arrangements present, the committee is currently working on terms of reference (1) and (4). The committee invites submitters to address in particular, terms of reference (2) and (3). The committee is especially interested to hear about those constitutional arrangements that are helpful or useful, or those that are obscure, or give rise to ambiguity, contradiction or frustration. Members of the public may also like to comment on aspects of our constitutional arrangements that they consider would benefit from clarification.

Given the fact-finding nature of the terms of reference and the time constraints of this inquiry, at this time the committee asks for written submissions only, including a 4-500 word summary of key points. This does not preclude the committee from inviting written submitters to later present oral evidence. Electronic submissions are encouraged. The committee website is due to go live in early April 2005. A press release will be made when this occurs. Submissions will be posted on the website. More from 04 471 9295 or email Beth.watson@parliament.govt.nz.

Websites

Parliament Online

A comprehensive overhaul of Parliament's web-based, public information services is underway. The project has two components – the development of an all-of-Parliament website and an Electronic Committee pilot. The former will amalgamate the current Parliamentary website and that of the Office of the Clerk to provide a single interface to all Parliamentary services for the public. The projected launch date is January 2006.

The Electronic Committee project, designed to replace dozens of paper-based official documents with online versions, will:

- provide each of the 14 select committees with its own page, with sub-pages beneath;
- enable select committee submissions to be accepted electronically (at present 20 hard copies are required); and
- enable all select committee submissions to be published online, along with the summaries prepared by officials (this service has been in a limited test mode for the past few months).

Legislation Update

Legislation	Stage & Progress	Impact
Charities Bill	Committee reported 17 December.	Sets up Charities Commission; provides for voluntary registration for tax purposes.
Children, Young Persons & Their Families Amendment (No.4) Bill	Awaiting committee stages. Supplementary Order Paper 261 outlines changes.	Aims to improve youth justice processes & prevent persistent offending.
Courts & Criminal Matters Bill	Awaiting second reading.	Deals with fines collection and civil enforcement; amends 9 Acts.
Criminal Procedure Bill	Before Law & Order Select Committee; report due 8 April 2005.	Omnibus bill to improve court efficiency, modify jury system, change double jeopardy rule.
Disabled Persons Employment Promotion (Repeal & Related Matters) Bill	Before Social Services Select Committee; report due 31 March 2005.	Ensures people with disabilities in sheltered workshops have the same wage & employment rights as other workers.
Human Rights (Gender Identity) Amendment Bill (Private Member's Bill, Georgina Beyer)	Introduced 24 October 2004. Consideration delayed until 11 August 2005.	Includes 'gender identity' as a prohibited ground for discrimination.
Injury Prevention, Rehabilitation & Compensation Amendment Bill	Committee reported 17 December. Awaiting second reading.	Significant changes in medical error and misadventure provisions. Extends cover to mental injury from sexual abuse.
Members of Parliament (Pecuniary Interests) Bill	First reading completed. Now before Standing Orders Committee. Report due 1 May 2005.	Sets up a register of all MPs' pecuniary interests, including involvement in trusts and other bodies receiving government funding.
NZ Sign Language Bill	Before Justice & Electoral Select Committee; report due 31 March 2005.	Officially recognises NZ Sign Language (NZSL).
Residential Tenancies Amendment Bill	Social Services Select Committee reported back 10 March 2003. Awaiting second reading.	Select Committee recommends clarifying definition of boarding house, protection for tenants' property, limits to bonds, 14 days' notice of termination for education providers and employers.
Sex Offenders Registry Bill (private members' bill, Deborah Coddington)	Before Justice & Electoral Select Committee. Report due 17 May 2005.	Requires registration of convicted sex offenders on database accessible by police & other agencies (not public). Those listed can check their entry for accuracy.
Social Security (Social Assistance) Amendment Bill	Social Services Committee reported. Awaiting second reading.	Further reduces benefit for non-paternity identification; accommodation supplement extended; stand-down period choice.

The exception to the modernisation programme is the publication online of new Bills by the Parliamentary Council Office, which has encountered major problems with its new online publishing system. That service was to be launched last year, but is now not likely before the end of next year and will possibly drift into 2007. NB: You can, however, get free access to the texts of Bills now by going to www.clerk.parliament.govt.nz/Publications/ and clicking on the [Bills](#) link. You can also view current legislation from the same page, by clicking on [Acts](#).

New website for Incorporated Societies and Charitable Trusts

The Companies Office has launched www.societies.govt.nz to enable online services and information to be developed for organisations operating in the voluntary sector. It will enable online filing of financial statements as well as updating of addresses and contact details.

News

Minimum wage increase

The minimum wage increases from \$9 to \$9.50 on 21 March 2005, and the minimum hourly rate for workers aged 16-17 from \$7.20 to \$7.60 per hour.

Employment seminars

Half-day seminars on A Guide to Minimum Employment Conditions in New Zealand are coming up. Run by the Employment and Manufacturers' Association, these cost \$50 plus GST and are being run in regional centres. More from www.emacentral.org.nz/seminars/view.asp?id=1020

Restorative justice satisfies victims

Two Ministry of Justice reports released in late February evaluated community-managed restorative justice programmes in Wanganui and Rotorua. The programmes are among 19 around the country funded through the ministry's Crime Prevention Unit.

The evaluations found both programmes had generally secured the support of victims, the wider community, and interested parties including the Judiciary, Police and Victim Support.

Around 95 per cent of the victims who were surveyed said they were generally satisfied with their restorative justice meetings, and the majority of victims received an apology from their offender.

However, while restorative justice has significant benefits for victims and communities by repairing some of the harm caused through offending, the evaluations found the re-offending rates of offenders who took part in these two programmes remained the same as for those of similar offenders dealt with by more mainstream criminal justice processes.

Some other evaluations of restorative justice programmes, such as Project Turnaround in Timaru, found not only significantly increased satisfaction on the part of victims with the process, but also reduced offending rates.

The reports conclude that other events in the life of the offender are also likely to impact on the propensity to re-offend. These require significant and long-term intervention beyond that provided in the restorative justice process.

The two reports would help shape initiatives to improve restorative justice practice in line with best practice guidelines released in May 2004.

The reports can be found at www.justice.govt.nz

Appointed

Employment Court

Judge Graeme Colgan has been appointed as the next Chief Judge of the Employment Court, replacing Chief Judge Thomas Goddard as from 20 May 2005.

Resources

How-to Guide to Legal Structures for community organisations

A page on CommunityNet lists resources for people setting up community organisations, with links to comparisons of the different options, guide to becoming incorporated, and templates including Charitable Trust and Incorporated Society sample deeds. It includes a case study (on the Wellington Somali Community Association) and links to the Companies Office and Inland Revenue information sites. (www.community.net.nz)

Human Rights in New Zealand Today

This is a Summary Report from the Human Rights Commission on how New Zealand is getting on in meeting its obligations under various Conventions. The hundred-page booklet looks at NZ's record in observing the rights of children and disabled people, civil and political rights; economic, social and cultural rights and race relations. Available from Human Rights Commission offices, 0800 496 877, or download from www.hrc.co.nz.

Patterns of Family Formation & Change in NZ

A comprehensive population study of social changes in families – marriage, separation, re-partnering, timing of parenthood and spacing between children, sole parenthood, blended families and children's patterns of leaving home – over the period beginning 1936. Published by the Centre for Social Research & Evaluation, Ministry of Social Development, tel 04 916 3300, or www.msd.govt.nz

From Housing to Homes

A Salvation Army report into NZ patterns of home ownership, *From Housing to Homes*, outlines a number of policy options that government could use to assist low and modest income households into homeownership. These options include shared equity, right-to-buy, leasehold for key workers, and supported savings. More from www.salvationarmy.org.nz

Legal Services Agency Maori language leaflets

Topics cover A Guide to Legal Aid and other legal assistance, the Police Detention Legal Assistance Scheme, the Duty Solicitor scheme, civil/family legal aid and criminal legal aid. There is also a brochure listing Community Law Centres. www.lsa.govt.nz

Adult Literacy and Economic Growth

A research paper from the treasury series, the paper looks at whether an increase in the basic literary skills of adults would have a positive effect on the New Zealand economy. Lots of number-crunching. WP04/24, available from www.treasury.govt.nz.

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