

2005/9

November 2005

## **Election and aftermath - what could it mean for NGOs?**

Well – what an interesting election. Labour held its vote – a notable achievement. What changed dramatically was that the “non-Labour” vote coalesced strongly around the National Party, mostly at the expense of NZ First and United Future. The small overall swings that resulted have had a huge impact, with Labour opting for the widest possible “coalition”. The losers, in terms of seats around the Cabinet table, are the Greens. With the Maori Party opting in their first term to stay on the cross benches, the overall feel of the new government is more conservative, and more to the political right.

These changes are important to the community and voluntary sector.

The Greens have a formal agreement with Labour with three levels of priority focus. The community and voluntary sector is one of only three items in the second level. The agreement specifies full participation by the Green Party in the policy development process and development of legislation, access to relevant Cabinet Ministers and officials and papers. Sue Bradford is the Greens spokesperson for the Community and Voluntary Sector portfolio. She came to Parliament from a long history of engagement in our sector, and will have kept in close touch with developments over the past six years. Her formal engagement, via the Greens’ agreement, will prove important.

United Future, in their Confidence and Supply Agreement with Labour, specify that “a new tax rebate regime for charities will be developed”. Gordon Copeland, one of the three United Future MPs, has been a long time proponent of this change, and was instrumental in supporting the new Charities Commission as a first step in moving towards greater tax deductibility for charitable donations.

The key ministerial appointment is that of Lulumanavao Winnie Laban as Minister for the Community and Voluntary Sector. Her appointment was received with warm support from sector leaders. She has worked in the sector, and has demonstrated understanding of our realities. She is liked and trusted within the Labour Party and has the capacity to work with diverse groups. Labour’s support for our sector, and a strengthening of relationships, faltered somewhat in the last part of their second term in office. The work of the Community-Government Relationships Working Party, and of the Steering Group received firm government support. The 2001 Statement of Government Intentions (with the perhaps aptly named acronym of SOGI!) was a high point of this portion of work.

Winnie Laban has an exciting task – to revive the sense of importance that led to the creation of this Cabinet position. I believe she has the background and the political savvy to do this, despite her junior ranking.

Some of the other key ministerial appointments auger well for improved relationships with our sector. Ruth Dyson has built a strong reputation for respectful relationships with NGOs in her Disabilities Issues and Senior Citizens portfolios, which she retains. Social Development (David Benson Pope) and Health (Pete Hodgson) are both large departments with huge NGO connections. Both Ministers, while relatively unknown in our sector, seem likely to be able to rise to the challenge of seeing our sector, not as sources of cheap contracted labour, but as the glue that helps build a vibrant and robust national community.

*Peter Glensor  
Chair, Community Sector Task Force*

# PARLIAMENT

## Legislation proposed

### **Paid Parental Leave & Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Bill**

Parliament increased PPL to 14 weeks last December and now proposes to extend eligibility to some self-employed workers. It also reduces to 6 months the minimum period before an employee qualifies. It includes self-employed women giving, or assuming the care of a child under 5 with a view to adoption. PPL can be transferred to an eligible partner, whether an employee or self-employed, provided it is the mother who qualifies for the entitlement. It is intended to come into force from 1 July 2006.

Some people still do not qualify:

- self-employed working less than 10 hours a week
- casual or seasonal workers
- unpaid carers for children under 5
- grandparents.

Self-employed people with contract or concurrent work for six months but who take breaks of 30 or more days within that period also do not qualify.

## Released

### **Retirement Villages Code of Practice**

After nearly two years, work on a Retirement Villages Code of Practice has produced a document for both the industry and consumers. Released by the Retirement Commissioner in early November, the Code requires any retirement village owner to make major disclosures to those who buy into it.

Full information must be provided on:

- staffing policy, actual staff
- safety and personal security details, including for residents with disabilities
- provisions for transfer within the village, including financial arrangements
- complaints procedures
- sales process, including marketing, refurbishment, valuing and operator purchase.

Operators must comply with employment standards and train their staff on the Code.

Promotional material must include specific timeframes for services, communication needs of residents must be recognized and catered for, independent assessments of properties permitted, and fire protection and emergency management incorporated into design, staff training and resident information.

Maintenance plans must cover at least ten years, and residents' committees and other involvement specified and well-supported.

To become effective, the Code requires ministerial approval. Details on [www.retirement.govt.nz/](http://www.retirement.govt.nz/) in the retirement villages section.

# NEWS

## Human Rights concerns

A total of 7344 enquiries and complaints about human rights matters were received by the Human Rights Commission in 2004-5, according to the Commission's Annual Report. Of these, 1862 were classified as having an element of unlawful discrimination. Compared with last year, there was a significantly higher percentage of disability-related complaints, increasing from 15 percent to 23 percent of the total.

Sexual harassment complaints increased from five to nine percent of the total. A substantial decrease in age-related complaints attributed to an unusual number of these in the previous year, when there were 176 complaints about the compulsory driving test for people over 80.

## Domestic Violence Act – how well is it working?

Ten years after the Domestic Violence Act was passed in 1995, the National Collective of Independent Women's Refuges has found that while the legislation is great, the Act is still not working to its full potential.

Main issues raised were:

- fewer protection orders issued (25 percent down on 5 years ago) and a doubling (to 15 percent) in orders 'on notice' (up to 3 months' allowed for the respondent to challenge)
- 'prohibitive' cost of gaining protection orders (only 42 percent of applicants get legal aid)
- minimization of violence and trends to victim-blaming (accusations of women using protection orders as a sword not a shield)
- delays in gaining protection – 8-12 weeks for a defended hearing, leading to 80 percent of victims retracting their charges.
- low referrals to programmes (declined by a third over 5 years)
- lack of consequences for those who breach protection orders. Police statistics show a 48 percent increase in recorded offences in the seven years to 2003. In that year less than two-thirds of breaches resulted in offender arrest and 14 percent in a caution.

Women's Refuge recommendations include need for ongoing education and training for the justice sector, commitment from both government and community agencies to working together and eliminating gaps, and an improvement in consistency of response.

(from an article in *Children* October 2005, from the Office of the Children's Commissioner)

## Ethnicity Measurement Review

Statistics NZ completed a review of the measurement of ethnicity in 2004, to make sure the measure was relevant to users and also the public who supply the information. The Review found:

- continued need for collection of detailed ethnicity data
- that ethnicity be measured in a consistent way across all official statistics

- that the 2006 Census should use the same ethnicity question as in 2001

- that all official collection of ethnicity should be able to record multiple ethnicity responses

- self-identification should continue to be the reporting method.

Continuing education about ethnicity for respondents, data users and producers of ethnicity data is necessary, the Review concluded, along with a comprehensive programme of research into the measurement of ethnicity in official collection. This is due for completion by 2009.

More from [www.stats.govt.nz](http://www.stats.govt.nz)

## Baywide Community Law Service

This, the latest Community Law Centre to open, was officially launched in two places – Whakatane and Tauranga – where it operates alongside the Citizens' Advice Bureaux in those cities. Services are available daily in Tauranga and two-and-a-half days a week in Whakatane. The initial focus of the service is on case work, including legal advice and ongoing legal representation. There will be a limited amount of law-related education to begin with, and the community will be involved as it develops.

(LSA News Sept05)

## Child Discipline

A new wording for S. 59 of the Crimes Act has been proposed by the Auckland District Law Society to tackle the concerns of those who feel that repeal would mean instant criminalization of any parent who disciplined their child physically. The Law Society suggests the following text:

### 59. Domestic discipline

(1) every parent of a child and, subject to subsection (5), every person standing in the place of a parent, is protected from criminal responsibility when using force for the sole purpose of correction towards that child, if the force used is no more than is reasonably justified in the circumstances.

(2) Whether the force applied can be found to be reasonably justified by a properly instructed jury, is a matter of law. Whether the force applied is reasonably justified, is a matter of fact.

(3) ..... Examples of conduct that cannot be reasonably justified include:

(a) force that materially contributes to actual bodily harm, whether that result was intended or not;

(b) any striking above the shoulder;

(c) any conduct that but for this section would be an offence more serious than assault.

(4) A child is defined as a person over the age of 2 years and under the age of 13 years.

(5) Nothing in subsection (1) of this section justifies the use of force towards a child in contravention of section 139A of the Education Act 1989.

(6) Any conduct not protected by this section, is not protected by any defence relating to parental rights or privileges.

The six-page paper from the Law Society goes on to explain the proposed new wording. It hopes that this might provide a tighter, more clearly defined threshold for criminal conviction, while preserving 'a zone for intra-familial discipline which will not be intruded on by the state'.

More from [www.adls.org.nz](http://www.adls.org.nz)

## Resources

### Release on track

*Keeping It Legal*, the user-friendly successor to the Federation's Risk Management Manual, is on track for initial release in the first week of December. After over a year's cooperation between the NZFVWO and the Office of the Community and Voluntary Sector, *Keeping It Legal* will first be issued as a printed resource package comprising four worksheets/brochures and 17 Fact Sheets.

Early next year, about 15 free workshops are planned around the country introducing the resource to the community and voluntary sector. Providing access to it via the web is also under way. Details next issue.

### Managing Well

A new catalogue listing organisational resources available for people running community and voluntary organisations has been published by the Ministry of Social Development. It is part of a capacity-building project by the Family and Community Services and the Office for the Community and Voluntary Sector.

The catalogue, *Managing Well: resources for community and voluntary organisations*, lists over 120 written resources, websites, newsletters, manuals and information sheets and other documents about running an organisation. It includes a directory of organisations that provide capacity-building support for the community and voluntary sector.

### www.ocvs.govt.nz

Launched this month, the website is a useful starting place for information about the voluntary sector as well as about the government's Office for the Community and Voluntary Sector. While some of the language is a bit OTT – 'The OCVS exists to inspire co-operation and superb relationships between the government and community and voluntary sector', there's a lot about good practice.

You can also find interesting material; for example, the three papers *Volunteering and Tangata Whenua*, *Volunteering and Pacific Peoples*, and *Volunteering and Ethnic Peoples in New Zealand* pull together feedback from these groups during development of policy advice. Find them in the publications section.

### A Guide to the Charities Act

A simple 8-page A5 booklet issued by the Charities Commission, this Guide summarises the nature of the Commission, the requirements of the Act, the registration process and requirements. Registration will begin in the first half of next year and the Commission will run 'a comprehensive ongoing education and information programme' for organisations considering registration. Booklets free from the Commission, P O Box 8072, Wellington, or visit [www.charities.govt.nz](http://www.charities.govt.nz)

## Ministers and party spokespeople *in selected portfolios*

**ACC:** Minister Ruth Dyson; Green – Sue Bradford; National – Paul Hutchison; NZ First – Peter Brown.

**Attorney General:** David Parker

**Children's Policy:** *National – Paul Hutchison, NZ First – Barbara Stewart.*

**Community & Voluntary Sector:** Minister Winnie Laban; Green – Sue Bradford; NZ First – Judy Turner.

**Consumer Affairs:** Minister Judith Tizard; Green – Sue Kedgley; National – Brian Connell.

**Corrections:** Minister Damien O'Connor, Associate Minister Mita Ririnui.

**Courts:** Minister Rick Barker.

**Disability Issues:** Minister Ruth Dyson; National – Paul Hutchison.

**Economic Development:** Minister Trevor Mallard, Associate Minister David Cunliffe, Associate Minister Winnie Laban; National – Katherine Rich, Mark Blumsky.

**Education:** Minister Steve Maharey, Associate Minister Parekura Horomia; Green – Meteria Turei; National – Bill English, *Pansy Wong (International Education)*, Colin King, Allan Peachey; NZ First – Brian Donnelly.

**Employment:** Minister David Benson-Pope.

**Ethnic Affairs:** Minister Chris Carter.

**Family Affairs:** *National – Judith Collins; NZ First – Barbara Stewart.*

**Health:** Minister Pete Hodgson, Associate Minister Damien O'Connor, Associate Minister Peter Dunne, Associate Minister Mita Ririnui; Green – Sue Kedgley, Meteria Turei; National – Tony Ryall, Jackie Blue, Jonathan Coleman, Jo Goodhew; NZ First – Peter Brown, Barbara Stewart, Ron Marks (*Mental Health*); United Future – Judy Turner.

**Housing:** Minister Chris Carter; Green – Sue Bradford; National – Phil Heatley, Bob Clarkson; United Future – Judy Turner.

**Immigration:** Minister David Cunliffe, Associate Minister Clayton Cosgrove; Green – Keith Locke; National – Lockwood Smith, Pansy Wong; NZ First – Winston Peters.

**Internal Affairs:** Minister Rick Barker; Green – Sue Bradford.

**Justice:** Minister Mark Burton, Associate Minister Clayton Cosgrove; Green – Meteria Turei; National – Richard Worth, Kate Wilkinson; United Future – Peter Dunne.

**Labour:** Minister Ruth Dyson; National – Wayne Mapp, Paula Bennett; NZ First – Peter Brown.

**Law & Order (incl Corrections):** *National – Simon Power; Chester Borrows.*

**Maori Affairs:** Minister Parekura Horomia; Green – Meteria Turei; National – Gerry Brownlee, Georgina Te Heu Heu; NZ First – Pita Paraone.

**Pacific Island Affairs:** Minister Phil Goff, Associate Minister Winnie Laban; Green – Keith Locke; National – John Hayes; NZ First – Brian Donnelly. *Liaison with Pacific Island New Zealanders: National – Judith Collins.*

**Race Relations Coordination:** Annette King.

**Rural Affairs:** Minister Damien O'Connor; Green – Sue Bradford; National – Shane Arden; NZ First – Doug Woolerton.

**Senior Citizens:** Minister Ruth Dyson, Associate Minister Winston Peters; National – Sandra Goudie, Nathan Guy; NZ First – Barbara Stewart; United Future – Judy Turner.

**Social Development & Employment:** Minister David Benson-Pope; Associate Minister Ruth Dyson (Child Youth & Family), Associate Minister Winnie Laban, Associate Minister Parekura Horomia; Green – Sue Bradford.

**Social Services:** *Green – Sue Bradford; United Future – Judy Turner*

**Sport & Recreation:** Minister Trevor Mallard; Green – Keith Locke; National – Eric Roy, NZ First – Brian Donnelly.

**Tertiary Education:** Minister Michael Cullen, Associate Minister Jim Anderton.

**Welfare:** *National – Judith Collins, Paula Bennett, Chester Borrows; Welfare (CYFS) – Anne Tolly.*

**Women's Affairs:** Lianne Dalziel; Green – Sue Kedgley; National – Jackie Blue; NZ First – Barbara Stewart.

**Youth:** Minister Nanaia Mahuta; Green Party – Metiria Turei; National – Katherine Rich, Nicky Wagner; United Future – Judy Turner.

*(Italics – no equivalent ministerial portfolio).*

*Law Scene* wishes to pay tribute to the late Rod Donald, MP and co-leader of the Green Party. Rod died suddenly and unexpectedly on 6 November 2005. He was a volunteer, social activist and MP who kept his sense of commitment - and humour - during his varied, energetic and all-too-short career. We extend our condolences to his colleagues, his friends, his family and his partner Nicola, who has been a faithful contributor to the opinion pieces on *Law Scene's* front page. Rest in peace, Rod. Haere, haere, haere.