

2006/5

June 2006

Who pays and who cares?

Last month the Social Services select committee announced an inquiry into the quality of care and services for people with disabilities. The inquiry arises partly out of allegations made against disability services provider Focus 2000 earlier in the year. (for the Terms of Reference, see p.2)

(Focus 2000 is one of the largest providers of physical disability services – both residential facilities and home-based support - in the Auckland region. Concerns have been raised about the standard of care provided and the financial management of the board - in particular how a non-profit charitable society, with the Ministry of Health as its major funder, manages to operate large cash surpluses. In March the Ministry of Health ordered a quality of care and a financial review of Focus.)

At the time of writing the Terms of Reference for the inquiry have only just been published. There had been concern in the disability sector that the inquiry may not have looked beyond the mis-management of an individual agency. For example, the CEO of the Disabled Persons Assembly, Gary Williams, had hoped the inquiry would provide an opportunity to look beyond operational issues such as service delivery, to the values underpinning disability support services as a whole. At first glance the terms of reference appear to be sufficiently wide to make this possible.

The inquiry comes at a time when there is increasing concern about the standard of care for the aged. National MP Sandra Goudie had argued for the government's review of Focus 2000 extended to include aged care. The issues are similar – a tension between providers receiving government funding who regard aged or disability care as an industry, and at least in the case of Focus 2000 are able to accumulate funds, and the very low wages paid to carers. Providers argue they are underfunded, and that funding, for example, has not kept up with changes to the Holidays Act and an increase in the minimum wage in March of this year.

Who pays and who cares? One of the responsibilities of the Office for Disability Issues is to ensure that the government “keeps faith” with the New Zealand Disability Strategy by “promoting the participation and inclusion of disabled people in our society”. The provision of quality support services to people with a disability must be central to this.

Ultimately the government will pay but we should all care. Now the Terms of Reference for the select committee's inquiry have announced, get involved. Whether you be a provider, a carer or a user of disability services the committee should hear from you – even if you suffer from consultation fatigue, understandable given that this is the fourth disability consultation this year and the ninth by different agencies of the current government.*

You could also ponder the following: how are we to arrive at any effective decision when there is such fragmentation of agencies responsible for the planning, funding and accountability of disability support services?

- Nicola Shirlaw

* Ministry of Health Disability Service Users survey and
Ministry of Health Service providers survey, research 2002, reports 2004
Ministry of Health consumer consortium consultation, December 2005
Ministry of Health Disability Consumer Forums, April-May 2006
Ministry of Health Pasifika Disability fono, May 2006
Office of Disability Issues (Ministry of Economic Development): Review of long-term disability support services (since 2004)

Review of payment and support of family caregivers of people with disabilities (2005-ongoing)
Housing choices for disabled New Zealanders: Centre for Housing Research series of research projects, 2005 - ongoing.
Statistics New Zealand Census follow-up survey of people with disabilities, July-September 2006

PARLIAMENT

Inquiries

Quality and care of services provision for disabled people

The Social Services Committee has called for submissions on this inquiry, and warns that those wishing to make a submission must stick to the issues in the terms of reference. These are:

1. Current service provision arrangements for people with a disability (including home based, residential, vocational and community) and future directions.
 - Historical changes in provision of care
 - Has New Zealand achieved appropriate models of care and choice, what changes are desirable including issues of continuum of care - what's working successfully and why?
 - The right of those with a disability to live a life of independence and freedom (what are barriers and how can they be overcome?)
2. The way National Standards of care are determined, implemented and monitored, and any lessons learned from historical complaints and systemic failure.
 - That monitoring is carried out in the most effective way to ensure quality of care and support of individual disabled people and how best outcome is measured
 - Is the certification process a meaningful way of ensuring service quality?
 - That the current understanding of quality, as determined by the Standards, is appropriate to the function of supporting valued lives for disabled people.
 - Contemporary issues relating to provider organisations that have caused public concern
3. The advocacy and/or complaints process for clients, and their families, residents and the public.
 - Is there a need for improved advocacy mechanisms - particularly for the most vulnerable?
 - Is there a need for improved complaints mechanisms?
4. The level of accountability, funding, information sharing, transparency and collaboration between relevant Ministries, community agencies and providers.
 - That there is clear accountability and understanding between the various government agencies and providers of disability services
 - How responsive, effective and efficient are the current contracting arrangements, and how can they be improved?
 - Are government departments working in tune with the practical application of the New Zealand Disability Strategy?
 - Office of Disability issues
5. The quality of training, career structure and workplace conditions of the disability workforce.
 - Framework qualifications
 - Workforce planning
 - The level of availability of academic teaching, training, theory and learning in New Zealand

6. An assessment of the extent to which the New Zealand Disability Strategy is central to the wellbeing, rights and care of disabled people.

Submissions close on Friday, 25 August 2006.

Submissions called for

Social Security (Long-term Residential Care) Amendment Bill

This Bill sorts out a few details and anomalies relating to disability allowance payments and the income testing regime. Submissions close on 7 July.

Easter Sunday Trading

There are now two private members' bills trying to extend shop trading hours. Both are before the Commerce Committee where submissions close on 28 July.

Reduction in MP Numbers

A Private Member's Bill to reduce the number of MPs to 100 was introduced by Barbara Stewart. Submissions close on 14 July.

Working of the Accommodation Supplement

This is being reviewed to assess the effectiveness and role of the Accommodation Supplement, and to identify any changes that are needed.

Work and Income is seeking feedback on the Accommodation Supplement from stakeholders, clients and staff, particularly:

- What are the good things about the Accommodation Supplement?
- Are there any problems with the Accommodation Supplement?
- How could financial assistance for housing costs be improved?

The feedback will be incorporated into a report to Ministers later this year. More from www.workandincome.govt.nz. Deadline is 30 September.

Single Core Benefit proposal

Work and Income continues the move towards smoothing out benefit entitlements and is asking for feedback on details. Questions cover eligibility (including age), work expectations and how the earnings of people taking up work should affect their benefit. There seems to be no closing date for responses to the questionnaire on their website at www.workandincome.govt.nz/get-assistance/single-core-benefit/questionnaire.

LEGISLATION UPDATE

Legislation	Stage and Progress	Impact
Child Support Amendment Bill (No.4)	Reported back from Social Services Select Committee.	Writes off late payment penalties for liable parents who resume child support contributions.
Children, Young Persons & Their Families Amendment (No. 4) Bill	Awaiting second reading. Amended by SOP 261.	Aims to improve youth justice processes, prevent persistent offending. CYFS may assign investigation and care to NGOs.
Coroners Bill	Reported from Select Committee. Amended by SOP 32	Reforms coronial system for effectiveness and better response to bereaved families.
Crimes (Abolition of force as justification for child discipline) Amendment Bill (Sue Bradford)	Awaiting Select Committee hearing of submissions.	Removes the use of 'reasonable force' for correction as a defence against assault by a parent on their child.
Criminal Procedure Bill	Passed second reading; awaiting committee stages.	Omnibus bill to improve court efficiency, modify jury system, change double jeopardy rule.
Criminal Procedures & Instruments Bill	Introduced 22 June 2005. Awaiting first reading.	Introduces civil forfeiture regime for proceeds of crime.
Crimes of Torture Amendment Bill	Select Committee is hearing submissions.	Introduces regular visiting of prisons to prevent torture or other cruelty.
Disabled Persons Employment Promotion (Repeal & Related Matters) Bill	Awaiting second reading.	Ensures people with disabilities in sheltered workshops have the same wage and employment rights as other workers.
Easter Sunday Shop Trading Amendment Bill: Private Members' bills, Jacqui Dean and Steve Chadwick	Before Commerce Committee. Submissions close 28 July.	Grants partial exemption to shops in visitor districts from the requirement to be closed on Good Friday and Easter Sunday.
Employment Relations Amendment Bill	Transport & Industrial Relations Select Committee is hearing submissions.	Protects employees in situations where contracts are sold/ transferred to new employer or contractor.
Employment Relations (Flexible Working Hours) Amendment Bill. Private Members' bill, Sue Kedgley	Interim committee report considered by Parliament 3 May.	Enables employees with young and dependent children to request part-time, flexible & reduced working hours.
Employment Relations (probationary Employment) Amendment Bill. Private member's bill, Wayne Mapp.	Transport & Industrial Relations Committee; submissions closed. Report due 14 September.	Introduces 90-day probation period for new employees.
Evidence Bill	Before Justice & Electoral Select Committee. Report due 31 August	Draws together common law and statutory provisions for evidence.
Human Rights (Gender Identity) Amendment Bill Private Members' Bill, Georgina Beyer	Awaiting first reading	Includes 'gender identity' as a prohibited grounds for discrimination.
Human Tissue (Organ Donation) Amendment Bill: Private Member's bill, Jacqui Blue.	Before Health Select Committee; submissions close 14 July.	Sets up a register where people can place their legal binding wish (or objection) to be an organ donor; promotes donation.
Insolvency Law Reform Bill	Before Commerce Select Committee.	Modernises insolvency & personal bankruptcy law & liquidation options.
Kiwisaver Bill	Before Finance & Expenditure Committee; submissions closed.	Sets up scheme to increase level of savings through workplace arrangements.
Minimum Wages (Abolition of Age Discrimination) Amendment Bill. Private Members' Bill, Sue Bradford	Before Transport & Industrial Relations Select Committee; submissions closed.	Abolishes discrimination on grounds of age in setting minimum wage rates, but allows apprentice & other exceptions.
New Zealand Day Bill Private Members' Bill, Peter Dunne	Before Justice and Electoral Committee. Report due 31 August.	Replaces Waitangi Day with a New Zealand Day.
Oaths Modernisation Bill	Awaiting second reading.	Modernises the language used in oaths.
Residential Tenancies (Damage Insurance) Amendment Bill. Private Members' bill: Maryann Street.	Before Social Services Select Committee; submissions close 14 July.	Extends landlord's insurance cover to include accidental damage by tenants.
Young Offenders (Serious Crimes) Bill – Private Members' bill, Ron Mark	Before Law & Order Select Committee; submissions close 14 July.	Makes 10-14 year olds who commit 'serious offences' subject to Youth Court.

Introduced

Corrections (Mothers with Babies) Amendment Bill

Put forward by Green MP Sue Bradford, this Private Member's Bill would require prisons housing women to provide baby and child care facilities for prisoners' children aged up to 2 years. This would enable 24 months of breastfeeding, thus meeting WHO guidelines. The Bill also requires mothers wishing to have their young children with them in prison to enter into a parenting agreement. This includes an obligation to care for the child, and to take part in parenting education.

Misuse of Drugs (Medicinal Cannabis) Amendment Bill

Put forward by Green MP Meteria Turei, this Bill sets up a process for medicinal use of cannabis by licensed users, called 'card-holders', if they can provide evidence that they suffer from a condition where cannabis may alleviate the pain and suffering associated with that condition, they have the written support of their medical practitioner or specialist and, where the applicant is under 18, they have the written permission of their parents. It allows card holders to consume, smoke or otherwise use cannabis and to possess a certain amount for personal use, and allows a card holder's designated agent to supply a certain amount of cannabis to the card holder.

In effect

Social Workers Registration Board

On 1 July 2006

The Department of Child Youth and Family is re-integrated into the Ministry of Social Development.

Parental leave payments to self-employed persons – minimal amount payable is set at \$102.50 per week.

Reviews

National Medicines Strategy

The Ministry of Health is currently drafting a document which will analyse the current system of managing prescription medicines in New Zealand (including the role of Pharmac). Associate Minister of Health Peter Dunne says the strategy will look at access (especially the public funding of new products), quality assurance (including the role of Medsafe) and rational use of pharmaceuticals. The consultation document is to be ready by the end of 2006 with public consultation in early 2007.

Reported

Waka Umanga : A Proposed Law for Maori Governance Entities - NZLC R 92

The report *Waka Umanga: A Proposed Law for Maori Governance Entities* contains recommendations for legislation to provide for a new legal entity specifically designed for Maori groups that manage communally owned assets.

Announced

Older driver tests to be abolished

New transport rules abolishing the mandatory on-road driving test for those aged 80 and over come into effect on December 4 this year.

Under the new system:

- The existing mandatory on-road driving test for those aged 80 and over will cease;
- At ages 75, 80, 82, and at two yearly intervals thereafter, drivers renewing their licence will require a medical certificate showing they are fit to drive (as is the situation at present);
- The Medical Certificate for Driver Licence will be revised to make it simpler and easier for doctors to complete;
- GPs will have the option of referring a medically fit driver aged 75 and over for an on-road safety test if they are concerned about their ability to drive safely;
 - Supporting education and information will be available for older people, their families and the community as well as GPs;
- A subsidy will be available for a private on-road driving lesson with an approved driving instructor for Safe with Age course participants from early 2007.

News

New-look website for the Law Commission

A revamped website for the Law Commission has made finding and using its material much easier. The Law Commission is an independent, government-funded organisation, which reviews areas of the law that need updating, reforming or developing and makes recommendations to Parliament. The idea of the Law Commission is to ensure that the law provides effectively for the current and future needs of our rapidly changing society. Its goal is to achieve laws that are just, principled, accessible, and that reflect the heritage and aspirations of the peoples of New Zealand.



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