

Working together for our children

In the July 2006 NZCCSS paper *Is Any Progress Being Made in the Care and Protection of New Zealand Children?*, the NZ Council of Christian Social Services stressed the need for an overarching framework that outlines the components of an effective system for the support of children and their families.

The Council advances the argument that there needs to be a mosaic of services from broad support to young families, to services that prevent vulnerable families from reaching a crisis, to crisis intervention. The paper also stresses the importance of all families having the support of and being connected in reciprocal and accountable relationships with a network of whanau, relations and friends.

The disappointment for the Council, which represents 130 agencies who work day in day out with families, is that what it is advocating is not new. The Children, Young Persons and Their Families Act 1989 identifies and enables the provision of a range of services. Regrettably, and tragically, successive Governments and policy evolutions have never delivered resourcing or policy in a cohesive way to give full life to the Act or proper support to families.

Why is the provision of services supporting parents to parent well treated so dismissively? Everyone is prepared to wring their hands and jump on the media bandwagon about high profile child deaths, but the hard work of developing and then maintaining a sustainable system within an agreed framework across a diverse sector constantly gets put aside for more segmented and populist responses.

The current update of the Children, Young Persons and Their Families Act offers the opportunity to revitalise the creativity of the Family Group Conference and to resource family decision-making and locally responsive and flexible preventive services appropriately. The Government has done this for its own service delivery within the Child Youth & Family service and for programmatic responses through the Ministry of Social Development. Now is the time to do it with families and the agencies they turn to in their local communities.

At the same time an over-arching strategy for the well-being of children and their families should be signed off that binds politicians, government agencies and the non-government organisations sector. This has been done for the elderly with the health of the elderly strategy and Ageing in Place policy, and for those with mental illness. Children and their families deserve the same certainty, support and respect. Agencies working with them are entitled to be recognised as playing a legitimate role in collaboration with other agencies and in partnership with their clients. Sustainable service planning, delivery and development requires a long term view, not the populist dance of media and political points scoring.

Walking alongside vulnerable families is possible if we share a map and a dream together. In doing this we will raise all of our hopes for the future.

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Parliament

Announced

Party pill ban

Cabinet has agreed to the recommendation of the Hon Jim Anderton to ban BZP and associated 'party pills'. In future anyone supplying, manufacturing and exporting these products will be faced with a penalty of up to 8 years imprisonment. However as these products have been legally available for some years, while the decision will stop the current legal manufacture and sale of the products, there will be a 6-month amnesty for people found in possession of less than 5 grams for their own personal use from the date on which the legislation is passed.

Officials are to continue work with the Law Commission to require manufacturers of such psycho-active substances prove they are safe before they can be sold. A complete review of the Misuse of Drugs Act will be completed by December 2008.

Introduced

Gambling Amendment Bill (No.2)

This Bill contains several policy and technical amendments to allow the Gambling Act 2003 to operate as originally intended. Most of them are technical but they cover issues such as:

- the ability of a corporate society to apply gambling proceeds for its own purposes rather than making community grants;
- defining more closely many terms including 'responsible gambling', 'instant game', 'sales promotion', 'relevant offence' etc;
- the nature and description of prizes;
- what constitutes a gambling venue;

and many other operational activities including some loopholes. The Bill is close to the top of the Order Paper, meaning it may well be sent for Select Committee consideration very soon.

Electoral Finance Bill

This Bill draws together provisions relating to electoral finance into one comprehensive scheme and is 'designed to address problems identified by the courts and others to maintain public and political confidence in the administration of parliamentary elections'. The Bill:

- requires all political parties to appoint a financial agent to accept and report on donations and to manage election expense reporting;
- extends the definition of donation;
- requires disclosure of the source of donations of \$20,000 plus;
- defines election expenses and election activity;
- creates a regime for regulating third-party election activity;
- strengthens penalties for corrupt and illegal practices
- clarifies the provisions for election broadcasting.

Family Courts Matters Bill

This Bill amends legislation to increase the openness of Family Court proceedings by allowing accredited news reporters to attend hearings of some proceedings and the media to report on them (without identifying details or names). It also allows support people of parties before the Court to attend if they have judges' permission. The Bill aims to improve the efficiency and effectiveness of Family Courts by changing processes and procedures. It allows fees to be waived in some cases and strengthens and broadens counselling and mediation processes.

It introduces non-judge-led (family) mediation which provides an alternative way of resolving disputes without judicial involvement. It is intended to divert less complex family disputes away from formal court proceedings and to resolve them quickly and inexpensively. An independent mediator works with parties to identify the issues between them and try to agree outcomes. Children and support people can attend if the mediator agrees. The process gives parties a greater commitment to complying with the agreement they reach and helps them learn skills to resolve future disputes while maintaining relationships. Courts may appoint lawyers to act for children affected, or specialized report writers to report on the impact on children, including protection of their property.

Immigration Bill

Promised for years, this Bill aims to 'restate or reform the law in relation to immigration and to modernize and simplify it'. Key changes include a new visa system, use of biometric data to determine identity, and the ability to use classified information in a wider range of decision-making (with special safeguards). It creates a more comprehensive international protection system, a single independent appeals tribunal, a more transparent deportation system, flexible compliance and enforcement powers, a more balanced detention and monitoring system, and more appropriate incentives for third parties to comply with their obligations. It also limits (and effectively removes) the jurisdiction of the Human Rights Commission.

Submissions requested

Building Amendment Bill

Much of this Bill relates to technical and land issues, particularly in relation to building near dams and waterways. It does however fine-tune the licensing of building practitioners and clarifies the approach to building consents especially regarding remediation of leaky buildings. Another element relates to accessibility of public buildings, to assist in improving compliance with accessibility requirements at the building design stage. **Submissions to the Social Services Committee close on 3 September.**

Electricity (Disconnection and Low Fixed Charges) Amendment Bill

This bill amends the regulation-making powers in the Electricity Act 1992 concerning the disconnection of electricity for domestic consumers and the Low Fixed Charge tariff for domestic consumers. **Submissions to the Social Services can be made online by 21 September 2007.**

Legislation Update

Legislation	Stage and Progress	Impact
Births Deaths Marriages & Relationships Amendment Bill	Government Administration Committee hearing submissions.	Regulates access to births, deaths, marriages and relationships information.
Building Amendment Bill	Submissions to the Social Services Committee close on 3 September. See p.2	Amends Building Act to improve clarity & effectiveness of regulatory framework; reduce risks of building failure.
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.
Crimes (Repeal of Seditious Offences) Amendment Bill	Before Justice & Electoral Committee. Report due 18 December.	Removes the crime of 'sedition' from the statute books.
Criminal Procedure Bill	In committee stages in the House. Amended by SOPs 50, 51, 97, 98.	Omnibus bill to improve court efficiency, modify jury system, change double jeopardy.
Criminal Proceeds (Recovery) Bill	Law & Order Select Committee hearing submissions.	Enables confiscation of property resulting from crime despite no conviction.
Education (National Standards of Literacy & Numeracy) Amendment Bill	Private Member's bill, Katherine Rich. Awaiting first reading.	Requires publication of agreed national standards of literacy and numeracy, and requires schools to report their progress.
Electoral Finance Bill	Awaiting first reading. See p.4	Attempts to clarify and make more transparent political party election funding.
Employment Relations (Flexible Working Hours) Amendment Bill. Private Members' Bill, Sue Kedgley	Reported back. See p.4	Enables employees with young and dependent children to request part-time, flexible & reduced working hours.
Gambling Amendment Bill (No.2)	Introduced. See p.2	Tidies up loose ends, redefines terms and closes loopholes in Main Act.
Family Courts Matters Bill	Introduced. See p.2	Increases openness of Family Court proceedings, new mediation processes.
Foreshore & Seabed Act (Repeal) Bill, Private Member's Bill, Tariana Turia	Introduced. Awaiting first reading.	Repeals the Foreshore & Seabed Act and restores previous legislation.
Human Tissue Bill	Before Health Select Committee. Report now due 1 October.	Regulates supply and use of human tissue & organs and consent provisions.
Human Tissue (Organ Donation) Amendment Bill: Private Member's Bill, Jacqui Blue.	Before Health Select Committee. Report now due 1 October.	Sets up a register where people can place their legal binding wish (or objection) to be an organ donor; promotes donation.
Immigration Bill	Introduced. See p.2	Rewrites and consolidates immigration legislation, introduces new visas.
Income Tax Bill	Reported back. See p.2	Rewrites and consolidates existing Act.
Mental Health Commission Amendment Bill	Health Select Committee reported.	Extends Commission's term to 2015 and changes some Commission tasks.
Oaths Modernisation Bill	Awaiting second reading.	Modernises the language used in oaths.
Principles of the Treaty of Waitangi Deletion Bill Private Member's Bill, Doug Woolerton	Before Justice & Electoral Select Committee. Report due 21 December 2007.	Eliminates all references to the principles of the Treaty of Waitangi from all New Zealand Statutes.
Property Law Bill	Awaiting second reading.	Consolidates and clarifies property law, and deals with some common law anomalies.
Protection of Personal & Property Rights Amendment Bill	Awaiting second reading.	Amends enduring power of attorney provisions.
Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill (Private Members' Bill Martin Gallagher)	Second reading postponed to 6 November 2007.	Clarifies restrictions on and oversight of TV broadcast advertising of liquor.
Social Assistance (Debt Prevention & Minimisation) Amendment Bill	Submissions requested. See p.4	Enables data matching so MSD can prevent and recover debts.
Succession (Homicide) Bill	Awaiting third reading.	Defines who may not benefit from an unlawful killing.
Wills Bill	At Committee of the House stage. SOPs 108, 118 apply.	Restates law in plain English, removes some anomalies.
Young Offenders (Serious Crimes) Bill – Private Member's Bill, Ron Mark	Before Law & Order Select Committee; submissions closed. Report due 28 September.	Makes 10-14 year olds who commit 'serious offences' subject to Youth Court.

Electoral Finance Bill

This bill creates a stand-alone Act (the Electoral Finance Act) to provide more transparency and accountability in the democratic process, prevent the undue influence of wealth, and promote participation in Parliamentary democracy. **Submissions to the Justice & Electoral Committee are due by 7 September.**

Social Assistance (Debt Prevention and Minimisation) Amendment Bill

This enables the Ministry of Social Development to prevent and/or recover debts. It also broadens data-matching provisions between social security, student allowance and student loan schemes. **Public submissions are now being invited on this bill by 24 September 2007.**

Care and Rehabilitation of Youth Sex Offenders

This Inquiry aims to examine and evaluate the arrangements between 1 July 1997 and 30 June 2007 for the:

- placement, supervision and custody of youth sex offenders who are in Child, Youth and Family Services custody;
- various support arrangements and programmes available for responding to and rehabilitating youth sex offenders;
- reintegration of youth sex offenders into communities;
- support mechanisms for youth sex offenders in transition into adulthood; and
- processes for selecting, approving, and monitoring caregivers, providers, and other people involved in the management of youth sex offenders.

Submissions are due to the Justice & Electoral Select Committee by 7 September.

Rights of those held in custody

In 1997 the Law Commission recommended a simplified procedure for dealing with habeas corpus applications. These are writs to test the validity of the detention of a person who has been arrested and held in custody, and take precedence over all other Court business. The new procedures were implemented by the Habeas Corpus Act 2001.

Experience with the Act since it came into force suggests it has largely succeeded in providing effective procedures for dealing with habeas corpus applications. However some practical problems have emerged, including the misuse of the procedure by some applicants to obtain a priority hearing on matters which should be considered in some other way, such as judicial review. The Minister of Justice invited the Commission to look at whether minor changes needed to be made to procedural aspects of the legislation. The resulting Study Paper and draft Bill can be found at www.lawcom.govt.nz/ProjectStudyPapers.aspx **Submissions close on 17 September 2007.**

Department of Corrections consulting on volunteer policy

The Department of Corrections has undertaken a comprehensive review of its existing volunteer policy. The *Review of Volunteer Policy - Consultation Document* includes 42 recommendations, and the Department is seeking feedback from a wide range of internal and external stakeholders, and the wider community. Feedback can be sent by email to russell.underwood@corrections.govt.nz or by post to the Department of Corrections, Private Bag 1206, Wellington 6140. **The consultation period runs until 20 September 2007.**

Reported back

Flexible Working Hours Bill

The Labour and Employment Select Committee has recommended that this Private Member's Bill put forward by Green MP Sue Kedgley be passed. Under it, workers have the right to seek Court backing for a change to their working hours to care for small children or dependent relatives. They will also be able to mount a case to work from home.

The Bill awaits its second reading.

Health (Drinking Water) Amendment Bill

The Bill aims to promote the provision of adequate supplies of safe drinking water, through amendments to the Health Act. It is part of a strategy to improve New Zealand's drinking water supplies, including setting drinking water standards, registering community drinking water supplies, setting up a drinking water assistance programme, and providing for public health grading of water and risk management plans for unsafe supplies and emergencies.

Estimated costs of implementing the Bill range from \$50 million to \$275 million over several years. The Select Committee recommended a few changes, including to the compliance timetable, and recommended including a new category for rural agricultural drinking water supplies.

The Bill awaits its second reading.

Copyright (New Technologies and Performers' Rights) Amendment Bill

This Bill amends the Copyright Act to take account of new technologies such as the Internet and international developments in the field. It makes some changes to the provisions for educational copying and also the conditions for libraries and archives which make and supply digital copies.

Most public attention focused on the Committee's recommendations about 'format-shifting' – currently illegal but common practice. The Bill makes it legal to transfer a single copy of an audio track for the person who bought it or someone in their household, but makes cracking digital rights technology aimed at preventing copying a criminal offence. The only exception is if the access control technology was intended to price-discriminate or limit the playing to certain parts of the world. **The Bill awaits its second reading.**

New Zealand Federation of Voluntary Welfare Organisations

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