HUMAN RIGHTS AMENDMENT BILL (NO. 2)

AS REPORTED FROM THE GOVERNMENT ADMINISTRATION COMMITTEE

COMMENTARY

Recommendation

The Government Administration Committee has examined the Human Rights Amendment Bill (No. 2) and recommends that it be passed with the amendments shown in the bill.

Conduct of the examination

The Human Rights Amendment Bill (No. 2) is a Government bill and was introduced into the House on 13 July 1999. It was subsequently referred to the Government Administration Committee on the same day, following its second reading, with a specified report date of 23 August 1999. This gave the committee an insufficient amount of time in which to consider the bill properly. Furthermore the House went into urgency during this period and that disrupted our consideration of the bill. With the support of the Minister of Justice, we obtained the Business Committee's agreement to an extension to 30 August 1999.

The committee called for submissions on the bill and set a closing date of 30 July 1999. We received 53 submissions and two supplementary submissions. We heard evidence from 16 submitters. We met on 5 and 26 August 1999 to consider and hear evidence on the bill. We spent three hours hearing evidence and three hours considering the bill, and in total spent six hours examining the bill. Advice was received from the Ministry of Justice and the Human Rights Commission (the Commission).

This commentary sets out the details of our consideration of the bill and the major issues we addressed. It does not address areas where there were no significant recommendations made by the committee.

Background

A range of anti-discrimination legislation was consolidated into the Human Rights Act 1993 (the Act). The Act expanded the grounds of discrimination to include sexual orientation, disability, age, political opinion, family status and employment

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status. Under section 151, the Act provided the Government with a temporary exemption from the new grounds and maintained the status quo that the Act did not override other statutes. The intention was that during the period of government exemption, legislation that conflicted with the Act would be identified by the year 2000. Section 152 (the so-called sunset clause) prescribed that section 151 would expire on 31 December 1999.

The Act required the Human Rights Commission to report to the Minister of Justice by 31 December 1998 on such conflicts. The project was labelled "Consistency 2000" or "C2000" and involved an initial self-audit by each government department followed by an examination and final determination by the Human Rights Commission. In 1997, the Government reviewed C2000 and concluded that there was little to be gained from a detailed and resource intensive audit process given the substantial resource commitment. The Government decided that the better approach was for the chief executives of each government department to assess and manage their own legal risk in relation to compliance with the Act. Acts and regulations in conflict with the Act would then be addressed as they came up for review.

On 19 August 1998 the Human Rights Amendment Bill was introduced with the following provisions:

- The Human Rights Commission was to be relieved of its statutory obligation to report on all Acts, regulations, policies and practices for compliance with the Act.
- The Act would not override other Acts and regulations.
- All government policies and practices would be required to comply with the Act unless otherwise authorised by Act or regulations. A series of exceptions and clarifications were proposed in the areas of health, social welfare and defence.
- Age-linked retirement benefits contained in employment contracts in force as at 31 December 1998 would be preserved.
- A Human Rights Commissioner was to be designated as a Women's Commissioner.

However, the legislation was controversial and did not proceed as it did not gain the necessary support in the House. After extensive consultation between the Minister of Justice and the Labour Spokesperson on Human Rights, the Government has reconsidered the legislation and introduced the Human Rights Amendment Bill (No. 2).

Purpose

The bill largely aims to amend the Human Rights Act 1993 by preserving the status quo so that further consideration can be given to the issues before final decisions are taken on the question of government compliance with the principal Act. Clause 2 intends to preserve age-linked retirement benefits in contracts in force as at 31 December 1998. Clause 3 extends the government exemption from the new grounds of discrimination for a further two years until 31 December 2001 and maintains the status of the Act as regards other legislation. Clause 4 requires the Minister to report to Parliament on progress across Government in addressing legislative inconsistencies with the Act. The role and responsibilities of the Human Rights Commission in the reporting process is outlined in clause 5. Clause 6, like clause 3, seeks to preserve the status quo to allow further consideration of the issues. It extends for a further two years the government exemption from the new grounds of discrimination in relation to section 126B of the Social Security Act 1964.

Commencement date

Clause 1 of the bill specifies a commencement date of 1 October 1999. Of three submissions, two supported the clause stating it provides for retrospectivity should the bill not be enacted by 1 October 1999. The submission of the National Council of Women of New Zealand (Incorporated) opposed the clause asserting it was "too precipitate" given the amount of public interest that had been expressed in the bill. We note that it is not intended that the bill have any retrospective application. We recommend no change to the bill. On the issue of the time-frame for the passage of this legislation we note that issues need to be addressed urgently given the expiry of section 151 on 31 December 1999.

Preservation of age-linked retirement benefits

Clause 2 is intended to preserve those age-linked retirement benefits included in employment contracts in force as at 31 December 1998. Nine submissions addressed this issue. Seven supported the clause as drafted, including the Human Rights Commission who view the clause as a necessary provision to safeguard existing conditions of employment entered into in good faith, notwithstanding the existence of an age discriminatory element. The New Zealand Employers Federation would like to see the clause broadened to allow employers and employees to enter freely into any retirement benefit agreements. The New Zealand Law Society (the Law Society) doubted the necessity of the clause. It argued employees with different contractual retirement provisions are not "employed in the same or similar circumstances" and, therefore, are not caught by section 22 (l) (b) of the Act. In the event the clause is considered necessary, it recommended that it should be more clearly aimed at addressing the different treatment of employees as opposed to merely authorising payments.

We are aware that contracts in force at 31 December 1998 were negotiated at a time when there was an upper age limit on discrimination. This meant that it was legal to tie employees' benefits to ages from 65 upwards. The upper age limit has now expired. However, employees who are parties to contracts negotiated in the earlier period have a reasonable expectation that the benefits they negotiated will accrue to them upon their retirement, notwithstanding the change in the law. It would be unreasonable for these expectations to be frustrated by the fact that the law has changed between the time they negotiated the contract and the time of their retirement. We note that clause 2 is intended to legitimise pre-existing agreements and not to authorise future discrimination. It addresses the situation where employees who are subject to the same contract, rather than different contracts, are treated differently on the basis of their age. However, we accept that the clause could be more clearly drafted so that it adequately effects the policy intention behind the clause. We recommend the bill be amended accordingly.

Extension of government exemption

The main effect of the bill is contained in clause 3 and extends the government exemption from the new grounds of discrimination (sexual orientation, disability, age, political opinion, family status and employment status) for a further two years until 31 December 2001 and maintains the status of the Act as regards other legislation. Section 152 specifies the new date, whereby section 151 will not expire until 31 December 2001.

Thirty-five submissions addressed clause 3 with eleven supporting the extension of the government exemption for a two year period. Nine do so on the basis that it provides more time to make the necessary changes, although it appears that the New Zealand Crippled Children's Society submission was based on the

assumption that clause 3 would extend the Consistency 2000 deadline, which is not the case. The Auckland District Council of Social Services and New Zealand Foundation for Peace Studies support the extension but suggest a shorter time period of one year, until 31 December 2000.

We note that Consistency 2000 was completed on 31 December 1998 with the Human Rights Commission's report to the Minister of Justice pursuant to section 5 (1) (i) to (k) of the Act. Clauses 4 and 5 of the bill establish a new reporting process for addressing conflicts in existing legislation. In our view, the proposed two year extension is necessary in order to provide a reasonable amount of time in which the difficult issues of government compliance with the Act can be worked through. We recommend no change to the bill.

A considerable volume of law reform in this area remains to be undertaken over the next two years, and we understand that Government will act (within the constraints of the parliamentary timetable) once an unacceptable conflict between legislation and the principles of the Human Rights Act has been identified.

Police submissions

We received a total of 25 submissions from individual members of the public who are serving or have served as police officers, the New Zealand Police Officers' Guild Incorporated and the New Zealand Police Association. All submissions oppose clause 3 which extends the government exemption (under section 151) by a further two years and continues to allow the compulsory retirement of police officers at age 55. All submit that the age of retirement should be an individual choice, not prescribed by statute.

We consider these submissions appear to be based on the assumption that, once section 151 of the Act ceases to have effect, the Act will attain the status of "supreme law" and consequently override inconsistent provisions of the Police Act 1958 relating to compulsory retirement. There are competing views on this. If the issue of compulsory police retirement is to be dealt with, it can be dealt with only by a direct amendment to the Police Act which is a matter that is outside of the scope of this bill. We recommend that no amendments be made to the bill.

We heard from some police employees and their representatives who believe their concerns around compulsory age retirement provisions in the Police Act and the potential for conflict with the Human Rights Act on the expiry of the government exemption, have not yet been fully considered by the Police administration. We learnt that equivalent groups within government employment, such as the military, address these issues in policy, not statute. Under this bill the Police will have to take steps over the next two years to address the implications of discrimination within legislation relating to their work. Parliament will have to respond to that. We invite the Government to bring the Police Act in line with the Human Rights Act 1993. We wrote to the Minister of Police requesting that consideration be given to this issue.

Minority

Some of us are concerned that the introduction of this bill again demonstrates the Government's willingness to retain age discrimination for some public servants, yet continues to make no exceptions for the private sector.

Minister to report on consistency

Throughout the two year exemption period, clause 4 (1) requires the Minister of Justice to report to Parliament on a six-monthly basis regarding legislative changes that ameliorate, remove, introduce or maintain inconsistencies between legislation and the Act. Subclause 2 states that the Minister is not required to report on

matters that are, in his or her opinion, of a technical nature or of minor importance.

Twenty-one submissions addressed this clause expressing a range of views. The Law Society supports the clause as introduced. Four submitters want the clause amended to bar the enactment of new legislation inconsistent with the Act whilst the National Council of Women contends the bill should require the Minister to justify the need for any proposed legislation which is inconsistent with the Act. Some submissions focused on the responsibility for and nature and extent of reporting to Parliament and suggested a range of amendments. Two submitters propose that the Human Rights Commission should be responsible for the preparation of reports, rather than the Minister of Justice. That interested groups be able to contribute to the Ministerial report is advanced in three submissions. Two submitters request that the details of the reporting process be expressly prescribed. The Royal New Zealand Foundation for the Blind proposes that the Minister be subject to a mandatory obligation to report, whether there is anything to report or not, whilst the Women's Electoral Lobby (Wellington) recommend that the first Ministerial report be required to address all work already done to remove inconsistency with the Act.

The content of Ministerial reports was addressed in ten submissions. The major concern is that the restriction to a post facto report on legislation already passed is too narrow and raises the possibility that there will be no legislation that meets the criteria in clause 4 resulting in an "empty" Ministerial report. Most propose that the content of reports should be broadened to clarify any outstanding legislative inconsistencies with the Act, the progress that government departments are making toward eliminating inconsistencies in existing legislation by the year 2002 and the proposed manner and timetable for dealing with such inconsistencies. It is argued that this will then accord more with the explanatory note of the bill which outlines the policy of the bill as being to remedy significant areas of inconsistency between existing Acts and regulations and the Act.

We note that administrative measures (outlined later in this report) have already been adopted requiring the identification of inconsistencies with the Act in any new policies or legislation considered by the Cabinet or Cabinet committees. We also note that nothing in the bill precludes any department from establishing administrative processes to solicit the opinion of those individuals or organisations who have an interest in ensuring that Government policy and practices are aligned with the Act. In fact we have an expectation that consultation with non-governmental organisations would be a part of normal departmental operations. We therefore see no need to amend the bill in the ways suggested and recommend no changes to the bill in this regard.

Regarding the nature of reporting, it is our view that clause 4 already creates a mandatory reporting requirement so no change to the bill is required in this regard. However, there is room for argument as to whether clause 4 adequately gives effect to the policy intention behind the clause which is to impose a statutory obligation on the Minister of Justice to report six-monthly on progress across Government in remedying significant areas of inconsistency in existing Acts and regulations with the Act. There is also room to argue that clause 4 (3) should specifically refer to section 126B of the Social Security Act because, like section 151 of the Act, this section is only a temporary measure. We consider that clarification of both points is necessary and recommend that clause 4 be amended accordingly.

With regard to subclause 2, two submissions want the provision to be removed. Five recommend that the power conferred on the Minister be narrowed and

include the requirement that the Minister seek the opinion of the Human Rights Commission as to whether a particular inconsistency is "minor" or "technical".

In our view, requiring the Minister to comment on insignificant inconsistencies would be unduly onerous and an inefficient use of resources. However, we note that if clause 4 is amended as we recommend above (that is, to make it clearer that the Minister is to report on progress across Government in remedying "significant areas" of inconsistency in legislation) clause 4 (2) will be redundant. Accordingly we recommend that the bill be amended by removing subclause 2 of clause 4.

We see no need to make any amendments to ensure the Minister must consult with the Human Rights Commission as nothing in the bill precludes a department or Minister from consulting with the Commission on the issue of what is or is not significant. In fact the bill through clause 5 expressly provides for the Commission to have input into the Ministerial report. We recommend no changes to the bill in this regard.

Human Rights Commission to comment on Ministerial report

Before presenting a report to the House, clause 5 prescribes that the Minister of Justice must provide the Human Rights Commission with a draft copy of the report and at least 14 days, or a time period agreeable to both, in which to make written comments on the report. As an independent statutory body it is intended that the Commission will provide an objective assessment of the Government's progress. Its role is essentially as a quality assurance mechanism. Subclause (3) specifies that the Minister must provide any written comments provided by the Commission to the House in an unedited form.

Clause 5 was addressed in twelve submissions. The Human Rights Commission told us they "welcome clause 5" in its establishment of a formal role for the Commission in the reporting process, but agreed with other submissions that the clause required widening to ensure the Commission could comment effectively on draft reports. Three submitters propose that in order to provide a competent overview, information additional to the report should be provided to the Commission, especially the data upon which the Minister based his or her report. A further three submitters want the time-frame for consideration of the report extended to at least 21 days. It is argued that both will allow for a more rigorous and thorough examination. Three submitters suggest extending the scope under which comments can be made and the Commission itself stated its intention to provide comments beyond those prescribed by clause 5. The Law Society pointed out that the Commission's statutory role provides it with an alternative avenue through which it can provide broad comments to the Prime Minister.

In our view, it is unnecessary and inappropriate to duplicate in this clause a procedure relating to the release of additional information other than the Ministerial report to the Human Rights Commission. This procedure is already provided for in the Official Information Act 1982. We note too that clause 5 prescribes that the Commission may provide such comments as it "considers appropriate". In our view, this clause, along with the Commission's other statutory functions and powers in section 5 of the Act provides adequate scope for the Commission to address any relevant matters. We see no need to make any changes to the bill in this regard.

However, we do agree that it is appropriate to extend the statutory time period for consideration of the Ministerial report by the Commission from 14 to 21 days. Clause 5 as introduced expressly provides that in cases where longer than 14 days

is needed, the Commission and the Minister must agree on what is considered an appropriate time-frame for consideration. We support the need for a full and thorough examination to be conducted. Amending the bill in this way, ensures that adequate time to consider Ministerial reports is available from the outset and reduces the likelihood that the Commission will need to approach the Minister for extensions. We recommend the bill be amended accordingly.

The Race Relations Office

Finally, the Race Relations Conciliator is concerned that the bill does not recognise the Race Relations Office as an entity distinct from the Human Rights Commission. It is his opinion that the Commission, having little experience with race matters given discrimination relating to race is solely within the preserve of the Race Relations Office, is in no position to comment on the race implications of any legislation. He seeks express recognition in clause 5 of the Race Relation Office's role in commenting on race related matters in Ministerial reports.

We note that the Race Relations Conciliator is a member of the Human Rights Commission. As such it is expected that best practice would ensure that matters relating to race will be referred to the Race Relations Office and incorporated into any final report prepared by the Commission. Whilst we understand the desire of the Race Relations Conciliator to emphasise the importance of his role, in our view it is appropriate that his or her comments are incorporated into the Commission's comment under clause 5 of the bill given the fact that the Race Relations Conciliator is a member of the Commission. Accordingly we recommend that there be no change to the bill.

Section 126B of the Social Security Act 1964

Clause 6 of the bill extends section 126B of the Social Security Act 1964 for a further two years. This section limits the Government's liability for breaches of the Act relating to the provision of income support in the period up to 31 December 1999 and targets breaches on the grounds of sex and marital status. The extension of this date is allied to the extension of section 151 of the Act and aims to preserve the Government's position in relation to compliance with the Act. The further two year exemption period intends to provide a reasonable amount of time in which the difficult issues surrounding government compliance with the Act can be worked through.

Four submissions addressed clause 6. Three were either in favour of the clause, or thought that it was justified in certain circumstances. However, the Human Rights Commission recommends the removal of clause 6. It argues that people should not be treated differently due to their sex or marital status. It states such factors are irrelevant to the provision of benefits and income support. We note that clause 6 is consistent with the object of the bill to maintain the temporary government exemption from the Act for a further two years to allow further consideration of the issues. Accordingly we see the need to retain this provision and recommend no change to the bill be made in this regard.

In examining the bill we also noted that section 126B (c) (i) of the Social Security Act refers to a direction given under "section 5 (2)". This is an error in the description of the section and should read "section 5". We recommend that clause 6 be amended accordingly.

Government commitments additional to measures in the bill

In addition to measures included in the bill the Government has made a commitment to three further matters:

- First, that all regulations made after 1 January 2000 will comply with the Act unless otherwise specifically authorised by an Act of Parliament.
- Second, that all government policies and practices not otherwise authorised by legislation will comply with the Act except in the areas where exemptions were previously sought in the original Human Rights Amendment Bill.
- Finally, that the Government has undertaken to ensure that the Human Rights Commission is adequately resourced to carry out its new role under the bill.

Administrative measures addressing compliance with the Act

Administrative measures have also been put in place to address issues of compliance with the Act. Since the beginning of this year, all papers to the Cabinet and Cabinet committees containing policy and legislative proposals are required to include a statement regarding compliance with the Act. Guidelines are presently being developed to assist Ministers and departments with the development of policies and legislation consistent with the Act. The State Services Commissioner, specified in his 98/99 expectations of chief executives, the requirement for chief executives to provide an assurance of departmental compliance. Inconsistencies must be reported to the Commissioner together with a brief description of the action plan to resolve them. The State Service Commission will then report to the Ministers of Justice and State Services on risks associated with meeting the requirements of the Act.

As a first stage in the new reporting process, chief executives who received final determinations from the Human Rights Commission in the Consistency 2000 project, are required to report to their Ministers on what measures they propose to take with respect to the conflicts identified. At the end of this year, the Minister of Justice, intends to present to Parliament a report on what has been done on these matters.

Petitions relating to the Act

The Clerk of the House received a number of petitions relating to the Human Rights Act 1993 which were allocated to the Justice and Law Reform Committee for consideration. On 13 July 1999, the Human Rights Amendment Bill (No. 2) was referred to the Government Administration Committee. The Justice and Law Reform Committee subsequently wrote to the Government Administration Committee requesting that the following petitions be considered at the same time as the bill.

- 1996/852 Petition of Ruth Lawley and 5 others, requesting that the House of Representatives oppose amendments regarding the application of the Human Rights Act 1993 to legislation and Government, and a further 75 petitions of a similar nature.
- 1996/1876 Petition of Sarah Ayre for Unconditional Universal Income New Zealand and 96 others, requesting that the House of Representatives oppose any new legislation exempting government policies from complying with the Human Rights Act 1993 by the year 2000, and asking the Government to reinstate Consistency 2000 and honour basic human rights, and a further six petitions of a similar nature.

We have considered these petitions and are of the view that the bill meets, to some degree, the requests of the petitioners. As previously outlined, the main effect of the bill which is contained in clause 3 extends the government exemption from the new grounds of discrimination (sexual orientation, disability, age, political opinion, family status and employment status) until 31 December 2001. We note that the bill does not provide for any new change to the

Government's position regarding exemptions from compliance with the Human Rights Act. Instead, the bill provides only for a temporary extension of the current Government position. It does not grant the Government any new exemptions or a permanent exemption from compliance with the Act. The issue of exemption will therefore be up for consideration once again on 31 December 2001, which is the date on which the Government's temporary exemption is due to expire. It is at that time that the concerns of the petitioners may more appropriately be addressed.

With regard to the re-establishment of the Consistency 2000 project we are of the view that this is neither appropriate nor necessary. As already canvassed under the heading titled "Background", the Government review of the project concluded it was not the best approach to take with respect to addressing the issue of government compliance with the Act. The preferred approach was for government departments to assess and manage their own legal risk in relation to compliance with the Act. This approach has been applied in the bill. Clauses 4 and 5 establish a new reporting process, previously outlined under the heading "Minister to report on consistency". In our view, these measures adequately address the concerns of the petitioners. Given the above, we see no need to make any recommendations to the Government with respect to the petitions.

KEY TO SYMBOLS USED IN REPRINTED BILL

AS REPORTED FROM A SELECT COMMITTEE

Struck Out (Unanimous) Subject to this Act,	Text struck out unanimously
New (Unanimous) Subject to this Act,	Text inserted unanimously
([*Subject to this Act,*])	Words struck out unanimously
Subject to this Act,	Words inserted unanimously

Hon Tony Ryall

HUMAN RIGHTS AMENDMENT (NO. 2)

ANALYSIS

A BILL INTITULED

An Act to amend the Human Rights Act 1993

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Human Rights Amendment Act **(No. 2) 1999**, and is part of the Human Rights Act 1993* ("the principal Act").

(2) This Act comes into force on **1 October 1999.**

PART 1

AMENDMENTS AFFECTING PRINCIPAL ACT

Struck Out (Unanimous)

2. Exception in relation to employment-related retirement benefits—The principal Act is amended by inserting, after section 30, the following section:

*1993, No. 82
Amendments: 1994, Nos. 138, 151

Struck Out (Unanimous)

"30A. (1) Section 22 (1)(b) does not prevent an employer from paying a benefit to an employee on the retirement of that employee if—

"(a) The employee's entitlement to that benefit ('the retirement benefit'), or the calculation of that retirement benefit, is determined in whole or in part by the employee's age or length of service, or both; and

"(b) The retirement benefit is a term of a written employment contract that was in force on **31 December 1998**; and

"(c) The employee was, on **31 December 1998**, a party to that employment contract.

"(2) If a retirement benefit was a term of an employee's written employment contract on **31 December 1998, subsection (1)** continues to apply in relation to the payment of that retirement benefit even if either or both of the following things occur after that date:

"(a) The employee and the employer enter into a new written employment contract under which the employee remains entitled to that retirement benefit:

"(b) A different person becomes the employee's employer as a result of a merger, takeover, restructuring, or reorganisation, but the employee remains entitled to that retirement benefit by virtue of any enactment or agreement.

"(3) This section does not limit section 149."

New (Unanimous)

2. Exception in relation to employment-related retirement benefits—The principal Act is amended by inserting, after section 30, the following section:

"30A. (1) Nothing in section 22 (1)(b) prevents different treatment based on age with respect to, or in any way related to, the payment of a benefit to an employee on retirement if—

"(a) The employee's entitlement to that benefit ('the retirement benefit'), or the calculation of that retirement benefit, is determined in whole or in part

New (Unanimous)

(and whether directly or indirectly) by the employee's age; and

"(b) The retirement benefit is a term of a written employment contract that was in force on or before **1 February 1999**; and

"(c) The employee was, on or before **1 February 1999**, a party to that employment contract.

"(2) If a retirement benefit was a term of an employee's written employment contract on **1 February 1999**, **subsection (1)** continues to apply in relation to the payment of that retirement benefit even if either or both of the following things occur after that date:

"(a) The employee and the employer enter into a new written employment contract under which the employee remains entitled to that retirement benefit:

"(b) A different person becomes the employee's employer as a result of a merger, takeover, restructuring, or reorganisation, but the employee remains entitled to that retirement benefit by virtue of any enactment or agreement.

"(3) This section does not limit section 149."

3. Expiry of section 151—Section 152 of the principal Act is amended by omitting the expression "the 31st day of December 1999", and substituting the expression "**31 December 2001**".

Struck Out (Unanimous)

4. Ministerial reports on changes to enactments—(1) The Minister must, before each of the dates specified in **subsection (4)**, present a report to the House of Representatives on changes made by legislation that—

(a) Ameliorate or remove an inconsistency between any legislation and Part II of the principal Act (which relates to unlawful discrimination); or

(b) Introduce or maintain an inconsistency between any legislation and Part II of the principal Act.

Struck Out (Unanimous)

(2) The Minister is not required to include in any report presented under **subsection (1)** any information about changes made by any legislation that relate to an inconsistency with Part II of the principal Act that is, in the opinion of the Minister, of a technical nature or of minor importance.

(3) For the purposes of this section, section 151 of the principal Act must be disregarded in assessing whether there is an inconsistency between any legislation and Part II of the principal Act.

(4) The dates referred to in **subsection (1)** are—

(a) 30 June 2000:

(b) 31 December 2000:

(c) 30 June 2001:

(d) 31 December 2001.

(5) The Minister must,—

(a) In the case of the report required to be presented before 30 June 2000, provide information on changes made by any legislation to which **subsection (1)** applies that is passed or is made during the period beginning on 1 October 1999 and ending with the close of 30 April 2000:

(b) In the case of the report required to be presented before 31 December 2000, provide information on changes made by any legislation to which **subsection (1)** applies that is passed or is made during the period beginning on 1 May 2000 and ending with the close of 31 October 2000:

(c) In the case of the report required to be presented before 30 June 2001, provide information on changes made by any legislation to which **subsection (1)** applies that is passed or is made during the period beginning on 1 November 2000 and ending with the close of 30 April 2001:

(d) In the case of the report required to be presented before 31 December 2001, provide information on changes made by any legislation to which **subsection (1)** applies that is passed or is made during the period beginning on 1 May 2001 and ending with the close of 31 October 2001.

(6) In this section, "legislation" means any Act or regulations.

New (Unanimous)

4. Ministerial reports on changes to enactments—(1) The Minister must, before each of the dates specified in **subsection (3)**, present a report to the House of Representatives on progress made by or on behalf of the Government of New Zealand in remedying significant inconsistencies between existing legislation and Part II of the principal Act.

(2) For the purposes of this section, section 151 of the principal Act and section 126B of the Social Security Act 1964 must be disregarded in assessing whether there is an inconsistency between any legislation and Part II of the principal Act.

(3) The dates referred to in **subsection (1)** are—

(a) 30 June 2000:

(b) 31 December 2000:

(c) 30 June 2001:

(d) 31 December 2001.

(4) In this section,—

"Legislation" means any Act or regulations:

"Regulations" has the meaning given to that term by section 2 of the Regulations (Disallowance) Act 1989.

4A. Contents of ministerial reports—(1) The report required to be presented before 30 June 2000 must provide information on progress to which **section 4 (1)** applies that is made during the period beginning on 1 January 1999 and ending with the close of 30 April 2000.

(2) The report required to be presented before 31 December 2000 must provide information on progress to which **section 4 (1)** applies that is made during the period beginning on 1 May 2000 and ending with the close of 31 October 2000.

(3) The report required to be presented before 30 June 2001 must provide information on progress to which **section 4 (1)** applies that is made during the period beginning on 1 November 2000 and ending with the close of 30 April 2001.

(4) The report required to be presented before 31 December 2001 must provide information on progress to which **section 4 (1)** applies that is made during the period beginning on 1 May 2001 and ending with the close of 31 October 2001.

5. Minister to consult with Commission—(1) Before presenting a report to the House of Representatives under

section 4 (1), the Minister must give a copy of the report in draft form to the Commission.

(2) Within (*14 days*) 21 days of the date on which it receives a report in draft form, or within such other period as may be agreed between the Minister and the Commission, the Commission must consider the draft report and provide such written comment on it to the Minister as the Commission considers appropriate.

(3) The Minister must include in each report presented to the House of Representatives under **section 4 (1)** any comment received by the Minister from the Commission that is provided, in accordance with **subsection (2)**, in an unedited form.

PART 2

RELATED AMENDMENTS TO OTHER ENACTMENTS

Struck Out (Unanimous)

6. Amendments to Social Security Act 1964—Section 126B of the Social Security Act 1964 is amended by omitting the expression "31 December 1999", and substituting the expression "**31 December 2001**".

New (Unanimous)

6. Amendments to Social Security Act 1964—Section 126B of the Social Security Act 1964 is amended—

(a) By omitting the expression "31 December 1999", and substituting the expression "**31 December 2001**":

(b) By omitting from **subparagraph (i) of paragraph (c)** the expression "section 5 (2)", and substituting the expression "section 5".

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