

House of Representatives
Supplementary Order Paper

Tuesday, 27 February 2007

**Disabled Persons Employment Promotion (Repeal and
Related Matters) Bill**

Proposed amendments

Hon Ruth Dyson, in Committee, to move the following amendments:

Clause 4

To omit paragraph (c) (lines 8 and 9 on page 2).

Clause 9

To add (line 14 on page 3) “and section CW 27(1)(d) of the Income Tax Act 2004”.

Clause 13: new section 8

Subsection (1)(a): to omit “impaired” (line 2 on page 4) and substitute “limited”.

Subsection (1)(a): to omit “from” (line 3 on page 4) and substitute “in”.

To insert the following subsection after new *section 8(1)* (after line 9 on page 4):

“(1A) To avoid doubt, nothing in **subsection (1)(b)** limits or affects any legal obligations that the employer has towards a worker.

Subsection (2): to omit this subsection (line 10 on page 4) and substitute the following subsection:

“(2) A permit—

“(a) comes into force on the date it is issued or any other date as stated in the permit; and

“(b) remains in force for the period stated in the permit.

To insert the following subsection after new *section 8(3)* (after line 13 on page 4):

“(3A) A Labour Inspector may revoke a permit at any time if the Inspector considers it is no longer reasonable and appropriate for the permit to remain in force.

Clause 14

To omit this clause (lines 16 to 20 on page 4) and substitute the following clause:

14 Consequential amendments and revocations

- (1) Sections 56(1A) and 63(6) of the Employment Relations Act 2000 (2000 No 24) are consequentially amended by omitting “an under-rate worker’s permit” and substituting in each case “a minimum wage exemption permit”.
- (2) The Minimum Wage Regulations 1946 (SR 1946/36) are revoked.

New clause 15

To add the following clause (after line 20 on page 4):

15 Transitional provision for under-rate workers’ permits

An under-rate worker’s permit granted under the principal Act and in force immediately before the commencement of **Part 3 of the Disabled Persons Employment Promotion (Repeal and Related Matters) Act 2004** continues in force and is to be treated as if it had been issued under section 8 of the principal Act as inserted by this Act.

Explanatory note

This Supplementary Order Paper amends the Disabled Persons Employment Promotion (Repeal and Related Matters) Bill as follows:

- *clause 4(c)* is omitted as it is no longer necessary when Part 3 of the Bill is split off into the Minimum Wage Amendment Act:
- a reference to section CW27(1)(d) of the Income Tax Act 2004 has been added to *clause 9*:
- in *clause 13 (new section 8)*,—
 - “limited” is substituted for “impaired” to avoid any confusion that using “impaired” might cause in the disability sector (*section 8(1)(a)*):
 - new *subsection (1A)* is inserted to clarify that new *section 8(1)(b)* does not derogate from any existing legal obligations that employers have towards their employees, for example, under the Human Rights Act 1993:
 - *subsection (2)* has been substituted to provide that a minimum wage exemption permit comes into force on the date it is issued or any other date as stated in the permit, and remains in force for the period stated in the permit:
 - new *subsection (3A)* is inserted to clarify that a Labour Inspector may revoke a minimum wage exemption permit before it expires

if it is no longer reasonable and appropriate for the permit to remain in force:

- *clause 14* has been substituted with a clause that provides for—
 - consequential amendments to sections 56(1A) and 63(6) of the Employment Relations Act 2000 to replace “under-rate worker’s permit” with “minimum wage exemption permit”; and
 - the revocation of the Minimum Wage Regulations 1946:
 - new *clause 15* is added to provide a transitional provision for under-rate workers’ permits. This clause deems existing under-rate workers’ permits to be minimum wage exemption permits under the *new section 8*.
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