

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 12 August 1992

HOUSING RESTRUCTURING BILL

Proposed Amendments

PAUL SWAIN, in Committee, to move the following amendments:

Clause 2: To insert, after line 19 on page 5, the following definition:

“Social responsibilities” means the Crown’s responsibilities to—

(a) Provide secure, adequate, and affordable housing for people with low incomes or special needs or disabilities, senior citizens, or people, including those of ethnic minorities, who may tend to be discriminated against by residential property owners; and

(b) Set appropriate standards for the provision of residential buildings and accommodation.”

Clause 3A: To insert, after line 1 on page 6, the following clause:

3A. Treaty of Waitangi—In achieving the social responsibilities defined in section 2 of this Act, all persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

PART I

PRINCIPLES

Clause 4: To omit subclause (1) (lines 4 to 22 on page 6), and substitute the following subclause:

(1) The principal objective of the company shall be to operate to meet the Crown’s social objectives and responsibilities in relation to housing and related services, whether in accordance with its statement of corporate intent or pursuant to any agreement made under section 7 of this Act, by maintaining sufficient public housing stock to house low income people with serious housing needs, those with special needs, senior citizens, and those who may tend to be discriminated against by residential property owners, and to this end to be—

(a) An organisation that exhibits a sense of social responsibility by ensuring adequate and affordable housing is available to those with serious or special

housing needs and by acting in a non-discriminatory manner toward clients and the community; and

(b) A good employer.

Clause 6: To omit from line 4 on page 7 the word "objective", and substitute the word "objectives".

To omit from lines 7 and 8 on page 7 the words "in accordance with its statement of corporate intent", and substitute the words "in furtherance of the social responsibilities defined in section 2 of this Act".

Clause 7: To omit this clause (which appears on page 7), and substitute the following clause:

7. Contracts for provision of services—(1) The Crown may, from time to time, require the company to enter into agreements for the provision by the company of housing and related services in order to meet the social responsibilities defined in section 2 of this Act.

(2) Any agreement entered into pursuant to this section shall include performance measures, agreed between the parties, that will enable the company's performance to be evaluated, and shall be made available to the public at a fair and reasonable price.

Clause 8: To omit this clause (which appears on page 7), and substitute the following clause:

8. Collective employment contracts—(1) Before entering into any collective employment contract under the Employment Contracts Act 1991, the company shall consult and agree with the State Services Commissioner over the conditions of employment to be included in the collective employment contract.

(2) In agreeing on the conditions of employment to be included in the collective employment contract under subsection (1) of this section, the company and the State Services Commissioner shall have regard to—

- (a) The desirability of maintaining, wherever possible, the conditions of employment applying to employees of Housing New Zealand at the commencement of this Act; and
- (b) Conditions of employment commonly prevailing in the public service.

PART II

ACQUISITION BY CROWN OF SHARES IN COMPANY

Clause 14: To omit this clause (which appears on page 10), and substitute the following clause:

14. Powers of shareholding Ministers in respect of company—(1) Notwithstanding any other provision of this Act or the rules, but subject to subsection (2) of this section, the shareholding Ministers may, by written notice to the board, determine the amount of dividend payable by the company in respect of any financial year or years, and the board shall comply with the notice.

(2) Before giving any notice under this section, the shareholding Ministers shall—

- (a) Have regard to Part I of this Act; and
- (b) Consult the board as to the amount of the dividend; and
- (c) Ensure that any amount of dividend payable by the company shall not prevent the company from

carrying out the social responsibilities defined in section 2 of this Act.

(3) Within 12 sitting days after a notice is given to the board pursuant to this section, the responsible Minister shall lay a copy of the notice before the House of Representatives.

PART III

ACCOUNTABILITY

Clause 15: To insert in line 33 on page 10, after the words "corporate intent", the words ", which shall not contradict the social responsibilities defined in section 2 of this Act,".

To omit from lines 5 and 6 on page 11 the words "in relation to housing and related services", and substitute the words "and responsibilities in relation to housing and related services by maintaining sufficient public housing stock to house low income people with serious housing needs, those with special needs, senior citizens, and those who may tend to be discriminated against by residential property owners."

To omit subclause (6) (all the words in lines 14 to 20 on page 12), and substitute the following subclauses:

(6) A statement of corporate intent may be modified at any time by written notice from the board to the shareholding Ministers, so long as—

(a) The board has first given notice to the shareholding Ministers of the proposed modification and considered any comments made thereon by the shareholding Ministers within 1 month of the date on which that notice was given; and

(b) The proposed modifications do not contradict the social responsibilities defined in section 2 of this Act.

(7) The board shall have regard to any written comments on the statement of corporate intent and on the company's performance that are made to it during the financial year by members of the public in preparing the draft statement of corporate intent for the ensuing year.

Clause 16: To insert, after line 26 on page 12, the following paragraphs:

(aa) A report on the extent to which the company has carried out the social responsibilities defined in section 2 of this Act; and

(ab) The auditor's report on that social responsibility report; and.

To add, after line 3 on page 13, the following subclause:

(3) Every report under subsection (1) (aa) and (ab) of this section shall be made available to the public at a fair and reasonable price and the board shall have regard to any written comments on the report made to it during the financial year by members of the public in carrying out the social responsibilities defined in section 2 of this Act.

Clause 17: To add, after the word "half-year" in line 8 on page 13, the words ", including its achievements in carrying out the social responsibilities defined in section 2 of this Act".

Clause 18: To insert, after the word "rules" in line 15 on page 13, the words ", which shall have regard to the social responsibilities defined in section 2 of this Act,".

PART IV

VESTING OF STATE HOUSING ASSETS AND LIABILITIES AND
CORPORATION ASSETS AND LIABILITIES IN COMPANY

Clause 21A: To insert, after line 14 on page 15, the following clause:

21A. Treaty of Waitangi—In relation to the vesting, pursuant to this Part of this Act, of State housing assets and liabilities and Corporation assets and liabilities in the company, the shareholding Ministers shall have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Clause 22: To insert, after the word “agreement,” in line 18 on page 15, the words “but subject to **section 21A** of this Act relating to the Treaty of Waitangi (Te Tiriti o Waitangi)”.

Clause 23: To add, after line 17 on page 16, the following subclause:

(2) The company shall abide by the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in making any agreement under **subsection (1)** of this section.

Clause 27: To add, after line 29 on page 19, the following subclause:

(6) Nothing in this Part of this Act or in any vesting of land in the company pursuant to this Part of this Act shall derogate from the provisions of **section 21A** of this Act relating to the Treaty of Waitangi (Te Tiriti o Waitangi).

Clause 28: To add, after line 17 on page 20, the following proviso:

Provided that any such powers shall be exercised in accordance with the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Clause 29: To add, after line 32 on page 22, the following subclause:

(3) A District Land Registrar shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) before issuing a certificate in accordance with **subsection (1)** of this section.

Clause 35: To add, after line 8 on page 26, the following proviso:

Provided that such action is in accordance with the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Clause 37: To insert, after the word “fee” in line 43 on page 26, the words “and on being satisfied that the application is in accordance with the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)”.

PART VI

AMENDMENTS TO RESIDENTIAL TENANCIES ACT 1986

Part VI: To omit this Part (which appears on pages 35 to 44).

Second Schedule: To omit all the items appearing in the second column on page 49 relating to the Residential Tenancies Act 1986.

Title: To insert, after line 9 on page 1, the following paragraph:

(ba) Provide for that company to meet the Crown’s social responsibilities to—

(i) Provide secure, adequate, and affordable housing for people with low incomes or special needs or disabilities, senior citizens, or people, including those of ethnic minorities, who may be discriminated against by residential property owners; and

(ii) Set appropriate standards for the provision of residential buildings and accommodation; and.