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Child Poverty in Aotearoa

A Thematic Report for the
United Nations Committee
on the Rights of the Child

SUBMITTED TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD FOR
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Child Poverty Action Group is a registered charity committed to research on child poverty and child poverty related issues. The group's work can be found at www.cpag.org.nz. We are thankful for discussions with others in the formulation of this report, in particular Professor Mark Henaghan (School of Law, University of Auckland) and Dr Claire Mason (Aotearoa NZ Centre for Indigenous Peoples and the Law). Any errors made are the sole responsibility of the author.

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“Youth Poverty can look like many things. It can look like coming to school with the wrong uniform because their family cannot afford the proper clothes but the school rules punish students for it. It also looks like rangatahi who miss out on opportunities because their families do not have the funds to support them.

Child poverty can look like a kid who sleeps on the floor on a mattress because there aren't enough beds. It's important to note when having a kōrero around child poverty that there are many layers and experiences underlined with mamae and guilt.

Every child will have a different experience and so it's vital when laws are being debated on and kaupapa are being introduced that they are as versatile and as equitable as possible, so that no child misses out on awahi.”*

* Poverty as described through the eyes of one rangatahi living in Aotearoa New Zealand (August 2022)

PART ONE

1. Update on observations from the committee's Fifth Periodic Report (2016)

1.1 We draw the Committee's attention to a number of matters relating to observations made in the UN Committee's Fifth Periodic Report (2016).¹

1.2 New Zealand has not taken sufficient steps to incorporate the United Nations Convention on the Rights of the Child (the Convention) into domestic law, and there is no comprehensive 'code of compliance' that has been developed to ensure that new legislation is consistent with the provisions and principles of the Convention.²

1.3 Domestic legislation has not been sufficiently updated to ensure compliance with the Convention, particularly in relation to 'best interests of the child', the Social Security Act,³ and the Working for Families Package. [See Appendix 2 for in-depth analysis of 'best interest' and social security including sanctions, Working for Families, and debt related to 'benefit fraud' [Question 24 (d), (e)]]

1.4 In relation to the Committee's 2016 suggestion that the Children's Commissioner has adequate financial and human resources to monitor the application of the Convention, (point 11 (a)) and that the independent role of the Commissioner is strengthened (point 11(b)), we are concerned that this strengthening has not occurred. We draw the Committee's attention to the fact that proposed legislative changes will repeal the position of Children's Commissioner, and replace the Commissioner with a Board to oversee the Convention. [See Appendix 2]

1.5 There have been insufficient steps taken to develop a data collection system that disaggregates data by age. The current data around child poverty is dominated by broad age brackets (0 – 17 years) and fails to facilitate deeper analysis on the differing

experiences of children (particularly Māori, Pasifika, and children with disabilities) or the effect of poverty on their development.⁴

1.6 While we acknowledge the amendment to the Public Finance Act 1989 (to require the government to publish a child poverty report as part of the Budget) we would find further breakdown and modelling helpful, with specific reference to age and impacts on child development. We also seek a strengthening of the budget implementation tracking system covering all child related expenses.⁵ We also recommend that while the child poverty report and reporters remain government-funded, they are made independent of government departments.

1.7 We acknowledge the significant step of introducing the Child Poverty Reduction Act 2018 as a systemic approach to reducing child poverty, but we seek further measures to address poverty for Māori, Pasifika, and children with disabilities, and call for a revised action plan with adequate resources and short, medium, and long term goals to achieve this.⁶

1.8 We note a failure to fully implement the UN Committee's suggestion (2016) that there be budgetary lines to address disadvantage, and that 'affirmative social measures' may be required 'even in situations of economic crisis, natural disasters or other emergencies.'⁷

2. Standard of Living: (Question 24) Article 27

2.1 Child poverty and standard of living are linked, and we consider these concepts through the lens of the Articles of the Convention on Rights of the Child (the Convention), and for tamariki Māori, te Tiriti o Waitangi (te Tiriti) and the UN Declaration on the Rights of Indigenous Peoples (the Indigenous Declaration) .

2.2 We note that child poverty in New Zealand / Aotearoa must also be understood in the context of colonisation. The rights of tamariki Māori, and their whānau, hapū and iwi, to live, develop and thrive in accordance with their own customs, and have authority over their lands, resources and affairs are guaranteed by te Tiriti.

2.3 As discussed in the Thematic Report by the Te Puna Rangahau o te Wai Ariki / Aotearoa NZ Centre for Indigenous Peoples and the Law, the guarantees made to Māori under te Tiriti have ‘been largely dishonoured by the New Zealand Government’⁸ and this has had a “devastating flow-on effects for the wellbeing of tamariki Māori and the fulfilment of their rights”.⁹

2.4 We draw the Committee’s attention to the fact that New Zealand is currently undergoing a Royal Commission of Inquiry into Abuse in Care. The interim report (December 2021) has made 95 recommendations, and noted the link between poverty, state and faith-based abuse, and colonisation, which have had devastating intergenerational effects:¹⁰

For Māori, the undermining of whānau, hapu and iwi structures and networks was “not merely a result of colonisation, but an essential part of the process”. This colonial history, as well as ongoing structural racism, has caused *high rates of poverty among Māori* and contributed to a disproportionate number of Māori children and young people in care.¹¹
[emphasis added]

2.5 This finding is concerning and requires further state response. A February 2022 review of the Child and Youth Wellbeing Strategy (the Strategy) found significant areas of improvement were needed: “...key groups, particularly Māori as well as Pasifika, disabled and migrant children and youth are not accorded adequate priority within the Strategy.”¹² Moreover, at the governance level, the Strategy was found to lack Māori participation, and failed to fulfil the Crown’s te Tiriti obligations.^{13, 14} The review noted that lack of specific priorities for tamariki (children), rangatahi (youth), and their whānau (extended family), operated to ‘undermine’ the ability of the Strategy “to make meaningful change for Māori.”¹⁵

3. Higher rates of poverty in Māori, Pasifika and children with disability questions (Question 9: Non-discrimination) Article 2

3.1 One in ten children (11%) live in material hardship. However there are significant discrepancies in the rates of poverty for different groups. Māori and Pasifika children suffer much higher rates (23-28%) compared with that for European or Asian children/ethnicities (6-10%).¹⁶ Figure 1 below sets out additional data from the Child and Youth Wellbeing Strategy Annual Report for year ending 30 June 2021, which shows data on the trends for years 2019/2020, and 2021/2022.

- Material hardship rates for Māori and Pasifika children are far above national rates overall
- Around one in five Māori children (20.2% of 298,000 or 60,300 children) live in material hardship
- Around one in four Pasifika children (24% of 141,500 children or 34,000) live in material hardship.
- These are compared to just over one in ten children overall (11%).

Children and young people have what they need				
Indicator	Measure	2019/20	2020/21	Source
Material wellbeing	Percentage of children (aged 0–17 years) living in households experiencing good material wellbeing	85%	86%	Household Economic Survey (Stats NZ)
	Māori	75%	75%	
	Pacific	63%	71%	
	Asian	93%	94%	
	MELAA	85%	88%	
	Low income	66%	70%	
	Disabled children	75%	76%	
	Households with at least one disabled person	74%	75%	
Child poverty	Percentage of children (aged 0–17 years) living in households with less than 50 percent median equivalised disposable household income before housing costs (BHC)	13.2%	13.6%	Official Child Poverty Measure (Stats NZ)
	Māori	15.8%	18.1%	
	Pacific	18.8%	17.2%	
	Asian	15.4%	16.9%	
	MELAA	18.8%	19.1%	
	Disabled children	16.0%	15.5%	
	Children in a disabled household	16.5%	17.3%	
	Percentage of children (aged 0–17 years) living in households with less than 50 percent median equivalised disposable household income after housing costs (AHC)	17.8%	16.3%	
	Māori	19.7%	17.8%	
	Pacific	20.5%	16.3%	
	Asian	23.7%	20.2%	
	MELAA	29.9%	28.0%	
	Disabled children	21.5%	17.6%	
	Children in a disabled household	20.5%	18.8%	
	Percentage of children (aged 0–17 years) living in households experiencing material hardship	11.5%	11.0%	
	Māori	19.7%	20.2%	
	Pacific	22.3%	24.0%	
	Asian	5.8%	4.9%	
	MELAA	10.0%	4.9%	
	Disabled children	20.7%	20.5%	

Figure 1 Source: From Child and Youth Wellbeing Strategy Annual Report for Year Ending 30 June 2021, p58

3.2 There also significantly higher rates of poverty for children with a disability or those who are cared for by a family member who has a disability. According to the Child Poverty Monitor, “disabled children, and children living in a household with at least one disabled person, were left behind in the progress toward the child poverty reduction targets.”¹⁷

3.3 For disabled children, the material hardship rate is one in five (20.5% of 126,800 children). For severe material hardship it is 10.3% compared, with non-disabled children (at 4.2%). Children in households with a disabled member have four times the rate of severe material hardship compared to children in a non-disabled household (10.3% and 2.5% respectively)

3.4 For the year ended June 2021, the annual household disposable income for disabled people was \$42,239 which is lower than the average household equivalised disposable income for non-disabled people of \$51,683.¹⁸ However, the costs associated with disability are high. Given the high impact of increased housing costs on household expenses, it must be a priority for the government to ensure that people living in poverty with a disability have equitable access to public housing. Currently only 2% of public housing meets accessibility standards. Improvements were planned but it is concerning to see this programme to retrofit current state housing may be put on hold due to a desire to meet costs.¹⁹ Currently only 15% of new builds of state housing are aimed to be assessable.

Child poverty measures for Māori and Pacific people, year ended June 2019–2021

Measure	Year	Māori	Pacific people	Total population	
a. Percentage of children living in households with less than 50 percent of the median equivalised disposable household income before housing costs are deducted	Year ended June 2021 percentage	18.1 (53,600 children)	17.2 (25,000 children)	13.6 (156,700 children)	
	Year ended June 2020 percentage	15.8 (45,500 children)	18.8 (27,600 children)	13.2 (151,200 children)	
	Year ended June 2019 percentage	17.9 (52,800 children)	18.6 (26,200 children)	13.5 (153,200 children)	
	Year ended June 2019-2021	Percentage points	0.2	-1.4	0.1
		Sample error on change	3.1	4.5	1.5
b. Percentage of children living in households with less than 50 percent of the median equivalised disposable household income after housing costs are deducted (for the 2017/2018 base financial year)	Year ended June 2021 percentage	17.8 (52,600 children)	16.3 (23,800 children)	16.3 (187,300 children)	
	Year ended June 2020 percentage	19.7 (56,900 children)	20.5 (30,000 children)	17.8 (203,300 children)	
	Year ended June 2019 percentage	22.4 (66,200 children)	21.5 (30,300 children)	18.3 (207,700 children)	
	Year ended June 2019-2021	Percentage points	-4.6	-5.2	-2.0
		Sample error on change	3.1	4.4	1.7
c. Percentage of children living in households that experienced material hardship	Year ended June 2021 percentage	20.2 (60,300 children)	24.0 (34,000 children)	11.0 (125,700 children)	
	Year ended June 2020 percentage	19.7 (57,000 children)	26.5 (38,700 children)	11.5 (131,700 children)	
	Year ended June 2019 percentage	22.6 (65,700 children)	28.2 (39,700 children)	13.2 (149,400 children)	
	Year ended June 2019-2021	Percentage points	-2.4	-4.2	-2.2
		Sample error on change	3.5	6.1	1.5

Source: Stats NZ, Household Economic Survey

Figure 2 Source Stats NZ, based on Household Economic Survey

Child poverty rates by primary and supplementary measures, year ended June 2018–2021

Measures	Rate (%)				Change in rate			
	Year ended June 2018	Year ended June 2019	Year ended June 2020	Year ended June 2021	Year ended June 2018–2021		Year ended June 2020–2021	
					Percentage points	Sample error on change	Percentage points	Sample error on change
Primary measures								
a. Percentage of children living in households with less than 50% of the median equivalised disposable household income before housing costs are deducted	16.5 (183,400 children)	13.5 (153,200 children)	13.2 (151,200 children)	13.6 (156,700 children)	-2.9	1.6	0.4	1.7
b. Percentage of children living in households with less than 50% of the median equivalised disposable household income after housing costs are deducted (for the 2017/2018 base financial year)	22.8 (253,800 children)	18.3 (207,700 children)	17.8 (203,300 children)	16.3 (187,300 children)	-6.5	2.3	-1.5	1.8
c. Percentage of children living in households that experienced material hardship	13.3 (147,600 children)	13.2 (149,400 children)	11.5 (131,700 children)	11.0 (125,700 children)	-2.3	2.5	-0.6	1.4
Supplementary measures								
e. Percentage of children living in households with less than 60% of the median equivalised disposable household income before housing costs	25.3 (281,200 children)	22.1 (250,300 children)	21.8 (248,900 children)	21.7 (249,000 children)	-3.6	1.8	-0.1	1.9
f. Percentage of children living in households with less than 60% of the median equivalised disposable household income after housing costs	30.6 (341,100 children)	27.7 (313,200 children)	27.8 (318,100 children)	28.1 (322,900 children)	-2.5	2.8	0.3	2.2
g. Percentage of children living in households with less than 50% of the median equivalised disposable household income after housing costs	22.8 (253,800 children)	20.1 (227,900 children)	19.5 (222,800 children)	20.6 (236,900 children)	-2.2	2.4	1.1	1.9
h. Percentage of children living in households with less than 40% of the median equivalised disposable household income after housing costs	15.7 (174,300 children)	13.8 (156,100 children)	13.2 (151,400 children)	13.1 (150,400 children)	-2.6	2.5	-0.1	1.7
i. Percentage of children living in households that experienced severe material hardship	5.8 (64,800 children)	5.7 (64,600 children)	4.6 (52,600 children)	4.9 (56,100 children)	-0.9	1.7	0.3	1.1
j. Percentage of children living in households with less than 60% of the median equivalised disposable household income after housing costs and experiencing material hardship	8.8 (98,300 children)	7.7 (87,100 children)	6.9 (78,400 children)	6.6 (76,100 children)	-2.2	2.0	-0.2	1.2
Source: Stats NZ, Household Economic Survey								

Figure 3 Source Stats NZ

4. Statistical data (Question 32 , 33)

4.1 StatsNZ is mandated under the Child Poverty Reduction Act 2018 to report on ten official measures of Child Poverty, broken down by ethnicity, disability status and region. Governments are required to set three (2020/2021) and ten (2027/2028) yearly targets for child poverty reduction, against three primary measures.

4.2 Statistics are based on the Household Economic Survey for the previous year. Children living in emergency housing are not captured in this data.²⁰ The Government is required to report on material hardship, and severe material hardship. The definition of those terms is delegated under the Act to the statistician²¹ who provides a written determination (see section 6 and section 34 of the Act).

July 2020-June 2021 Data on after housing costs (AHC) poverty measures*

- 322,900 children (28.1%) were living in after-housing-costs income poverty (60% of equivalised household median, moving-line AHC measure)
- 236,900 children (20.6%) were living in income poverty (related 50% AHC measure)
- 150,400 children (13.1%) were living in severe income poverty (40% or less AHC measure).²²

*While 'after housing costs' (AHC) are not among the government's three chosen measures but we use them as a reflection of high housing costs in New Zealand.

4.3 We note, however, that income and material measures such as the ability to buy shoes, food and pay the rent do not capture the full impact of child poverty.²³ In the words of one rangatahi:²⁴

Youth Poverty can look like many things. It can look like coming to school with the wrong uniform because their family cannot afford the proper clothes but the school rules punish students for it. It also looks like rangatahi who miss out on opportunities because their families do not have the funds to support them. Furthermore, child poverty can look like a kid who sleeps on the floor on a mattress because there aren't enough beds. It's important to note when having a kōrero around child poverty that there are many layers and experiences underlined with mamae and guilt. Every child will have a different experience and so it's vital when laws are being debated on and kaupapa are being introduced that they are as versatile and as equitable as possible, so that no child misses out on awahi.

4.4 While we acknowledge the progress made towards lifting some children out of poverty, we remain concerned with the lack of progress for Māori, Pasifika, and disabled children.²⁵ Progress against the baseline measures since 2017/2018 is shown below.

Progress since the baseline year (2017/18) on primary measures in the Child Poverty Reduction Act 2018.

Measures	Rate (%)				Change in rate
	Year ended June 2018	Year ended June 2019	Year ended June 2020	Year ended June 2021	Year ended June 2018–2021
Before-housing-cost primary measure (moving line)	16.5 (183,400 children)	13.5 (153,200 children)	13.2 (151,200 children)	13.6 (156,700 children)	-2.9 (-26,700)
After-housing-cost primary measure (fixed line)	22.8 (253,800 children)	18.3 (207,700 children)	17.8 (203,300 children)	16.3 (187,300 children)	-6.5 (-66,500)
Material hardship primary measure	13.3 (147,600 children)	13.2 (149,400 children)	11.5 (131,700 children)	11.0 (125,700 children)	-2.3 (-21,900)

Figure 4 Source: Child and Youth Wellbeing Strategy Annual Report for Year Ending 30 June 2021 (April 2022) p 30

4.5 Figure 17 below sets out the graph for severe material hardship broken down by ethnicity for the years 2019-2021. Figure 18 provides the data for material hardship by ethnicity for years 2019 - 2021. Figure 20 shows trends in the rates of

material hardship from 2013 – 2021. Material hardship is used because income measures capture only one aspect of child poverty. Not all low-income households are in hardship, but some households with incomes above low-income lines (income poverty lines) are in hardship.²⁶ In addition to income, a more ‘child-centric’ material hardship approach is adopted. A helpful infographic for how child poverty is measured in New Zealand can be found at: <https://www.stats.govt.nz/infographics/how-we-measure-child-poverty>

4.6 Figure 5 outlines the questions asked to capture the experience of living in poverty from the perspective of a child, and the responses for years 2018/2019 and 2019/2020.²⁷

Table C.1
Child-specific items and the % of age 6-17s without the item or very restricted, as reported by household respondent (HES 18-19 and 19-20)

Don't have (for any reason):	18/19	19/20
Two pairs of shoes in a good condition and suitable for daily activities	7	5
Two sets of warm winter clothes	2	1
Waterproof coat	9	6
A separate bed	5	4
Fresh fruit and vegetables daily	7	5
A meal with meat, fish or chicken (or vegetarian equivalent) daily	6	4
Good access at home to a computer and internet for homework?	6	5
A range of books at home suitable for their ages	5	4
A suitable place at home to do school homework	2	2
Friends around to play and eat from time to time	11	11
Friends around for a birthday party	13	11
Do/not do a lot in order to save money:		
Postponed visits to the doctor	2	1
Postponed visits to the dentist	1	1
Did not pick up child's prescription	0	1
Unable to pay for a child to go on a school trip or other school event	3	2
Had to limit children's involvement in sport	6	4
Had children go without music, dance, Kapa haka, art, swimming or other special interest lessons	7	5
Children continue wearing shoes or clothes that were worn out or the wrong size	3	2
Don't have (age 11+ only):		
Mobile phone if aged 11+	18	14

Figure 5 Source, Bryan Perry, 'Child Poverty in New Zealand', Ministry of Social Development, at p32.

5. Link Between Poverty, Health and avoidable hospitalisations Article 24 (Question 22)

5.1 We are concerned with the impact on the health and development potential of children living in poverty [Article 24]. This is linked to persistent inequalities in health and developmental outcomes.²⁸ The Child Poverty Related Indicators report on rates of potentially avoidable hospitalisations for ages 0-14 years of age.²⁹ Poverty can be a barrier to health outcomes through a complex matrix of causes. These range from overcrowding, damp and/ or cold homes, poor diet, parents unable to take time off work to take children to medical appointments, and costs of medical care.

➤ [We refer the Committee to the Thematic Report, 'Basic Health and Welfare Rights of Children 0-5 years of age' to which we have contributed additional information on poverty and its link to poor health outcomes.](#)

6. Impact of COVID-19 pandemic (Question 2(b))- New Developments

6.1 The government undertook steps to mitigate the severest impacts of the COVID-19 pandemic (COVID) on incomes (until June 2021),³⁰ but COVID has nonetheless exacerbated inequalities in New Zealand, with financial strain disproportionately impacting those on fixed and low incomes.³¹ There is high demand in food bank usage, an increase in those receiving benefits, higher food costs and rising petrol prices.³²

6.2 The government's COVID response has been criticised for favouring the most well-off. The 'Wage Subsidy Scheme' (which saw \$20 billion spent) has had little impact on those experiencing the most hardship, and the government proceeded despite Treasury warnings the scheme would create increased inequality.³³ Recent analysis from the Auckland University of Technology shows that young Pasifika women under the age of 30 years have been particularly affected by the pandemic policies, with inequalities between Pākehā and Pasifika exacerbated.³⁴ In the year ended June 2021 (compared with the year ending June 2020) Stats NZ data shows that while average annual household equivalised disposable income (after tax and transfer payments) increased from \$47,727 to \$50,164 (up 5.1%), average weekly housing costs increased 2.5% (from \$340 to \$348.60) and there was an increase of 5.4% for those paying rent (the average went from \$372.30 - \$392.30 per week).³⁵

6.3 Worryingly, COVID has significantly affected school attendance, with mandatory lockdowns. There is now close to double the number of children who are missing or not enrolled in schooling.³⁶ [See Figure 6] While there is no clear data as to how many of these absent are due to children leaving school to help support families, Secondary Principals Association president Vaughan Couillault has stating that, "If there was a choice, students would stay in school, but there are those who don't have that luxury."³⁷ This threatens to create a cycle of poverty where children are supporting families at the expense of completing their education. As one rangatahi has observed:

"In the 2020 lockdown hundreds of students left school to find employment mainly in warehouse and factory jobs. These kinds of jobs, although earn a lot of money, are tiring, extensive, and are long hours which push rangatahi to overwork. Instead of focusing on education the government forces them to leave school in order to ensure there is food on the table. The issues of food insecurity and dropout rates at high school are linked. They are catalysts for each other and so they need to be solved together. Initiatives like kids can, food for schools, and breakfast club help to normalise students seeking support."³⁸

Number non-enrolled students across New Zealand
between Jan 2017 and May 2022

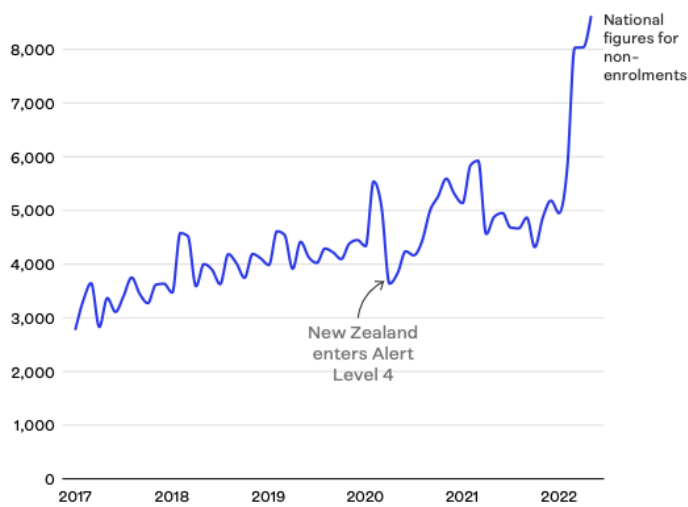


Chart: Gabrielle McCulloch · Source: Written Parliamentary Question

Figure 6 Source Parliamentary Question

6.4 We draw the Committee’s attention to the fact that the current government statistics do not take into account the August-September 2020 lockdown, or the 2021 lockdown in Auckland (August-December). These lockdowns, and the recent dramatic increase in inflation have put more families in financial stress, and hardship grants are increasingly being used to make ends meet. [See Figure 7]

Reasons for granting hardship assistance

Figure 14a. Number of hardship payments provided during the quarter for the last six March quarters, by selected reason

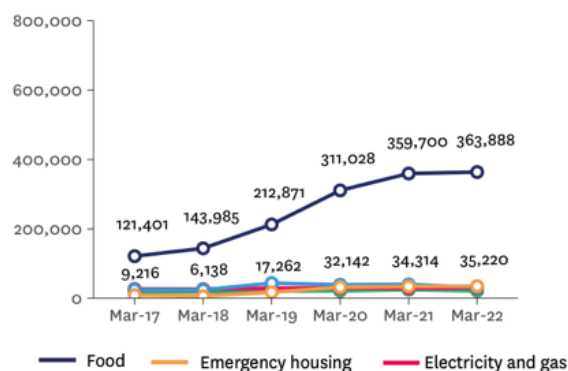
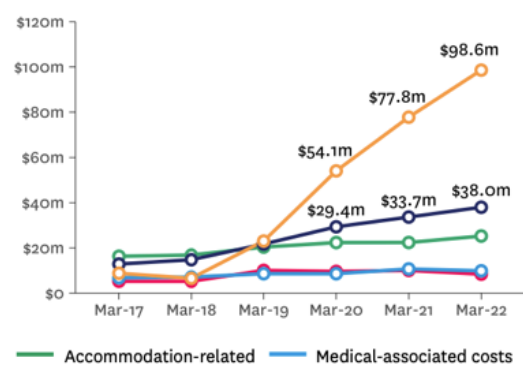


Figure 14b. Value of hardship payments provided during the quarter for the last six March quarters, by selected reason



The number of Special Needs Grants for food has increased since the March 2021 quarter. There were 4,188 more Special Needs Grants for food provided, totalling 363,888 during the March 2022 quarter. The value of Special Needs Grants for food provided increased by 12.9 percent to \$38,004,153 during the March 2022 quarter.

Figure 7 Benefit Fact Sheet March Quarter , p7.

6.5 COVID has also affected the ability to conduct face-to-face interviews in homes, resulting in a smaller sample size for the *Household Economic Survey*.³⁹ While Stats NZ states that they have found “no discernible impact” on their survey results,⁴⁰ homeless families, and those in emergency housing are not captured. Therefore we consider that using additional datasets is justified. In this report we refer to foodbank statistics and qualitative studies to supplement the Stats NZ data. For example, the Child and Youth Wellbeing Strategy *Annual Report* for year ending 30 June 2021 (released April 2022) stated that there was a 26% decrease in food insecurity for children.⁴¹ We suggest that this figure no longer accurately reflects foodbank usage, and refer to independent data from the Auckland City Mission that show a dramatic increase in foodbank reliance in the last two years [See Figure 13].

7. Government obligations and Article 4 (Question 5: Allocation of Resources)

7.1 Article 4 of the Convention requires the state to “undertake measures to the maximum extent of their available resources”. The state’s response and its obligations under the Convention must be gauged with reference to its current economic profile. New Zealand is a high-income country with GDP \$355 billion (StatsNZ). Current financial statements show that “Core Crown revenue was \$2.9 billion higher than forecasts driven by core tax revenue, while core Crown expenses were \$1.4 billion lower than forecast.”⁴²

7.2 New Zealand’s debt cap is low when compared with debt caps in other countries [see Figure 8]. New Zealand’s net debt as a percentage of GDP is only 20%, around half that of Australia (at 38%). Net debt in the US is nearly five times higher than New Zealand. This demonstrates that New Zealand can support higher net debt levels up to 30%, which would allow better state responses to poverty to help those children who are suffering in the harshest conditions of severe material hardship.⁴³

INFOMETRIC: Source International Monetary Fund, World Economic Database, April 2022

Country	General Government Net Debt (% of GDP)						
	2021	2022	2023	2024	2025	2026	2027
New Zealand	15.0	20.0	21.3	21.1	19.9	18.0	16.4
Australia	35.7	37.5	40.7	41.3	40.7	39.4	37.9
United Kingdom	84.3	76.1	71.3	68.0	64.8	61.9	59.2
United States	101.3	95.8	94.9	96.1	99.2	102.4	105.6
Canada	33.2	32.1	31.6	31.3	30.8	29.1	27.6

Source: International Monetary Fund, World Economic Outlook Database, April 2022

Figure 8 Source International Monetary Fund, World Economic Outlook Database, April 2022

7.3 In the last decade there has been two independent investigations into child poverty and welfare inequity in New Zealand. One was initiated and led by the Commissioner for Children (*Expert Advisory Group on Solutions to Child Poverty, 2012*),⁴⁴ and the other initiated by the Government and led by the now current Governor General, Professor Cindy Kiro (*Whakamana Tāngata: Restoring Dignity to Social Security in New Zealand, 2019*).⁴⁵ The full recommendations from these reports have not been implemented. Crucially, child poverty in New Zealand exists in a society where adult and senior rates of poverty have largely been resolved.

7.4 We acknowledge the commitment this government has made to lift benefits and income since it came in to power in 2017.⁴⁶ [See Figure 9]. In our view New Zealand’s economic profile is robust enough to sustain additional economic responses to reduce entrenched rates of child poverty. Its failure to do so must, at some level, be read as being due to a political reluctance to make the transformational changes necessary. We remain concerned that there is a lack of significant ‘affirmative social measures’ (as suggested in UN Committee’s *Fifth Periodic Report*) that the UN considered are required ‘even in situations of economic crisis, natural disasters or other emergencies’⁴⁷ to shift poverty for the children left behind.

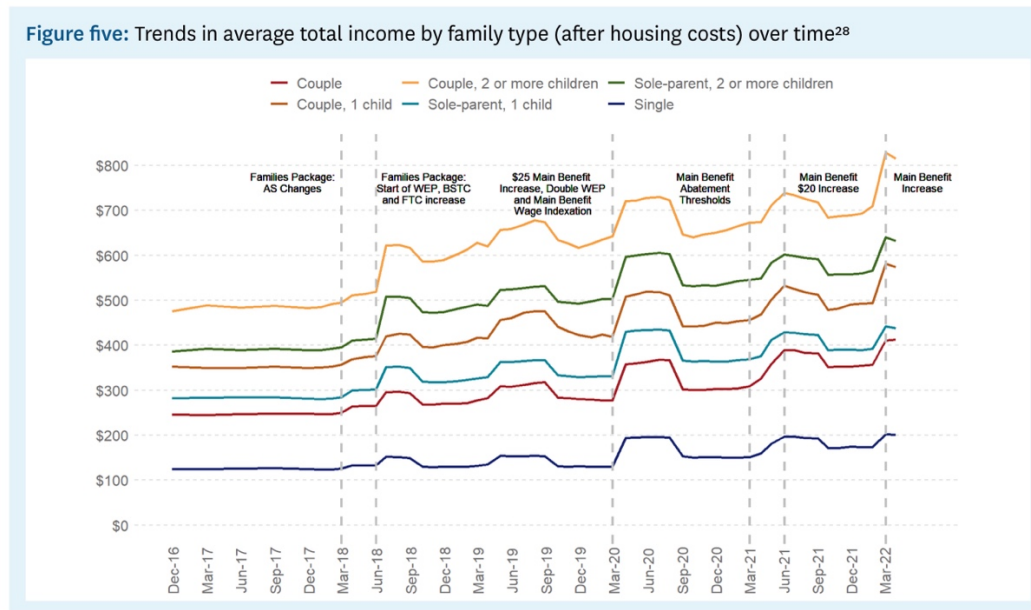


Figure 9 Working Paper: Total Incomes of MSD, Ministry of Social Development p 12

8. The right to adequate food and nutrition: Articles 24, and 27: Question 2 (c) New Development – High rates of food Insecurity

8.1 Food security is related to the right to food or nutrition.⁴⁸ We note the Convention uses the term ‘nutrition,’ not merely ‘food’. We note that Article 24(1) states that “State Parties shall strive” but this must be balanced against Article 24 (2) which states “State Parties shall pursue *full implementation of this right*, and in particular, shall take appropriate measures.” [Emphasis added].⁴⁹

8.2 We assert that in the context of New Zealand’s economic profile these provisos *cannot be read* to justify significant food insecurity experienced by children who are going hungry.

“Around 40% of families experience material hardship at any single time point during the formative first two years. When this occurs, many make sacrifices (household heating, cheaper food choices) in order to pay for other things.”⁵⁰

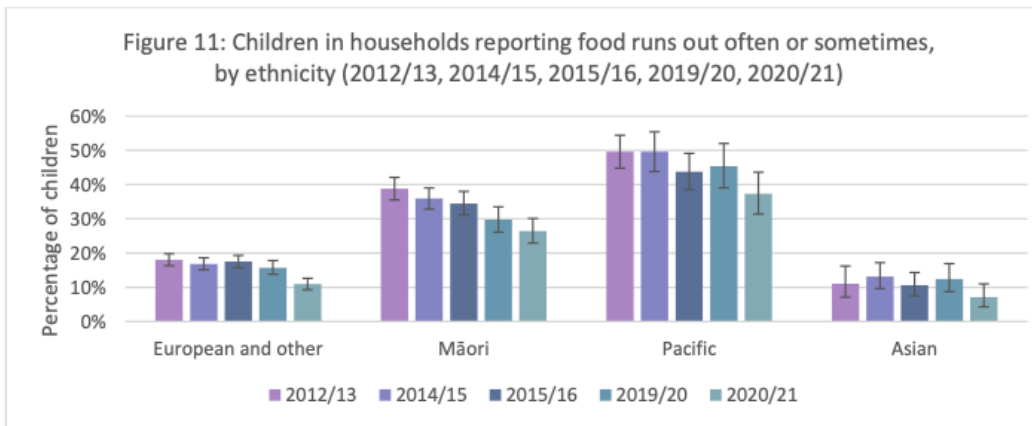
8.3 Food Insecurity 2019/2020 at a Glance:⁵¹

- One in five children lived in households that ran out of food due to costs ‘sometimes’ (15.6%) or ‘often’ (4.3%).
- For Pasifika children 35.4% ‘sometimes’ run out (c.f. 10.0% for ‘often).
- For Māori children this figure is 21.9% ‘sometimes’ and 7.9% ‘often’.⁵² [See Figure 10 for additional data]

8.4 It is helpful to categorise food security by the three “A’s”: ‘available’, ‘accessible’, and ‘adequate’.⁵³ While food in New Zealand may be readily ‘available’ (e.g. we are a food producing nation), we note that for many children, food is not ‘accessible’ (which encompasses economic affordability) and neither is the food which is economically viable ‘adequate’.⁵⁴

Adequacy means that the food must satisfy *dietary needs*, taking into account the individual’s age, living conditions, health, occupation, sex, etc. For example, if children’s food does not contain the nutrients necessary for their physical and mental development, it is not adequate. Food that is energy-dense and low-nutrient, which can contribute to obesity and other illnesses, could be another example of inadequate food.⁵⁵

8.5 Stats NZ figures show that food price inflation rose to 6.6 per cent in June 2022 (compared with June 2021) with meat, poultry, and fish prices increased 6.8 per cent. Fruit and vegetable prices increased 5.5 per cent. The largest monthly contributor to the rise was the cost of fruit and vegetable prices which rose 4.9 per cent.⁵⁶



Source: NZ Health Survey, Ministry of Health.

Figure 10 Child Poverty Related Indicators Report for year ending 30 June 2021, at p 19

8.6 While the right to food is distinct from the right to be fed, it does encompass (especially in relation to childhood nutrition) the right of children to have their nutritional needs met through the state enabling conditions where parents can meet the nutritional needs of the child.⁵⁷ In New Zealand many families rely on food banks to feed their family. This has been exacerbated by COVID.

8.7 The government has responded to increasing food costs by creating a new position of a ‘Groceries Commissioner’ to sit within the Commerce Commission.⁵⁸ We welcome this new initiative, but note that there are calls to think more broadly to solve the issue of continuing access to healthy food. Mothers are going without food to enable their children to eat, and a recent study led by the University of Otago⁵⁹ states that due to women adapting to sacrifice for the sake of their children, the full extent of the problem is likely to be masked.⁶⁰

8.8 Chair of the Māori Food Network (which supports 38,000 households across Tāmaki Makaurau, Auckland) Hurimoana Dennis calls on the government to examine more innovative solutions:⁶¹

“We’re looking at some stuff that goes well beyond food banks, well beyond food vouchers, well beyond kai packs. We are over that type of thinking and

response to food, it's a deficit. *That is not mana enhancing.*"[emphasis added]

8.9 One suggestion is to remove GST from basic groceries like fresh fruit, vegetables, milk, and bread. In the words of one woman: ⁶²

There needs to be no GST on fresh fruit, meat, milk, yoghurt and bread, and maybe basic baseline cereals ... because why would you buy your child a bottle of milk, when you can buy them three times as much coke for the same price?! It disturbs me, like it's all backwards!

8.10 Children living in households under 40% AHC are most deprived on fresh fruit and vegetables (a "lot").⁶³ See Figure 11.

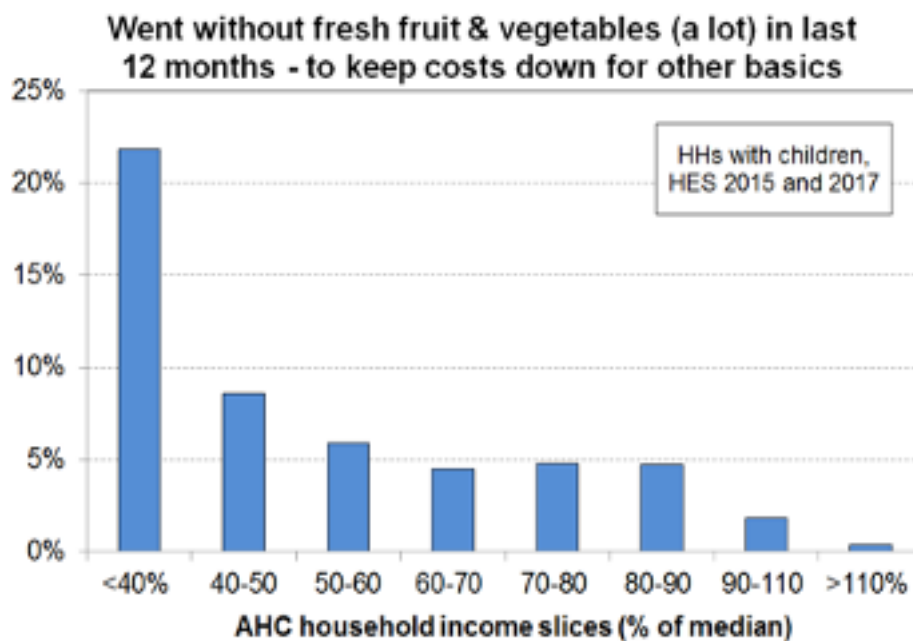


Figure 11 Bryan Perry, 'Child Poverty in New Zealand' Ministry of Social Development, p 94

8.11 Food security is highly linked to debt for many families. One whānau-based survey found that 82% of those who made the choice between food and debt were servicing debt to Work and Income.⁶⁴ [See Figure 12].

Food insecurity

Not enough to buy food (Q19)



Choose between food and other expenses (Q15, 16)

In the last month 92% indicated that they had to choose between buying food and paying other expenses.

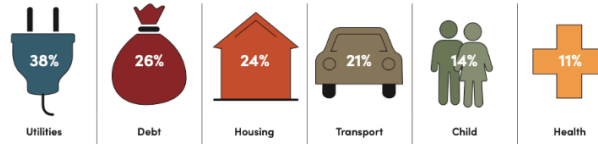


Figure 12 Source Kore Hiakai Zero Hunger Collective report- April 2022

8.12 Statistics from the Auckland City Mission show that the number of food parcels distributed each year (ending June from 2008/09 to 2020/21) has risen sharply. Over ten years (2010/11 to 2020/21) the number of food parcels increased from 9,239 to 48,679. [See Figure 13]

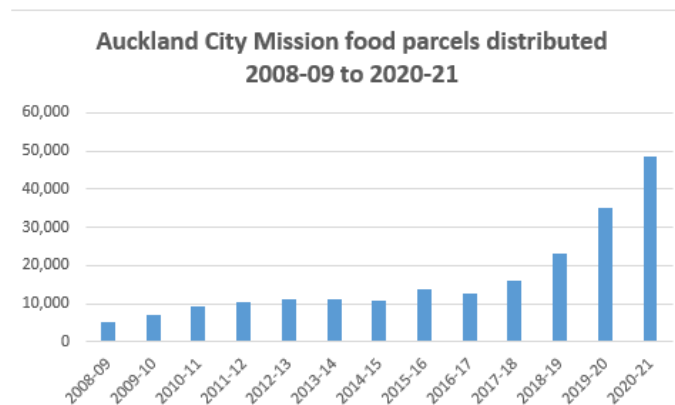


Figure 13 Auckland City Mission

9. Best Interest of the child (Question 10) Article 3

9.1 New Zealand currently fails to put the “best interests” of the child as a matter of primary consideration in key legislation and policy. As a result of this failure (particularly in relation to the Social Securities Act and the ‘Working for Families’ package) many families of young children face higher degrees of material hardship than they otherwise would. The government’s progress on this is slow. We note that this issue was raised by the Commissioner for Children’s *Expert Advisory Group on Solutions to Child Poverty* in 2012.⁶⁵ In the New Zealand context ‘best interest’ of the child for tamariki must be understood as being both ‘a collective and individual right’.⁶⁶

➤ Note: Due to word constraints we are unable to provide the depth of discussion we consider necessary to address the level of concern we have around these issues. Please see a fuller analysis in Appendix Two.

10. Child and youth wellbeing strategy (Question 24) Standard of living

10.1 Child poverty links to the government’s *Child and Youth Wellbeing Strategy* (the Strategy) and its *Programme of Action*, particularly the outcome ‘Children and Young People Have What They Need’, where the main focus is increasing material wellbeing of households living in poverty and hardship. There are four main areas of focus.⁶⁷ A record of government programmes allocated to address child poverty in the 2022 Budget is available.⁶⁸ Under the Strategy, the government has chosen five indicators to track its progress that relate “Children and Young People have What they Need”:⁶⁹

- 1) Material wellbeing
- 2) Child Poverty
- 3) Food insecurity (CPRI)
- 4) Housing quality (CPRI)
- 5) House affordability (CPRI)

10.2 Figure 14 shows how the government is tracking against these indicators.

Wellbeing in 2020/21: Indicators

Indicator	Measure	2019/20	2020/21	Change
Material wellbeing	Percentage of children (aged 0-17 years) living in households experiencing good material wellbeing	85%	86%	↑
	Māori	75%	75%	→
	Pacific	63%	71%	↑
Child poverty	Percentage of children (aged 0-17 years) living in households with less than 50 percent median equivalised disposable household income before housing costs (BHC)	13.2%	13.6%	↑
	Māori	15.8%	18.1%	↑
	Pacific	18.8%	17.2%	↓
	Percentage of children (aged 0-17 years) living in households with less than 50 percent median equivalised disposable household income after housing costs (AHC)	17.8%	16.3%	↓
	Māori	19.7%	17.8%	↓
	Pacific	20.5%	16.3%	↓
	Percentage of children (aged 0-17 years) living in households experiencing material hardship	11.5%	11.0%	↓
	Māori	19.7%	20.2%	↑
Pacific	26.5%	24.0%	↓	
Food insecurity	Percentage of children (aged 0-14 years), living in households where food runs out sometimes or often	20%	15%	↓*
	Māori	30%	26%	↓
	Pacific	45%	37%	↓
Housing quality	Percentage of children (aged 0-17 years) living in households with a major problem with dampness or mould	7%	6%	↓
	Māori	11%	10%	↓
	Pacific	17%	12%	↓
Housing affordability	Percentage of households with children and young people living in (aged 0-17 years) spending more than 30 percent of their disposable income on housing	37%	34%	↓
	Māori	32%	29%	↓
	Pacific	35%	27%	↓

* Identifies annual change is statistically significant






Figure 14 Source: Child and Youth Wellbeing Strategy Annual Report for Year Ending 30 June 2021, p29

10.3 Currently the government has five Child Poverty Related Indicators (CPRI) :

- Housing affordability: percentage of children (ages 0-17) living in households where housing accounts for more than 30 percent of disposable income.
- Housing quality: percentage of children (ages 0-17) experiencing dampness or mould as a major problem.
- Food insecurity: percentage of children (ages 0-14) reporting that food runs out 'often' or 'sometimes'.
- Regular school attendance: percentage of children and young people (ages 6-16) regularly attending school.
- Potentially avoidable hospitalisations: rate of children (ages 0-14) hospitalised for potentially avoidable illnesses.

10.4 See Figure 15 for the government's analysis of how they are tracking against these measures.

Indicators at a glance

Child Poverty Related Indicator	Change since previous year ¹	Indicative longer-term trend ²	Measures
Housing affordability 	—	—	<ul style="list-style-type: none"> 34% of children (aged 0–17) lived in unaffordable housing in 2020/21 (i.e. in households spending more than 30% of their disposable income on housing). 29% of Māori children and 27% of Pacific children lived in unaffordable housing 33% of children with disabilities, and 32% of children living in households with a disabled person, lived in unaffordable housing
Housing quality 	—	↗	<ul style="list-style-type: none"> 6% of children (aged 0–17) lived in households with a major problem with dampness or mould in 2020/21. 10% of Māori children and 12% of Pacific children lived in households with a major problem with dampness or mould 10% of children with disabilities, and 10% of children living in households with a disabled family member, lived in housing with a major problem with dampness or mould
Food insecurity 	↓	↘	<ul style="list-style-type: none"> 15% of children (aged 0–14) lived in households reporting that food runs out sometimes or often in 2020/21. 26% of Māori children and 37% of Pacific children live in households reporting that food runs out sometimes or often
Regular school attendance 	↓	↘	<ul style="list-style-type: none"> 61% of students (aged 6–16) regularly attended school in 2021 Regular school attendance was lower for Māori and Pacific students: 45% and 47%, respectively.
Potentially avoidable hospitalisations 	—	↘	<ul style="list-style-type: none"> 49 per 1000 children (aged 0–14) experienced potentially avoidable hospitalisations in 2020/21. Potentially avoidable hospitalisations were more common among Māori and Pacific children at 54 and 65 per 1000 children respectively.

● = improving ● = no change ● = worsening

1. For data based on sample surveys (housing affordability, housing quality, and food insecurity) only changes between years that are statistically significantly different are noted in the table above. See Annex 1 for further detail on interpreting changes over time.
2. Longer term trends over at least four years are shown - even though differences between successive years are not statistically significant

Figure 15 Source, From Child Poverty Related Indicators Report for Year Ending 30 June 2021

(Released April 2022) p 5

Severe material hardship

Year ended June 2021

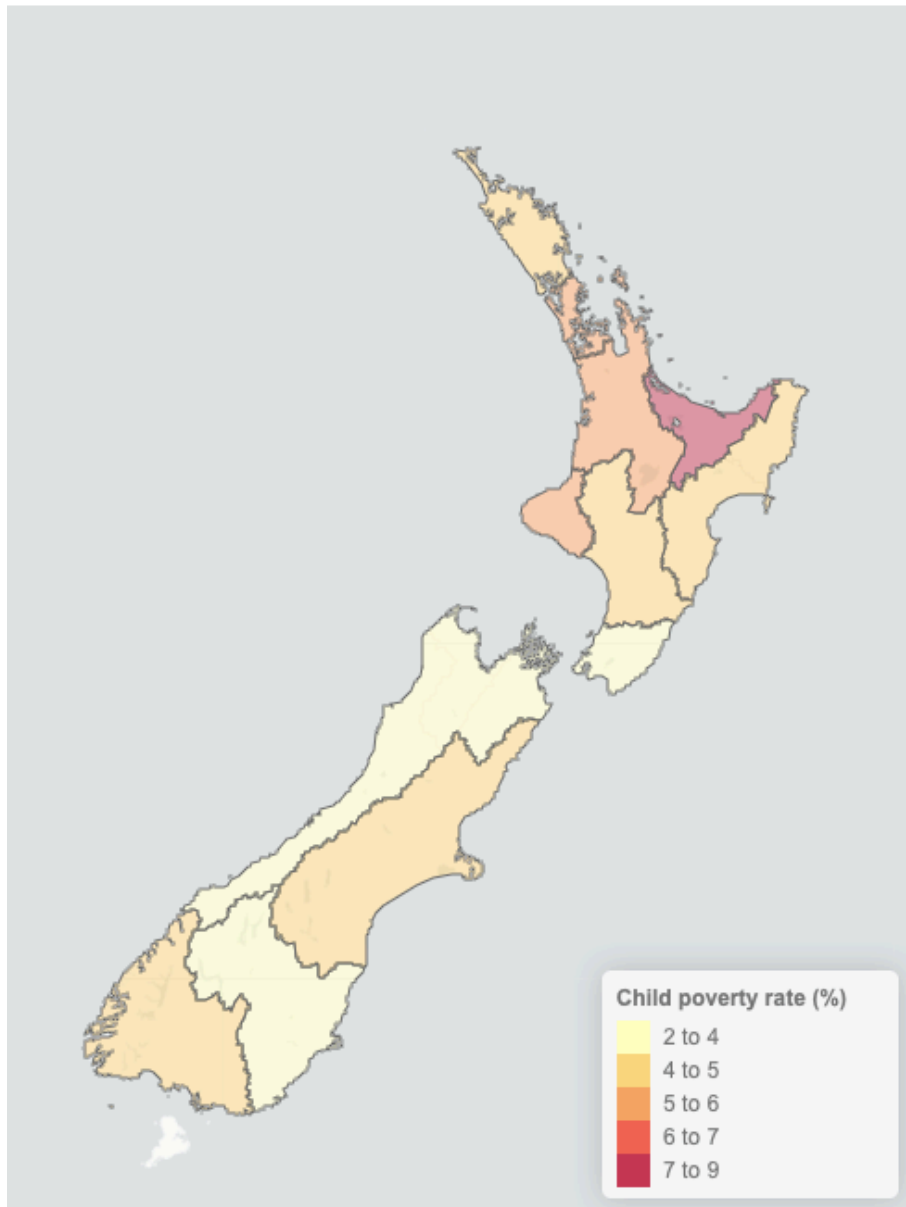


Figure 16 Severe Material Hardship per region Source: Stats NZ

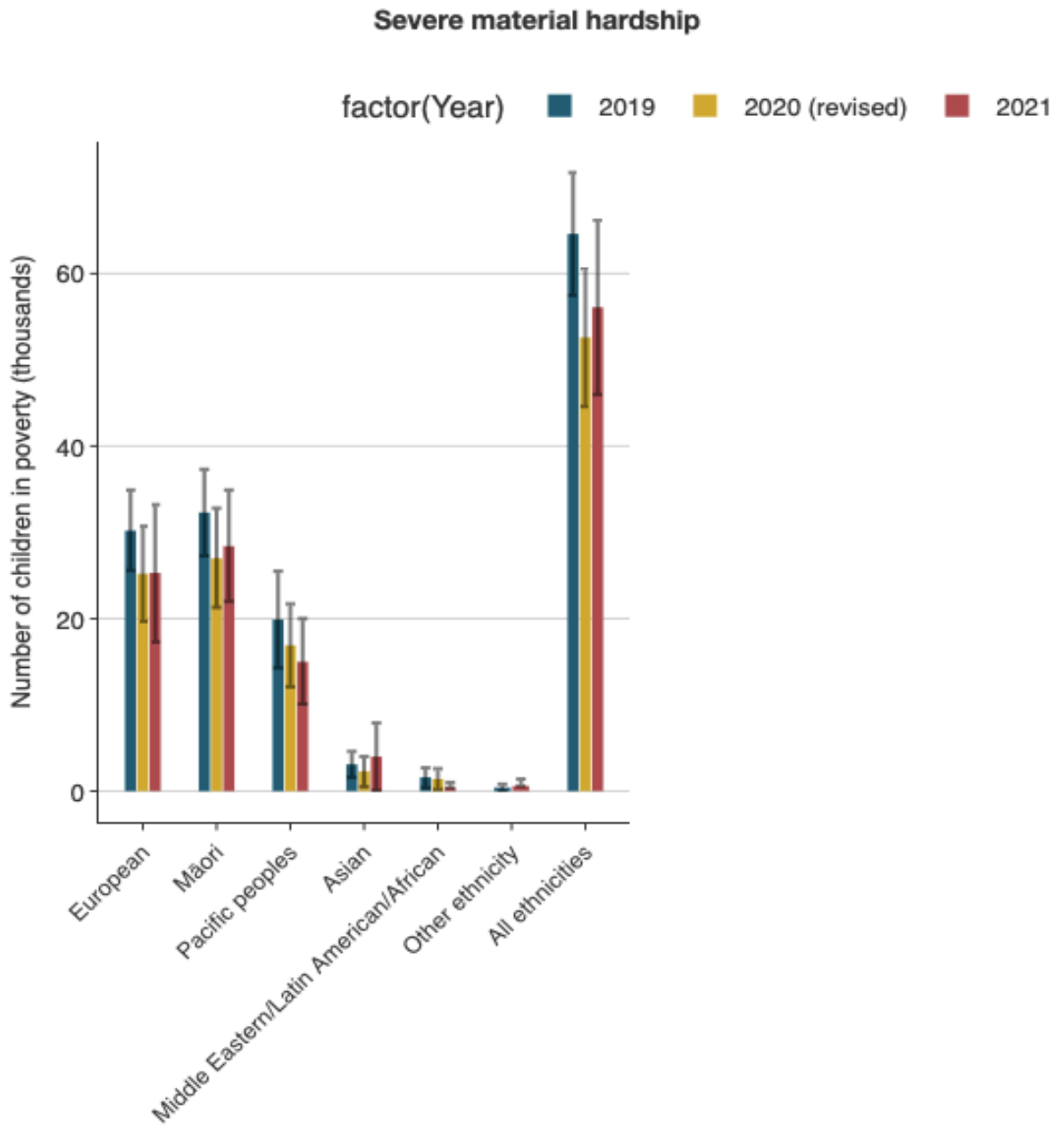


Figure 17 SOURCE Stats NZ Severe Material Hardship 2019-2021 by ethnicity

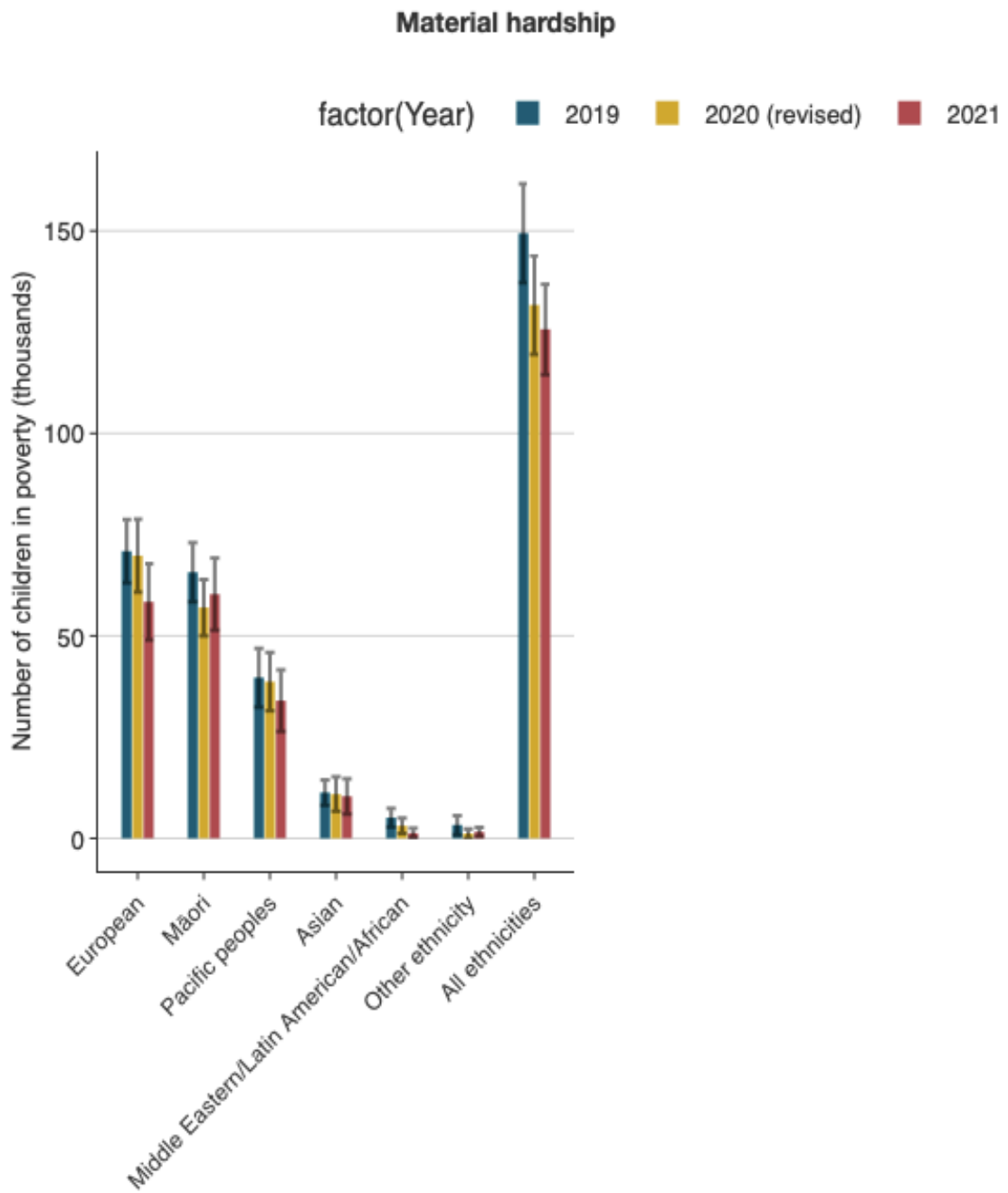


Figure 18 Source Stats NZ Material Hardship 2019- 2021 by ethnicity

Low income: less than 50% of median equivalised disposable household income before deducting housing costs (BHC) for the financial year

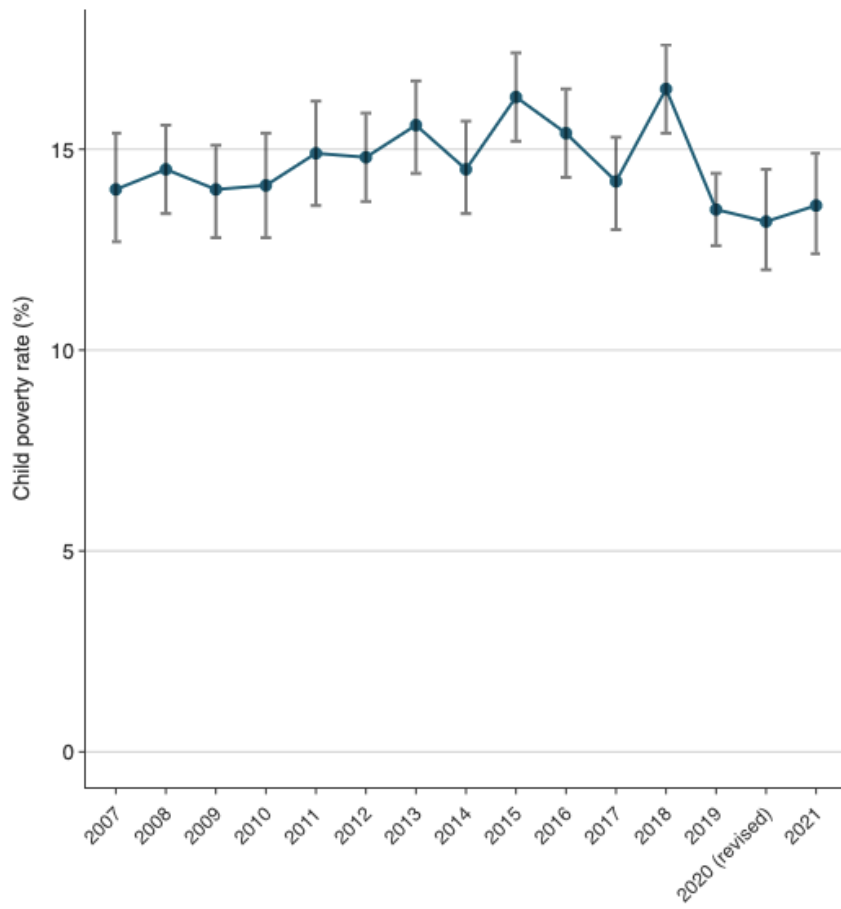


Figure 19 Source Stats NZ Mean equalised disposable household income before deducting housing costs 2007-2021

Material hardship

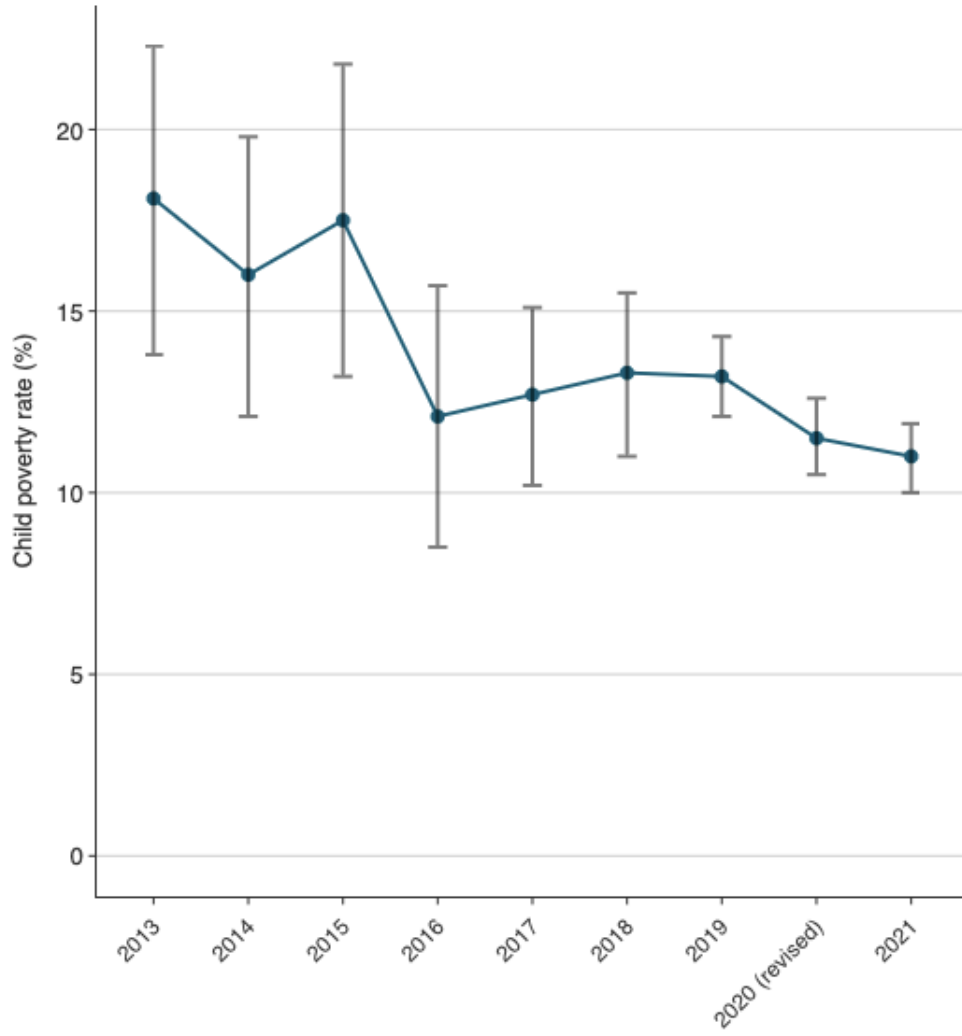


Figure 20 Source Stats NZ Material hardship % poverty rate years 2013-2021

“Our culture needs to shift and how we facilitate discussions around wealth and poverty needs to change and be more inclusive for those struggling in silence. We need to highlight Indigenous values and ways of living so that these families feel empowered to make a change.”*

* Poverty as described through the eyes of one rangatahi living in Aotearoa New Zealand (August 2022)

11. Observations

11.1 The government must formulate an action plan (with adequate resourcing and timelines) to address inequalities and reduce poverty for the most severely affected groups in society (Māori, Pasifika, and children with disabilities).

11.2 It is concerning that New Zealand is in the process of losing its Children's Commissioner, and transitioning over to a new board structure at this time. We have concerns that in this transition, the focus on child poverty will be lost in the overall mix of issues that the new board will face. **We strongly recommend that the position of Children's Commissioner is retained.** [See Appendix 2]

11.3 We recommend that New Zealand create a new position, (similar to the approach taken in Canada) of a legislated advisory council on poverty, that sits as a monitor for progress.⁷⁰ This should have powers to *independently monitor, advise, and recommend* the government on actions needed to ensure that targets set in the Child Poverty Reduction Act are met. This will ensure objective, independent, analysis of the trends and efficacy of the strategy that allows monitoring distinct from political ideology.

11.4 At the moment New Zealand's targets under the Child Poverty Reduction Act are broad, so that targets under the Act may be met in the aggregate, but Māori, Pasifika and disabled children are 'left behind'. As discussed in further detail in the *Thematic Report* by the Aotearoa NZ Centre for Indigenous Peoples and the Law, when it comes to the reducing disparity experienced by tamariki Māori, while it is essential that they achieve parity with other children, the ultimate aim, and responsibility, of the government is to ensure that their unique rights under te Tiriti and the Indigenous Declaration are also achieved.

11.5 Addressing child poverty for Māori requires responses that recognise the wider impact of colonisation and give effect to the guarantees under te Tiriti that Māori would exercise authority over their own peoples, lands and resources, live in accordance with their own laws and customs and have equal rights to British citizens.

For example, high rates of child poverty, food insecurity and obesity can be linked to the failure to give effect to te Tiriti and the impacts of colonisation, which have both worked to erode the Māori resource and economic base, including their access to, cultivation and preparation of traditional foods in accordance with Māori laws and customs.⁷¹

11.6 Current research suggests that part of the solution to food insecurity for Māori will be a ‘decolonising approach where Māori voices and values are central within NZ policies policy-making process’.⁷² We support the position taken in the Thematic Report by the Aotearoa NZ Centre for Indigenous Peoples and the Law that any action taken to reduce disparities experienced by tamariki Māori must also seek to give effect to their unique rights as te Tiriti partners and Indigenous people, in addition to achieving their parity with non-Māori children. We support the Centre’s call for the “Government to develop a mechanism...in partnership with Māori, including tamariki Māori, to ensure that all the rights of tamariki Māori are recognised and provided for in government-led action going forward.”⁷³

12. Immediate recommendations

1. Retain the position of Children’s Commissioner. We do not support repealing the Children’s Commissioner Act 2003 and replacing the Commissioner with a Board known as the Children and Young People’s Commission. [See Appendix 2]
2. We call on the Government to develop a ‘partnership model’ with Māori to address high rates of poverty experienced by tamariki Māori. This model should recognise the special obligations to tamariki under te Tiriti, the Indigenous Declaration and the Convention.
3. A Child Poverty Reduction Advisory Council needs to be established with independent oversight and monitoring of child poverty. This should function to reflect the voices of children, and those with lived experiences of poverty.
4. Enshrine ‘the best interest of the child’ as a matter of primary consideration in all relevant legislation.
5. We recommend a shift that embeds policy ‘triggers’ with clear budgeted lines for Māori, Pasifika, children with disabilities, and sole parents. Specific measures are needed for these groups to enable parity with others and, for tamariki Māori, to ensure their specific rights under te Tiriti and the Indigenous Declaration are fulfilled. Current measures that focus on the overall profile of poverty are too broad, and fail to address poverty for groups who experience the highest rates of poverty. This is necessary to ensure than no child is left behind.
6. There is the need for disaggregated data for children that measure rates of poverty, and its impact on child development. This must include disaggregated data by age range for Māori, Pasifika, and children with disabilities. The current age range of 0- 17 years is too broad to enable any

responsive policy interventions, and does not allow adequate consideration of the effects of poverty on child development as anticipated by Article 27.

7. Reform Working for Families and apply a 'best interests' of the child test to the Income Tax Act 2007 to enable all low-income children (irrespective of whether their parents receive welfare) to receive the 'In-Work Tax Credit'.

[Appendix 2]

13. Further recommendations

8. Increase disability allowances to rates provided in other similar countries (note: The median payment for disability-related allowance is close to three times higher in the United Kingdom than in New Zealand).
9. Working for Families: Remove the discriminatory effects of policy that mean that children of parents on benefits miss out on at least \$72.50 per week. [See Appendix 2]
10. Replace the current complex matrix of tax credits with a simplified approach that prioritises a child payment to 100 percent of children aged 0 to 5 years inclusive, then based on family income from age 6 years onward.
11. Free public transport.
12. Full rollout of the 'food in schools' initiative to all schools.
13. Collect data from families in emergency housing for the purposes of the Household Economic Survey.
14. Prioritise public housing that is 'fit for purpose' for families with young children and those with disability.
15. Adopt and develop an action plan with adequate resourcing and timelines in consultation with Māori, Pasifika, and disability communities to achieve parity in poverty rates for all children.
16. Immediately abolish benefit sanctions, where the beneficiary is the primary caregiver of dependent children.

17. Remove GST from basic food items such as meat, cheese, milk, fruit, vegetables, and bread.
18. Immediately review MSD debt, as a 'circuit-breaker' that creates food insecurity for those with debt to MSD.
19. Amend the legislation to explicitly recognise the relationship between poverty reduction and the State's obligations under the Treaty of Waitangi, the Convention and other human rights covenants such as UNDRIP, and Sustainable Development Goals.
20. Amend legislation to recognise the specific obligations under the Convention in relation to the development potential of the child, and amend the Child Poverty Reduction Act to recognise the development potential of the child as a paramount concern in achieving poverty reduction measures.
21. Amend the legislation to require the state to implement an annual budgeted forecast, with 'trigger points' requiring responses for Māori, Pasifika, and children with disabilities. Cross-governmental work streams should be developed, alongside a financial commitment to implement these plans, and a timeline.
22. Establish a response to poverty that recognises barriers and experiences of poverty for sole parents.
23. Immediately amend policy and legislation so MSD and Department of Justice are required to have joint oversight of any administration of a "warrant to arrest" sanction. This is to ensure that the impacts on any child or children in the care of the offender is taken into account.
24. Delink the automatic trigger that leaves the Ministry of Justice in sole charge of automatically administering sanctions with little oversight of best interests of the child or MSD.
25. Disaggregated data for monitoring purposes that links health outcomes and age / stage of children for the first 1,000 days and under five year olds.
26. Urgently reform Working for Families (WFF) to redefine goals so that the focus is on the needs of children, not paid work. [Appendix 2]

27. Extend the “In-Work Tax Credit” to all low-income children, including those families on benefits.
28. Index all WFF payments to wages annually (and to inflation when it exceeds wage growth) as is the case for NZ Superannuation.
29. Increase WFF thresholds from which WFF starts to reduce to restore the real value last set in 2018, and index annually. In 2022, it should be at least \$47,000.
30. Immediately amend the ‘cost of living payment’ pursuant to the Taxation (Cost of Living Payments) Act. This should be provided to beneficiaries with children under the age of 18 years, regardless of whether they are receiving the Winter Energy Payment.
31. Review unfair and outdated rules around ‘relationships fraud’.
32. Urgently adjust the indexation of abatement thresholds in line with inflation.
33. We note that the government has identified the need for Inland Revenue, the Ministry of Justice and MSD to be joint lead agencies on the review of debt to Government. We seek assurances that this review has the best interests of the child as the paramount concern.

14 Appendix One: Terminology

- Before Housing Costs (BHC) = the median equivalised disposable household income before housing costs are deducted.
- After Housing Costs (AHC) = the median equivalised disposable household income after housing costs are deducted.
- Disposable household income = the equalised total income for all household members 15 and older, plus tax credits, and minus ACC levy and tax payable.
- Equivalised = means that income is adjusted according to household size, and divided by the number of household members.
- Housing costs = includes expenditure on mortgage payments, rent payments, property rates payments, and property insurance.
- The percentage of children living in household with less than 50 percent of the median equivalised disposable household income after-housing-costs (AHC 50) measure is reported as both a 'fixed-line' and a 'moving-line' measure.
- Fixed-line measures = when an income threshold is set for a particular 'base' year, while adjusting for inflation. This measure is particularly useful during a recession. As unemployment increases, moving line measures may give the impression that child poverty is improving, when average incomes are simply decreasing.
- Moving-line measures = calculate a household's current income according to the current median for all households.

- Material hardship = A household is deemed to be in material hardship if it scores six or more 'lacks' from a list of 17 items.
- Child Poverty = The term 'child poverty' in this report is defined in the manner consistent with international approaches, and we follow the definition suggested by the Children's Commissioner (2012) report to mean:

"Children living in poverty are those who experience deprivation of the material resources and income that is required for them to develop and thrive, leaving such children unable to enjoy their rights, achieve their full potential and participate as equal members of new Zealand society." (at p2).

- Severe material hardship = A household is defined as being in severe material hardship if it scores nine or more lacks from the 17 item list. DEP-17 index = a tool to measure material and server material hardship which includes questions about an enforced lack of essentials such as food, bills and doctors' visits.

APPENDIX TWO: Analysis Paper to Accompany Question 10(a), 10 (b), 10 (c) and 24 (e) List of Issues Paper

Authors: Professor Mark Henaghan, University of Auckland, School of Law; Dana Wensley PhD, Researcher, Child Poverty Action Group

Best Interests of the Child Not A Primary Consideration in Key Legislation or Policy: Article 3, Article 26

1. New Zealand fails to put the “best interests” of the child as a matter of primary consideration in key legislation. The government’s progress on this is slow. We note that this issue was raised by the Commissioner for Children’s *Expert Advisory Group on Solutions to Child Poverty* in 2012.⁷⁴ In the New Zealand context ‘best interest’ of the child for tamariki Māori must be understood as being both ‘a collective and individual right.’⁷⁵ We endorse the approach suggested by the thematic report *The Rights of Tamariki Māori in Aotearoa New Zealand* which states:⁷⁶

“The Crown is under a duty to recognise and actively protect Māori tino rangatiratanga over our own affairs, whenua, resources, kāinga and taonga. As already noted, the Crown must protect the exclusive right of Māori to determine what is in the best interests of tamariki Māori.”

2. We have serious concerns for the implementation of best interests of the child into domestic legislation with the proposed removal of the Commissioner for Children. Under Section 122 of the new Oversight of Oranga Tamariki System and Children and Young People’s Commission Bill (the Bill), the Children’s

Commissioner Act 2003 is repealed, and the role of Commissioner for Children role is abolished.

3. We outline below a few examples of legislation that fail to recognise the best interests of the child as a matter of primary consideration, and we suggest amendments to reflect the state's commitment to the Convention.

Key Recommendation:

The 'Bill' should not repeal the Children's Commissioner Act 2003. The Commissioner for Children has been highly successful in fulfilling its obligations to hold the government to account and to represent and advocate for children. Maintaining the Commissioner is crucial to ensuring that the best interests of children are a primary concern across policy, law, and practice in New Zealand.

4. New Zealand is in the process of losing its Children's Commissioner. We have serious concerns for the implementation of 'best interests' into domestic legislation with the removal of this role. Under Section 122 of the Bill, the Children's Commissioner Act 2003 is repealed. The current Children's Commissioner has a statutory role to advance and monitor the United Nations Convention on Rights of the Child. The Commissioner's role currently extends to raising awareness and understanding of the Convention, monitoring of the government's application of the Convention in New Zealand. The office of the Children's Commissioner has undertaken this role with integrity and built a body of excellence that ensures that the needs and best interests of children are advanced in New Zealand. They have written submissions, spearheaded reports (such as the Expert Advisory Group on Solutions to Child Poverty's *Solutions to Child Poverty*, 2012), and monitored the application of the Convention through the Children's Convention Monitoring Group.⁷⁷

5. Under proposed new legislation, the role of the Commissioner is replaced by a Children and Young People's Commission which removes the Commissioner and replaces her with a board, the chairperson of which is known as the Chief Children's Commissioner (section 91). The Bill uses the wording of "wellbeing" and 'interests" (see for example section 5,⁷⁸ and section 96⁷⁹). We draw the Committee's attention in particular to the wording of section 99, which sets out that the function of the newly established Children and Young People's Commission is to "promote the interests and well-being of children and young people by ... presenting reports to proceedings before any court or tribunal that relate to the Children's Convention..." We note that this is limited to the court or tribunal

process (section 99(j)). Section 84 states that the Commission must *have regard* to “the Children’s Convention”, but section 87 expressly states that “the inclusion of the text of the Children’s Convention” in this Part does not affect the legal status of the Convention”. The Bill has drawn much criticism and is not supported by the Children’s Commissioner, nor significant stakeholder groups. Te Puna Rangahau o te Wai Ariki / Aotearoa Centre for Indigenous Peoples and the Law states: ⁸⁰

Considering the disparity faced by tamariki Māori and the extent to which their rights as tangata whenua, te Tiriti partners and Indigenous children are violated, it is essential that the Children’s Commission, as Aotearoa New Zealand’s national child rights institution, is independent and effective and has all the necessary powers and functions to monitor, investigate complaints, and promote and protect children’s rights in line with international standards.

6. We agree with the concerns raised by Te Puna Rangahau o te Wai Ariki / Aotearoa Centre for Indigenous Peoples and the Law that the Bill fails to fully protect the rights of children, and reduces independent oversight of the Convention in Aotearoa.⁸¹

7. Below are some further examples of legislation that should immediately be amended to incorporate the ‘best interests’ test.

8. The government's reply does not mention the Child Poverty Reduction Act 2018, which does not have any mention to the 'best interests of the child' or even the 'welfare of the child'. We are concerned with the lack of recognition of the best interest of the child in the Child Poverty Reduction Act. A 'best interests' approach would drive a more child-centred and disaggregated monitoring of child poverty indicators that focus on disaggregated age brackets, additional 'child-specific' items linked to childhood development and disease. Additionally, it would strengthen our understanding of the specific experiences of poverty relating to culture and ethnicity, particularly for Māori and Pasifika. In our view, these measures need to be adapted to create a deeper understanding of child poverty and its effect on health, wellbeing and development from the child's perspective. We note the following example of data collection that includes child-specific items.⁸²

We draw four main matters to the Committee's attention:

- (1) Children living in emergency housing are not captured in this data.⁸³

- (2) The child-centric criteria should be strengthened,⁸⁴ for example the Household Economic Survey could include additional questions aimed at younger age groups around access to toys, books, and outdoor play areas/ equipment.

- (3) The data is not disaggregated to age / stage but instead contains only broad data-sets ranging from ages 0 – 17 years.

- (4) Health impacts and health inequalities are not directly linked to measures of child poverty.⁸⁵

9. It is concerning that many effects of poverty on new born infants are not captured in the current datasets or analysis. We acknowledge the complexity around how poverty impacts on the development of a child. We nevertheless consider that these indicators should also be included in the measure to truly capture child poverty from the perspective of how it impacts in the first 1,000 days.

- We are unable to supply any disaggregated data on the levels of poverty experienced across age / stage brackets since this falls outside the government reporting measures.
- What we do know is that this age cohort experiences high rates of overcrowding, material hardship, lack of access to health-care, income insufficiency, and high rates of food bank usage based on data collected from other sources. [Refer to our contributions under the Thematic Report. 'Basic Health and Welfare Rights of Children 0-5 years of age'].
- Poverty is linked to higher rates of infant mortality, lack of ability to provide a warm, safe bed and environment for a newborn, and low birth weight.⁸⁶
- Poverty creates family stress which in turn has negative impacts on a child, especially in the first few years.⁸⁷
- Current measurements of child poverty fail to assess the impact of poverty in the first 1,000 days, potentially leaving policy measures and fiscal balancing skewed towards addressing impact at the older end of the childhood years.
- Datasets in relation to child poverty need to be disaggregated, and provide a meaningful analysis of the impact of poverty on a child's growth and development. This change is needed to be consistent with Articles 6, 26, and 27 of the United Nations Convention on the Rights of the Child.

11. In New Zealand an ‘in-work tax credit’ is available to families under Sections MD 4–10 of the Income Tax Act. This currently amounts to \$72.50 per week. Eligibility is determined based on the following factors. The person must be:

(a) be aged 16 years or older;

(b) be the principal caregiver for a child who is financially dependent on them;

(c) be a New Zealand resident;

(d) ***not be receiving an income-tested benefit*** (the “off-benefit rule”); and

(e) be a full-time earner (a full-time earner is defined in s MA 7 as a single person employed for at least 20 hours per week or a couple employed for at least 30 hours per week in total).

12. The Income Tax Act 2007 currently *expressly excludes* beneficiaries from claiming the ‘in-work’ tax credit, irrespective of the impact this has on the best interests of the child, or the impact on the child’s welfare from having their principal caregiver excluded. This exclusion of beneficiaries from the tax credit is prima facie discriminatory. This view was upheld by the Court of Appeal in *Child Poverty Action Group v Attorney General*⁸⁸ where the Court of Appeal reached the conclusion that ‘all beneficiaries were the subject of prima facie discrimination’ [under section 19 New Zealand Bill of Rights Act 1990] because of the ‘off-benefit’ rule [at point 154].

13. The Court of Appeal stopped short however, of finding *unjustifiable* discrimination existed [applying the ‘justified limitations’ test under

section 5, New Zealand Bill of Rights Act 1990]. The Court of Appeal found that the High Court (in its earlier judgement) was correct in finding that the 'off-benefit' rule was 'a justified limit on the right to freedom of discrimination on the ground of employment status' [at point 154]. We do note, however that while the Convention was referenced in the arguments and the decision [at point 41], at no point did the statutory interpretation or consideration of what amounted to 'justified limitations' [under section 5 of the Bill of Rights] consider the *rights of the child* in any meaningful way, or the 'best interests' of the child, as required by Article 3 of the Convention.

14. For this reason we argue that the current Working for Families tax package can be understood, when read in conjunction with the 'best interests' of the child test encapsulated in Article 3, to discriminate against children on the basis of the fact that their parents receive the benefit and are not in paid employment. The New Zealand approach is regressive when compared with Australia, where all low-income families are treated the same. A review of the comparison between Australian and New Zealand approaches to taxation of low income households shows that "the Australian system is significantly more generous, evident in the higher rates across all six modelled household scenarios. This is particularly the case for families receiving income support. The New Zealand system is discriminatory, penalising the children of parents receiving a benefit."⁸⁹

WORKING FOR FAMILIES

Key Recommendation: We consider the current approach to Working for Families to be in breach of the Convention for failing to recognise the best interests of the child as a matter of primary consideration, and call for the following changes:

1. Redefine the goals to prioritise the needs of children, not paid work for caregivers.
2. Adopt a 'best interests' of the child test as a matter of primary consideration, and extend the 'In-Work Tax Credit' to all low-income children, irrespective of whether their parents are on a benefit or not.
3. Index all payments to wages (or inflation if higher) to match the formula for calculating the NZ superannuation payments scheme.
4. Increase the thresholds from which the tax credits starts, and index this annually.
5. Decrease the Working for Families abatement rate to 20% to lower, and increase the threshold for abatement of benefits to 10 hours at the minimum wage.

Taxation (Cost of Living Payments) Act 2022

15. The newly enacted Taxation (Cost of Living Payments) Act 2022 currently discriminates against beneficiaries by not extending the new ‘cost of living’ payment to those who also receive the ‘winter energy payment’ who are in most need of support. If the test was the ‘best interests of the child’ as a matter of primary consideration this should be made available to people on a benefit, *regardless* of whether they receive the ‘winter energy payment’.

Social Security Act 2018: Benefit Breach Sanctions Article 26

16. Beneficiaries’ obligations under the Social Securities Act 2018 are set out in Section 109. Failure to comply with these requirements is met with a sanction which has huge impact on the child. The current philosophy behind New Zealand’s welfare system that paid work must be encouraged as the preferred means to benefit the family, child, and society. Further, sanctions are appropriate if they are imposed to encourage compliance with the obligation to seek work, and to prepare for work. A ‘Work Ability Assessment’ for example is required in section 118, and pursuant to section 119, sanctions may be imposed for failure to comply. This is also seen in relation to work-preparation obligations (section 120), and obligations to dependent children (section 127).

131 Attendance of dependent child aged 3 to 5 years at early childhood education programme

- (1) A person to whom this section applies must take all reasonable steps to ensure that each dependent child aged 3 to 5 years—
 - (a) is enrolled in an approved early childhood education programme (as that term is defined in regulations made under [section 430](#)); and
 - (b) attends that programme in the manner and to the minimum extent prescribed by regulations made under [section 430](#).
- (2) This section does not apply if the dependent child is enrolled at and regularly attends a registered school (as defined in regulations made under [section 430](#)).

Compare: 1964 No 136 s 60RA(3)(a)

17. Failure to comply with these requirements is met with a sanction. The impacts are hugely negative. Benefits will be reduced by 50% (for clients with or without dependent children) and will restart only once the client completes the activity they failed to do. This progresses up to a 100% reduction in the benefit for clients with no dependent children (or 50% for clients with dependent children) if there is a second breach in the 12 month period. For a third failure in the 12 month period, the benefit cancelled by 100% for clients with no dependent children (or 50% for clients with dependent children) for 13 weeks. CPAG considers that these changes demonstrate a philosophical shift towards benefits being seen as ‘conditional’ support, provided certain criteria are met.

“This conditionality of welfare assistance violates the child’s right to social security (in contravention of Article 26 of the UN Convention on the Rights of the Child, ratified by New Zealand in 1993) and undermines the four core principles of the Convention: non- discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child.”⁹⁰

18. We acknowledge the government has removed sanctions under Section 192 of the Social Security Act (previously s17A) which stated that if a sole parent did not provide the name of the other parent the level of Child Support payments would be reduced. Removing this sanction has benefited around 12,000 sole parents (and approximately 24,000 children) by increasing their benefit by \$34 per week (on average). While this sanction has been removed, others still exist that leave families and children without the benefits they need.

19. We note that the government is currently reviewing sanctions. In reply to a written question Minister Carmel Sepuloni has stated:⁹¹

“The Government is committed to removing ineffective obligations and sanctions that negatively impact individuals and families. As part of the welfare overhaul work programme, we are reviewing all obligations and sanctions, with a focus on those that impact on children. The full welfare overhaul requires significant policy and delivery design work, which needs to be phased over time. The review of the warrant to arrest sanction is ongoing and is part of our

medium-term renewed welfare overhaul work programme agreed by Cabinet in September 2021. I expect to receive further advice on the review of the warrant to arrest sanction from the Ministry of Social Development in due course.”

20. We consider the range of sanctions, imposed without required or assessment on the impact of the welfare of the child, are punitive and in breach of state obligations under Convention to embed the best interests of the child in its policy and legislation as a matter of primary consideration. If there is no discretionary application of these sanctions, there can be no regard to the effects on the health and wellbeing of the child in breach of Article 26 and Article 3.

Warrant to Arrest

21 The Welfare Expert Advisory Group made a key recommendation in 2019 to remove the policy of enforcing sanctions and cutting benefits when a beneficiary has a warrant for their arrest. Instead, the Group recommended work be done to ‘continue data matching with the Ministry of Justice and take a proactive supportive approach to contacting the person’. (See Recommendation 11, WEAG).⁹² The “Warrant to Arrest” still operates in New Zealand and unfairly impacts on beneficiaries (with a disproportionate impact on Māori). In her capacity as Labour’s social development spokesperson, in 2013 Jacinda Ardern described the sanction as unacceptable, however since 2017. cases of ‘warrant to arrest’ have almost doubled, with around 4,000 per year.

22. This impacts on the poorest families, who are forced to forego necessities such as food, doctor visits, and miss school to make ends meet.^{93 94} Currently the Ministry for Social Development (MSD) has limited mechanisms in place to ensure oversight of sanctions. This means that these benefit cuts are triggered automatically and implemented outside of any check on the impact on the

family or the impact on the welfare and care of the child. A disproportionate number of females are represented in the figures of 'warrant to arrest'.

23. We draw the committee's attention to the fact that a "warrant to arrest" can be applied for a wide range of matters, including debts from criminal activity due to poverty, not appearing at a court hearing, or debt to MSD. These sanctions get triggered by the Ministry of Justice with little discretion from MSD. A 'best interests of the child' approach as a matter of primary consideration would immediately suspend those sanctions which have detrimental effects on the welfare for any children in the care of the person for whom the 'warrant to arrest' has been made. There is also systemic bias in relation to the application of these, with a high proportion of 'warrant to arrest' being issued to Māori.

Debt to Ministry for Social Development

24. Debt to the Ministry for Development currently accounts for \$2 Billion. While the Government has a debt to government programme, the debt to MSD is not a current focus of this. Women and Māori (individually and together) experience more debt to MSD, and it has an impact on living costs and creates a debt cycle. These debts may be for benefit "fraud" due to overpayments resulting from the complexity of the benefit system as a whole, or for loans to cover costs such as: rent arrears, power bills, transport assistance, funeral grants, clothing, furniture (eg for cot and initial set-up of home for baby), computers and devices for a child's education.

25. The "Working for Families" system is complex, and accumulating debt is a real concern for many recipients if they miscalculate their earnings.⁹⁵ We acknowledge that on 1 April 2020, the "abatment" was increased, so the amount those on a main benefit can earn through employment before their benefit is reduced was increased. However, the abatment process is complex, and the levels are set too low to accommodate the rise in inflation. This leaves

those in work and on a benefit in financial hardship and at risk of incurring unnecessary debt to MSD.

26. It is estimated that currently 30,000 low-income families owe debt amounting to close to \$20 million of “In Work Tax Credits”. The New Zealand system is discriminatory, penalising the children of parents receiving a benefit.”⁹⁶

27. The Government has indicated it will review the ‘debt to Government’ work programme to “focus on ensuring debt recovery is fair, effective and avoids exacerbating hardship, end preventing debt from occurring.”⁹⁷ We note that the government has identified the need for Inland Revenue, the Ministry of Justice, and MSD to be joint lead agencies on the review of debt to government.⁹⁸ We seek assurances that this review foregrounds the best interests of the child as its paramount concern.

¹ Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' CRC/C/NZL/CO/5 (Adopted by the Committee at its seventy-third session 13-30 September 2016). We note that New Zealand has a number of reservations to the Convention, including the reservation that the Government reserves the right to interpret and apply the Convention accordingly See reservations [UN Convention on the Rights of the Child | New Zealand Ministry of Justice](#) website accessed 22 June 2022

² Ibid, p7

³ Ibid, p5

⁴ Ibid at point 10(a), p 3

⁵ Ibid at point 9(a), p3

⁶ As suggested by the Committee, Ibid at point 35(a), p 12. See also Committee on the Rights of the Child, 'List of issues prior to submission of the sixth periodic report of New Zealand' CRC/C/NZL/QPR/6 (Adopted intersessionally by the pre-sessional working group on 6 July 2020), question 24 (b) at p 6

⁷ Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' CRC/C/NZL/CO/5 (Adopted by the Committee at its seventy-third session 13-30 September 2016) point 36 (B), p 12

⁸ Te Puna Rangahau o Te Wai Ariki; Aotearoa NZ Centre for Indigenous Peoples and the Law 'Thematic Report: The Rights of Tamariki Māori in Aotearoa New Zealand' (2022) p 7

⁹ Ibid, p 7. We note also the discussion of the link between the ability of tamariki to enjoy their rights under the United Nations Convention on the Rights of the Child (the Convention) and the rights of their whānau, hapū and iwi under te Tiriti.

¹⁰ Royal Commission of Inquiry Abuse in Care 'He Purapura Ora, he Mara Tipu: From Redress to Puretumu Torowhanui' (December 2021, Volume One) <https://www.abuseincare.org.nz/our-progress/reports/from-redress-to-puretumu/>

¹¹ Ibid, p 29.

¹² Allen and Clarke, 'Process Evaluation of the Child and Youth Wellbeing Strategy: Final Report' (February 2022), p5 <https://www.childyouthwellbeing.govt.nz/resources/process-evaluation-child-and-youth-wellbeing-strategy>

¹³ Ibid, p 6

¹⁴ This led to a key recommendation that the Government embed Māori participation in strategy leadership, and consider reinstating a Strategy Reference Group to provide independent advice and expertise from Māori and Pasifika. [Recommendation 1 and 2] Ibid, p 47

¹⁵ Ibid, p 6

¹⁶ See Bryan Perry, 'Child Poverty in New Zealand: The demographics of child poverty, survey-based descriptions of life 'below the line' including the use of child-specific indicators, and international comparisons - with discussion of some of the challenges in measuring child poverty and interpreting child poverty statistics' (Ministry of Social Development, Wellington) June 2021, p 25

¹⁷ M Duncanson, H van Asten, et al, 'Child Poverty Monitor: Technical Report' 2021 (Commissioned Report for External Body) New Zealand Child and Youth Epidemiology Service. Retrieved from <http://hdl.handle.net/10523/12540>

¹⁸ <https://www.stats.govt.nz/information-releases/household-income-and-housing-cost-statistics-year-ended-june-2021>

¹⁹ <https://www.nzherald.co.nz/nz/politics/megan-woods-not-ruling-out-cuts-to-funding-for-housing-for-disabled-people/A3KPKZXL4D5AHZ5QF3M3O2AASE/>

²⁰ "For example, the HES does not include the families in Emergency Housing which includes around 4000 children" in Bryan Perry, 'Child Poverty in New Zealand' (June 2021) p 15

²¹ The term ‘statistician’ is defined under the Child Poverty Reduction Act with reference to section 2 of the Statistics Act 1975

²² Susan St John, ‘Commentary: Improving the Child Poverty Monitoring Framework’ (Child Poverty Action Group, 2022)
https://static1.squarespace.com/static/60189fe639b6d67b861cf5c4/t/62bbd935210c4b1411e8d647/1656478014065/0513_CPAG+improving+the+framework+23+May++2022.pdf

²³ For a discussion of the wider lasting impacts on health, education, and overall wellbeing (such as the ability to maintain friendships) see Children’s Commissioner’s Expert Advisory Group on Solutions to Child Poverty, ‘Solutions to Child Poverty in New Zealand: Evidence for Action’ (2012), p 17
<https://www.occ.org.nz/publications/reports/final-report-solutions-to-child-poverty-evidence-for-action/>

²⁴ Views of Luke, a rangatahi speaking on child poverty from the te ao Māori perspective supplied to the author for inclusion in this report. I am thankful for the assistance of Tineka Kumeroa for the collection of this viewpoint.

²⁵ Child Poverty Action Group, ‘Bold Policy Change Needed to Support Stagnant Child Poverty Rates’ Feb 24, 2022 <https://www.cpag.org.nz/media-releases/bold-policy-changes-needed-urgently-to-shift-stagnant-child-poverty-rates>

²⁶ Bryan Perry, ‘Child Poverty in New Zealand’ (Ministry of Social Development, Wellington) June 2021, p31

²⁷ Note, these are not used in DEP-17 or the MWI “ as they do not meet two of the key criteria for such measures – they are not suitable for all ages, and do not represent a good range of severity of hardship, only deeper hardship for most of the indicators.” Bryan Perry, *Ibid*, p 31

²⁸ See Cure Kids, ‘State of Child Health in Aotearoa New Zealand Report 2021’ (Released 22 June 2022)
https://curekids.org.nz/wp-content/uploads/2022/07/2021-State-of-Child-Health-final_2.pdf

²⁹ Child Poverty Related Indicators Report for the year ending 30 June 2021 (released April 2022)

³⁰ Including the COVID-19 pandemic response stimulus packages and wage-subsidy schemes, and 8.3% of households received a benefit income increase.

³¹ <https://www.nzherald.co.nz/nz/bryce-edwards-how-much-of-our-cost-of-living-crisis-is-due-to-incompetence/5ETY6CXQMDUCTA6EM2GJYAI2T4/> (20 July 2022)

³² Data from Stats NZ shows significant changes in terms of average income from government benefits, (such as Job Seeker Support, paid parental leave, and accommodation supplement) which increased by 26.2%. Note: this excludes COVID-19 wage subsidies and Working For Families payments <https://www.stats.govt.nz/information-releases/household-income-and-housing-cost-statistics-year-ended-june-2021>

³³ <https://www.nzherald.co.nz/nz/bryce-edwards-how-much-of-our-cost-of-living-crisis-is-due-to-incompetence/5ETY6CXQMDUCTA6EM2GJYAI2T4/> (20 July 2022)

³⁴ G Pacheco, A Plum, & L Tran, ‘The Pacific workforce and the impact of COVID-19’ (NZ Work Research Institute, 2022) <https://workresearch.aut.ac.nz/research/the-pacific-workforce-and-the-impact-of-covid-19>

³⁵ <https://www.stats.govt.nz/information-releases/household-income-and-housing-cost-statistics-year-ended-june-2021>

³⁶ <https://www.stuff.co.nz/national/education/300631038/number-of-students-missing-from-school-has-almost-doubled-in-past-nine-months>

³⁷ <https://www.nzherald.co.nz/nz/concerns-over-students-again-dropping-out-of-school-to-support-families/C44XBX66JDUN7YWMMCNQP3R6FA/>

³⁸ The perspective of Luke, a rangatahi speaking on child poverty from the te ao Māori perspective supplied to the author for inclusion in this report. I am thankful for the assistance of Tineka Kumeroa for the collection of this viewpoint.

³⁹ According to Stats NZ website the survey was “reduced to just over 16,000 households from the planned 20,000 households” This has an impact on margins of error, with the margins for error noted by Stats NZ as “higher than designed for”. <https://www.stats.govt.nz/information-releases/household-income-and-housing-cost-statistics-year-ended-june-2021>

⁴⁰ <https://www.stats.govt.nz/information-releases/household-income-and-housing-cost-statistics-year-ended-june-2021>

⁴¹ Child and Youth Wellbeing Strategy Annual Report for year-end 30 June 2021 (Released April 2022) at p32. <https://www.childyouthwellbeing.govt.nz/resources/child-and-youth-wellbeing-strategy-annual-report-20202021>

⁴² <https://www.treasury.govt.nz/system/files/2022-07/fsgnz-11mths-may22.pdf>

⁴³ Susan St John, 'Government Debt Rethink Removes Barriers for Tackling Poverty' (Child Poverty Action Group Press Release, May 2022) <https://www.cpag.org.nz/media-releases/government-debt-rethink-removes-barriers-to-tackling-poverty>

⁴⁴ Children's Commissioner's Expert Advisory Group on Solutions to Child Poverty, 'Solutions to Child Poverty in New Zealand: Evidence for Action' (2012)

⁴⁵ Kia Piki Ake/ Welfare Expert Advisory Group, 'Whakamana Tāngata: Restoring Dignity to Social Security in New Zealand' (2019)

⁴⁶ <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/working-papers/wp-total-incomes-of-msd-main-benefit-clients-as-at-april-2022.pdf>

⁴⁷ See point 36 (B), p 12 Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of New Zealand' CRC/C/NZL/CO/5 (Adopted by the Committee at its seventy-third session 13-30 September 2016)

⁴⁸ Food security exists "when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life." United Nations Fact Sheet 34, 'The Right to Adequate Food', p4 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>

⁴⁹ This approach can be compared with Article 27 which appears to limit the obligation of State Parties with the proviso "and within their means, shall take appropriate measures." [Article 27 (3)].

⁵⁰ Growing Up in New Zealand, 'Key Findings' <https://www.growingup.co.nz/key-findings>

⁵¹ M Duncanson, H van Asten, et al, 'Child Poverty Monitor: Technical Report' 2021 (Commissioned Report for External Body) New Zealand Child and Youth Epidemiology Service. Retrieved from <http://hdl.handle.net/10523/12540>

⁵² M Duncanson, G Richardson et al, 'Child Poverty Monitor 2020: Technical Report' (Child Poverty Monitor Series) New Zealand Child and Youth Epidemiology Service, Retrieved from <http://hdl.handle.net/10523/10585>

⁵³ United Nations Fact Sheet 34, 'The Right to Adequate Food', p3 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ <https://www.nzherald.co.nz/business/grocery-food-leads-rise-in-annual-food-price/JWJHZR7P3WHG3J575DZQRY76PI/>

⁵⁷ See United Nations Fact Sheet 34, p3 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>

⁵⁸ <https://www.beehive.govt.nz/release/new-supermarket-watchdog-latest-action-give-kiwis-fairer-deal>

⁵⁹ Grace Macaulay, Jean Simpson, et al, 'Food insecurity as experienced by New Zealand women and their children', Journal of the Royal Society of New Zealand, (2022) DOI: [10.1080/03036758.2022.2088574](https://doi.org/10.1080/03036758.2022.2088574)

⁶⁰ https://www.newshub.co.nz/home/new-zealand/2022/07/cost-of-living-single-mothers-struggling-to-feed-children-due-to-food-insecurity-study.html?fbclid=IwAR0e1_qXYJcQvmIc0FxsINfYIyKoiWjABJGTcYYb8vftC4GcOsVPoNPzqI

⁶¹ <https://www.nzherald.co.nz/nz/call-for-new-ideas-on-helping-low-income-households-with-high-kai-costs/76STM23S4OJFZFQE43B7YTHTRU/>

⁶² Grace Macaulay, Jean Simpson, et al, 'Food insecurity as experienced by New Zealand women and their children', *Journal of the Royal Society of New Zealand*, (2022) DOI: [10.1080/03036758.2022.2088574](https://doi.org/10.1080/03036758.2022.2088574)

⁶³ Bryan Perry, 'Child Poverty in New Zealand' (June 2021) p 94

⁶⁴ Report for Kore Hiakai/ Zero Hunger Collective, 'Exploring the Ongoing Need for Food Assistance' (April 2022) p 8 <https://www.zerohunger.org.nz/ongoing-food-assistance-report-public-release>

⁶⁵ Recommendation 6, Children's Commissioner's Expert Advisory Group on Solutions to Child Poverty, 'Solutions to Child Poverty in New Zealand: Evidence for Action' (2012), p 39

⁶⁶ Te Puna Rangahau o Te Wai Ariki / Aotearoa NZ Centre for Indigenous Peoples and the Law, 'Thematic Report: The Rights of Tamariki Māori in Aotearoa New Zealand' (2022) p 11

⁶⁷ Four areas of focus are; (i) to improve earnings and employment, (ii) create a fairer and more equitable welfare system, (iii) improve housing affordability, quality and security, and (iv) help families with the cost of essentials. Child and Youth Wellbeing, 'Reducing Child Poverty' <https://www.childyouthwellbeing.govt.nz/our-aspirations/context/reducing-child-poverty>

⁶⁸ The initial Programme of Action was launched in August 2019 with support from 20 Government agencies and a dedicated fund of close to \$3.5 billion to improve child wellbeing. More information on progress is available at <https://www.childyouthwellbeing.govt.nz/about/news/child-poverty-report-budget-2022>

⁶⁹ These are a mix of official measures under the Child Poverty Reduction Act 2018, or gazetted Child Poverty Related Indicators (CPRIs) formally identified under the Act. See Child and Youth Wellbeing Strategy, 'Annual Report for the year ending 30 June 2021' (Released 2022) p 27.

⁷⁰ Poverty Reduction Act <https://www.canada.ca/en/employment-social-development/programs/poverty-reduction/reports/strategy.html#h2.10>

⁷¹ See discussion on impact of colonization in Chanel Phillips, Anne-Marie Jackson, Hauiti Hakopa, 'Creation Narratives of Mahinga Kai' *MAI Journal*, (2016) https://journal.mai.ac.nz/sites/default/files/MAI_JrnI_Vol5_Phillips_final.pdf

⁷² Christina McKerchar, et al 'Ensuring the right to food for indigenous children: a case study of stakeholder perspectives on policy options to ensure the rights of tamariki Māori to healthy food' *International Journal for Equity in Health*, (2001)20, Article number 67

⁷³ Te Puna Rangahau o Te Wai Ariki / Aotearoa NZ Centre for Indigenous Peoples and the Law, 'Thematic Report: The Rights of Tamariki Māori in Aotearoa New Zealand' (2022) p 13

⁷⁴ Recommendation 6, Children's Commissioner's Expert Advisory Group on Solutions to Child Poverty, 'Solutions to Child Poverty in New Zealand: Evidence for Action' (2012), p 39

⁷⁵ Te Puna Rangahau o Te Wai Ariki / Aotearoa NZ Centre for Indigenous Peoples and the Law, 'Thematic Report: The Rights of Tamariki Māori in Aotearoa New Zealand' (2022) p 11

⁷⁶ *Ibid*, p 6

⁷⁷ The Monitoring Group is convened by the Office of the Children's Commissioner and includes members from the [Human Rights Commission](#), [UNICEF New Zealand](#), [Children's Rights Alliance Aotearoa](#) and [Save the Children New Zealand](#)

⁷⁸ Section 5 of the Bill sets out the principles, which provide that any person who performs a function or duty or exercises a power under this Act must have regard to (among other things) the "well-being, interests, and voices of children..." and the "need to respect and uphold the rights of children and young people in New Zealand law (including their rights in New Zealand law that are derived from the United Nations Convention on the Rights of the Child or the United Nations Convention on the Rights of Persons with Disabilities).

⁷⁹ Pursuant to section 96, the duties of the Board include the "having a strong focus on the rights, interests, and wellbeing of Māori children and young people within their whānau, hapu, and iwi (section 96 (1)(a)(i)), and (among other things) "have regard to the Children's Convention" (section 96 (1)(c)).

⁸⁰ Te Puna Rangahau o te Wai Ariki / Aotearoa NZ Centre for Indigenous Peoples and the Law, ‘Thematic Report: The Rights of Tamariki Māori in Aotearoa New Zealand’ (2022)

⁸¹ Te Puna Rangahau o te Wai Ariki/Aotearoa Centre for Indigenous Peoples and the Law, ‘Time to Taihoa: The need to pause on the Oversight of Oranga Tamariki System and Children and Young People’s Commission Bill and give effect to te Tiriti o Waitangi and Indigenous rights’ June 2022 p 10, <https://www.auckland.ac.nz/en/news/2022/07/13/time-to-hit-pause-on-flawed-oranga-tamariki-bill-.html>. Note, the term ‘best interests of the child’ does not appear in the Oversight Bill. The term used is ‘interests’ and ‘welfare of the child” [see section 104, 4, 5, 13, 83, 85, 96, and 99].

⁸² Guio AC, Gordon D, Marlier E, Najera H, Pomati M, ‘Towards an EU measure of child deprivation’ Child Indic Res (2018)11(3), 835-860

⁸³ “For example, the HES does not include the families in Emergency Housing which includes around 4000 children” in Bryan Perry, ‘Child Poverty in New Zealand’ (June 2021) p 15

⁸⁴ There are alternative child-centred measures that could be asked such as whether the child has access to books, whether the child is exposed to bullying as a result of poverty, whether the child has to leave school to support the household, or move houses often thereby causing lack of deep personal relationships. See alternative datasets at Dataset <https://ec.europa.eu/eurostat/documents/3888793/5853037/KS-RA-12-018-EN.PDF>

⁸⁵ See for example issues raised in NHS, Scotland, ‘Child Poverty in Scotland: Health Impact and Health Inequalities’ <http://www.healthscotland.scot/media/2186/child-poverty-impact-inequalities-2018.pdf>

⁸⁶ For a helpful discussion of the wider social determinants of sudden infant death and the role poverty plays see Carla Houkamau, David Tipene-Leach Kathrine Clarke, ‘The high price of being labelled “high risk”: Social context as a health determinant for sudden unexpected infant death in Māori communities’ New Zealand College of Midwives Journal, (2016) 52

⁸⁷ See discussion of ‘investment model’ c.f. ‘family stress’ model in, NHS. Health Scotland, “Child Poverty in Scotland: Health Impact and Health Inequalities” (2018) <http://www.healthscotland.scot/media/2186/child-poverty-impact-inequalities-2018.pdf>

⁸⁸ Child Poverty Action Group v Attorney General [2013] NZCA 402

⁸⁹ Caitlin Neuwelt-Kearns, Susan St John, ‘Family tax credits: Do children get the support in New Zealand that they would get in Australia?’ Child Poverty Action Group Backgrounder (June 2020) p 7

⁹⁰ Donna Wynd, ‘Benefit Sanctions: Creating an Invisible Underclass of Children’ (Child Poverty Action Group Policy Monitoring Series, 2013) p 2 <https://www.cpag.org.nz/media-releases/new-data-on-benefit-sanctions-show-fairer?rq=sanctions>

⁹¹ Reply from Hon Carmel Sepuloni to written question from Ricardo Menéndez March; expert 22 March 2022 Riccardo. 12551

⁹² Kia Piki Ake/ Welfare Expert Advisory Group, ‘Whakamana Tāngata: Restoring Dignity to Social Security in New Zealand’ (2019), p 91.

⁹³ <https://www.1news.co.nz/2021/11/16/debate-rages-over-controversial-beneficiary-sanction/>

⁹⁴ <https://www.1news.co.nz/2021/11/16/debate-rages-over-controversial-beneficiary-sanction/>

⁹⁵ <https://www.stuff.co.nz/business/126942358/30000-families-told-to-repay-nearly-20-million-in-overpaid-working-for-families-tax-credits>

⁹⁶ Caitlin Neuwelt-Kearns and Susan St John ‘Family Tax Credits: Do children get the support in New Zealand that they would get in Australia?’(Child Poverty Action Group Backgrounder, June 2020)p 7

⁹⁷ Department of the Prime Minister and Cabinet, ‘Monitoring of Child and Youth Wellbeing Strategy Implementation 1 Jan – 31 Dec 2022’ (Released 22 June 22) p 16

⁹⁸ Ibid