

Child Poverty Reduction Bill

Government Bill

As reported from the Social Services and Community Committee

Commentary

Recommendation

The Social Services and Community Committee has examined the Child Poverty Reduction Bill and recommends that it be passed with the amendments shown.

About the bill as introduced

The Child Poverty Reduction Bill is an omnibus bill. It would create the Child Poverty Reduction Act (Parts 1 and 2) and amend the Public Finance Act 1989 and the Vulnerable Children Act 2014 (Part 3).

The purpose of the new Child Poverty Reduction Act (Parts 1 and 2) is to help achieve a significant and sustained reduction in child poverty by introducing a legislative framework that would:

- encourage governments and society to focus on reducing child poverty
- hold governments to account against published targets
- require transparent reporting about levels of child poverty.

The purpose of Part 3 is to create a greater commitment to action on the part of the Government to address the wellbeing of all children and the particular needs of children in poverty and those at greater risk.

Child poverty measures

Clauses 10 to 20 specify the ten measures that are to be used for reporting and Government strategy. The Government Statistician would have to define certain concepts and terms, including material hardship and persistent poverty.

Clauses 10 to 13 specify the four primary measures for which targets must be set. One primary measure is about material hardship experienced by the households in which the children live, and two of the measures relate to the income that is available to

households before and after housing costs. The fourth measures persistent poverty over several years.

Clauses 15 to 20 specify the six supplementary measures that the Government Statistician would be required to report on. Four of these relate to low income and two relate to severe material hardship and low income combined with material hardship.

Child poverty targets

Under clauses 21 to 29 of the bill, successive governments would have to set and publish long-term and intermediate targets for each of the four primary measures. The long-term targets would set out the Government's 10-year objectives for reducing child poverty. The intermediate (3-year) targets would show how the Government is working towards achieving the long-term targets.

Reporting on child poverty

The bill would require the Government Statistician to publish annual reports on child poverty using the primary and supplementary measures specified in the legislation.

The bill also seeks to amend the Public Finance Act (clauses 37 to 39) to require the Government to report on child poverty each year on Budget day. The report would discuss any progress made to reduce child poverty and whether any measures in the main Appropriation Bill are expected to contribute towards reducing child poverty.

Amendments to the Vulnerable Children Act

Part 3 of the bill would rename the Vulnerable Children Act 2014 as the Children's Act 2014, and replace Part 1 of that Act.

The new Part 1 would require governments to adopt a strategy aimed at improving the well-being of all children. This includes a focus on reducing poverty and mitigating the impacts of socio-economic disadvantage, improving the well-being of children with greater needs, and of children that are of interest to Oranga Tamariki—Ministry for Children.

After the strategy is adopted, the chief executives of certain specified agencies would develop an oranga tamariki action plan.¹ It would describe how they expect to work together to achieve the outcomes in the Government strategy aimed at improving the wellbeing for the populations that are of interest to Oranga Tamariki.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

¹ The agencies are the Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, Oranga Tamariki, and the New Zealand Police.

Child poverty-related indicators

On 21 March 2018, Hon Alfred Ngaro lodged Supplementary Order Paper (SOP) No 20. It proposed inserting new clause 29A that would require the responsible Minister to set targets on a selected number of child poverty-related indicators (CPRIs). They include housing conditions, education, and health.

Several submitters supported the insertion of CPRIs in the bill to complement the existing measures, which they consider too narrow. They expressed concern that the measures in the bill do not address the effect of other factors on child poverty, such as health and housing.

We consider that it would be beneficial to introduce CPRIs in the bill. Our proposed amendments, inserting new clauses 36A to 36J, would require the responsible Minister to report annually on CPRIs. The Minister would have the flexibility to choose which areas are monitored.

Renaming the Government strategy

We recommend replacing all references to “Government strategy” with “strategy” in the bill. This would reflect that collective action is needed from the Government and others to improve the well-being of children.

Start date for target periods

Under clause 21, the start date for the long-term and intermediate targets is the 2019/20 financial year. We recommend amending this clause and clause 3 of Schedule 1 to bring the start date forward to the 2018/19 financial year.

Reporting on identified populations

Clauses 30 to 36 of the bill specify the requirements of the Government Statistician’s annual report on child poverty. We recommend inserting clause 31A to require the report to include an analysis of specific identified populations. This would include Māori children and any other groups of children that the statistician considers necessary to help achieve the purpose of the bill.

We understand that Statistics New Zealand is making changes to the Household Economic Survey to improve the accuracy of reporting on specific populations. However, the data may still only allow limited reporting for some smaller populations such as Pacific children and children of disabled parents. Therefore, we recommend in our new clause 31A(5) that the Government Statistician’s report not have to analyse a specified population if the data is inadequate to do so.

Amending definitions in the Vulnerable Children Act

Amending the definitions of “child” and “in care”

Clause 45, inserting new interpretation section 5(1) into the Vulnerable Children Act 2014 (to be renamed the Children’s Act 2014), defines the term “child”. As well as people under the age of 18, it includes certain groups of care-experienced people

under the age of 25 who would be covered by the strategy and the oranga tamariki action plan. We recommend replacing this definition to make clear that it includes people under the age of 25 receiving transition support services and people under the age of 21 who have been in care but are not receiving transition support.

Clause 45, new section 9(4), repeats the definition of “child” in new section 5(1) and defines the term “in care”. We consider that this section unnecessarily duplicates the definition of “child” and that the definition of “in care” should be contained in the interpretation section 5(1). Therefore, we recommend deleting section 9(4) and inserting a definition of “in care” under section 5(1).

Amending the definition of “children’s agencies”

New section 5(1) defines “children’s agencies” by referring to the legislation that they administer with the authority of the Prime Minister. We understand that the Sentencing Act 2002 is included to designate the Ministry of Justice as a children’s agency. However, the Department of Corrections also administers that Act and would therefore be considered a children’s agency. We received advice that work is under way to determine whether the department should be designated as a children’s agency. To make it clear that the department is not currently a children’s agency, we recommend removing the reference to the Sentencing Act 2002, and replacing it with a reference to the Domestic Violence Act 1995 (which is administered solely by the Ministry of Justice).

Core populations of interest to Oranga Tamariki

The strategy adopted under clause 45, new section 6(1)(d), would have to address improving the well-being of the core populations of interest to Oranga Tamariki. However, the core populations are not defined until proposed new section 9(1). Therefore, we recommend inserting a definition of “core populations of interest to the department” under section 5(1) of clause 45.

Strategy and international obligations

We recommend amending clause 45 to insert new section 6AA to make it clear that the strategy would be intended to help New Zealand meet its international obligations relating to children (as implemented, in New Zealand, by New Zealand law other than new Part 1). Examples of these international obligations include the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities.

Policy-related principles

On 21 March 2018, Hon Alfred Ngaro lodged Supplementary Order Paper No 22, which would insert new clause 3AA into the bill. The SOP proposed that the principles of the social investment approach be considered when making decisions relating to child poverty reduction.

The majority of us consider that this proposal could affect the flexibility of future governments in determining their approaches to reducing child poverty. However, we recognise that some of the principles, such as early intervention and evidence-informed policy, are useful for policy development and could be incorporated as requirements to be applied when developing the strategy. We recommend amending clause 45 by inserting new section 6AB. This would set out policy-related principles that the responsible Minister must consider when adopting or changing the strategy.

We also recommend amending section 7(2) of clause 45 to require the strategy to indicate what steps the Government has taken, or intends to take, to evaluate the effectiveness of the policies.

Child-related principles

We discussed whether the bill should contain a set of principles to inform decision-making. Although the bill aims to give future governments the flexibility to determine their own approaches, we consider that several general principles could be included. We recommend amending clause 45, inserting new section 6AC. This would require the responsible Minister to consider the following principles when developing the strategy:

- Children’s intrinsic value and inherent dignity are acknowledged.
- Children’s rights in New Zealand law are respected and upheld.
- Children should be viewed in the context of their families, whānau, hapū, and iwi, other culturally recognised family groups, and communities.

Consultation before the strategy is adopted

Clause 45, new section 6A, sets out who the responsible Minister must consult when adopting or changing the strategy. They include children or representatives of children that the responsible Minister considers appropriate, and any representatives of iwi and Māori organisations.

We recommend inserting new section 6A(1)(aa) and (ab) to include the Children’s Commissioner and the Minister of the Crown who is responsible for the Ministry of Māori Development as named parties for consultation.

We also recommend broadening the provisions relating to consultation with Māori. Our proposed amendment to section 6A(1)(b) would include any representatives of Māori that the Minister considers appropriate.

Analysis of identified populations in the Minister’s annual report

We recommend amending clause 45 by inserting new section 7BA. This would require the responsible Minister’s annual progress report on achieving the strategy’s outcomes to include an analysis of any specific identified populations. The identified populations include Māori children and any other groups of children that the Minister deems appropriate.

An analysis of identified populations would not be required in the report if the available data is not reasonably adequate to enable a robust statistical analysis.

Treaty of Waitangi

We heard from submitters concerned that the Treaty of Waitangi is not included in the bill. Therefore, we recommend inserting new section 4A clause 45. This would reflect that the duties of the Minister

- to consult with Māori representatives on the strategy
- to report on outcomes for Māori children

were imposed to recognise and show practical commitment to the Treaty of Waitangi (te Tiriti o Waitangi).

Oranga tamariki action plan

Clause 45 of the bill, inserting section 8, would require chief executives of the children's agencies to work together to develop a draft oranga tamariki action plan after the strategy is adopted. The plan must describe the steps the chief executives would take to achieve certain outcomes in the strategy.

We note that chief executives could take actions that do not directly link to the strategy but that positively affect the children who are of interest to Oranga Tamariki. Therefore, we recommend inserting a purpose statement for the plan as new section 7BB. This would clarify that its purpose is to indicate how the chief executives will work together to improve the well-being of the core populations of interest to Oranga Tamariki.

Clause 45, inserting section 9(1), specifies the contents of the plan. The purpose of the plan is broader than achieving the outcomes in the strategy for the specified groups of children that are of interest to Oranga Tamariki, and we recommend replacing this section to reflect this.

Clause 45, inserting new section 9(2), would require the plan to set out how the chief executives will promote the best interests of groups of children that are of interest to Oranga Tamariki. We recommend amending this requirement so that chief executives must consider how the steps in the plan will promote the best interests of children.

We also recommend amending Schedule 5 to reflect this change.

Minister responsible for the oranga tamariki action plan

We recommend amending clause 45, inserting section 13(1)(aa). Our amendment would clarify that the “plan Minister” is the person who is accountable, both to Parliament and the Executive, for the oranga tamariki action plan; and the “responsible Minister” is the person who is accountable for adopting and implementing the strategy.

Supplementary Order Paper No 21

On 21 March 2018, Hon Alfred Ngaro lodged SOP No 21. It proposed inserting new clause 20A to require the Minister to set a target of reducing the number of children in material hardship by 100,000 in 3 years. The majority of us did not agree to the SOP because it is inconsistent with the bill's overall approach. We therefore recommend no change to this clause.

Appendix

Committee process

The Child Poverty Reduction Bill was referred to the committee on 13 February 2018. The closing date for submissions was 4 April 2018. We received and considered 632 submissions from interested groups and individuals. We also considered Supplementary Order Papers No 20, 21, and 22. We heard oral evidence from 49 submitters at hearings in Wellington and Auckland.

We received advice from the Department of the Prime Minister and Cabinet, Oranga Tamariki, the Ministry of Social Development, and Statistics New Zealand.

Committee membership

Gareth Hughes (Chairperson)

Darroch Ball

Dan Bidois

Hon Kris Faafoi

Hon Alfred Ngaro

Greg O'Connor

Maureen Pugh

Priyanca Radhakrishnan

Hon Louise Upston

Child Poverty Reduction Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Rt Hon Jacinda Ardern

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Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Child Poverty Reduction Act **2018**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

Preliminary provisions

3 Purpose of this Part and Part 2

The purpose of **this Part and Part 2** is to help achieve a significant and sustained reduction in child poverty in New Zealand by provisions that— 5

- (a) encourage a focus by government and society on child poverty reduction:
- (b) facilitate political accountability against published targets:
- (c) require transparent reporting on levels of child poverty.

4 Overview of this Part and Part 2

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To help achieve its purpose, **this Part and Part 2**—

- (a) specifies and requires child poverty measures:
- (b) requires the setting of child poverty reduction targets:
- (c) requires reports relating to child ~~poverty~~ poverty:
- (d) requires the identification of child poverty related indicators: 15
- (e) requires monitoring reports related to identified indicators.

5 Interpretation

In **this Part and Part 2**, unless the context otherwise requires,—

amended, in relation to material incorporated in a Statistician's definition in reliance on **section 6(2)**, means that the material or any part of it— 20

- (a) is amended or replaced; or
- (b) expires or is revoked; or
- (c) otherwise ceases to have effect

base financial year, for the purposes of **section 11**, has the meaning given to it by the Statistician's definition 25

chief executive means the chief executive of the Ministry of Social Development

child means a person who is under the age of 18 years

child poverty related indicator means a measure of anything that is, or may be, all or any of the following: 30

- (a) a cause of, or a factor that contributes to, child poverty:
- (b) an event or a circumstance that occurs with (for example, as a correlate of, or incidental to) child poverty:
- (c) a consequence of child poverty

child's household, for a child during a period, has the meaning given to it by the Statistician's definition

DHI (or disposable household income) means household income less income tax under the Income Tax Act 2007

DHI for the year, for a financial year, means DHI received in that financial year (even if earned, or first payable, or both, in an earlier financial year) 5

equivalised, in relation to household income, has the meaning given to it by the Statistician's definition, whose purpose is to adjust the household income to take account of variations in household size and composition

financial year means a period of 12 months commencing on 1 July and ending with 30 June 10

~~**Government strategy** means the Government strategy under the **Children's Act 2014**~~

household has the meaning given to it by the Statistician's definition

household income has the meaning given to it by the Statistician's definition 15

housing costs, in relation to equivalised DHI, has the meaning given to it by the Statistician's definition

identified indicators means indicators identified under **section 36A**

income, of a person, has the meaning given to it by the Statistician's definition

intermediate targets means targets set under **section 21(1)(b)** 20

long-term targets means targets set under **section 21(1)(a)**

material—

(a) means material referred to in **section 6(2)**; but

(b) does not include anything incorporated by reference by that material

material hardship, in a financial year, for the purposes of **section 12**, has the meaning given to it by the Statistician's definition 25

measures means—

(a) primary measures; and

(b) supplementary measures

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of **this Part and Part 2** 30

monitoring reports means reports under **section 36G**

persistent poverty, in a financial year, for the purposes of **section 13**, has the meaning given to it by the Statistician's definition 35

primary measure means a measure specified in or required by **sections 10 to 13**

reports means reports under **section 30**

severe material hardship, in a financial year, for the purposes of **section 19**, has the meaning given to it by the Statistician's definition

Statistician has the meaning given to it by section 2 of the Statistics Act 1975

Statistician's definition, for a concept or term, means the concept or term as it is defined by a written decision of the Statistician made under **section 33**

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Statistics New Zealand means the department of State established under that name by the Statistics Act 1975

strategy means the strategy under the **Children's Act 2014**

supplementary measure means a measure specified in or required by **sections 15 to 20**

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targets means—

- (a) long-term targets; and
- (b) intermediate targets

technical appendix, for a report, means the report's technical appendix required under **section 31(2)**

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written material means material that represents or reproduces words, figures, or symbols—

- (a) in a visible and tangible form by any means and in any medium; or
- (b) in a visible form in any medium by electronic means that enables them to be stored in permanent form and be retrieved and read.

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6 Statistician's definitions

Duty and power to define concepts or terms

(1) The Statistician—

- (a) must make under **section 33** written decisions that define concepts and terms that, under **section 5**, have meanings given to them by Statistician's definitions; and
- (b) may make under **section 33** written decisions that define concepts and terms desirable for the operation of **this Part and Part 2**, but not defined in **this Part and Part 2**.

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Definitions may incorporate material by reference

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- (2) Statistician's definitions may define concepts or terms by incorporating by reference, with or without specified modifications, all or parts of relevant overseas or international legislation, standards, or practices (and **Schedule 2** requires to be made publicly available, and otherwise applies to, material incorporated by reference in reliance on this subsection).

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- (3) If the material incorporated in a definition in reliance on **subsection (2)** is amended by the originator of the material after the definition is decided, the amendments have no legal effect as part of the definition unless—

- (a) they are specifically incorporated by later definition decided in reliance on **subsection (2)**; or
- (b) amendments to the material are expressly authorised to have that effect by another Act.

Access to, and status of, definitions

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- (4) Statistician's definitions decided for the purposes of measures, targets, or reports for a financial year, may be decided, amended, or replaced before, during, or after that financial year, but must after they are decided, amended, or replaced be published on, and available at all reasonable times from, an Internet site administered by or on behalf of Statistics New Zealand. 10
- (5) Statistician's definitions are neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and do not have to be presented to the House of Representatives under section 41 of that Act.
- (6) *See also section 31(2)* (which requires a report to include a technical appendix that sets out all Statistician's definitions for the report). 15

Compare: Welfare Reform and Work Act 2016, s 4(2) (UK)

7 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

8 Act binds the Crown

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This Act binds the Crown.

Part 2

Measures, targets, and ~~reports~~ reports, indicators, and monitoring reports

Primary measures

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9 Purpose of primary measures

Sections 10 to 13 specify or require primary measures for targets, reports, and the ~~Government strategy~~ strategy.

10 Low income: less than 50% of median equivalised DHI (without deducting housing costs) for financial year

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A child falls within this section in a financial year if the child's household's equivalised DHI (without deducting housing costs) for the year is less than 50% of median equivalised DHI (without deducting housing costs) for the year.

- 11 Low income: less than 50% of median equivalised DHI (after deducting housing costs) for base financial year**
- (1) A child falls within this section in a financial year if the child's household's equivalised DHI (after deducting housing costs) for the year is less than the applicable level. 5
- (2) The applicable level is the specified amount (50% of median equivalised DHI (after deducting housing costs) for the base financial year) after the specified amount is adjusted to take account of changes in the value of money after the base financial year.
- 12 Material hardship** 10
- A child falls within this section in a financial year if, for a period that is or includes all or any of the year, the child's household experiences material hardship.
- 13 Persistent poverty**
- A child falls within this section in a financial year if, for a period that is or includes all or any of the year, the child's household experiences persistent poverty. 15

Supplementary measures

- 14 Purpose of supplementary measures**
- Sections 15 to 20** specify or require supplementary measures for reports. 20
- 15 Low income: less than 60% of median equivalised DHI (without deducting housing costs) for financial year**
- A child falls within this section in a financial year if the child's household's equivalised DHI (without deducting housing costs) for the year is less than 60% of median equivalised DHI (without deducting housing costs) for the year. 25
- 16 Low income: less than 60% of median equivalised DHI (after deducting housing costs) for financial year**
- A child falls within this section in a financial year if the child's household's equivalised DHI (after deducting housing costs) for the year is less than 60% of median equivalised DHI (after deducting housing costs) for the year. 30
- 17 Low income: less than 50% of median equivalised DHI (after deducting housing costs) for financial year**
- A child falls within this section in a financial year if the child's household's equivalised DHI (after deducting housing costs) for the year is less than 50% of median equivalised DHI (after deducting housing costs) for the year. 35

- 18 Low income: less than 40% of median equivalised DHI (after deducting housing costs) for financial year**
- A child falls within this section in a financial year if the child's household's equivalised DHI (after deducting housing costs) for the year is less than 40% of median equivalised DHI (after deducting housing costs) for the year. 5
- 19 Severe material hardship**
- A child falls within this section in a financial year if, for a period that is or includes all or any of the year, the child's household experiences severe material hardship.
- 20 Low income and hardship: less than 60% of median equivalised DHI (after deducting housing costs) for financial year and material hardship** 10
- A child falls within this section in a financial year if, in the year,—
- (a) the child falls within **section 16** (low income: less than 60% of median equivalised DHI (after deducting housing costs) for financial year); and
 - (b) the child falls within **section 12** (material hardship). 15

Targets

- 21 Targets: duty to set**
- (1) The Minister must set (and may change)—
 - (a) long-term targets for reducing, over a long-term period (10 financial years), child poverty; and 20
 - (b) intermediate targets that support, over an intermediate period (3 financial years), current long-term targets.
 - (2) The periods to be covered by long-term targets set, or changed, under **subsection (1)(a)** are—
 - (a) the long-term period from the ~~2019/20~~ 2018/19 financial year to the ~~2028/29~~ 2027/28 financial year; and 25
 - (b) every later long-term period.
 - (3) The periods to be covered by intermediate targets set, or changed, under **subsection (1)(b)** are—
 - (a) the intermediate period from the ~~2019/20~~ 2018/19 financial year to the ~~2021/22~~ 2020/21 financial year; and 30
 - (b) every later intermediate period.
 - (4) A target that covers a long-term period, or an intermediate period,—
 - (a) must be set before, or as soon as is reasonably practicable after, the start of the period; and 35
 - (b) may, after it is set, be changed at any time before the end of the period.

- 22 Targets: content**
Targets must be set for each primary measure.
- 23 Targets: setting, changing, and publication**
- (1) Targets are set or changed by notice in the *Gazette*.
 - (2) Targets, and changes to targets, must also be published on, and available at all reasonable times from, an Internet site directed by the Minister. 5
- 24 Targets: presentation to House of Representatives**
The Minister must, promptly after setting or changing targets, present to the House of Representatives a copy of the targets or changes.
- 25 Targets: application of Legislation Act 2012** 10
Targets, and changes to targets, are neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and do not have to be presented to the House of Representatives under section 41 of that Act.
- 26 Targets: duty to review** 15
The Minister must ensure that each current target is reviewed—
- (a) at least once in the financial years that the target covers;
 - (b) if it is an intermediate target, at the same time as, or as soon as is reasonably practicable after, any change is made to the related long-term target.
- 27 Targets: duty to explain non-compliance** 20
- (1) This section applies if a report—
 - (a) is presented to the House of Representatives under **section 36**; and
 - (b) discloses non-compliance with long-term targets or intermediate targets.
 - (2) The Minister must, in another document presented to the House of Representatives when, or as soon as is reasonably practicable after, the report is presented, explain why that non-compliance occurred. 25
- 28 Targets: effect**
- (1) The only remedies or relief that a court may grant for non-compliance with the targets are a declaration (made by the High Court or, on an appeal, by the Court of Appeal or the Supreme Court) of that non-compliance and costs. 30
 - (2) In particular, no form of monetary compensation or relief, or injunctive relief, is available as a remedy for non-compliance with the targets.
 - (3) If a declaration is made under **subsection (1)**, and the declaration is not overturned on appeal or the time for lodging an appeal (which, in this section, includes applying for leave to appeal) expires, the Minister must present to the House of Representatives a document— 35

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- (a) bringing the declaration to the attention of the House of Representatives; and
- (b) containing advice on the Government's response to the declaration.
- (4) The Minister must carry out the duties imposed by **subsection (3)** as soon as is reasonably practicable after the date of disposal of all appeals against the granting of the declaration or, if no appeal is lodged, the date when the time for lodging an appeal expires. 5
- (5) Despite any contrary enactment or other law, the targets do not (except as provided in **subsections (1) to (4)**)—
- (a) create any legal right enforceable in a court of law: 10
- (b) affect or limit the way in which a person (for example, a Minister of the Crown or chief executive of a department of State) is required to exercise a statutory power of decision:
- (c) affect the interpretation of any enactment or the operation of any other law: 15
- (d) restrict the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability to—
- (i) introduce legislation and change Government policy; and
- (ii) interact with or consult a person the Crown considers appropriate: 20
- (e) restrict the responsibilities of a Minister of the Crown or a department of State.
- (6) **Subsection (5)** overrides **section 29(1)**.
Compare: 1993 No 82, ss 92J, 92K; 2014 No 40, s 11; 2017 No 41 ss 23, 24
- 29 Targets: accountabilities to Parliament and Executive** 25
- (1) For the purposes of the operation of the legislative and executive branches of Government, in any matter relating to the setting or achievement of the targets, the Minister is the Minister of the Crown who is accountable, both to Parliament and the Executive.
- (2) **Subsection (1)** does not limit or affect **section 28(5)** of **Part 1** and **this Part** or the operation of the Public Finance Act 1989. 30
- (3) A duty, function, or power of the Minister is affected by the targets only to the extent necessary to give effect to **subsection (1)** (as overridden by **section 28(5)**). 35
Compare: 2014 No 40, s 13

*Reports***30 Reports: duty to prepare**

- (1) The Statistician must, after a financial year, prepare a report measuring child poverty in that financial year.
- (2) The report must be prepared as soon as is reasonably practicable, and in any case within the next financial year. 5

31 Reports: content: general

- (1) The report must include a statement of the percentage of children living in households in New Zealand in the financial year—

Primary measures 10

- (a) who fell within **section 10** (low income: less than 50% of median equivalised DHI (without deducting housing costs) for financial year):
- (b) who fell within **section 11** (low income: less than 50% of median equivalised DHI (after deducting housing costs) for base financial year):
- (c) who fell within **section 12** (material hardship): 15
- (d) who fell within **section 13** (persistent poverty):

Supplementary measures

- (e) who fell within **section 15** (low income: less than 60% of median equivalised DHI (without deducting housing costs) for financial year):
- (f) who fell within **section 16** (low income: less than 60% of median equivalised DHI (after deducting housing costs) for financial year): 20
- (g) who fell within **section 17** (low income: less than 50% of median equivalised DHI (after deducting housing costs) for financial year):
- (h) who fell within **section 18** (low income: less than 40% of median equivalised DHI (after deducting housing costs) for financial year): 25
- (i) who fell within **section 19** (severe material hardship):
- (j) who fell within **section 20** (low income and hardship: less than 60% of median equivalised DHI (after deducting housing costs) for financial year and material hardship):
- (2) The report must include a technical appendix that sets out all Statistician's definitions for the report. 30

31A Reports: content: analysis of identified populations

- (1) The report must include analysis of the identified populations.
- (2) The identified populations are the following children who are living in households in New Zealand: 35
 - (a) Māori children; and

- (b) any groups identified for the report under **subsection (3)**.
- (3) The Statistician may identify for the report 1 or more groups of other children, analysis of whom may help achieve the purpose of **Part 1 and this Part**.
- (4) Examples of groups of other children who may be identified are Pacific children, disabled children, and children with a disabled parent, guardian, or care-giver. 5
- (5) However, this section does not require the report to include analysis of the identified populations if, or so far as, available data is not reasonably adequate to enable that analysis to be done using the relevant statistical methodology.
- 32 Reports: consultation and acting independently** 10
- (1) In preparing the report, the Statistician must consult the chief executive.
- (2) In preparing the report, and performing other duties or functions under **Part 1 and this Part**, the Statistician and the chief executive must act independently of, and are not subject to direction from, Ministers of the Crown or other chief executives of departments of State. 15
- (3) **Subsection (2)**—
- (a) applies despite section 32 of the State Sector Act 1988 or any other legislation to the contrary; and
- (b) applies to the Statistician, in performing duties or functions under **Part 1 and this Part**, instead of section 15 of the Statistics Act 1975. 20
- Compare: 1975 No 1, s 15
- 33 Reports: Statistician decides how statistics to be produced**
- (1) In preparing the report, and performing other duties or functions under **Part 1 and this Part**, the Statistician must decide the following to be used in the provision of any statistics to be produced: 25
- (a) concepts or terms (for example, classifications or definitions) mentioned in **section 6(1)**; and
- (b) the data and statistical methodology.
- (2) Before making the decisions required by **subsection (1)**, the Statistician must consult the chief executive on the Statistician's proposed decisions. 30
- (3) The provisions of the Statistics Act 1975 that relate to official statistics apply to the Statistician, in performing duties or functions under **Part 1 and this Part**, unless **Part 1 and this Part** provides otherwise or those provisions are inconsistent with **Part 1 and this Part**. 35
- Compare: 1975 No 1, s 14(i)

- 34 Reports: duty to follow statistical best practice**
In preparing the report, and performing other duties or functions under **Part 1 and this Part**, the Statistician and the chief executive must, whenever it is reasonably practicable to do so, follow statistical best practice.
- 35 Reports: publication** 5
After the report is prepared, the Statistician must ensure that the report is published.
Compare: 1975 No 1, s 15; 2015 No 87, s 15
- 36 Reports: presentation to House of Representatives** 10
The Minister must, after receiving a copy of the report, and as soon as is reasonably practicable after the time it is published under **section 35**, present to the House of Representatives a copy of the report.

Indicators

- 36A Child poverty related indicators: duty to identify**
- (1) The Minister must identify, for monitoring reports, 1 or more child poverty related indicators related to all or any of the following areas: 15
- (a) income and employment:
 - (b) housing:
 - (c) education and development:
 - (d) health (for example, physical health and mental health) and disability: 20
 - (e) any other area or areas.
- (2) A child poverty related indicator identified for a financial year—
- (a) must be identified before, or as soon as is reasonably practicable after, the start of the year; and
 - (b) may, after it is identified, be changed at any time before the end of the year. 25
- 36B Identified indicators: identifying, changing, and publication**
- (1) Identified indicators are identified or changed by notice in the *Gazette*.
- (2) Identified indicators, and changes to identified indicators, must also be published on, and available at all reasonable times from, an Internet site directed by the Minister. 30
- 36C Identified indicators: presentation to House of Representatives**
- The Minister must, promptly after identifying or changing identified indicators, present to the House of Representatives a copy of the identified indicators or changes. 35

36D Identified indicators: application of Legislation Act 2012

Identified indicators, and changes to identified indicators, are neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and do not have to be presented to the House of Representatives under section 41 of that Act.

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36E Identified indicators: duty to review

(1) The Minister must ensure that each current identified indicator is reviewed before the deadline for review of the strategy.

(2) The deadline for review of the strategy is, under **section 7A of the Children's Act 2014**,—

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(a) within 3 years after the date of its first adoption under **section 6** of that Act; and

(b) thereafter within 3 years after the date of completion of the most recent review of it under **section 7A** of that Act.

36F Identified indicators: purpose and effect

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Identified indicators are identified only for, and so have no effect unrelated to, monitoring reports.

*Monitoring reports***36G Monitoring reports: duty to prepare**

(1) The Minister must, after a financial year, prepare a monitoring report related to that financial year.

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(2) The monitoring report must be prepared as soon as is reasonably practicable, and in any case within the next financial year.

36H Monitoring reports: content

The monitoring report must include data on every identified indicator identified for the financial year.

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36I Monitoring reports: publication

After the monitoring report for a financial year is prepared, and the Minister receives a copy of the Statistician's report for that financial year, the Minister must ensure that the monitoring report is published as soon as is reasonably practicable after the time that the Statistician's report for that financial year is published under **section 35**.

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36J Monitoring reports: presentation to House of Representatives

After the monitoring report for a financial year is prepared, and the Minister receives a copy of the Statistician's report for that financial year, the Minister must, as soon as is reasonably practicable after the time that the Statistician's

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report for that financial year is published under **section 35**, present to the House of Representatives a copy of the monitoring report.

Amendments to Public Finance Act 1989

37 Amendments to Public Finance Act 1989

Sections 38 and 39 amend the Public Finance Act 1989 (the **principal Act**). 5

38 New section 15EA inserted (Main Appropriation Bill: supporting information relating to child poverty)

After section 15E, insert:

15EA Main Appropriation Bill: supporting information relating to child poverty 10

- (1) The supporting information for the main Appropriation Bill must include a report on child poverty.
- (2) The report must—
 - (a) discuss any progress made, in the most recent completed financial year, in reducing child poverty consistent with the targets under **Parts 1 and 2 of the Child Poverty Reduction Act 2018**; and 15
 - (b) indicate whether and, if so, to what extent, measures in or related to that Bill will affect child poverty.

39 Consequential amendments

Amend the principal Act as indicated in **Schedule 3**. 20

Part 3

Amendments to Vulnerable Children Act 2014

40 Principal Act

This **Part** amends the Vulnerable Children Act 2014 (the **principal Act**).

Title 25

41 Name of principal Act changed

On and after the commencement of this section,—

- (a) the Vulnerable Children Act 2014 is called the **Children's Act 2014**;
- (b) every reference in any enactment (other than an enactment amended or replaced by this **Part**), and in any document, to the Vulnerable Children Act 2014 must, unless the context otherwise requires, be read as a reference to the **Children's Act 2014**. 30

42 Section 1 amended (Title)

In section 1, replace “Vulnerable Children” with “**Children’s**”.

Transitional, savings, and related provisions

43 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

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2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

Act binds the Crown

44 Section 3 amended (Act binds the Crown)

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In section 3(2), replace “section 11 (effect of vulnerable children’s plan)” with “**section 12** (effect of strategy and plan)”.

~~Government strategy~~ *Strategy for improving children’s well-being and
oranga tamariki action plan*

45 Part 1 replaced

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Replace Part 1 with:

Part 1

~~Government strategy~~ **Strategy for improving children’s well-being
and oranga tamariki action plan**

4 Purpose of this Part

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The purpose of this Part is to—

- (a) require the Government to adopt, publish, and review a ~~Government~~ strategy for improving the well-being of children; and
- (b) ensure that children’s agencies work together to improve the well-being of particular groups of children.

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4A Treaty of Waitangi (Tiriti o Waitangi)

The duties of the responsible Minister set out in **sections 6A(1)(b) and 7BA(2)(a)** are imposed in order to recognise and provide a practical commitment to the Treaty of Waitangi (te Tiriti o Waitangi).

5 Interpretation

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- (1) In this Part, unless the context otherwise requires,—

child means any of the following:

- (a) ~~a person who is under the age of 18 years:~~
- (b) ~~a person who is a child or young person, as those terms are defined in section 2(1) or 386AAA of the Oranga Tamariki Act 1989, for the purposes of all or any provisions of that Act:~~
- (c) ~~a person who is aged less than 21 years and has been in care under the Oranga Tamariki Act 1989 or is eligible for support under section 386A of that Act~~

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child means any of the following:

- (a) a person who is under the age of 18 years:
- (b) a person who is under the age of 21 years and has been in care (as defined in this subsection):
- (c) a person who is under the age of 25 years and is receiving transition support from the department under Part 7 of the Oranga Tamariki Act 1989

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children's agencies mean those departments of State or instruments of the Crown that are, with the authority of the Prime Minister, for the time being responsible (alone, or with 1 or more other departments or instruments) for the administration of all or any provisions of 1 or more of the following Acts:

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- (a) ~~Oranga Tamariki Act 1989~~Domestic Violence Act 1995:
- (b) Education Act 1989:
- (c) New Zealand Public Health and Disability Act 2000:
- (ca) Oranga Tamariki Act 1989:
- (d) Policing Act 2008:
- (e) ~~Sentencing Act 2002:~~
- (f) Social Security Act 1964:
- (g) any other Act or Acts for the time being prescribed under **subsection (2)**

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Children's Commissioner means the Children's Commissioner continued under section 6 of the Children's Commissioner Act 2003

children's Ministers means the Ministers of the Crown who for the time being—

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- (a) have relevant portfolio responsibilities for 1 or more of the children's agencies (but excluding all related Associate Ministers of the Crown, if any); or
- (b) are designated by the Prime Minister as children's Ministers for the purpose of this Part

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core populations of interest to the department means the following groups of children:

(a) children who have early risk factors for future involvement in the statutory care, protection, and youth justice systems under the Oranga Tamariki Act 1989:

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(b) children who are all or any of the following:

(i) children receiving assistance from the department (whether or not they are children in need of care or protection) under Part 2 of that Act (which relates to care and protection):

(ii) children who are subject to a custody order, an order appointing a person specified in section 110(1)(a) to (e) of that Act as their sole guardian, or an agreement for care, under Part 2 of that Act:

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(iii) children who are subject to proceedings or orders under Part 4 of that Act (which relates to youth justice), or who are remanded in the custody of the chief executive of the department under section 173 or 174 of the Criminal Procedure Act 2011:

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(iv) children receiving transition support from the department under Part 7 of the Oranga Tamariki Act 1989:

(c) children who are any persons who are under the age of 21 years and who have been in care (as defined in this subsection)

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department means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Oranga Tamariki Act 1989

financial year means a period of 12 months commencing on 1 July and ending with 30 June

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~~**Government strategy** means the strategy adopted, and from time to time changed, under this Part~~

household, for a child, has the same meaning as the term **child's household** in **section 5** of the **Child Poverty Reduction Act 2018**

in care, for a child, means that the child is—

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(a) placed or detained in the custody or care of the chief executive of the department, a person, a body, or an organisation under the Oranga Tamariki Act 1989; or

(b) remanded in the custody of the chief executive of the department under section 173 or 174 of the Criminal Procedure Act 2011; or

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(c) detained in a residence under section 34A of the Corrections Act 2004

oranga tamariki action plan means the plan prepared, approved, published, and from time to time amended or replaced, under this Part

plan Minister means the Minister of the Crown for the time being designated by the Prime Minister as the responsible Minister for all purposes related to the

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oranga tamariki action plan (for example, approving it, or approving any amendment to it or replacement of it, or receiving any report in respect of it)

responsible Minister means the Minister of the Crown for the time being designated by the Prime Minister as the responsible Minister for the purposes of this Part (except all purposes related to the oranga tamariki action plan)

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strategy means the strategy adopted, and from time to time changed, under this Part

UNCROC means the United Nations Convention on the Rights of the Child (a copy of the English text of which is set out in Schedule 2 of the Children's Commissioner Act 2003)

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UNCRPD means the United Nations Convention on the Rights of Persons with Disabilities.

- (2) The Governor-General may, by Order in Council, prescribe any other Act or Acts for the purposes of **paragraph (g)** of the definition of children's agencies in **subsection (1)**.

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Strategy for improving children's well-being

6 Government strategy**Adoption of strategy**

- (1) The responsible Minister must, after consulting the children's Ministers, adopt a strategy to address—

- (a) improving the well-being of all children; and
- (b) improving, as a particular focus, the well-being of children with greater needs; and
- (c) reducing child poverty and mitigating impacts of child poverty and of socio-economic disadvantage experienced by children; and
- (d) improving the well-being of the core populations of interest to the department (~~namely, children with early risk factors for future statutory involvement, those who the department works with, and care-experienced children, as specified in **section 9(1)**~~).

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- (2) The responsible Minister may, after consulting with the children's Ministers, change a strategy adopted under this section.

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- (3) **Subsections (1) and (2)** do not limit or affect consultation with any other Ministers that the responsible Minister considers it appropriate to consult on the strategy.

6AA Strategy and international obligations

- (1) The strategy is intended to help New Zealand meet its international obligations relating to children.

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- (2) Those obligations include New Zealand's obligations relating to children under the UNCROC and the UNCRPD.

- (3) However, this Part does not, in and of itself, give domestic legal effect to, or implement in New Zealand law, any of those obligations.

6AB Policy-related principles Minister must have regard to before strategy adopted or changed

- (1) Before adopting a strategy, or changing a strategy adopted, under **section 6**, the responsible Minister must have regard to the following policy-related principles:

- (a) policies should be informed by evidence about their expected effectiveness in achieving the social and economic outcomes sought by the strategy:
- (b) policies should prevent or minimise negative social outcomes and, if they do occur, should address them as early as possible:
- (c) the Government should evaluate the effectiveness of policies.

- (2) In this section, **policies** means policies implemented, or to be implemented, by the Government to achieve the outcomes sought by the strategy.

6AC Child-related principles Minister must have regard to before strategy adopted or changed

Before adopting a strategy, or changing a strategy adopted, under **section 6**, the responsible Minister must have regard to the following child-related principles:

- (a) children's intrinsic value and inherent dignity should be acknowledged:
- (b) children's rights in New Zealand law (including children's rights in New Zealand law that are derived from the UNCROC or the UNCRPD) must be respected and upheld:
- (c) children should be viewed in the context of their families, whānau, hapu, and iwi, other culturally recognised family groups, and communities.

6A Other consultation before strategy adopted or changed

- (1) Before adopting a strategy, or changing a strategy adopted, under **section 6**, the responsible Minister must consult, on the proposed strategy or change to the strategy,—

- (a) any ~~elasses of~~ children, or representatives of ~~elasses of~~ children, that the responsible Minister considers appropriate (in order to ensure that children's views on the proposed strategy or change are taken into account); and
- (aa) the Children's Commissioner; and
- (ab) the Minister of the Crown who is responsible for the Ministry of Māori Development; and

(b) any representatives of Māori (for example, of iwi, and of Māori organisations); that the responsible Minister considers appropriate.	
(2) Subsection (1) does not limit or affect consultation with any other organisations, or any other individuals, that the responsible Minister considers it appropriate to consult on the strategy.	5
6B Publication and status of strategy	
(1) A strategy, or changes to a strategy, adopted under section 6 (for example, after a review under section 7A), must—	
(a) be notified in the <i>Gazette</i> ; and	
(b) be published on, and available at all reasonable times from, an Internet site maintained by or on behalf of the children's agencies.	10
(2) The <i>Gazette</i> notice required by subsection (1)(a) need not contain or set out the strategy or changes, but must specify details of the Internet site referred to in subsection (1)(b) .	
(3) An instrument recording, or a notice notifying, a strategy, or changes to a strategy, adopted under section 6 , is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and does not have to be presented to the House of Representatives under section 41 of that Act.	15
7 Content of strategy	20
(1) The Government strategy must include outcomes sought—	
(a) under section 6(1)(a), (b), and (d) ; and	
(b) in particular, under section 6(1)(c) (which relates to reducing child poverty and mitigating impacts of child poverty and of socio-economic disadvantage).	25
(2) The Government strategy must indicate—	
(a) the extent to which the outcomes included in the Government strategy are measurable:	
(b) how the measurable outcomes will be measured, including by analysing disparities of outcome for—	30
(i) children in poverty; and	
(ii) children who, compared with all children, are children with socio-economic disadvantage:	
(e) if 1 or more earlier strategies have been adopted under section 6 , the policies that the Government has implemented, after the adoption of the last of those earlier strategies, to achieve the well-being outcomes sought by the last of those earlier strategies:	35

	(d) the policies that the Government intends to implement, after the adoption of the Government strategy, to achieve the outcomes sought by that strategy.	
	(c) <u>if 1 or more earlier strategies have been adopted under section 6, the policies that the Government has implemented, after the adoption of the last of those earlier strategies, to achieve the well-being outcomes sought by the last of those strategies, and any steps that the Government has taken to evaluate the effectiveness of those policies:</u>	5
	(d) <u>the policies that the Government intends to implement, after the adoption of the strategy, to achieve the outcomes sought by that strategy, and any steps that the Government intends to take to evaluate the effectiveness of those policies.</u>	10
(3)	The Government strategy must include an assessment of the likely effect of Government policies whose aim is or includes all or any of the following:	
	(a) reducing child poverty:	15
	(b) mitigating impacts of child poverty or of socio-economic disadvantage experienced by children.	
(4)	The assessment required by subsection (3) must address the following matters:	
	(a) economic changes likely to arise from the implementation of the policies:	20
	(b) how the impact of the policies may be affected by any economic changes external to the policies.	
7A	Duty to review strategy	
	The responsible Minister must, in consultation with the children's Ministers, complete a review of the Government strategy—	25
	(a) within 3 years after the date of its first adoption under section 6 ; and	
	(b) thereafter within 3 years after the date of completion of the most recent review of it under this section.	
7B	Duty to prepare and publish annual report on progress in achieving strategy's outcomes	30
(1)	The responsible Minister must, within 9 months after a financial year, prepare a report on achievement, during that year, of the outcomes that the Government strategy indicates are sought, during that year, for children identified in the strategy.	35
(2)	Before finalising the report, the responsible Minister must consult the children's Ministers on a draft of the report.	
(3)	As soon as is reasonably practicable after the report is prepared, the responsible Minister must ensure that it is—	

(a)	presented to the House of Representatives; and	
(b)	published on 1 or more Internet sites maintained by or on behalf of the children's agencies.	
7BA	<u>Annual report: analysis of identified populations</u>	
(1)	The report required by section 7B must include analysis of the identified populations.	5
(2)	The identified populations are the following children who are living in households in New Zealand:	
(a)	Māori children; and	
(b)	any groups identified for the report under subsection (3) .	10
(3)	The responsible Minister may identify for the report 1 or more groups of other children, analysis of whom may help achieve outcomes sought by the strategy.	
(4)	Examples of groups of other children who may be identified are Pacific children, disabled children, and children with a disabled parent, guardian, or care-giver.	15
(5)	However, this section does not require the report to include analysis of the identified populations if, or so far as, available data is not reasonably adequate to enable that analysis to be done using the relevant statistical methodology.	
	<i>Plan Oranga tamariki action plan</i>	20
7BB	<u>Purpose of plan</u>	
	The purpose of the oranga tamariki action plan is to indicate how the chief executives of the children's agencies will work together to improve the well-being of the core populations of interest to the department.	
8	<u>Preparation of oranga tamariki action plan</u>	25
(1)	The chief executives of the children's agencies must, after the Government strategy is adopted or changed under section 6 , work together, under the co-ordination of the chief executive of the department, to do both of the following no later than a date specified (under this subsection and, if applicable, section 4210A(1)(b)) by the plan Minister:	30
(a)	develop a draft oranga tamariki action plan; and	
(b)	submit it to the plan Minister for approval.	
(2)	The plan Minister must, after consulting the children's Ministers about the draft plan,—	
(a)	approve the draft plan; or	35

- (b) refer it to the chief executives of the children's agencies for reconsideration, together with the Minister's reasons for referring it back to the chief executives.
- (3) The chief executives, on receiving a referral under **subsection (2)(b)**, must reconsider the draft plan and, as soon as is reasonably practicable, submit a revised draft plan to the plan Minister for approval under **subsection (1)**. 5
- 8A Publication and status of plan**
- (1) The oranga tamariki action plan must, after it is approved by the plan Minister,—
- (a) be notified in the *Gazette*; and 10
- (b) be published on, and available at all reasonable times from, an Internet site maintained by or on behalf of the children's agencies.
- (2) The *Gazette* notice required by **subsection (1)(a)** need not contain or set out the oranga tamariki action plan, but must specify details of the Internet site referred to in **subsection (1)(b)**. 15
- (3) The oranga tamariki action plan may be published under **subsection (1)(b)** with, or without, any related reports accompanying the draft plan submitted for approval under **section 8(1)(b)**.
- (4) An instrument recording, or a notice notifying, an oranga tamariki action plan, or changes to one, approved under **section 8**, is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and does not have to be presented to the House of Representatives under section 41 of that Act. 20
- 9 Content of plan**
- (1) ~~The oranga tamariki action plan (and any draft of it) must set out steps that will be taken by chief executives of the children's agencies to work together to achieve the outcomes in the Government strategy for improving the well-being of the following groups of children:~~ 25
- (a) ~~children who have early risk factors for future involvement in the statutory care, protection, and youth justice systems under the Oranga Tamariki Act 1989;~~ 30
- (b) ~~children receiving assistance or in care or receiving transition support from the department (irrespective of whether those children are in need of care or protection) under Parts 2 and 7 of the Oranga Tamariki Act 1989, and children who are subject to proceedings or orders under Part 4 of that Act (which relates to youth justice);~~ 35
- (c) ~~children who are any persons aged less than 21 years who have been in care under the Oranga Tamariki Act 1989 or who are eligible for support under section 386A of that Act.~~
- (1) The oranga tamariki action plan (and any draft of it)— 40

- (a) must set out the steps that the chief executives of the children's agencies will take to work together to achieve the outcomes that the strategy sets out for the core populations of interest to the department; and
- (b) may set out any other steps that the chief executives have decided that they will take to work together to improve the well-being of those groups. 5
- (2) ~~Without limiting **subsection (1)**, the oranga tamariki action plan (and any draft of it) must set out how chief~~ The chief executives must consider how the steps to be set out in the plan will promote the best interests of those groups of children—the core populations of interest to the department (having regard to the whole of their lives), including (without limitation) taking steps aimed at by— 10
- (a) protecting them from abuse and neglect:
- (b) improving their physical and mental health and their cultural and emotional well-being:
- (c) improving their education and training and their participation in recreation and cultural activities: 15
- (d) strengthening their connection to their families, whānau, hapū, and iwi, or other culturally recognised family group:
- (e) increasing their participation in decision making about them, and their contribution to, and participation in, society: 20
- (f) improving their social and economic well-being (for example, by reducing, or mitigating the impacts of, poverty).
- (3) The steps to improve the well-being of children specified in **subsection (1)(b) paragraph (b)** of the definition in **section 5(1)** of core populations of interest to the department must include— 25
- (a) participation by the children's agencies (and any contracted or related service providers, where appropriate) in assessment, planning, and decision making in relation to those children:
- (b) the provision of services (including any contracted or related services where appropriate) to those children. 30
- (4) ~~In this section, **child** has the meaning given to it by **section 5(1)** of this Act, and in care has the same meaning as in section 7(4) of the Oranga Tamariki Act 1989.~~
- 10 Duration of plan** 35
- The oranga tamariki action plan—
- (a) comes into effect on a date (after the date on which it is approved) specified in it for the purpose; and
- (b) continues in force until it is amended or replaced under **section 10A**.

10A Review and amendment or replacement of plan

- (1) The chief executives of the children's agencies must, working together, review the plan, within a time specified by the plan Minister, if—
- (a) the ~~Government~~-strategy adopted from time to time under **section 6** changes; or 5
 - (b) the plan Minister so directs.
- (2) When reviewing the oranga tamariki action plan, the chief executives must—
- (a) consider whether the plan is still consistent with the current ~~Government~~ strategy adopted under **section 6**; and
 - (b) if the chief executives consider it appropriate, recommend to the plan Minister that he or she— 10
 - (i) approve amendments to the plan; or
 - (ii) approve a new plan.
- (3) **Sections 8(2) and (3) and 8A** apply with any necessary modifications.

11 Implementation reports 15

Once the oranga tamariki action plan has come into effect, the chief executive of each children's agency must—

- (a) report (jointly with each of the other chief executives of the children's agencies) to the plan Minister, by a date in each year specified by the plan Minister, on whether the agency has, or on the extent to which the agency has, before that date (and after the periods covered by all earlier reports, if any, under this paragraph), implemented the plan while it has been in force; and 20
- (b) ensure that a copy of every implementation report required by **paragraph (a)** is included in the agency's next annual report (under section 43 of the Public Finance Act 1989 or another enactment) and is available on an Internet site maintained by or on behalf of the agency. 25

*Effect and accountabilities***12 Effect of strategy and plan**

- (1) The ~~Government~~-strategy and the oranga tamariki action plan do not— 30
- (a) create legal rules; or
 - (b) create any legal right enforceable in a court of law; or
 - (c) affect or limit the way in which a person (for example, a Minister of the Crown or chief executive of a department of State) is required to exercise a statutory power of decision; or 35
 - (d) affect the interpretation of any enactment or the operation of a rule of law; or

- (e) restrict the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability to—
- (i) introduce legislation and change Government policy; and
- (ii) interact with or consult a person the Crown considers appropriate; 5
- or
- (f) restrict the responsibilities of a Minister of the Crown or a department of State.
- (2) **Subsection (1)** overrides **section 13(1)**.
- 13 Accountabilities** 10
- (1) For the purposes of the operation of the legislative and executive branches of Government,—
- (a) in the adopting and implementation of the ~~Government~~ strategy for improving the well-being of children, ~~and in any matter relating to the oranga tamariki action plan~~, the responsible Minister is the Minister of the Crown who is accountable, both to Parliament and the Executive; 15
- and
- (aa) in any matter relating to the oranga tamariki action plan, the plan Minister is the Minister of the Crown who is accountable, both to Parliament and the Executive; and 20
- (b) in any matter relating to the oranga tamariki action plan, the chief executive of each of the children's agencies is accountable to the plan Minister.
- (2) **Subsection (1)**—
- (a) does not limit or affect— 25
- (i) **section 12(1)** of this Act; or
- (ii) the operation of the Public Finance Act 1989; or
- (iii) the independence of the Commissioner of Police (as affirmed by sections 8(e) and 16(2) of the Policing Act 2008); but
- (b) overrides any other law to the contrary. 30
- (3) A duty, function, or power of the responsible Minister or the plan Minister, or of the chief executive of a children's agency, is affected by this Part only to the extent necessary to give effect to **subsection (1)** (as overridden by **section 12(1)**).
- Transitional, savings, and related provisions* 35

46 New Schedule 1AA inserted

Insert the **Schedule 1AA** set out in **Schedule 4** of this **Part** as the first schedule to appear after the last section of the principal Act.

*Consequential amendments and revocation***47 Consequential amendments and revocation**

- (1) Amend the Acts listed in **Part 1** of **Schedule 5** as indicated in that Part.
- (2) Amend the legislative instruments listed in **Part 2** of **Schedule 5** as indicated in that Part.
- (3) Revoke the legislative instrument ~~listed~~ specified in **Part 3** of **Schedule 5** ~~as indicated in that Part.~~

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Schedule 1

Transitional, savings, and related provisions

s 7

Part 1

Provisions relating to Parts 1 and 2 as enacted

5

Statistician's definitions

1 First definitions required within 2-month period

- (1) The decisions required by **section 6(1)(a)** must be made within 2 months starting on the date on which **Parts 1 and 2** receives the Royal assent.
- (2) Despite **subclause (1)**, the Statistician's definition of persistent poverty (*see* **section 13**) must first be decided before—
 - (a) the financial year commencing on **1 July 2025** (which, under **clause 2(1)**, is the first financial year for which that definition is required); or
 - (b) if that definition is, under **clause 2(2)**, decided for an earlier financial year, that earlier financial year.

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Measures

2 Primary measure: persistent poverty: required for and after 2025/26

- (1) The Statistician's definition of persistent poverty (*see* **section 13**) is required only for and after the financial year commencing on **1 July 2025**.
- (2) Despite **subclause (1)**, the Statistician's definition of persistent poverty may, if the Minister so directs, be decided for a financial year earlier than the financial year commencing on **1 July 2025**.

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Targets

3 Targets: generally: required for and after ~~2019/20~~2018/19

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- (1) The long-term targets and intermediate targets required by **section 21** are required only for and after the financial year commencing on **1 July ~~2019~~2018**.
- (2) The first long-term targets and intermediate targets required by **section 21** must be set within 6 months starting on the date on which **Parts 1 and 2** receives the Royal assent.
- (3) This clause is subject to **clause 4**.

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4 Targets: persistent poverty: required for and after 2025/26

- (1) The long-term targets and intermediate targets required by **section 21** in respect of persistent poverty are required only for and after the financial year commencing on **1 July 2025**.
- (2) The first long-term targets and intermediate targets required by **section 21** in respect of persistent poverty must be set on or before **31 December 2024**.
- (3) Despite **subclauses (1) and (2)**, if the Statistician's definition of persistent poverty is, under **clause 2(2)**, decided for a financial year earlier than the financial year commencing on **1 July 2025** (the **earlier financial year**), then those long-term targets and intermediate targets—
 - (a) are required for and after the earlier financial year; and
 - (b) must first be set before (or as soon as soon as is reasonably practicable after) the first day of the earlier financial year.
- (4) For the long-term targets and intermediate targets required by **section 21** in respect of persistent poverty, **section 21(2)(a) or (3)(a)** must be read as if it refers to the long-term period or intermediate period that starts with the financial year referred to in **subclause (1) or (3)**.

*Reports***5 Reports: generally: required for and after 2018/19**

- (1) The reports required by **section 30** are required only for and after the financial year commencing on **1 July 2018**.
- (2) This clause is subject to **clause 6**.

6 Reports: persistent poverty: required for and after 2025/26

- (1) The reports required by **sections 30 and 31(1)(d)** in respect of persistent poverty are required only for and after the financial year commencing on **1 July 2025**.
- (2) Despite **subclause (1)**, if the long-term targets and intermediate targets required by **section 21** in respect of persistent poverty are, under **clause 4(3)**, set for and after a financial year earlier than the financial year commencing on **1 July 2025** (the **earlier financial year**), then those reports are required for and after the earlier financial year.

*Identified indicators***7 Identified indicators: required for and after first full financial year after first adoption of strategy**

- (1) The identified indicators required by **section 36A** are required only for and after the first full financial year after the date of the strategy's first adoption under **section 6 of the Children's Act 2014**.

- (2) The first identified indicators required by **section 36A** must be identified on, or as close as is reasonably practicable to, that date.

Monitoring reports

8 **Monitoring reports: required for and after first full financial year after first adoption of strategy** 5

- (1) The monitoring reports required by **section 36G** are required only for and after the first full financial year after the date of the strategy's first adoption under **section 6 of the Children's Act 2014**.

- (2) However, the first monitoring report under **section 36G** may (as well as covering that first full financial year) also cover a period— 10

- (a) on or after the date of the strategy's first adoption under **section 6 of the Children's Act 2014**; and
- (b) before that full financial year.

Schedule 2

Incorporation by reference

s 6(2)

1 Access to material incorporated by reference

If a Statistician's definition incorporating written material by reference is decided in reliance on **section 6(2)**, the Statistician must— 5

- (a) give public notice of how the material is publicly available (or set this out in the definition); and
- (b) ensure that copies of the material are publicly available in that way.

2 What is required to make material publicly available 10

(1) A requirement to make material **publicly available** under this schedule is a requirement that—

- (a) the material is—
 - (i) made available on (or via a link on) an Internet site maintained by or on behalf of Statistics New Zealand, free of charge, unless doing so would infringe copyright; or 15
 - (ii) in any other case, available for inspection, free of charge, at a place notified on an Internet site maintained by or on behalf of Statistics New Zealand; and
- (b) the material is available for purchase, at a reasonable cost, from a place notified on an Internet site maintained by or on behalf of Statistics New Zealand; and 20
- (c) if the material is not in an official New Zealand language, an accurate translation in an official New Zealand language of the material is also available as set out in **paragraphs (a) and (b)**. 25

(2) The Statistician must not rely on section 66 of the Copyright Act 1994 as authority to make the material available on an Internet site.

3 Proof of material incorporated by reference

(1) A copy of material incorporated by reference in a definition in reliance on **section 6(2)** must be— 30

- (a) certified as a correct copy of the material by the Statistician; and
- (b) retained by the Statistician.

(2) The production in proceedings of a copy of the material incorporated by reference that is certified as a correct copy by the Statistician is, in the absence of evidence to the contrary, sufficient evidence of the material incorporated by reference in the definition. 35

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- (3) *See also* Part 4 of the Contract and Commercial Law Act 2017, which enables this requirement to be met by certifying and retaining a copy in an electronic form.
- 4 Material incorporated by reference does not have to be published under Legislation Act 2012** 5
- Subpart 1 of Part 2 of the Legislation Act 2012 does not apply to material incorporated by reference in a definition in reliance on **section 6(2)**.
- 5 Material incorporated by reference does not have to be presented to House of Representatives** 10
- Material incorporated by reference in a definition in reliance on **section 6(2)** does not have to be presented to the House of Representatives under section 41 of the Legislation Act 2012.
- 6 Failure to comply does not invalidate** 15
- A failure to comply with this schedule does not invalidate a definition that incorporates material by reference.

Schedule 3

Consequential amendments to Public Finance Act 1989

s 39

In section 15F, replace “15E” with “**15EA**”.

In section 18(1)(b), replace “15E” with “**15EA**”.

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In section 19(1)(b), replace “15E” with “**15EA**”.

In Schedule 1, after Part 2, insert:

Part 3

Provisions relating to Parts 1 and 2 of Child Poverty Reduction Act 2018

10

10 Report on child poverty: required for and after Budget for 2019/20

(1) The report on child poverty required by **section 15EA** is required only for the main Appropriation Bill for—

(a) the financial year commencing on **1 July 2019**; or

(b) a later financial year.

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(2) Despite **subclause (1)**, the report on child poverty required by **section 15EA** for the main Appropriation Bill for the financial year commencing on **1 July 2019** is required to comply with **section 15EA(2)(a)** only if, and after, the first targets are set under **Parts 1 and 2 of the Child Poverty Reduction Act 2018**.

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Schedule 4
New Schedule 1AA inserted

s 46

Schedule 1AA
Transitional, savings, and related provisions

5

s 2A

Part 1
Part 3 of Child Poverty Reduction Act 2018

1 ~~Government strategy~~Strategy

A ~~Government~~ strategy is required by **section 6** to be adopted before the first anniversary of the day on which **Part 3 of the Child Poverty Reduction Act 2018** comes into force.

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2 Annual report on progress in achieving strategy's outcomes

(1) The annual report is required by **section 7B** only for and after the first full financial year after the date of the ~~Government~~ strategy's first adoption under **section 6**.

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(2) However, the first annual report under **section 7B** may (as well as covering that first full financial year) also cover a period—

(a) on or after the date of the ~~Government~~ strategy's first adoption under **section 6**; and

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(b) before that full financial year.

Schedule 5

Consequential amendments and revocation

s 47

Part 1

Amendments to Acts

5

Criminal Records (Clean Slate) Act 2004 (2004 No 36)

In section 6(1), replace “Vulnerable Children” with “**Children’s**”.

Crown Organisations (Criminal Liability) Act 2002 (2002 No 37)

In section 6(1)(e), replace “Vulnerable Children” with “**Children’s**”.

In section 7(a), replace “Vulnerable Children” with “**Children’s**”. 10

Education Act 1989 (1989 No 80)

In section 353(e)(i) and (ii), replace “Vulnerable Children” with “**Children’s**”.

In section 366(4)(b)(i) and (ii), replace “Vulnerable Children” with “**Children’s**”.

Privacy Act 1993 (1993 No 28)

In Schedule 2A, item relating to the Approved Information Sharing Agreement for Improving Public Services for Vulnerable Children dated 25 June 2015, column headed “Name of agreement”, replace “Vulnerable” with “At-risk”. 15

In Schedule 2A, item relating to the Approved Information Sharing Agreement for Improving Public Services for Vulnerable Children dated 25 June 2015, column headed “Public service(s) to be facilitated by agreement”, replace “Vulnerable” with “At-risk”. 20

Sentencing Act 2002 (2002 No 9)

In section 4(4), replace “Vulnerable Children” with “**Children’s**”.

Part 2

Amendments to legislative instruments

25

Corrections Regulations 2005 (SR 2005/53)

In regulation 106B(3), replace “Vulnerable Children” with “**Children’s**”.

Privacy (Information Sharing Agreement for Improving Public Services for Vulnerable Children) Order 2015 (LI 2015/162)

In clause 1, replace “Vulnerable” with “At-risk”. 30

In clause 3(1), insert in its appropriate alphabetical order:

Privacy (Information Sharing Agreement for Improving Public Services for Vulnerable Children) Order 2015 (LI 2015/162)—*continued*

at-risk children means children who are at significant risk of harm to their well-being, now and into the future, as a consequence of either or both of the following:

- (a) the environment in which they are being raised:
- (b) their own complex needs

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In clause 3(1), definition of **child**, replace “Vulnerable Children” with “**Children’s**”.

In clause 3(1), definition of **Hub**, replace “vulnerable” with “at-risk”.

In clause 3(1), replace the definition of **improving the well-being of vulnerable children** with:

improving the well-being of at-risk children means promoting the best interests of at-risk children (having regard to the whole of their lives), including (without limitation) taking measures aimed at—

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- (a) protecting them from abuse and neglect:
- (b) improving their physical and mental health and their cultural and emotional well-being:
- (c) improving their education and training and their participation in recreation and cultural activities:
- (d) strengthening their connection to their families, whānau, hapū, and iwi, or other culturally recognised family group:
- (e) increasing their participation in decision making about them, and their contribution to, and participation in, society:
- (f) improving their social and economic well-being (for example, by reducing, or mitigating the impacts of, poverty).

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Revoke clause 3(2).

After clause 4(2), insert:

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(2A) However, after the commencement of **Part 3 of the Child Poverty Reduction Act 2018**,—

- (a) the agreement is to be called the Information Sharing Agreement for Improving Public Services for At-Risk Children made on 25 June 2015; and
- (b) every reference in the agreement to vulnerable children is to be read as a reference to at-risk children (as defined in clause 3(1)); and
- (c) every reference in any document, to the agreement, or to vulnerable children in or in connection with the agreement, must, unless the context otherwise requires, be read as required by this subclause.

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In clause 6(a), (b), and (d), replace “vulnerable” with “at-risk”.

Privacy (Information Sharing Agreement for Improving Public Services for Vulnerable Children) Order 2015 (LI 2015/162)—*continued*

In clause 10, replace “improving the well-being of vulnerable children” with “improving the well-being of at-risk children”.

In clause 10(a), and 10(b), replace “vulnerable” with “at-risk”.

Vulnerable Children (Children’s Services) Order 2016 (LI 2016/54)

In clause 1, replace “Vulnerable Children” with “**Children’s**”. 5

In clause 3, replace “Vulnerable Children” with “**Children’s**”.

Vulnerable Children (Prescribed State Service) Order 2017 (LI 2017/203)

In clause 1, replace “Vulnerable Children” with “**Children’s**”.

Vulnerable Children (Requirements for Safety Checks of Children’s Workers) Regulations 2015 (LI 2015/106)

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In regulation 1, replace “Vulnerable Children” with “**Children’s**”.

In regulation 3, definition of **Act**, replace “Vulnerable Children” with “**Children’s**”.

Part 3

Revocation

Vulnerable Children (Children’s Agencies) Order 2017 (LI 2017/202)

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Revoke.

Legislative history

31 January 2018
13 February 2018

Introduction (Bill 14–1)
First reading and referral to Social Services and Community
Committee