

# **Child Poverty Reduction Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

#### *Purpose*

This Bill reflects Government's intent to help achieve a significant and sustained reduction in child poverty (through a Child Poverty Reduction Act) and to enhance the overall well-being of children (through amendments to the Vulnerable Children Act 2014).

The purpose of the legislation is to—

- encourage a focus by successive governments and society on child poverty reduction:
- facilitate political accountability against published targets:
- require transparent reporting on levels of child poverty:
- create a greater commitment to action on the part of Government to address the well-being of all children, and the particular needs of children in poverty and those at greater risk.

To help achieve its purpose, this Bill—

- specifies and requires child poverty measures:
- requires the setting of child poverty reduction targets:
- requires reports relating to child poverty to be produced and published independently of Ministers:
- requires the government of the day to adopt, publish, and review a Government strategy for improving the well-being of all children, and that includes a particular focus on child poverty and the needs of children at greater risk:

- ensures that agencies work together to improve the well-being of children, with a particular focus on child poverty and the needs of children at greater risk, and on core groups of children of concern and interest to Oranga Tamariki.

The Government is of the view that no New Zealander wants to see children growing up in poverty and hardship and that every child should enjoy a good start in life.

There is robust evidence that growing up in poverty can harm children in multiple, predictable, substantial, and often sustained ways.

These effects are particularly evident when poverty is severe and persistent, and when it occurs during early childhood.

The experience of poverty and material hardship can have negative impacts on many aspects of a child's well-being and opportunities and leave lifetime scars.

Evidence indicates that the harmful effects of child poverty not only have an adverse impact on the experience and life chances of each affected child, they also have a further damaging effect on the country's social fabric and economic performance.

Governments have a responsibility to act to improve the lives of the most vulnerable, with reducing child poverty a central concern. Measurement is an important starting point. Child poverty rates are, however, contested, with policy makers and commentators using and citing different measures with different methodologies, often as if they were directly comparable.

Further, confusion exists about the time frame over which policy impacts can be seen in measures of low income and poverty.

This undermines public confidence in the figures presented, which in turn diminishes the quality of public understanding, political accountability, and debate.

While the suite of formal measures of child poverty could be reinforced by other means, setting them in primary legislation will help ensure that the actions of successive governments to better support low-income families and address child poverty and disadvantage can be better and more consistently judged.

Furthermore, the legislative requirement for a Government child well-being strategy requires governments to make a commitment to ensure all children in New Zealand thrive. The requirement for a strategy provides a key opportunity for governments to establish their long-term vision for all children's well-being, backed by specific policies to improve outcomes for children living in poverty or more general socio-economic disadvantage, and to measure the impacts of programmes to assist them.

#### *Legislative framework*

The Bill seeks to achieve its purpose by establishing a legislative framework that requires—

- governments to set 10-year targets for a defined set of measures of child poverty (the **primary measures**), and periodically set and publish 3-year intermediate targets:

- the Government Statistician to report each year on child poverty using the measures set out in the Act:
- regular preparation, publication, and review of a Government strategy on how the government of the day will promote the well-being of children in New Zealand (which will include a particular focus on reducing child poverty, address the needs of at risk groups, and assess outcomes for children in poverty and disadvantage and outcomes for all children).

### *Measures*

A suite of measures is needed to properly monitor the significant financial or material disadvantage that in the Bill is referred to as “poverty”. This is because—

- material disadvantage is multi-dimensional and therefore more than 1 measure is needed to properly assess trends and understand which groups are over-represented:
- even when using more than 1 measure, judgement calls are needed as to where to draw the line on the spectrum from less to more severe—as noted, the level of poverty is a contestable notion and different views can reasonably be held:
- poverty trends can be different at different levels of socio-economic disadvantage.

The Bill therefore requires the Government Statistician to report, independently of Ministers, on a suite of primary and supplementary measures. Each measure is an important lens on the issue of child poverty.

### *Targets*

The Bill requires governments to set, publish, and periodically review targets to reduce child poverty and socio-economic disadvantage using the primary measures. There are to be 2 sets of targets, as follows:

- 10-year targets that set out the Government’s long-term objectives for reducing child poverty:
- 3-year intermediate targets that indicate how the Government will be working towards the long-term targets.

Long-term targets will encourage governments to have aspirational goals, and to take actions that have both short-term and long-term positive effects. At the same time, shorter-term intermediate milestones, which build over time, can help to inform and assess progress towards the long-term goals.

### *Reporting*

The legislation requires the Government Statistician to produce and publish annual reports on child poverty using the measures specified in the Bill. The chief executive of the Ministry of Social Development is to be consulted on the production of the report to draw on the expertise and skills of both agencies. It will be presented to the House of Representatives by the Minister and published on the Stats NZ Internet site.

The legislation includes a duty for officials to act independently of Ministers in producing the report.

The legislation will also require that, on Budget day, the Government report on its progress towards reducing child poverty and how the Budget contributes to that goal. This will include an assessment of the impact of relevant Budget measures on child poverty.

These requirements will guarantee robust, independent reporting on the child poverty measures.

#### *Child well-being strategy*

The Bill requires the responsible Minister to adopt, publish, and review a dedicated Government strategy to enhance and promote the well-being of all children in New Zealand.

This strategy will further require a particular focus on reducing child poverty and supporting those at greater risk, including requirements to monitor and report on disparities of outcomes for children in poverty and socio-economic disadvantage and outcomes for all children.

There is also a specific requirement to consult with Māori representatives and with children as part of the development of the Government strategy.

The changes above are intended to support a strong preventative focus and reflect an aspirational approach for children.

Consistent with this, the Vulnerable Children Act will be renamed as the Children's Act, in line with its broadened scope, and the Vulnerable Children's Plan will be renamed and refocused as an Oranga Tamariki Action Plan. This reflects a concern with the negative impact of the widespread use of the term vulnerable, which has the potential to be stigmatising to groups of children and their families who already face significant challenges, and ensures that the plan is firmly focused on the groups of children of concern and interest to the department called Oranga Tamariki—Ministry for Children.

#### *Bill to be divided*

It is intended to divide this Bill, at its select committee or Committee of the whole House stage, into 2 separate Bills as follows:

- *Parts 1 and 2 and Schedules 1 to 3* will become the Child Poverty Reduction Bill;
- *Part 3 and Schedules 4 and 5* will become the Children's Amendment Bill.

### **Departmental disclosure statement**

The Ministry of Social Development and the Department of the Prime Minister and Cabinet are required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy de-

velopment of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2018&no=14>

### Regulatory impact assessment

No regulatory impact assessment is required for this Bill.

### Clause by clause analysis

*Clause 1* states the Bill's Title.

*Clause 2* relates to commencement. Each new Act comes into force on the day after the date on which it receives the Royal assent.

## Part 1

### Preliminary provisions

*Clause 3* states the Act's purpose. That purpose is to help achieve a significant and sustained reduction in child poverty in New Zealand by provisions that—

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

*Clause 4* is an overview. To help achieve its purpose, the Act—

- specifies and requires child poverty measures:
- requires the setting of child poverty reduction targets:
- requires reports relating to child poverty.

*Clause 5* contains definitions. Key terms include **chief executive**, **child**, **child's household**, **DHI** (disposable household income), **DHI for the year**, **equivalised**, **financial year**, **household**, **household income**, **housing costs**, **income**, **material hardship**, **persistent poverty**, **severe material hardship**, **Statistician**, **Statistician's definition**, and **technical appendix**.

*Clause 6(1)* requires and authorises the Statistician to make under *clause 33* decisions that define concepts and terms that, under *clause 5*, have meanings given to them by Statistician's definitions, or that are desirable for the operation of the Act, but not defined in the Act. (*Clause 33* requires the Statistician to decide how statistics are produced.) *Clause 6(2) and (3)* enables the Statistician's definitions to incorporate by reference all or parts of relevant overseas or international legislation, standards, or practices. (*Schedule 2* requires to be made publicly available, and otherwise applies to, material incorporated.) *Clause 6(4) to (6)* is about access to, and the status of, the Statistician's definitions. Section 4(2) of the Welfare Reform and Work Act 2016 (UK) imposes similar duties to publish information on the approach taken to concepts and

terms. Most Statistician's definitions must be decided within 2 months starting on the date of Royal assent (*see clause 1(1) of Schedule 1*). The definition of persistent poverty, however, must first be decided only before the first financial year for which it is required or decided (*see clause 1(2) of Schedule 1*).

*Clause 7* relates to the transitional, savings, and related provisions set out in *Schedule 1*.

*Clause 8* provides that the Act binds the Crown.

## Part 2 Measures, targets, and reports

### *Primary measures*

*Clause 9* states the purpose of the primary measures specified in or required by *clauses 10 to 13*. Those measures are specified or required for targets, reports, and the Government strategy (under the **Children's Act 2014**).

*Clause 10* specifies the following low-income measure: that the child's household's DHI (without deducting housing costs) for a financial year is less than 50% of median equivalised DHI (without deducting housing costs) for that financial year.

*Clause 11* specifies the following low-income measure: that the child's household's equivalised DHI (after deducting housing costs) for a financial year is less than the applicable level. The applicable level is the specified amount (50% of median equivalised DHI (after deducting housing costs) for the base financial year (which has the meaning given to it by the Statistician's definition)) after the specified amount is adjusted to take account of changes in the value of money after the base financial year.

*Clause 12* requires a measure of material hardship. The circumstances in which the child's household experiences material hardship, because it is unable to meet essential needs, for a period that is or includes all or any of a financial year, are defined by the Statistician.

*Clause 13* requires a measure of persistent poverty. The Statistician's definition required by *clause 13* is required only for and after the financial year commencing on **1 July 2025** (*see clause 2 of Schedule 1*). However, that definition may be decided for an earlier financial year.

### *Supplementary measures*

*Clause 14* states the purpose of the supplementary measures specified in or required by *clauses 15 to 20*. Those measures are specified or required for reports.

*Clause 15* specifies the following low-income measure: that the child's household's equivalised DHI (without deducting housing costs) for a financial year is less than 60% of median equivalised DHI (without deducting housing costs) for that financial year.

*Clause 16* specifies the following low-income measure: that the child's household's equivalised DHI (after deducting housing costs) for a financial year is less than 60% of median equivalised DHI (after deducting housing costs) for that financial year.

*Clause 17* specifies the following low-income measure: that the child's household's equivalised DHI (after deducting housing costs) for a financial year is less than 50% of median equivalised DHI (after deducting housing costs) for that financial year.

*Clause 18* specifies the following low-income measure: that the child's household's equivalised DHI (after deducting housing costs) for a financial year is less than 40% of median equivalised DHI (after deducting housing costs) for that financial year.

*Clause 19* requires a measure for severe material hardship. The circumstances in which the child's household experiences severe material hardship, because it is unable, by a considerable margin, to meet essential needs, for a period that is or includes all or any of a financial year, are defined by the Statistician.

*Clause 20* specifies the following low-income and hardship measure: that, in a financial year,—

- the child falls within *clause 16* (low income: less than 60% of median equivalised DHI (after deducting housing costs) for financial year); and
- the child falls within *clause 12* (material hardship).

Under this measure, low income is considered first, then material hardship.

### *Targets*

*Clause 21* requires the Minister to set (and permits the Minister to change) long-term and intermediate targets. Most are required only for and after the financial year commencing on **1 July 2019**, and must be set within 6 months starting on the date of Royal assent (*see clause 3 of Schedule 1*). The targets in respect of persistent poverty, however, are required only for and after the financial year commencing on **1 July 2025**, and must first be set on or before **31 December 2024** (*see clause 4 of Schedule 1*). However, if the Statistician's definition of persistent poverty (*see clause 13*) is decided for an earlier financial year, then the targets in respect of persistent poverty—

- are required for and after the earlier financial year; and
- must first be set before (or as soon as is reasonably practicable after) the first day of the earlier financial year.

*Clause 22* requires targets to be set for each primary measure.

*Clause 23* relates to how targets are set and changed, and how targets and changes to targets must be published.

*Clause 24* requires targets and changes to targets to be presented to the House of Representatives.

*Clause 25* makes it clear that 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.

*Clause 26* imposes a duty on the Minister to review the targets.

*Clause 27* imposes a duty to explain non-compliance with long-term targets or intermediate targets. The duty arises if the non-compliance is disclosed by a report presented to the House of Representatives under *clause 36*. 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.

*Clause 28* relates to the effect of the targets.

*Clause 29* is about accountabilities to Parliament and the Executive.

### *Reports*

*Clause 30* requires the Statistician, after each financial year (1 July to the end of 30 June), to prepare a report measuring child poverty in that financial year. The report must be prepared as soon as is reasonably practicable, and in any case within the next financial year. Most reports required by *clause 30* are required only for and after the financial year commencing on **1 July 2018** (see *clause 5 of Schedule 1*). Reports in respect of persistent poverty, however, are required only for and after the financial year commencing on **1 July 2025** (see *clause 6 of Schedule 1*). However, if the targets required by *clause 21* in respect of persistent poverty are set for and after a financial year earlier than the financial year commencing on **1 July 2025**, those reports are required for and after the earlier financial year.

*Clause 31* requires the report to include a statement of the percentage of children living in households in New Zealand in the financial year who fall within—

- *clauses 10 to 13* (primary measures); and
- *clauses 15 to 20* (supplementary measures).

*Clause 32(1)* requires the Statistician, in preparing the report, to consult the chief executive. *Clause 32(2)* ensures that, in preparing the report, and performing other duties or functions under the Act, 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.

*Clause 33(1)* requires the Statistician, in preparing the report, and performing other duties or functions under the Act, to decide the following to be used in the provision of any statistics to be produced:

- concepts or terms (for example, classifications or definitions) mentioned in *clause 6(1)*; and
- the data and statistical methodology.

Before making the decisions required by *clause 33(1)*, the Statistician must consult the chief executive on the Statistician's proposed decisions: *clause 33(2)*.

The provisions of the Statistics Act 1975 that relate to official statistics apply to the Statistician, in performing duties or functions under the Act, unless the Act provides otherwise or those provisions are inconsistent with the Act: *clause 33(3)*.

*Clause 34* ensures that the Statistician and the chief executive, in preparing the report, and performing other duties or functions under the Act must, whenever it is reasonably practicable to do so, follow statistical best practice.

*Clause 35* requires the Statistician, after the report is prepared, to ensure that the report is published. In publishing the report, the Statistician must, whenever it is reasonably practicable to do so, follow statistical best practice (*clause 34*). The Statistician will develop, after consultation, a Memorandum of Understanding or Protocol about how, in practice, the report is published.

*Clause 36* requires the Minister, after receiving a copy of the report, and as soon as it is reasonably practicable after the time it is published under *clause 35*, to present to the House of Representatives a copy of the report.

#### *Amendments to Public Finance Act 1989*

*Clause 37* provides that *clauses 38 and 39* amend the Public Finance Act 1989.

*Clause 38* inserts *new section 15EA*, which requires the supporting information for the main Appropriation Bill to include a report on child poverty. *New section 15EA* also requires the report to—

- discuss any progress made, in the most recent completed financial year, in reducing child poverty consistent with the targets under the Child Poverty Reduction Act 2018; and
- indicate whether and, if so, to what extent, measures in or related to that Bill will affect child poverty.

The Minister of Finance will have to present the report to the House of Representatives, as for other supporting information, immediately after the Minister has delivered the Budget, or at any time prior to that time on the same day, unless that supporting information is already contained in the Estimates (*see* section 13 of the Public Finance Act 1989, and (2017) Standing Order 335(1)).

The report required by *new section 15EA* is, however, required only for and after the Budget for 2019/20 (*see new Part 3 of Schedule 1* inserted by *clause 39*).

### **Part 3**

#### **Amendments to Vulnerable Children Act 2014**

*Clause 40* provides that *Part 3* amends the Vulnerable Children Act 2014 (the **principal Act**).

#### *Title*

*Clause 41* renames the principal Act the **Children's Act 2014**.

*Clause 42* amends section 1 to reflect the renaming of the principal Act.

*Transitional, savings, and related provisions*

Clause 43 inserts new section 2A. New section 2A relates to the transitional, savings, and related provisions set out in new Schedule 1AA (inserted by clause 46 and Schedule 4 of the Bill). Clause 1 in Part 1 of new Schedule 1AA makes it clear that a Government strategy is required by new section 6 to be adopted before the first anniversary of the day on which the **Children’s Amendment Act 2018** comes into force.

*Act binds the Crown*

Clause 44 amends section 3 as a consequence of new Part 1 inserted by clause 45.

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

Clause 45 replaces Part 1 with new Part 1.

Currently, Part 1 enables the setting of “Government priorities for vulnerable children”, with related duties on chief executives of the children’s agencies to prepare and report on implementation of a “vulnerable children’s plan”.

New Part 1, by contrast, requires the Government to adopt, publish, and review a “Government strategy” for improving the well-being of children, with related duties on chief executives of the children’s agencies to prepare and report on implementation of an “oranga tamariki action plan” to improve the well-being of particular groups of children.

In new Part 1, section 7 (Government priorities for vulnerable children) is replaced with the following new sections:

- new section 6 (Government strategy):
- new section 6A (other consultation before strategy adopted or changed):
- new section 6B (publication and status of strategy):
- new section 7 (content of strategy):
- new section 7A (duty to review strategy):
- new section 7B (duty to prepare and publish annual report on progress in achieving strategy’s outcomes).

*Consequential amendments and revocation*

Clause 47(1) and (2) makes consequential amendments to the Acts and legislative instruments listed in Parts 1 and 2 of Schedule 5. Clause 47(3) revokes the legislative instrument listed in Part 3 of Schedule 5.

*Rt Hon Jacinda Ardern*

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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— 10

- (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. 15

**4 Overview of this Part and Part 2**

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. 20

**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—

- (a) is amended or replaced; or 25

- (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
- chief executive** means the chief executive of the Ministry of Social Development 5
- child** means a person who is under the age of 18 years
- 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 10
- 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)
- 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 15
- financial year** means a period of 12 months commencing on 1 July and ending with 30 June
- Government strategy** means the Government strategy under the **Children’s Act 2014** 20
- 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
- housing costs**, in relation to equivalised DHI, has the meaning given to it by the Statistician’s definition
- income**, of a person, has the meaning given to it by the Statistician’s definition 25
- intermediate targets** means targets set under **section 21(1)(b)**
- 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 30
- material hardship**, in a financial year, for the purposes of **section 12**, has the meaning given to it by the Statistician’s definition
- measures** means—
- (a) primary measures; and
- (b) supplementary measures 35
- 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**

	<b>persistent poverty</b> , in a financial year, for the purposes of <b>section 13</b> , has the meaning given to it by the Statistician's definition	
	<b>primary measure</b> means a measure specified in or required by <b>sections 10 to 13</b>	
	<b>reports</b> means reports under <b>section 30</b>	5
	<b>severe material hardship</b> , in a financial year, for the purposes of <b>section 19</b> , has the meaning given to it by the Statistician's definition	
	<b>Statistician</b> has the meaning given to it by section 2 of the Statistics Act 1975	
	<b>Statistician's definition</b> , for a concept or term, means the concept or term as it is defined by a written decision of the Statistician made under <b>section 33</b>	10
	<b>Statistics New Zealand</b> means the department of State established under that name by the Statistics Act 1975	
	<b>supplementary measure</b> means a measure specified in or required by <b>sections 15 to 20</b>	
	<b>targets</b> means—	15
	(a) long-term targets; and	
	(b) intermediate targets	
	<b>technical appendix</b> , for a report, means the report's technical appendix required under <b>section 31(2)</b>	
	<b>written material</b> means material that represents or reproduces words, figures, or symbols—	20
	(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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	<i>Duty and power to define concepts or terms</i>	
	(1) The Statistician—	
	(a) must make under <b>section 33</b> written decisions that define concepts and terms that, under <b>section 5</b> , have meanings given to them by Statistician's definitions; and	30
	(b) may make under <b>section 33</b> written decisions that define concepts and terms desirable for the operation of <b>this Part and Part 2</b> , but not defined in <b>this Part and Part 2</b> .	
	<i>Definitions may incorporate material by reference</i>	
	(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 <b>Schedule 2</b> re-	35

quires to be made publicly available, and otherwise applies to, material incorporated by reference in reliance on this subsection).

- (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— 5
- (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* 10

- (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. 15
- (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). 20

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** 25

This Act binds the Crown.

## **Part 2** **Measures, targets, and reports**

### *Primary measures*

- 9 **Purpose of primary measures** 30
- Sections 10 to 13** specify or require primary measures for targets, reports, and the Government strategy.

<b>10</b>	<b>Low income: less than 50% of median equivalised DHI (without deducting housing costs) for financial year</b>	
	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.	5
<b>11</b>	<b>Low income: less than 50% of median equivalised DHI (after deducting housing costs) for base financial year</b>	
(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.	10
(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.	
<b>12</b>	<b>Material hardship</b>	15
	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.	
<b>13</b>	<b>Persistent poverty</b>	
	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.	20
<i>Supplementary measures</i>		
<b>14</b>	<b>Purpose of supplementary measures</b>	
	<b>Sections 15 to 20</b> specify or require supplementary measures for reports.	25
<b>15</b>	<b>Low income: less than 60% of median equivalised DHI (without deducting housing costs) for financial year</b>	
	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.	30
<b>16</b>	<b>Low income: less than 60% of median equivalised DHI (after deducting housing costs) for financial year</b>	
	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.	35

- 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. 5
- 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. 10
- 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** 15
- 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). 20

*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 25
- (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 financial year to the 2028/29 financial year; and 30
- (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 financial year to the 2021/22 financial year; and 35

- (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
- (b) may, after it is set, be changed at any time before the end of the period. 5
- 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. 10
- 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** 15
- 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** 20
- 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** 25
- (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. 30
- 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. 35

- (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 expires, the Minister must present to the House of Representatives a document— 5
- (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. 10
- (5) Despite any contrary enactment or other law, the targets do not (except as provided in **subsections (1) to (4)**)— 15
- (a) create any legal right enforceable in a court of law:
- (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: 20
- (c) affect the interpretation of any enactment or the operation of any other law:
- (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— 25
- (i) introduce legislation and change Government policy; and
- (ii) interact with or consult a person the Crown considers appropriate:
- (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** 30
- (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. 35

- (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)**).

Compare: 2014 No 40, s 13

### *Reports*

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#### **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.

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#### **31 Reports: content**

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

##### *Primary measures*

- (a) who fell within **section 10** (low income: less than 50% of median equivalised DHI (without deducting housing costs) for financial year): 15
- (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):
- (d) who fell within **section 13** (persistent poverty): 20

##### *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): 25
- (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):
- (i) who fell within **section 19** (severe material hardship): 30
- (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. 35

**32 Reports: consultation and acting independently**

- (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. 5
- (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. 10

Compare: 1975 No 1, s 15

**33 Reports: Statistician decides how statistics 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: 15
  - (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. 20
- (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**. 25

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. 30

**35 Reports: publication**

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**

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. 35

*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**).

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

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After section 15E, insert:

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

(1) The supporting information for the main Appropriation Bill must include a report on child poverty.

10

(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

(b) indicate whether and, if so, to what extent, measures in or related to that Bill will affect child poverty.

15

**39 Consequential amendments**

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

**Part 3****Amendments to Vulnerable Children Act 2014**

20

**40 Principal Act**

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

*Title***41 Name of principal Act changed**

On and after the commencement of this section,—

25

(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:

**2A Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms. 5

*Act binds the Crown***44 Section 3 amended (Act binds the Crown)**

In section 3(2), replace “section 11 (effect of vulnerable children’s plan)” with “**section 12** (effect of strategy and plan)”. 10

*Government strategy for improving children’s well-being and  
oranga tamariki action plan***45 Part 1 replaced**

Replace Part 1 with:

**Part 1** 15**Government strategy for improving children’s well-being and  
oranga tamariki action plan****4 Purpose of this Part**

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 20
- (b) ensure that children’s agencies work together to improve the well-being of particular groups of children.

**5 Interpretation**

(1) In this Part, unless the context otherwise requires,— 25  
**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: 30
- (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

<b>children’s agencies</b> 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:	
(a) Oranga Tamariki Act 1989:	5
(b) Education Act 1989:	
(c) New Zealand Public Health and Disability Act 2000:	
(d) Policing Act 2008:	
(e) Sentencing Act 2002:	
(f) Social Security Act 1964:	10
(g) any other Act or Acts for the time being prescribed under <b>subsection (2)</b>	
<b>children’s Ministers</b> means the Ministers of the Crown who for the time being—	
(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	15
(b) are designated by the Prime Minister as children’s Ministers for the purpose of this Part	
<b>department</b> 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	20
<b>financial year</b> means a period of 12 months commencing on 1 July and ending with 30 June	
<b>Government strategy</b> means the strategy adopted, and from time to time changed, under this Part	25
<b>oranga tamariki action plan</b> means the plan prepared, approved, published, and from time to time amended or replaced, under this Part	
<b>plan Minister</b> 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 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)	30
<b>responsible Minister</b> 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).	35
(2) The Governor-General may, by Order in Council, prescribe any other Act or Acts for the purposes of <b>paragraph (g)</b> of the definition of children’s agencies in <b>subsection (1)</b> .	

*Strategy***6 Government 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 5
  - (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)**). 10
- (2) The responsible Minister may, after consulting with the children’s Ministers, change a strategy adopted under this section. 15
- (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.

**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,— 20
- (a) any classes of children, or representatives of classes 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 25
  - (b) any representatives of iwi, and 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. 30

**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 *Gazette*; and 35
  - (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 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. 5
- 7 Content of strategy**
- (1) The Government strategy must include outcomes sought— 10
- (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).
- (2) The Government strategy must indicate— 15
- (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— 20
- (i) children in poverty; and
- (ii) children who, compared with all children, are children with socio-economic disadvantage:
- (c) 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: 25
- (d) the policies that the Government intends to implement, after the adoption of the Government strategy, to achieve the outcomes sought by that strategy.
- (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: 30
- (a) reducing child poverty:
- (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: 35
- (a) economic changes likely to arise from the implementation of the policies:

- (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—

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- (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**

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- (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.

- (2) Before finalising the report, the responsible Minister must consult the children's Ministers on a draft of the report.

15

- (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.

20

*Plan*

**8 Preparation of oranga tamariki action plan**

- (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 coordination 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 12(1)(b)**) by the plan Minister:

25

- (a) develop a draft oranga tamariki action plan; and  
 (b) submit it to the plan Minister for approval.

30

- (2) The plan Minister must, after consulting the children's Ministers about the draft plan,—

- (a) approve the draft plan; or  
 (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.

35

- (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)**.
- 8A Publication and status of plan**
- (1) The oranga tamariki action plan must, after it is approved by the plan Minister,— 5
- (a) be notified in the *Gazette*; 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.
- (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)**. 10
- (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)**. 15
- (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:
- (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): 30
- (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. 35
- (2) Without limiting **subsection (1)**, the oranga tamariki action plan (and any draft of it) must set out how chief executives will promote the best interests of those groups of children (having regard to the whole of their lives), including (without limitation) taking steps aimed at— 40

- (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: 5
- (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 society:
- (f) improving their social and economic well-being (for example, by reducing, or mitigating the impacts of, poverty). 10
- (3) The steps to improve the well-being of children specified in **subsection (1)(b)** must include—
- (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: 15
- (b) the provision of services (including any contracted or related services where appropriate) to those children.
- (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. 20
- 10 Duration of plan**
- 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 25
- (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 30
- (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 35
- (b) if the chief executives consider it appropriate, recommend to the plan Minister that he or she—
- (i) approve amendments to the plan; or

(ii)	approve a new plan.	
(3)	<b>Sections 8(2) and (3) and 8A</b> apply with any necessary modifications.	
<b>11</b>	<b>Implementation reports</b>	
	Once the oranga tamariki action plan has come into effect, the chief executive of each children’s agency must—	5
(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	10
(b)	ensure that a copy of every implementation report required by <b>paragraph (a)</b> 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.	15
	<i>Effect and accountabilities</i>	
<b>12</b>	<b>Effect of strategy and plan</b>	
(1)	The Government strategy and the oranga tamariki action plan do not—	
(a)	create legal rules; or	
(b)	create any legal right enforceable in a court of law; or	20
(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	
(d)	affect the interpretation of any enactment or the operation of a rule of law.	25
(2)	<b>Subsection (1)</b> overrides <b>section 13(1)</b> .	
<b>13</b>	<b>Accountabilities</b>	
(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; and	30
(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.	35
(2)	<b>Subsection (1)</b> —	

- (a) does not limit or affect—
- (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.
- (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*

**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 in **Part 3** of **Schedule 5** as indicated in that Part.

**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— 10
- (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. 15

*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**. 20
- (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**.

*Targets*

- 3 Targets: generally: required for and after 2019/20** 25
- (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**.
- (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. 30
- (3) This clause is subject to **clause 4**.

- 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**. 5
- (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— 10
- (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)**. 15

*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**. 20
- (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**. 25
- (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. 30

## Schedule 2

### Incorporation by reference

s 6(2)

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

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. 10

**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**. 15

(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 20

(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

5

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 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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35

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)** 10

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)** 15

Revoke.