



## Office of Hon Anne Tolley

MP for East Coast

Minister for Social Development

Minister for Children

Minister of Local Government

- 2 MAY 2017

Ms Vanessa Cole

[fyi-request-5673-a03bffce@requests.fyi.org.nz](mailto:fyi-request-5673-a03bffce@requests.fyi.org.nz)

Dear Ms Cole

On 5 April 2017 you emailed my office requesting, under the Official Information Act 1982, the following information:

- *Any reports, information, research and advice provided to Minister Anne Tolley from the Ministry of Social Development regarding the 70A sanction of the current Social Security Act and/ or section 176,177 and 178 of the Social Security Legislation Rewrite Bill since 01 September, 2016.*

A report '*Advice on Section 70A of the Social Security Act 1964*', 19 October 2016, is in scope of your request, but is withheld under section 9(2)(f)(iv) of the Official Information Act as it is under active consideration. The release of this information is likely to prejudice the ability of government to consider advice and the wider public interest of effective government would not be served.

Please find enclosed the following documents within scope of your request:

- Email, '*FW: Seeking Advice: submissions regarding the New Zealand Government (Section 70A)*', dated 18 January 2017.
- Email, '*for your info and filing*', dated 24 January 2017, with attachment '*REVISED CSW Communications – draft response*'
- SDU item: '*Communication to United Nations relating to section 70A of the Social Security Act*'.

You will note that some information is withheld from the documents being provided as the information is out of scope of your request. Names of some individuals are withheld under section 9(2)(a) of the Official Information Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

Additionally, some information is withheld under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the greater public interest is in the ability of individuals to express opinions in the course of their duty.

If you are not satisfied with this response regarding reports, information, research and advice provided to me from the Ministry of Social Development regarding section 70A of the Social Security Act 1964, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Anne Tolley', with a stylized flourish at the end.

Hon Anne Tolley  
Minister for Social Development

Section 9(2)(a) Privacy of natural persons

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**From:** 9(2)(a)  
**Sent:** Wednesday, 18 January 2017 9:55 a.m.  
**To:** 9(2)(a)  
**Subject:** FW: Seeking Advice: submissions regarding the New Zealand Government (Section 70A)

FYI

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**From:** 9(2)(a)  
**Sent:** Wednesday, 18 January 2017 9:49 a.m.  
**To:** 9(2)(a)  
**Cc:** request (MSD); Sacha O'Dea  
**Subject:** RE: Seeking Advice: submissions regarding the New Zealand Government (Section 70A)

Hi 9(2)(a)

On Monday 12 December, the Ministry for Women advised MSD of a submission to the United Nations calling for the repeal of section 70A. The substance of the submission is that section 70A of the Act, permitting reductions from sole parents' benefit payments for failing to name the other parent of their child, has the practical effect of discriminating against New Zealand women. The submission notes that through the rewrite of the Social Security Act, the Government has the opportunity to address this issue.

Although there is no obligation to respond, the Ministry for Women, in consultation with the Ministry of Foreign Affairs and Trade, proposes that the Government address the concerns raised, mainly due to the standing of New Zealand and given there is a major Women's event taking place at the United Nations in New York, in March 2017.

MSD included an item in the Social Development Update dated Friday 16 December 2016 to inform the Minister of the submission and the proposed process for responding. MSD officials have worked with the Ministry for Women and the Ministry of Foreign Affairs and Trade to develop a draft high-level response for Ministers' consideration. The draft response reiterates the aims of the rewrite and notes that section 70A is a long-standing provision that encourages the establishment of paternity and applications for Child Support. It acknowledges the submissions during the select committee process and notes that the Minister is currently considering advice on section 70A.

This is not in the draft response but the Ministry of Justice has considered section 70A on two occasions and has not identified any inconsistency with the New Zealand Bill of Rights Act 1990 (NZBoRA). Before Government Bills are introduced, the Attorney General brings to the attention of the House any provision that appears to be inconsistent with any of the rights and freedoms contained in NZBoRA. The Attorney General receives advice from the Ministry of Justice (MoJ). The MoJ vetted the Rewrite Bill for compliance with NZBoRA and did not raise any concerns regarding section 70A. Legislative changes were made to section 70A in 2005 providing for an additional \$6 reduction if a client did not comply with their Child Support obligations, or gained an exemption, after 13 weeks. MoJ vetted that Bill and considered that it was consistent with NZBoRA.

Please let me know if you'd like any further information.

Kind regards

9(2)(a)

[Redacted signature box]

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Policy Manager, Rewrite of the Social Security Act  
Social Policy, Ministry of Social Development - Te Manatu Whakahiato Ora

Section 9(2)(a) Privacy of natural persons

**From:** 9(2)(a) [redacted]@parliament.govt.nz  
**Sent:** Tuesday, 17 January 2017 3:47 p.m.  
**To:** 9(2)(a) [redacted] Justine Cornwall; 9(2)(a) [redacted] Sacha O'Dea  
**Cc:** I request (MSD); 9(2)(a) [redacted]  
**Subject:** Seeking Advice: submissions regarding the New Zealand Government (Section 70A)  
**Importance:** High

Hello MSD! Happy new year!!

Section 9(2)(g)(i) Free and frank expressions of opinions

Today we received, from Minister Bennett's office, information on two submissions regarding the New Zealand Government, received by the United Nations Commission on the Status of Women (CSW). (See email below)

These two submissions are attached. Of note - the first submission concerns Section 70A.

9(2)(g)(i) [redacted]

Is it possible for MSD to please provide advice on the attached Section 70A submission – and can I please request that any response prepared to support the Government response is provided first to this office for review and feedback.

It looks like the actual Govt response (led by Minister Bennett) is due 31 Jan., so it would be awesome if this advice could be provided ASAP. Possibly you could indicate a timeframe?

More than happy to discuss so do call as needed, cheers 9(2)(a) [redacted]

9(2)(a) [redacted] Private Secretary, Office of the Hon Anne Tolley  
Minister for Social Development, Minister for Children, Minister of Local Government  
Parliament Buildings (Wellington) Phone: 9(2)(a) [redacted]

**From:** 9(2)(a) [redacted]  
**Sent:** Tuesday, 17 January 2017 10:43 a.m.  
**To:** 9(2)(a) [redacted]  
**Cc:** [redacted]  
**Subject:** submissions regarding the New Zealand Government

Kia ora 9(2)(a) [redacted]

I want to notify you that two submissions regarding the New Zealand Government were received by the United Nations Commission on the Status of Women (CSW). Your agencies are aware of this and have been working with the Ministry for Women on our response. The submissions have been made by two NGO's. Any person, NGO or network may lodge submissions to CSW containing information relating to alleged violations of human rights that affect the status of women in any country.

Minister Bennett has agreed to lead the Government's response, and will be seeking your Minister's concurrence to our response. We have relatively tight timeframes, as the response is due 31 January 2017.

Section 9(2)(a) Privacy of natural persons

I have attached the submissions for your reference. [redacted] you will see that the first submission is relevant to your portfolio.

Happy to answer any questions.

Kind regards.

[redacted] Private Secretary (Women) | Office of Hon Paula Bennett

Section 9(2)(a) Privacy of natural persons

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RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

Section 9(2)(a) Privacy of natural persons

**From:** [9(2)(a)]  
**Sent:** Tuesday, 24 January 2017 1:28 p.m.  
**To:** [9(2)(a)]  
**Subject:** for your info and filing  
**Attachments:** 20171301 REVISED CSW Communications - draft response.docx  
**Importance:** Low

**From:** [9(2)(a)]@parliament.govt.nz  
**Sent:** Friday, 20 January 2017 4:04 p.m.  
**To:** [9(2)(a)]  
**Cc:** [9(2)(a)] Sacha O'Dea  
**Subject:** FYI: Good - submissions regarding the New Zealand Government  
**Importance:** Low

FYI

**From:** [9(2)(a)]  
**Sent:** Friday, 20 January 2017 4:03 p.m.  
**To:** [9(2)(a)]  
**Cc:** [9(2)(a)]  
**Subject:** Good - submissions regarding the New Zealand Government

[9(2)(a)]  
Hello [9(2)(a)] as discussed we're comfortable with the proposed response. Thank you.

Section 18(d) Shortly to be publicly released

Thanks again, cheers [9(2)(a)]

**From:** [9(2)(a)]  
**Sent:** Friday, 20 January 2017 12:08 p.m.  
**To:** [9(2)(a)]  
**Cc:** [9(2)(a)]  
**Subject:** RE: submissions regarding the New Zealand Government

Hello

Please now find attached the draft response from Hon Paula Bennett, which we intend to send to the UN by 31 January.

We ideally need any feedback from you by 4pm this afternoon. Apologies for the tight timeframes.

Please note again that your officials have contributed to, and are comfortable with, the response.

Many thanks

[9(2)(a)] Private Secretary (Women) | Office of Hon Paula Bennett  
7.6 Executive Wing | Parliament Buildings | Private Bag 18041 | Wellington 6160

Section 9(2)(a) Privacy of natural persons

[redacted]@parliament.govt.nz

From: 9(2)(a)

Sent: Tuesday, 17 January 2017 10:43 a.m.

To: 9(2)(a)

Cc:

Subject: submissions regarding the New Zealand Government

Kia ora 9(2)(a)

I want to notify you that two submissions regarding the New Zealand Government were received by the United Nations Commission on the Status of Women (CSW). Your agencies are aware of this and have been working with the Ministry for Women on our response. The submissions have been made by two NGO's. Any person, NGO or network may lodge submissions to CSW containing information relating to alleged violations of human rights that affect the status of women in any country.

Minister Bennett has agreed to lead the Government's response, and will be seeking your Minister's concurrence to our response. We have relatively tight timeframes, as the response is due 31 January 2017.

I have attached the submissions for your reference. 9(2)(a) you will see that the first submission is relevant to your portfolio.

Happy to answer any questions.

Kind regards.

9(2)(a) Private Secretary (Women) | Office of Hon Paula Bennett  
7.6 Executive Wing | Parliament Buildings | Private Bag 18041 | Wellington 6160  
9(2)(a)@parliament.govt.nz

RELEASED UNDER THE OFFICIAL INFORMATION ACT

[Janette.amer@unwomen.org.nz](mailto:Janette.amer@unwomen.org.nz)

Dear Ms. Janette Amer

It is my honour to reply on behalf of the New Zealand Government to the correspondence dated 6 September 2016 from Her Excellency Begona Lasagabaster, Chief of the Leadership and Governance Section, United Nations Entity for Gender Equality and the Empowerment of Women to His Excellency Gerard Van Bohemen, Permanent Representative of New Zealand to the United Nations.

The correspondence draws the Government's attention to two communications received by the United Nations Entity for Gender Equality and the Empowerment of Women. It is my privilege to acknowledge these communications as they refer explicitly to the New Zealand Government.

The Government welcomes and values the role and contribution of non-government and civil society organisations. With regard to its work on the advancement of New Zealand women, the Government has valued its long-standing relationship with the non-government and civil society sector. The constructive partnerships that have been forged are highly regarded by Government particularly in relation to its reporting obligations to the United Nations Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), and its representation at the annual session of the United Nations Commission on the Status of Women (CSW).

With regard to the submission dated 1 August 2016 relating to the Social Security Act 1964 (the Act), the Government is currently rewriting the Act to ensure that it is coherent, accessible, readable, and easier to understand and navigate. The Social Security Rewrite Bill (the Bill) is largely policy neutral in that it re-enacts existing policies, including section 70a of the Act. This section reduces the benefit of a sole parent in instances where they do not identify the other parent of their child. Section 70a is a long-standing provision which is intended to encourage the establishment of paternity and applications for Child Support.

The Government has undertaken fundamental reforms to welfare with an unrelenting focus on work. For most beneficiaries, that is the best way to improve their social and economic outcomes for themselves and their families. This has been particularly beneficial for sole parents, who are overwhelmingly likely to be women. Welfare reforms have resulted in the lowest sole parent benefit numbers since the 1980s.

The Government also invests significantly in services for teen parents, who are also much more likely to be women. The Government introduced a Child Material Hardship package in 2015 to support households with children, which increased benefit rates for families with children, and increased childcare assistance and tax credits available to low-income families.



During the Select Committee process, some of the submissions on the Bill urged the repeal of section 70a due to concerns about, for example, financial stress on beneficiaries. The Minister responsible for the Bill, the Honourable Anne Tolley, is currently considering advice on the effectiveness of section 70a in achieving its policy intent.

The Bill is currently awaiting second reading and the Government is committed to ensuring robust and effective legislation that enables New Zealanders to help themselves to be safe, strong and independent.

With regard to the submission dated 29 July 2016, I was interested to read the submitter's views on gender stereotyping and Government's work to address this and other issues relating to the advancement of New Zealand women.

The Government's recent decision to accept the recommendations of the Joint Working Group (JWG) on Pay Equity Principles marks a milestone for women's pay and employment in New Zealand. Settling pay equity claims using the JWG principles is an opportunity to significantly improve the incomes of women in female-dominated occupations. Higher wages will help them better provide for themselves and their families or whānau, and will improve their chances of saving for their retirements. An adequate and stable income is also a factor in women's safety from family violence.

In 2016 paid parental leave was extended to 18 weeks. The additional two weeks is intended to provide much-needed financial support to families during what can be a stressful and emotional time. This law also introduces the concept of "Keeping In Touch" hours. These hours, to be agreed between the employer and employee, can be used to keep up with skills development, training, or completing a work handover. They can assist parents to ease back into work.

Women continue to play a strong role in our public service, making up 60.7 percent of its workforce. I am pleased to note that 45 percent of senior leadership roles in the public service are held by women, and women's representation on state sector boards and committees is now more than 43 percent.

I note alignment between issues raised in this submission and the Government's eighth periodic report to the CEDAW committee, submitted in June 2016. The Government will consider this submission as part of its ongoing work to advance New Zealand women and in light of its next CEDAW examination. New Zealand has a comprehensive legal framework that provides protection for women against all forms of discrimination and the Government continues to address issues that may arise outside of this framework. I also welcome further views of non-government and civil society organisations through the shadow reporting process for CEDAW.

It is appropriate that as the recently appointed Minister for Women, I note that I am also a member of Cabinet, the Deputy Prime Minister and hold four other Ministerial portfolios.

In closing, I wish to thank UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, for the opportunity to review and comment on the aforementioned

communications, and to have the New Zealand Government's reply included in the list of CSW communications to be issued at its sixty-first session from 13 to 24 March 2017 in New York.

Yours sincerely

**Hon Paula Bennett**

Deputy Prime Minister  
Minister for Women

**SDU item:**

## **Communication to United Nations relating to section 70A of the Social Security Act**

The United Nations has received a submission on section 70A from a New Zealand organisation that provides legal advice to members of the public, many of them social security beneficiaries.

The substance of the submission is that section 70A of the Act, permitting reductions from sole parents' benefit payments for failing to name the other parent of their child, has the practical effect of discriminating against New Zealand women. The submission notes that through the rewrite of the Social Security Act, the Government has the opportunity to address this issue.

Governments that receive these types of submissions are not obliged to respond. However, the submissions are reviewed by the United Nations annually in March and any responses are noted on the public record.

The Ministry for Women in consultation with the Ministry of Foreign Affairs and Trade proposes that the Government address the concerns raised, mainly due to the standing of New Zealand and given there is a major Women's event taking place at the United Nations in New York in March.

We will work with the Ministry for Women and the Ministry of Foreign Affairs and Trade to develop the draft response to the United Nations submission. The Minister for Women will seek your view on the draft response in late January 2017.