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28 September 2016

Committee Secretariat
Social Services
PARLIAMENT BUILDINGS

Tēnā koe i nga ahuatanga o te wa

Social Security (Stopping Benefit Payments for Offenders who Repeatedly Fail to Comply with Community Sentences) Amendment Bill
Submission to the Social Services Committee

Introduction: Te Pūtahitanga o Te Waipounamu

Te Pūtahitanga o Te Waipounamu writes in response to the Social Security (Stopping Benefit Payments for Offenders who Repeatedly Fail to Comply with Community Sentences) Amendment Bill.

Te Pūtahitanga o Te Waipounamu is a limited partnership, supported by the nine iwi of Te Waipounamu through a Shareholders Council known as Te Taumata. Te Pūtahitanga o Te Waipounamu was launched in July 2014 as the South Island Commissioning Agency for Whānau Ora. Te Taumata has appointed an independent governance board which is responsible for the investment strategy. The name, Te Pūtahitanga o Te Waipounamu, represents the convergence of the rivers of Te Waipounamu, bringing sustenance to the people, and reflecting the partnership's founding principle of whānaungatanga.

Commissioning in the context of Whānau Ora is the process of identifying the aspirations of whānau and investing in them whether they are new or existing initiatives. These whānau-centred initiatives are expected to best reflect progress towards Whānau Ora outcomes.

Whānau Ora is an inclusive approach to support whānau to work together as whānau, rather than separately with individual family members. We consider that Whānau Ora outcomes will be met when whānau are:

- Self-managing;
- Living healthy lifestyles;
- Participating fully in society;
- Confidently participating in Te Ao Māori;
- Economically secure and successfully involved in wealth creation;
- Cohesive, resilient and nurturing;
- And able to act as responsible stewards of their living and natural environments.

Te Pūtahitanga o Te Waipounamu writes in response to the Social Security (Stopping Benefit Payments for Offenders who Repeatedly Fail to Comply with Community Sentences) Amendment Bill ("the Bill"). While Te Pūtahitanga o Te Waipounamu recognises that there is an issue in relation to the low rates of completion of community-based sentences, the solution presented by this Bill is discriminatory and demonstrates a lack of understanding of both the causes of the issue and the full impact of the Bill.

The Bill discriminates against those serving a community-based sentence who are also beneficiaries.

It is being introduced in a legislative context in which the basis of the social security system is being revised. The focus of current legislative and policy reform is to ensure appropriate support is available to invest in better long-term outcomes for people receiving or needing financial assistance through the social security system.

Concurrent moves to repeal and replace the Social Security Act 1964 are intended to improve upon the existing requirements for eligibility, obligations, sanctions, and rights to review and appeal decisions, and how assistance is delivered. The key interest area in these reforms for Te Pūtahitanga o Te Waipounamu is to ensure all New Zealanders are supported in the best opportunity to achieve social and economic well-being.

In the context of these reforms, the decision to target a particular group of those on income support is discriminatory and unconscionable, and one which Te Pūtahitanga o Te Waipounamu will not support.

Article 25 of the United Nations Declaration of Human Rights states that everyone has the right to a standard of well-being adequate for their health and wellbeing, and, importantly, the right to security in the event of unemployment, sickness, disability or other lack of livelihood caused by circumstances beyond that person's control. New Zealand played a key role in the drafting and adoption the Declaration of Human Rights in 1948, and is bound by the Declaration of Human Rights as a member state of the United Nations.

Article 21 of the United Nations Declaration on the Rights of Indigenous Peoples also states; "Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security". The New Zealand Government officially endorsed the United Nations Declaration on 20 April 2010.

A decision to remove all or part of a benefit erodes both of the rights guaranteed under Article 25, especially as that decision is not reviewable through the processes of natural justice. This Bill violates the United Nations Declaration of Human Rights, and significantly diminishes New Zealand's long term commitment to human rights.

The Commissioning Agency is very aware that the concept of a social security system is not universally supported by whānau, hapu and iwi. The social security system, by creating a level of reliance on the state, is perceived as a barrier to whānau achieving rangatiratanga (self-determination). Te Pūtahitanga o Te Waipounamu is committed to developing innovative means for whānau to achieve oranga through whānau rangatiratanga. This commitment is made clear in the Memorandum of Understanding, which records the shared commitment of Ngā Iwi o Te Waipounamu to form the legal partnership known as Te Pūtahitanga o Te Waipounamu.

Notwithstanding the broader context of a system of social security support, the key issue for Te Pūtahitanga o Te Waipounamu is that we do not believe it is ethical or morally responsible to marginalise certain communities of people (namely those on income support) and instigate harsher sanctions upon those people than on others.

When a benefit is lost, the impact is not solely on the individual who receives the benefit, but on the family and whānau of that individual. The Bill states that those who have a dependent child will only lose half of their benefit. In this respect, it refers only to selected forms of

income support available, essentially Sole Parent Support, and the supported child's payment (formerly orphan's benefit and unsupported child's benefit).

This does not take into account other family or whānau members who may be supported by that benefit through other means of income support such as the exceptional circumstances benefit (formerly emergency benefit); new employment transition, Supported Living Payment, Veteran's Pension, Special Disability Allowance, Jobseekers Support and others.

An elderly or unwell family or whānau member may be wholly or partially supported through a benefit received by the individual undergoing a community-based sentence.

A particular area of concern is the impact of benefit reductions on the whānau of an individual who may be receiving Sole Parent Support. Sole parent support is available if the individual is a single parent or a caregiver with one or more dependent children under the age of fourteen years. In effect, the Bill is penalising innocent children who will therefore have a diminished opportunity to access resources to lift their wellbeing. One would have to question how ethical it is to punish a vulnerable child for the behaviours of their parent.

The Bill also fails to recognise that more than one child may be supported by an individual on a benefit. To lose half of a benefit with one dependent child would be significant; to lose half a benefit while supporting two or more children is disastrous. The removal of the benefit puts into jeopardy the ability of a family to provide for a healthy and safe environment for themselves. To put at risk the health and well-being of New Zealand's children because of one individual's non-compliance with a community-based sentence is completely unacceptable.

There is an urgent need to understand why the compliance rates for community-based sentences are so low. Anecdotal evidence indicates that there are a range of reasons why people do not complete their community-based sentences. For the Government to best respond to the issue of non-compliance with community-based sentences, there needs to be greater understanding, supported by clear data, on why the problem exists.

A pragmatic solution to this issue must focus on greater investment in people. The Government should consider what it can do to support those who are not completing community-based sentences, regardless of whether they are on a benefit or not. The current

enforcement procedures will be sufficient if better supports are provided to facilitate the completion of community-based sentences and successful rehabilitation of offenders.

Te Pūtahitanga o Te Waipounamu is open to any future engagement on the Social Security (Stopping Benefit Payments for Offenders who Repeatedly Fail to Comply with Community Sentences) Amendment Bill, and appreciates the opportunity provided by Social Services Committee to engage in the consultation process.

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Heoi ano

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