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PRESS RELEASE: Landmark win in human rights case

In a landmark case, Child Poverty Action Group (CPAG) has won confirmation of its right to bring legal action against the Government over discriminatory policies. This is the first case of its kind under provisions of the Human Rights Act allowing Government legislation and policy to be challenged. CPAG alleges aspects of the Government's family assistance policy result in significant discrimination against thousands of New Zealand children.

Following a preliminary hearing, CPAG has won access to the Human Rights Review Tribunal for its case alleging discrimination in the current Child Tax Credit as well as the In Work Payment which is set to be introduced next year as part of the government's Working for Families package.

The Tribunal's decision to grant access sets a precedent for non-government organisations. It establishes the right of groups such as CPAG to challenge discrimination in public policy, regardless of whether they themselves are directly affected. "No longer will people have to both suffer discrimination and take responsibility for trying to stop it," says CPAG spokesperson Dr Susan St John.

The decision is a milestone in a long and costly struggle to engage with government about discrimination against New Zealand's poorest children. The issue, says St John, is that many will not receive vital support simply because their parents cannot work the number of hours required for eligibility, or are on a benefit. The effect of this is to discriminate against some children because of their parents' situation, over which they have no control.

The Crown has refused mediation and disputed the right of public interest groups like CPAG to bring cases to the Tribunal. The child advocates are eager to move on and see the central issue of discrimination have its day in court, however the Crown is appealing the Tribunal's decision.

CPAG says its reasons for bringing and persisting with the case are compelling. "If children whose parents are working need this money, why not other children?" says Dr St John. "It is astonishing that the government is dragging its feet. These policies are crudely designed and misguided. They will continue to compromise children's wellbeing and future health, education and indeed employment prospects in a narrow drive to get parents into the job market.

"How can we as a society tolerate this? Not all parents are consistently able to take up or find employment - and inadequate income during childhood can mean a lifetime of suffering and disadvantage," she says. "Research consistently shows it is the amount and security of income, not its source, which count for children."

CPAG says policy neglect of our poorest children also means large future costs for the economy. Neither the UK nor Australia have such discrimination built into their child tax credits. Worse, research has shown that some families who would have been eligible for the Child Tax Credit will not be eligible for the new, more generous In Work Payment.

CPAG laid an official complaint about the Child Tax Credit as soon as it was introduced by the National-led government in 1996. After the Human Rights Act was amended at the end of 2001, allowing legal challenges to government policy, a second complaint was laid in 2002. The Office of Human Rights Proceedings accepted CPAG's case late last year and is representing the group at the Tribunal.

CHILD TAX CREDIT: introduced in 1996, as the Independent Family Tax Credit.

The Child Tax Credit (CTC) is worth up to \$15 per child, per week, depending on the family's income level.

Prior to the introduction of the CTC, parental work status had not affected people's entitlement to family assistance.

Parents must not be receiving an income-tested benefit, NZ Superannuation or Veteran's Pension, weekly ACC payments for more than three months, or a student allowance.

IN WORK PAYMENT: introduced on 1 April 2006:

Replaces the child tax credit of \$15 a week per child for eligible low to middle income families.

The In Work Payment (IWP) is \$60 a week with an extra \$15 a week for the fourth and each subsequent child in a family.

Like the CTC it adds onto Family Support and reduces as income rises.

Eligibility is by work test: Two parent families not receiving a benefit or student allowance need to work at least 30 hours a week between them. Sole parent families not receiving a benefit or student allowance must work at least 20 hours a week.

Now if the work test is met, New Zealand Superannuitants and workers on ACC may qualify.

For more information:

http://www.cpag.org.nz/campaigns/Child_Tax_Credit_IWP.html

<http://www.cpag.org.nz/resources/publications/res1122872052.pdf>