

Version
as at 1 September 2022



Child Poverty Reduction Act 2018

Public Act 2018 No 57
Date of assent 20 December 2018
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of the Prime Minister and Cabinet.

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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.

Part 1

Preliminary provisions

3 Purpose of this Act

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

- (a) encourage a focus by government and society on child poverty reduction:

- (b) facilitate political accountability against published targets:
- (c) require transparent reporting on levels of child poverty.

4 Overview of this Act

To help achieve its purpose, this Act—

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

5 Interpretation

In this Act, 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
- (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

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

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

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

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

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

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

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

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

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

identified indicators means indicators identified under section 38

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

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

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

material—

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

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

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

measures means—

(a) primary measures; and

(b) supplementary measures

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

monitoring reports means reports under section 44

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

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

reports means reports under section 30

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

Statistician has the meaning given to it by section 6 of the Data and Statistics Act 2022

Statistician's definition, for a concept or term, means the concept or term as it is defined by a written decision of the Statistician made under section 34

Statistics New Zealand means the department of State continued by the Data and Statistics Act 2022

strategy means the strategy under the Children's Act 2014

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

targets means—

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

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

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

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

Section 5 **Statistician**: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 5 **Statistics New Zealand**: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

6 Statistician's definitions

Duty and power to define concepts or terms

- (1) The Statistician—
 - (a) must make under section 34 written decisions that define concepts and terms that, under section 5, have meanings given to them by Statistician's definitions; and
 - (b) may make under section 34 written decisions that define concepts and terms desirable for the operation of this Act, but not defined in this Act.

Definitions may incorporate material by reference

- (2) Statistician's definitions may define concepts or terms by incorporating by reference, with or without specified modifications, all or parts of relevant overseas or international legislation, standards, or practices (and Schedule 2 requires to be made publicly available, and otherwise applies to, material incorporated by reference in reliance on this subsection).
- (3) If the material incorporated in a definition in reliance on subsection (2) is amended by the originator of the material after the definition is decided, the amendments have no legal effect as part of the definition unless—
 - (a) they are specifically incorporated by later definition decided in reliance on subsection (2); or
 - (b) amendments to the material are expressly authorised to have that effect by another Act.

Access to, and status of, definitions

- (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.
- (5) The following are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements):
- (a) a Statistician's definition:
 - (b) an amendment to, or replacement of, a Statistician's definition.
- (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).

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

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it on a website maintained by, or on behalf of, Statistics New Zealand	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 6(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 6(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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

This Act binds the Crown.

Part 2

Measures, targets, reports, indicators, and monitoring reports

Primary measures

9 Purpose of primary measures

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

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

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

11 Low income: less than 50% of median equivalised DHI (after deducting housing costs) for base financial year

- (1) A child falls within this section in a financial year if the child's household's equivalised DHI (after deducting housing costs) for the year is less than the applicable level.
- (2) The applicable level is the specified amount (50% of median equivalised DHI (after deducting housing costs) for the base financial year) after the specified amount is adjusted to take account of changes in the value of money after the base financial year.

12 Material hardship

A child falls within this section in a financial year if, for a period that is or includes all or any of the year, the child's household experiences material hardship.

13 Persistent poverty

A child falls within this section in a financial year if, for a period that is or includes all or any of the year, the child's household experiences persistent poverty.

*Supplementary measures***14 Purpose of supplementary measures**

Sections 15 to 20 specify or require supplementary measures for reports.

15 Low income: less than 60% of median equivalised DHI (without deducting housing costs) for financial year

A child falls within this section in a financial year if the child's household's equivalised DHI (without deducting housing costs) for the year is less than 60% of median equivalised DHI (without deducting housing costs) for the year.

16 Low income: less than 60% of median equivalised DHI (after deducting housing costs) for financial year

A child falls within this section in a financial year if the child's household's equivalised DHI (after deducting housing costs) for the year is less than 60% of median equivalised DHI (after deducting housing costs) for the year.

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.

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.

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

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).

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
 - (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 2018/19 financial year to the 2027/28 financial year; and
 - (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 2018/19 financial year to the 2020/21 financial year; and

- (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.

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.

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

[Repealed]

Section 25: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26 Targets: duty to review

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

- (1) This section applies if a report—
 - (a) is presented to the House of Representatives under section 37; 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.

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.

- (2) In particular, no form of monetary compensation or relief, or injunctive relief, is available as a remedy for non-compliance with the targets.
- (3) If a declaration is made under subsection (1), and the declaration is not overturned on appeal or the time for lodging an appeal (which, in this section, includes applying for leave to appeal) expires, the Minister must present to the House of Representatives a document—
 - (a) bringing the declaration to the attention of the House of Representatives; and
 - (b) containing advice on the Government’s response to the declaration.
- (4) The Minister must carry out the duties imposed by subsection (3) as soon as is reasonably practicable after the date of disposal of all appeals against the granting of the declaration or, if no appeal is lodged, the date when the time for lodging an appeal expires.
- (5) Despite any contrary enactment or other law, the targets do not (except as provided in subsections (1) to (4))—
 - (a) create any legal right enforceable in a court of law;
 - (b) affect or limit the way in which a person (for example, a Minister of the Crown or chief executive of a department of State) is required to exercise a statutory power of decision;
 - (c) affect the interpretation of any enactment or the operation of any other law;
 - (d) restrict the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability to—
 - (i) introduce legislation and change Government policy; and
 - (ii) interact with or consult a person the Crown considers appropriate;
 - (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

- (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 this Act or the operation of the Public Finance Act 1989.

- (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

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.

31 Reports: content: general

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

Primary measures

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

Supplementary measures

- (e) who fell within section 15 (low income: less than 60% of median equivalised DHI (without deducting housing costs) for financial year):
- (f) who fell within section 16 (low income: less than 60% of median equivalised DHI (after deducting housing costs) for financial year):
- (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):
- (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.

32 Reports: content: analysis of identified populations

- (1) The report must include analysis of the identified populations.
- (2) The **identified populations** are the following children who are living in households in New Zealand:
 - (a) Māori children; and
 - (b) any groups identified for the report under subsection (3).
- (3) The Statistician may identify for the report 1 or more groups of other children, analysis of whom may help achieve the purpose of this Act.
- (4) Examples of groups of other children who may be identified are Pacific children, disabled children, and children with a disabled parent, guardian, or caregiver.
- (5) However, this section does not require the report to include analysis of the identified populations if, or so far as, available data is not reasonably adequate to enable that analysis to be done using the relevant statistical methodology.

33 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 this 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.
- (3) Subsection (2)—
 - (a) applies despite section 52 of the Public Service Act 2020 or any other legislation to the contrary; and
 - (b) applies to the Statistician, in performing duties or functions under this Act, instead of section 16 of the Data and Statistics Act 2022.

Compare: 1975 No 1 s 15

Section 33(3)(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 33(3)(b): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

34 Reports: Statistician decides how statistics to be produced

- (1) In preparing the report, and performing other duties or functions under this Act, the Statistician must decide the following to be used in the provision of any statistics to be produced:
 - (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.

- (3) The provisions of the Data and Statistics Act 2022 that relate to official statistics apply to the Statistician, in performing duties or functions under this Act, unless this Act provides otherwise or those provisions are inconsistent with this Act.

Compare: 1975 No 1 s 14(i)

Section 34(3): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

35 Reports: duty to follow statistical best practice

In preparing the report, and performing other duties or functions under this Act, the Statistician and the chief executive must, whenever it is reasonably practicable to do so, follow statistical best practice.

36 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

37 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 36, present to the House of Representatives a copy of the report.

Indicators

38 Child poverty related indicators: duty to identify

- (1) The Minister must identify, for monitoring reports, 1 or more child poverty related indicators related to all or any of the following areas:
- (a) income and employment:
 - (b) housing:
 - (c) education and development:
 - (d) health (for example, physical health and mental health) and disability:
 - (e) any other area or areas.
- (2) A child poverty related indicator identified for a financial year—
- (a) must be identified before, or as soon as is reasonably practicable after, the start of the year; and
 - (b) may, after it is identified, be changed at any time before the end of the year.

39 Identified indicators: identifying, changing, and publication

- (1) Identified indicators are identified or changed by notice in the *Gazette*.

- (2) Identified indicators, and changes to identified indicators, must also be published on, and available at all reasonable times from, an Internet site directed by the Minister.

40 Identified indicators: presentation to House of Representatives

The Minister must, promptly after identifying or changing identified indicators, present to the House of Representatives a copy of the identified indicators or changes.

41 Identified indicators: application of Legislation Act 2012

[Repealed]

Section 41: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

42 Identified indicators: duty to review

- (1) The Minister must ensure that each current identified indicator is reviewed before the deadline for review of the strategy.
- (2) The deadline for review of the strategy is, under section 7A of the Children's Act 2014,—
- (a) within 3 years after the date of its first adoption under section 6 of that Act; and
 - (b) thereafter within 3 years after the date of completion of the most recent review of it under section 7A of that Act.

43 Identified indicators: purpose and effect

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

Monitoring reports

44 Monitoring reports: duty to prepare

- (1) The Minister must, after a financial year, prepare a monitoring report related to that financial year.
- (2) The monitoring report must be prepared as soon as is reasonably practicable, and in any case within the next financial year.

45 Monitoring reports: content

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

46 Monitoring reports: publication

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

practicable after the time that the Statistician's report for that financial year is published under section 36.

47 Monitoring reports: presentation to House of Representatives

After the monitoring report for a financial year is prepared, and the Minister receives a copy of the Statistician's report for that financial year, the Minister must, as soon as is reasonably practicable after the time that the Statistician's report for that financial year is published under section 36, present to the House of Representatives a copy of the monitoring report.

Amendments to Public Finance Act 1989

48 Amendments to Public Finance Act 1989

Sections 49 and 50 amend the Public Finance Act 1989 (the **principal Act**).

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

After section 15E, insert:

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

- (1) The supporting information for the main Appropriation Bill must include a report on child poverty.
- (2) The report must—
 - (a) discuss any progress made, in the most recent completed financial year, in reducing child poverty consistent with the targets under 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.

50 Consequential amendments

Amend the principal Act as indicated in Schedule 3.

Schedule 1 Transitional, savings, and related provisions

s 7

Part 1 Provisions relating to this Act as enacted

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 this Act receives the Royal assent.
- (2) Despite subclause (1), the Statistician's definition of persistent poverty (*see* section 13) must first be decided before—
 - (a) the financial year commencing on 1 July 2025 (which, under clause 2(1), is the first financial year for which that definition is required); or
 - (b) if that definition is, under clause 2(2), decided for an earlier financial year, that earlier financial year.

Measures

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

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

Targets

3 Targets: generally: required for and after 2018/19

- (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 2018.
- (2) The first long-term targets and intermediate targets required by section 21 must be set within 6 months starting on the date on which this Act receives the Royal assent.
- (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.
- (3) Despite subclauses (1) and (2), if the Statistician's definition of persistent poverty is, under clause 2(2), decided for a financial year earlier than the financial year commencing on 1 July 2025 (the **earlier financial year**), then those long-term targets and intermediate targets—
 - (a) are required for and after the earlier financial year; and
 - (b) must first be set before (or as soon as is reasonably practicable after) the first day of the earlier financial year.
- (4) For the long-term targets and intermediate targets required by section 21 in respect of persistent poverty, section 21(2)(a) or (3)(a) must be read as if it refers to the long-term period or intermediate period that starts with the financial year referred to in subclause (1) or (3).

Reports

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

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

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

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

Identified indicators

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

- (1) The identified indicators required by section 38 are required only for and after the first full financial year after the date of the strategy's first adoption under section 6 of the Children's Act 2014.
- (2) The first identified indicators required by section 38 must be identified on, or as close as is reasonably practicable to, that date.

Monitoring reports

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

- (1) The monitoring reports required by section 44 are required only for and after the first full financial year after the date of the strategy's first adoption under section 6 of the Children's Act 2014.
- (2) However, the first monitoring report under section 44 may (as well as covering that first full financial year) also cover a period—
 - (a) on or after the date of the strategy's first adoption under section 6 of the Children's Act 2014; and
 - (b) before that full financial year.

Schedule 2

Incorporation by reference

s 6(2)

1 Access to material incorporated by reference

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

- (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

(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
 - (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
- (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).

(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—

- (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.

- (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 Application of Legislation Act 2019 to material incorporated by reference

Subpart 1 of Part 3 and section 114 of the Legislation Act 2019 do not apply to material incorporated by reference in a Statistician's definition in reliance on section 6(2).

Schedule 2 clause 4: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

5 Material incorporated by reference does not have to be presented to House of Representatives

[Repealed]

Schedule 2 clause 5: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

6 Failure to comply does not invalidate

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 50

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

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

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

In Schedule 1, after Part 2, insert:

Part 3

Provision relating to Child Poverty Reduction Act 2018

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.
- (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 the Child Poverty Reduction Act 2018.

Notes

1 *General*

This is a consolidation of the Child Poverty Reduction Act 2018 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135