

Economic Review of the Status of Beneficiaries in New Zealand

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Abstract

This paper is an investigation of the human rights of beneficiaries against those of wage and salary earners and highlights some major differences.

It was prompted by the realisation that the income (transfer) to beneficiaries was not given in kind as a wage or salary and that privacy and freedom to act were diminished by payment inhibitions and penalties on personal decisions related to disbursement of the income.

This paper proposes a new approach to benefits by regarding each individual as an economic unit due a basic income (BI) such that full rights and participation in society is achievable.

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Introduction

Each individual as an Economic Unit

Consideration of each person in New Zealand as an 'economic unit' with the right to an income from the government from the age of 16. This is sometimes referred to as a minimum basic income. In this paper it will be referred to as basic income (BI). The purpose of each individual being considered an economic unit in their own right is to enable full participation in society by all New Zealanders without prejudice.

The economy relies on every economic unit functioning at least to purchase food, housing and transport, and participating in the community whether waged, salaried, and professional, self-employed, business owner, and/or undertaking household and community responsibilities to any degree. The BI would be paid to each economic unit (the individual) regardless of marital status, gender, race or employment status.

The advantage of this is that each person, defined as an economic unit, would have the security of a guaranteed income. For women, this would mean full participation in society, recognition and independence in their own right whether single, unemployed, or married (or in a relationship) with children or without children, or raising children without a partner. It would also assist men who find themselves in circumstances such as unemployment/redundant when in a relationship where their partner is employed to have economic independence and recognition.

Entitlements for beneficiaries compared to the due process taken for granted by non-beneficiaries

This paper considers restoration of the entitlement of ownership by beneficiaries of the income paid to them by the government. This would allow beneficiaries to have full responsibility for the disbursement of income in the same manner wage and salary earners are entitled to. This would recognise beneficiaries as citizens of New Zealand and allow them to participate fully in the fabric of life in New Zealand.

People receiving a benefit have a number of penalties levied against them which are counter to the community engagement permitted non-beneficiaries. For example food given by parents to any of their children on a benefit, loans taken out by beneficiaries to support their family, rent from subletting or changes in relationship status all appear to attract deductions for which refunds to the benefit may be required. However if the same engagement with family or changes in living circumstances were to occur in the life of a non-beneficiary no deduction from wages/salary would occur.

The income of a beneficiary needs to be reframed as being an income the recipient is entitled to as an economic unit in New Zealand society, rather than as being a burden or inconvenience to the taxpayer.

Constitutional (legitimate, legal, lawful) rights in New Zealand

New Zealand doesn't have a written constitution. Constitutional rights are drawn up from a number of important statutes (laws), judicial decisions, and customary rules (constitutional conventions) enshrined in the New Zealand Bill of Rights Act (BORA)¹.

The justice sector and policy² are entrusted to : administer parts of the New Zealand constitution, promote the rule of law, uphold New Zealand society human rights agreements, uphold and report

on the criteria of international human rights agreements, and scrutinise proposed legislation to determine if it meets the BORA.

The New Zealand Bill of Rights Act (BORA) protects and promotes human rights and fundamental freedoms. The Canadian Supreme court (p29 of Guidelines BORA) notes that one of the principles and values of a free and democratic society includes commitment to social justice and equality.

Economic issues in themselves should not be the determinant factors for limiting a right. Again the Canadian Supreme Court rules that economic concerns are not themselves sufficient to justify limitation of rights and freedoms.

The BORA does not provide protection to a civilian with or without property (that being equity above and beyond a wage, salary, benefit) from having their income completely removed. The right to an income to enable a means of living is not defined. Economic loss, past and future earnings and loss of opportunity is mentioned in relation to 'property' or business. Procedural rights (e.g. procedures to protect a person at time of arrest) are defined, but none are defined with regard to security or entitlement to an income as means to live.

The BORA guards against the double jeopardy of being prosecuted twice for the same offence. This principle could be utilised to prevent the ongoing punishment inflicted upon persons who are put in a position of having to justify why they received a benefit and are charged by the government agency with an obligation to repay. Noting that wage and salary earners are not put in a position of having to justify receipt of income, unless (and this would be very rare) the payment was fraudulently arranged.

Consideration was given to the United States of America 5th amendment – No person shall be deprived of life, liberty, property without due process of law. Here again rights are extended to property, which is defined as capital ownership, but not to the right to an income, a means by which to live.

[The current policy regarding beneficiaries in NZ](#)

The current policy provides for delivery of financial entitlements or social services to some sectors of society and not to others. The current system specifically excludes adults who are in a relationship where the other party is earning a wage/or salary. And for those who receive a 'family allowance' of some sort it is delivered to the family as a firm, to the principal income earner not to the individuals who are separately responsible for that family. This policy excludes one or more family members from financial entitlement and responsibilities associate with that.

A person is disadvantaged if they are treated less favourably, either because they are deprived of something from which they could derive a benefit – such as access to services, or an opportunity to do something – or because they have less choice available to them or have a burden imposed on them.

Persons who are not entitled to a benefit are thus disadvantaged. In addition beneficiaries can be disadvantaged, sometimes for very long periods, because they have a burden of repayment imposed upon them due to the punitive nature of our current benefit system.

Women of New Zealand are not on an equal footing with men. Women do not enjoy all civil and political rights as set forth in the present BORA Covenant. The majority of New Zealanders who are not entitled to an income if they are in a relationship will be women. If a New Zealander is not a beneficiary and is in a relationship and are not employed they will not receive any nominal benefit. If they are a beneficiary and are living in a relationship they will be under duress of law to repay

because of the relationship. Whereas a person who is earning a wage or salary or running a business has the freedom to engage in any relationship they choose.

There are two things happening here. One is that the Victorian and earlier laws ruled woman were property of their husband or father or brother, not individuals with full legal entitlement to her own economic/financial means and property are still percolating in the background. These have not been fully erased from law or the expectation of the public. And in addition to this the prevailing attitude that beneficiaries are bludgers and beholden to the state is evident from the Ministry of Social Development (MSD) Service Delivery Deputy Chief Executive Viv Rickcard's words on Radio NZ Thursday 5 July 2018 *'I don't take any apologies for trying to look after government and taxpayers money'* https://www.radionz.co.nz/audio/player?audio_id=2018652369

The concept of the income of a beneficiary being a right of the person receiving it is totally absent from this conversation. And the benefit to society as a whole through externalities such as reduced crime, better health, better generation of wealth and benefits to the economy are overlooked.

Article 1 of BORA asks us to address any distinction, exclusion, restriction or preference.....which has the effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

A woman's lack of equal footing regarding receipt of income and civil liberty to engage in relationships, or change address or have whomever she pleases living under the same roof has serious consequences. Because of these abrogation's of rights women are more likely to find themselves in abusive relationships with little financial independence or freedom of mind to release themselves.

There is clearly a compelling need to address the limited circumstances of beneficiaries and other New Zealanders with no income of their own and no entitlement to a benefit.

Review of current welfare system

Benefit sanctions include a scaled removal of the beneficiary's income if they don't seek a job or meet other requirements including failure to: (1) attend appointments, (2) prepare for work, (3) participate in work (including failure to accept paid employment or undertake drug test obligations), and (4) contact Work and Income. MSD statistics benefit³.

A completely different approach is being developed overseas in international cooperation to apply the ISO 37120 standard for Sustainable Development¹. The vision proposed is to have every person recorded such that their needs can be estimated and the infrastructure needed for them to participate in the community is enabled.

The Sustainable Development approach is not one of sanctions but engagement with all sectors of the community to develop opportunities, ensure supply of services including services to those that are the most marginalised or disabled. The orientation is upon purpose and a wider sectoral interest such as employment opportunities around environmental improvements – dealing with the externalities, the necessary disestablishment of inefficient coal, concrete and steel plants for example and improvements in air quality, water quality, public transport and responsible management of waste, research and development of IT and materials and developments to improve

¹ International Standard ISO 37120 First edition 2014-05-15 Sustainable development of communities – Indicators for city services and quality of life

efficiency of industry and society – all of which need human input and governance and organisation which of course creates opportunities for all members of society in turn.

The dated approach being shown by New Zealand where Work and Income's principal objective is to minimise and rationalise any funding directed to those who do not have the means to support themselves through employment or business is counterproductive. A major failing is that child raising or care for the elderly or other dependents is not considered to be an occupation in its own right. By retaining such a punitive system New Zealand is demonstrating lack of initiative and is falling behind internationally and not leading the way as the New Zealand government did in 1938.

The change in direction of policy can be clearly traced to the adoption of neo-liberal options in the late 1980's and the 1990's. These have been shown by many researchers, including the OECD, to have long term impacts on public health. In the 1970s the Department of Social Welfare corporate goal was that everyone who was entitled to a benefit should get a benefit. Following the neo-liberal restructuring the corporate goal shifted to exactly the opposite, that beneficiaries should be limited to as little entitlement as possible.

The Productivity Commission has been devoting time to explaining why the New Zealand's GDP and potential productivity is lagging behind Australia and other countries. The inertia in productivity is clearly due to disengagement of a substantial part of the population (more than 30%) through the attendant poverty that arises from the current benefit system and low wages. This has fallen to new levels year by year since 1991 from deprivation and hardship to full scale poverty in which New Zealanders are now living on the streets.

A New Zealander can go so quickly from a position of relative security to nothing, particularly following marriage breakups or unexpected events such as redundancy. The expectation of government policy since the late 1980's has been to park all the burden of the country's economic woes upon the workers at the bottom level through policy choices in implementation of IMF structural reforms, market deregulation and infrastructure investment. This is not *pari passu* (side-by-side or on an equal footing) as the people targeted are often totally without equity and later in life can be struggling to find accommodation or any meaningful work in the face of age and gender discrimination.

The solution is a basic income (BI). This would be concurrent with recognising each individual as an economic unit regardless of what relationship or they are in or what other means of earning an income they have. This would be distributed the same way as Superannuation is universally given to over 65's today and Accident Compensation Corporation (ACC) compensation is to the individual concerned.

Framing of Benefits

New Zealand had made a bold step on 1 April 1946 in dropping the means test for family benefit and introducing the universal family benefit applying to children up to the age of 16 or 18 if they were in fulltime education or were unable to earn a living due to incapacitation. Another bold step needs to be made to address the impact of policies put in place since 1990.

The history of removal of independent financial means from sectors of NZ society goes back to 1986 where the Labour Government made a significant change. In addition to universal family benefit Family Support was introduced. Family Support was paid to both the caregiver and the partner, which had merit as a separate income stream was going to each party.

The Labour Government made a further significant change in 1990 when the independent income for women was removed and rather than being jointly divided the Family Support was administered as a tax credit only to the principal income earner of the family. Since then family unit has been treated as a firm, and considered as an indivisible unit, 'an economic person'. Conceptualising the family in this manner is a fallacy. The family needs to be treated as a group of individual economic units acting in concert.

The policy of 1990 was implemented to encourage participation in the responsibility of caring by the main income earner, so unless you were a solo mother or earning more than your partner the majority of women lost their family support independent income altogether. This was (and still is) of some social consequence to those families where the basic provisions of family welfare were provided ONLY from or supplemented to a large degree from this very modest income by the woman. The partner cannot be relied upon to pass the tax rebate to the principal care-giver and the children.

Then in 1991 the National Government abolished the universal family benefit altogether (a swing back to a pre-1946 position) and at the same time in April 1991 social security benefits were cut for the purpose of reducing dependence on the state. Benefit bashing rhetoric has taken hold since then, averting the public eye from the infringement of basic human entitlement to participate in society eroded through the punitive measures inflicted upon beneficiaries since then. A common topic of conversation at the morning tea break or a letter to the editor will rant on about how terrible it is that a beneficiary could buy a TV set, or pack of cigarettes, or worse still alcohol.

In 1991 the means tested family support only partially replaced the family benefit leading to a decrease in income to families, with children on the unemployment benefit receiving a decrease in income of \$25 - \$27 per week³. The upshot of this was pressure on businesses. An example would be business pressure on breweries to close or scale back some branches due to a large number of low income people no longer in a position to purchase a small amount of beer each as they had been able to before.

The social consequences and impact on the economy of the shift in policy since 1990 are significant. This impacts men who have lost their jobs and choose to remain in a relationship forfeiting their entitlement to a benefit, or women earning very small incomes relative to men while raising a family or those who are unemployed but not receiving any entitlement by merit of being in a relationship.

In the examples above I have not even begun to expand on the distress to human relationships inflicted on beneficiaries or their loss of basic freedom of movement in the current system. What is the gain in flogging a beneficiary who has no equity and no current means of earning their own income to eliminate any debt related to receipt of a benefit or emergency accommodation when in reality society has a debt to care for that person?

Alternative policy options

The first consideration must be to adopt policy that ensures the entitlement of New Zealanders to a means of income is enshrined in the BORA. It is essential to regard in law each individual as an 'economic unit' with an entitlement to a basic income. There must be no penalties for not attending a job interview, not accepting a job or other. The 'economic unit' must be free to spend the income they receive as they see fit; to take out loans, to have relationships, to participate in society, to coexist with others, to mingle with family and friends and receive gifts from family and friends just as the majority of New Zealand citizens who are not beneficiaries already have the freedom to do. The

onus must be upon the free market to attract people into employment and the community to seek to recruit, offer opportunities, to educate and to encourage participation at every level of society.

The second consideration is how could the current system be adjusted? I have considered two options (1) bolstering the current system by including persons who currently miss out on any entitlement and reframing the family as a set of individuals, and removing the penalties associated with receipt of a benefit, and (2) introducing a universal entitlement which would be similar in application to the New Zealand over 65's superannuation scheme called the basic income (BI) which would by definition not have any penalties associated with it.

The third consideration must be housing, the right to accommodation.

The two options of: (1) bolstering the current welfare system, and (2) introducing a universal entitlement are outlined below.

Option 1

Option 1 involves extending the current system to include those individuals currently missing out on any benefit entitlement. A major impediment to this is the transition from a benefit entitlement to complete independence from the benefit. This is an existing problem for those currently entitled to benefits and is sometimes referred to as the poverty trap. There are always stages where stepping up to take a job offer may be less advantageous than remaining on the benefit (costs of transport to work etc).

In situations where it is more appropriate to take part-time work or intermittent work, or seasonal work the difficulty of declaring income coupled with periods of in-between time without any income create disincentives, loss of privacy, less than favourable treatment, difficulty of access to services and ends up in many cases essentially depriving people of choices that might be available to them. People are fearful of repercussions knowing that the difficulty in making the correct estimation of potential future income can lead to accusations of 'benefit fraud'.

Note also the risk of taking on new employment encompassed in law by the 90 day rule², a further disincentive to move from one job to another or accept employment if you are a beneficiary. This causes hardship for employers as well. Note that it was recently reported that orchardists were struggling to find seasonal labourers to pick kiwifruit because of the above.

An issue also arises with at what level of income the individual would be entitled to apply for a benefit. And the other side of the equation is that many people would never front up to Work and Income New Zealand (WINZ) to receive an entitlement because of the complexity of application and associated risk, and the social shame of having to apply at all.

Option 2

Option 2 is providing a universal entitlement, paying everyone aged 16 or over a basic income (BI) without favour. This would entail classifying the whole population aged 16 and over as economic units. The age 16 is chosen as this is the legal age for marriage in New Zealand.

This is more in line with sustainable development and the direction many countries around the world have already headed. The basic income (BI) would include a payment for each dependent

² <https://www.employment.govt.nz/starting-employment/trial-and-probationary-periods/trial-periods/>

child aged under 16 years to the caregiver/s thus treating each individual in a family as an 'economic unit', each acting in concert.

The titles of single person, married woman, unemployed youth, solo mother, sickness beneficiary, disabled person etc would go as each individual is regarded as an economic unit and would be entitled to the same amount.

Special services would be offered to those with disabilities or other hardships as part of enabling their participation. These services could possibly be met through ACC or similar agency (e.g. Department of Health) responsible for circumstances not resulting from an accident. The services would be time bound according to the nature of the disability. In some cases it would be a lifelong additional payment e.g. incurable or chronic disease such as schizophrenia, permanent incapacity etc.

The BI for each economic unit would be paid regardless of if you had a job, or were married or not, or were unemployed or owned a business, or were a professional. This would be a completely new mode of thought for New Zealander's. Quite the opposite of Martin van Beynen's comments (Dominion Post Saturday July 7 2018) regarding the MSD loan case where Mrs F a beneficiary had received the DPB, accommodation supplement, disability allowance, special benefit, temporary additional support, special needs grants and had made financial arrangements in addition to these. Mrs F instead would receive the basic income (BI) as an economic unit and be entitled to undertake business opportunities, buy property, sell property and engage financially as she saw fit - as any person in New Zealand who is NOT a beneficiary can do now.

Consideration of accommodation

Accommodation allowances paid to beneficiaries are just money straight into a landlords pocket. It doesn't work. Accommodation must be driven by market.

To address the market failure at the lower level^{5,6} the government must take responsibility. This has been undertaken by government in the past cf. the 1938 Labour Government's state housing policy.

To address the market failure at the lower level of the housing market the government must take responsibility by addressing: (1) emergency accommodation such as night shelters, community supported housing for the homeless with the aim in mind of a place to reside for all New Zealanders, (2) state houses, and (3) investment in private housing covering all ranges of the market from housing for singles and pensioners, families with young children, and so on across the life spectrum, and (4) rental homes that are decent well built homes meeting good structural standards – weather tight, insulated, well maintained rental accommodation with rents as per the actual market, related to the actual earnings of the population that needs them.

This would include large scale investment at the lower end of the market for both privately owned and rental, to open the housing market for people on low incomes, not just ongoing investment in suburbs of McMansions built for the wealthier New Zealander.

If the government needs to offer subsidies to achieve the above there is no point in accommodation supplements paid to the beneficiary. The government, at both a national and local level, needs to offer investment options which may include subsidies to landlords and property developers such that controls can be kept on the building standards, enable review of rate of return on investment and supply to meet actual market demand.

It is vital to ensure there is accommodation available across all levels of community. Note that the Wellington City Council has commenced such a project to open out the housing market and end homelessness as covered in the Sunday Star Times July 1, 2018⁷.

This is in keeping with sustainable development goals and developments occurring at a rapid pace around the world with development of sustainable cities as the ISO37120 standard is being finalised. FIDIC Seminar March 2018, Hangzhou, China⁸.

International perspectives

The World Bank estimates that greater than 2 billion working age adults (more than half the world's total population of working age adults) do not have an account at a formal financial institution. Efforts are afoot to ensure all households and businesses regardless of income level have access and use of financial services they need to improve their lives. The role that digital financial services to achieve this is recognised by IMF⁹.

To progress toward the goal of ensuring that every New Zealander is identified as an economic unit in their own right would solve many problems; including ensuring their basic needs of financial independence and activity in the economy were enabled.

'Gender equality is more than a moral issue it is a vital economic issue. For the global economy to reach its potential, we need to create conditions in which all women reach their potential' quote IMF Counsellor Maurice Obstfeld March 23, 2017. (Page 13, 9.)

The public attitude in NZ toward women receiving the DPB, attempting to bring up a family on their own while earning wages (which are likely to be much lower than a man doing equivalent work), or a woman who is the principal income earner of a family is not favourable.

Income and access to finance, education and training, high quality affordable child care, and basic infrastructure such as electricity, sanitation and accommodation must be seen as givens. The benefit system must be viewed as an agency providing an income for the beneficiary and thereby owned by the beneficiary to engage in the economy in their own right.

A pilot survey called IMF Gender Budgeting, looking at gender related statistics in financial inclusion, commenced in G7 countries in early FY2018¹⁰.

The economic participation of all members of society including beneficiaries is important for the growth output, exports, diversification and facilitation of more equal income distributions. Participation in the labour force would be expected to improve.

An article by Gavin O'Toole on the IMF Gender Budgeting paper highlights that the paper states policies can help to increase the supply of female labour and raise the net return to women of working. Regarding the family unit Most G7 economies, for example, have replaced family taxation with personal income taxes that reduce disincentives to work for second earners¹¹.

Other considerations, increasing opportunities

Income redistribution will lower poverty by reducing inequality¹². One of the aims of treating each individual as an economic unit is to factor in an entitlement to each individual in New Zealand and in doing this to effect redistribution. Transfers such as the basic income (BI) system proposed in this paper, coupled with access to health care, micro-credit, water, energy and transportation will boost people's capacity to generate income today and into the future.

Facilities to meet the additional demand for training, housing, health care (public such as vaccinations, dental, maternity and private ongoing/proactive engagement), public spaces, environment, social, artistic, self-employment and business allow generation of more income and better cross-community business prosperity in the medium and long term.

The other important aspect to bear in mind is when there are financial crises, such as that faced by NZ in the 1980's and early 1990's, the burden of adjustment inevitably falls on the most vulnerable - women, children, the low waged, the unemployed, and the beneficiary.

New ways to restructure debt and development of measures to protect heavily indebted nations from the vicissitudes of international credit markets are now being considered by the international community. Debt restructuring must also protect human rights, promote economic growth and allow for public spending on essential services.

The burden of a country's debt must not fall on those with the least. A fair and rapid debt workout process would bring significant benefits to the debtor country, and also to the poor, women and children¹³.

Conclusion

This review of the position of beneficiaries in New Zealand relative to the rest of the citizens of New Zealand highlights the burden placed upon beneficiaries due to the transfer payments they receive from government being regarded as a burden to the New Zealand taxpayer. Beneficiaries in New Zealand are not in a position to disburse the money they receive with the same freedom, or engage in relationships in the same manner as other New Zealanders.

This study notes that the Bill of Rights Act extends to property rights, but not to the right to an income, a means by which to live. There are persons in New Zealand without an income of their own who are not entitled to a benefit, and beneficiaries themselves have less choices available to them and may have burdens imposed on them that would not be the case for other New Zealanders which is counter to the principles of the BORA.

The study notes that the current benefit system treats women beneficiaries as if they were the property of a husband, father or brother, not as individuals with full legal entitlement to her own economic/financial means, property and choice of relationships and the restraints this imposes.

In the New Zealand welfare system the family unit is treated as if it was a firm. This is noted to be counterproductive to the rights of the individuals in that unit, and recommend that entitlement of each individual must take priority noting that each individual will act in concert in the family unit.

The entitlements of beneficiaries to an allowance to spend in the fashion that a wage and salary earner would, with the rights of freedom of movement, freedom to live with whom they choose and to participate in the economy must be enabled. This study proposes a universal allocation to all New Zealanders called a BASIC INCOME (BI) and offers suggestions regarding accommodation to open the market such that all New Zealanders will have options for housing.

To conclude, a complete reframing of the New Zealand benefit system is overdue. This study recommends a universal system of entitlement embracing full recognition, and equal footing of human rights and fundamental freedoms in the political, social, cultural, and any other field of public life, including freedom of relationships, for all New Zealanders. This aligns with the fast moving and productive policies being implemented internationally and is in keeping with the Sustainable Development Goals, advice from IMF and the international financial community.

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