

Home Education Foundation

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Media Release –Social Security Bill Is Unjustifiably Discriminatory, Says NZ Law Society

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Palmerston North, NZ – Monday, December 10 is International Human Rights Day, and as Parliament’s Select Committee hears submissions on the proposed Social Security (Benefit Categories and Work Focus) Amendment Bill, the issue of human rights has taken centre stage.

Many families are most concerned about the “social obligations” contained in the Bill, which will make early childhood education (ECE), registration with a medical provider, and attendance at Well Child checks mandatory for the children of beneficiaries. Barbara Smith, National Director of the Home Education Foundation of New Zealand, says that these “obligations” will infringe parental rights under international and New Zealand law.

“The UN’s Universal Declaration on Human Rights says that parents have a prior right to choose the kind of education given to their children,” says Mrs Smith. “And our own Care of Children Act leaves parents with the right to make decisions about their child’s education and health care.”

Surprisingly, the Attorney-General’s opinion on the Social Security Bill was that no human rights would be infringed by the social obligations. Mrs Smith explains:

“The Attorney-General concluded that the social obligations aren’t discriminatory because ‘they are designed to be beneficial.’ He went on to say that if discrimination does occur under the act, ‘the disadvantage is outweighed by the best interests of the child’.”

However the New Zealand Law Society, the premier legal association of New Zealand which regulates the profession, conducts professional development programmes and advises on law reforms like the Social Security Bill, submitted a different opinion to the Committee.

In their submission dated 2 November 2012, the Society stated, “The Law Society considers that the imposition of the specified social obligations...raises serious issues of discrimination.”

The Law Society went on to say that they had “carefully considered” the Attorney-General’s opinion and respectfully disagreed that the discriminatory treatment was justified. Discrimination on the grounds of employment is prohibited under the New Zealand Bill of Rights Act. According to the Society, they “would have expected to see substantially more evidence as to why such social obligations have to be imposed at all and upon this group alone.”

The Law Society praised the Bill’s intentions to improve the lot of beneficiary children. However, they say, “the means used to achieve them appear to be disproportionate.”

It also blasted the onerous sanctions contained in the Bill. “Harm is potentially much increased because of the sanctions regime...The benefits to be gained from the measures would not appear to be in due proportion to the harm done to the targeted group.”

The Law Society's reasons for believing the discrimination to be unjustifiable included the fact that no other New Zealanders are required to fulfill such obligations, that it will cause material disadvantage to beneficiaries owing to the 50% benefit sanctions, and that there is a lack of compelling evidence to show that the social obligations will improve the lives of New Zealand's children.

The Society also expressed concerns about the Chief Executive's undefined authority to apply sanctions to beneficiary families, and the Bill's failure to admit reasons for noncompliance such as cost and availability—and, the Home Education Foundation would add, different educational models.

In conclusion, the Law Society stated that the discrimination and hardship involved in the social obligations was disproportionate to the possible benefits gained. "The singling out of the whole group of parents... carries a real risk of stigmatising the affected group. There is no evidence that that group as a whole do not comply with the obligations or that they comply at significantly lower rates.."

New Zealand courts would at first glance consider this Bill discriminatory under the Bill of Rights, according to the Law Society.

"This Bill is a serious challenge to human rights in New Zealand," says Mrs Smith.

"Let's send a clear message. We stand with the unemployed."

The Home Education Foundation urges all concerned New Zealanders to contact their local MP about the human rights problems in this bill. More information on the bill can be found at www.hef.org.nz.

About the Home Education Foundation

The Home Education Foundation has been informing parents for 27 years about the fantastic opportunity to de-institutionalise our sons and daughters and to embrace the spiritual, intellectual and academic freedom that is ours for the taking. Through conferences, journals, newsletters and all kinds of personal communications, we explain the vision of handcrafting each child into a unique individual, complete with virtuous character, a hunger for service to others, academic acumen and a strong work ethic. For more information, please visit www.hef.org.nz or more specifically www.hef.org.nz/2012/make-a-submission-reject-compulsory-early-education-for-3-year-olds/

To learn more about this bill, please contact

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