



Report of the Petitions Committee

Petition of Sunday Blessings: Implement legislative & policy reforms to reduce food insecurity in Aotearoa NZ

June 2023

Contents

Recommendation.....	2
Request for legislative and policy reforms to reduce food insecurity.....	2
Comments from the petitioner	2
Formal legal recognition of the right to food	3
Addressing food insecurity through minimising food waste	4
Growing healthy food and self-determination in food-insecure communities	5
Comments from the Ministry of Foreign Affairs and Trade	5
Comments from the Ministry of Social Development	5
Comments from the Ministry of Health	6
Environment Committee 2020 report on briefing on food waste	7
Comments from the Ministry for the Environment.....	7
Reports on food waste from the Prime Minister's Chief Science Advisor.....	8
Comments from Angie Warren-Clark MP	8
Our response to the petition	9
Legal recognition of the right to food.....	10
A complaints mechanism for considering breaches of the right to food.....	10
A more equitable sharing of the responsibility for food rescue	10
Appendix.....	11

Petition of Sunday Blessings

Recommendation

The Petitions Committee has considered the petition of Sunday Blessings—Implement legislative & policy reforms to reduce food insecurity in Aotearoa NZ—and recommends that the House take note of its report.

Request for legislative and policy reforms to reduce food insecurity

The petition was presented to the House on 17 May 2022. It requests:

That the House of Representatives implement legislative and policy reforms to: recognise that adequate food is a fundamental human right; increase accessibility to nourishment and food security by food waste minimisation; enable and protect growth of safe food; and promote self-determination in food-insecure communities.

Comments from the petitioner

Sunday Blessings is a community organisation that describes itself as the biggest community meal provider in central Auckland. It provides meals on Sunday evenings in Tāmaki Makaurau—Auckland and works in partnership with other community groups to ensure that a meal is available every night in central Auckland.¹ It was represented in its oral submission by Danielle LeGallais, Kira Havemann, and Professor Kris Gledhill.

Sunday Blessings has worked since 2018 in the areas of food rescue, food distribution, and food law reform. It told us at the time of its oral submission in October 2022 that it has provided over 67,000 meals, predominantly from rescued food, to Auckland’s unhoused community.² However, it believes that providing community meals is only an immediate response to a long-term and systemic problem. It submitted that systematic change is necessary to eliminate food insecurity in New Zealand. Its petition seeks:

- formal recognition of the right to food in New Zealand law
- a process for promoting food security through minimising food waste
- support for initiatives that enable and protect the growth of healthy, safe food
- self-determination by food-insecure communities over their own food supply.

Ms LeGallais told us she had personal lived experience of food insecurity and homelessness. She explained that, of the four requests in their petition, Sunday Blessings’ top priorities are formal legal recognition of the right to food and a mechanism to consider complaints.

¹ More information about the work and aims of Sunday Blessings is [on their website](#).

² “Rescued food” refers to surplus food, for example from producers, retail, and hospitality businesses, which is distributed through community meals or community networks instead of being dumped in landfills.

Formal legal recognition of the right to food

New Zealand has acknowledged the right to food in international human rights agreements and covenants. However, Sunday Blessings says that this commitment—and a way to remedy breaches of that right—has not yet been translated into New Zealand legislation.

The international agreements include:

- the International Covenant on Economic, Social and Cultural Rights (ICESCR), article 11, which recognises the right to an adequate standard of living and to freedom from hunger³
- the Universal Declaration of Human Rights, article 25, which recognises the right to an adequate standard of living.⁴

Sunday Blessings believes that the Crown also has relevant responsibilities under article 3 of Te Tiriti o Waitangi—the Treaty of Waitangi. It told us that disproportionate numbers of Māori, women, and Pacific people experience food insecurity in New Zealand. The petitioner acknowledges that this falls short of discrimination as prohibited under the Human Rights Act 1993. However, it believes that disproportionate food insecurity amounts to discrimination against those communities.

Ms LeGallais pointed to an assessment by the Human Rights Measurement Initiative (HRMI) of how well countries are using their resources to fulfil people's right to food. In April 2023 the HRMI assessed New Zealand as scoring second-to-last among 36 OECD countries.⁵ Sunday Blessings also drew our attention to news reports that New Zealand produces enough food to feed 40 million people, but still has 33 percent of households reporting only moderate food security, and 7 percent experiencing low food security.⁶

Sunday Blessings is concerned that New Zealanders do not have access to a complaints process to consider breaches of economic rights, including the right to food. It told us that people suffering from food insecurity at disproportionate and discriminatory rates have no recourse under New Zealand's current legal framework. It said that, for these groups, the right to food, the right to be free from discrimination, and the natural justice right to be heard are not adequately observed.

Sunday Blessings requests that New Zealand ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (the ICESCR Optional Protocol).⁷ This would provide a process by which individual complaints could be considered by the United

³ The full text of the International Covenant on Economic, Social and Cultural Rights is available on the website of the Office of the United Nations High Commissioner for Human Rights. The Covenant was adopted by the United Nations on 16 December 1966, and was ratified by New Zealand on 28 December 1978.

⁴ The full text of the Universal Declaration of Human Rights is available on the website of the Office of the United Nations High Commissioner for Human Rights. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948.

⁵ Human Rights Measurement Initiative, [Right to food](#), OECD, 2022.

⁶ Radio New Zealand, [Calls to 'feed the 5 million first' before exporting New Zealand food](#), 31 July 2021.

⁷ The full text of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is available on the website of the Office of the United Nations High Commissioner for Human Rights. The Optional Protocol was adopted by the United Nations Human Rights Council on 18 June 2008, and entered into force on 5 May 2013. New Zealand has not ratified the Optional Protocol.

Nations Committee on Economic, Social and Cultural Rights (CESCR). The CESCR recommended in 2018 that New Zealand consider ratifying the Optional Protocol.⁸

Addressing food insecurity through minimising food waste

Sunday Blessings told us that it has been able to provide community meals from surplus food that might otherwise be wasted. The petitioner says that, despite being a food-producing and food-exporting country, New Zealand lets many of its non-export food resources go to waste. Sunday Blessings would like Parliament to make it illegal to dump surplus retail food that is still edible. It sees this as aligning with the United Nations Sustainable Development Goal 2 on ending hunger.⁹ It believes that this is also in line with the Government's stated intention to separate food waste from rubbish by 2030.¹⁰

Members of our committee are familiar with local community food rescue and food distribution networks in our own electorates. Some of the local groups we are connected to include groups collecting surplus food from supermarkets, groups that prepare and distribute meat from culling pest animals, and groups collecting reject vegetables that do not meet export quality standards and might otherwise be ploughed back into the ground.

We asked how food rescue is organised in Tāmaki Makarau. We heard that Sunday Blessings is now part of the Aotearoa Food Rescue Alliance. However, Ms LeGallais said Sunday Blessings had experienced barriers to creating relationships with food producers and retailers. She said it had been a long, exhausting process, and there are ongoing issues. One problem is that retailers and some community groups have exclusive contracts to collect food from Monday to Friday. She told us such contracts prevent other community groups from being able to collect food at weekends.

Ms LeGallais feels that community organisations have been left to carry the burden of responsibility for collecting and distributing surplus retail food. She would like this responsibility to be shifted to government and the private sector. She told us that there is a lot of invisible work undertaken by community groups to build relationships with retailers, and to collect and redistribute food. She feels that community groups do not have enough support to make the most of opportunities in the food rescue sector.

Sunday Blessings asks the Government to provide support and infrastructure to help community groups and retailers. The petitioner noted at the same time that diverting surplus food waste will not solve New Zealand's food poverty on its own. She said that, despite a blossoming of local initiatives, New Zealand's efforts to overcome food insecurity are still not producing good outcomes.

⁸ United Nations Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of New Zealand, 2018. Recommendation 51, page 10

⁹ The Sustainable Development Goals (SDGs) are 17 goals adopted by the United Nations in 2015 which aim to address poverty, improve health and education, and spur economic growth, while tackling climate change and working to preserve oceans and natural resources. More information about the SDGs [is available on the website of the United Nations Department of Economic and Social Affairs](#).

¹⁰ Hon David Parker, Minister for the Environment: [Standard kerbside recycling part of new era for waste system](#), 29 March 2023.

Growing healthy food and self-determination in food-insecure communities

The petitioner asks that the Government work with local organisations to offer “empowering and educational experiences centred on regenerative community gardens”. It recommends partnerships with schools benefitting from the Healthy Lunches programme, as well as with local government, iwi, and hapū.

Comments from the Ministry of Foreign Affairs and Trade

The Ministry of Foreign Affairs and Trade addressed the question of whether New Zealand has an obligation to incorporate international agreements into domestic legislation. The ministry acknowledged that the right to food is recognised in the ICESCR and the Universal Declaration of Human Rights, which have both been ratified by New Zealand. However, it said New Zealand is not required to incorporate the right to food into domestic legislation.

The ministry said that the CESCR itself recognises that it is a common misconception that the right to food requires states to directly feed their people. Instead, the ministry told us, New Zealand’s approach is that the right to food will be achieved progressively through measures that respect and protect the rights of individuals to feed themselves. The ministry said direct food assistance is usually only required during times of emergencies, such as natural disasters.

We asked whether any countries have enshrined the right to access to food in domestic legislation. The ministry told us that the CESCR recognises that different states will implement the right in different ways. However, the CESCR encourages states to consider adopting legislative measures, such as a framework law covering the right to food.

The ministry said some signatory states to the ICESCR take little domestic action, while others take a similar approach to New Zealand in progressively implementing over time the right to food through policy and legislation. It advised that some countries have responded formally to enshrine the right to food in their specific constitutional and legislative contexts. These include:

- formal recognition of the right to food in constitutions (Bolivia, Brazil, Cuba, Ecuador, Mexico, Nepal, South Africa)
- recognition in constitutions of broader rights, such as the right to an adequate standard of living, which are understood to include the right to food (Czech Republic, Ethiopia, Romania)
- enactment of framework laws which direct policy and practice across government with a view to securing the right to food (Brazil, Dominican Republic, Ecuador, Guatemala, Indonesia).

Comments from the Ministry of Social Development

The Ministry of Social Development told us that New Zealand agreed in 2019 to consider acceding to the ICESCR Optional Protocol. The ministry acknowledged that this could allow people to take complaints to the CESCR once domestic remedies were exhausted. The ministry said New Zealand will need to address this recommendation in its next report to the

United Nations Human Rights Council in 2024. It told us that the Ministry of Justice is the lead agency on the ICESCR, but that no work is currently under way on the ICESCR Optional Protocol.

According to the ministry, although the right to an adequate standard of living and the right to food are not expressly recognised in New Zealand legislation, there are legislative provisions that support the realisation of these rights in practice. The ministry recognises that income inadequacy is a driver of food insecurity in New Zealand. Specific responses for individuals and families experiencing food hardship in New Zealand's income support system include Special Needs Grants, which are part of the Hardship Assistance Programme.¹¹

The ministry said that in recent years its response has expanded from meeting individual needs to supporting community food provision. In the COVID-19 Recovery Budget in 2020, the Government committed funding of \$32 million for its Food Secure Communities programme.¹² This was expanded in 2021. The Food Secure Communities programme funds three national partner organisations, and aims to increase the supply of surplus food to community providers.

On 26 June 2023, the Government announced a further \$6 million for food banks and community food providers, in addition to \$24 million in Budget 2023 for longer-term solutions to address food insecurity.¹³

Comments from the Ministry of Health

The Ministry of Health said its 2019 report on *Household Food Insecurity among Children* found that food insecurity is inequitably distributed among ethnic groups.¹⁴ It reported that children in food-insecure households have worse health and more risk factors for health, and their caregivers were more concerned about their development. It said that food insecurity, poverty, and material deprivation all contribute to this.

The ministry said its contribution to national discussions on food insecurity focuses on the benefits of a healthy diet to the overall health of New Zealanders. This includes providing advice on healthy eating and activity, work on food labelling, and undertaking research on nutrition. It also works in partnership with other government agencies, such as supporting the Ministry of Education with initiatives such as "water only schools" and Ka Ora, Ka Ako (Healthy School Lunch Programme).

¹¹ More information on hardship assistance for food through the Ministry of Social Development is [available on the website of Work and Income](#).

¹² More information on the Food Secure Communities programme is [available on the website of the Ministry of Social Development](#).

¹³ Hon Carmel Sepuloni, Minister for Social Development, [Media release: Food banks to get Government top-up](#), 26 June 2023.

¹⁴ Ministry of Health: *Household food insecurity among children: New Zealand health survey, 2019*, [is available on the website of the Ministry of Health](#).

Environment Committee 2020 report on briefing on food waste

The Environment Committee of the 52nd Parliament held a briefing to investigate food waste in New Zealand.¹⁵ The committee recommended in its final report in March 2020 that the Government:

- adopt a national definition of and measure of food waste
- include a reduction target to reduce food waste as part of a national waste strategy and implementation plan.

The committee encouraged the Government to take a three-step approach for reducing food waste: “target, measure, and act”. It noted that its report and recommendations were focused on the first two of these steps, to target and measure food waste, with a view that making informed decisions about specific actions would follow these steps.

The Government agreed with the committee’s recommendations in its formal response to the report.¹⁶ It said that the Ministry for the Environment would develop a definition and measure of food waste, and a food waste reduction target, as part of its work on a new waste strategy for New Zealand. We were pleased to learn from the ministry about progress being made on those matters.

Comments from the Ministry for the Environment

The Ministry for the Environment is developing a National Waste Strategy, including a definition of food waste, and obtaining baseline data about food waste as part of its work to reduce and manage food waste. Its work includes funding food rescue groups and supporting strategic partnering with groups that are diverting food waste from landfills.

The ministry submitted that its priority is to reduce overall food waste, rather than intervening to divert food waste to other purposes, such as feeding people or animals. It notes that if this strategy is successful, there may be less surplus food available from producers, retailers, and outlets for distribution through community food providers.

We asked how many councils provide kerbside food and organic waste collections, and what happens to this waste once it is collected. The ministry replied that, as of October 2022, 16 out of 67 territorial authorities were providing a food or garden waste collection, with a further 5 intending to start in 2023 or 2024.

Funding to support councils to plan and implement food scraps collections is available from the Waste Minimisation Fund.¹⁷ The \$120 million fund was established in 2010. Reducing food waste and diverting it from landfills is a key focus of the fund. Two-thirds of councils have expressed interest in food waste collection or submitted an application to the fund. The ministry told us that most food and garden waste collected in kerbside collections is composted.

¹⁵ Environment Committee of the 52nd Parliament, [Briefing to investigate food waste in New Zealand](#), March 2020.

¹⁶ The Government Response to Report of the Environment Committee on The Briefing to Investigate Food Waste in New Zealand is [available on the Parliament website](#).

¹⁷ Information on the Waste Minimisation Fund [is available on the website of the Ministry for the Environment](#).

Reports on food waste from the Prime Minister's Chief Science Advisor

The petitioner and the ministries noted in their submissions that food waste and food rescue are currently the focus of a series of reports by the Prime Minister's Chief Science Advisor.¹⁸ Two reports have been released to date, which summarise the current state of government and community efforts to minimise food waste, including rescuing and redistributing food. We were told that the as-yet unreleased final reports in this series are expected to outline systemic changes that can be made in New Zealand to build a more sustainable sector.

Comments from Angie Warren-Clark MP

We invited an oral submission from Angie Warren-Clark MP, who has a particular interest in the issues raised in this petition. She acknowledged that, while the petitioner applies a human rights lens to food insecurity concerns, she applies a sustainable development lens. Goal 2 of the United Nations Sustainable Development Goals aims to end hunger and ensure access by all people to safe and nutritious food.

Ms Warren-Clark recognises that many local community groups are undertaking important work to rescue and redistribute food. She told us that the New Zealand Food Network was formed during the COVID-19 pandemic. It consists of 61 groups across New Zealand. The Aotearoa Food Rescue Network also was formed at the same time.

Surplus food has value, Ms Warren-Clark told us, and it costs money to dump food in landfills. She said community organisations saving this food from being dumped are achieving value by donating it onwards, while also contributing to improved environmental outcomes.

Ms Warren-Clark acknowledged the challenges facing small community groups working to rescue food. She said that the multiple difficulties mentioned by the petitioner are confirmed in the reports on food waste being produced by the Prime Minister's Chief Science Advisor. She said it can be difficult for volunteers to manage the logistics of moving bulk amounts of fresh food promptly when they become available.

We recognised that there can be competing goals in managing surplus food. For example, policy that aims to reduce the amount of surplus food that supermarkets produce could improve environmental outcomes, but may have unintended consequences in also reducing food available to be redistributed through community organisations. We asked Ms Warren-Clark whether she has a preferred approach in considering possible lines of action.

Ms Warren-Clark told us she favours approaches that enable New Zealand to better plan and manage the food needed for domestic use and export, without creating waste or surplus food. She does not favour approaches that encourage constant over-production of food, which then needs to be managed through waste streams. She said that the focus has often been on food waste from retail, such as extra bread from supermarkets. However, little is known about the amount of food discarded in the agricultural, manufacturing, and packaging

¹⁸ Office of the Prime Minister's Chief Science Advisor, [Food waste: a global and local problem](#), July 2022, and [Food rescue in 2022: Where to from here?](#), October 2022.

stages of food production. She agrees it is not sustainable to put the onus on food rescue organisations, rather than on producers or retailers, to find uses for surplus or waste food.

Some of us asked why the recommendations of the 2020 Environment Committee report are not being implemented more quickly. Ms Warren-Clark replied that she believes progress is being made in a careful and considered way. She said the increase in the levy for dumping food in landfill is providing an income stream for investment in alternatives. She thinks that change is slowly gathering momentum.

Our response to the petition

We acknowledge the contribution Sunday Blessings has made and continues to make in ensuring hungry people receive warm and nourishing meals. We appreciate also the work it undertakes so that surplus food is distributed to people who need it, rather than going to landfill. We recognise that this is a voluntary community contribution, which itself eats into time for family, study, work, and leisure. We thank the petitioner and all the dedicated people who contribute to the work of Sunday Blessings.

We agree that there is no single way of ensuring the right to food. We recognise that some political parties may prefer market mechanisms, while others may prefer social welfare approaches. However, we acknowledge that both international and local measurements indicate there is room for improvement. New Zealand needs to ensure that food reaches people rather than ending up in landfills.

Members of our committee have different forms of practical experience in engaging with community organisations who respond to issues of hunger and food waste. We value the contributions made by so many people in their local communities. We recognise that it is not possible for any one section of society alone to solve complex issues of food insecurity. Responses to food insecurity and food waste need the ongoing contributions of the public, private, and community sectors.

At the same time, we hear clearly the petitioner's view that the responsibility for building the infrastructure to redistribute unwanted food rests too heavily on the shoulders of the community sector. We acknowledge that the work of individuals and community organisations can only go so far. We hear the petitioner's request for structural reform through legislative and policy action by Government.

The questions of food insecurity and food waste raised by this petition are significant. We acknowledge that significant work streams are under way across several departments to address different aspects. In particular, we see that the matters of minimising food waste and increasing food rescue are being commented on through a series of reports by the Prime Minister's Chief Science Advisor. We also note that the recommendations of the Environment Committee's 2020 report on food waste are being implemented through the work of the Ministry for the Environment on its National Waste Strategy.

We focus our comments on three areas of importance to the petitioner: legal recognition of the right to food, a complaints mechanism for considering breaches of the right to food, and a more equitable sharing of the responsibility for food rescue.

Legal recognition of the right to food

The Sunday Blessings petition seeks formal recognition of the right to food in New Zealand's legislation. We note that economic, cultural, and social rights, including the right to food, are currently not included in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

We believe New Zealand's existing approach to progressively implementing the right to food through different areas of policy and legislation is appropriate in this country's context. However, we acknowledge that there is not a clear legal reference point for the right to food. We encourage the Government to consider consolidating and clarifying the right to food in New Zealand policy and legislation.

A complaints mechanism for considering breaches of the right to food

The Sunday Blessings petition seeks a complaints mechanism for considering breaches of the right to food. The specific request made in the petitioner's submission is that New Zealand ratify the ICESCR Optional Protocol. We note again that the United Nations CESCR recommended in 2018 that New Zealand accede to this Optional Protocol and that New Zealand agreed in 2019 to consider this recommendation.

We recognise that the petitioner seeks a complaints process on economic, social, and cultural rights, such as that provided through the ICESCR Optional Protocol. However, we do not believe this would be the best use of limited local resources for addressing food insecurity. The Government should consider increasing resourcing for food programmes rather than setting up a complaints process.

A more equitable sharing of the responsibility for food rescue

We acknowledge Sunday Blessings' perspective that the responsibility for building food rescue infrastructure and relationships is resting heavily on the community sector.

We encourage the Government to investigate whether current policy settings ensure that the responsibility for distribution of surplus food is equitably shared between the public, private, and community sectors. This may include consideration of whether funding streams, such as through the Food Secure Communities programme or the Waste Minimisation Fund, are appropriately targeted.

Appendix

Committee procedure

The petition was referred to us on 17 May 2022. We met between 11 August 2022 and 29 June 2023 to consider it. We received written submissions from the petitioner, the Ministry for the Environment, the Ministry of Foreign Affairs and Trade, the Ministry of Health, and the Ministry of Social Development. We received oral submissions from the petitioner and Angie Warren-Clark, MP.

Committee members

Hon Jacqui Dean (Chairperson)
Rachel Boyack (to 8 February 2023)
Dr Liz Craig (8 February 2023 to 3 May 2023)
Shanan Halbert (to 23 August 2022)
Steph Lewis (23 August 2022 to 8 February 2023)
Nicole McKee
Todd Muller (to 19 October 2022)
Sarah Pallett
Jamie Strange (from 8 February 2023)
Teanau Tuiono
Hon Poto Williams (from 3 May 2023)

Chlöe Swarbrick and Angie Warren-Clark participated in some of our work on this petition.

Evidence received

The documents we received as evidence in relation to this petition are available on the Parliament website. Recordings of our hearings can be accessed online at the following links:

- [Hearing of evidence 27 October 2022](#)
- [Hearing of evidence 7 December 2022](#)