**Tax Working Group Information Release**

**Release Document**

**September 2018**

**taxworkingroup.govt.nz/key-documents**

***This paper contains advice that has been prepared by the Tax Working Group Secretariat for consideration by the Tax Working Group.***

***The advice represents the preliminary views of the Secretariat and does not necessarily represent the views of the Group or the Government.***

# Coversheet: **Tax and gender**

*Background Paper for Session 12 of the Tax Working Group*
*June 2018*

## Purpose of discussion

This background paper is for the Group's information. It:

- Provides some information about the distribution of income and wealth from a gender perspective, and describes the impact of the tax system on households with two earners.
- Comments on the tax treatment of childcare costs and its relevance to women's opportunities to participate in the workforce.
- Briefly comments on research on tax compliance and its relevance to gender.
- Summarises the other main points made by submitters on the *Future of Tax* that relate to gender.

## Key points for discussion

- Does the Group agree with the Secretariat's overall judgment that childcare costs should not be deductible?
- Is there any further information or advice that the Group would like?

## Recommended actions

We recommend that you:

a **note** that several submitters proposed that the Group apply a gender lens in its consideration of the tax system.

b **note** that the Government has established a Welfare Expert Advisory Group which will be considering the interactions between the welfare and tax systems (including Working for Families payments).

c **note** the Secretariat's view that childcare costs should not be deductible.

# Taxation and Gender

*Background Paper for Session 12*
*of the Tax Working Group*

June 2018

*Prepared by the Inland Revenue Department and the Treasury*

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# 1. Introduction

1. The Group has asked for information on the interaction between gender and tax.

2. Many organisations that submitted on *The Future of Tax* also raised gender-related issues.[1]

3. This paper:
   - Provides information about the distribution of income and wealth from a gender perspective, and describes the impact of the tax system on households with two earners (Chapter 2).
   - Comments on the tax treatment of childcare costs and its relevance to women's opportunities to participate in the workforce (Chapter 3).
   - Briefly comments on research on tax compliance and its relevance to gender (Chapter 4).
   - Summarises the other main points relating to gender made by organisations who submitted (Chapter 5).

4. A number of submitters proposed that the Group apply a gender perspective as part of its consideration of the structure, fairness and balance of the tax system. That is, there should be consideration of how tax policy may impact differently on women and men.[2]

5. New Zealand's tax rules do not distinguish on the basis of gender. That is, the tax rules apply to people regardless of their gender. Nevertheless, it is possible that aspects of the tax system may, in effect, impact on women and men in different ways. This may be because, for example, there are overall differences in women's economic positions compared to men, and because men and women tend to have different experiences of parenthood.

6. Peoples' economic circumstances - including their income and wealth - will of course differ. These differences can relate to a combination, or "intersection", of other factors as well as gender. These other factors can include ethnicity, age, marital/partnered status, parenthood, education, or disability status.

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1 Organisations who commented on gender issues included: National Council of Women of New Zealand; New Zealand Public Service Association; New Zealand Council of Christian Social Service; New Zealand College of Midwives; Federation of Women's Health Councils; the Ministry for Women; and the Ministry of Business, Innovation and Employment.

2 Some submitters referred to this as "Gender responsive budgeting" or Gender sensitive budgeting". This usually means considering what impact Government spending (including concessions through the tax system), has on women. More broadly, this can involve applying a gender lens to test the distributional impacts of policies, including tax policies.

7. This paper comments specifically on two of the issues raised by submitters, which we think are important issues that interact with core elements of the tax system:
    - The distribution of income and wealth between men and women. We consider that household composition is important in understanding the impact of tax on women.
    - The tax treatment of childcare costs, as these are likely to impact on women's opportunities to participate in the workforce to a greater extent than men's.

8. Several submitters commented on the gender implications of the interaction between the tax and welfare system (such as abatement of benefits and the applicable tax rate when on a benefit). This can impact on income adequacy for, in particular, households with women and children, and on the workforce participation of women.

9. The adequacy of the personal tax system and its interaction with the transfer system is outside the scope of the Group's work. The Government has established a Welfare Expert Advisory Group which will be considering the interactions between the welfare and tax systems (including Working for Families payments).

10. Accordingly, while we recognise the importance of the interaction between the tax and welfare systems, this paper does not discuss this issue.

11. Other issues raised by organisations included:
    - The impact of tax cuts on women
    - An exemption from GST for sanitary items
    - Compliance costs for home-based or women-run businesses, and
    - Collection of better data about hours worked by parents for research purposes.

12. A number of submitters commented on specific incentives that they considered could be provided through the tax system, including:
    - Incentives for unpaid labour in the home
    - Incentives for volunteer work, and
    - Incentives for flexible employment arrangements (including KiwiSaver).

13. We briefly comment on these other issues in Chapter 5 of this paper.

# 2. Distribution of income and wealth from a gender lens

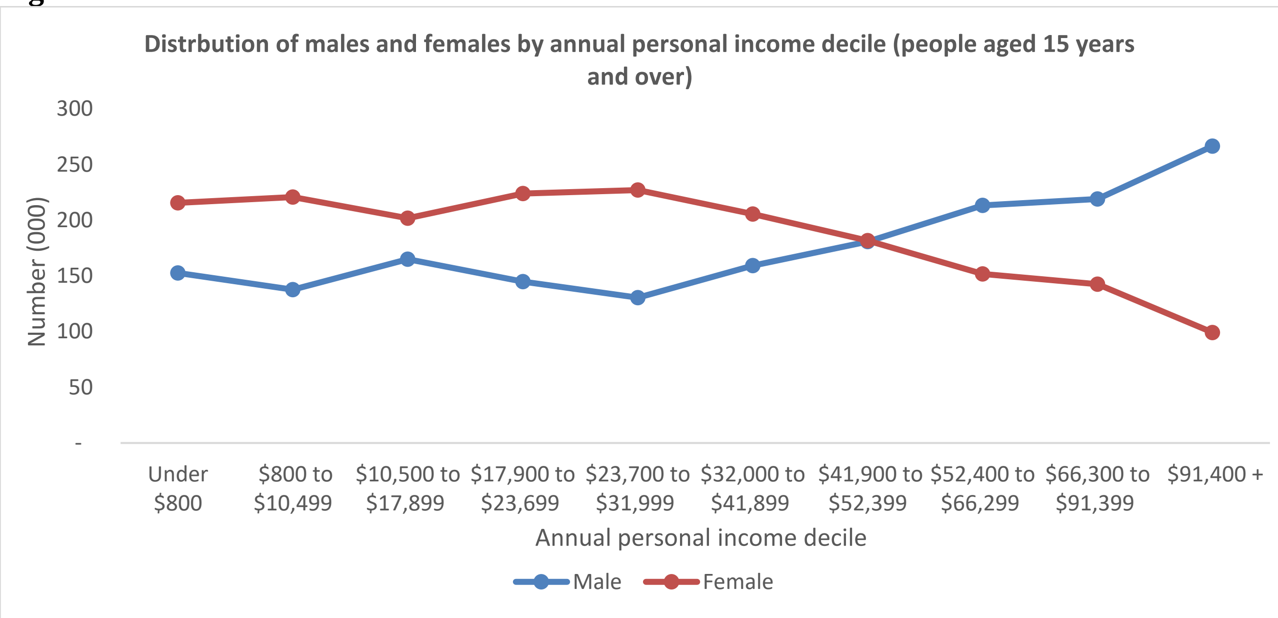
***Distribution of income and wealth***

14. There are differences in distribution of wealth and income between women and men. These differences are not necessarily as large as those relating to age groups, ethnicity, and household composition.

**Income**

15. Overall, women's personal income levels are less than men's. The average annual income of women is $36,600, and the average income of men is $55,100. The median annual income of women is $26,700, and the median annual income of men is $42,100[3]. Figure 1 shows the distribution of men and women by income decile.

**Figure 1**



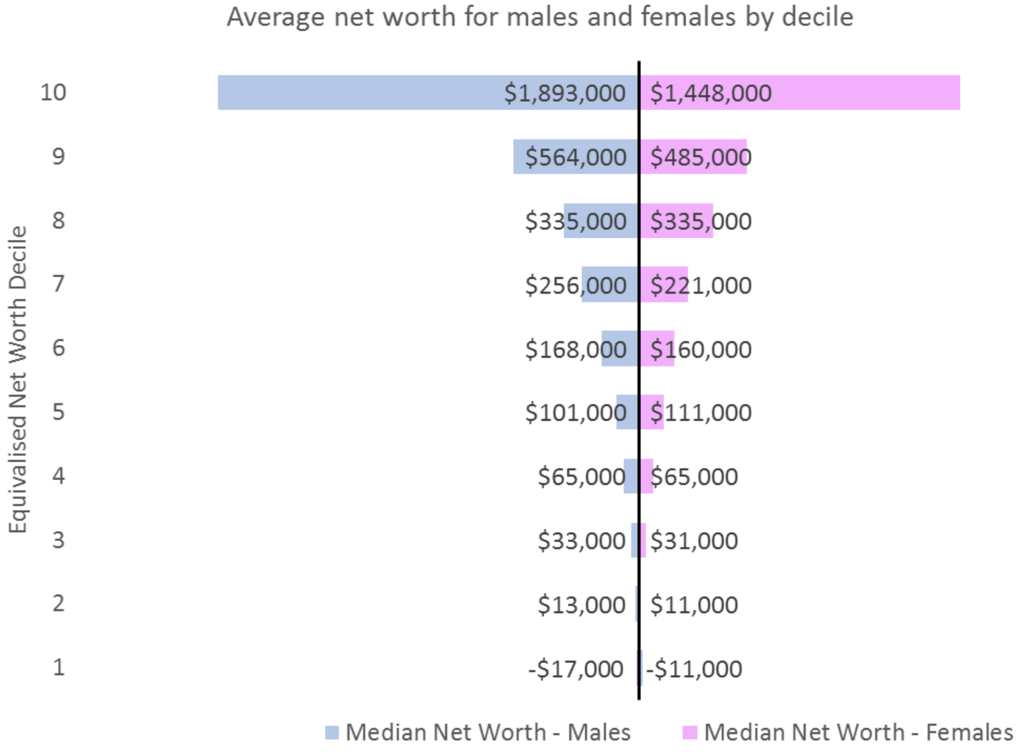

[Source: Household Economic Survey 2016 with Treasury calculations]

**Wealth**

16. Median net worth is $86,000 for women and $88,000 for men. Mean (average) net worth is $264,000 for women and $332,000 for men. Average net worth for males and females by decile is shown below:

[3] Household Economic Survey 2014/15 with Treasury calculations. The results presented here are the work of Treasury, not Statistics New Zealand.

**Figure 2: Average net worth for males and females by net worth decile**




[Source: Household Economic Survey 2014/15 - Treasury calculations]

17. These differences between men's and women's income and wealth reflect several factors. These include:
    - the tendency for women to spend fewer hours in paid employment upon motherhood,
    - the tendency for women to take breaks from the labour market upon motherhood,
    - the gender wage gap,
    - women's unpaid labour contributions to a household, and
    - women's greater longevity than men (which means that women have a longer period of retirement than men).

18. People's income and wealth will of course differ. These differences may relate to a combination, or "intersection", of other factors as well as gender. These can include ethnicity, age, marital/partnered status, parenthood, education, and disability status.

***The household unit***

19. In the context of gender, the family/household is significant as an economic unit. Government policies are generally set on the assumption that income and wealth are

shared within households that are a "nuclear family".[4] Many of New Zealand's legislative settings recognise societal expectations that income and wealth (and by implication, consumption of that income/wealth) are shared, at least to some extent, when people are in a relationship.

20. Women work fewer paid hours because of other family responsibilities such as childcare, and therefore are frequently the lower income earner in a household where there are two earners[5].

21. The progressivity of the income tax system means that lower income household earners are taxed less, as a proportion of their income, than higher income household earners. This means that for a given level of household pre-tax income, a household which includes lower income earner will have a higher after-tax income than a household with only a single earner.

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[4] For example, in calculating Working for Families tax credits, a partner's income is taken into account in determining the applicant's tax credits. The Property (Relationships) Act 1976 provides "default" rules for how property is to be allocated in the event that a long-term domestic relationship or marriage ends. The starting point for these default rules is equal division of "relationship property" (which includes the family home and, generally speaking, other property obtained after the start of the relationship that was used for the common use or benefit of the partners). It is possible to contract out of the Property (Relationships) Act 1976.

[5] In this paper we refer to the person who earns less income in a household where there are two adult earners as the "lower income household earner".

22. The following table illustrates the impact of the progressive tax scales on a household with one earner compared to a household with two earners (with both households having the same before-tax income). In this scenario, while the total before-tax incomes of both households are the same, the household which has a lower income earner will pay approximately $5000 less tax than a household with a sole earner[6].

**Table 1**

| | **Household with a single earner** | **Household with two earners** |
|---|---|---|
| Before-tax income of <u>higher</u> income household earner | $90,000 | $60,000 |
| Income tax paid by <u>higher</u> income household earner | $20,620 | $11,020 |
| Before-tax income of <u>lower</u> income household earner | N/A | $30,000 |
| Income tax paid by <u>lower</u> income household earner | N/A | $4,270 |
| ***Before-tax income of household*** | ***$90,000*** | ***$90,000*** |
| ***Income tax paid by household*** | ***$20,620*** | ***$15,290*** |

23. While the "nuclear" household[7] is still the most common family form, family composition in New Zealand has been shifting over time and may continue to shift. This may have future impacts on the distribution of income and wealth from a gender perspective. For example, there have been trends towards more diverse family forms and arrangements, such as more people living alone, sole parents, and multigenerational households (Superu 2018).

[6] If they have children, both households may be entitled to WfF tax credits depending on the number of children they have. The amount of WfF tax credits would be the same regardless of whether the income was earned by the household with a single earner or by the household with two earners. If the household with two earners does not receive WfF tax credits, the lower income household earner of that household would be entitled to the independent earner tax credit (which is $520 per year).

[7] A couple with or without children.

# 3. Impact of childcare costs on women’s ability to participate in workforce

**Women’s participation in the workforce**

24. While women’s participation in the workforce has increased over recent years, and New Zealand’s overall rate of women participating in the workforce is higher than the OECD average, it is still generally lower than men’s. Table 2 shows the labour force participation for men and women aged between 15-64.

**Table 2: OECD labour force participation rates – Percentage of population aged 15-64**

| | | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|---|---|---|---|
| New Zealand | Men | 78.2 | 78.3 | 77.4 | 78.3 | 79.7 | 79.6 | 80.7 | 81.9 |
| | Women | 66.5 | 67.1 | 66.8 | 67.7 | 69.1 | 69.2 | 70.7 | 72.0 |
| | All persons | 72.2 | 72.5 | 72.0 | 72.8 | 74.2 | 74.3 | 75.6 | 76.9 |
| OECD countries | Men | 72.6 | 73.0 | 73.1 | 73.1 | 73.7 | 74.2 | 74.9 | 75.5 |
| | Women | 56.6 | 56.8 | 57.1 | 57.5 | 58.0 | 58.6 | 59.4 | 60.1 |
| | All persons | 64.5 | 64.8 | 65.0 | 65.2 | 65.8 | 66.3 | 67.0 | 67.8 |

[Source: OECD Stats]

25. It is likely that the gap in labour market participation largely relates to parenthood. While parenthood responsibilities have changed over time, with men taking on an increased share, submitters commented that parenthood responsibilities still tend to fall disproportionately on women. Research indicates that labour market participation rates are lower for mothers than for other groups (although labour market participation for mothers has increased over recent years (Flynn and Harris 2015)). Men do not show any tendency to decrease their employment post parenthood (Sin, Dasgupta and Pacheco 2018).

26. Table 3 shows the labour force participation for men and women aged between the ages 25-34, when people are more likely to have young children. New Zealand has a significant gap between the participation rates of men and women in this age group, although this is similar to the OECD average. New Zealand has higher employment rates for both men and women within this age group than the OECD average.

**Table 3: OECD labour force participation rates – Percentage of population aged 25-34**

| | | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|---|---|---|---|
| New Zealand | Men | 86.0 | 86.1 | 85.2 | 87.6 | 87.8 | 88.1 | 88.5 | 90.2 |
| | Women | 64.7 | 68.5 | 67.5 | 68.1 | 69.0 | 69.2 | 71.9 | 73.8 |
| | All persons | 75.0 | 77.0 | 76.0 | 77.5 | 78.1 | 78.4 | 80.1 | 81.9 |
| OECD countries | Men | 82.7 | 83.0 | 83.1 | 82.8 | 83.2 | 83.8 | 84.3 | 84.8 |
| | Women | 63.5 | 63.6 | 63.9 | 64.3 | 64.8 | 65.3 | 66.2 | 67.2 |
| | All persons | 73.1 | 73.3 | 73.5 | 73.5 | 74.0 | 74.5 | 75.2 | 76.0 |

[Source: OECD Stats]

27. There is a significant degree of diversity within this group. A number of factors relate to mothers' participation in the workforce. These include being a sole or partnered mother, the age of the youngest dependent child, and level of qualifications/income prior to having children. For example, the proportion of sole mothers who are employed is 57.8%, and proportion of partnered mothers who are employed is 69.6%.[8] (Flynn and Harris 2015).

28. Women with lower incomes before childbirth are far less likely to return to work. Women with higher education/higher earnings before becoming parents return to employment more quickly post-children and are more likely to subsequently remain employed. This is likely to be as a result of their higher opportunity costs of time out of employment. (Sin, Dasgupta and Pacheco 2018).

**Childcare costs**

29. For parents of young children, a significant cost of earning income through labour can be childcare. Several submitters commented that the responsibility of childcare tends to fall disproportionately on women. Accordingly, after-tax childcare costs are more likely to have an impact on mothers' participation in the workforce than fathers'.

30. Literature indicates that the labour force participation of mothers of pre-school children is sensitive to childcare costs, with elasticities in the range of -0.1 to -0.8 (i.e. for every 1% increase in the cost of childcare, maternal employment rates drop by 0.1 – 0.8%). There is some evidence that the labour participation for higher income/ more highly educated mothers is less sensitive to changes in childcare costs than labour participation for lower income women. (Knox 2012).

31. By impacting on parents' ability to fully participate in the workforce, childcare costs may impact on human capital (as described in the Living Standards Framework).

[8] This difference in employment rates appears to persist even as the youngest dependent child gets older.

32. Some submitters proposed that there should be consideration of whether the tax system could assist with these childcare costs to enable women to participate in the workforce more fully.

***Non-deductibility of childcare costs***

33. Some countries allow childcare costs to be fully or partly deductible (such as Canada, Austria and Belgium). Others, such as New Zealand and Australia, do not.

34. Where expenditure is "deductible", the amount is subtracted from the person's income for the purposes of determining their income tax liability.

35. It is possible that the cost of childcare that is incurred while a caregiver works in paid work may satisfy the "nexus" test for deductibility in the Income Tax Act 2007. Expenditure by an individual is deductible if there is a sufficient nexus between the expenditure and the income-earning process of the individual.

36. However, a longstanding principle of tax law is that expenditure of a private or domestic nature is not tax deductible. Types of "private expenditure" include childcare costs incurred while a caregiver works, and the cost of travelling to and from a place of work. Accordingly, childcare costs are not deductible under the Income Tax Act.

37. Table 4 assesses the advantages and disadvantages of a deduction for childcare costs, against the tax policy criteria of equity, efficiency, fiscal cost and administrative/compliance costs.

***Table 4: Childcare deductibility***

| *Equity* | *Efficiency* | *Fiscal cost* | *Compliance and administration* |
|---|---|---|---|
| Because of the progressive tax scale, childcare deductions would provide a greater benefit to people who are in higher income brackets compared to people who are in lower income brackets.<br><br>For example, a person earning over $80,000 with $10,000 of childcare costs would be better off by $3,300. On the other hand, a person earning $40,000 with $10,000 of childcare costs would be better off by $1,750. | A tax deduction would reduce the after-tax cost of childcare for parents, which could reduce a distortion in some parents' decisions to work.<br><br>That is, tax deductibility may have a positive impact on parents' participation in the workforce.<br><br>However, there is some evidence that the labour participation for higher income/more highly educated mothers (who are likely to be in those higher income brackets) is less sensitive to changes in childcare costs than labour participation for lower income women.<br><br>A deduction may not be the most cost-effective way to increase efficiency, because a deduction would provide greater benefit for people who are in higher income brackets but who are likely to be less sensitive to changes in childcare costs. | The cost of allowing deductions for childcare would be approximately $100 million per year. This assumes no changes to other Government funding.<br><br>If deductions for childcare are allowed, then there is likely to be pressure to allow deductions for other similar expenditures with a nexus to work that have conventionally been classed as private or domestic. The Court of Appeal in *CIR v Haenga* commented that many types of expenditures contribute to the ability of a person to work. Some of those other "private" expenditures, such as travel to and from work, seem very difficult to distinguish conceptually from childcare.<br><br>Expanding the deductibility rules to allow for other expenditures such as travel to and from work would have a significant fiscal cost. | Allowing tax deductions for childcare would increase administrative costs for Inland Revenue, and compliance costs for individuals as Inland Revenue would require additional information to be submitted.<br><br>If deductions for childcare are allowed, then there is likely to be pressure for allowing deductions for other similar expenditures with a nexus to work that have conventionally been classed as private or domestic. Expanding the deductibility rules to allow for other expenditures would, in totality, increase compliance and administrative complexity of the tax system for individuals. |

38. Our overall judgment is that childcare costs should not be tax deductible. This is because tax deductibility:
    - is unlikely to promote vertical equity,[9]
    - may not be the most cost-effective method to reduce distortions in relation to parents' decisions to work, and
    - would have a relatively high fiscal cost (particularly given the likely pressure to allow the deductibility of other types of private expenditures).

39. A different way of providing more targeted support for middle-lower income families for childcare costs through the tax system could be a specific tax credit, similar to the donations tax credit.[10] This may increase workforce participation more effectively and more equitably than a tax deduction. However, introducing a new type of credit would add to compliance costs for individuals and administrative costs for Inland Revenue.

40. There are existing mechanisms for Government support for childcare costs. If additional support for childcare is a goal, it might be preferable to enhance these policy instruments rather than providing a new tax credit (which, as noted above, would increase compliance and administration costs).

41. Working for Families (WfF) tax credits are available for low and middle income families with children. In particular, this includes the in-work tax credit component of the WfF credits. This is available to parents who work or study a minimum number of hours per week.[11] The effect of its targeting (for working parents of young children) means it is likely to have a similar scope as a deduction or credit for child care expenses and it is targeted to low and middle income parents. As noted above, WfF payments are being reviewed by the Welfare Expert Advisory Group.

42. Outside the tax system, there are other types of Government support for families with children.

43. Specific childcare support paid to the childcare provider is available for lower income families in work or study. This includes the childcare subsidy for preschool children, and Out of School Care and Recreation (OSCAR) subsidies for primary-aged children[12].

44. Other Government funding is not connected to the parents' employment situation, but effectively subsidises some childcare for parents who work. This includes 20 hours

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[9] The Australian Productivity Commission recommended against deductibility for a similar reason.

[10] The United Kingdom recently introduced 20% subsidy for childcare costs for lower-middle income earners called *"Tax-free childcare",* which we understand is intended to represent an approximation of the income tax portion of childcare.

[11] Government funding for the WfF in-work tax credit is $533m in 2018.

[12] The childcare subsidy is $198m in 2018, and OSCAR is $20m.

per week subsidised early childhood education for children aged 3-5 years, and primary education[13].

[13] Government funding for early childcare education is $1881m in 2018.

# 4. Tax compliance

**Possible difference in compliance**

45. Recent research from Cabral & Gemmell (2018) examining patterns of non-compliance/under-reporting of income earned by self-employed individuals in New Zealand indicated there are gender differences in levels of non-compliance, finding that males underreport more than females, and that this is observed consistently across income and expenditure variables.

46. However, that there is not a clear consensus in the literature on gendered differences in non-compliance. While the Cabral & Gemmell study cites other tax evasion studies that have found similar gender effects, it also acknowledges this evidence is not uncontested, and recognises that other studies find no gender difference in tax evasion at all.

# 5. Other issues raised by submitters

47. Below are other issues raised by submitters that are directly related to gender issues.

**Impact of tax cuts on women**

48. One submitter commented that:

> *"At an individual and a collective level, women have more to lose and less to gain from tax cuts than do men. Women both use public services more than men, and are more likely to work in public services than men. This means that there is a disproportionate impact on women of government decisions about revenue gathering and redistribution as tax cuts inevitably lead to loss of services and jobs… In addition, because women are more likely to be in unpaid work than men, the personal gain from tax cuts – in terms of increases in disposable income – is lower for women than men."*

49. The Secretariat notes that while income is taxed at the individual's level, the impact of taxes are felt at a household level. Accordingly the level of taxes will vary according to pre-tax incomes of individuals of a household as well as that household's expenditure and savings.

50. For example, a woman in a high pre-tax income household may gain more from a reduction in income taxes than a male in a low pre-tax income household (presuming that income and wealth within those households are, in effect, shared equally).

51. To the extent that sole female or female-led households may be more highly represented at lower income and/or wealth levels, then it is possible that a more progressive tax scale, could potentially be of benefit to a greater proportion of women, due to income and wealth distribution.

52. As noted above, the Secretariat is preparing a further paper on distributional analysis for the Group, which could include distributional impacts by gender and household.

**Unpaid care work in the home**

53. Two submitters recommended that the unpaid care work should be recognised and accounted for through the tax system.

54. The Secretariat notes that while unpaid care work clearly has economic value, there is no payment involved and it is therefore not taxed. Accordingly, there is an existing bias in the tax system towards the person performing care work themselves, rather than paying for labour.

55. Rewarding unpaid labour through the tax system (for example, through a tax credit) would increase this bias. A tax credit for unpaid labour is likely to be complex to

design – for example, there are likely to be issues of valuation. Existing mechanisms such as Working for Families could be considered instead.

**Rebates to reward volunteer work**

56. One submitter recommended that volunteer work should be rewarded through the tax system, because this work is often carried out by women.

57. The Secretariat notes that volunteer work is untaxed because there is no payment involved. Rewarding volunteer work through the tax system (eg through tax credits) is likely to be complex to design – for example, there are likely to be issues of valuation of work.

**Flexible employment - tax incentives**

58. One submitter recommended creating positive tax incentives to employers who offer flexible work options, and employer initiatives for return-to-work and training opportunities.

59. The submitter also recommended that employers be supported to continue KiwiSaver contributions during care-career breaks.

60. The Group will shortly receive a paper on tax and retirement savings, and it may wish to consider whether further information is needed.

**Secondary tax rates**

61. Two submitters commented that women were more likely to work part time and to be affected by secondary tax rates.

62. As New Zealand has a progressive income tax system, the application of the progressive tax rates to second and additional employment result in people being under-taxed and having end-of-year tax to pay. To address this under-taxation during the year, the current tax rules require people with more than one job to use a secondary tax code (based on their marginal tax rate) or apply for a special tax code (rate). A secondary tax code can still result in over- or under-withholding, especially where the income from the second or additional jobs push the person into a higher tax bracket.

63. To address these concerns, Inland Revenue intends to use employment income information on a payday basis (from 1 April 2019) to monitor whether a person with more than one job is using the appropriate tax code or rate, and to suggest a more appropriate rate – a rate tailored to person's situation.

### GST exemption for sanitary items

64. One submitter proposed removing GST from sanitary items. This is a cost that is specific to women and girls, and it can contribute to girls from low-income families being unable to attending school, training or employment.

65. Removing GST from sanitary products is likely to have a proportionately greater positive impact on lower income households with women than higher income households.

66. However, this distributional impact needs to be balanced against the efficiency and administrative disadvantages an exception would create. Further, we consider that there are likely to be better alternative mechanisms for the Government to achieve distributional goals, such as directly subsidising such items. The costs and benefits of exemptions from GST are further discussed in the Secretariat's paper on *GST*.

### Collecting better information about hours worked

67. One submitter proposed that more information could be collected on lack of information on hours worked, to help understand the impact of parenting on earnings over time.

68. As various Government agencies are interested in this data, Inland Revenue is leading a cross-agency group to consider the issue.

### Compliance costs for businesses

69. One submitter submitted that there were a growing number of business entities that are home-based or women-run, and that there should be consideration of lower and less predictable revenue flows.

70. Inland Revenue's Business Transformation is intended to address these types of issues by making tax simpler to comply with and more responsive to customers' changing circumstances. Over time, the new system will help customers to get their tax and social policy payments right first time, avoid errors and give them a clearer view of what they have paid and what they owe during the year. We expect that people will need to spend far less time and effort ensuring they meet their obligations, as tax will be correctly withheld and assistance provided at the time it is needed.

# Glossary

**Gender responsive budgeting or Gender sensitive budgeting:** This usually means considering what impact Government spending (including concessions through the tax system) has on women.  More broadly, this could involve applying a gender lens to test the distributional impacts of policies, including tax policies.

**Higher income household earner**: the person who earns more income in a household where two adults both earn income.

**Lower income household earner:** the person who earns less income in a household where two adults both earn income.

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