

Oversight of Oranga Tamariki and Childrens and Young Persons Commissioner Bill

January 2022



New Zealand Council Of
Christian Social Services

Ko Wai Au? | Who We Are

The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on the Oversight of Oranga Tamariki and Children's and Young Person's Commissioner Bill.

NZCCSS is a membership based organisation representing six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches. Through this membership we act to serve over 250 organisations providing a range of social support services across Aotearoa.

We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website www.nzccss.org.nz.

Tirohanga Whānui | Overview

This Bill seeks to create a statutory framework that protects and upholds the rights, interests and wellbeing of all pēpē, tamariki and taiohi in Aotearoa particularly, children and young people in the Oranga Tamariki system. It aspires to recreate the Children's Commissioner's Office, shifting this to a Council, embedded within the Education Review Office. In doing so, it aims to remain an effective, authoritative, and independent voice for all children in Aotearoa, grounded in evidence, research and maatauranga about children and their lives. It fails to do so.

NZCCSS stands with the Children's Rights Alliance, Voyce Whaakarongo Mai, Save the Children New Zealand, Social Services Providers Aotearoa, Ara Taiohi and many, many, others in opposing this Bill as written.

Kaupapa | Purpose

We believe that this Bill will fail pēpē, tamariki and taiohi, particularly those in the Oranga Tamariki system and strongly advocate for its withdrawal.

This submission serves to highlight what we see as the major flaws of the Bill, and should be read alongside the joint submission made by the Children's Sector, lead by the Children's Rights Alliance of which we are a member.

Tūtohutanga | Recommendations

1. Integrity

We jointly aspire to an Aotearoa where our pēpē, tamariki and taiohi thrive. In order to achieve that, it is crucial that such wide sweeping and impactful changes as proposed in this Bill are widely consulted upon.

The significance of this Bill, and the lives it will impact, are not reflected in the scheduling of this consultation process. In effect, the process occurring over the traditional holiday period in Aotearoa, when there is little to no opportunity for tamariki and taiohi to be effectively engaged, is either a huge error, or contemptuous of the voices of those this Bill seeks to serve.

Further, the Government has made no effort to engage with tamariki or taiohi, or to provide information accessible to them should they chose to engage. In failing to do so, the lack of integrity of this Bill is further entrenched.

The integrity of a Bill so impactful to pēpē, tamariki and taiohi that has failed to actually consult with them will only result in yet another system that fails to serve those it attempts to aid.

Recommendation 1: Re-open consultation with a focus on facilitating and hearing the voices, perspectives and hopes of pēpē, tamariki and taiohi.

2. Independence

The deeply concerning aspect of this Bill as drafted, is the intentional removal of the independence required to achieve its aims.

i. Any construction that seeks to have effective and material oversight over any aspect of Government or society, must be independent, resourced and be granted the ability to hold those in power to account. Any suggestion that independence can be achieved within a government department is farcical, and increases the risk of political appointees with agendas rather than true leadership in this crucial space.

ii. Any champion for pēpē, tamariki and taiohi must give primacy to their relationship to and representation of pēpē, tamariki and taiohi. They must be visible, identifiable and known to pēpē, tamariki and taiohi – a committee cannot serve this function.

Recommendation 2: Retain the independence and visibility of the existing Office of the Children’s Commission and strengthen the purpose, powers, operation, resourcing and function of this office.

3. Inclusion

For this Bill to have the mana it aims to achieve, it must reflect the voices, perspectives and hopes of pēpē, tamariki and taiohi.

Pēpē, tamariki and taiohi are capable of informing legislation that will impact them. In signing the United Nations Convention for the Rights of the Child in 1993 we agreed to ensure this. Ironically the existing Office of the Children’s Commissioner is widely regarded as one of the strongest proponents of youth voice, and the most skilled at ensuring tamariki and taiohi are heard and leading construction of those systems that impact them.

The Bill as written creates an oversight framework focused on the needs of the system, not those it should serve. If the Government firmly believes this is not the case, consulting with tamariki and taiohi should provide a clear answer.

Recommendation 3: This Bill should be withdrawn and redesigned by tamariki and taiohi to reflect their needs and aspirations.