



## National Council of Women of New Zealand

Te Kaunihera  
Wahine O Aotearoa

### Oral Submission to the Social Services Committee on the Children, Young Persons, and their Families (Oranga Tamariki) Legislation Bill 224-1

by Dr Judy Whitcombe and Sandra Dickson on 22 March 2017

#### ***Social Services Select Committee***

Chairperson: **Joanne Hayes**, National List; Deputy Chair: **Matt Doocey**, Waimakariri; **Jacinta Ardern**, Labour Mt Albert; **Darrock Ball**, NZ First List; **Marama Fox**, Maori Party List; **Jan Logie**, Green List; **Jono Naylor**, National List; **Parmjeet Parmar**, National List; **Carmel Sepuloni**, Labour Kelston; **Stewart Smith**, National Kaikoura.

Good morning, my name is Judy Whitcombe and my colleague is Sandra Dickson. We are members of the Parliamentary Watch Committee of the National Council of Women. Our submission has been sourced from a background of policy decisions and consultation with the members of our organisation.

NCWNZ has interest in legislation relating to Children, Young Persons and their Families and has made seven submissions since 2000 on related Bills or to the Ministry on the Green Paper on Vulnerable Children.

Our submission on this latest Bill addressed six particular provisions relating to children, young persons and their families. Responses reflected in the submission came from NCW branches and affiliated organisations throughout the country. Our submission covered:

1. imposing certain duties on the chief executive of the Ministry for Vulnerable Children, Oranga Tamariki directed at improving outcomes for Māori, and requiring regular reporting about outcomes for Māori
2. strengthening children and young people's participation in decisions that affect them

These first two provisions will be discussed further in this oral submission.

The further four provisions covered in our submission were:

3. making family group conferences available when children are not in need of care and protection, but when a plan for their support is appropriate.
4. improving agencies' sharing of information about children or young people.
5. enabling young adults in care to live with their caregiver up to the age of 21, and to receive transition advice and assistance up to age 25
6. extending the youth justice jurisdiction to cover those under 18 years old (apart from those charged with certain serious or repeat offences, who would be dealt with in the adult courts)

These provisions were generally supported although in the sharing of information between Government agencies (4) there was a caution that the rights of the child can be at risk when agencies share information. The sharing process needs to be transparent (Ref 4.4)

Since our submission was lodged other information has become available for consideration by our members. The recommendations from the Children's Commissioner Judge Andrew Beecroft are consistent with many of the responses by our members on issues relating to children being removed from their usual caregiver when they are in need of care and protection

Judge Beecroft's recommendations specifically addressed matters such as:

- the legislation should differentiate decision-making before and after a child is removed from their usual caregivers
- the principles of mana tamaiti/tamariki, whakapapa and whanaungatanga should apply to all children
- the child/young person's family, whanau, hapu, and family group should participate in decision-making both prior to and following a decision to remove a child or young person from their usual caregivers.

In the time available today we will concentrate on the first two Sections of our Submission which relate to these important conditions.

**1. Treaty of Waitangi, Mana Tamaiti, Whakapapa and Whanaungatanga  
Part 1, Clause 8, Section 5 and Clause 12, Section 7A  
Action to improve outcomes for Māori children**

The over representation of Maori children and young persons in the justice and care systems in the past was commented on by all and ways to address this were identified as essential. Our responders considered that the most effective way to improve outcomes for Maori children and young persons would be in partnership with whanau, hapu and iwi. The importance of involving the wider family was highlighted by Judge Beecroft.

NCWNZ considers that a child or young person's wider whanau, hapu, iwi or family group should, unless it is demonstrably unreasonable and impractical in the circumstances, be assisted to enable them to provide a safe, stable and loving home to the child or young person.

While NCWNZ considers that these principles should be applied to all children at risk of being removed from the care of their usual caregivers, or in a situation where removal is in their interests, we have concerns about the experiences of Maori children in the Child, Youth and Family system. We consider that the Chief Executive should be responsible for regular monitoring of improvements for all children on the implementation of this legislation, but particularly for Maori children. This is essential given their over-representation among children in State care, and evidence of the consequences of failure in

State responses to their needs. The availability and importance of data and indicators is discussed in our submission in the section Monitoring outcomes for Maori children. (Submission 1.4 – 1.9)

NCWNZ considers that there is an urgent need for new processes and practices in Oranga Tamariki to give effect to these principles and increased resourcing is required to support better practice.

## **2. Children and young people’s participation in decisions that affect them**

### **Part 1, Clause 9, Section 5A**

As stated in the submission, NCWNZ strongly supports the general principle of making the Children, Young Persons and their Families (Oranga Tamariki) Act child-centred and increasing children and young persons’ involvement in decisions affecting them. However, it was pointed out that their input should be a component of the decision-making process and that their age, maturity and emotional health should also be taken into account. The consultation process was important with options that are appropriate for the children and young persons involved.

The importance of access to independent professionals who have the skills and experience in working with children and young people was identified as an essential component of the consultation process. Children and young people need to trust the adult who is their advocate. It is also important that these processes are appropriately resourced if the goal of children’s participation is to be achieved.

### **In conclusion**

The responses from our members and affiliated organisations were in general support of the Bill, in particular the requirements to improve outcomes for Maori children and young people, the strengthening of children and young person’s participation in decision making, extension in the use of Family Group Conferences, improving the collaboration between agencies involved with children and young people, and lifting the age for inclusion in the Youth Justice System to under 18 years.

However, for all this to be achieved our members stressed the importance of the adequate resourcing of practices arising from these legislative changes. To achieve the best futures for our children and young people adequate funding and support will be essential.

Thank you for the opportunity to present this oral submission.

### **Questions**

**Jan Logie (Greens):** The culture change required to implement this legislation appears significant, yet there has been a signal there will be no fiscal impact - what is NCW's view on this, given you have stressed resourcing in your submission?

**Answer:** Resourcing to ensure the people who are working with children and families are adequately skilled and trained is critical. Resourcing issues must be considered.

**Parmjeet Parmar (National):** NZ Police say that some Maori they are seeing in youth justice situations do not have supportive families, how do you propose these young people should be supported?

**Answer:** We do not believe NCW is the best organisation to answer this, and refer back to our submission, that situations for Maori children should be handled in consultation with whanau, hapu and iwi social services providers. We support the Maori Women's Welfare League on this matter.