

Introduction

1. The National Collective of Independent Women's Refuges (NCIWR) is a non-governmental organisation delivering services to women and children affected by domestic violence in New Zealand. NCIWR provides support, advocacy, legal, and health services to 16,507 clients annually. 52 percent of these are women, and 48 percent are children. Last year, 2,852 women and children needed to be admitted into our safe houses to protect them from ongoing violence.
2. Please note we do not wish to appear before the Select Committee for this Bill.
3. In principle, NCIWR supports the changes proposed. However, we have remaining concerns, primarily around the potential for the delegation of power by the Chief Executive to any nominated individual or organisation. We discuss this in greater detail below.

Raising the Age of Statutory Support

4. Women's Refuge supports raising the statutory age of care and protection state responsibility to 18. This aligns more closely with internationally agreed upon age definitions, as 18 is the agreed age at which a young person becomes an adult according to the United Nations Convention on the Rights of the Child. However, we are concerned that the age for youth justice is not similarly being raised, given the wealth of evidence available to support the linkage between participation in the adult criminal justice system and subsequent levels of offending.
5. We argue that the age for participation in youth justice processes rather than adult criminal justice system processed should be raised to 18. This is primarily due to increasing knowledge around physiological development and corresponding impulse control, which clearly outlines the differences in decision-making between adolescents and adults. In addition, there are more options under youth processes, including rehabilitative options and addressing the causes of offending – both of which are likely to reduce the likelihood of future offending and corresponding costs to the state. Accordingly, the Ministry of Justice (2014) found a significant reduction in reoffending when young people participated in youth court processes. This is particularly important for Maori, who represent over half of District Court appearances of 17 year olds, and are grossly overrepresented in the justice system.
6. It is also important to recognise that social situations are heavily influential in young people's decisions. While this does not excuse offending, it should be taken into account when blame is being attributed to young people.



Delegation of Power by the Chief Executive

7. The proposal that the Chief Executive be able to delegate powers previously held by social workers at Child Youth and Family is concerning for a number of the reasons. Firstly, both the general public, and professionals not employed by the new organizing undertaking the role previously held by CYF, may become unclear as to the roles held by the statutory agency if this power is exercised.
8. Moreover, there is already significant variance in decision-making, even amongst a workforce who have largely undergone the same training, the same supervision, and the same day to say oversight. There is a very valid argument to be made that this variance – including on integral issues such as the removal of a child from its home, or on the decision to escalate a notification of child abuse – is likely to be phenomenally more apparent with powers delegated to outside professionals or organisations.

Incorporating Child Participation in Decision-Making

9. While the Bill speaks to advocacy in regard to children and young people entering the system through the establishment of an advocacy panel, we would strongly recommend the inclusion of a mandated requirement to provide children and young people with direct and immediate opportunities to participate in, or submit views about, proceedings affecting them, and for this to hold weight in decision-making.
10. This would bring New Zealand's attitude towards children in care or accessing care services more in line with United Nations conceptualisations of child citizenship and personhood.