December 2024

**To Social Services and Community Select Committee**

Please find attached our submission on the Oversight of Oranga Tamariki System Legislation Amendment Bill

For any further inquiries, please contact:

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# Introducing Disabled Persons Assembly NZ

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/%24file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

**Rangatiratanga / Leadership**: reflecting the collective voice of disabled people, locally, nationally and internationally.

**Pārongo me te tohutohu / Information and advice**: informing and advising on policies impacting on the lives of disabled people.

**Kōkiri / Advocacy**: supporting disabled people to have a voice, including a collective voice, in society.

**Aroturuki / Monitoring**: monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

## United Nations Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention.

The following UNCRPD articles are particularly relevant to this submission:

* **Article 7 – Children with disabilities**
* **Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment**
* **Article 16 – Freedom from exploitation, violence and abuse**

## New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[2]](#footnote-3) to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision.

The following outcomes are particularly relevant to this submission:

* **Outcome 1 - Education**
* **Outcome 8 - Leadership**

# The Submission

DPA welcomes this opportunity to feedback to the Social Services and Community Select Committee on the Oversight of Oranga Tamariki System Legislation Amendment Bill.

**DPA recommends that the Bill be passed with amendments.**

DPA supports this bill reverting the Office of the Children’s Commissioner back to being an Independent Crown Entity from being part of the Education Review Office (ERO).

The re-establishment of Children’s Commissioner and Deputy Children’s Commissioner roles will provide more clarity and a single point of contact for all New Zealanders, especially tamariki children and rangatahi youth who wish to contact the Office.

However, we would like to see the current deputy commissioner(s) structure retained under the new model, a point we elaborate on towards the end of this submission.

In 2023, DPA was one of several organisations that opposed the move to diminish the independence of the Children’s Commissioner role.

It is critical that there is an independent official voice for Aotearoa’s children.

In recent times, this country has seen why a strong voice for children is so important in the wake of the final report from the Royal Commission into Abuse in Care.

If a strong voice for children had existed at the time which the Royal Commission covered (1950-1999) then things may have been different for the thousands of children and young people who did suffer abuse, including disabled tamariki children and rangatahi youth.

Children’s rights and especially disabled children’s and young people’s rights continue to be violated, and it is important that an autonomous commissioner continues to speak up for all our tamariki, especially given the re-introduction of boot camps for young serious offenders.

In the disability space, DPA has been appreciative of the work that the Office of the Commissioner has done in recent times on issues pertaining to the rights and interests of disabled children, including, for example, reporting on what constitutes a good life for disabled children and young people in 2021.[[3]](#footnote-4)

However, we are concerned that the advisory board comprising four deputy commissioners, including a representative from the disability community, is proposed to be dis-established as part of the move back towards being a sole corporate body.

This brings us to our first recommendation that the Bill be amended to enable the appointment of up to four deputy commissioners instead of the proposed single deputy commissioner to enable the continuation of this structure which has brought disability, Māori and Pasifika voices, amongst others into the Office of the Children’s Commissioner.

Our second recommendation pertains to the title of the Office which should remain as the Office of the Children and Young Person’s Commissioner to enable the voices of rangatahi youth to also remain elevated within the new structure.

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| **Recommendation 1:** that the Bill be amended to enable the appointment of up to four deputy commissioners. |

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| **Recommendation 2:** that the Bill be amended to enable the title of the Office to remain as that of the Office of the Children’s and Young Person’s Commissioner. |

Otherwise, DPA is supportive of the bill as being important in supporting a voice for all the children and young people of our country, including disabled children and young people.

1. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [↑](#footnote-ref-2)
2. <https://www.odi.govt.nz/nz-disability-strategy/> [↑](#footnote-ref-3)
3. <https://www.manamokopuna.org.nz/publications/reports/disabled-children-young-people-summary-report/> [↑](#footnote-ref-4)