

10 December 2024

**Submission** to the Social Services and Community Select Committee on the ***Responding to Abuse in Care Legislation Amendment Bill***.

As a Catholic Justice and Peace Commission we hope to return the voice to all those who were voiceless for far too long. We stand in solidarity with our young people and tamariki who have suffered abuse in places of faith and care, in the very institutions where children and vulnerable people should have been safe and protected. We wish to move beyond words in this submission, to see tangible actions and swift legislation established that uphold the human dignity of our young people, that strengthens their mana, grace and courage, and allows them to grow and flourish safely in our communities, country and world.

‘Today we want solidarity, in the deepest and most challenging sense, to become our way of forging present and future history.’<sup>1</sup>

**Paradigm Shift:**

We are in complete agreeance with the statement given in the introduction of the first reading of this Bill by the Honourable Erica Stanford who reiterated the Royal Commission’s recommendation that over time transition should ‘be made to a youth justice model that avoids institutional environments.’

Any institutional environment, whether that is youth justice, faith based, religious or medical that perpetuated abuse and violence against our children and most vulnerable in society must accept the full responsibility for that history of abuse, and the courage necessary to change the institutional environment that first perpetuated this harm. A paradigm shift to institutional environments and perception is required.

As an example of paradigm change, we would not expect (let alone condone) a 10-year-old child to work in a factory for eight hours a day, as was the norm in 1873 colonial New Zealand.<sup>2</sup> Yes, changes to child labour laws and legislation happened over many years, if not centuries, but we pride ourselves on being a ‘developed country, the first to introduce a minimum wage and to give women the right to vote. We rank highly in international

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<sup>1</sup> Vatican News. (2018, 20 August). *Pope Francis: Letter to the People of God (full text)*. <https://www.vaticannews.va/en/pope/news/2018-08/pope-francis-letter-people-of-god-sexual-abuse.html>

<sup>2</sup>Schrader, B. (2010, March 11). *City children and youth - Working children*. Te Ara - the Encyclopedia of New Zealand. <https://teara.govt.nz/en/city-children-and-youth/page-1>

measures of quality of life, human rights, and have one of the lowest levels of perceived corruption in the world'.<sup>3</sup>

We have as a nation, a vast and comprehensive political, legal and moral history to draw from, whereby we can boldly and promptly lead by example to establish the lasting institutional changes required to completely eradicate child abuse from these environments.

The Commission does not, however, agree that the timeframe of institutional transitioning as 'sometime in the future'. Lobbying to transition and disconnect the youth justice model from institutional environments should commence immediately. The amendments in this Bill, while substantial and commendable, are protracted and do not adequately support the immediate changes required to completely eradicate abuse in care.

### **Supporting tangible Amendments within the Bill:**

In supporting the implementation of **universal searches** on entry to secure youth justice residences, we seek reassurance that these searches are conducted respectfully and in full consultation with children and young people.

To ensure the voices of children and young people are heard and respected, the development of **search plans** must incorporate consistent and robust collaboration with Oranga Tamariki.

We strongly advocate to **repeal strip searches** and seek further reassurances that any necessary searches to minors are conducted in a manner that upholds and respects their mana, dignity and privacy.

We support the clarification of the length of time for **secure care** prior to judicial oversight, again seeking certainty and assurances that young people are not held longer than necessary or without proper legal review.

### **Safeguarding:**

We agree with this Bill's Amendment to include workforce restrictions for convictions or overseas offences that are equivalent to specified New Zealand offences. Stronger safeguarding measures must be in place to prevent individuals with a history of offending and abuse, regardless of where offences occurred, coming in contact or working with children and vulnerable people in this country.

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<sup>3</sup> CRL Library Catalog. (n.d.)

<https://catalog.crl.edu/Author/Home?author=%22New+Zealand%22&type=Author&page=3> quoting information on New Zealand provided by Wikipedia: Te Ara, British Journal of Industrial Relations and Newshub.

We support the inclusion of offences against children and young people under the Prostitution Reform Act 2003 in the list of **specified offences** to further protect vulnerable individuals.

We strongly support the inclusion of **disability** in the definition of a vulnerable adult to further safeguard and protect under the law all individuals who are at most risk of abuse.

To support transparency and accountability, we welcome and encourage earlier re-audits of agencies identified as having low information management development to ensure that records are properly maintained and accessible.

Furthermore, we agree with the development and implementation of action plans to address non-compliance issues quickly as a demonstration to the commitment of continuously improving safeguarding measures.

Finally, we offer our support to the ability of Archives New Zealand to undertake its own audits with the guarantee that records related to abuse cases are properly managed and preserved.

### **Conclusion:**

It is heartening for us as a Catholic Justice and Peace Commission to be able to respond to this Amendment Bill, as we are directly affiliated with a religious and faith-based institution that was found to have failed in its duty of care and protection of children, young and vulnerable people during the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions.

We look to the reinforcement and affirmation of this Amendment Bill as the beginning of necessary changes that we can support, acknowledge, learn from and adapt to our institutional environments and communities.

We expect Parliament, and therefore the Government and Crown, to lead this battle to protect our children, young and vulnerable people by effecting the legislation and institutional changes necessary to eradicate all forms of abuse, but especially the eradication of child abuse from this country.

We offer our recommendations to this Amendment Bill with the grace of conversion required to combat abuses, historical and present, externally, and within our own midst. We make the safety and protection of children, young and vulnerable people our continued commitment and prayer.

Thank you for considering our submission.