

5 Jan 2025

## Submission to the Social Services and Community Committee on the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill

Te Kāhui Mātai Arotamariki o Aotearoa | The Paediatric Society of New Zealand (PSNZ) appreciates the opportunity to provide feedback on the [Oranga Tamariki \(Responding to Serious Youth Offending\) Amendment Bill](#). As an organisation committed to the health and wellbeing of children and young people in Aotearoa, we express significant concerns regarding the Bill and its proposed amendments.

Specifically, we highlight issues around the introduction of:

- military-style (boot camp) academies,
- the use of force on young people,
- the removal of mandatory Family Group Conferences (FGCs),
- and the lack of evidence-based, trauma-informed interventions in this Bill.

We urge the select committee to reconsider these measures and prioritise evidence-based, trauma-informed, equitable interventions that uphold the rights and dignity of rangatahi.

### Who are we

PSNZ was established in 1947 by paediatricians and general practitioners dedicated to advancing child health in Aotearoa. Today, we are a multidisciplinary organisation of over 700 specialist child health professionals, including paediatricians, nurses, and allied health practitioners, working across Te Whatu Ora | Health New Zealand and other sectors.

Our mission is to improve the lives of all children and young people in Aotearoa through advocacy, collaboration, and evidence-based practice. We are committed to upholding the principles of Te Tiriti o Waitangi and promoting equity in health outcomes for tamariki Māori.

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The authors of this submission include:

- **Dr Owen Sinclair** (Te Rarawa), President of PSNZ and consultant paediatrician at Waitematā DHB, with expertise in assessing the unmet needs of children in care through the Gateway Programme.
- **Wane Wharerau** (Ngāpuhi), Māori Director of PSNZ and former Chair of Te Rūnanga o Ngāpuhi, with decades of experience in the NZ Police and youth justice, including shaping policy under the Children, Young Persons, and Their Families Act 1989.
- **Dr Russell Wills**, Chair of the PSNZ Child Protection Clinical Network, consultant paediatrician in Hawke’s Bay, and former Children’s Commissioner, with extensive expertise in child protection, policy, and advocacy.

Collectively, we bring decades of experience in frontline child protection, as well as in policy and strategy development at local, regional, and national levels. Our shared commitment is to ensure that the mental and physical health of tamariki remains at the forefront of legislative decisions.

### **A Rationale for Rehabilitative Rather than Punitive Action**

PSNZ does not condone serious youth offending, including the high-profile instances of ram raids that became a focus between 2021 and 2023. These incidents, while concerning, involved a relatively small cohort of youth offenders. Māori were once again disproportionately represented in this group, reflecting broader systemic inequities. It is important to note that this spike in ram raids coincided with the aftermath of the COVID-19 pandemic, a period marked by heightened social and economic stressors<sup>(1)</sup>.

Despite the attention garnered by these incidents, the broader picture of youth offending in Aotearoa shows a steady decline over the past decade. Ministry of Justice data confirms a significant reduction in offending by children and young people, with youth crime rates falling between 2011 and 2021<sup>(2)</sup>. This decline demonstrates the effectiveness of proactive, rehabilitative approaches, including community-based interventions and family-focused support, over punitive measures.

The proposed Bill appears to be a reaction to political pressure and public concern over isolated events rather than a response grounded in evidence. Punitive approaches, such as military-style academies, have consistently failed to reduce youth offending <sup>(3)</sup><sup>(4)</sup><sup>(5)</sup><sup>(6)</sup> and risk causing further harm to already vulnerable rangatahi. Conversely, evidence supports rehabilitative and restorative justice programmes that engage whānau, hapū, and communities in addressing the root causes of offending<sup>(4)</sup><sup>(7)</sup><sup>(8)</sup>. These approaches are not only more effective but also align with international standards, such as the United Nations Convention on the Rights of the Child (UNCROC), which prioritises the best interests of children.

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Legislators must act with caution and avoid enacting measures that address public perceptions rather than actual trends. **Ram raids, while alarming, are not indicative of a broader youth crime crisis but rather an anomaly within a steadily declining pattern of youth offending**(2). The focus should remain on expanding access to evidence-based, culturally responsive interventions that address the systemic drivers of crime. PSNZ urges the Committee to recognise that the Bill is unnecessary and risks undermining the progress already made in reducing youth crime in Aotearoa.

### **Military-Style Academies (MSAs)**

Both local and international evidence, including findings from systematic reviews, confirm that such programmes fail to create lasting behavioural change. Boot camps often exacerbate behavioural issues, particularly for youth who have experienced trauma. Studies indicate these environments can increase reoffending rates or result in only short-term compliance, with little to no long-term positive impact on behaviour. Crucially, they fail to address underlying causes of offending, such as socio-economic disadvantage, family violence, and systemic inequities.

PSNZ is deeply concerned about the physical and mental health impacts of military-style academies on rangatahi. Research shows that over 95% of youth offenders have been exposed to family violence, with many also experiencing other forms of trauma(3). Subjecting these vulnerable young people to environments of strict discipline risks re-traumatisation and can exacerbate pre-existing mental health challenges, particularly for those with neurodivergence or significant trauma histories.

Additionally, the lack of cultural appropriateness in MSAs is alarming. Māori rangatahi, who are disproportionately represented in youth offending statistics, require interventions grounded in tikanga Māori practices such as whanaungatanga (relationships) and holistic wellbeing. PSNZ strongly recommends removing military-style academies as a sentencing option and reallocating resources to culturally responsive, evidence-based therapeutic programmes, such as family-based interventions and community mentoring.

We have extensive experience working with children and young people who have benefitted from evidence-based, culturally safe interventions. However, we have also seen many who urgently needed such support but were unable to access it, often progressing to serious offending as a result. In Aotearoa, the availability of effective interventions across the lifespan remains inconsistent and inadequately resourced to address the scale of need. The introduction of Military-Style Academies risks diverting limited resources away from more tailored, evidence-based programmes that are better equipped to address the underlying causes of serious youth offending.

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## Use of Physical Force

PSNZ is deeply concerned by the Bill's provisions allowing the use of physical force during military-style academy (MSA) placements. This proposal is not only highly problematic but risks breaching international obligations, including Articles 19 and 37(a) of the United Nations Convention on the [Rights of the Child \(UNCROC\)](#), which protect children from all forms of violence, abuse, and cruel, inhuman, or degrading treatment.

Evidence from the [Royal Commission of Inquiry into Abuse in Care](#) has highlighted the significant dangers of granting unchecked authority to staff, particularly when dealing with vulnerable youth. Allowing the use of force within MSAs creates a dangerous environment with considerable potential for misuse, abuse, and harm, particularly when staff are inadequately trained. Historical evidence indicates that similar provisions have led to incidents of mistreatment and re-traumatisation, exacerbating mental health challenges for already vulnerable tamariki and rangatahi.

While the Bill suggests that physical force could be used under specific circumstances, such as preventing absconding or self-harm, these justifications do not mitigate the risks. The likelihood of abuse is compounded in environments characterised by rigid discipline, particularly for rangatahi who have already experienced significant trauma. Furthermore, such provisions undermine the therapeutic and rehabilitative goals essential for addressing the underlying causes of youth offending.

PSNZ strongly opposes any legislation that permits physical force on children and young people. We urge the Government to prioritise alternative, evidence-based measures that ensure the safety of tamariki and staff without resorting to harmful practices. Robust safeguards must be implemented to prevent misuse and abuse of power. These should include:

- **Independent oversight and monitoring:** Regular, external reviews of programme operations.
- **Accessible reporting and complaints mechanisms:** Clear processes for tamariki to voice concerns, supported by independent advocates.
- **Trauma-informed staff training:** Mandatory and ongoing education on managing vulnerable youth without the use of force.

The introduction of physical force into youth justice settings is a regressive step, out of alignment with best practices and the principles of restorative justice. We strongly recommend that these provisions be removed from the Bill, ensuring that the safety, dignity, and rights of all tamariki remain central to youth justice reforms.

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## Family Group Conferences (FGCs)

PSNZ strongly opposes the Bill's proposal to remove mandatory Family Group Conferences (FGCs) for repeat offenders. FGCs are a cornerstone of New Zealand's restorative youth justice system, designed to address offending in a collaborative, culturally appropriate way. Their removal represents a significant step backwards, undermining a proven process for addressing the root causes of offending while supporting tamariki, whānau, and communities.

Introduced under the Children, Young Persons, and Their Families Act 1989, FGCs remain one of the most effective mechanisms for ensuring that whānau and communities are central to decision-making (8). These conferences are grounded in traditional Māori practices, particularly the concept of 'hohou te rongo'—making peace through the principles of tikanga, pono, and manaaki. They empower whānau, hapū, and iwi to take collective ownership of solutions, addressing the factors underlying offending in a way that aligns with the values and needs of all involved

Internationally, FGCs have been recognised as a model of restorative justice, adopted by countries such as Australia and Canada with ongoing success. Evidence demonstrates that restorative processes like FGCs are far more effective than punitive approaches in reducing reoffending and fostering long-term behavioural change. They provide opportunities for victims to participate in the resolution process, promoting accountability and healing while ensuring the needs of the offender, whānau, and the wider community are addressed.

## A Māori Perspective

Statistics indicate that tamariki Māori will be disproportionately impacted if this Bill is enacted, with Māori likely to comprise 80-85% of the Young Serious Offender (YSO) cohort(2). This stark overrepresentation should give legislators significant pause when considering whether to proceed with the Bill. The potential for continued intergenerational trauma and distrust towards the government from Māori communities cannot be overlooked.

At a time when the government has recently apologised for institutional violence against vulnerable citizens under state care—many of whom were Māori—the passage of legislation with such a disproportionate impact could undo progress towards reconciliation. The immeasurable harm caused by previous state interventions should serve as a cautionary reminder of the potential long-term costs to individuals, whānau, and communities.

We urge the government to approach the decision on this Bill with careful consideration, recognising the broader implications for Māori wellbeing and the trust between the Crown and its Treaty partners.

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## Addressing the Root Causes of Serious Youth Offending

PSNZ is deeply concerned that the Bill fails to address the well-established socio-economic, familial, and systemic factors driving youth offending.

In addition to trauma, many of these young people live with undiagnosed and untreated neurodiversities, including foetal alcohol spectrum disorder (FASD), attention deficit hyperactivity disorder (ADHD), intellectual or learning disabilities, autism spectrum disorder (ASD), and mental health conditions such as depression and anxiety (4). Addiction is also prevalent. Often, these young people come from families facing significant challenges, including intergenerational trauma, mental illness, addiction, poverty, and cognitive impairments.

Evidence-based interventions to address these underlying issues are well-documented and include multidisciplinary approaches such as early identification and diagnosis, parent training, cognitive-behavioural therapies, and, where appropriate, medication. These approaches are most effective when implemented early, sustained over time, and delivered by culturally competent professionals. Cultural safety is critical to engaging tamariki, rangatahi, and their whānau in a meaningful way.

However, access to these services remains inconsistent and underfunded across Aotearoa. The recent [Te Whatu Ora Health New Zealand review of FASD services](#) highlighted significant disparities, with some regions demonstrating excellent practices while others lack resources entirely. Post-diagnosis follow-up for young people is also insufficient, a reality that extends to most neurodiversity and mental health conditions.

## Conclusion

PSNZ acknowledges the Government's intent to address youth offending. However, the measures proposed in this Bill are inconsistent with evidence-based best practices, risk breaching children's rights, and are likely to cause further harm to already vulnerable tamariki.

We strongly urge the Committee to:

- Remove military-style academies as a sentencing option.
- Retain mandatory Family Group Conferences.
- Reject the use of physical force on young people.
- Invest in trauma-informed, culturally appropriate, and evidence-based interventions.

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These steps are essential to creating a youth justice system that upholds the dignity, rights, and wellbeing of all tamariki in Aotearoa. We welcome the opportunity to talk directly to the Social Services and Community Committee on this issue.

This submission has been reviewed and received the endorsement of members and clinical experts from the Paediatric Society of New Zealand, including:

**Dr Owen Sinclair**, (Te Rarawa), President of PSNZ and Consultant Paediatrician

**Wane Wharerau**, (Ngāpuhi), Māori Director of PSNZ

**Dr Russell Wills**, Chair of the PSNZ Child Protection Clinical Network, Consultant Paediatrician

Ngā mihi,

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## References

- (1) [A Review of the Global Impact of the COVID-19 Pandemic on Public Mental Health \(2021\)](#)
- (2) [Youth Justice Indicators Summary Report \(2024\)](#)
- (3) [Victoria University of Wellington: Boot camps for young people are back, and the evidence they don't work never went away](#)
- (4) [NZ Ministry of Justice: What Works in Managing Young People Who Offend? A Summary of the International Evidence \(2016\)](#)
- (5) [Evaluation Report for the Military-style Activity Camp \(MAC\) Programme \(MSD 2013\)](#)
- (6) [Boot Camps: Technical Report \(2021\)](#)
- (7) [Boot Camps Effectiveness in Dealing With Juvenile Crimes](#)
- (8) [Family group conferencing in Australia 15 years on \(2008\)](#)

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