

# IN CONFIDENCE

OPCP – approval for accession and presentation to Parliament for Parliamentary treaty examination proposal

## Appendix Three: Domestic stocktake – relevant complaints-resolution mechanisms for children’s rights (as at September 2021)

Portfolio Area	Portfolio Area/Agency	Relevant domestic complaint/resolution mechanisms	Relevant work being progressed	Child-specific? <sup>1</sup>	Relevance to the Children’s Convention
All-of Government					
	All	<p>Most Government agencies have a complaints process on their website. If not, the complainant can write to the chief executive of that particular agency. There are provisions in the State Sector Act 1988 where chief executives are responsible for the performance of functions or duties of their agencies.</p> <p><a href="https://www.govt.nz/browse/engaging-with-government/complain-about-a-government-department/how-to-make-a-complaint/">https://www.govt.nz/browse/engaging-with-government/complain-about-a-government-department/how-to-make-a-complaint/</a></p>			<p>All Articles (1-54)</p> <p>Note the following is not an exhaustive list, but are examples of where our legislation is consistent with similar rights in the Children’s Convention, eg Articles 2, 6, 37.</p> <p>Freedom from discrimination and right to access information is covered by s19 of the Bill of</p>

<sup>1</sup> For example, where there are any issues around a child’s awareness and understanding of their rights, and the capacity and capability of a child to pursue a remedy. Children and young people, their parents, whānau, families and caregivers also need an independent complaints review function that is safe, timely, visible, accessible and responsive. They must be able to access complaints arrangements when they need to – with the confidence they will be heard. Mechanisms must also be resourced to be timely and effective.

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					<p>Rights Act 1990 (BORA).</p> <p>Freedom from ill treatment (BORA, and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).</p> <p>Right to life is covered by s8 BORA.</p>
	<b>The Office of the Ombudsman</b>	<p>The Office of the Ombudsman can assist with complaints where a person feels they have been treated unfairly by a central or local government agency.</p> <p>The Ombudsman is also a National Preventive Mechanism (NPM) under the Crimes of Torture Act 1989, and monitors the conditions under which children are held in certain places of detention.</p> <p>The <b>Human Rights Commission</b> has a coordination role as the Central NPM with responsibilities for coordination, reports, systemic issues and liaison with the UN.</p> <p>Each organisation has been designated with monitoring responsibilities for specific areas – as detailed above. The NPMs are each independent of government, and of the agencies that they monitor. Monitoring is done through a system of regular visits to all places where people are deprived of their liberty. This includes prisons, police cells, military detention, immigration centres, health facilities, or child and youth residences. The NPMs examine the</p>	It is proposed that the Ombudsman will be given additional duties and powers when dealing with complaints and undertaking investigations relating to children, young people, and their whānau in respect of Oranga Tamariki and certain approved service providers delivering services and support through the Oranga Tamariki system under the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill, soon to go to LEG (planned enactment in 2022).	No	<ul style="list-style-type: none"> <li>Article 3</li> <li>Article 4</li> <li>Article 7</li> <li>Article 8</li> <li>Article 12</li> <li>Article 13</li> <li>Article 17</li> <li>Article 21</li> <li>Article 25</li> </ul>



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		<p>conditions and treatment in those places to see how well human rights standards are being met.  <a href="https://www.hrc.co.nz/our-work/torture-and-detention/monitoring-places-detention/">https://www.hrc.co.nz/our-work/torture-and-detention/monitoring-places-detention/</a></p> <p>In New Zealand, the NPMs are:</p> <ul style="list-style-type: none"> <li>• <b>The Ombudsman:</b> prisons and those in the custody of the Department of Corrections, health &amp; disability places of detention including privately run aged care facilities, Immigration premises, children &amp; young persons residences, Public Protection Order residences, court facilities  <a href="https://www.ombudsman.parliament.nz/what-ombudsman-can-help/monitoring-places-detention/why-ombudsman-monitors-places-detention">https://www.ombudsman.parliament.nz/what-ombudsman-can-help/monitoring-places-detention/why-ombudsman-monitors-places-detention</a>.</li> <li>• <b>The Independent Police Conduct Authority:</b> police custody including court facilities</li> <li>• <b>The Children's Commissioner:</b> children &amp; young persons' residences</li> <li>• <b>The Inspector of Service Penal Establishments: Defence Force.</b></li> </ul>			
	Ability for Parliament to inquire into a matter	For example - <a href="#">Inquiry into improving child health outcomes and preventing child abuse, with a focus from preconception until three years of age (Volumes 1 and 2) (I.6A) - New Zealand Parliament (www.parliament.nz).</a>			<ul style="list-style-type: none"> <li>• Article/s depends on nature of complaint.</li> </ul>
	Royal Commissions of Inquiry are a form of resolution mechanism	For example - Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based institutions.	A redress system is being designed by the Crown Secretariat cross agency group following the Royal Commission hearing on redress and pending the report on redress from the Royal Commission due in October 2021.	Yes – the terms of reference include children and young persons, and vulnerable adults.	<ul style="list-style-type: none"> <li>• Article/s depends on nature of complaint.</li> </ul>
	Ability to raise	A person can make a complaint about an issue that			<ul style="list-style-type: none"> <li>• Article/s</li> </ul>

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	a complaint with an elected Member of Parliament	affects them, eg by making a submission to a select committee, starting a petition, or by contacting an MP. <a href="https://www.parliament.nz/en/get-involved/have-your-say/">https://www.parliament.nz/en/get-involved/have-your-say/</a>			depends on nature of complaint.
Departmental complaint mechanisms					
Justice	Ministry of Justice (MoJ)	<p><b>The Human Rights Review Tribunal</b> can hear claims relating to breaches of the Human Rights Act 1993, the Privacy Act 2020, and the Health and Disability Commissioner Act 1994.</p> <p><b>The Youth Court</b> – a young person is entitled to legal assistance through court processes and is also entitled to request assistance for pre-court or diversionary processes in the youth justice system. The Youth Advocate (lawyer) ensures the rights of the young person are protected. The Nominated Persons Regime (NPR) is available to a young person in police detention.</p> <p><b>The Family Court</b> – this can address any appeal on a decision relating to name registration made by the Registrar-General of Births, Deaths, and Marriages. This includes appealing a decision by the Registrar-General to register or not register a child's parent as part of their birth registration.</p> <p><b>The Adoption Act 1955</b> requires that an adoption order promote the welfare and interests of the child. An adopted child may apply to discharge an adoption order but must be aged 20 years or over. An application also requires the permission of the Attorney-General.</p> <p><b>The Immigration and Protection Tribunal</b> can hear and determine appeals concerning: decisions about residence class visas; decisions about the recognition of a person as a refugee or protected</p>		<p>Yes – the Youth Court</p> <p>No – everything else.</p> <p>The justice system is generally designed for adults and the accessibility and adequacy of those processes for children and young people is unknown. In general, child-tailored information and assistance in accessing the justice system is not available.</p>	<ul style="list-style-type: none"> <li>Article 1</li> <li>Article 2</li> <li>Article 3</li> <li>Article 6</li> <li>Article 7</li> <li>Article 8</li> <li>Article 9</li> <li>Article 10</li> <li>Article 11</li> <li>Article 12</li> <li>Article 13</li> <li>Article 14</li> <li>Article 15</li> <li>Article 16</li> <li>Article 17</li> <li>Article 18</li> <li>Article 19</li> <li>Article 20</li> <li>Article 21</li> <li>Article 22</li> <li>Article 23</li> <li>Article 24</li> <li>Article 25</li> <li>Article 26</li> <li>Article 27</li> <li>Article 30</li> <li>Article 31</li> <li>Article 32</li> </ul>



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		<p>person; liability for deportation; decisions to stop recognising a person as a refugee or protected person; and decisions to cancel the recognition of a New Zealand citizen as a refugee or protected person.</p> <p><b>The High Court</b> – any appeal on a decision relating to the granting of New Zealand citizenship by the Minister of Internal Affairs can be addressed to the High Court for judicial review.</p> <p>Children can appeal a decision of the Family Court under the <b>Care of Children Act 2004</b> even though in most circumstances they are not parties to proceedings. This includes appeals against decisions under the Hague Convention on the Civil Aspects of International Child Abduction which implements the Convention in New Zealand law. Children appealing a decision of the Family Court must have a litigation guardian (unless the Court on application says otherwise) if under 18 years.</p> <p>In cases involving children, eg, under the Care of Children Act 2004, Oranga Tamariki Act 1989, Family Violence Act 2018, children may have a lawyer for child appointed to represent them. The Practice Note of the Principal Family Court Judge – Lawyer for Child: Selection, Appointment and Other Matters provides that complaints about lawyer for child may be made in writing to the Court registry where the proceedings are held. The complaint is determined by a judge. Children can make a complaint (whether or not they are a party to the proceedings) or a parent can make a complaint on their behalf.</p> <p>A child may also make a complaint about a lawyer's conduct under the Lawyers and Conveyancers Act 2006.</p> <p>MoJ administers the Privacy Act but has no role in complaint resolution.</p>			<ul style="list-style-type: none"> <li>• Article 34</li> <li>• Article 35</li> <li>• Article 36</li> <li>• Article 37</li> <li>• Article 40</li> </ul>

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		<p>Status of Children Act 1969 – provides for resolution of a child's status in relation to his or her paternity.</p> <p>Coroners Act 2006 – inquiry into the death of a child can deal with complaints and does aim for some form of resolution (e.g. a decision on outcome and recommendations).</p>			
	<b>The Human Rights Commission (HRC)</b>	<p>HRC offers a free complaints resolution service when a person lodges a complaint of discrimination as provided in the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.</p> <p><b>Human Rights Review Tribunal – see MOJ</b></p>		No	<ul style="list-style-type: none"> <li>Article 1</li> <li>Article 3</li> <li>Article 6</li> <li>Article 8</li> <li>Article 12</li> <li>Article 13</li> <li>Article 14</li> <li>Article 15</li> <li>Article 19</li> <li>Article 21</li> <li>Article 23</li> <li>Article 30</li> <li>Article 31</li> <li>Article 34</li> <li>Article 35</li> <li>Article 36</li> <li>Article 37</li> <li>Article 38</li> </ul>
	<b>Office of the Privacy Commissioner (Privacy)</b>	<p>Section 29(1)(d) of the Privacy Act 2020 provides that, in the case of an individual under the age of 16, an agency may refuse to disclose personal information requested under privacy principle 6 if the disclosure of that information would be contrary to that individual's interests. There are also provisions in the Health Information Privacy Code 2020 which have the effect of allowing parents and guardians of children under 16 to access their children's health information, unless there are good grounds for the agency to withhold that information.</p> <p>The Privacy Act 2020 includes a change to privacy</p>	<p>The new Privacy Act 2020 includes a change to privacy principle 4 concerning the collection of information from children and young persons. The change requires agencies to take particular care when collecting information from children and young people on account of their vulnerability. Collecting information from children, and when parental consent should be required, will be considered in</p>	Yes – Section 29(1)(d)	<ul style="list-style-type: none"> <li>Article 16</li> </ul>



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		principle 4 concerning the collection of information from children and young persons. It requires collection by means that is fair and does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.	greater detail as part of future privacy work.		
	The Office of the Judicial Conduct Commissioner (JCC)	The Office of the Judicial Conduct Commissioner can review complaints about the conduct of judges but cannot challenge the legality or correctness of a judge's decision in relation to any legal proceedings.		No	<ul style="list-style-type: none"> <li>Article 10</li> <li>Article 33</li> <li>Article 40</li> </ul>
Corrections	Corrections Inspectorate	<p>The Office of the Inspectorate works to ensure that all prisoners are treated in a way that is fair, safe, secure and humane. They carry out inspections of prisons; investigate complaints from prisoners and from offenders in the community; investigate all deaths of people who are in Corrections' custody; carry out other investigations where necessary and monitor situations where there are concerns. The Office of the Inspectorate is committed to the impartial investigation of complaints that have not been resolved to the satisfaction of the complainant after completing the internal complaint handling process of the relevant Corrections agency. There are other agencies you can make a complaint to, such as the Office of the Ombudsman and the Health and Disability Commissioner.</p> <p><a href="https://www.corrections.govt.nz/about_us/who_we_are/office_of_the_inspectorate">https://www.corrections.govt.nz/about_us/who_we_are/office_of_the_inspectorate</a></p> <p><a href="https://www.corrections.govt.nz/about_us/getting_in_touch/making_a_complaint/complaints_about_prisons">https://www.corrections.govt.nz/about_us/getting_in_touch/making_a_complaint/complaints_about_prisons</a></p> <p><a href="https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.01-Under-20-years-old-male-prisoners">https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.01-Under-20-years-old-male-prisoners</a></p>		<p>Youth Units are separate environments in prison for young people under the age of 18, and some 18 and 19 year olds who have been assessed as vulnerable.</p> <p>Oranga Tamariki and the Department of Corrections can make a joint application to the Youth Court to detain a 17-year-old rangatahi in a youth unit of a prison to ensure the safety of any rangatahi in Oranga Tamariki custody.</p>	<ul style="list-style-type: none"> <li>Article 37(b)</li> <li>Article 37(c)</li> </ul>
Social Development	Ministry of Social	Ministry of Social Development Historic Claims Resolution	MSD is leading the development of the Oversight of the Oranga	Yes – independent oversight and monitoring	<ul style="list-style-type: none"> <li>Article 3 (work</li> </ul>

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	<b>Development (MSD)</b>	<p>The Social Security Appeal Authority reviews decisions made by MSD about the complainant's benefit following consideration by MSD's Benefits Review Committee.</p> <p><a href="https://dpmc.govt.nz/cabinet/portfolios/social-development-and-employment">https://dpmc.govt.nz/cabinet/portfolios/social-development-and-employment</a></p> <p>Social Security Appeal Authority Student Allowance Appeals Authority</p>	<p>Tamariki System and Children and Young People's Commission Bill which:</p> <ul style="list-style-type: none"> <li>establishes an independent monitor in respect of the Oranga Tamariki system</li> <li>provides for a strengthened complaints and investigation system, led by the Office of the Ombudsman</li> <li>strengthens system-level advocacy for all children and young people, including by replacing the current Commissioner sole model of the Office of the Children's Commissioner with a new Children and Young People's Commission.</li> </ul>	function of Oranga Tamariki.	<p>underway)</p> <ul style="list-style-type: none"> <li>Article 5</li> <li>Article 27</li> <li>Article 39 (work underway)</li> </ul>
	<b>The Office of the Children's Commissioner (OCC)</b>	<p>OCC is a National Preventive Mechanism under the Crimes of Torture Act 1989, and monitors the conditions under which children are held in certain places of detention.</p> <p>OCC can investigate any decisions or recommendations made by Oranga Tamariki—Ministry for Children where the rights or the welfare and interests of a child has been prejudiced.</p> <p>OCC can investigate any decision or recommendation made or any act done or omitted in respect of any child under section 12(1)(a) of the Children's Commissioner Act 2003<sup>2</sup>.</p>	<p>The Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill will review and refresh the Children's Commissioner Act 2003 to strengthen advocacy for children's issues generally.</p>	Yes	<ul style="list-style-type: none"> <li>Article 3</li> <li>Article 9</li> <li>Article 12</li> <li>Article 19</li> <li>Article 20</li> <li>Article 31</li> <li>Article 34</li> <li>Article 35</li> <li>Article 36</li> </ul>

<sup>2</sup> Note that it is proposed by the Oversight Bill that the Children's Commissioner's powers to investigate will not continue (should the Bill be enacted as it is).



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Children	Oranga Tamariki (OT)	<p>There are a number of external monitors of Oranga Tamariki that provide complaint mechanisms. These include:</p> <ul style="list-style-type: none"> <li>The Children's Commissioner has the power to promote the establishment of accessible and effective complaints mechanisms for children and young people and to monitor the nature and level of complaints.</li> <li>The Ombudsman has the power to investigate actions or decisions taken by Oranga Tamariki.</li> <li>VOYCE Whakarongo Mai provide independent oversight of Oranga Tamariki and make regular visits to residences. Part of the role to date has involved reducing barriers to the use of grievance processes.</li> </ul> <p>The Oranga Tamariki complaints system has a number of components. These include:</p> <ul style="list-style-type: none"> <li>The feedback and complaints process which provides a child-centred and timely response to complaints.</li> <li>The Chief Executive's Advisory Panel which is an independent panel that assists the CE to review complaints and identify opportunities for improvement to the Oranga Tamariki complaints system.</li> <li>Whāia Te Māramatanga – Grievance and complaints processes for children and young people who have experience in care and youth justice residences. This process includes independent grievance panels for children and</li> </ul>	<p>Refer to work outlined above on development of the Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill.</p> <p>Oranga Tamariki is working to reduce barriers to reporting for those who wish to make a complaint by strengthening the Oranga Tamariki Feedback and Complaints system and grievance processes in residences.</p> <p>The Oranga Tamariki Review Management Team is working to achieve better coordination and strategic management of recommendations made by external monitors.</p> <p>The Oranga Tamariki Performance Hub is advising on how to bring information from different parts of the organisation together to ensure a more cohesive and consistent response at both the operational and system levels to incoming feedback and recommendations.</p>	Yes – Children's Commissioner, the Ombudsman, the Independent Children's Monitor and VOYCE Whakarongo Mai.	<ul style="list-style-type: none"> <li>Article 3</li> <li>Article 4</li> <li>Article 5 (work underway)</li> <li>Article 9</li> <li>Article 21</li> <li>Article 25</li> <li>Article 27</li> <li>Article 30</li> <li>Article 39 (work underway)</li> </ul>

The reason for this is that the Ombudsman is seen as playing a role in this space i.e. to investigate decisions. The Commission will continue to be able to make inquiries and this power will be strengthened.

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		<p>young people with experience in care or youth justice.</p> <p>Section 10 of the Oranga Tamariki Act 1989 sets out the duty of lawyers and judges to explain the proceedings to children and young people. Section 11 sets out the participation rights of children and young people in decision-making affecting them. Section 341 says that a child or young person to whom the proceedings relate can appeal a decision of the Court.</p>			
Internal Affairs	Department of Internal Affairs (DIA)	<p>DIA is responsible for registering births, deaths, marriages and citizenship. Any complaint relating to these identity services should be handled by the appropriate business unit/s within the Department. If the complaint cannot be resolved to the satisfaction of the complainant, then it is referred to the Department's Chief Executive for resolution.</p> <p>DIA provides administrative and support services to the <b>Film and Literature Board of Review</b>. This is an independent body that reviews publications that have been classified by the Office of Film and Literature Classification, as set out in the Films, Videos, and Publications Classification Act 1993. This work supports Article 17(e) of the Children's Convention, which requires States to "encourage the development of appropriate guidelines for the protection of the child from information and material injurious to their wellbeing."</p> <p>DIA is responsible for administering the Films, Videos, and Publications Classification Act 1993. Under the Act, imagery that depicts the abuse of children is objectionable and offences can incur a penalty of up to 10 years (for possession) or up to 14 years (for distribution or creation). Complaints can be made to the Department about online or other content that is, or may be, objectionable.</p>	Work is underway at DIA to amend the Films, Videos, and Publications Classification Act 1993 to require commercial video on-demand providers to classify content on their platforms before this content is made available in New Zealand. This work also supports Article 17(e) of the Children's Convention.	No - a complainant under the Harmful Digital Communications Act must be able to show that a digital communication caused emotional distress – this may not be possible for children to prove.	<ul style="list-style-type: none"> <li>Article 3 (work underway)</li> <li>Article 7</li> <li>Article 8</li> <li>Article 17</li> <li>Article 18</li> <li>Article 34</li> </ul>
Police	New Zealand	The New Zealand Police have a formal complaints	Netsafe works to continually	No – The complaints	<ul style="list-style-type: none"> <li>Article 9</li> </ul>



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Education	Police  Ministry of Education	<p>process if there are concerns over the misconduct or neglect of duty by a Police employee, a policy, procedure or practice of New Zealand Police or the standard of service you have received. A pamphlet <i>How to make a Complaint about Police</i> has been produced in 12 languages. All stations are required to have pamphlets available in English and Māori.</p> <p><b>Netsafe</b> is a free and confidential service that can investigate and seek to resolve complaints about a digital communication transmitted via online technologies involving bullying, harassment and abuse as provided in the Harmful Digital Communications Act 2015. It was created through a collaboration of the New Zealand Police, Ministry of Education and several not for profits alongside telecommunication organisations and IT industry partners.</p>	<p>iterate its reporting process based on feedback from service users and from focus group input.</p> <p>Netsafe has established a Youth advisory group [The Netsafe Youth Action Squad] to provide input into our work both at a national public awareness level and on operational aspects of how we work with young people.</p> <p>The Netsafe YAS has taken an active role in our public awareness campaigns around International Safer Internet Day, and our own Netsafety week in July 2021. This is done with the express purpose of ensuring that our outreach and support for young people captures as much as possible the needs of young people.</p> <p>Netsafe is committed to working with young people by our strategic goal to connect with young people and our Youth Engagement policy which ensures that we continually commit to the ideal of “don’t plan for me, without me” through all of our youth focused projects.</p>	<p>mechanism is not child specific however it is easily accessible.</p> <p>Netsafe works in support of young people through its reactive and proactive services throughout New Zealand. Under our contract with the Ministry of Education we provide support to schools to assist them in the development of safe online learning environments through the Netsafe Schools Programme, as well as providing reactive services to schools and young people to assist them in resolving online challenges that they might experience.</p>	<ul style="list-style-type: none"> <li>Article 13</li> <li>Article 16</li> <li>Article 40</li> </ul>
	Independent Police Conduct Authority (IPCA)	<p>IPCA is a National Preventive Mechanism under the Crimes of Torture Act 1989, and as part of that function monitors the conditions under which children are held in certain places of detention. IPCA can review complaints about Police misconduct or neglect of duty, practices, policies, and procedures.</p>	<p>As part of our regular ongoing work to discharge our duty as a National Preventative Mechanism under the Crimes of Torture Act, the treatment of young persons in custody is specifically targeted – for example, a sample of young persons in custody is reviewed</p>	<p>No – The complaints mechanism is not child specific - however it is easily accessible, and many of the mechanisms by which complaints can be made (online, through email,</p>	<ul style="list-style-type: none"> <li>Article 3</li> <li>Article 15</li> <li>Article 19</li> <li>Article 20</li> </ul>



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			during each regular audit and during inspections.	by phone, in person) are ones which we consider likely to appeal to young people.	
Revenue	Inland Revenue Department (IRD)	<p>Inland Revenue has both a formal complaints process and a disputes process. Depending on the situation one, or both, of these processes will be followed if necessary.</p> <p>Parents or caregivers of a child can access a formal disputes process if they disagree with a child support assessment. Parents or caregivers can either write a letter or complete a Notice of objection – child support form.</p>		No	<ul style="list-style-type: none"> <li>Article 18</li> </ul>
Immigration	Immigration New Zealand	The Immigration and Protection Tribunal (IPT) (see also MBIE below) can hear and determine appeals concerning: decisions about residence class visas; decisions about the recognition of a person as a refugee or protected person; liability for deportation; decisions to stop recognising a person as a refugee or protected person; and decisions to cancel the recognition of a New Zealand citizen as a refugee or protected person.		No – the IPT may not be accessible to children.	<ul style="list-style-type: none"> <li>Article 22</li> </ul>
Health	Ministry of Health (MoH)	There are 20 District Health Boards in New Zealand who have a complaints process for any concerns regarding treatment or care. DHBs will be replaced by Health New Zealand and a Māori Health Authority in July 2022.		No – District Health Boards complaints process not child specific	<ul style="list-style-type: none"> <li>Article 5</li> <li>Article 24</li> <li>Article 25</li> <li>Article 27</li> </ul>
	The Health and Disability Commissioner (HDC)	<p>HDC can look at complaints related to health or disability services.</p> <p>When you use a health or disability service, your rights are also protected by the Code of Health and Disability Services Consumers' Rights.  <a href="https://www.health.govt.nz/your-health/services-and-support/your-rights">https://www.health.govt.nz/your-health/services-and-support/your-rights</a></p>		No	<ul style="list-style-type: none"> <li>Article 2</li> <li>Article 13</li> <li>Article 23</li> <li>Article 24 (work underway)</li> <li>Article 25</li> </ul>
	Mental Health Review Tribunal	If you are a mental health patient undergoing assessment or compulsory treatment and feel your patient rights have been breached, you can make a complaint to the District Inspector in your area.	Review of Mental Health (Compulsory Assessment and Treatment) Act 1992		<ul style="list-style-type: none"> <li>Article 23</li> <li>Article 25</li> </ul>



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		<p>If this doesn't resolve your complaint, you can go to the Mental Health Review Tribunal.</p> <p><a href="https://www.cab.org.nz/article/KB00001575">https://www.cab.org.nz/article/KB00001575</a></p> <p><a href="https://www.health.govt.nz/new-zealand-health-system/key-health-sector-organisations-and-people/mental-health-review-tribunal">https://www.health.govt.nz/new-zealand-health-system/key-health-sector-organisations-and-people/mental-health-review-tribunal</a></p> <p><a href="https://www.health.govt.nz/new-zealand-health-system/key-health-sector-organisations-and-people/mental-health-review-tribunal/mental-health-review-tribunal-breach-rights-complaints">https://www.health.govt.nz/new-zealand-health-system/key-health-sector-organisations-and-people/mental-health-review-tribunal/mental-health-review-tribunal-breach-rights-complaints</a></p> <p><b>Mental Health Service Patient Rights</b></p> <p><a href="https://www.justice.govt.nz/family/court-ordered-treatment/mental-health-treatment/patient-rights/">https://www.justice.govt.nz/family/court-ordered-treatment/mental-health-treatment/patient-rights/</a></p> <p><a href="https://www.health.govt.nz/our-work/mental-health-and-addiction/mental-health-legislation/mental-health-compulsory-assessment-and-treatment-act-1992/your-rights-under-mental-health-compulsory-assessment-and-treatment-act-1992">https://www.health.govt.nz/our-work/mental-health-and-addiction/mental-health-legislation/mental-health-compulsory-assessment-and-treatment-act-1992/your-rights-under-mental-health-compulsory-assessment-and-treatment-act-1992</a></p> <p><a href="https://communitylaw.org.nz/community-law-manual/not-rated/your-rights-as-a-mental-health-patient/">https://communitylaw.org.nz/community-law-manual/not-rated/your-rights-as-a-mental-health-patient/</a></p>			
ACC	Accident Compensation Corporation (ACC)	<p>The Office of the Complaints Investigator is part of ACC, but it has to investigate complaints and help resolve them impartially and independently.</p> <p><a href="https://www.acc.co.nz/im-injured/make-a-complaint/">https://www.acc.co.nz/im-injured/make-a-complaint/</a></p> <p><a href="https://communitylaw.org.nz/community-law-manual/chapter-19-accident-compensation-acc/making-a-claim-and-dealing-with-acc/your-rights-when-dealing-with-acc/">https://communitylaw.org.nz/community-law-manual/chapter-19-accident-compensation-acc/making-a-claim-and-dealing-with-acc/your-rights-when-dealing-with-acc/</a></p> <p><a href="https://www.ombudsman.parliament.nz/resources/review-and-appeal-rights-available-acc-claimants">https://www.ombudsman.parliament.nz/resources/review-and-appeal-rights-available-acc-claimants</a></p>			<ul style="list-style-type: none"> <li>Article 23</li> <li>Article 24</li> </ul>

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		Complaints can also be made to an independent organisation such as: Office of the Privacy Commissioner, Office of the Ombudsman, or the Health and Disability Commissioner.			
Education	Ministry of Education (MoE)	<p><b>School Boards of Trustees (BOTs)</b> Parents can discuss matters with the school BOT as a first step to complaints resolution.</p> <p><b>The Ombudsman</b> is a further avenue for complaints. Note that the Ombudsman sits above all processes, not just the BOT (ie can review any decision of the MoE or NZQA).</p> <p><b>Netsafe</b> is a free and confidential service that can investigate and seek to resolve complaints about a digital communication transmitted via online technologies involving bullying, harassment and abuse as provided in the Harmful Digital Communications Act 2015. Refer to Netsafe under NZ Police above.</p> <p><b>Domestic tertiary learner dispute resolution scheme (DRS)</b> The Education and Training Act 2020 (the Act) establishes a DRS to resolve financial and contractual disputes between learners and their education providers (section 536). Under the Act, the Minister of Education must appoint a person or agency to be responsible for administering the DRS, known as the DRS operator. The DRS operator will administer the scheme according to a set of rules specified by the Governor General on recommendation of the Minister. Parliamentary Counsel Office (PCO) has drafted the DRS rules, according to Cabinet decisions. These rules apply to the resolution of disputes between domestic tertiary students (and former and prospective domestic tertiary students) and providers</p>	<p>Work is underway to respond to the Tomorrow's Schools Independent Taskforce's report, including the coming into force of the Education and Training Act 2020. The Act includes the right of all students to attend the school in which they are enrolled whenever the school is open, and clarifies that students with special education needs have the same rights to attend school as those who do not have those needs. The Education and Training Act 2020 modifies school boards' primary objectives to include, alongside education achievement, the physical and emotional safety of students and staff, being inclusive and catering for students with differing needs and giving effect to Te Tiriti o Waitangi.</p> <p>The Education and Training Act came into effect on 1 August 2020. The Act enables the establishment of dispute resolution panels to hear disputes relating to rights to education (including enrolment and attendance), removals from school, learning support, racism and other types of discrimination, physical and emotional safety and the use of physical force. Panels,</p>	<p>No – the existing pathways are not well suited to resolve education disputes in an effective manner.</p> <p>Currently, if a domestic primary or secondary school student and their whānau are unhappy with a school board decision, they can seek a review by the Ombudsman or a judicial review in the High Court. These pathways may not always be readily accessible to those who need them. Judicial review in particular can be intimidating and expensive.</p> <p>Yes – Once established, the dispute resolution panels could be used by any person in the compulsory schooling sector.</p>	<ul style="list-style-type: none"> <li>Article 16</li> <li>Article 28</li> <li>Article 29</li> </ul>



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		<p>under the scheme (note that a different set of rules outline the scheme's operation for resolving disputes between international students and their providers. <a href="#">See here</a>). A final 2-week, targeted consultation was undertaken from 25 August – 8 September 2021 on the PCO-drafted rules.</p> <ul style="list-style-type: none"> <li>The DRS operator will need to be appointed and ready for operation when the DRS rules come into effect on 1 January 2022.</li> <li>The DRS fills a regulatory gap for domestic tertiary learners. Currently there is no bespoke dispute resolution service available to domestic tertiary learners, unlike for international learners who have iStudent Complaints (iStudent Complaints is operated by FairWay resolution according to the rules linked above).</li> </ul> <p>Also – more info about the DRS mahi can be found on the Ministry's Kōrero Mātauranga pager here - <a href="#">He huarahi whakatau tautohe hou mō ngā ākonga mātauranga matua nō Aotearoa   A new dispute resolution scheme for domestic tertiary learners (education.govt.nz)</a>. This page includes information from when we consulted on the DRS mahi earlier this year.</p> <p><b>International student disputes resolution scheme</b></p> <p>The DRS is a free service to help international students resolve complaints with New Zealand education providers, including:</p> <ul style="list-style-type: none"> <li>Financial complaints – involve money, for example refunds</li> <li>Contractual complaints – involve agreements, for example contracts to study.</li> </ul> <p>Note that the international student DRS covers international learners both in the schooling sector <i>and</i> tertiary education sector.</p>	<p>once established, will be timely, free, accessible, flexible, and use restorative and culturally appropriate processes.</p> <p>Dispute resolution panels, once established, will enable disputes to be resolved at the lowest possible level and in a timely manner. This will support the right to education, and avoid the life-long adverse consequences when students become disengaged with education.</p>	<p>Students enrolled in NZ schools (and their families) can use the service.</p>	

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		<a href="https://legislation.govt.nz/regulation/public/2016/0042/latest/DLM6748715.html">https://legislation.govt.nz/regulation/public/2016/0042/latest/DLM6748715.html</a> Delivered by FairWay Resolution Ltd, under contract to MOE; operated under the name iStudent  Complaints <a href="https://www.istudent.org.nz/?gclid=CjwKCAjw4KyJBhAbEiwAaAQbExvhOucUv9eYul1bsEnDtteXnq2QN5Jh2-qfptflyAT7e55i6DECARoCOM8QAvD_BwE">https://www.istudent.org.nz/?gclid=CjwKCAjw4KyJBhAbEiwAaAQbExvhOucUv9eYul1bsEnDtteXnq2QN5Jh2-qfptflyAT7e55i6DECARoCOM8QAvD_BwE</a>			
	<b>Tertiary Education Commission (TEC)</b>	<ul style="list-style-type: none"> <li>• TEC monitor tertiary education organisations to ensure they are delivering programmes in line with their funding agreements.</li> <li>• TEC receives complaints from students where there are concerns about a TEO's performance against its commitments, performance standards, or compliance against the TEC's funding conditions (including the sufficiency of learning hours).</li> </ul>		No	<ul style="list-style-type: none"> <li>• Article 28</li> </ul>
	<b>New Zealand Qualifications Authority (NZQA)</b>	NZQA's complaint process is available for all tertiary learners, (some of whom can be under 18 years of age) and international school students.  The matters investigated by NZQA are dependent on the type of provider the learner is enrolled at (including wānanga, Te Pūkenga (New Zealand Institute of Skills and Technology) and private training establishments), and the roles that fall under our scope to administer and regulate.  The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 includes international school learners under 18 years. Complaints can be made to NZQA as the Code administrator from 1 January 2022.		No	<ul style="list-style-type: none"> <li>• Article 28</li> </ul>
	<b>The New Zealand Vice Chancellor's Committee</b>	The New Zealand Vice Chancellors Committee can consider complaints about the delivery or quality of courses or study at universities.		No - potentially outside of scope as most will be 18 years or over.	<ul style="list-style-type: none"> <li>• Article 28</li> </ul>
<b>Economic</b>	<b>Ministry of</b>	Regarding complaint avenues for young people at		No – the Immigration	<ul style="list-style-type: none"> <li>• Article 4</li> </ul>



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Development	Business, Innovation and Employment (MBIE)	<p>work, MBIE enforces minimum standards via the Labour Inspectorate. Inspectors can take enforcement and recovery actions on behalf of complaints.</p> <p><a href="https://www.employment.govt.nz/resolving-problems/steps-to-resolve/labour-inspectorate/labour-standards-officers/">https://www.employment.govt.nz/resolving-problems/steps-to-resolve/labour-inspectorate/labour-standards-officers/</a></p> <p><a href="https://www.employment.govt.nz/resolving-problems/steps-to-resolve/labour-inspectorate/labour-inspectors/">https://www.employment.govt.nz/resolving-problems/steps-to-resolve/labour-inspectorate/labour-inspectors/</a></p> <p>MBIE also runs the Mediation Service and administers the Employment Relations Authority, which hears and determines complaints about employment matters, so this could also include cases where young workers needed redress (e.g. for non-payment of a contractual term that wasn't a statutory minimum requirement)</p> <p><a href="https://www.employment.govt.nz/resolving-problems/">https://www.employment.govt.nz/resolving-problems/</a></p> <p>Labour Inspectors and Immigration NZ Immigration Officers would also investigate complaints of migrant exploitation, which might involve young people</p> <p><a href="https://www.employment.govt.nz/resolving-problems/types-of-problems/migrant-exploitation/">https://www.employment.govt.nz/resolving-problems/types-of-problems/migrant-exploitation/</a></p> <p><a href="https://www.immigration.govt.nz/about-us/policy-and-law/integrity-of-the-immigration-system/migrant-exploitation">https://www.immigration.govt.nz/about-us/policy-and-law/integrity-of-the-immigration-system/migrant-exploitation</a></p> <p>But the actual forums for the resolution could be either the employment institutions or the general courts.</p> <p>On the health and safety front as it might relate to young people, MBIE sets Health and Safety at Work (HSW) policy and monitors the HSW system but the actual investigations and enforcement actions are taken by WorksafeNZ and again may end up in the general courts.</p>		Protection Tribunal may not be accessible to children.	<p>(economic, social, cultural rights)</p> <ul style="list-style-type: none"> <li>Article 32(1)</li> </ul>

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		<a href="https://www.worksafe.govt.nz/notifications/health-or-safety-concern/">https://www.worksafe.govt.nz/notifications/health-or-safety-concern/</a>  For consumer related complaints, there's the Commerce Commission – though that's independent of MBIE (though we monitor it) <a href="https://comcom.govt.nz/make-a-complaint">https://comcom.govt.nz/make-a-complaint</a>			
Defence	Ministry of Defence and NZDF	Members of the Armed Forces have a statutory right to complain under section 49 of the Defence Act 1990. While most members of the Armed Forces are over the age of 18, the minimum age of voluntary recruitment is 17.		No	<ul style="list-style-type: none"> <li>Article 38</li> <li>OPAC</li> </ul>
Broadcasting	Advertising Standards Authority (ASA)	The ASA provides a free complaints process for consumers about the content and placement of advertisements. In assessing complaints, they apply the ASA Advertising Codes. Key requirements of these codes include truthful presentation and a sense of social responsibility.  If a complaint is upheld, the ASA requests the advertisement is removed or amended. Decisions are also released to the media and the public via email and the ASA website.  <a href="https://www.asa.co.nz/complaints/">https://www.asa.co.nz/complaints/</a>		No - eg Broadcasting Act 1989 includes 'children's interests' – complaints process may not be accessible to children, and name suppression only given in exceptional circumstances.	<ul style="list-style-type: none"> <li>Article 17</li> </ul>
	Broadcasting Standards Authority (BSA)	The Broadcasting Act 1989 creates a system of broadcasting standards. The Act also establishes a system allowing people to complain to a broadcaster if they think these standards have been breached.  The BSA determines complaints about programmes on television, radio, and on-line and on-demand content that has previously been broadcast.  Formal complaints have to go to the broadcaster first (unless they are privacy complaints or election programme complaints which can be sent straight to the BSA).  <a href="https://www.bsa.govt.nz/complaints/what-we-cover/">https://www.bsa.govt.nz/complaints/what-we-cover/</a>		No - eg Broadcasting Act 1989 standard includes 'children's interests' – complaints process may not be accessible to children, and name suppression only given in exceptional circumstances.  Children's Interests relates to children as viewers, not participants. It is primarily concerned with	<ul style="list-style-type: none"> <li>Article 17</li> </ul>



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				classifications and whether a programme was broadcast during children's normal viewing or listening times.	