

REPORT



KO TE WĀ WHAKAWHITI

IT'S TIME FOR CHANGE

A MĀORI INQUIRY INTO ORANCA TAMARIKI

Ko Te Wā Whakawhiti, It's Time For Change

A Māori Inquiry into Oranga Tamariki - Report

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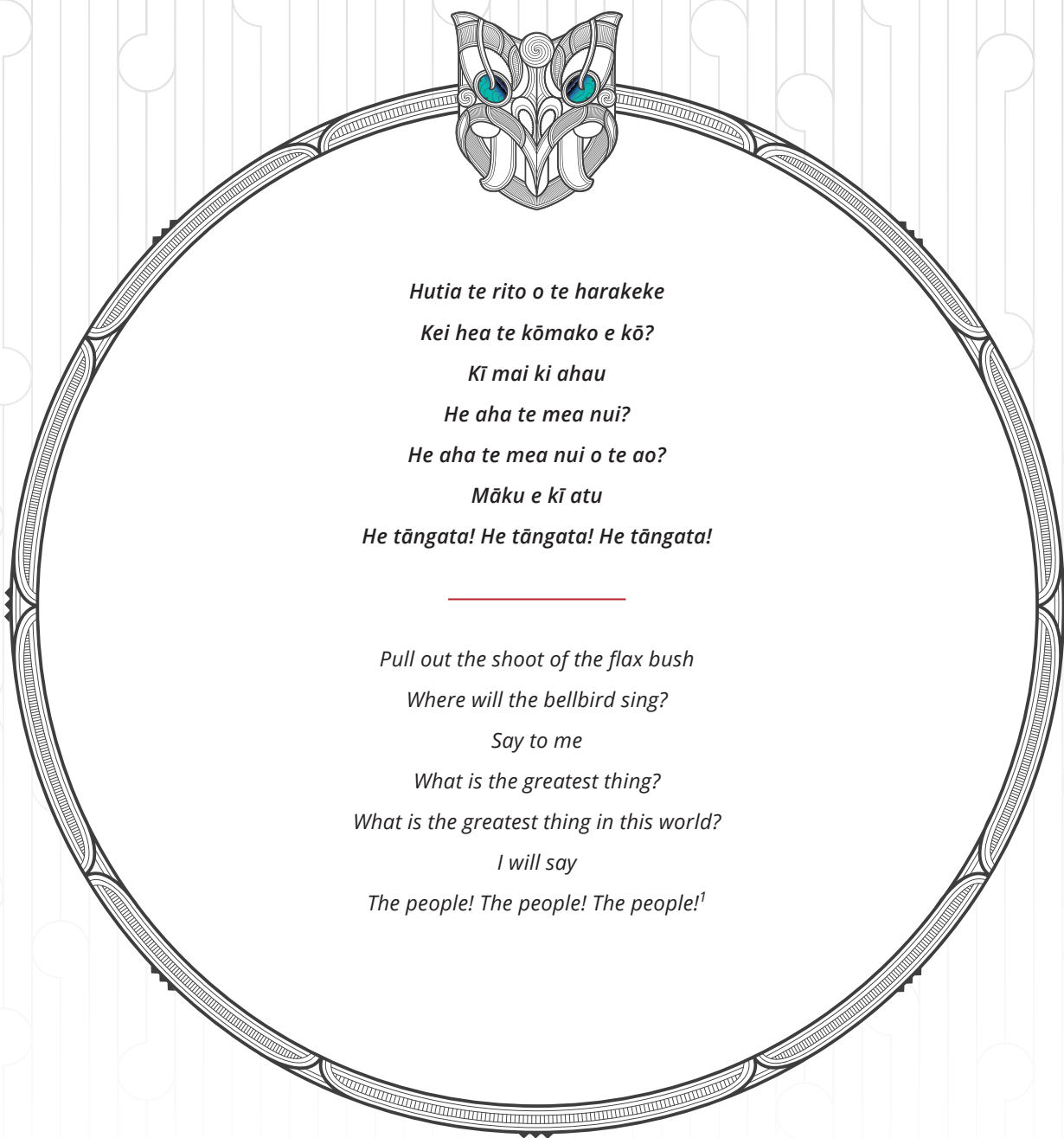


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REPORT



¹ This whakatauki or proverbial saying refers to the Pā harakeke or flax bush used for weaving. Weavers are taught not to cut the rito or center shoot as the whole plant is destroyed and there is no new growth. The Pā Harakeke is a metaphor for the whānau in this review who have had the rito cut from their Pā Harakeke.

ACKNOWLEDGEMENTS

Ehara taku toa i te toa takitahi, engari he toa takitini.
Our strength is the strength of many.

The Māori Inquiry team is deeply grateful to all of the whānau across Aotearoa who agreed to share their stories with us. We hope that by sharing these stories and experiences - many of them deeply painful and traumatic - that collectively we can heal those who have been hurt and find solutions. Ma te Atua koutou e manaaki e tiaki mō ake tonu.

We humbly thank the community groups who hosted us in the regions, and the Whānau Ora providers who hosted whānau and our research teams.

Many thanks to Te Whānau o Waipareira Trust, who organised the extra support for whānau who presented in crisis and also provided us with a dedicated kaiārahi for the inquiry hotline; and to the unfailing interest and support that came from all around Aotearoa, including the Human Rights Commission and the Office of the Children’s Commissioner.

We would also like to thank our expert advisory research group for their knowledge and wisdom: Professor Denise Wilson; Professor Te Kani Kingi; Dr Amohia Boulton; and Dr Ainsleigh Cribb-Su’a; and lastly Professor Sir Mason Durie and Professor Linda Tuhiwai Smith, for generously guiding us to ensure that this review report echoes the voices and aspirations of Māori whānau, and provides a pathway towards a better future for our tamariki.

Tēnā koutou katoa.

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FOREWORD

Kii mai ki ahau he aha te mea nui o te ao – Māku e kii atu He Mokopuna He Mokopuna He Mokopuna

The event in the Hawke’s Bay involving the attempted uplift of one of our tamariki in May 2019 not only sparked national outrage from Māori, but disclosed a controversial and decades old state policy and practice that has had devastating intergenerational impacts that has left our communities with deep emotional scars. From this outcry came the wero (challenge) from our whānau; how do we stop this? What can we do? And what are ‘you’ going to do about it? The solutions, we believed, did not lay with one individual, or one group, or one community. As has been the process in the past on other issues of significance to Māori and the country, the answers and solutions lay with us all!

A number of national hui were held around the country. The overwhelming response from our communities and leaders was heartening. Whānau from all around the motu shared their stories of loss and struggle, and the hurt and suffering caused when tamariki and mokopuna had been ripped away. Even more heart-wrenching was hearing what happened in the aftermath of an uplift; whānau feelings of hopelessness and depression. Yet these same whānau found the strength to stand up and be heard, to share stories that were often deeply personal and raw, and to come together with other whānau around the country to make change. For those of us who had the honour and privilege to attend both the hui and hear the stories of our whānau, there is the stark realisation that something needs to be done now.

Our Inquiry team were dispensed with the urgent task of gathering these stories. Whānau were to be the centre of this Inquiry, and that their voices were to be privileged above all others. It was an immense undertaking! This Inquiry did not have the luxury of time, but neither do our whānau. Decades of government incompetence, inaction, lip service, broken promises, and failed review after failed review made this a priority ‘by consequence’, rather than ‘by choice’, for Māori.

When our tamariki are uplifted into state care, they are not just being taken away from mum or dad, but from a whole ecosystem made up of a rich whāriki (tapestry) of wider whānau, culture, history and ancestry, which are all things we know to be vital to the positive growth and development of any child. The stories from the State survivors we spoke with reiterated to us that the desire to know ‘who you are’ and ‘where you come from’ never goes away! Caring and supporting our whānau in a ‘Māori way’ has not, and will never, work in an environment that does not understand our worldview and our ‘ways of knowing’. It is us as Māori – those of us with lived experience and understand the social and cultural nuances of our communities – who are best placed to provide the care, support and services that our whānau need.

The journey ahead will not be easy, but let us remember that the most profound social movements and changes in this country have been led by ‘little old’ us: Kōhanga Reo, Kura Kaupapa Māori, Te Reo, Te Tiriti, the list goes on! Many of those initiatives were led by members of our inquiry governance group. For them, the fight continues, and we are blessed to be able to draw on their wisdom and experience in taking up this fight! As Dame Tariana Turia expressed at our hui in Mangere, “For many years we have been fighting for our tamariki. WE ARE NOW AT WAR. You either fight back in a war or you lie down and die. WE WILL NOT DIE.”

Our power has been in us all working together for a common cause, a common kaupapa, so that we can create a better future for our tamariki and mokopuna; our future generations. As the saying goes “Ko ngā uri whakatupu (our descendants) ngā rangatira mō āpōpō”.

The call from our whānau has been unambiguous and clear: not one more of our uri whakatupu are to be uplifted. As is the title of this report, ko te wā whakawhiti nō tātou mō tātou - it is certainly our time for change!



Photo: Governance Group, Māori Inquiry into Oranga Tamariki Hui - Waikato.

Ēnei whakaaro kōrero mai i ngā au o ngā kanohi Māori.

Dame Rangimarie Naida Glavish

Chair, Governance Group for the Māori Inquiry

MEMBERS OF THE MĀORI INQUIRY GOVERNANCE GROUP:

Sir Toby Curtis

Sir Mason Durie

Dame Rangimarie Naida Glavish

Dame Areta Koopu

Dame June Mariu

Lady Tureiti Moxon

Merepeke Raukawa-Tait

Sir Pita Sharples

Sir Mark Solomon

Dame Iritana Tāwhiwhirangi

Dame Tariana Turia



CHAPTER ONE

The Māori Inquiry

THE PURPOSE OF THIS INQUIRY

The Māori Inquiry into Oranga Tamariki (The New Zealand Ministry for Children, also formerly known as Child, Youth and Family or ‘CYF’) was launched as a result of the continued inaction by the New Zealand Government to respond to ongoing serious issues in relation to the treatment of tamariki Māori and whānau Māori within the government child and youth care and protection system. The severe negative impacts on Māori whānau and tamariki are in direct contravention of Oranga Tamariki’s stated aim of ensuring children are where they can be safe, connected and flourishing.

**THE AIMS OF THE MĀORI INQUIRY (AS SET OUT IN THE TERMS OF REFERENCE)²
ARE AS FOLLOWS:**

1. To hear the voices of whānau, hapori and those with lived experience of the policies and practices of Oranga Tamariki, in particular around the historical and contemporary incidence of removal of Māori children from their whānau by Oranga Tamariki, and the adverse effects of this practice on whānau Māori.
2. To review the context and development of Crown policy and practice underpinning the current experiences of whānau Māori in regards to Oranga Tamariki.
3. To highlight the changes that need to be made to current Crown approaches and practices in tamariki Māori protection and wellbeing, and to provide action points for change.

**HOW THIS INQUIRY DIFFERS FROM OTHER
INQUIRIES OF ORANGA TAMARIKI**

In May 2019, the seriousness of ongoing issues with Oranga Tamariki (OT) was brought to the New Zealand public’s attention by media reporting on the actions of the agency in the Hawke’s Bay. The agency’s sustained and concerted attempt to forcibly uplift a new-born infant from a young Māori mother still in hospital recovering from childbirth was documented by a well-known reporter, and elicited wide-spread outrage. For many, the Hawke’s Bay incident represented an uncompromising use and abuse of power by the State on a Māori mother and her child³, and the ‘tip of the iceberg’ of the issues that Māori have articulated for a long time, and which Children’s Commissioner Judge Andrew Becroft has described as many decades of ‘very substandard, patchy delivery’ in regards to governmental provision of tamariki care and protection.⁴

The responses to this incident were significant, sparking a call for renewed investigation into the practices of Oranga Tamariki, which resulted in immediate, new inquiries by the Chief Ombudsman (*Systemic Improvement Investigation: Oranga Tamariki – Newborn Removal*)⁵, the Office of the Children’s Commissioner (*Thematic review of Oranga Tamariki’s policies, processes and practices relating to care and protection issues for tamariki Māori aged 0-3 months*)⁶, and an internal practice review by Oranga Tamariki into the events in Hawke’s Bay.⁷

While these responses represent important steps towards uncovering the ongoing, systemic issues around State delivered care and protection of tamariki, for Māori, the central issue of whānau disempowerment and voicelessness warranted a new

approach to inquiry - one in which whānau with lived experience of Oranga Tamariki policies and practices, were at the centre. An approach where Māori stories and worldviews are brought to the fore against the background of an increasing lack of understanding by government around Māori tamariki needs. The Whānau Ora Commissioning Agency⁸, with the support of the South Island Commissioning Agency Te Pūtahitanga o Te Waipounamu⁹ and under the guidance of renowned Māori leadership, took on the review process in recognition of the urgency for change towards better Māori whānau wellbeing.

The Māori Inquiry focused on the experiences of whānau. While we also heard the accounts of social workers, health professionals and the many other people that have a stake in the care and wellbeing of tamariki, this Inquiry is about whānau first and foremost, about their stories of pain and trauma, but also about their vision, hopes and aspirations for a better future for tamariki.

The Māori Inquiry into Oranga Tamariki is therefore significantly different to the other inquiries, as it seeks to fill the current gap of understanding around the intricacies and complexities that lie at the heart of Māori realities, and to give voice to something that for too long has been either silenced, or wrongly appropriated and misrepresented. In many ways this report – and the accompanying ‘*Ngā Kōrero o te Whānau*’ report - represent the ‘tip of the iceberg’, and highlight the need to provide a larger space to hear whānau voices, especially the voices of those who are the least powerful in this scenario, which are Māori tamariki¹⁰.

While the Māori Inquiry stands strong as an independent review, it nevertheless works in concord with the other inquiries, including the urgent hearing of the Waitangi Tribunal into Oranga Tamariki’s practices and policies,¹¹ in order to create the whole story that now needs to drive the impetus for real change.

² See Appendices
³ Reid, Melanie.” New Zealand’s own ‘stolen generation’. The babies taken by Oranga Tamariki”. (June 12, 2019) <https://www.stuff.co.nz/national/113395638/new-zealands-own-stolen-generation-the-babies-taken-by-oranga-tamariki>.
⁴ <https://www.stuff.co.nz/national/111548720/two-years-as-oranga-tamariki-getting-whānau-back-into-childrens-lives>
⁵ https://www.ombudsman.parliament.nz/sites/default/files/2019-11/orangatamarikinewbornremovalinvestigation-termsofreference_0.pdf
⁶ <https://www.occ.org.nz/assets/Uploads/Scope-for-thematic-review-FINAL.pdf>
⁷ The findings of the internal review were published on November 5th, 2019, citing conclusive evidence of systemic failure by Oranga Tamariki in the case of the Hawke’s Bay uplift <https://www.orangatamariki.govt.nz/assets/Uploads/News/2019/Practice-Review/Practice-Review.pdf>
⁸ <https://whānauora.nz/>
⁹ <http://www.teputahitanga.org/>
¹⁰ This report uses the word ‘tamariki’ to refer to children of all ages under the age of 18, including pēpi (babies) and rangatahi (youth)
¹¹ <https://www.scoop.co.nz/stories/PO1910/S00293/waitangi-tribunal-grants-targeted-urgent-inquiry.htm>

HOW THIS REPORT IS STRUCTURED

Chapter One of this report provides an introduction to the aims and methods of the Māori Inquiry process.

Chapter Two contextualises the current situation around Government care and protection of tamariki, by presenting a snapshot of relevant statistics, and an analysis of the historical development and impact of Crown policies and practices in regards to tamariki Māori.

Chapter Three presents the major themes that emerged from the submissions, interviews and hui that were held throughout the country as part of the Māori Inquiry.

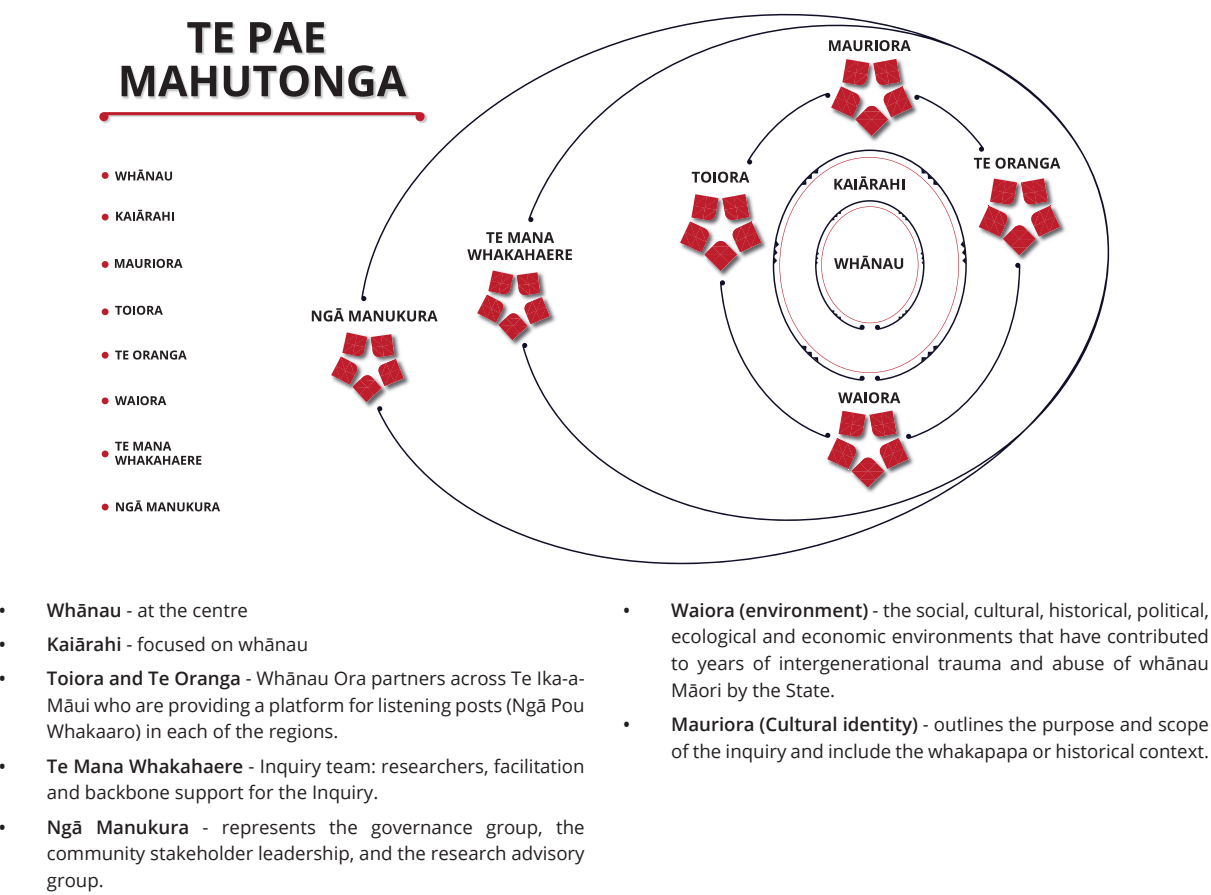
Chapter Four sets out the changes that whānau want to see, which are summarised in a series of action points that deliver a way towards a better future for tamariki Māori and their whānau.

A final note and appendices complete the report.

MĀORI INQUIRY: PROCESS AND METHODS

The frameworks, processes and methods of the Māori Inquiry review are grounded in the principles of Whānau Ora. In that respect the Inquiry was based around Māori frameworks which have whānau at the centre, and accordingly our process of hearing the voices of whānau was anchored by Kaupapa Māori research approaches, which seek to “make transformative change in the wider framework of self-determination, decolonisation and social justice.”¹²

Te Pae Mahutonga¹³, a Māori health promotion framework introduced by Professor Sir Mason Durie¹⁴, was adapted to organise the functions and accountabilities of the Māori Inquiry governance group, leadership, and review team.



¹² Jenny Lee. “Māori cultural regeneration: Pūrākau as pedagogy”. Paper presented as part of a symposium ‘Indigenous (Māori) pedagogies: Towards community and cultural regeneration’ (2005): .4.

¹³ Because it is an indigenous icon, Te Pae Mahutonga can also be used as a symbolic chart for mapping the dimensions of health promotion, including mental health promotion and the promotion of health for indigenous children and young people.

¹⁴ Mason Durie. “Te Pae Mahutonga: Mental Health Promotion for Young Māori”, in M. Durie, Ngā Kāhui Pou Launching Māori Futures, (Wellington: Huia Publishers, 2003): 141-156

MĀORI INQUIRY: PROCESS AND METHODS

Under the structure of the framework the Terms of Reference (TOR) were drafted and ratified on the 19th of August 2019 at a public hui in Hamilton. While the TOR outlined the scope and aims of the Inquiry, the way in which the Inquiry team conducted the submission process and engaged with whānau was grounded by values steeped in Te Ao Māori:^{15 16}

1. **Whānaungatanga** (building strong relationships)
2. **Tautoko** (supporting whānau)
3. **Wairuatanga** (ensuring that the spiritual values of whānau are respected)
4. **Kawa** (that high standards are maintained)
5. **Pōhiri** (that appropriate mechanisms are in place to welcome and access whānau)
6. **Manaakitanga** (that whānau are kept safe)
7. **Te Reo Māori** (that Māori language is used where appropriate)
8. **Aroha** (that whānau are respected within the research process)
9. **Kotahitanga** (that the research contributes to the building of a stronger community).

The process of gathering the voices of whānau ran from the 1st of September 2019 until the 30th of October 2019, in which time over 1100 people across Aotearoa engaged in the Inquiry process.

The Inquiry was designed to promote wide participation – for this reason the ‘criteria’ for who could contribute to the Inquiry was left deliberately

open, only excluding for ethical reasons anyone aged under 16 years of age. Despite this being an explicit ‘by Māori , for Māori , with Māori’ Inquiry, the Inquiry retained a ‘Marae style’¹⁷ open door policy, where anyone who wanted to have a say was welcome.

To make participation as accessible as possible, the Inquiry devised several pathways for submission, including email, online submissions, an 0800 phone number and the setting up of Listening Posts (Ngā Pou Whakaaro) at Whānau Ora providers across the North Island. The review team also travelled to the regions where whānau had contacted the Inquiry in large numbers, or where community groups and Whānau Ora providers offered to host hui. In the South Island, Te Pūtahitanga organised a series of six facilitated whānau-led community hui across various locations, as well as conducting individual interviews at the request of whānau.¹⁸

Four key points were discussed by whānau in each of the community hui, and formed the basis for interviews and online submissions:

- What are the experiences of whānau involving Oranga Tamariki?
- What is working well for whānau and tamariki in State care?
- What is working well for whānau and tamariki in the community?
- What changes do whānau want to see around the care of tamariki and whānau?

¹⁵ <https://www.waipareira.com/wp-content/uploads/2018/04/Te-Kauhau-Ora-Code-of-Conduct.pdf>

¹⁶ Further to this an ethics application was made and approved by Te Whānau o Waipareira ethics committee

¹⁷ Marae protocols in this sense meaning the welcoming of ‘whoever walks through the door’ and showing the proper care and manaakitanga in the process.

¹⁸ Hui were held in Murihiku / Invercargill; Whakatū / Nelson; Te Tai Poutini / Greymouth; Ōtepoti/ Dunedin; Ōtautahi/ Christchurch; Wairau/ Blenheim.



THE INQUIRY PROCESS

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Whānau, individuals and organisations across Te-Ika-a-Māui and Te Waipounamu contributed their collective voices and shared their stories, experiences and ideas via:



TUKUA ŌU WHAKAARO:

- Email submissions and online surveys



KANOHI KI TE KANOHI:

- Interviews North Island and South Island
- Community hui (Northland, Wellington, Gisborne, Taranaki, Hawkes Bay, Te Waipounamu)
- National hui (Auckland, Hamilton)
- Whānau Ora Provider hui



SOCIAL MEDIA SUBMISSIONS

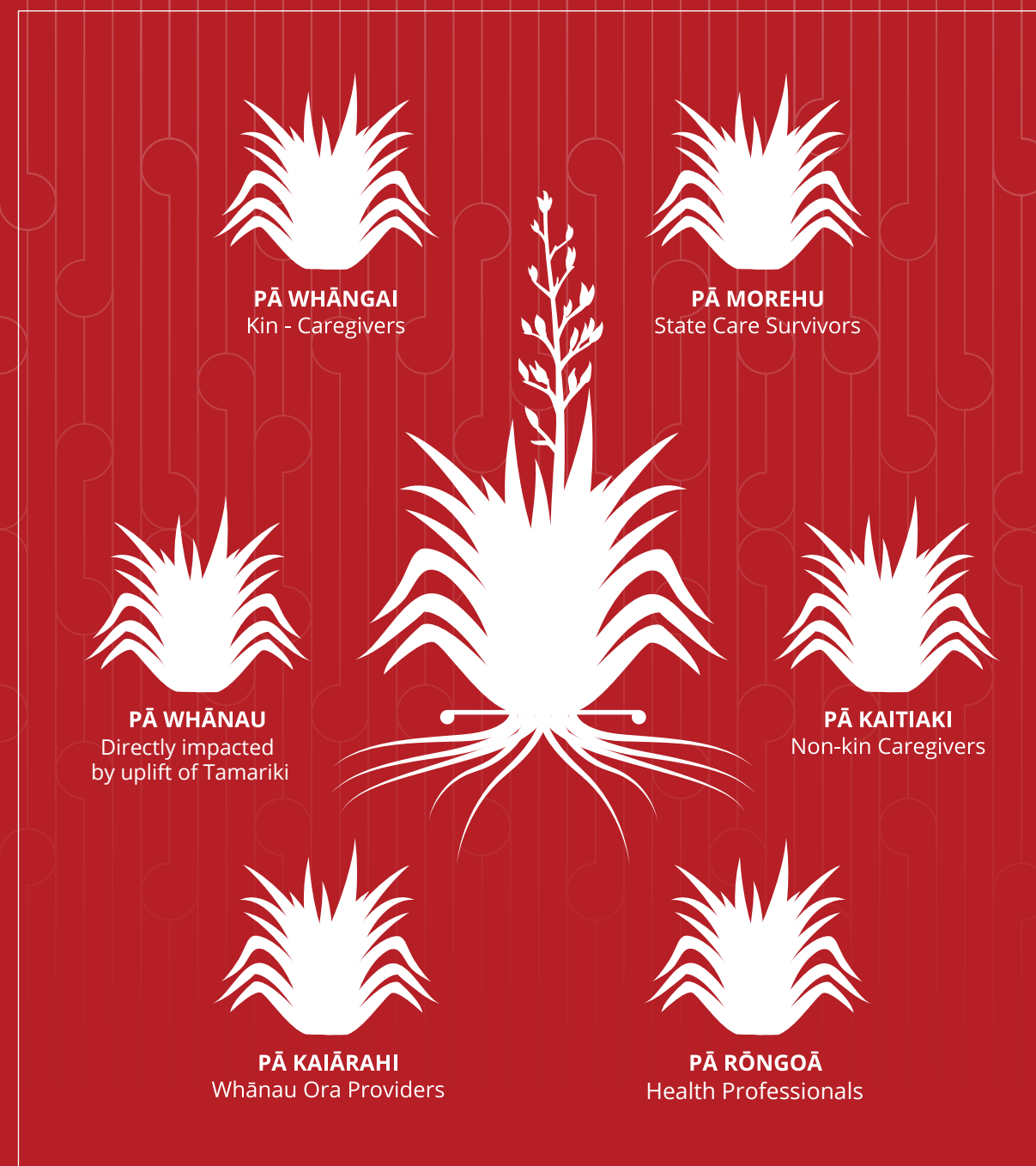


PHONE SUBMISSIONS

All people who participated in the Inquiry had experienced the impact of policies and practices of Oranga Tamariki in relation to the uplift of tamariki Māori. Contributions came from across Aotearoa and included whānau, caregivers, health and social workers, and also national organisations who shared their collective voices and stories.¹⁹

¹⁹ Refer to the Appendices for the number and demographic breakdown of participants in the Inquiry.

WE HEARD THE VOICES OF:





CHAPTER TWO

The Context

THE CONTEXT

This chapter provides some 'facts and figures' that frame the context of current government policies and practices in relation to tamariki Māori.

The 'quick statistics' in this section highlight that even a cursory look at the current statistical trends around tamariki Māori in State care speaks clearly to the negative impact of policies and practices, and sums up the urgent need for Māori led change.

The second part of this chapter – an in-depth look at the evolution of Crown²⁰ policies and practices in regards to tamariki Māori – demonstrates three important points that contextualise the Māori voices that informed this Inquiry:

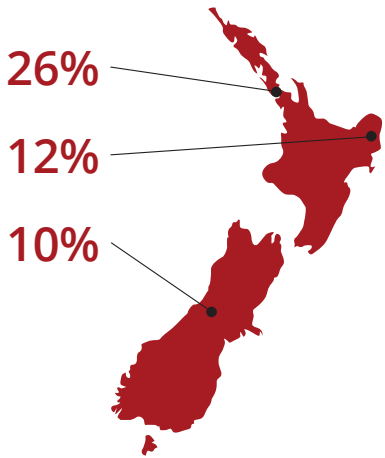
1. Māori have consistently tried to engage in the child care and protection system but have been consistently ignored.
2. The State's social and education policies have been aimed directly at using Māori children as the pathway to cultural assimilation.
3. The State's policies and practices have imposed a view of the Māori person or child as someone who does not need their whānau, an identity or their culture to thrive.

QUICK STATISTICS

At 30th June 2019 there were 6,450 of children and young people in Care and Protection custody of the Chief Executive of Oranga Tamariki (State care). Of these 68% identified as being of either Māori or Māori/Pacific ethnicity.²¹

1. Entry into State care by region

During the period 12-month period from 1st July 2018 to 30th June 2019 (FY2018/19) of total of 1,982 children and young people entered into State care. By Oranga Tamariki operational area the Auckland (Central, North, West, and South) Region (26%, or 519), the East Coast Region (12%, or 247) and Canterbury Region (10% or 208) experienced the top three highest numbers of children and young people entering into State care²².



²⁰ The terms used for the State, Crown and Government are used inter-changeably within the report.

²¹ Oranga Tamariki, Quarterly Report - June 2019, <https://www.orangatamariki.govt.nz/statistics/quarterly-reporting/quarterly-report-june-2019/care-and-protection-statistics-3/>

²² Oranga Tamariki, Data about how we work with children, Key data tables, <https://www.orangatamariki.govt.nz/statistics/data-about-how-we-work-with-children/>

2. Entry into State care by ethnicity

Over the 10-year period from FY2009/10 to FY2018/19 the total number of entries per annum (FY) into State care has decreased by 33.6%, from 2982 to 1982. However, over this same time period the proportion of Māori, and Māori/Pacific children and young people entering into State care has increased by over 7%.²³

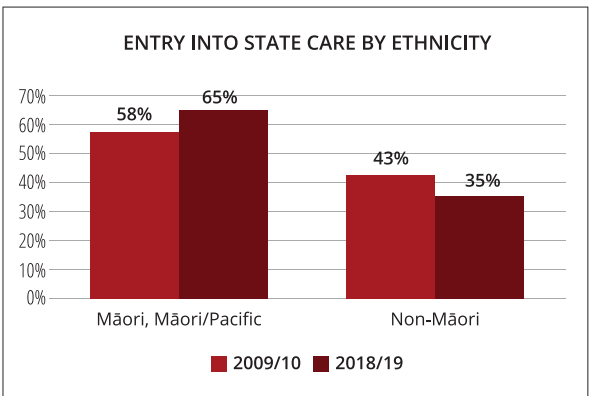


Figure 1: Proportion of children and young people entering OT Care

3. Placements of tamariki Māori

Over the four year period from FY2012/13 to FY2016/17 the proportion of tamariki Māori (Māori children and young people) who are in out of home placements²⁴ has increased by 6%.

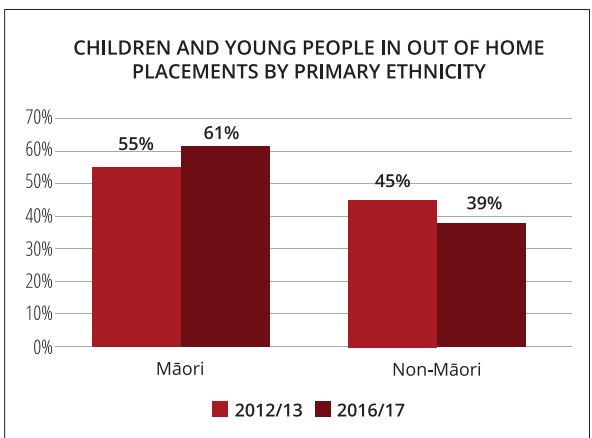


Figure 2: Proportion of children and young people who are in out of home placements

4. Return to home placements

The percentage of children and young people in return to home²⁵ placements is low (less than 10%) and over the four year period from June 2014 to June 2018 the percentage of children and young people in return to home placements has decreased slightly to 8.3%.^{26 27}

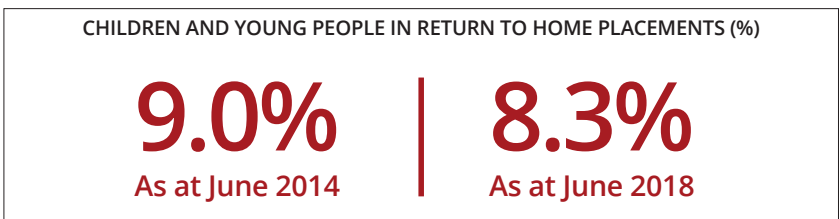


Figure 3: Percentage of children returning home to parent(s)

²³ Oranga Tamariki, Data about how we work with children

²⁴ 'Out of home' is defined as non-whānau, Whānau placement, Child and Family Support, CYF Family Home Placement, Residential Placement, & other supported accommodation. Source: Ministry of Social Development, Kids in care, June 2017, <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics/CYF/kids-in-care.html>

²⁵ 'Return to home' meaning a return to the biological parent

²⁶ Data showing ethnic breakdown of the 'returned home' category was not made available by Oranga Tamariki

²⁷ Oranga Tamariki, OIA responses, Statistics on children in care, placement type and returns home, 15 Nov 2018, <https://www.orangatamariki.govt.nz/official-information-act/oia-responses/children/>

TAMARIKI CARE AND PROTECTION: A HISTORICAL REVIEW OF CROWN POLICIES & PRACTICES

State child welfare and protection policies have been areas of persistent concern for whānau for most of the past century. As in many other areas of social policy, the history of this engagement between Māori and the State is complex. Whānau have attempted to access the support and resources provided by the State for tamariki and rangatahi to grow and thrive, while simultaneously trying to maintain the independence and mana of Māori communities. This dynamic balance between engagement and autonomy has been eloquently described by the historian Aroha Harris as a dance; maintaining values that are regarded as essential to the wellbeing of whānau, within the context of a system that has consistently undermined those values.²⁸

There has been a consistent belief expressed by Māori over most of the last century that participation in the State system of child welfare has the potential to cause more harm than good for Māori children and whānau. However, against this belief, the expanding power of the State welfare bureaucracy over the past century has seen increasing numbers of whānau drawn into this system. Growing assertions of mana motuhake in the 1980s and the desire to develop bi-cultural approaches within State institutions resulted in attempts to incorporate core Māori values such as whakapapa and whānaungatanga into the State's welfare policies. However, the extent to which this has been realised in welfare practices is debatable. The echoes of the warnings of previous generations can be heard in the current accounts of the damage caused to whānau by the State child welfare system in the early twentieth century.

CHILD WELFARE IN THE COLONIAL ERA

The approach of colonial governments in the nineteenth century towards child welfare was driven by a laissez faire attitude towards social welfare in general. The Europeans who colonised Aotearoa were driven by a strong belief in values of self-sufficiency and self-responsibility. The poor and the needy had little place in the colonists' vision of the "Better Britain" that they were aspiring to create in the South Pacific, and ideally, neglected, abused or delinquent children would be absent from a new society that was to be built by healthy, thriving families.²⁹

However, the ideal fell short of the reality for many children. Colonial life was hard and dangerous, families could be obliterated by accident or disease, and the transient nature of life meant it was difficult to fall back on the kin networks or community support that might have been available in their places of origin.³⁰ Alcoholism, violence and poverty were also part of the colonial family experience, which left many children vulnerable to neglect and abuse. The 1867 Neglected and Criminal Children Act, which created State industrial schools where courts could place children, was an early recognition that the colonial State needed to take responsibility for some children.³¹ The industrial school system dominated child welfare provision until the early twentieth century. In 1880 control of Industrial Schools passed from the Department of Justice to the Department of Education, which was to oversee all measures relating to child welfare until the establishment of the Department of Social Welfare in 1972.

The late nineteenth and early twentieth centuries saw some profound changes in how children were viewed by the State in Western societies. Childhood began to be recognised as a special time in life, when the habits and patterns of adult life would be formed.³² Children went from being regarded as unformed versions of adults, to innocent and vulnerable creatures, in need of special protection. Many Western governments, including in Aotearoa, passed a range of measures aiming to protect children during this special time in life, including legislation banning their labour and enforcing compulsory schooling. The Infant Life Protection Act 1907 formalised State surveillance of children placed in temporary care arrangements by parents, part of a growing concern about infant mortality in the early twentieth century.³³ Increasingly, children were viewed by the State as human capital, important assets to ensure the success of society. Therefore, a range of groups were established which had an interest in how children were being raised and treated. In Aotearoa, such groups included the Society for the Protection of Women and Children, and the Plunket Society.

As a result of these changes in ideas about the significance of childhood, the State began to become involved in family life in unprecedented ways, to ensure that its future assets were being well cared for. Children needed to be raised well in order to produce good citizens – workers, soldiers, mothers – who could ensure the future of the nation. Therefore, the State had an interest in saving children from morally suspect homes with parents who were classed as bad or depraved by placing them with families which would teach proper ideas about good citizenship.³⁴ Ideas about the importance of the home environment in shaping children began to become influential in the ideologies of child welfare work.

The corollary of this focus upon the importance of

children was that they could also be viewed as potential threats to social order and stability. If children were not properly socialised in suitable households, they could grow up to become delinquents and criminals. Dalley has noted this double-sided construction of children as both innocent victims and potential criminals, meaning that issues of justice and welfare have been strongly linked in the child welfare system.³⁵

The institutionalisation of neglected, unwanted or delinquent children was increasingly regarded as unsatisfactory by the early twentieth century, as it did not provide children with the proper example of home life needed to properly socialise future citizens.³⁶ Several scandals about conditions and treatment of children in the State industrial schools and some privately-run children's homes also damaged the reputation of these institutions. Instead, child welfare authorities increasingly advocated the idea that fostering children in suitable homes was preferable to institutionalising them, except for the most recalcitrant delinquents.³⁷ The foster system also had the advantage of being a cheaper method of caring for children under State care. Taking the children of the underclass and raising them in respectable homes was a way to ensure that desirable values and morality would be transmitted to the next generation.

Within the context of colonial attitudes towards the role of the family and the place of children within it, attitudes towards the care of Māori children and whānau were deeply entwined with colonial criticisms of Māori socio-economic structures. In particular, the collectivist nature of Māori society was a constant source of criticism bordering on abhorrence from many European observers. As Cheyne, O'Brien and Belgrave note, 'for most of the century and a half since the Treaty of Waitangi was signed, the destruction of this collectivist system was the chief objective of Pākehā-driven government policy towards Māori.'³⁸ In the

²⁸ Bronwyn Dalley, *Family Matters: Child Welfare in Twentieth-Century New Zealand*, (Auckland: Auckland University Press, 1998), 15.
²⁹ Linda Bryder, *A Voice for Mothers: The Plunket Society and Infant Welfare, 1907-2000*, (Auckland: Auckland University Press, 2003), 4.
³⁰ Dalley, *Family Matters*, 51.
³¹ Dalley, *Family Matters* 5.
³² Dalley, *Family Matters* ., 45.
³³ Dalley, *Family Matters*.
³⁴ Christine Cheyne, Mike O'Brien and Michael Belgrave, *Social Policy in Aotearoa New Zealand*, (Auckland: Oxford University Press, 4th ed. 2005), 142.

²⁸ Aroha Harris, "Dancing with the State : Māori Creative Energy and Policies of Integration, 1945-1967," (PhD Thesis, University of Auckland, 2013).
²⁹ James Belich, *Paradise Reforged: A History of the New Zealanders: From the 1880s to the Year 2000*, (Auckland: Allen Lane, 2001), Part 1.
³⁰ Margaret McClure, *A Civilised Community: A History of Social Security in New Zealand 1898-1998*, (Auckland: Auckland University Press, 1998), 11.
³¹ Margaret McClure, *A Civilised Community* . 12.

late nineteenth century, European observers of Māori communities often observed the extreme poverty in which many people lived, but they tended to attribute this to the laziness and lack of self-responsibility which they believed was a result of communal living, rather than recognising the effect of the extreme social and economic dislocation many communities experienced following war and land confiscation.³⁹ Within these discourses, neglected and/or sick tamariki often appear as proof of the essentially inferior nature of Māori society. High Māori infant mortality rates were often attributed to the ignorance and apathy of Māori mothers, rather than the dire circumstances in which many whānau were forced to raise their children.⁴⁰ The practice of whāngai was also blamed for low rates of breastfeeding among Māori mothers in the early twentieth century, which was believed to contribute to infant mortality.⁴¹ However, responses to these observations of neglect did not usually suggest that the State should take responsibility for the well-being of Māori children or rescue them by removing them from their communities. The early twentieth century movement for health reform and modernisation in Māori communities focused on the transformative power of education to effect change in whānau, emphasising that the impetus for change needed to come from Māori themselves.⁴² The majority of the Māori population lived in isolated rural areas, far from the growing surveillance of the State child welfare system. Historian Bronwyn Dalley notes that Māori children made up only a tiny proportion of those committed to industrial schools, and Māori communities rarely had contact with the State system of child welfare prior to the 1930s.⁴³

Much research remains to be done on how communities dealt with vulnerable tamariki in the era prior to the expansion of State child welfare networks. Grinding poverty in many Māori communities particularly impacted upon children, and the reports of Native School teachers from this time often included observations about hungry and neglected children living in dire conditions.⁴⁴ Narratives from this period indicate that children perceived as being neglected or at risk were cared for within wider kinship systems; as the historian Judith Binney notes, the strengths of Māori society in times of crisis were kinship and community networks, the very things which successive government policies had tried to dismantle.⁴⁵

The practice of whāngai, in which some children were raised by others within the kinship network, but with a full awareness of whakapapa, fulfilled several important cultural functions, including supporting whānau in times of stress. As Suzanne Pitama has noted in her research into the impact of traditional and non-traditional adoption practices upon Māori mental health, 'The concept and practice of whāngai was seen to enhance the well-being of the whānau and hapū by promoting happiness and allowing children to be brought up in a family that had the resources to provide for their needs.'⁴⁶ Throughout the nineteenth and twentieth centuries, the practice of whāngai existed alongside, and at times in opposition to, Pākehā adoption practices. Initially, State legislation regarding whāngai was focussed upon the implications of whāngai for property rights.⁴⁷ Pitama notes that whāngai were not mentioned in the 1881 Adoption Act, and it was not until the 1901 Native Land

Claims Adjustment and Laws Amendment Act, that the State began to take an interest in asserting control over whāngai, making it necessary for whāngai to be registered and details published publicly for the child to gain property rights. This had the impact of restricting Māori property rights, by making it more difficult for children who had been adopted under customary practice to assert land claims. The 1909 Native Land Act extended State restrictions on customary practice, stating that no adoptions in accordance with Native custom would be recognised by the Native Land Court. A mesh of restrictions on when Māori could adopt was also introduced, depending on the gender of the adopters and the gender and race of the adoptees – for example Māori couples were prohibited from adopting Pākehā children. However, the practice of whāngai continued outside the law. The system for Māori wishing to formally adopt children was also separate from that for Pākehā; Māori adoptions were handled by the Native Land Court and required the approval of a Māori Land court judge. This separate system continued until the 1960s.

The inter-war period saw considerable transformations in child welfare services. The loss of life and trauma caused by WWI, coupled with a declining Pākehā birth-rate in the 1920s, further encouraged a greater focus on child welfare. Safeguarding the health and welfare of the next generation took on a new significance, and a range of new policies and legislative developments targeting children emerged at this time. One of the most significant of these was the 1925 Child Welfare Act; according to Dalley, the Act laid the basis for the child welfare system for the next fifty years.⁴⁸ The Act established the Child Welfare Division within the Department of Education, and greatly expanded the child welfare system's sphere of influence in society. Preventive work became a major focus, as child welfare officers began to work more closely with families to prevent the need for children to be taken into State care or to appear before the courts. This expansion in

the sphere of activities associated with child welfare created a growing network of child welfare officers, which in turn brought more children and young people to the attention of the child welfare system. One of the consequences of this expanding network was that child welfare work, which had previously been mainly an urban phenomenon, began to push out into provincial towns and rural areas.

MĀORI AND CHILD WELFARE, 1930S-1960S

This was the point at which whānau began to come to the attention of child welfare authorities. This increased surveillance mainly appears in government reports from the 1930s onwards as a concern about 'Māori delinquency', which reflected the wider concern about youth delinquency as a social problem. Dalley has noted that "Māori delinquency was 'discovered' as Māori health and housing became subject to closer inspection."⁴⁹ Poor employment opportunities and inadequate housing were offered by officials as explanations, along with the suggestion that some young Māori struggled to adapt to European cultural norms. For example, the 1945 report of the Child Welfare Division suggested that young Māori were overrepresented in rates of theft, because "the traditional communal habits of Māori society" were based on a different attitude towards property than Europeans.⁵⁰ Concerns about Māori delinquency coincided with more general concerns about the appalling conditions which existed in many rural Māori communities, and the effect these conditions had upon public health issues such as infant mortality and tuberculosis.⁵¹ As Angela Wanhalla has noted, the introduction of Western style-housing was regarded as key to improving Māori lives, through the transformation of family life to a more 'civilised' European nuclear family.⁵² The practice of several generations of family living together in one home, which could help to ensure children were cared for, was frowned upon by Pākehā officials who regarded

³⁹ Raeburn Lange, *May the People Live: A History of Māori Health Development 1900-1920*, (Auckland: University of Auckland Press, 1999), 15.

⁴⁰ Derek Dow, *Māori Health and Government Policy, 1840-1940*, (Wellington: Victoria University Press, 1999), 78.

⁴¹ Linda Bryder, "New Zealand's Infant Welfare Services and Māori, 1907-1940," *Health and History*, 3, (2001), 77.

⁴² Lange, *May the People Live*; Mason Durie, *Whaiora: Māori Health Development*, (Auckland: Oxford University Press, 2nd ed., 1998), 24-30.

⁴³ Dalley, *Family Matters*, 24, 83.

⁴⁴ Judith Binney with Vincent O'Malley, "The Quest for Survival, 1890-1920," in Atholl Anderson, Judith Binney and Aroha Harris, *Tangata Whenua: An Illustrated History*, (Wellington: Bridget Williams Books, 2014), 341.

⁴⁵ Binney with O'Malley, "The Quest for Survival, 340.

⁴⁶ Suzanne Pitama, "The effects of traditional and non-traditional adoption practices on Māori mental health," in *Adoption and Healing: Proceedings of the international conference on Adoption and Healing*, (Wellington: Adoption Education and Healing Trust, 1997), 78.

⁴⁷ Karyn Okeroa, McRae and Linda Waimarie Nikora, "Whāngai: remembering, understanding and experiencing," *MAI Review*, 1, (2006), 1.

⁴⁸ Dalley, *Family Matters*, 94.

⁴⁹ Dalley, *Family Matters*, 120.

⁵⁰ "Education: Child Welfare, State care of Children, Special Schools and Infant-Life Protection," *Appendices to the Journals of the House of Representatives (AJHR)*, Session I E04, (1945), 4.

⁵¹ Barbara Brookes, "Health Education Film and the Māori": Tuberculosis and the Māori People of the Wairoa District (1952)," *Health and History*, 8, no. 2, (2006), 45-68.

⁵² Angela Wanhalla, "Housing Un/healthy Bodies: Native Housing Surveys and Māori Health in New Zealand 1930-45," *Health and History*, 8, no. 1, (2006), 100-120.

such arrangements as overcrowding and detrimental to both health and morality.

The interwar period also witnessed crucial shifts in the political landscape which had major consequences for social welfare in Aotearoa. The Great Depression of the late 1920s and early 1930s saw poverty and hardship, which had previously existed in pockets in Aotearoa's society, become a more common experience in the community.⁵³ The Depression highlighted the inadequacies of the existing systems of support for the needy and vulnerable in society. 1935 saw the election of the first Labour government, which was committed to the concept of universal State welfare for all citizens. The Depression highlighted the feeling that everyone, not just the poor, could be vulnerable to economic forces beyond their control. The role of the State was to support everyone in times of misfortune and need; "for each according to his needs; by each according to his means".⁵⁴ These principles saw practical application in the 1938 Social Security Act, which raised the rate of existing benefits, and introduced a range of new ones.

This Act had important ramifications for Māori engagement with the State. It broadened Māori eligibility for State support, by removing consideration of Māori ownership of customary land in pension assessments. However, as Margaret McClure notes, in reality, the Pensions Department continued to administer pensions in a way that undermined the principle of equality and registrars were directed to take into account the living standards of Māori communities when carrying out assessments for pensions.⁵⁵ The poverty of Māori communities was seen to imply acceptance of lower living standards, thereby justifying paying lower amounts. This continued to be the case until the Māori Social and Economic Advancement Act 1945 formally removed the possibility of discrimination in Māori benefit entitlements.

The payment of family benefits to whānau excited public controversy in the 1940s, as they made a noticeable difference to spending power in Māori communities.⁵⁶ Some observers noted the positive differences this had on the lives of children, who were now better clothed and better fed. But the family benefit payments also opened up whānau to more intense scrutiny of their spending patterns, home life and parenting skills. There were claims that the benefits encouraged laziness and dependency and discouraged Māori men from seeking work. Accusations in the press of misuse of family benefits in Māori households were common, and some officials reported that children were left starving and raggedly dressed, while their parents spent family benefits on drinking and gambling. However, others pointed out that these kind of abuses also existed in Pākehā families; as one Māori Welfare Officer pointed out in 1949: 'No doubt in many Māori families, as in many Pākehā families, husbands and wives spend more on luxuries because they draw family benefits, but I do not believe this is more common among Māori. This kind of misuse is probably widespread among both races and also among people who would be considered responsible members of society.'⁵⁷ Nevertheless, whānau receiving benefits continued to be subject to more intense supervision by the State than their Pākehā equivalents.

Thus, increasing State surveillance of Māori families was a key feature of this period. However, official reports on interaction with tamariki and their whānau in this era do consistently express the view that State care for neglected or delinquent Māori children was inappropriate and any problems were best dealt with by working with local communities. The report of the Child Welfare Division from 1942 noted that "It is the policy of the Department to deal with these children by remedial treatment in their own homes and localities as far as this is practicable. Very considerable help

in this connection has been given by the honorary Child Welfare Officers, including representatives of the Māori race."⁵⁸ Likewise, in 1944, the Child Welfare Division report noted that issues of Māori child welfare needed to be dealt with by working in concert with the local community:

*In certain districts there is definitely a problem to be faced in connection with the welfare of Māori children. It would not be possible, even if it were desirable to do so, to remove any large number of these children and place them in institutions. Constant attention from the welfare officers and others, including officers of the Health Department and Native-school teachers, has in the majority of cases proved to be efficacious in ensuring reasonable conditions. Closer contact was made during the year between many District Māori Councils or Committees and liaison officers appointed to act as a link with our District Child Welfare Officers. Very satisfactory results have attended this practice, which it is hoped to extend still further still. I am satisfied that the Māori themselves must be given a large share in the responsibility of providing for the betterment of families – with assistance from Government officials to back them up when required.*⁵⁹

Dalley notes that these attitudes reflected beliefs that Māori communities should be encouraged to exhibit self-reliance, and that there was awareness that many communities resented interference from Pākehā officials in matters of community welfare.⁶⁰ An emphasis upon self-reliance was also a response to the practicalities of a lack of staff and resources; often the Child Welfare Branch needed to rely on local leaders to act as honorary welfare officers, because they did not have the staff to provide supervision.⁶¹ The thrust of welfare policy towards Māori in this era

was therefore working with tamariki and whānau within their local districts and relying upon local knowledge to solve problems. The consequences of separating Māori children from their families and localities were believed to be detrimental; one welfare officer argued that Māori children did not do well in institutional care, observing 'The Māori girl does not take kindly to Institutional life, as they are home sick and crave to be with their own people.'⁶²

The relationship between Māori and the State in the immediate post-war period was primarily shaped by the Māori Social and Economic Advancement Act 1945. The Act was intended to achieve the goal of creating "an independent, self-reliant, and satisfied Māori race"⁶³ The Act established the Māori Welfare Division and its Welfare Officers as the key points of contact between the State and whānau, bringing the Māori Affairs Department into the daily lives of Māori. Welfare officers employed by the Welfare Division were expected to work with local tribal committees, District Nurses and local GPs to ensure that Māori health and welfare needs were attended to. The expansion of the Māori Affairs Department into welfare provision was in the context of the profound changes Māori communities were experiencing due to the post-war acceleration of urban migration, which created enormous challenges for many whānau in terms of whānau ora. The post-war relationship between Māori communities and the State was complex; some historians have argued that the Māori Welfare Division was essentially a tool of State hegemony which co-opted and tamed existing Māori institutions and removed the possibility for a truly autonomous approach to Māori social policy that could properly meet Māori needs.⁶⁴ However, Aroha Harris has noted the complicated and dynamic nature of the

⁵⁸ Department of Education, "Education: Child Welfare, State care of Children, Special Schools and Infant-Life Protection," AJHR, Session I E04, (1942), 2.

⁵⁹ Department of Education, "Education: Child Welfare, State care of Children, Special Schools and Infant-Life Protection," AJHR, Session I E04, (1944), 3.

⁶⁰ Dalley, Family Matters, 124.

⁶¹ Dalley, Family Matters.

⁶² Quoted in Dalley, Family Matters., 131.

⁶³ Department of Māori Affairs, "Annual Report of the Board of Māori Affairs and of the Undersecretary, Department of Māori Affairs," AJHR, G-09, (1949), 2.

⁶⁴ Margaret Tennant, The Fabric of Welfare: Voluntary Organisations, Government and Welfare in New Zealand, 1840-2005, (Wellington: Bridget Williams Books, 2007), 166.

⁵³ McClure, A Civilised Community, 56.

⁵⁴ Quoted McClure, A Civilised Community., 81.

⁵⁵ McClure, A Civilised Community., 111-2.

⁵⁶ McClure, A Civilised Community., 115.

⁵⁷ Quoted in McClure, A Civilised Community., 123.

relationship between Māori communities and the Māori Affairs Department, in which various agendas sometimes diverged and sometimes merged.⁶⁵ The Māori Women's Welfare League, established in 1951, also became a crucial point of negotiation and tension between the needs of Māori communities and the agendas of the Māori Affairs Department.⁶⁶

Therefore, the Child Welfare Division frequently turned to Māori welfare officers from the Māori Affairs Department and the tribal committees in dealing with problems in families in Māori communities. The Māori Women's Welfare League was also very active in dealing with issues of neglect and delinquency among Māori children and young people. The guiding principle of the Child Welfare Division continued to be one of Māori responsibility for Māori welfare. For example, on the matter of registering ex-nuptial births and investigating the baby's welfare, which was one of the Child Welfare Division's responsibilities, Māori ex-nuptial births were not subject to the same level of inquiry as Pākehā illegitimate babies, partly because it was recognised that many of these births were the result of customary marriages, and partly because it was assumed that kin networks would ensure the baby's welfare was guaranteed.⁶⁷ This emphasis upon Māori responsibility for whānau wellbeing was supported by Māori organisations; the Māori Women's Welfare League firmly believed that the solution to the issue of Māori delinquency lay with Māori communities, not with the officers or institutions of the State child welfare system.⁶⁸

CHILD WELFARE AND MĀORI IN THE 1960S AND 1970S – LOST IN THE SYSTEM

However, from the 1960s, the State focus upon the integration of Māori into mainstream Pākehā society

intensified, which would have crucial consequences for how tamariki were dealt with by State child welfare services. The policies of earlier decades, focused as they were upon a mainly rural Māori population, ceased to be as relevant or effective in the face of the transformations taking place in Māori society as a result of urbanisation.⁶⁹ Dissatisfaction with existing policies were articulated in the 1960 Hunn report. Jack Hunn, the acting Secretary of Māori Affairs, concluded that integration between Māori and Pākehā was a natural and inevitable consequence, stating that 'Evolution is clearly integrating Māori and Pākehā. Consequently "integration" is said to be the official policy whenever the question is asked.'⁷⁰ The Hunn report proposed a raft of policy initiatives to encourage and speed up the process. Hunn argued that Māori who resented the pressure to conform to "the Pākehā mode of life" needed to understand that this was an inevitable consequence of becoming modern: "It is not, in fact, a Pākehā but a modern way of life, common to advanced people... not merely white people – in all parts of the world."⁷¹ At a time when urban migration was reaching its peak, Hunn regarded urbanisation as a positive force for successful integration, arguing that if Māori and Pākehā lived together as neighbours, they would better understand and appreciate each other than if they were living in separate communities ('the pepper potting' policy).⁷² Within this perspective, there was little room for the development of alternative models of Māori modernity. While Hunn gave lip service to the idea that the "fittest" aspects of Māori culture might be retained, the reality of the policy directives that came out of the report provided little space for this retention to occur – the improvement and modernisation of Māori was to be done on Pākehā terms. As Aroha Harris has noted, it was in this grey area, 'where the things that were important to Māori – and yet somehow difficult to

explain across the cultural divide - competed with the forces of integration for a secure position in modern New Zealand', where tension and conflict was to occur in many areas of Māori social policy over the coming decades.⁷³

The significance of the intensifying focus upon racial integration for child welfare policy and practices was profound. It was believed that the best way for Māori to achieve social and economic parity with Pākehā was to remove any distinctions in the way that Māori were treated.⁷⁴ Solutions and services for Māori were to be the same as those offered for Pākehā. Hunn questioned the need for the Department of Māori Affairs to maintain such a large workforce of welfare officers for Māori needs and recommended that the Department instead call on the services of 'trained specialists' from other Departments.⁷⁵ This approach constituted a move away from the practices of earlier decades, in which the Child Welfare Division had relied upon Māori Welfare officers and community leaders, and it eroded the limited autonomy Māori communities had managed to maintain in dealing with vulnerable tamariki. The Hunn report was a clear articulation of what would become known as "deficit discourse", in which the aim of policy was "assimilating Māori to the non-Māori 'norm'", where Māori needed to 'catch-up' with Pākehā standards of living.⁷⁶ Within this framework, poor socio-economic outcomes for Māori are usually attributed to Māori deficiencies and failures, rather than with the aims and practices of social policy.⁷⁷

Some of the consequences of these shifts can be seen in the area of adoption policy. The 1955 Adoption Act formalised the practice of closed stranger adoptions,

based upon the belief that the adopted child's ties to their birth family should be severed, to enable the child to be better absorbed into the adopted family. The legislation also essentially ended the parallel system of Māori formal adoptions and made them subject to the same provisions as Pākehā.⁷⁸ As Anne Else has noted, the provisions, based as they were upon ideas about shame and secrecy, were framed on a completely monocultural basis and made no sense in a Māori context.⁷⁹ In a 1962 amendment to the 1955 Act, the jurisdiction of the Māori Land Court over Māori adoptions was also removed, meaning that Māori wanting to formally adopt children had to go through the Magistrates' Court. The reason for this change was explained in terms of the desire for equality of treatment: "to do away with one more of the provisions that differentiate between Māori and other New Zealanders."⁸⁰ Else noted the Māori MPs spoke against the Amendment in Parliament, arguing that while the officials of the Māori Land Court had experience in dealing with Māori tikanga, those in the Magistrates' Court had no such experience, and were regarded with suspicion by many Māori. In 1965, several MPs noted that the Magistrates' Court was turning down adoption applications from Māori because the child was already closely related to the adopters. For example, one MP told of a case where an application from a Māori couple to formally adopt their daughter's child was refused, because the Magistrate did not approve of the child becoming, in law, her mother's sister.⁸¹ In response to criticisms of the change, the Attorney-General Rex Hanan argued that the adoption of children by grandparents was not a good thing, as the best people to look after young children were the 'natural parents' of the children.⁸²

⁷³ Aroha Harris with Melissa Matutina Williams, "Māori Affairs, 1945-1970," in Atholl Anderson, Judith Binney and Aroha Harris, *Tangata Whenua: An Illustrated History*, (Wellington: Bridget Williams Books, 2014), 404.

⁷⁴ Cheyne, O'Brien and Belgrave, *Social Policy*, p.146.

⁷⁵ Hunn, "Report," 14.

⁷⁶ Louis Virginia Humbage, "Closing the Gaps? The Politics of Māori Affairs Policy", (PhD Thesis, Massey University, 2002), 64.

⁷⁷ Elana Curtis, "Indigenous Positioning in Health Research: The importance of Kaupapa Māori theory-informed practice" *AlterNative: An International Journal of Indigenous Peoples*, 12, no.4, (2016), 402.

⁷⁸ Anne Else, *A Question of Adoption: Closed Stanger Adoption in New Zealand, 1944-1974*, (Wellington: Bridget Williams Books, 1991), 180.

⁷⁹ Else, *A Question of Adoption*.

⁸⁰ Quoted in Else, *A Question of Adoption*, 181.

⁸¹ Else, *A Question of Adoption*. 182.

⁸² Else, *A Question of Adoption*.

⁶⁵ Aroha Harris, "Māori and 'the Māori Affairs,'" in *Past Judgement: Social policy in New Zealand History*, eds. Bronwyn Dalley & Margaret Tennant, (Dunedin: University of Otago Press, 2004), 191-205.

⁶⁶ Tennant, *Fabric*, 167-9.

⁶⁷ Dalley, *Family Matters*, 193.

⁶⁸ Dalley, *Family Matters*.

⁶⁹ Richard S. Hill, *Māori and the State: Crown-Māori Relations in New Zealand/Aotearoa, 1950-2000*, (Wellington: Victoria University Press, 2010), 89-92.

⁷⁰ Hunn, "Report," *AJHR*, G-09, (1960), 15.

⁷¹ Hunn, "Report," 16.

⁷² Hunn, "Report," 14.

Here the chasm between Māori approaches to child-rearing and the dictates of Pākehā law was apparent. The result of these changes was a drop in Māori applications to formally adopt children after 1962.⁸³

The alternative to formal adoption for Māori was to continue the practice of whāngai. A survey of 20,000 North Island Māori households in the 1960s found that between ten and twelve thousand Māori children were living apart from their birth parents.⁸⁴ But while this could be seen as an expression of the importance of kin support and family networks in raising children, in the eye of Child Welfare officials, this was problematic, and could result in neglect and delinquency if the children had no legal status in their own homes.⁸⁵ Informal adoptions could leave the child at risk of being taken from their whāngai parents. A Māori Welfare Officer who worked in the 1950s and 60s noted that in some communities, the Child Welfare officials were feared “as those people who came to take your children away and you never see them again.”⁸⁶

Another significant development from the 1960s was the increase in intercultural adoptions under the provisions of the 1955 Adoption Act. As urbanisation increased, more Māori children were put up for adoption.⁸⁷ Cultural dislocation could be one of the consequences of urban migration and many young Māori people living in the cities became more remote from kin networks. Thus, it became less likely that people unable to care for babies themselves would turn to whānau for help. In addition, urbanisation also resulted in increasing numbers of children born outside of marriage to Pākehā mothers and Māori

fathers and many of these babies were also placed up for adoption, often without the knowledge of the paternal whānau. In contrast to earlier decades, when Child Welfare officers had assumed that kin networks should take the responsibility for Māori babies born outside of marriage, from the 1960s there was no policy of attempting to contact whānau when Māori babies were offered for adoption.⁸⁸ This was of concern to some Māori welfare officers and to the Māori Women’s Welfare League, who feared that mothers were being encouraged to place their babies up for adoption, rather than have them brought up by their whānau at home.⁸⁹ One Māori Welfare Officer spoke of his unease at writing up reports on closed stranger adoptions of Māori babies; “We as Māori Welfare Officers were at the end of a process, the beginnings of which we had not played any part of. Had we, I am sure that during the 70s there would have been fewer Māori placed in stranger adoptions.”⁹⁰ There were also cases when babies were placed for adoption against the expressed wishes of the whānau. Given the difficulty that Child Welfare officials had in finding families who would adopt Māori babies, particularly those with dark skin, the future for many of these babies would have been a series of foster families and institutional care. As Else argues

*Given the situation, the only explanation for the apparent eagerness with which Māori children were claimed for the adoption market is that to Pākehā social workers, any legal placement with strangers via Child Welfare appeared preferable to allowing the baby to go to Māori kin – or to making efforts to place it with kin.*⁹¹

Within the discourses of racial integration that came to dominate child welfare by the 1960s, there could be little acknowledgement that tamariki might have specific cultural or spiritual needs that would make closed stranger adoptions inappropriate. As one child welfare worker explained to Else:

*We were all operating from a Pākehā nuclear family stance. The one area we did explore was medical histories within families. But apart from that, the extended family background didn’t come into it. We gave no special advice to Pākehā adopting Māori children.*⁹²

Research has highlighted the detrimental consequences of these practices for these adoptees, many of whom have been unable to trace their whakapapa as adults, and who have struggled throughout their lives with issues of cultural alienation and profound feelings of loss.⁹³

Broader changes within child welfare ideologies and practice from the 1970s would also have important consequences for whānau. The Child Welfare Division was absorbed into the new Department of Social Welfare in 1972, and in 1974 the Children and Young Persons Act introduced the first major reforms of child welfare services since the 1920s. The emphasis of the Act reflected the increased emphasis on children’s rights from the 1970s, which found expression in the principle of paramountcy. This principle held that the welfare of the child should be paramount in making decisions about a child’s well-being and reflected an increased focus upon the child as an individual, rather than as part of a family unit.⁹⁴ This would have important consequences for social work practice.

Human rights discourses became a significant part of thinking about welfare provision over this period. The Human Rights Commission was established in 1977 with the intention to provide better protection for human rights in Aotearoa. As will be seen below,

the treatment of young Māori within the welfare system quickly became a focus of attention for the Commission. Over the next three decades, the further development of a range of International Rights Conventions and Declarations provided a framework in which child welfare policies and practices in Aotearoa now sit. The United Nations Convention on Rights of the Child (UNCROC) was ratified by NZ in 1993, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was endorsed by Aotearoa in 2010.⁹⁵

During the 60s and 70s, one of the main focuses of social work with children and young people became child abuse. Internationally, child abuse was rediscovered by experts and officials as a major issue in the 1960s and 1970s.⁹⁶ In Aotearoa, public awareness of the issue increased, and a range of programmes and policies were developed by community groups and government agencies to combat child abuse. Specialised child protection teams, which combined the skills of police, social workers, medical professionals and social workers, were also established in some districts to deal with child abuse cases.⁹⁷ For social work practice, the increasing professional awareness of the prevalence of child abuse would have profound consequences. Managing cases of child abuse within families in the best interests of the child’s welfare, when the family was regarded as both the source of the problem and the key to the solution, represented an immense challenge for social workers. Removing children from families became the commonly accepted response to cases of abuse and neglect, resulting in increasing numbers of children coming under State care.

⁸³ Else, A Question of Adoption. p.185; Dalley, Family Matters, 234.

⁸⁴ Dalley, Family Matters, 234.

⁸⁵ Dalley, Family Matters .

⁸⁶ Quoted in Else, A Question of Adoption, 181.

⁸⁷ Else, A Question of Adoption., 186-7; Maria Haenga Collins and Anita Gibbs, “Walking between worlds’: the experiences of New Zealand Māori cross-cultural adoptees,” Adoption and Fostering, 31, no. 1, (2015), 64-5.

⁸⁸ Else, A Question of Adoption, 188.

⁸⁹ Else, A Question of Adoption, 87-8.

⁹⁰ Harry Walker, “We are born of our people: The unseen ties that bind the forces of kinship,” Adoption and Healing, (Wellington: New Zealand Adoption Education and Healing Trust, 1997), 10.

⁹¹ Else, A Question of Adoption, 190.

⁹² Quoted in Else, A Question of Adoption ., 191.

⁹³ Collins and Gibbs, “Walking Between Worlds,”; Pitama “Effects,”.

⁹⁴ Dalley, Family Matters, 354.

⁹⁵ Human Rights Commission, “International Reporting”, accessed 21 November 2019, <https://www.hrc.co.nz/international-reporting/>.

⁹⁶ Dalley, Family Matters, 342.

⁹⁷ Dalley, Family Matters 342-8.

The 1970s and 1980s also saw the emergence of movements for Māori self-determination. A new generation of Māori leaders expressed strident demands for social justice and tino rangatiratanga, rejecting the State's policies of racial integration as the best outcome for Māori.⁹⁸ They pointed to Māori disadvantage in areas of health, employment and justice as evidence that a century of policies of assimilation and integration had failed to bring the promised benefits to Māori, and they shattered the myths of favourable race relations in Aotearoa by exposing the blatant racial discrimination that Māori faced.⁹⁹ The passing of the Treaty of Waitangi Act 1975 signalled a new form of cultural assertiveness for Māori and a new understanding of the relevance of Te Tiriti to contemporary social policy.¹⁰⁰

1980S – CHALLENGING THE SYSTEM

These analyses of racial inequality would have a profound effect upon all areas of social policy in Aotearoa, including welfare policy. Groups such as Ngā Tamatoa, the Auckland Committee on Racism and Discrimination and Arohanui Inc. launched a campaign exposing the abuses experienced by young Māori people in Social Welfare institutions, resulting in an investigation by the Human Rights Commission in 1982, which found serious breaches of human rights had occurred.¹⁰¹ Other reports by Archbishop Allen Johnston, and the Women's Anti-Racist Action Group also highlighted racism within the Department, its institutions and the way it dealt with whānau.¹⁰² These reports highlighted that while a century and a half of Pākehā policy had resulted in Māori being the largest group of welfare users, the services they accessed were staunchly monocultural and failed to answer the needs of society's most vulnerable people.

The practice of placing Māori children outside kin networks into non-whānau foster homes and institutions was highlighted as a major concern. In

response, the Maatua Whāngai programme was launched by the Department of Social Welfare in the early 1980s.¹⁰³ Initially, this had the aim of recruiting more Māori foster parents generally, but this shifted in emphasis to identifying the whānau and iwi connections of children who came into State care and helping to develop whakapapa. The programme would then help to facilitate children being cared for within whānau, by making sure the necessary structures and resources were in place to care for children. Maatua Whāngai was an important change for the Department in its approach to dealing with Māori children who were in the care of the State, but expectations of the scheme from Māori communities were very high, and it was quickly apparent that the programme initially did not have the resources to be able to meet these expectations.¹⁰⁴

The anger and injustice that Māori felt about their treatment by State welfare agencies was expressed in the 1986 report Puao-te-ata-tu, which was produced by a Department of Social Welfare Māori Ministerial Advisory Committee. The Task of the Committee was to advise the Minister on how the Department could meet the needs of Māori in policy, planning and service delivery and its recommendations were based upon feedback gathered in hui around the country, and from written submissions. The Preface of the report was direct in its criticism of how the current system disadvantaged Māori. Most significantly, the report identified necessary changes in legislation dealing with child welfare, as well as the urgent need for changes in social work practices when dealing with tamariki. For the Committee, the source of the problem was clear: "At the heart of the issue is a profound misunderstanding or ignorance of the place of the child in Māori society and its relationship with whānau, hapū, iwi structures."¹⁰⁵

Puao-Te-Ata-Tu highlighted the failure of social work policy and practice to adequately consider the rights of the extended family in child protection work. The Committee heard from respondents that adoptive and foster parents were being selected on the basis of Pākehā material values, while the value of whānau who could bring up a child in a whānau environment, with 'tribal aroha' was ignored.¹⁰⁶ The Committee recommended that a "substantial ideological change was necessary" to the 1974 Children and Young Persons Act, to make it more responsive to Māori needs. One of the committee's main recommendations was the need for legislation to shift from seeing the Māori child in isolation as an individual, or even just part of a nuclear family, but to recognise the wider kin group and community as having responsibility for that child. The committee noted the current principle of the welfare of the child as the first and paramount consideration but argued there was no inherent conflict between this and recognising the preference for the child to remain within the extended family. However, the current application of the principle of paramountcy was being used to negate the rights of whānau to care for their children. The committee concluded that change was urgently needed to ensure that what it termed 'the hapū principle' was included in legislation, as "The physical, social and spiritual wellbeing of a Māori child is inextricably related to the sense of belonging to a wider whānau group."¹⁰⁷

The political developments of the 1980s created a dynamic context for these debates and critiques of State child welfare services. The election of the fourth Labour Government in 1984 set off a programme of neo-liberal economic reform that would have major economic and social consequences. This would create opportunities for new ways of delivering social services, including welfare services, which appealed to many who believed the Pākehā welfare State had failed Māori. But at the same time, the consequences of the neoliberal economic reforms, including increased unemployment and benefit cuts, were devastating for many whānau, who were among the

most vulnerable in society, and relied heavily upon State support and services. As Harris has pointed out, Māori aspirations for greater sovereignty over welfare matters 'saw Māori effectively assist in dismantling a State on which, arguably, they relied more than ever.'¹⁰⁸

This maelstrom of political, social and philosophical thought and activity formed the context for several years of policy review and development that would eventually result in the 1989 Children Young Persons and Their Families Act. According to Dalley, the legislation 'represented the triumph and realisation of the ideal of tending to children's welfare within family settings.'¹⁰⁹

A key principle of the Act was to empower families and communities to care for and protect their children, with the appropriate support mechanisms in place from the State. Most significantly for Māori, the Act affirmed the primacy of families and whānau in having and taking responsibility for their members. Clause 5 of the General Principles of the Act included the following:

- a) The principle that, wherever possible, a child's or young person's family, whānau, hapū, iwi and family group should participate in the making of decisions affecting that child or young person, and accordingly that, wherever possible, regard should be had to the views of the family, whānau, hapū, iwi and family group:
- b) The principle that, wherever possible the relationship between a child or young person and his or her family, whānau, hapū, iwi, and family group should be maintained and strengthened:
- c) The principle that consideration must always be given to how a decision affecting a child or young person will affect –
 - i) the welfare of that child or young person; and
 - ii) the stability of that child's or young person's family, whānau, hapū, iwi, and family group.¹¹⁰

⁹⁸ Hill, Māori and the State, ch.7; Aroha Harris with Melissa Matutina Williams, "Rights and Revitalisation, 1970-1990," in Tangata Whenua, 416-25.

⁹⁹ Hill, Māori and the State.

¹⁰⁰ Hill, Māori and the State.

¹⁰¹ Dalley, Family Matters, 299-302.

¹⁰² Dalley, Family Matters ., 267.

¹⁰³ Dalley, Family Matters 329-30.

¹⁰⁴ Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare, Puao-te-ata-tu(Daybreak): The faces of racism, Wellington: Department of Social Welfare, 1988), 34; Dalley, Family Matters, 266.

¹⁰⁵ Ministerial Advisory Committee Puao-te-ata-tu., 7.

¹⁰⁶ Ministerial Advisory Committee Puao-te-ata-tu., 23.

¹⁰⁷ Ministerial Advisory Committee Puao-te-ata-tu.,29-30.

¹⁰⁸ Harris and Williams, "Rights and Revitalisation," 441.

¹⁰⁹ Dalley, Family Matters, 265

¹¹⁰ Children, Young Persons and Their Families Act 1989.

This was followed by Clause 6, which stated that the welfare and interests of the child or young person should be the deciding factor in any decisions taken. The Act was therefore trying to strike a balance between the rights of the child and the rights of the family or whānau to make decisions about the wellbeing of that child, with the underlying assumption being that the wellbeing of the child and its family or whānau were interlinked.

The key mechanism by which these principles were supposed to be realised in practice was the Family Group Conference (FGC). This process was intended to be the main forum in which solutions could be led by families/whānau, with social workers playing a facilitation and support role. The FGC concept emerged from Māori representation on the working parties involved in developing the new legislation and derived from the 'whānau hui' as a way to deal with problems within whānau.¹¹¹ Varying interpretations of the FGC have viewed it as a sign of the commitment of the State to incorporating Māori values into child welfare work, or as an example of how the State co-opts Māori concepts in place of enabling genuine tino rangatiratanga.¹¹²

CHILD PROTECTION AFTER THE CHILDREN, YOUNG PERSONS AND THEIR FAMILIES ACT 1989

From its implementation, the Child Young Persons and Their Families Act was subject to a range of criticisms. For some, the emphasis upon empowering families went too far; for others, the principles encapsulated in the legislation were not successfully implemented in practice. Aspects of the legislation sat uneasily with the political and economic context of the early 90s. With

the election of a National government in 1990 intent on major welfare restructuring and retrenchment, the resources needed to properly implement many of the innovations in the legislation were not forthcoming. As Hyslop has noted, 'the new ship was foundering on an outgoing tide of fiscal austerity.'¹¹³ Jobs, working conditions and wages were restructured, benefit payments were substantially reduced, and market rents were imposed on State housing tenants. Whānau who were most vulnerable to these changes were also often those who were being asked to take on the responsibility of caring for children within their kin network.

Across government, new measures of performance based upon fiscal responsibility and efficiency were introduced following the 1988 State Services Act.¹¹⁴ The Children and Young Persons Service (CYPS)¹¹⁵, established in 1992 after the government restructured the Department of Social Welfare, was subject to severe constraints on the resourcing that could be offered to families in need of support. A pronounced managerial culture developed within CYPS, as in other parts of State services, in which emphasis was placed upon achieving measurable and quantifiable targets, rather than adhering to the principles which the legislation had been intended to achieve.¹¹⁶ The emergence of a risk averse culture in child protection services was also evident from the 1990s, which Cheyne, O'Brien and Belgrave have characterised as an emphasis upon protecting the State from risk, as opposed to focusing upon providing appropriate care and support as the key focus of welfare provision.¹¹⁷ This sat uneasily with the focus of the Act upon encouraging families to take responsibility for finding solutions.¹¹⁸ The restructuring of the Department of Social Welfare had also disestablished some of the

organisations, such as the Social Welfare Commission, that had been avenues for Māori communities and organisations to have input into the development of policy and practice.¹¹⁹

This socio-political context severely constrained the ability of the Service to adhere to the principles of the new Act and meet the needs of tamariki and their whānau. Research also indicates that the FGC model, which was hailed internationally as ground-breaking for its focus on empowering families, was not delivering on its promise for tamariki and whānau, because practitioners lacked the skills and knowledge to effectively network with whānau and because the Service lacked the necessary resources to make the model work effectively. Moyle notes that these same criticisms of lack of resourcing, and lack of culturally competent practice, have consistently appeared in report after report on the FGC, with no apparent effort to rectify these issues: "It is as though nothing has progressed in terms of FGC practice development and families are being asked to ride around in the same old Cadillac without it being maintained."¹²⁰

While there was recognition that the 1989 Act had given expression to many of the reforms demanded in Puao-te-Ata-tu, there were concerns by the early 1990s that the proper implementation of these values was not occurring. The 1994 Report Te Punga: Our Bicultural Strategy for the Nineties noted disappointment at a perceived waning of commitment to the recommendations of Puao-te-Ata-tu.¹²¹ In response to the concerns raised in Puao-te-atatu, the Department of Social Welfare launched a

major recruitment drive for Māori social workers.¹²² Yet these staff found their ability to practice in ways that were in keeping with tikanga Māori severely constrained. Research into the experiences of Māori social workers has noted the difficulties that many of them have had in reconciling the needs of whānau with the parameters of the State child welfare service.¹²³ This has led some researchers to describe the State response to Puao-te-atatu as tokenism; 'the brown veneer of Eurocentric policy'.¹²⁴ As one study into the significance of Puao-Te-Ata-Tu for Māori social workers noted in 2012, "There was a general sense that Māori social workers are still waiting for the Government to address the recommendations made by Puao-Te-Ata-Tu."¹²⁵

While the neo-liberal emphasis upon the devolution of State services appeared to be in concert with Puao-te-atatu's call for the development of Iwi Social Services to provide the services needed by whānau in practice, the relationship between the State and Māori organisations was more complicated. Criticisms were made that Māori service providers were more closely monitored by the State than mainstream organisations and they were being provided with less funding to serve larger numbers of people.¹²⁶ Funding decisions continued to be tightly controlled by government funding agencies, rather than through genuine consultation with the organisations who best placed to know where money should be spent.¹²⁷ As Judge Mick Brown adroitly noted in a later report, this appeared to be a policy of devolution 'where there is great enthusiasm to devolve responsibility but not control'.¹²⁸ These complications came to the

¹¹⁹ Don Sorrenson, "Kaupapa Māori and its influence on organisational change," Social Work Now, 9, (1998), 21.

¹²⁰ Moyle, "From Family Group Conferencing," 33

¹²¹ Department of Social Welfare, Te Punga: Our Bicultural Strategy for the Nineties - a social report published by the Department of Social Welfare, (Wellington: Department of Social Welfare, 1994), 16.

¹²² Moyle, "From Family Group Conferencing," 13.

¹²³ Moyle, "From Family Group Conferencing," ., 12-14.

¹²⁴ Moyle, "From Family Group Conferencing," ., 13.

¹²⁵ Awhina Hollis-English, "Puao-te-ata-tū: Informing Māori social work since 1986," Aotearoa New Zealand Social Work, 24, nos. 3&4, (2012), 47.

¹²⁶ Moyle, "From Family Group Conferencing," 15.

¹²⁷ Waitangi Tribunal, Te Whānau o Waipareira Report, Wellington: GP Publications, 1998, 137. Retrieved from https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68641192/Wai%20414.pdf (accessed 15 November, 2019).

¹²⁸ Michael Brown, Care and Protection is about Adult Behaviour: The Ministerial Review of the Department of Child Youth and Family Services, (Wellington, Ministry of Social Services and Development, 2000), 82. Retrieved from <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/archive/2000-care-and-protection-is-about-adult-behaviour.pdf> (accessed 21 November 2019).

¹¹¹ Paora Moyle, "From Family Group Conferencing to Whānau Ora: Māori Social Workers Talk About Their Experiences," (Master of Social Work Thesis, Massey University, 2013), 10-11.

¹¹² Moyle, "From Family Group Conferencing to Whānau Ora", 11.

¹¹³ Ian Hyslop, "Child Protection in New Zealand: A History of the Future", The British Journal of Social Work, 47, no. 6, (2017), 1806.

¹¹⁴ Ian Hyslop, "The Promise and the Practice: Child Protection Legislation in New Zealand," Asia Pacific Journal of Social Work, 7, no. 1, (1997), 64.

¹¹⁵ Further name changes to the service occurred in 1995 and 1999.

¹¹⁶ Hyslop, "Child Protection in New Zealand," 1807.

¹¹⁷ Cheyne, O'Brien and Belgrave, Social Policy, 56-57; Hyslop, "Child Protection," 1807.

¹¹⁸ Hyslop, "Child Protection," 1806-7; Moyle, "From Family Group Conferencing," 33.

fore in 1994, when Te Whānau o Waipareira Trust took a claim to the Waitangi Tribunal asserting that while it was best placed to provide social services to the whānau of West Auckland, it was being side-lined by the funding practices of the Community Funding Agency.¹²⁹ The Waitangi Tribunal Report, published in 1998, noted that differences of opinions between the Department and the Trust over their interpretation of the intentions of Puao-te-ata-tu.¹³⁰

By the early 2000s, mounting criticisms of the State child welfare service, now renamed Child, Youth and Family (CYF) led to calls for change. Increasing numbers of referrals, escalating costs, accusations of managerial incompetence and several child abuse tragedies created a sense of a beleaguered service in crisis. This was confirmed by the Brown Report, commissioned by the new Labour government, which painted a picture of an organisation severely demoralised, under-resourced, overworked and struggling to retain staff.¹³¹ It was clear that the promise of Puao-te-atatu had failed to be realised. Brown noted that many of the principles of the 1989 Act regarding the devolution of services to Māori organisations were only now in the process of being implemented by the Service, referring to ‘the funereal progress towards the manifestation of those Māori Social Service organisations.’¹³² Brown ‘respectfully urge[d]’ that the Service revisit the recommendations of Puao-te-atatu, because he believed much of the report remained relevant.¹³³

Following the 2000 review, further reports and reviews were produced. A 2003 CYF Baseline Review found ‘systemic problems’ with the service, unclear outcome

priorities and variability in the quality of service.¹³⁴ The same year, the Government also released the Care and Protection Blueprint, which outlined its strategy for enhancing services provided for young people who were at risk, or who had suffered from, abuse and neglect.¹³⁵ The Blueprint was produced in response to a perceived lack of any coordinated strategy across all the agencies and organisations working in the care and protection field. The Blueprint reiterated the commitment of the 1989 Act to supporting families and whānau to care for their children and young people and Stated as a guiding principle ‘that children and young people need to be seen in the context of their community, hapū and iwi, and within the context of their culture.’¹³⁶

However, despite the apparent commitment at a policy level to the vision of a child welfare service that offered culturally appropriate methods to empower families, it appears that this was more difficult to sustain in practice. Moyle’s 2012 study into the experiences of Māori social workers with the FGC model found a range of concerns about culturally unsafe practices that disempowered families.¹³⁷ These social workers described colleagues who regarded the FGC as a tool to implement uplift procedures, and a lack of commitment to investigating whakapapa, resulting in decisions being made about the future of the child without all the whānau being present. In particular, the Māori social workers regarded the lack of proper implementation of the principle of whanaungatanga as a serious concern, as it meant tamariki were continuing to pass through the system ‘without their whakapapa in tow’.¹³⁸ This resulted in tamariki being

placed into State care or non-kin placements, the outcome of which, as Moyle notes, can be devastating for these children.¹³⁹

After its election in 2008, the new National Government signalled its intention to overhaul State child protection services. The 2011 Green Paper Discussion Document and the 2012 White Paper for Vulnerable Children was produced partially in response to public outrage over the deaths of the Kahui twins in 2006 and the subsequent coronial report in 2012.¹⁴⁰ Analysis of The White Paper has noted its framing of the problem of child abuse as the fault of a persistent underclass in Aotearoa who are unwilling or unable to properly care for their children.¹⁴¹ The State’s role in these cases is not to support families to ensure the well-being of their children, but to rescue vulnerable children from these environments. This is an echo of the early twentieth century imperative to rescue children, the nation’s social capital, from their morally depraved parents. The White Paper is also notable for its determined rejection of an analysis of the social determinants of child abuse, with the Minister for Social Development Paula Bennett making a strong Statement against regarding poverty as an ‘excuse’ for child abuse: ‘Though I acknowledge the pressure that financial hardship puts on families, that is never an excuse to neglect, beat, or abuse children. Most people in such circumstances do not abuse their children, and I cannot tolerate it being used as justification for those who do.’¹⁴² The recommendations of the White Paper fed into the 2014 Vulnerable Children’s Act, which focused on improved methods of information sharing between Government services, thus positioning child abuse as a problem of a failure of adequate methods of surveillance.¹⁴³

Continuing the drive to institute major reform in the child protection area, in 2015 the National Government announced an Expert Panel to carry out a Child Youth and Family Review. In the Final Report of the Expert Panel, Investing in New Zealand’s Children and Their Families, there is evidence of a shift away from the ‘hapū principle’ which Puao-te-ata-tu saw as key to ensuring better outcomes for tamariki and whānau. The clear imperative to place a child within kinship networks and to only look outside the whānau as a last resort was replaced with the prioritisation of quickly placing at risk children with loving stable families who ‘may’ be within the extended family/ whānau, and encouraging children to build life-long relationships with the new care-giving families. Mention is made of maintaining relationships with siblings and whānau, but the clear implication is that the future of the child taken into care lies with a permanent new caregiving arrangement, not in a return to whānau.¹⁴⁴ The report questioned the assumptions that underlay the principles of the 1989 Act:

There has been considerable debate in the past three decades on the place of children in Māori society and on the place of whānau. Much has been said in order to emphasise the differences in Māori society from others and this is not always accurate or true. Some interpretations have confused the issue. The safety of Māori children is paramount and any work we do must be child centred. A well-functioning whānau provides a sound basis to help solve the problems that face these children at particular times in their lives, but a badly functioning whānau can be dangerous. We must never compromise the safety, security, and sense of belonging of any child in their care arrangements.¹⁴⁵

¹²⁹ Harris and Williams, “Rights and Revitalisation,” 462-3.

¹³⁰ Waitangi Tribunal, Te Whānau o Waipareira Report, 209-10.

¹³¹ Brown, Care and Protection, 7-8.

¹³² Brown, Care and Protection., 79.

¹³³ Brown, Care and Protection., 82.

¹³⁴ New Zealand Government, “CYF Baseline reviews findings released,”<https://www.beehive.govt.nz/release/CYF-baseline-review-findings-released> (accessed 20 November 2019).

¹³⁵ Ministry of Social Development, Care and Protection Blueprint, (Wellington: Ministry of Social Development, 2003). Retrieved from <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/planning-strategy/care-and-protection-blueprint-2003.pdf> (accessed 23 November 2019)

¹³⁶ Ministry of Social Development, Care and Protection Blueprint, 20.

¹³⁷ Moyle, “From Family Group Conferencing,” 82-6.

¹³⁸ Moyle, “From Family Group Conferencing,” 84.

¹³⁹ Moyle, “From Family Group Conferencing,” ., 64.

¹⁴⁰ Melissa Hackell, “Managing Anxiety: Neoliberal Modes of Citizen Subjectivity, Fantasy and Child Abuse in New Zealand,” Citizenship Studies, 20, nos. 6-7, (2016), 868-9.

¹⁴¹ Emily Keddell, “The Vulnerable Child in Neoliberal Contexts: The Construction of Children in the Aotearoa New Zealand Child Protection Reforms,” Childhood, 25, 1, (2017), 93-103 ; Hackell, “Managing Anxiety,” 875-78.

¹⁴² Ministry of Social Development, The White Paper for Vulnerable Children, (Wellington, Ministry of Social Development, 2012), 2.

¹⁴³ Keddell, “The Vulnerable Child,” 96.

¹⁴⁴ Expert Panel, Final Report: Investing in New Zealand’s Children and Their Families, (Wellington: Ministry of Social Development, 2015), 9.

¹⁴⁵ Expert Panel, Final Report., 13.

The emphasis throughout the report on developing a more ‘child-centred’ approach is seductive, but as Hyslop notes, is also a potent over-simplification of the relational context in which children exist.¹⁴⁶ Hyslop interpreted the new emphasis upon early permanency and resocialisation in new families as potentially damaging for Māori children and their families. The conclusions of the Report thus seemed to indicate a shift away from the family-centred approaches signalled in the 2007 legislative amendments, back to a more risk-averse, child protection framework.

However, the introduction of Whānau Ora in 2010 indicated the possibility of a different approach to dealing with vulnerable children and their whānau. Whānau Ora resulted from the Relationship and Confidence and Supply Agreement between the National Government and the Māori Party in 2008. This agreement included recognition of whānau ora as a key Māori Party policy platform.¹⁴⁷ The key proposition underlying Whānau Ora is that it is not individuals who need access to services, but whānau. This whānau-centred approach seeks to provide whānau with integrated services that suit their particular needs and bolster their autonomy and resilience. The report of the Whānau Ora Taskforce, from which the Whānau Ora framework was developed, noted that a whānau ora philosophy had six distinctive characteristics:

*it recognises a collective entity, endorses a group capacity for self-determination, has an intergenerational dynamic, is built on a Māori cultural foundation, asserts a positive role for whānau within society and can be applied across a wide range of social and economic sectors.*¹⁴⁸

In practice this means contracting for services that cut across sectoral boundaries and providing

interventions that answer the needs of the whole whānau, rather than just individuals within it. The Taskforce noted that many practitioners had already been attempting to work in this way for many years, but their efforts to provide holistic solutions were impeded by the fragmented and narrowly conceived nature of existing social services.¹⁴⁹ The need for a cross-sectoral approach in meeting the multiple challenges that many whānau face was a key message of the Taskforce report.

The need for government agencies to commit to the whānau-centred approaches of Whānau Ora was backed by the 2013 Report of the Inquiry into the Determinants for Well-being for Māori Children, carried out by the Māori Affairs Select Committee. This Inquiry, launched in 2011, received 117 submissions. In contrast to the Government’s White Paper and the Expert Panel report, the Inquiry Report highlighted the importance of social determinants in affecting the wellbeing of Māori children, in particular the role of poverty in placing stress upon whānau and undermining the effectiveness of interventions for vulnerable families.¹⁵⁰ The report also noted that despite the diversity of submissions, ‘they share the common understanding that the wellbeing of tamariki Māori are inextricable from the well-being of their whānau.’¹⁵¹ This commitment to a whānau-centred approach is in contrast to the ‘child-centred’ approaches of the Expert Panel:

*We believe that tamariki Māori cannot be viewed in isolation; they need to be acknowledged as members of their whānau, and this relationship means that whānau must be engaged in improving the wellbeing of their tamariki Māori. It has been said that “vulnerable tamariki Māori” are wrongly labelled; it is more accurate to say that some Māori parents, whānau, and communities are vulnerable.*¹⁵²

On the issue of care and protection for children at risk of abuse, the Report referred to the unacceptably high rate of Māori children in CYF care; 52% of children in care were Māori, and of the tamariki Māori affected by custody orders, 45% had had a sibling previously removed.¹⁵³ The Report concluded that this showed that when the State intervenes on behalf of the most vulnerable, it isn’t being done in the right way.

CURRENT LEGISLATION:

Children, Young Persons and Their Families (Oranga Tamariki) Legislation Act 2017

The legislation which resulted from the lengthy process of public submissions, reviews and reports has introduced substantial changes to child welfare services. The new Ministry for Children (previously known as the Ministry for Vulnerable Children)¹⁵⁴ or Oranga Tamariki, focuses on five different areas: prevention, intensive intervention, care services, transition and youth justice. In some ways, the legislation has broken new ground in its recognition of Te Tiriti o Waitangi in legislation for children and its inclusion of concepts crucial to tikanga Māori. The inclusion of the imperative to recognise concepts such as ‘mana tamaiti’, ‘whakapapa’ and ‘whānaungatanga’ in Section 4:1G under the Purposes of the Act is described by the Human Rights Commission “as on the face of it... a significant step in advancing the principles of the Treaty of Waitangi and the UN Declaration on the Rights of Indigenous People within the child welfare system.”¹⁵⁵

Section 7AA makes specific the duties of the Chief Executive in relation to Te Tiriti. This includes the imperative that the Chief Executive must ensure:

- A) the policies and practices of the department that impact on the well-being of children and young persons have the objective of reducing disparities by setting measurable outcome for Māori children and young persons who come to the attention of the department**
- B) the policies, practices and services of the department have regard to mana tamaiti (tamariki) and the whakapapa of Māori children and young person and the whanaungatanga responsibilities of their whānau, hapū, and iwi**
- C) the department seeks to develop strategic partnerships with iwi and Māori organisations, including iwi authorities.**¹⁵⁶

The Human Rights Commission’s submission noted that this appeared to enhance the legislation’s responsiveness to Māori children and their whānau.¹⁵⁷ The implications of this were made immediately apparent, when, a few weeks after the legislation came into force on 1 July 2019, Radio New Zealand reported that the judge in a custody case between a grandmother and Oranga Tamariki referenced Section 7AA in explaining his decision to return custody to the grandmother, noting that the benefit of the baby being with whānau outweighed Oranga Tamariki’s concerns.¹⁵⁸ This suggests there is great and yet unexplored potential for the legislation to be used in a much more effective way to protect the rights of whānau.

¹⁴⁶ Hyslop, “Child Protection in New Zealand,” 1809.

¹⁴⁷ Charlotte Ellen Moore, “A Whakapapa of Whānau Ora: A new way of delivering social services in Aotearoa New Zealand,” (MA Thesis, University of Auckland, 2014), 53.

¹⁴⁸ Taskforce on Whānau-Centred Initiatives, Whānau Ora: Report of the Taskforce on Whānau-Centred Initiatives, (Wellington: Ministry of Social Development, 2010) 30. Retrieved from <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/planning-strategy/whānau-ora/whānau-ora-taskforce-report.pdf> (accessed 23 November 2019).

¹⁴⁹ Taskforce on Whānau-Centred Initiatives, Whānau Ora:, 32.

¹⁵⁰ Māori Affairs Committee, Inquiry into the determinants of wellbeing for tamariki māori: Report of the Māori Affairs Committee, (Wellington, 2013), 10. Retrieved from <https://img.scoop.co.nz/media/pdfs/1312/Inquiry%20into%20the%20determinants%20of%20wellbeing%20for%20tamariki%20M%C4%81ori.pdf> (accessed 21 November 2019).

¹⁵¹ Māori Affairs Committee, “Inquiry”, 11.

¹⁵² Māori Affairs Committee, “Inquiry”, 16.

¹⁵³ Māori Affairs Committee, “Inquiry”, 34-5.

¹⁵⁴ According the news article “Ministry for Vulnerable Children is changing its name, again” published by Stuff in 2017, the name change from Ministry for Vulnerable Children, to Ministry for Children was in response to children’s advocacy groups, politicians and other interested parties who found the use of the word ‘vulnerable’ to be “stigmatising” and “entirely negative”. Prime Minister Jacinda Ardern also criticised the name and said labelling kids “vulnerable” was “stigmatising”.

¹⁵⁵ Human Rights Commission, ‘Submission on Children, Young Persons and Their Families Amendment Bill’, retrieved from <https://www.hrc.co.nz/resources/> (accessed 19 November 2019),8

¹⁵⁶ Children, Young Persons and Their Families (Oranga Tamariki) Legislation Act 2017.

¹⁵⁷ Human Rights Commmission, “Submission,” 9.

¹⁵⁸ Māni Dunlop, “New law returns child to whānau in Oranga Tamariki dispute,” RNZ, July 22, 2019, <https://www.rnz.co.nz/news/national/394918/new-law-returns-child-to-whānau-in-oranga-tamariki-dispute>.



CHAPTER THREE

Whānau Experiences with Oranga Tamariki

WHĀNAU EXPERIENCES WITH ORANGA TAMARIKI

The review teams, both in the North Island and in the South Island, were humbled and overwhelmed by the number of responses from whānau who wanted to participate in this Inquiry. The importance of these response was not just about ‘how many’ people wanted to be included, but rather what that represents; such as willingness for whānau to expose themselves in terms of ‘telling their truths’, and their commitment to travel and sacrifice time and money. This section of the report presents the main themes that emerged from those responses.

WHĀNAU, WHAKAPAPA, WHENUA, WHANAUNGATANGA, WHĀNGAI

The terms whānau, whakapapa, whenua and whānaungatanga emerged as foundational themes throughout hui, interviews and submissions. Whānau that were interviewed or provided submissions, talked about whānau, whakapapa, whenua, whanaungatanga and whāngai as inter-related and inter-connected ideas and concepts. This is unsurprising, as these collective terms and elements recognise and establish whānau as part of a wider relational, social, cultural, spiritual and environmental ecosystem (i.e. whānau ecosystem)¹⁵⁹:

Within Te Ao Māori, whānau sits at the core of all matters... [What works] is intergenerational whānau care. In the past our tupuna lived in a community where everyone lived together in the village or marae. Our tamariki, rangatahi, kaumātua all lived together and all looked out for one another. This concept worked in our tupuna time and it still works now.

WHĀNAU

By affirming this wider eco system, whānau were able to articulate the points at which interactions with and interference from Oranga Tamariki challenged and undermined whānau world views. For many whānau

that meant questioning the competency of Oranga Tamariki in the understanding and practice of these important Māori concepts:

Whānau need to be addressed as a whānau – māmā & baby, pāpā, parents, grandparents etc.... we [i.e. Māori] view the whānau as whole and not as individuals.

WHAKAPAPA AND WHENUA

For Māori the importance of knowing one’s whakapapa or genealogy ensures knowledge of connections, relationships, alliances and the responsibilities pertaining to the well-being of the collectives of whānau, hapū and iwi.¹⁶⁰ The relationship Māori have with whenua is also based on whakapapa, where Māori are also known as tangata whenua – people of the land. As the relationship Māori have with land is based on whakapapa¹⁶¹ concepts of land and identity are inter-twined and connected to past, current and future generations:

Stop pulling our kids away from their whenua. You know, they keep running away. They’re running back home. They’re running back to what they know. That’s

why I think these kids [that I am looking after] have settled. Best they’ve been in six months...they’ve been reconnected.... they’ve got aunties or cousins down the road.

WHANAUNGATANGA

Whanaungatanga was also discussed by whānau as a key relational and connecting principle within Te Ao Māori for upholding the interests and wellbeing of tamariki, whānau, hapū and iwi:

[We should teach our tamariki] ko wai au (i.e. who am I?)¹⁶² through wairua (spirit)¹⁶³ and whakapono (faith and trust) first, then relationship is whānau, and kaumatua then link back to our own whānau, iwi and hapū.

WHĀNGAI

The word whāngai means to feed or to nurture. In Te Ao Māori it is not uncommon for families to take on tamaiti whāngai (foster children), raising them as their own.¹⁶⁴ According to Mead¹⁶⁵, the customary practice of fostering/adopting tamaiti whāngai finds its roots in the birthing story of Maui who was raised by his tipuna or grandparent Tane-nui-ki-te-rangi.¹⁶⁶ Arrangements of whāngai were both temporary and permanent in nature.¹⁶⁷ Whāngai were also likely to know their birth parents as part of their kinship group. It is of note however that the traditional practice of whāngai did occur when whānau were unable to cope or were under stressful circumstances – much as they can do in contemporary circumstances:

So, I have an open-door policy, hence why I ended up with her [whāngai]. And she’s still in the system. They told her they won’t release her until she’s 18. So, whatever she needs, I’m still there. It doesn’t matter if we have an argument or anything like that. To me - because nobody ever said forever was forever - When I say forever, it means forever.

These collective concepts of Whānau, Whakapapa, Whenua, Whānaungatanga, and Whāngai were used in this Inquiry to inform the development of the Pā Harakeke model which presents the social, cultural, intellectual, spiritual and emotional wellbeing of tamariki as being inextricably linked to their whānau, wider relational networks, and environment. When we think about tamariki care and protection, and how this is positioned within current government provisions through Oranga Tamariki, it is imperative to use the core concepts of Whānau, Whakapapa, Whenua, Whānaungatanga, and Whāngai as a way to anchor the kōrero of the whānau who participated in this Inquiry.

¹⁵⁹ The use of the term ‘whānau ecosystem’ in this instance was used by the research team as an organising concept in understanding the interdependence and interconnectedness of individuals (e.g. tamariki), their social, cultural and physical environment, and the interactions between them.

¹⁶⁰ Ministry of Justice, 2001

¹⁶¹ Ministry of Justice., 2

¹⁶² Researcher’s translation

¹⁶³ Researcher’s translation

¹⁶⁴ Karyn McRae and Linda Nikora, “Whāngai: remembering, understanding and experiencing,” MAI Review, 1, (2006), 1.

¹⁶⁵ Hirini Moko Mead. 1994. ‘Tamaiti Whangai: The Adopted Child: Māori Customary Practices’. In Adoption: Past, Present & Future Conference, 85–95.

¹⁶⁶ McRae and Nikora. “Remembering.”

¹⁶⁷ McRae and Nikora. “Remembering.”

PĀ HARAKEKE



- TAMARIKI**
Tamariki sit at the center of the harakeke
- WHĀNAU**
Whānau are the direct support system for the tamariki
- WHAKAPAPA**
Whakapapa is the outer support network that surrounds both the whānau and tamariki
- WHENUA**
Whenua represents the foundations in which the Harakeke model can grow from
- WHANAUNGATANGA**
Whanaungatanga is the roots of the harakeke. These roots can reach out externally and connect with their surroundings for support
- WHĀNGAI**
Whāngai represents the flowers and seedlings of the harakeke. These flowers can feed the surrounding external systems

The metaphor of the Pā Harakeke (flax-bush) was used to visualise a Te Ao Māori worldview of tamariki care and protection

WHAKAPAPA TRAUMA

The trauma of having a child taken away by Oranga Tamariki was the most common theme that emerged throughout the Inquiry, and one that seemed to span across generations of whānau. The majority of the submissions or interviews involved whānau who had suffered intergenerational loss and trauma. Feelings of grief, depression, hopelessness and even suicide were shared by many whānau who had tamariki uplifted or had been uplifted themselves. Post Traumatic symptoms were common amongst the State survivors we spoke with;

Do you know what it does to the parents and the child when you take them away? You lose bonding. You lose yourself. You turn into someone you hate. And you, yes you do go through anxiety, depression and suicidal ideas.

In the following quote, advocate, academic, social worker and State abuse survivor Paora Moyle – whose PhD work is investigating the impact of institutional racism on mokopuna Māori and their resulting intergenerational (or whakapapa) trauma – talks about how colonisation and State policy and practices have contributed to whakapapa trauma:

... we're talking about whakapapa trauma, intergenerational trauma. We're talking about colonisation and children being taken by the State as a result of out-and-out racist decision-making. Many of those children shouldn't have been taken — and even now, I'm calling it out, that children are still being taken for reasons other than the need to protect that child from abuse and neglect.¹⁶⁸

Smith further describes the trauma that is derived from the “disconnection of whakapapa knowledge”, and how the loss of these important genealogical connections - as the result of a closed adoptions process for example - can compromise a person's identity “leaving them open to insecurities about relatedness and belonging. Where knowledge has been withheld or not passed on, it can leave an individual in limbo, not quite knowing if or how they belong.”¹⁶⁹

The term ‘whakapapa trauma’ has further been used to focus on the “layering” of negative post-colonial experiences that affect the safety and cohesion of traditional kin structures within Te Ao Māori:¹⁷⁰

[Whakapapa trauma] is when the original source of the trauma is transmitted layer upon layer, linking trauma from the past through a set of behaviours creating intergenerational transference... [therefore] trauma can be understood to have a whakapapa; this is where unresolved trauma remains nested in the whānau system, where underlying difficulties in everyday whānau life remain in the collective unconscious realities of whānau, hapū and iwi life.

¹⁶⁸ Dale Husband. 2018. Keep Your Bags Packed, My Baby. I'll Come Back and Get You. E-Tangata. <https://e-tangata.co.nz/kōrero/keep-your-bags-packed-my-baby-ill-come-back-and-get-you/>.

¹⁶⁹ Smith, C. When Trauma Takes You Away From Home: The Experience of Māori Vietnam Veterans.' in Home, Here to Stay. MacPherson, M., Manu'atu, L., Kēpa, M. (Eds) (Auckland: Unity Books, 2015).

¹⁷⁰ Cheryl Smith. When Trauma Takes You Away From Home.

This participant, for example, talks about how having their tamariki uplifted by the State resulted in long lasting and intergenerational trauma to her whole whānau:

To this day they [children] still suffer issues, of being separated, behaviour issues and a dislike to any new changes in their lives it's been two years out of care for them but the trauma still exists... not only this but my sister who had her children taken took her life a year ago. She suffered depression and anxiety, she lost her children through CYF...all of this contributing to this negative result - I feel that if she got the help she needed sooner maybe this might not have happened - now we have to support the children with this trauma too, as they loved their mother.

Another parent talks about the sense of loss and emptiness she felt when her tamariki were uplifted:

Each child is a part of me. I am whole when I have my children. You can't take away a child and expect me to be normal. I am a mother, yet I can't mother when I have no child to mother. I hurt each day.

At whānau hui and interviews in Te Waipounamu the legacy of whakapapa trauma was explained by many of the participants. Whānau shared their stories about the impacts and consequences of being disconnected from identity and connections to whakapapa, whānau and whenua, the frayed relationships and loss of agency and self-determination, and the inter-generational vulnerability of their whānau resulting from the trauma of State care. One participant shared that the removal of her mother from whānau and whakapapa and consequent adoption into another family, had severely impacted her own life and those of others:

My mother was born in 1956 in Hastings. She was taken by the State as a baby, taken from her married mother and father and older brother, taken to Wellington Little Sisters of Mercy. There she stayed for over two years. Raised in the orphanage by the nuns, my mother's name was changed from [her Māori name to a Christian name]. When she was approximately 3 years old, she was adopted by Pākehā Catholics to a family ... My mother was mentally, sexually, verbally and physically abused in her new adopted family. My mother having been taken by the State has left us traumatised and lost from who we are. I will never meet my grandparents now as they have died. My mother will never know them either. We feel the pain and loss of our family and culture all the time. I wish I knew our

family and where we come from. My surname is my mums' adopted name. I am reminded constantly that this name is not really us. So, who am I?

Similarly, a participant at another community hui shared that losing her connections to her whakapapa had been traumatic. She revealed that her adolescent years were particularly difficult and that she had struggled to form her identity:

Growing up, I did not know anything about my whānau or my iwi. I did not know even that I was Māori or what that meant. I was left in the hospital from birth to be adopted out. I was adopted by a non-Māori couple who were lovely, but I didn't have any connections with my iwi, which I later found out was in the North Island. I did not know anything about them growing up. I've been through hardship, the painful identity crisis you go through, finding who you are, why you seem different, if there's something wrong with you, where do you really belong - It wasn't a straight road for me.

For many whānau the issue was not only about the harm inflicted on the identity of whānau and tamariki, but also about the loss of opportunities to connect, build and strengthen relationships with whānau and whenua. One mother shared that her children who were uplifted by Oranga Tamariki (CYF) were unable to attend their grandfather's tangi and that this has been a festering issue for the children who are now teenagers:

When my children were uplifted by CYF, they were placed with a Pākehā caregiver who abused them. But the abuse isn't what bothers my children the most. It's that they weren't able to spend more time with their grandfather before he died. He died while they were in care... Their grandfather loved them and used to tell them stories. They went to the bush, they went walking, they did things. They were very young then... When he died, my children weren't able to make it to his tangi because they were still uplifted, and they were just gutted. I know, I know that it still affects them, that they still think about it. They've missed out on a lot of things with the whānau... They [CYF] gave them [children] back to me, but you know - there it is, the hurt is there, the damage is done.



DISCRIMINATION, PREJUDICE AND THE 'REPORT OF CONCERN'

Throughout hui, interviews and submission whānau described the various ways their whānau and tamariki came to the attention of Oranga Tamariki. According to whānau, the beginning of Oranga Tamariki involvement with their whānau and tamariki was typically preceded by a Report of Concern, more commonly known to the inquiry participants as 'the ROC'.¹⁷¹

A report of concern is the starting point for Oranga Tamariki intervention. From the time a report of concern is made, the Act [Oranga Tamariki Act 1989] provides the legal pathway and powers under which the social worker, the Court and any other person exercising power under the Act can carry out their roles... the time between the social worker's first contact with whānau and their engagement with whānau ranges from days to months... Urgent orders, which ensure the care or protection of a child and often result in the removal of the child, can be obtained on the same day as a report of concern is received.

According to a number of Māori service providers who participated in whānau-led hui in Te Waipounamu, vulnerable Māori whānau or whānau under stress lived in fear of 'a ROC' because a report of concern can come from a wide range of sources – “practically from anyone or from anywhere” – and can easily allow for undetected or unexamined racial bias or prejudice to determine its impact and consequences for whānau and tamariki. They cited cases where Māori whānau asked for help and instead came to the attention of Oranga Tamariki. For example, a 40-year-old single mother shared her story of how a report of concern was made against her by a nurse at a hospital, after bringing her 13-month old baby to the emergency room for treatment of an accidental head injury. Looking back at the experience, she believed that the nurse automatically made the assumption of family violence and lodged a report of concern because of racial prejudice:

My 13-month old baby fell out from an open car door. The car was parked and my baby fell out and hurt his head. I took him to the hospital to make sure he was

alright. I had other young children. All of them were with me in the emergency room. The nurse took one look at us – Māori, young mother, poor, grungy kids—and then made us wait in the back room. We waited and waited, and then finally a social worker showed up with papers... The social worker accused me of throwing my 13-month-old out of a moving vehicle. It was an outright lie, but we weren't allowed to leave the hospital. My children were getting tired and hungry and were crying and the nurse was getting angry because we were noisy and the social worker was harassing me to sign a document and it was getting late and I had to get the children home, so I signed without understanding or reading... My children were removed after that... It wasn't a moving vehicle... My children were placed with non-whānau and were abused – duct tape was used on one of my children and at just 2 years old at the time, he was locked up in a room in the dark by himself... I got my children back after sixteen months of me fighting to have them back, but hell, I never heard anyone say they were sorry for falsely accusing me... No one has said sorry to my children for the shit they went through... All this crap just because I wanted a doctor to see my baby.

Based on their past experiences with Oranga Tamariki and other State agencies, many whānau concluded that Oranga Tamariki and government agencies in general were “not there to help Māori”. Consequently, they believed it was best to avoid interacting with government agencies and to seek help, whenever possible, from other entities such as Māori providers and Whānau Ora navigators instead. Whānau at the community hui explained that they were wary that asking for help from any government agency resulted in the creation of a “permanent bad record” for their whānau which could, in turn, increase the risk of having tamariki uplifted by Oranga Tamariki in the future:

Oh look, my whānau are crazy. We probably need a lot of help, but it's just not worth it...The consequences of coming to their attention – we are talking about not just now, it's also about the mokopuna of your mokopuna...We are not a perfect whānau, and we happen to be brown as. Just look at me, this is us.

It's really common sense – if you want to keep your mokopuna with you, the last thing you should do is go to them. They won't help you, but they'll keep a record of you, of all of you, and next thing you know...

The implications of 'having a record' with any government agency was a concern that many whānau who have had interactions with government agencies feel powerless to address. Whānau used the phrases “getting institutionalised” and “confirmation bias” to describe how a prior record with an agency can be used to support and evidence a report of concern, justify the uplift of a child from whānau, and trap the rest of the members of the whānau into a powerless position with Oranga Tamariki. As one single mother pointed out:

They hold your old records and the old records of your whānau over your head. In my case, Oranga Tamariki walked in a day after I gave birth to uplift my child. The reason they gave me was because my house was messy. They said it was dirty. I was given just 7 days to make the house immaculate. They looked at old records. I have been a solo mum since I was 24. I have struggled with alcohol, but have not had a drink throughout my entire pregnancy. They did not bother with that information. I clean the house, but having said that, isn't a happy child more important than a super clean house? I try very hard, but sometimes, I think I have no rights... There's also some racism there because when they thought I was white, they left me alone. When Oranga Tamariki realised I was Māori, they started digging through the old records and tried uplifting my kid.

A grandmother who attended a community hui in a different location also shared a similar story of how old information about her whānau was used by Oranga Tamariki to uplift her mokopuna and later prevent her from gaining custody of the child:

My ex-partner was in the gangs. I'm not in any gang. Also, we've been separated for a long time.... My situation is sorted out. I have a stable home and a stable income. I'm good. Oranga Tamariki comes in and tells me I cannot have my grandchild – the gang connections, the police, Corrections, and all that. In the first place, it is really humiliating to be vetted by an unknown person from Oranga Tamariki to enable me to be an approved caregiver for my own grandchild. And funny how these people can find a record of your supposed gang connections, but when you ask that

they at least place your mokopuna with whānau, they don't know anything or anybody. They uplifted her and she is now with a Pākeha family... I'm fighting to have her back with me.

Young Māori mothers also seemed to be a common target of discrimination, as highlighted in this comment from a Pākehā Midwife:

I am concerned that OT seem to take particular interest in young women without any history of abuse nor neglect as parents but the basis of their "concerns" are simply that the woman is young. Or has been a OT child themselves. Usually these women are first time mothers and need support rather than the bully tactics of OT. It feels that OT have a policy of "guilty until proven innocent". Being young should NOT be some OT criteria for investigation.

Based on the submissions and interviews, wāhine Māori tended to carry the majority of the burden and responsibility of providing care for their tamariki. Mothers who were victims of domestic violence, for example, were usually scrutinised or targeted by Oranga Tamariki due to what was perceived as their inability to provide a safe environment for their tamariki:

Many times I have seen OT become interested in a mother because she has been the victim of partner abuse or family violence. It is not herself that is the violent offender but it is her that re-abused through the OT system. It seems to matter not whether she is living or engaging with the perpetrator. It is the mother's responsibility to keep her tamariki safe, but if she is protecting her children from violence being a victim of violence herself should not mean she loses her children.

The following quote involves a young mother who had voluntarily given up her first two children at a young age due to her circumstances at the time. However, by the time her third and fourth child had arrived, her circumstances had changed and she was in a position to parent and care for these tamariki. This resulted in a lengthy legal battle with Oranga Tamariki, who wanted to take her third and fourth child because her first two children weren't in her care:

However, when she was older [in her 20s] OT wanted to remove her 3rd and 4th children because she did not

¹⁷¹ Te Korimako legal education: A Māori initiative to educate and support whānau who come to the attention of Oranga Tamariki and the Family Court. 2018. New Zealand: Te Kōpū Education and Research Limited

have her first 2 in her care. She did what she thought was best for her children when she was younger, but OT used this against her. She had a long legal battle with them.

Whānau also reported issues of discrimination against those with mental health problems, where actions taken by Oranga Tamariki exacerbated, rather than alleviated, negative impacts for tamariki and whānau. Here, a young mother highlights issues around prejudice within a report of concern:

I had my children taken off me. There was reason for it. I had a violent relationship and I had mental health issues and drug dependency issues... But the social worker, she wrote really bad and untrue stuff about me. She could have just written the facts as they were, but she wrote really crazy things such as that 'I hated Māori, I hated my Māori culture'... which then goes to the judge. If I was a judge and I read that report she made, I wouldn't send the children back to me with that report. I feel that the social worker had it in for me because of my PTSD and mental health problems. She says and writes bad untruthful things about me, and I do not know her from a bar of soap. And then, on top of all that, Oranga Tamariki advertised my children on Facebook to find a home for them.

In another instance, whānau of a child with severe mental health problems argued that Oranga Tamariki social workers also did not have the proper knowledge, skills, or attitude to engage with whānau and children with mental health challenges. They observed that the Oranga Tamariki social worker who worked on a report of concern on their whāngai tamaiti was out of her depth and consequently, insufficient consideration was given to the mental health issues of the child. They explained that when Oranga Tamariki made decisions about the child's removal from their care following a report of concern, the social worker appeared to take the most convenient option that would make her work easier – which was to transfer the child rather than find ways to support the family to cope with the child's complex mental health problems:

Our whāngai had mental health issues, head injuries he sustained as a child. We met him for the first time when he was just 8 months old and we loved him... When he was about 12 years old, he started having serious behavioural problems... One day he ran away from home and stayed in a park for three days. There was a report of concern, Oranga Tamariki got contacted, we weren't informed... He got removed from us. When the child was removed from us, the social worker sent him back to the birth mother who previously abused him. He has since gotten a hiding, and then he got kicked out... There was no proper support to help with our whāngai's mental health issues... I wanted skills to deal with a volatile, violent and troubled child. Proper support for the child was just not forthcoming from Oranga Tamariki.



‘COMING IN LIKE RAMBO’: UPLIFTS, SECTION 78, AND PLACEMENT PRACTICES

A significant number of whānau described their experiences of child removals by Oranga Tamariki as intimidating, violent and very traumatic. All of the whānau participants to the Inquiry do not believe that the methods and the force used on Māori whānau and tamariki were warranted or justifiable.

Many whānau mentioned being “raided” by police and Oranga Tamariki in their homes in the middle of the night or early hours of the morning. In one case, the child they were intending to uplift was peacefully asleep in bed and was rudely woken up and grabbed by armed police in the middle of the night. Others also described how children were being taken away from their school and treated like criminals in front of their friends. One 69-year-old grandfather described the actions of Oranga Tamariki and the police in his home:

There were good things in my family until Oranga Tamariki came in like Rambo. Now I'm fighting very hard to keep my son and his family together... I have been through this – been in an orphanage myself for fifteen years. I'm 69 now... I was 18 months old when my mother died. She died at 36... When Oranga Tamariki walked in to say that they would take my grandchildren away, all the memories came back... It's unbelievable what's happened – a six-year-old child taken away from school by Oranga Tamariki to be questioned. The children get treated like criminals in front of all their friends. The child later says Oranga Tamariki tricked her into saying things she didn't mean... My son is now walking on eggshells... Alarm bells started ringing for me. They push into the door of your house without prior warning, violate it to try to take the child. If ever there should be a sanctuary, it should be the home.

Similarly, another participant at a community hui in Te Waipounamu said:

Oranga Tamariki makes it very difficult to function normally. At any moment, day or night, they can drop a bomb on you and your family... They walk around with the Police on their hips... My whānau, we are being put under suspicion by Oranga Tamariki, and so we are always scared and fearful. The social worker assigned to us doesn't put any effort into doing her due diligence. She's quite obsessed with uplifting children, so what happened was, armed police came with their guns to our house at 11 o'clock at night to

do an uplift. It was very traumatising. Everything was quiet and peaceful. The child they wanted to take was safe and asleep in bed. There was no danger or anything that would justify why the police would barge into our home in the middle of the night, armed... I think it's about racial profiling too – they look at white people, “okay cool, they are not Māori”; they look at Māori people like us, “yeah, bet they are in the gangs, got to bring the police in.”

Forceful child removals involving the police do not only happen in the home or in school, but also in public places such as on public roads and sidewalks, regardless of whether or not the child is in actual imminent danger of harm or violence. In an affidavit for the court, a copy of which was provided to the independent Māori inquiry, one mother wrote:

I have really struggled to understand why CYF applied for an urgent custody order for [my daughter]. From my perspective, the agreements reached at the FGC... were being respected and there was no basis for an urgent change in care arrangements. The method employed to uplift [my daughter] from my care – without notice, on the street at [name of street] with the police – on the day the custody order was obtained was distressing for both [my daughter] and me.

In a subsequent affidavit, the mother also detailed other experiences she had with the use of force by Oranga Tamariki and/or police. She wrote:

I do not agree with the summary provided by [Oranga Tamariki social worker] in regards to the incident... The summary is not accurate... The reason I was so emotional was due to the post-traumatic stress triggers mentioned in the Section 38 report that I have provided to the Court. I have been arrested a number of times, and a number of times I have been assaulted by police. I have developed an irrational fear of going back to prison and never seeing my children...

Whānau argued that the attitude of apathy from Oranga Tamariki was unacceptable and wanted genuine answers regarding the presence of police and the unwarranted use of force applied on whānau and tamariki during child removals. They also suggested that the Ministry was in denial and tended to be evasive about acknowledging its peremptory treatment of whānau and tamariki and its role in the perpetuation of violence and harm on vulnerable Māori whānau and tamariki. Whānau were sceptical that it was possible to build a mutual and respectful relationship with Oranga Tamariki.

Based on submissions and interviews with whānau, the review team weren't immediately able to ascertain by what criteria uplifts of tamariki was determined or assessed, as the stories spoke of inconsistencies and lack of clarity. A number of whānau spoke about how investigations were often instigated based on ‘hearsay’. As one whānau said, ‘They [OT] are consistent in their inconsistencies.’

While uplifts are seen as a ‘necessary’ practice for removing tamariki from abusive or neglectful environments, based on the experiences of this health care worker, tamariki who were uplifted were frequently rehomed in abusive foster care situations or with caregivers that had their own history of violence and abuse:

My perception of the practice of removing babies and children is that it is common. In many instances these tamariki do not go to safer nor better homes when they are removed. I know OT remove so many tamariki they have trouble finding placements for all the tamariki they uplift. I frequently hear of abuse and neglect of tamariki in foster care homes into which they have been placed. Sometimes children removed from their mothers are placed with others who have a history of violence and abuse.

Whānau also spoke about the ongoing battle of fighting to get their children back once they had been removed as incredibly lengthy, financially debilitating and emotionally draining:

Once removed it is very difficult for mothers to get their children back. This usually takes years, despite mothers making changes, completing parenting courses, changing living arrangements and all the other demands of OT. The expense of fighting to get their children back is inhibitory. Women go into debt having to pay or repay legal bills which they cannot afford. Women have to engage lawyers, most commonly community law services. These lawyers do not always offer the best legal advice.

Uplifts under section 78 of the Oranga Tamariki Act (uplifts without notice to whānau)¹⁷² were highlighted by the submissions as a frequent occurrence. Several whānau spoke of incidences where tamariki had been

uplifted without the whānau being notified, and the ensuing trauma this caused for whānau and tamariki. The call for legislative changes to the Oranga Tamariki Act 1989 was a prevalent theme amongst those whānau who attended the national hui, in particular the aspects of S78:

Throw out section 78 for Māori children and parents. If we don't end ex parte hearings, we are voiceless.

While Section 7AA of the Oranga Tamariki Act 1989 States that the chief executive of Oranga Tamariki “must ensure that the policies, practices, and services of the department have regard to mana tamaiti (tamariki) and the whakapapa of Māori children and young persons and the whānaungatanga responsibilities of their whānau, hāpu and iwi...”, submissions highlighted major concerns about the dismissive attitude of Oranga Tamariki around the whānau, whakapapa and cultural needs of their tamariki within placements.

Whānau observed that Oranga Tamariki social workers and staff were aware of the Treaty obligations of the agency and that some staff “find a way around it by including something about our children’s language needs in their reports”. Whānau were of the opinion that, by and large, Oranga Tamariki, as an agency, did not have the heart for Māori tamariki and whānau or their whakapapa:

Oranga Tamariki is an arrogant organisation. That is the truth of it. Nothing is working well with Oranga Tamariki. This agency is an active arm of colonisation. For them, tamariki are just a number. There's real misery among Māori whānau, and you cannot believe that the same institutions that colonised Māori and created all this misery are the same ones that will heal Māori. Treaty trainings don't work – all the social workers do the same training, there have been many Treaty trainings for social workers and all sorts of people working in government, but it doesn't change them. In the meantime, Oranga Tamariki is ripping Māori whānau apart.

In regards to the importance of having the primary significance of whānau, whakapapa and whānaungatanga considered by Oranga Tamariki,

¹⁷² Custody of child or young person pending determination of proceedings or in urgent cases. See <http://www.legislation.govt.nz/act/public/1989/0024/latest/whole.html>

whānau pointed out that it was common for them to be made to feel guilty for wanting to safeguard the cultural needs of their tamariki. A number of whānau who attended the community hui in Te Waipounamu reported on recent first-hand experience of Oranga Tamariki's disregard for the concerns they had raised around whānaungatanga and whakapapa. One grandmother shared how she was exhausted and frustrated trying to make Oranga Tamariki understand why it was important to keep her mokopuna together:

I have two mokopuna. They are the children of my son and his ex-partner. They are having problems and so the children have been uplifted. Currently, one mokopuna is with me but the other one is not... I am an approved caregiver for Oranga Tamariki, but they will not give me my other moko. I want the two mokos together, but Oranga Tamariki would rather split them apart... I want my other moko to be given to me as well so that they can grow up together. They are siblings. The one with me will learn how to behave with his younger sister if they stay together and grow up together. Also, my moko under care right now will be better off with me, with her whānau... I am able to provide a place of safety for my mokos. I really don't see any reason why Oranga Tamariki won't give me back my other moko, and I can't accept it... The carer for my moko right now is not whānau... That's just disrespectful to whakapapa... To the social worker or support workers at Oranga Tamariki, it is a job, but to me, to us whānau, this is about our own flesh and blood.... I want the best for my mokos and I know I can give them the best, better than any caregiver from Oranga Tamariki.

A young mother of three children similarly noted that Oranga Tamariki were not willing to think things through carefully around the Māori whakapapa of her children. She argued that the decisions made by the social worker did not account for how she wanted to raise her children. She explained:

Oranga Tamariki removed my children from me. The social worker at Oranga Tamariki doesn't want to listen... The social worker thinks she has done her job by placing my children with my stepbrother. Hello?! – the key word there is 'stepbrother' – he is Pākehā. He doesn't really bother with anything Māori. I tried several times to tell her this. My children are Māori. My ex-partner and I were raising them bilingual...he [step brother] doesn't think much of, it doesn't bother with things Māori. He has tried to pull my children out of bilingual.

Documentary evidence provided by another mother to the Inquiry showed how the removal of her child from her care and the subsequent placement of her child with paternal grandparents who were Pākehā resulted in further decisions being made by the carers and the Oranga Tamariki social worker that were not supportive of the child's cultural and language needs – for example, the removal of the child from Te Kōhanga Reo. This has since disadvantaged the child, particularly around the child's te reo me ōna tikanga Māori needs. A letter from the mother's advocate to the Oranga Tamariki social worker reads:

As her parent, the mother has the right to ensure her child accesses education that meets her cultural needs. Oranga Tamariki taking the child out of Te Kohanga Reo has been detrimental to the educational pathway for this child's cultural and language needs which is evident by the child not meeting the assessment criteria to attend a Māori medium school ...



WHĀNAU ACCESS, COMMUNICATION AND TRYING TO “NAVIGATE THE SYSTEM”

The issues around navigating the Oranga Tamariki system were raised throughout submissions, interviews and hui. Whānau spoke of their sense of powerlessness within a system that seemed to have no clear, consistent procedures, and which made it virtually impossible to “jump through the hoops” of getting tamariki back with whānau.

Significantly, these statements from whānau were largely consistent with findings from previous research, which found that Māori whānau lacked knowledge about Oranga Tamariki and the Family Court system. The research concluded that this lack of knowledge was a significant barrier to meaningful whānau involvement in the process concerning the welfare of their children. Combined with the lack of access to resources and relevant support to help Māori whānau understand the system, Māori whānau had little influence on decisions regarding their tamariki.¹⁷³

A number of whānau talked about being subjected to assessments or having developed access plans that neither lead to them having access to their tamariki, and/or getting their tamariki back:

The system [is] designed to measure our whānau... whānau unknowingly subject themselves to interviews [to assess their competency as parents and whānau].

Whānau also spoke about participating in various parent support programmes and counselling with the expectation that doing the programme would lead to having access to their tamariki, and/or getting their tamariki back. However, even when whānau participated in these programmes, there was no clarity around getting their tamariki back:

So, I did the women's centre and the parenting programme. But that wasn't good enough as well. I've actually done heaps of programmes - I'm still doing it.

One young mother, who was pregnant at the time, ended up leaving a teen parenting programme because despite being in the programme, her tamariki

were still taken from her when they were born, and that she believed that the decision to take her tamariki had been made before they were even born:

They didn't even give me a chance to prove I could look after them...

Numerous accounts were shared by whānau Māori about how Oranga Tamariki staff were unhelpful and how they were being left in the dark regarding processes, procedures and timelines. For example, one grandmother at one of the community hui remarked:

It was so sudden. We were not aware of what we were up against... I was really taken by surprise. I also found the whole process confusing and difficult to understand and I felt really overwhelmed dealing with Oranga Tamariki ... We were profiled as a dysfunctional family, and so they were just going to write us off. I also feel that our lack of income and our poverty situation is being taken against us. But they would have done better just to leave us alone to sort ourselves out... Our whānau broke down from the whole stress of dealing with Oranga Tamariki. Oranga Tamariki has destroyed my whānau.

A young couple with children that have been uplifted by Oranga Tamariki similarly mentioned having real difficulty understanding the processes of Oranga Tamariki and what the agency wanted from them. In an interview, they explained:

Oranga Tamariki took the kids off us. So then Oranga Tamariki gives us plans after they've taken the kids off us, real long list, and so we work hard and we do what Oranga Tamariki asked so we can get them back, but they keep changing the goalposts – like, next meeting we have with them, they look for areas where we failed a part of the plan, then they change the plan, and then they change it again. The meeting before last, Oranga Tamariki advised us to go to relationship counselling, so we did. Then the next meeting, they told us not to do it, so we don't. Now, they are telling our kids that mum and dad are not allowed to be with each other.... We've been working so hard, but nothing is going in our favour. The good things we think we are doing are

not being taken into consideration. And also, they give us conflicting messages.

Whānau expressed numerous times that the communication from Oranga Tamariki was generally poor, which made it even more difficult and frustrating to participate in, or engage with, Oranga Tamariki and the Family Court. Whānau believed that arbitrary application of rules and procedures by Oranga Tamariki social workers was rampant; and, there was a significant power imbalance in the knowledge of the processes. They argued that Oranga Tamariki processes put Māori whānau at a distinct disadvantage in the Family Court:

[We need to] investigate the family court process [FCP]. And involve the whānau in the FCP, provide greater access to justice.

Another whānau member described the unpredictable way Oranga Tamariki made decisions or sent notices about who should be in attendance at monthly whānau hui. He said he was often bewildered why Oranga Tamariki would send notices for meetings to different whānau members each time, and why Oranga Tamariki never bothers to consult anyone from the whānau about who should or who could attend:

The communication from Oranga Tamariki is so bad. We are supposed to have monthly meetings so that we can progress with plans, but the meetings are so inconsistent. I never know who is going to roll up for a meeting – whānau just randomly show up and I find out who is attending the whānau hui when the hui takes place. It's Oranga Tamariki that picks and chooses who attends the whānau hui, but how do they know which member of my whānau can make a good contribution? Oranga Tamariki doesn't know us. Sometimes, I don't get informed about the whānau meetings, so then I can't attend and have my say. Sometimes, Oranga Tamariki invite whānau who don't get along into the same meeting, and then when things turn heated, they write down in their notes that the whānau are unable to make a plan or that there's loud arguing or anything that just makes us look bad and pushes us back some more. I don't know. You can't help but become suspicious if it's intentional.

Findings also suggest that whānau who have had interactions with agencies such as Oranga Tamariki and the police learn about the system – that is, whānau learn enough to know how to file a complaint/s or a report of concern for instance, but have no real

understanding of the far-reaching consequences and implications of their actions. It is only after tamariki have been uplifted that whānau begin to come to the realisation of how their actions can contribute to creating an unfavourable outcome for their whānau and tamariki who become the subject of a report of concern. For example, one interview participant explained that her ex-partner was unable to keep their children who were first uplifted by Oranga Tamariki from her care, because of a protection order she filed against him after one of their arguments:

The reason why the children are not with him is because, one time, we were in an argument, and I put a protection order against him. There is no longer a protection order in place. A lawyer fixed that for us, and it's not there anymore, but the children have not been given to him. If I could, I would do things differently, but many people say that. He loves the children very much and is a good father, but Oranga Tamariki has decided that because of the protection order I put on him that isn't there anymore, he can't have them.

The intrusion of not just Oranga Tamariki but also other government agencies into the lives of Māori whānau and tamariki can create a range of confusion and adverse outcomes for whānau and tamariki. One kuia observed that many vulnerable Māori whānau do not fully understand the nature of government agencies and the State – that, “unlike whānau, they have formal systems and records and processes”. She pointed out that while whānau can sometimes be unhelpful with regard to their own circumstances, Oranga Tamariki can exacerbate whānau conflicts and the chaotic situation created by whānau, mainly because the agency, as part of the State apparatus, is non-concerned with the details of whānau dynamics and the lived experience of Māori whānau and tamariki.

¹⁷³ Te Korimako legal education: A Māori initiative to educate and support whānau who come to the attention of Oranga Tamariki and the Family Court. 2018. New Zealand: Te Kōpū Education and Research Limited.

**ORANGA TAMARIKI WORKFORCE:
COMPETENCY, CAPACITY AND BEHAVIOUR**

Throughout submissions, interviews and hui, whānau highlighted issues around the Oranga Tamariki workforce, and their ability to operate in a way that supported Māori tamariki and their whānau.

During the whānau-led community hui in Te Waipounamu, participants described a number of specific experiences with Oranga Tamariki social workers that they found extremely challenging and unacceptable. The whānau participants were quick to point out that they did not wish to make generalisations about all social workers and acknowledged that there may be dedicated and competent social workers at Oranga Tamariki. However, they also emphasised that the issue was not about the numbers and ratios between 'good' and 'bad' social workers at Oranga Tamariki – what mattered was that some social workers with no knowledge and comprehension of, or very little empathy for, Māori whānau, had power over the life-changing outcomes for Māori whānau and tamariki.

One participant commented that some Oranga Tamariki social workers only performed the minimum required of them and were not interested in finding genuine solutions for Māori whānau and tamariki. She pointed out the stark difference between the actual experience of her whānau and what could have been possible for them had there been more diligence and a proper attitude from the social worker assigned to their case:

In our case, the social worker here in [xxxxx] acted like she was god. She's a racist social worker and doesn't understand anything about the behavioural issues and the special needs of this child – she doesn't want to understand. She's got this process she needs to follow and these boxes she needs to tick. In Masterton, there are two really good Māori social workers. They are open and have no barriers. The Māori social workers, they listen and work out what is needed to support the child and they go for help and execute them... But we are here in [xxxxx] and we had to deal with the bad one... It's a completely different experience.

Likewise, a single mother described the disinterest she experienced from an Oranga Tamariki social worker. She explained that she found it hurtful, given that she thought the social worker would help her keep her child from being uplifted:

I've been really trying hard to understand why Oranga Tamariki applied for a custody order. The social worker said that I wasn't engaging properly and that I was very difficult to contact, and so it was my problem. I told her that she knew where I was. She had been there. She knows where I live. She said that I should be the one contacting her since she left me voice messages. But I have no money. I don't have a phone anymore because I can't afford it. I don't have petrol in my car. I have no money to pay the rent. ... I went to their office [Oranga Tamariki office] a couple of times and she wasn't there. I left her messages. Then she was on vacation leave.

One grandmother commented that Oranga Tamariki social workers can be obstinate, closed-minded and unreasonable. She described how the social worker assigned to her mokopuna's case insisted that she separated her feelings as a grandmother from the role of caregiver. The same social worker allegedly advised her that she was "never going to get your mokopuna back" after she questioned the decisions that were being made regarding the placement of her mokopuna:

To be honest, I think the social worker from Oranga Tamariki is shady.... She said I was being too emotional. How am I supposed to do that? I mean, realistically. I am an approved caregiver for Oranga Tamariki because I wanted to take care of my mokos rather than someone who is not whānau do it.... The social worker needs to understand that this isn't just about caregiving for a child. This is about my whānau. But she is so set in her ways. She told me, "you're never going to get your mokopuna back". Who the hell is she?

Given the problems whānau Māori and tamariki have with some Oranga Tamariki social workers, several whānau questioned the processes of Oranga Tamariki around the procedures and processes for accountability of its social workers to whānau Māori and tamariki. They observed that while whānau were watched intently for every possible breach of a court order, social workers of the agency appeared not to be held to account to the same extent for racist behaviour, bullying and other inappropriate behaviour or faulty decision-making.

Aside from issues of communication, several whānau also talked about the unpredictability, or un-availability of their Oranga Tamariki social workers. For example, whānau spoke of trying to contact social workers who had participated in uplift of their child, only to be told that that worker had 'gone on holiday' or was on leave.

Another participant spoke of her experiences as a caregiver who had taken on a non-kin whāngai. The caregiver shared that the whāngai child she had was admitted to hospital due to complications with his diabetes and that she felt it was unacceptable that the assigned social worker took six months to check in on the welfare of child. Another non-kin caregiver believed that the 'mentality' of the social workers that she had engaged with was outdated, commenting that:

[We need them to have] workforce training that addresses unconscious bias. Less focus on pathologising/tick box exercise's and more meaningful engagement with other organisations.

Oranga Tamariki social workers who participated in the Māori Inquiry highlighted unacceptably large caseloads, an organisational bullying culture, issues of burnout, and issues of social workers' own health and wellbeing problems. Based on whānau interviews, there also seemed to be a shortage of Māori social workers, or that whānau ended up with non-Māori social workers who they felt weren't culturally competent or couldn't relate to. Furthermore, there were also calls for improved social worker competency, training, development and mentoring:

[We need] people that have a strong understanding of Whānau Ora kaupapa. Māori for/by Māori /with Māori. Any non-Māori must be for the kaupapa, work from a tikanga framework and be selected by Māori.

Many Māori whānau who participated in the Inquiry did not believe that there was any chance of a level playing field between Māori whānau and Oranga Tamariki social workers. They emphasised that Oranga Tamariki cannot possibly provide genuine care and protection for their tamariki when social workers with the wrong mentality were allowed to continue with their inappropriate practices without consequences.



CHAPTER FOUR

What needs to happen?
Whānau Aspirations, Whānau Solutions

WHAT NEEDS TO HAPPEN?

WHĀNAU ASPIRATIONS, WHĀNAU SOLUTIONS

Throughout the submissions, interviews and hui, whānau spoke passionately about the changes that are needed to transform the system to a place where Māori tamariki can be truly cared for and protected. The lived experience of whānau has created a clear vision around tamariki welfare, a vision that has Te Ao Māori at the heart of it.



TINO RANGATIRATANGA – BY MĀORI, FOR MĀORI, WITH MĀORI

There was a clear and unambiguous message from whānau for ‘by Māori, for Māori, with Māori’ services and solutions. There was also a clear message that whānau with lived experience need to drive the solutions collectively with whānau, hapū, iwi, and hapori having control over, and involvement in, the way services and support for tamariki and whānau are designed, delivered, implemented and funded, and where localised solutions are crucial:

The kōrero from our whānau is unanimous - we need to move forward as a collective – but we must have localised solutions, not a top down approach.

A number of whānau also wanted to see a stronger commitment from government to Te Tiriti and that these efforts should build on the Wai 2575 (Health Services and Outcomes Inquiry) and Wai 2891 (Inquiry into the policies and practices of Oranga Tamariki - Ministry for Children):

The government needs to honour Te Tiriti o Waitangi and devolve the Mana and Rangatiratanga with all the necessary resourcing to go to Māori for Māori by Māori with Māori. We must take the leading role in designing a model, what fits us will ultimately fit every other child currently in care. I believe this is what a real Treaty partnership should look like.

There were also calls for the establishment of a Māori funding and resourcing model, and designing of kaupapa Māori models that produce better outcomes for whānau Māori:

I think the way CYF has shown to operate does not take into account our tikanga as Māori. I therefore totally support a separate model that looks after all Māori tamariki pēpi, because I'm confident we Māori, are the only ones who can look after them. A model that's independent from any political biasness, that sits along the Crown and gets adequately resourced.



WRAP AROUND SUPPORT

Along with housing, whānau spoke of the need for better financial, legal (particularly when dealing with an uplift or the Family Court), mental health, trauma counselling, alcohol and drug issues, parenting, numeracy and literacy supports:

[We need a] team in place NOW to support whānau and kids not OT...and education for tamariki, which creates good parents, whānau support creates healthy homes.

Things like numeracy and literacy supports, helping and supporting young parents by building their confidence and self-esteem was also seen as essential:

You have to be very, very mindful. It's also about maintaining mana, mauri and tapu of everyone, yourself and others... How to read to their babies was a big thing. They were all whakamā because they couldn't read themselves.

Whānau recognised that they needed to take ownership of their situation, but also talked about the need for wrap around support services:

There're parents that need a huge slap, but wrap some services and korowai around them.

Whānau caregivers also reiterated the need for wrap around support for caregivers to enable them do the best job possible for the tamariki in their care:

I was doing over a hundred hours a week, every day. You know, working every day. No rest in there. The way how I looked at it was like, I had to do at least 16 hours every day just to keep our house above water. Because we weren't getting any support. They pretty much just ... you know, they left the kids with us and then...abandoned us.

Whānau spoke of feeling powerless and with no-where to turn, and reiterated that there was an urgent call for a robust support system for whānau, including better legal resources and resourcing, clear and coherent communication pathways and whānau-centred wrap around interagency supports and services that are available 24/7:

[We need a] much stronger support systems – e.g. access to legal counsel – the right to justice. And this kaupapa should include everyone; health, education, justices; all systems need fixing across the board, the time is now.

While whānau spoke of their struggles within the Oranga Tamariki system, they also highlighted instances where they were able to access support mechanisms outside of the State system, including community advocacy agencies, and through the Māori providers providing holistic Whānau Ora approaches across the country.

A number of whānau who attended the community hui in Te Waipounamu commented that, after having experienced difficulties accessing support from Oranga Tamariki or other government agencies, Māori providers and navigators became the principal source of the support they believed they could trust. They described Māori providers and navigators as a reliable source of wrap-around support:

I told the social worker [at Oranga Tamariki] that it couldn't be just about the children. It had to include us whānau. She said it was about the protection of the children, they were the Ministry for Children. People at [Māori provider] get it. You don't have to struggle to explain to them what your go is, and you don't feel judged. The mana of your whānau, they remind you of it and you don't feel too ashamed.

One father who has had an extensive history with Oranga Tamariki, its predecessors, and other State agencies observed that the Māori providers and Whānau Ora navigators in his community knew whānau in the area well. He believed that knowing how to access whānau and community support was the key to overcoming the problems whānau had with Oranga Tamariki:

Here, the Māori providers and the navigators understand whānau, so their help is about holistic support to the families. The navigators know what's going on with the families around here. It's about building a community around a whānau. I know this mum – she was ringing up a navigator in tears because of a report of concern made against them. But CYF are not willing to put supports for whānau and tamariki. Me, I use the supports around me. I go to community organisations...

A younger couple with children that have been uplifted from them by Oranga Tamariki mentioned getting support from a Māori provider to help them with their parenting skills:

Our Māori provider got us some Kaupapa Māori parenting support. It has been pretty good. It's been a great help. It's helped us, we've progressed in our relationship. We are learning how to communicate better, we're learning how to disagree without fighting, things like that. The navigator is also helping us find out more about our whakapapa, because we've been wanting to know for quite a bit but didn't know how to go about it...

Another parent talked about getting help from a Māori provider to help him “sort his life out” for himself and his whānau and tamariki:

I've got someone helping me sort my life out at the moment. I didn't have any plan before, just went from day-to-day because it's been hard to think, but we're getting there. It's been a bit of a relief having [Māori Providers] around.

Whānau commented that they wanted Whānau Ora navigators and Māori providers to support them through Oranga Tamariki and Family Court processes. For example, a grandmother with a mokopuna who is currently under State care revealed that she has been trying to learn about Oranga Tamariki processes and legislation by herself, in an effort to have her mokopuna returned back to the whānau. She wanted support from Māori provider navigators:

We need the support of Whānau Ora navigators for dealing with Oranga Tamariki because they understand our language, how to speak to us, and the social worker doesn't. I've been looking at the legislation, it's a big job. It used to be I didn't know the difference between a whānau hui and an FGC, but even now that I know, they both still feel the same to me, with the people from Oranga Tamariki there

knowing more than the whānau does. It would be good if a navigator was there for us.

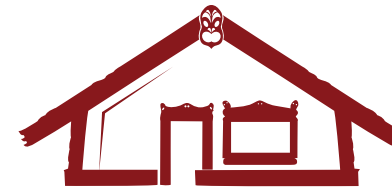
Navigators in Te Waipounamu who attended a community hui mentioned that they have recently been able to access Te Korimako training – that is, training in the Oranga Tamariki legislation – to enable them to better support whānau and tamariki. They also mentioned the more recent addition of Kairaranga within Oranga Tamariki to provide support to whānau who come to the attention of the State agency. Whānau have reported that the Te Korimako training Whānau Ora navigators received proved to be useful and has achieved positive outcomes:

The Whānau Ora navigator here helped our whānau get our tamariki back. They said she had knowledge of the system [Oranga Tamariki and Family Court]. But I think it's also because she had knowledge of our whānau. The social worker did not really know how to work with us and was making everything worse. [Navigator] came in and things started moving again. It was a good outcome for us.

A health professional working in government and who is also an approved caregiver for a child with special needs observed that Māori service providers in his community are a protective factor for whānau who come to the attention of Oranga Tamariki:

[Name of Māori Provider] is a protective factor. It is a protective factor for whānau and tamariki. They are the tikanga police. For example, I know a case – Oranga Tamariki didn't even look up the whakapapa of the kid. They contacted the Pākehā grandmother, who was sickly and couldn't take care of the kid, so you know – But they didn't know anything about the kid's tauā [Māori grandmother].

The stories and comments from whānau strongly suggest that vulnerable whānau Māori instinctively, and also by necessity, first and foremost look to whānau for help and support. For many of the whānau who participated in the Inquiry, Māori providers, being local, are a part of, or an extension of, their whānau network. Given a choice, vulnerable Māori whānau would want and prefer the support of whānau.



CONNECTING BACK TO WHO WE ARE: HAPŪ, IWI, WHĀNAU

While there were various comments about the role of iwi and hapū made through submissions and public hui, whānau who have themselves faced their children being uplifted do not necessarily articulate this when interviewed. In fact, it is rarely mentioned. For whānau their priority is trying to survive the system that has taken their children; and then navigate their way through it to get them back. Many of the whānau are themselves in a high State of vulnerability. That whānau, hapū or iwi might hold the potential of authority is far from their realities, as some of these whānau expressed to have limited connection to their hapū or iwi.

While there was some awareness of several Iwi who have become active in the care and protection space alongside the Crown, the whānau who participated in this Inquiry were not the ones who to experience the positive impacts from this as yet. However, the importance of re-connecting to “who we are as Māori” was articulated strongly in interviews and hui, and seen as imperative to healing from generational trauma, and moving forward into the future.

For many whānau who have been disconnected from their whakapapa and whānau because of an uplift by the State agency, the decision to take it upon themselves to try to find their whānau and reconnect with their whakapapa was an easy one to make. One participant at a community hui whose mother was uplifted by the State at birth explained that she needed to look for her whakapapa and whānau connections so that she could know who she was:

I went looking for my Māori whānau, for my whakapapa. I grew up being taught about kings and queens and all the German stuff. Finding my Māori whānau makes me so glad that I look like them. I finally found people who looked just like me.

The drive to find whānau and whakapapa connections was also mentioned by whānau who may not have been placed into State care themselves but whose children instead had been uplifted by Oranga Tamariki. For one father finding his whānau and whakapapa connections was about making sure that his children, who earlier in the year were uplifted by Oranga Tamariki, would become part of a wider whānau with whom they can identify with and form relationships with in the future:

I wasn't raised Māori and don't know much about my whakapapa, but I do know I am part-Māori. For my children, I'm trying to learn about my Māori side because you know, it's easy to get into trouble when you don't know who you are. Like I did. I wasn't raised Māori, but I'm hoping whatever I find, whānau or whakapapa, whatever connections, I'm hoping whatever I find will be helpful to my children... might help keep my whānau together... Children need to grow up knowing where they come from... I need to give that to my children.

Kaumātua who attended the community hui in Te Waipounamu stated that helping people to connect to their whakapapa and whānau is a natural part of who they are. One kaumatua revealed that he has spent the better part of his lifetime helping whānau who wanted to know about their whakapapa because he knew that people's wellbeing depended on their being connected to their people and to their land.

The function and role of hapū and iwi as repositories of cultural knowledge, was seen as a pivotal role in (re) connecting whānau:

[We need] unity of all iwi, hapū, whānau and leaders to come together to rebuild whānau reconnection to whakapapa, iwi, hapū and whānau...when we have a commitment to whānau, hapū and iwi which is tangible and real [then] our kids are connected to their whakapapa.

Submissions to the Inquiry highlighted the central role of hapū and iwi not just in terms of leadership, but also in terms of “planning for sustainability” of long-term solutions:

Whānau, hapū and iwi are [our] protector. Whānau, hapū and iwi a part of developing the system, its strategy, its goals and targets/impacts etc. and monitoring and measuring the success.

In terms of decision making, the place of hapū and iwi was acknowledged, with the primary significance given to whānau being in the driver’s seat of their own destiny:

Decisions [need] to be made on a whānau and hapū basis by whānau and hapū, not outside government agencies. Hapū kooti (courts) for ones that need a wake up or to be reprimanded, or for people like me, that have community support and need to clear our name with hapū kooti.

The overwhelming message from whānau was that they want their tino rangatiratanga and mana back, side by side with Iwi, hapū and hapori:

In terms of the system, it’s giving back the mana to our rangatira. We are the authority. Where is that? We need that back! Give our rangatiratanga back! Give it back to our hapū...so we can be empowered!

THE WAY FORWARD

The previous section highlighted the themes and issues that were foremost in the kōrero of the whānau, families, kaimahi, organisations and other contributors to the Māori Inquiry. In order to honour these voices, it is imperative that determined and sustainable action follows this review.

The overwhelming and consistent message that the current State care and protection system simply does not work for any of the stakeholders involved - tamariki, whānau, care-givers, social workers or other kaimahi – was reinforced throughout the submissions, and pointed to a complex systemic mix of inadequate political representation, political bias, and adverse policies. The effects of service fragmentation and sectoral competition, inadequate and siloed funding systems, faulty sub-contracting and one-dimensional deliverables, was underpinned by the reliance of Western knowledge systems over Mātauranga Māori understanding, and Kaupapa Māori practice.

Throughout the submissions it was highlighted that whānau had thought deeply about their own solutions to the better care of their tamariki. The frustration born out of the experiences of whānau whose knowledge and solutions were ignored was expressed consistently throughout the interviews.

It is imperative to reiterate that these messages around systemic dysfunction are not new, and as the historical context in Chapter Two highlights, negative outcomes for Māori in regards to State care and protection has been the subject of multiple, on-going reviews and investigations.

Furthermore, while the Inquiry review team has been cognisant of the attempts by the Crown to remedy their poor service delivery to whānau Māori (in particular since the 2019 legislation amendments to the Oranga Tamariki Act) through a series of new Māori/Crown partnership-based initiatives, the whānau that came forward to tell their stories for this Inquiry in general dismissed these as ad-hoc and fragmented instances of trying to fix a system that is not working.

The overwhelming sense remained that there has been a saddening lack of progress in the area of tamariki care and protection by the State, which makes a compelling and urgent case for whānau-led change. With new increased government fiscal spending still resulting in poor outcomes for whānau, there is a strong economic case to make substantial change to the current system – **it is time to listen to the voices of whānau.**

KEY PRINCIPLES THAT UNDERPIN THE WAY FORWARD

A strategic approach to setting a direction forward recognises the need to base areas of action on the lived experience of whānau, and the need to for whānau, hapū, iwi and hapori to work collectively across sectors for holistic support and services to all whānau Māori.

This approach directly aligns with the stories, issues and aspirations expressed throughout the submissions, and reaches across different areas of te Ao Māori, and across the current demarcation of State services.

Key principles for action:



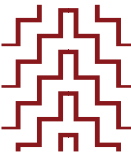
Whānau centred



Systems focused



Kaupapa Māori aligned



Mātauranga Māori informed

ACTION POINTS

These ‘action points’ are a synergy of the suggestions and ideas for a way forward, which build on calls from whānau for kaupapa Māori services and solutions, as well as responsive solutions from the government that honour their obligations and duty of care to Māori under te Tiriti O Waitangi.

It is important to note that positive change towards better outcomes for tamariki Māori and whānau Māori is a multi-layered process and requires attention to short, medium and long-term actions in order to support robust and transformative change. The ultimate vision of what whānau want are comprehensive, wrap-around ‘by Māori, with Māori, for Māori’ services that are designed from the true lived experiences of whānau, and which offer long-term solutions for all tamariki and their whānau to flourish. The Action Points that are recommended here acknowledge that while whānau still need to connect with the Oranga Tamariki system as it currently stands, there is an immediate and urgent need to address how whānau can be best supported to navigate the issues they currently face.

Action Point 1, which recommends strengthening whānau capability and capacity, is therefore not advocating to keep whānau working within Oranga Tamariki – or any of the incarnations of the State care and Protection system – by increasing their ability to do so, but instead represents where attention has to go in the short term.

Similarly, **Action Point 2**, which outlines the need for a full structural analysis of the uplift system is here seen as a stepping point to further understand the intricacies of how State approaches to care and protection of tamariki Māori span across a multitude of legislations and government agencies to effect the current negative outcomes for Māori.

The final point, **Action Point 3**, represents what needs to happen to truly honour the voices of whānau, which is the long term vision of re-building and replacing the current State approaches to tamariki Māori care and protection ‘by Māori, for Māori, with Māori’.

ACTION POINT 1

Action point 1: Supporting whānau - strengthen whānau capability and capacity

The findings of this Inquiry highlight that the immediate support of whānau with lived experience of the State care process - whether as (ex) wards of the State, care-givers, or whānau facing an uplift of their tamariki - is of utmost importance.

A) Develop supports and resources that empower whānau Māori who are involved with Oranga Tamariki, including legal resources and resourcing for whānau, clear and coherent communication and complaints pathways, high quality navigation services, as well as other needed wrap-around supports and services, particularly for wāhine Māori. These supports need to be localised and targeted for maximum efficiency.

- Establishment of a nationally funded helpdesk for whānau who need immediate help around care and protection of tamariki. An 0800 number, contacts for people/providers in the community that can help, including legal advice and resourcing for whānau; navigational services to include a wrap-around support system for whānau. 24/7 ‘By Māori – For Māori – With Māori’ crisis centres for whānau need to be established in all regions, with easy to access follow-up in kaupapa Māori organisations.

B) Develop a fully funded, robust wrap around support package for whānau which will be delivered by an especially trained workforce within Whānau Ora and other community providers across Aotearoa.

C) Develop an increase in supports, training and resourcing for whānau caregivers, including re-considerations around existing policies excluding whānau caregivers from receiving support.

D) Develop and implement better training and supports for the social worker workforce to deliver best services to tamariki Māori and whānau. This may include:

- Further requirements for social workers to prove their ability and competency to work with whānau in a mana enhancing way. This may include social workers being mentored by a Kaupapa Māori provider, or related organisation, and satisfying rigorous cultural competency requirements.
- Identification of effective social workers (and social work practices) who can act as practice leaders and mentors and promote best practice for working with whānau.

ACTION POINT 2

Action point 2: A structural analysis and review of Oranga Tamariki systems, policies, processes and practices

Throughout the Inquiry it became apparent that although we spoke to participants about their experiences with Oranga Tamariki, the complexity of the issues reached beyond a single government department, and pointed to inter-related systemic dysfunction across multiple government agencies underpinned by Crown policy, and misunderstanding of the application of policy, in particular Section 7AA of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017.

A systemic analysis was outside the scope for this review, but it is of extreme importance that this piece of work is undertaken to effect change in the long term. Furthermore, there needs to be an understanding of ethical implications of whānau data, and who ‘owns’ that data.

- A) Review to inform: Legislative reform; accountability by Crown for best outcomes for Māori; Māori data sovereignty; adherence to Te Tiriti O Waitangi.
- B) Review uplift practices, particularly criteria for uplifts, with a view to abandoning ‘uplift’ as a legitimate intervention. Revised practices and procedures, at a bare minimum, must look to reduce the harm caused by whakapapa trauma, and optimally, support the fundamental and customary rights of tamariki Māori to:
 - know about the circumstances of their adoption
 - know their whakapapa (genealogy)
 - whānaungatanga (kinship) – build a relationship with their hapū or iwi
 - cultural integrity – a home within the same cultural group, Māori with Māori, should be preferred.
- C) Review Oranga Tamariki social worker’s parameters of legal authority of investigations, scope of their investigations, and relevance of information to investigations.
- D) Review Inter-agency collusion and targeting practices.
- E) Review Family Court processes.
- F) Review Oranga Tamariki case management.
- G) Review Oranga Tamariki compliance with legislative rights of whānau (section 7AA), including whakapapa rights of wider kin group and community (i.e. whānau/hapū/iwi) in decision-making and care of their mokopuna/tamariki.
- H) Implement better data, monitoring and tracking systems including a registry of tamariki/whānau in contact with Oranga Tamariki, improved transparency and whānau/hapū/iwi/community access to their data/information.
- I) Abolish ex parte orders (section 78), that is, the uplift of tamariki ‘without notice’ to the whānau.
- J) Review and monitor Oranga Tamariki policies and practices to ensure consistency with Te Tiriti and best outcomes for tamariki and their whānau.
- K) Review interagency accountability to ascertain where accountability lies at the moment. Develop and enshrine new measures to ensure agencies and their workers are directly accountable to and measured by positive outcomes for tamariki and whānau.

ACTION POINT 3

Action point 3: Build on the call from whānau for ‘By Māori - For Māori, with Māori’ solutions for long-term sustainability

The long-term vision for whānau wellbeing is for robust and sustainable change that is ultimately driven by whānau priorities and world-views. This long-term, systemic change is based on Māori decision-making, collective Māori endorsement, integration, workforce development, and sustainable funding. It includes the voices of whānau Māori with lived experience at all levels of decision-making, and builds on collective Māori endorsement (whānau/hapū/iwi/hapori) and political momentum.

- A) Establish a ‘By Māori - For Māori, with Māori’ funding authority which has multi-dimensional deliverables that address social and cultural determinants of health and wellbeing for whānau Māori, including tamariki care and protection. As part of that the authority will:
- 1. Have a dual accountability system between whānau/Māori and government.
 - 2. Be informed by mātauranga Māori understandings and kaupapa Māori frameworks and practices.
 - 3. Be strengths-based and future focussed.
 - 4. Ensure integration of hapū/iwi/communities, organisations, services and resources to support whānau Māori wellbeing.
 - 5. Ensure contracting and funding practices enable and/or support innovative local solutions and approaches.
 - 6. Be focussed on early intervention and prevention and be mana enhancing.
 - 7. Oversee provision to whānau of knowledge/skills/tools/resources that they need, and a holistic and tailored package of care.
 - 8. Ensure development of a culturally and technically competent workforce who can navigate whānau through the system and across multiple domains of wellbeing.
 - 9. Renders State care for pēpi and tamariki a thing of the past.
 - 10. Ensures sustained financial and research investment in, and/or strengthens existing, infrastructure that produces best outcomes for tamariki and their whānau
 - 11. Leads a change in current governmental approaches and mind-set to the care and protection of tamariki Māori, that is:
 - moving to a whānau-centred rather than just child-centred approach. This includes a deep, authentic and meaningful recognition by government that whakapapa, whenua and whānaungatanga are vital in meeting the social, cultural, spiritual and health needs and wellbeing of whāngai, and that depriving tamariki of these fundamental and customary rights leads to long-term and devastating impacts for whānau, hapū and iwi.
 - advocating for authentic and meaningful engagement and relations between Māori and government that leads to Māori having constructive involvement in government care and protection initiatives for tamariki, and produces better outcomes for tamariki and whānau.
 - advocating for an overhaul of current mainstream prevention, intervention, and care systems so they are better equipped to meet the needs of tamariki and their whānau.



KŌRERO WHAKAKAPI

A Final Note

A FINAL NOTE

Decades of reviews, reports and legislation on child welfare services have failed to produce a system that answers the needs of whānau and tamariki. Many of the same themes in this report appear repeatedly throughout the history of State engagement with Māori in the area of child welfare; the desire of Māori communities to keep tamariki with whānau; the lack of responsiveness of services to whānau needs; the continued failure of practitioners to exercise the required cultural intelligence in dealing with whānau. For these reasons, the same mistakes seem to be repeated generation after generation.

The historical review of this report highlighted the impacts of colonisation, including the dispossession of Māori from their land, culture and the means of production and wealth. This same period also saw increasing State intervention in the lives of whānau, with the observable effect of undermining the traditional role of the wider whānau and community in the care and protection of their tamariki and mokopuna. The voices of whānau confirmed that the legacy of this has resulted in generational trauma and perpetuating cycles of disparity. Yet despite decades of government inaction on this issue whānau have remained resolute and resilient.

This concern for the wellbeing of tamariki and whānau has brought together some of the nation’s greatest Māori leaders from all walks of life, and has seen communities starting to organise themselves to find their own solutions. It has also seen national hui on this kaupapa attended by hundreds of concerned whānau from all over the motu, and an unprecedented number of whānau and organisations coming forward to participate in the Māori Inquiry. Maybe ironically, while government policy, legislation and

practice has worked to divide and dismantle whānau and whakapapa, the kaupapa of the Māori Inquiry has seen differences being set aside, new alliances formed as well as old ones strengthened, examples of courageous leadership, continued offers of support and help, and a collective response from Māori and non-Māori unseen in decades. In this respect, it could be said that this Inquiry has been a long time in the making.

The overwhelming conclusion from this Inquiry is that the State care of tamariki and pēpi Māori, and in particular the uplift practices used by the State, are *never appropriate for the long-term wellbeing of Māori*. What is needed from Oranga Tamariki or any other State agency to ensure the wellbeing of young Māori, is the re-allocation of resources to be available for high quality whānau centred kaupapa Māori services in every rohe of Aotearoa. Those services should include ‘whare-tiaki-whānau’ where respite, healing, relationship building, and planning for the future can lead to strong and resilient whānau.

The Children’s Commissioner, Judge Andrew Becroft, has suggested there is now an opportunity for a revolution in State care of children, but also warned that the opportunity should not be missed and left to “wither on the vine” as was the case with Puao-Te-Ata-Tū.¹⁷⁴ It is to be hoped his optimism is not misplaced.

¹⁷⁴ Katie Doyle, “Oranga Tamariki shakeup: Nothing short of a revolution will do,” RNZ July 1, 2019, <https://www.rnz.co.nz/news/national/393329/oranga-tamariki-shake-up-nothing-short-of-a-revolution-will-do>.

“I am whole when I have my children... You can't take away a child and expect me to be normal. I am a mother, yet I can't mother when I have no child to mother. I hurt each day and each day I won't get back. I want my son back. I want to bond. I've not been allowed to be alone with him.”

APPENDICES

TERMS OF REFERENCE

The Māori Inquiry into Oranga Tamariki – Terms of Reference

Background

The Inquiry is an independent Māori review of the Government's child protection agency Oranga Tamariki. The Inquiry is a result of the continued inaction by Government to respond to ongoing, serious issues around the actions of their agency in perpetuating inter-generational harm of Māori whānau, in particular around the un-ethical, forced removal of babies and children from their whānau. The emerging body of evidence around the harmful effects of these removals is in direct contravention of the Government's Stated aim of ensuring children are where they can be safe, connected and flourishing.

THE INQUIRY TERMS OF REFERENCE

Scope and Purpose of Inquiry

1. The scope of the inquiry is the historical and contemporary incidence of removal of Māori children from their whānau by Oranga Tamariki – the Ministry for Children, and the adverse effects of this practice on Māori whānau.
2. The purpose of the inquiry is to identify, examine, and report on the matters in scope. The inquiry's work will be informed by the voices of whānau, hapori and those with lived experience of the policies and practices of Oranga Tamariki.

Principles and Methods

1. The inquiry will operate with professionalism and integrity and in line with tikanga Māori values and approaches, as well as national and international best practice principles. The inquiry will implement policies and processes that enable it to conduct its work in a manner sensitive to the needs of whānau, hapū, and iwi.
2. Methods of work will include:
 - facilitation of the timely receipt of information from whānau, hapori, hapū and iwi with lived experiences of the policies and practices of Oranga Tamariki in regards to the removal of Māori children from their whānau.
 - identification of specialist investigative, advisory, or research functions to support the inquiry:
 - ethical treatment of all personal information and in accordance with the principles of sensitivity, confidentiality, and informed consent.

Findings and Recommendations

The inquiry will report on findings of:

- the nature and extent of removal of Māori children from their Whānau by Oranga Tamariki
- the factors, including systemic factors, which caused or contributed to the removal
- the impact of the removal on whānau, hapū, iwi and hapori.

The inquiry will make recommendations, which may concern legislation, policy, rules, standards, and practices, on areas for future changes to existing government frameworks in relation to the State intervention and care of Māori children. This will include (but is not limited to):

- Opportunities to build on the existing efforts of whānau, iwi and hapū, and service providers;
- Related resourcing of non-government al providers of tamariki wellbeing;
- Mechanisms for support of families and whānau affected by actions – past and present – of the removal of tamariki from their whānau;
- Addressing of risk factors;
- Roles and responsibilities of agencies in the child wellbeing sector;
- Workforce planning, training, support and management; and
- Governance, leadership and accountability levers to ensure best outcomes for Māori tamariki in Aotearoa.

COMMENCEMENT AND CONCLUSION OF WORK

The inquiry commenced in August 2019 and concluded with its final report in February 2020.

DEMOGRAPHIC ANALYSIS OF INQUIRY PARTICIPANTS

Demographic information included in this analysis was supplied by Inquiry participants who either completed an online survey, or a face-to-face interview, or phoned the Inquiry Hotline, or participated in the Te Pūtahitanga inquiry.

Inquiry Participants by Region

The Auckland and Canterbury Regions had the most participants in the Inquiry (20% and 19% respectively).

Region	Number of Participants	%
Auckland	72	20%
Canterbury	69	19%
Southland	30	8%
Gisborne	28	8%
Otago	26	7%
Waikato	26	7%
Bay of Plenty	20	6%
Nelson-Marlborough	17	5%
Wellington	15	4%
Manawatu-Wanganui	11	3%
Northland	11	3%
West Coast	10	3%
Hawke's Bay Region	9	2%
Taranaki	2	1%
Australia	1	0%
Not Provided	16	4%
Total	363	100%

Iwi

Out of 363 respondents, 294 were Māori, while 42 were non-Māori. Out of those who indicated themselves as Māori, 183 (62%) indicated their iwi name/s. The table below summarises their iwi and the total percentage of participants within each iwi.

Most of the participants were connected to Ngā Puhi or Ngāti Porou iwi (23% each). However, it should be noted that people could have multiple iwi affiliations, therefore, the sum of respondents is bigger than total (distinct) number of Māori who indicated their iwi.

Iwi	Number of participants	% of participants
Ngā Puhi	43	23%
Ngāti Porou	43	23%
Tainui/Waikato	21	11%
Ngāti Kahungunu	17	9%
Ngāi Tuhoe	16	9%
Ngāti Maniapoto	15	8%
Kai Tahu/Ngāi Tahu	11	6%
Ngāti Whātua	11	6%
Te Whānau-ā-Apanui	9	5%
Te Arawa	8	4%
Ngāti Hine	8	4%
Ngāti Raukawa	7	4%
Ngāti Tūwharetoa	7	4%
Te Rārawa	6	3%
Ngāti Rongomaiwahine	6	3%
Kāti Māmoe	5	3%
Waitaha	4	2%
Ngāti Hāua	4	2%
Ngāti Kurī	4	2%
Muāupoko	3	2%
Ngāti Awa	3	2%
Ngāti Ranginui	3	2%
Ngāti Tamatera	3	2%
Te Aitanga-ā-Māhaki	3	2%

Ngati Wai	3	2%
Te Atihaunui-ā-Pāpārangi	2	1%
Te Ātiawa	2	1%
Ngāti Toa	2	1%
Ngāti Rangitihi	2	1%
Ngāti Māhuta	2	1%
Te Whakatōhea	2	1%
Ngāti Te Kahu	2	1%
Ngāti Kahungunu ki Heretaunga	2	1%
Ngāti Ruanui	2	1%
Ngāti Whakaue	2	1%
Ngāti Kahungunu Ki Wairarapa	2	1%
Ngāti Pikiao	2	1%
Rangitāne	2	1%
Rongowhakaata	2	1%
Ngāti Raukawa ki te Tonga	1	1%
Ngāti Mutunga	1	1%
Ngai Te Rangi	1	1%
Ngāti Tukorehe	1	1%
Te Ātiawa ki Waikanae	1	1%
Aotea	1	1%
Ngāti Apa	1	1%
Ngāti Hauiti	1	1%
Ngāti Maru	1	1%
Ngāti Rāhiri Tumutumu	1	1%
Ngāti Hurungaterangi	1	1%
Ngāti Taeotu	1	1%
Tūhourangi Ngāti Wāhiao	1	1%
Ngāti Pahauwera	1	1%
Ngāti Konohi	1	1%
Ngāti Mānawa	1	1%

Ngāti Rākaipaaka	1	1%
Tara tokanui	1	1%
Tamahaki	1	1%
Ngāti Haupoto	1	1%
Te Rōroa	1	1%
Te Uri O Hau	1	1%
Ngāti Pūkeko	1	1%
Tauropaki	1	1%
Ngāti Hineuru	1	1%
Ngati Uenuku	1	1%
Raukawa ki Wharepuhunga	1	1%
Ngāti Huia	1	1%
Ngāti Rangi	1	1%
Rereahu	1	1%
Whanganui	1	1%

Total Māori with iwi *(distinct participants)* **183**

Ethnicity

Most participants identified as Māori (81%).

Ethnicity	Number of participants	% *
Māori	294	81%
Pacific	4	1%
European	28	8%
Other	10	3%
Not Provided	27	7%
Total	363	100%

Gender

Most participants were female (65%). A large proportion (22%) did not provide their gender.

Gender	Number of participants	% *
Female	237	65%
Male	45	12%
Not Provided	81	22%
Total	363	100%

Age

More than half of all participants did not provide information on their age.

Age	Number of participants	% *
16 - 24	6	2%
25 - 34	30	8%
35 - 44	31	9%
45 - 54	48	13%
55 - 64	40	11%
65+	10	3%
Not Provided	198	55%
Total	363	100%

* Percentage rounded off to closest whole number



GLOSSARY

Aotearoa – New Zealand

aroa – generosity, compassion, sympathy, love

atua – primal energy source, god

hākari – shared feast

hāpori – section of a kinship group, family, community

hapū – kinship group, tribe, subtribe or pregnant, expectant

hauora – health, wellbeing, vigour

hinengaro - mind, thought, psychological

hongi – Māori greeting custom (nose to nose)

hua - fruit

hui – gathering

iwi – tribe

iwi whānui – members of a tribe, the greater tribe

kai – food

kaiārahi – guide, navigator

kaimahi – workers or staff

kaitiaki – guardian, steward

kaitiakitanga – stewardship; guardianship

kanohi ki te kanohi – in person (face to face)

karakia – prayer or ritual chant

kaumātua – elder/s

kaupapa – collective philosophy

Kaupapa Māori – Māori values, principles or philosophies

kawa – rituals, protocols

Kōhanga Reo – Māori language preschool

kōrero – tell, say, speak, story

kōrero pūrākau – indigenous narratives from Aotearoa

kotahitanga – unity

kura – precious

kura kaupapa – Māori immersion school

mamae – pain, sore, hurt

mana – dignity, spiritual vitality, authority, control, influence

manaakitanga – to care for, expression of hospitality

mana motuhake – distinct identity, autonomy, self-determination, self-governance

mana whenua – tribal autonomy of the land of a specified area

Māoritanga – Māori cultural practices, beliefs, culture, Māori way of life

marae – ceremonial, sacred gathering ground

marama – month or moon

mataora – life, life cycle

Mātauranga Māori – Māori bodies of knowledge

mātua – parents

matua kēkē - uncle

mauri – life principle, life force, vital essence, source of emotions, spark of life

mauri ora – flourishing vitality

mihi whakatau – informal welcome

mihi – acknowledgement, greeting

mihi mihi – the custom or practice of making acknowledgements

moemoeā – dream, ability to dream

moko- grandchild/ren – short for mokopuna

mokopuna – grandchild/ren or great grandchild/ren

motu – island(s) with reference to the islands of Aotearoa.

ngā hononga maha – multiple connections

ngā pou whakaaro – listening posts

ngā taonga tuku iho – the treasures handed down

ora – alive, well, healthy, fit, healed, safe

oranga – wellbeing, wellness

Oranga Tamariki – New Zealand Ministry for Children

paepae – orators’ bench

Pākehā – European, English, foreign

pakiaka – roots

Papatūānuku – earth mother, earth

papa whenua – the land

pēpeha – tribal heritage statement

pēpi – baby, infant

pou hākinakina – physical activity worker/support/expert

pōwhiri/pōhiri – customary Māori welcome

puāwaitanga – flourishing

pūkengatanga – expertise

pūrākau- narrative, story

pūtea - money

rākau – tree, stick, wood

rangatahi – youth

rangatira - leader

rangatiratanga - leadership, chieftainship, right to exercise authority

rohe – tribal boundary

rōngoā – herbal medicine

rōpū - group

taha Māori – Māori identity

taiao – world, earth, environment

takiwā – place

Tāmaki – Auckland, short for Tāmaki Makaurau

tamariki – children

tangata/tangata – person/people

tangata whenua – people of the land, indigenous people

tangi – funeral, short for tangihanga

tangihanga – funeral, rites for the dead

taonga tuku iho – inherited customs or treasures of high importance

tapu – sacred, prohibited, restricted

tauā – grandmother

taumata – level, grade, summit

taura here – binding ties or threads

tautoko – support, back, advocate

te ao Māori – the Māori world

te ao whānui – the world

Te Ataarangi – Māori language revitalisation initiative

Te Ika a Māui – Māori name for The North Island

Te Kauhau Ora – Waipareira code of conduct

te kōhure – establishment

te mahuri – innovation and refinement

te mana o te ao Māori - Māori perspectives

te mura o te ahi – the heat of the battle

Te Pae Mahutonga – Māori model of health promotion developed by Sir Mason Durie

te pihanga – implementation

te reo Māori – Māori language

te reo me ōna tikanga - the Māori language and customs

Te Tiriti o Waitangi - The Treaty of Waitangi

Te Wai Pounamu – The Māori name for the South Island

Te Whare Tapa Whā – Māori health model developed by Sir Mason Durie

tiakitanga – guardianship, caring of, protection

tikanga – Māori practices and protocols, lore

tinana – body, physical

tino rangatiratanga – self-determination, authority

tīpuna/tūpuna – ancestors

toi – pinnacle, summit and indigenous knowledge

toiora – wellbeing; protection from evil

waiata – song, chant

wairuatanga – spirituality, practices emphasising Māori spirituality

waka – canoe, vehicle

wānanga – meeting, discussion, seminar

wawata – aspiration

wero – ceremonial challenge

whaea kēkē – aunt

whakamā – shy, embarrassed, ashamed

whakamana – empowerment, authority

whakamutunga- conclude, conclusion

whakapapa – ancestry; genealogical connections

whakataukī – proverbial saying

whakawhānaungatanga – process of establishing relationships, relating to others

whānau – family, extended family

whānaungatanga – relationship building

Whānau Ora – Government whānau centred strategy which promotes flourishing whānau

whāriki – tapestry, woven mat of harakeke



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TE TOHU



The main tohu for all three book covers was designed by Ben Thomason, Ngāti Raukawa ki te Tonga.

The tohu is a representation of all the elements that create the foundation of this report; whānau, te ao Māori, kaitiakitanga me ngā tangāta katoa. As a design the tohu can be divided into specific parts each with their own whakapapa and meaning:

The central figure of the woman holding the baby relates to the catalyst that ultimately laid down the need for this Inquiry. It is a visual representation of how a mother can connect, embrace and care for their child. The woman and child are both being covered by a korowai which relates to support systems such as manaakitanga and kaitiakitanga that can surround a whānau during a child's upbringing.

The central figure lies in the center of a larger moko design. The symbols used in the moko design are 'mango-pare', the Māori representation for strength. The 'mango-pare' is being used to relate the undying strength of whānau during the hard times they may have faced with dealing with loss, uplifts and other family issues.

Surrounding the moko design is a darker ring with a carved face at the top. This carved figure is a kaitiaki that watches over all the whānau. It also represents the male element in the design. This kaitiaki has two tongues as a direct link to the ability to exist in two worlds, Te Ao Pākēhā and Te Ao Māori.

Behind the tohu itself is a koru and manawa-like pattern that flows from top to bottom. These koru and manawa are a visualisation of the whakatauki;

*He aha te mea nui o te ao?
He tangata
He tangata
He tangata!*

Each koru represents the many people Oranga Tamariki has dealt with, hurt or driven to stand up for what they believe in. Each with their own story, each with their own mana.

The three main colours relate to the content of each book and report, each main colour is complemented by the gold.

Red - Te Toto - The red was used to draw attention to the main report. The kōrero expressed is harsh, it is raw but it is honest and true. The red does not shy away from the issues that need to be looked at. In Māori we use red to represent Toto (blood) - in this case it's a metaphor for the wounds that Oranga Tamariki have caused.

Green - Te Whenua - The green represents a fresh new start. The growth from the dirt. It means to spring into something new. The whānau have spoken their truths and can hopefully feel a sense of new wellbeing. Forever growing stronger. Forever grounded.

Blue - Te Wai - The blue represents the cleansing waters. The summary report is the overview of the entire Inquiry. It is the calm approach to what needs to be done. It represents the water that is needed to wash away the paru (dirt) to reveal what is needed in order for whānau to move forward.

Gold - Te Kōura - The gold embellishes each cover adding a greater sense of worth. In all cultures gold is held in high esteem. Its being used to add more mana and worth to each report. It makes each report a taonga for whānau.



Māori Inquiry into Oranga Tamariki Hui
Waikato; 19 August 2019

