

06 December 2024

**Submission** to the Social Services and Community Select Committee on the **Oversight of Oranga Tamariki System Legislation Amendment Bill**.

The Justice & Peace Commission of Auckland Catholic Diocese, through the Social Welfare/Anti-Poverty Committee, submits the following response to the Oversight of Oranga Tamariki System Legislation Amendment Bill. We continue to stand by our commitment to Catholic Social Teaching (CST), which emphasises the dignity of the human person, the virtue of justice, compassion, and the common good, especially for those most vulnerable within our society. This submission draws on our previous concerns and offers new recommendations that we believe could improve the current Bill's provisions.

We welcome the Bill's intention to enhance oversight and accountability within the Oranga Tamariki system. However, we are deeply concerned that the proposed changes could undermine the independent advocacy for tamariki and the holistic, whānau - centred approach that involve and incorporate Māori iwi and community groups that we have advocated for in previous submissions.

Our key issues and concerns:

**1. Reducing advocacy and silencing the voice for the voiceless**

We are strongly concerned with the Bill's intention to disestablish Aroturuki Tamariki – Independent Children's Monitor and reestablish the Monitor role into an 'independent Crown entity.' We question the need to disestablish a monitoring board whose sole purpose was to function independently from Ministers and government agencies.

Aroturuki Tamariki went to great lengths to form Te Kāhui, a group of Māori leaders to work alongside, collaborate, engage and achieve policy and legislation goals that represent, kanohi ki te kanohi, the disparity of Māori tamariki and whānau within the care and protection system. The hasty decision to disestablish Aroturuki Tamariki can only fuel uncertainty and doubt in the care and protection system where trust and confidence, especially amongst and with Māori, must be reassured.

To quote the Independent Children's hui report from 2019:

There is the need to build the trust and confidence of Māori in the independent monitoring system and the Monitor. As Māori are vastly over represented in the Oranga Tamariki System, they should be closely involved in the design and

implementation of the oversight system. Government should not present with pre-conceived ideas, which limits input and ideas, nor should it take a top-down approach, but rather have a relationship that is strong and robust and based on trust and respect. [...] As perception is an important factor in the credibility of the independent monitoring system, it needs to be robust and independent without undue influence from the government.<sup>1</sup>

We question the extent of independence an ‘independent Crown entity,’ can truly hold.

An ‘independent Crown entity’ is referred as being ‘**generally** independent of government policy’ as stipulated in clause 7 (1) of Crown Entities Act 2004. The ambiguity of the word ‘generally’ does not enhance the perception of a credible, robust and independent Monitor who will be ‘fully independent’ or even autonomous from undue influence from Ministers or the government.

## 2. Māori Representation

As quoted above in the hui report, research indicates that Māori tamariki are disproportionately overrepresented by a staggering 68% in the care system.<sup>2</sup> It is imperative that there is a specifically motivated and committed Monitor or monitoring agency with a stronghold in Māori tikanga and leadership, such as that established by Aroturuki Tamariki, to ensure the continuation and cultivation of culturally relevant advice and guidance that will incorporate, advocate and integrate Māori perspectives into the monitoring and oversight processes.

To quote the [Kahu Aroha](#)<sup>3</sup> Report 2021:

*In order to lead prevention of harm to tamariki and their whānau, collective Māori and community responsibility and authority must be strengthened and restored in a way that is fit for purpose within a modern and future context. The Crown’s role is to support this kaupapa.*

This quote states that the Crown should support the kaupapa of harm prevention for tamariki and their whānau by strengthening and restoring the responsibility and authority to collective Māori and community groups. It does not call for the Crown to

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<sup>1</sup> Independent Children’s Monitor. (2019, July-August). *Engagement hui with Māori on the independent oversight of the Oranga Tamariki System*. <https://aroturuki.govt.nz/assets/Uploads/Documents/What-the-Monitors-doing/report-engagement-hui-2019.pdf>

<sup>2</sup> Oranga Tamariki, Ministry for Children. (2023, August 23). *Disparities and disproportionality experienced by tamariki Māori*. [Disparities and disproportionality experienced by tamariki Māori | Oranga Tamariki — Ministry for Children](#)

<sup>3</sup> Oranga Tamariki Ministerial Advisory Board. (2021, July). *Embrace with the cloak of love, embrace all within it. The initial report of the Oranga Tamariki Ministerial Advisory Board July 2021*. <https://www.beehive.govt.nz/sites/default/files/2021-09/SWRB082-OT-Report-FA-ENG-WEB.PDF>

restrict this kaupapa by changing the Monitor role into an ‘independent Crown entity’ and thus ultimately, if not ‘generally’ placing the role of Monitor under Crown authority.

Furthermore, we support and highlight recommendations made through the Kahu Aroha Report 2021 that were recognised, activated and/or achieved through Aroturuki Tamariki:

- a) Adequate resources and authority must be shared **equitably** with Māori.
- b) Many of the services and support for tamariki and their whānau currently delivered by Oranga Tamariki can, over time, be provided by Māori and community groups.

We extend recommendation b) to include that support services and care should be provided by Māori for Māori wherever possible, thereby acknowledging, strengthening and retaining the protections of mana motuhake (self-determination) of tamariki and whānau.<sup>4</sup>

Aroturuki Tamariki represents, incorporates and independently reports on culturally specific and varied child welfare organisations, including iwi and Māori community groups. To disestablish this independent children’s monitor will reduce and restrict the cultural perspective, diverse participation and independent lens to advocacy required to enhance care and dispel disparity.

### **3. Children’s Commissioner**

We strongly believe that the Bill's proposal to dissolve the Children’s Commission and replace it with a single Children’s Commissioner will diminish the advocacy role and scope of representation for children in Aotearoa, New Zealand. Our previous submission raised the importance of an independent, robust and comprehensive voice for children, especially those from vulnerable backgrounds, including children in state care or transitioning out of care.

The Children’s Commission has historically been a broader advocacy body that has played a critical role in amplifying the voices of children in public policy discussions. By shifting to a sole Children’s Commissioner, we fear that the Bill will not adequately address the diverse needs of children or offer enough room for advocacy from multiple perspectives, particularly for tamariki Māori, Pasifika or children in marginalised communities. We therefore recommend the Children’s Commission remain intact as a multi-member body agency.

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<sup>4</sup>Sharpe. M. (2023, April 26). *New iwi-led plan sparked by Oranga Tamariki baby uplift should see fewer children in care*. Stuff. [New iwi-led plan sparked by Oranga Tamariki baby uplift should see fewer children in care | Stuff](#)

#### **4. The role of the children’s commissioner in investigating individual cases.**

We recommend that the Bill allow the Children’s Commissioner the power to investigate individual cases when necessary, ensuring children’s voices are heard and their specific needs are met. While the focus on systemic monitoring is valuable, it is essential that there is accountability at a personal and individual level for children who require immediate intervention.

#### **5. Insufficient focus on the root causes of childhood and family vulnerability.**

The Bill proposes a separation between the monitoring and advocacy roles, which is a positive step for improving transparency and accountability. However, the root causes of vulnerability – poverty, unemployment and underemployment, and family harm – which are often the underlying factors for Oranga Tamariki interventions, are not sufficiently addressed in the Bill. The wrap-around model of care, which involves family-centred services, early intervention, and effective case management, should be prioritised in the oversight of the system.

We urge the committee to ensure that the monitoring functions include a direct focus on **poverty prevention and alleviation** through the facilitation of adequate whānau support services, resources, and early interventions that address the systemic issues that lead to children going into state care. This aligns with the CST principles of the common good and human dignity and provide a more holistic care approach that this submission, as with our last submission, once more reiterates and advocates.

#### **Conclusion:**

While we support the overall intention of the Oversight of Oranga Tamariki System Legislation Amendment Bill to improve the monitoring and oversight of Oranga Tamariki’s operations, we implore the Social Services and Community Select Committee to carefully consider the recommendations we have outlined.

The Justice & Peace Commission of the Catholic Diocese of Auckland believes these amendments are crucial to ensuring that tamariki and whānau receive the care, advocacy, and protection they need and deserve. We ask that the committee consider the importance of preserving the advocacy power for children by incorporating strong kaupapa Māori and representation throughout the Monitor / monitoring system that is entirely independent not ‘generally independent,’ and addresses the root causes of vulnerability that continue to affect tamariki and whānau in Aotearoa.

We remain committed to ensuring a fairer, more compassionate system for all children in Aotearoa, New Zealand, and we hope that our recommendations will contribute to a Bill that supports the dignity, well-being, and rights of all tamariki.