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 kaikārahi 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.

---

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.
**CONTENTS**

<table>
<thead>
<tr>
<th>Acknowledgements</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>6</td>
</tr>
<tr>
<td>Chapter One – The Māori Inquiry</td>
<td>9</td>
</tr>
<tr>
<td>The Purpose of this Inquiry</td>
<td>10</td>
</tr>
<tr>
<td>How this Inquiry differs from other Inquiries of Oranga Tamariki</td>
<td>10</td>
</tr>
<tr>
<td>How this report is structured</td>
<td>12</td>
</tr>
<tr>
<td>Māori Inquiry process and methods</td>
<td>13</td>
</tr>
<tr>
<td>Chapter Two – The Context</td>
<td>19</td>
</tr>
<tr>
<td>Quick Statistics</td>
<td>20</td>
</tr>
<tr>
<td>Tamariki Care and Protection: A Historical Review of Crown policies and practices</td>
<td>22</td>
</tr>
<tr>
<td>Chapter Three – Whānau lives, whānau voices: experiences with Oranga Tamariki</td>
<td>41</td>
</tr>
<tr>
<td>Chapter Four – What needs to happen? Whānau aspirations, whānau solutions</td>
<td>61</td>
</tr>
<tr>
<td>The Way Forward</td>
<td>67</td>
</tr>
<tr>
<td>Key principles that underpin the way forward</td>
<td>67</td>
</tr>
<tr>
<td>Action Points</td>
<td>68</td>
</tr>
<tr>
<td>Kōrero Whakakapi - A Final Note</td>
<td>73</td>
</tr>
<tr>
<td>Appendices</td>
<td>76</td>
</tr>
<tr>
<td>Terms of Reference</td>
<td>76</td>
</tr>
<tr>
<td>Demographic Analysis of Inquiry Participants</td>
<td>78</td>
</tr>
<tr>
<td>Glossary</td>
<td>84</td>
</tr>
<tr>
<td>Bibliography</td>
<td>90</td>
</tr>
<tr>
<td>Te Tohu</td>
<td>94</td>
</tr>
</tbody>
</table>
FOREWORD

Kīi mai ki ahu he aha te mea nui o te ao – Māku e kīi 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 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 aagainpō”. 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!

Énei 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) 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. 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), 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), and an internal practice review by Oranga Tamariki into the events in Hawke’s Bay.

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 bought to the fore against the background of an increasing lack of understanding by government around Māori tamariki needs. The Whānau Ora Commissioning Agency, with the support of the South Island Commissioning Agency Te Pūtahianga o Te Waipounamu 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 seek 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 tamariki.

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, in order to create the whole story that now needs to drive the impetus for real change.
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.

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.

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.

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.

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.

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.
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:

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 ‘Māori, for Māori, with Māori’ Inquiry, the Inquiry retained a ‘Marae style’ 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 Whakaero) 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.

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?

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 Hu iwi held in Murihiku / Invercargill; Whakatū / Nelson; Te Tai Poutini / Greymouth; Ōtepoti / Dunedin; Ōtautahi / Christchurch; Wairau / Blenheim.
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 Refer to the Appendices for the number and demographic breakdown of participants in the Inquiry.
CHAPTER TWO
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 Crown 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 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.

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 care.

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%.

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 placements has increased by 6%.

4. Return to home placements

The percentage of children and young people in return to home 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%.

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

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

Figure 3: Percentage of children returning home to parent(s)
The late nineteenth and early twentieth centuries saw some early reforms and 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.24 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.25 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.26 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.27 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 how life needed to properly socialise future citizens.28 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.29 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 condescension 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’.30 In the

---

26 Dalley, Family Matters, 51.
27 Dalley, Family Matters 5.
28 Dalley, Family Matters , 45.
29 Dalley, Family Matters.
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. Gridding 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. 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.

The practice of whāngai was also blamed for low rates of breastfeeding among Māori mothers in the early nineteenth century, which was believed to contribute to infant mortality. 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 whanau, emphasising that the impetus for change needed to come from Māori themselves. 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 1940s.
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. 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.” 20 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. 21 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, which raised the rate of existing benefits, and introduced a range of new ones.

In the 1940s, the payment of family benefits to whānau excited public controversy, as they made a noticeable difference to spending power in Māori communities. 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 kinds 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.” Nevertheless, whānau receiving benefits continued to be subject to more intensive 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.” 22 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 is himself 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.” 23 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.

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. 24 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 child does not take kindly to institutional life, as they are home sick and crave to be with their own people.” 25

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.” 26 The Act established the Māori Welfare Division and its Welfare Officers as the key points of contact between the State and Māori communities. 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.” 26 The Act established the Māori Welfare Division and its Welfare Officers as the key points of contact between the State and Māori communities. 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.” 26 The Act established the Māori Welfare Division and its Welfare Officers as the key points of contact between the State and Māori communities. 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.” 26 The Act established the Māori Welfare Division and its Welfare Officers as the key points of contact between the State and Māori communities. 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.” 26

54 Dalley, Family Matters, 124.
55 Dalley, Family Matters.
56 Quoted in Dalley, Family Matters, 131.
57 Department of Māori Affairs, “Annual Report of the Board of Māori Affairs and of the Undersecretary, Department of Māori Affairs,” APH: G-69, (1949), 2.

55 McClure, A Civilised Community, 56.
54 Quoted McClure, A Civilised Community , 81.
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.66 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 Division and the tribal committees in dealing with problems 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


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 Disastrous results 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 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 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

68 Dalley, Family Matters, 193.
69 Dalley, Family Matters.
72 Tennant, Fabric, 167-9.
74 Cheyne, O’Brien and Bragge, Social Policy, p.146.
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.
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. 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. 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. Informal adoptions could leave the child at risk of being taken from their whānau 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.”

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. 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 who 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. This was of concern to some Māori welfare officers and to the Māori Women’s Welfare League, who feared that mothers would be being encouraged to place their babies up for adoption, rather than have them brought up by their whānau at home. 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.” 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.

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.

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.

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. This would have important consequences for social work practice.

Human rights discourses became a significant part of working 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. 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. 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. 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.
The 1970s and 1980s also saw the emergence of movements for Māori self-determination. A new generation of Māori leaders expressed stringent demands for social justice and tino rangatiratanga, rejecting the State’s policies of racial integration as the best outcome for Māori.106 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 that they shattered the myths of favourable race relations in Aotearoa by exposing the blatant racial discrimination that Māori faced.107 The passing of the Treaty of Waitangi in 1975 signalled a new form of cultural assertiveness for Māori and a new understanding of the relevance of Te Tiriti to contemporary social policy.108

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 Archanui 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 1974. These findings and serious breaches of human rights had occurred.109 Other reports by Bishop Allan Johnstone, and the Women’s Anti-Racist Action Group also highlighted racism within the Department, its institutions and the way it dealt with whānau.110 These reports highlighted that while a century and a half of Pākehā policy had resulted in Māori being the largest group of welfare consumers, the services they accessed were staunchly monocultural and failed to answer the needs of society’s most vulnerable people.111

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.112 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.113

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.”114

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.115 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.”

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’.116

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.117

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:

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.118

107 Hill, Māori and the State.
109 Dalley, Family Matters, 267.
112 Ministerial Advisory Committee Puao-te-ata-tu, 7.
113 Ministerial Advisory Committee Puao-te-ata-tu, 23.
114 Ministerial Advisory Committee Puao-te-ata-tu, 29-90.
115 Harris and Williams, “Rights and Revitalisation” 441.
116 Dalley, Family Matters, 265.
118 Ministerial Advisory Committee Puao-te-ata-tu.,29-30.
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 developing the new legislation and derived from the whānau huī as a way to deal with problems within whānau. 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-opted 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. The Children and Young Persons Service (CYPs) 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.114 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. This sat uneasily with the focus of the Act upon encouraging families to take responsibility for finding solutions.115 The restructuring of the Department of Social Welfare had also disseminated some of the


113 Moyle, “From Family Group Conferencing to Whānau Ora”.


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

117 Hyslop, “Child Protection in New Zealand.”


119 Hyslop, “Child Protection.”

120 Moyle, “From Family Group Conferencing.”


126 Moyle, “From Family Group Conferencing,” 15.


129 Moyle, “From Family Group Conferencing,” 15.


131 Moyle, “From Family Group Conferencing.”


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.126 The Waitangi Tribunal Report, published in 1998, highlighted the need for greater autonomy and decision-making power over the Department and the Trust over their interpretation of the intentions of Puaoro-te-atatu.127

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.128 It was clear that the promise of Puaoro-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 funeral progress towards the manifestation of those Māori Social Service organisations.129 Brown ‘respectfully urge[d]’ that the Service revisit the recommendations of Puaoro-te-atatu, because he believed much of the report remained relevant.130

Following the 2000 review, further reports and reviews were produced. A 2003 CYF Baseline Review found ‘systemic problems’ with the service, unclear outcomes and variability in the quality of service.131 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.132 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 support 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.’133

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.134 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 the whānau being present. In particular, the Māori social workers regarded the lack of proper implementation of the principle of whanauangatanga as a serious concern, as it meant tamariki were continuing to pass through the system ‘without their whakapapa in tow’.135 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.136

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 hardships 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 different 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 Puaoro-te-atatu 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 family. 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 different government services, thus positioning child abuse as a problem of a failure of adequate methods of surveillance.143

126 Harr & Williams, "Rights and Revitalisation." 462-3.
127 Waitangi Tribunal, Te Whānau o Waipareira Report, 209-10.
128 Brown, Care and Protection., 7-8.
129 Brown, Care and Protection., 79.
130 Brown, Care and Protection., 82.
133 Ministry of Social Development, Care and Protection Blueprint, 20.
134 Moyle, ‘From Family Group Conferencing’, 82-6.
135 Moyle, ‘From Family Group Conferencing’, 84.
136 Moyle, “From Family Group Conferencing,”. 64.
140 Keddell, “The Vulnerable Child” 96.
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 seeks to promote a collective 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 seeks to promote a collective group capacity for self-determination.

In practice this means contrasting 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.\(^{148}\) 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 well-being of Māori children, in particular the role of poverty in placing stress upon whānau and undermining the effectiveness of interventions for vulnerable families.\(^{149}\) The report also noted that despite the diversity of submissions, ‘they share the common understanding that the well-being of tamariki Māori are inextricable from the well-being of their whānau’.\(^{150}\) 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 unacceptable 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 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 tāmaiti’, ‘whakapapa’ and ‘whaŋaungatanga’ in Section 4:1G under the Purposes of the Act is described by the Human Rights Commission ‘as the face of a… 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 tāmaiti (tamariki) and the whakapapa of Māori children and young person and the whaŋaungatanga 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.


\(^{149}\) Taskforce on Whānau-Centred Initiatives, Whānau Ora: 52.


\(^{152}\) Māori Affairs Committee, ‘Inquiry’, 16.


\(^{154}\) According the news article “ Ministers 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 word “vulnerable” to be “stigmatising” and “entirely negative”. Prime Minister Jacinda Ardern also criticised the name and said labelling kids “vulnerable” was “stigmatising”.


\(^{156}\) Human Rights Commission, ‘Submission,’ 9.

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 the 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 whanaungatanga 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). 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, rangatira, kaumatua 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. 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 whakapapa, 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 reconnecting…. they’ve got aunts 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?) through wairua (spirit) and whakapono (faith and trust) first, then relationship is whānau, and kaumatua then 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 tamaití whāngai (foster children), raising them as their own. According to Mead, 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. Arrangements of whāngai were both temporary and permanent in nature. 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.
The metaphor of the Pā Harakeke (flax-bush) was used to visualise a Te Ao Māori worldview of tamariki care and protection.

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.

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.”

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:

[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.
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 Pakeha 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 loss 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 came 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 Pākeha 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.
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 a 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 Waiapu/Poverty Bay, Māori were vulnerable to racism. Māori whānau or whānau under stress lived in fear of ‘a RōC’ because a report of concern can come from a wide range of sources – “practically 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 were 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. The hospital 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-Māori and were abused - dust 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.

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, grumpy 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-Māori and were abused - dust 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.

The implications of ‘having a record’ with any government agency was a concern that many whānau had with 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. My ex-partner was in the gangs. I’m not in any gang. 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 carer 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, the last ever and she is now with a Pākehā 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 one of “just until proven innocent”. Being young should NOT be some OT criteria for investigation.

Based on the submissions and interviews, whānau 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 is re-abused through the OT system. It seems to matter 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 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 untrue 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 tamariki 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.
Similarly, another participant at a community hui in Te
Uplifts, Section 78, and Placement Practices
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 children 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. One 69-year-old grandfather described the actions of Oranga Tamariki and the police in his home:
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.
Uplifts under section 78 of the Oranga Tamariki Act (uplifts without notice to whānau) 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."
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 Wāpouamuru 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 Pākeha. 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, 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 Pākeha 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 and 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.

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. 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 status 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 as 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 in 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 the children into a protection order. They didn’t even give me a chance to prove I could look after them…

Another whānau member explained that they were unable to visit their tamariki during their stay at a rehabilitation facility. He concluded:

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 while 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.

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 Waiopounamu, 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 [xxx] 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 those 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 [xxx] 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 had participated in uplift of their child, only to be told that that worker had ‘gone on holiday’ or was on leave.

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 obtuse, 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 mokopuna 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 whānai. The caregiver shared that the whānai 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
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.

WHAT NEEDS TO HAPPEN?

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 kōrās 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.

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:

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:

You’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.

WHĀNAU SOLUTIONS

WRAP AROUND SUPPORT

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 Waihou 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:
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 hard to think, but we’re getting there. It’s been a bit of a relief having [Māori Provider] 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 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 didn’t 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 tāua [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 the choice, vulnerable Māori whānau would want and prefer the support of 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 whanau 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.

Kaumatua 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, hapū, hapu 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 are 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 kōti (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 kōti.

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 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.

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 move 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

KEY PRINCIPLES THAT UNDERPIN THE WAY FORWARD
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 – 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 outmost 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 of whānaungatanga (kinship) - build a relationship with their hapū or iwi and cultural integrity - a home within the same cultural group, Māori with Māori, should be preferred.

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 endorse 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.
  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.

B) 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.
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 pepi 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. It is to be hoped his optimism is not misplaced.


“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 unethical, 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-governmental 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-Whanganui | 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%
Ngāti Tuhoe | 16 | 9%
Ngāti Maniapoto | 15 | 8%
Kai Tahu/Ngāti 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%
Muaupoko | 3 | 2%
Ngāti Awa | 3 | 2%
Ngāti Ranginui | 3 | 2%
Ngāti Tamatera | 3 | 2%
Te Aitanga-ā-Māhaki | 3 | 2%
<table>
<thead>
<tr>
<th>Iwi</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ngati Wai</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>Te Atiahaunui-ā-Pāpārangi</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Te Ātiawa</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Toa</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Rangitūhi</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Māhuta</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Te Whakatūhea</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Te Kahu</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Kahungunu ki Heretaunga</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Ruanui</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Whakaue</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Kahungungu Ki Wairarapa</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Pikiao</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Rangitāne</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Rongowhakaata</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Raukawa ki te Tonga</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Mutungua</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngai Te Rangi</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Tukorehe</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Te Ātiawa ki Waikanae</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Aotea</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Apa</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Hauiti</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Maru</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Rāhiri Tumutumu</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Hurungaterangi</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Teotu</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Tūhourangi Ngati Wāhiao</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Pahauwha</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Konohi</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Ngati Mānawa</td>
<td>1</td>
<td>1%</td>
</tr>
</tbody>
</table>

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

Total Māori with iwi (distinct participants) 183
Ethnicity

Most participants identified as Māori (81%).

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Number of participants</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Māori</td>
<td>294</td>
<td>81%</td>
</tr>
<tr>
<td>Pacific</td>
<td>4</td>
<td>1%</td>
</tr>
<tr>
<td>European</td>
<td>28</td>
<td>8%</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>3%</td>
</tr>
<tr>
<td>Not Provided</td>
<td>27</td>
<td>7%</td>
</tr>
<tr>
<td>Total</td>
<td>363</td>
<td>100%</td>
</tr>
</tbody>
</table>

Gender

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

<table>
<thead>
<tr>
<th>Gender</th>
<th>Number of participants</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>237</td>
<td>65%</td>
</tr>
<tr>
<td>Male</td>
<td>45</td>
<td>12%</td>
</tr>
<tr>
<td>Not Provided</td>
<td>81</td>
<td>22%</td>
</tr>
<tr>
<td>Total</td>
<td>363</td>
<td>100%</td>
</tr>
</tbody>
</table>

Age

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

<table>
<thead>
<tr>
<th>Age</th>
<th>Number of participants</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 - 24</td>
<td>6</td>
<td>2%</td>
</tr>
<tr>
<td>25 - 34</td>
<td>30</td>
<td>8%</td>
</tr>
<tr>
<td>35 - 44</td>
<td>31</td>
<td>9%</td>
</tr>
<tr>
<td>45 - 54</td>
<td>48</td>
<td>13%</td>
</tr>
<tr>
<td>55 - 64</td>
<td>40</td>
<td>11%</td>
</tr>
<tr>
<td>65+</td>
<td>10</td>
<td>3%</td>
</tr>
<tr>
<td>Not Provided</td>
<td>198</td>
<td>55%</td>
</tr>
<tr>
<td>Total</td>
<td>363</td>
<td>100%</td>
</tr>
</tbody>
</table>

* Percentage rounded off to closest whole number
GLOSSARY

Aotearoa – New Zealand
aroha – generosity, compassion, sympathy, love
atua – primal energy source, god
hākari – shared feast
hapori – section of a kinship group, family, community
hapū – kinship group, tribe, subtribe or pregnant, expectant
hauora – health, wellbeing, vigour
hinengaro - mind, thoughts, 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
kaitaari – 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
mata 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
mihimihi – 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
puawaianga – flourishing
pūkenga – expertise
pūkenga – narrative, story
pūtea – money
rākau – tree, stick, wood
rangatahi – youth
rangatira – leader
rangatiratanga – leadership, chieftainship, right to exercise authority
rohe – tribal boundary
rōkau – herbal medicine
rōpū – group
taha Māori – Māori identity
taiaro – world, earth, environment
takitā – place
Tāmaki – Auckland, short for Tāmaki Makaurau
tamākiri – 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 – Waiaperaia 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 Tapata 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
tipuna/tūpuna – ancestors
toi – pinnacle, summit and indigenous knowledge
toora – 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
BIBLIOGRAPHY


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.


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 tangata 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 Pākehā 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*

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