

The Māori Inquiry into Oranga Tamariki – Terms of Reference

Background

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

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 whānau Māori.
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

3. 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.
4. Methods of work will include:
 - a. 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;
 - b. Identification of specialist investigative, advisory, or research functions to support the Inquiry;
 - c. 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:

- a. The nature and extent of removal of Māori children from their whānau by Oranga Tamariki;
- b. The factors, including systemic factors, which caused or contributed to the removal;
- c. The impact of the removal on whānau, hapū, iwi and hāpori.

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):

- a. Roles and responsibilities of government agencies in the child wellbeing sector;
- b. Mechanisms for support of families and whānau affected by actions – past and present – of the removal of tamariki from their whānau;
- c. Related resourcing of non-governmental providers of tamariki wellbeing;
- d. Effective workforce planning, training, support and management;
- e. Governance, leadership and accountability levers to ensure best outcomes for tamariki Māori in Aotearoa;
- f. Existing opportunities to build on the existing efforts of whānau, iwi and hapū, and service providers; and
- g. Identification of future systems, supports and services that ensure best outcomes for tamariki Māori in Aotearoa

Governing Group

The 13 July 2019 Hui confirmed a Governing Group would oversee the Inquiry which comprises of the following members:

Dame Naida Glavish
Dame Areta Kopu
Dame June Mariu
Dame Iritana Tawhiwhirangi
Dame Tariana Turia
Lady Tureiti Moxon
Sir Toby Cutis
Sir Mason Durie
Sir Wira Gardiner
Sir Pita Sharples
Sir Robert McLeod
Sir Mark Solomon

Commencement and Conclusion of work

The Inquiry will commence in August 2019 and will conclude with a final report in February 2020.

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