



**METHODIST
ALLIANCE**
NGĀ PURAPURA WETERIANA

**Submission to the Social
Services and Community
Select Committee**

on the

**Oranga Tamariki (Repeal of
Section 7AA) Amendment Bill**

20th June 2024



1. Ko wai tātou | Who we are

The Methodist Alliance is a formal alliance of Methodist Missions, parishes and community based social services and trusts, including cooperating ventures. This grouping constitutes a major provider of a range of services for tamariki/children, rangatahi/young people, and their families/whānau.

The Methodist Alliance brings together a number of large and medium social service providers such as Lifewise in Auckland, Methodist City Action in Hamilton, Palmerston North Methodist Social Services, Wesley Community Action in Wellington, Christchurch Methodist Mission, Methodist Mission Southern in Dunedin, as well as local community services provided by individual parishes. It includes new social service organisations, such as Siaola Vahefonua Tongan Methodist Mission; Puna’Oa - the Samoan Methodist Mission that operates within the Samoan Synod of the Methodist Church; and Te Taha Māori.

Ka whakahōnore mātou i tō mātou whakahoatanga Tiriti – we honour our Tiriti partnership. Te Tiriti o Waitangi is the covenant establishing our nation on the basis of a power-sharing relationship. It is the foundation for social, economic and political equality in Aotearoa New Zealand.

The Methodist Alliance is grounded in our commitment to Te Tiriti o Waitangi and the bi-cultural journey of the Methodist Church of New Zealand - Te Hāhi Weteriana o Aotearoa, where Te Taha Māori and Tauwiwi work in partnership. We claim the right bestowed by Article Four of Te Tiriti o Waitangi:

“E mea ana te Kawana ko ngā whakapono katoa o Ingarangi, o ngā Weteriana, o Roma, me te ritenga Māori hoki e tiakina ngatahitia e ia.”

“The Governor says the several faiths of England, of the Wesleyans, of Rome, and also the Māori custom shall alike be protected by him.”

The Methodist Alliance and our member organisations work collaboratively to achieve our vision of a just and inclusive society in which all people flourish, through our commitment to our faith and Te Tiriti o Waitangi.

2. Tirohanga Whānui | Overview

The Methodist Alliance welcomes the opportunity to provide feedback on the Oranga Tamariki (Repeal of Section 7AA) Amendment Bill. We point to our whakapapa in relation to the signing of Te Tiriti o Waitangi and the covenant that binds us in to promote and defend rangatiratanga for Māori, as well as the experience of our membership in the provision of services for rangatahi and tamariki as the bedrock of our submission.

The purpose of this bill is to ensure the safety and general wellbeing of tamariki Māori who come to the attention of Oranga Tamariki. We believe that it will have a negative impact on the physical, mental and cultural wellbeing of tamariki Māori across Aotearoa.

3. Taunakitanga | Recommendations

- 3.1 **Point 1:** Repealing this legislation will remove hugely important oversight and reporting on the wellbeing of tamariki Māori.

We recommend that the current oversight and reporting in relation to tamariki Māori contained in Section 7AA be retained. We have serious concerns that the removal of subsections (5) and (6) would reduce the accountability of the chief executive, as well as limiting the availability of important data. These subsections require the chief executive to report annually on outcomes for tamariki Māori, as well as what has been done to improve those outcomes. Such reports provide a reference point for progress and allow Oranga Tamariki to be held to account where these outcomes do not improve.

Minister Chhour has indicated that this reporting would be built into KPIs for Oranga Tamariki, however the importance of reporting and accountability for the CE of the organisation cannot be understated. Information being passed on directly from the CE of Oranga Tamariki to the public has a higher potential for engagement, and there has also been no indication of how the data from KPI reporting will inform practice on the ground.

- 3.2 **Point 2:** The repeal of this legislation would also remove the requirement for Oranga Tamariki to develop strategic partnerships with iwi and Māori organisations, including iwi authorities.

We recommend that the requirement to develop strategic partnerships with iwi and Māori organisations, including iwi authorities, be retained. Strategic partnerships enable outcomes for tamariki Māori to be improved through actions such as the robust, regular and genuine exchange of information, the delegation of functions under Oranga Tamariki Act and the development of innovative proposals. In the words of Oranga Tamariki, strategic partnerships are



'... helping tamariki and rangatahi Māori to thrive in the care and protection of their whānau, hapū and iwi.'¹ Removing this requirement would put in jeopardy the relational trust which has been built up among iwi, iwi authorities, Māori organisations and community providers as well as Oranga Tamariki itself, and further silo the sector.

3.3 **Point 3:** Current available advice recommends against removing this legislation.

We recommend that currently available advice on the role of section 7AA be listened to. Repealing section 7AA will not make tamariki Māori safer, nor will it create better outcomes. It assumes that keeping the law as it is currently conflicts with the best interests of the tamariki involved. As detailed in the Waitangi Tribunal *Oranga Tamariki (Section 7AA) Urgent Inquiry Report*: 'Not only is there no empirical evidence to support this belief (the evidence before us says the opposite), but it also presupposes conflict between the safety and best interests of a child and Oranga Tamariki acting under section 7AA consistently with the Crowns Treaty obligations.'²

3.4 **Point 4:** Issues that have been blamed on this legislation have been operational and are not caused by the law itself.

We recommend that Oranga Tamariki reform its internal policies to ensure consistency and safety in dealing with tamariki. This Act and its contents do not conflict with the physical and emotional safety of children, and any conflict which arises is the result of practice of Oranga Tamariki staff. Former Minister responsible for Oranga Tamariki Tracey Martin illustrates this point, arguing that the high-profile cases of 'reverse uplifts'³ were cases of Section 7AA being 'used by an overzealous social worker'⁴. Oranga Tamariki itself recognises that the most prominent cases in relation to safety of tamariki Māori have 'deviated significantly from best practice.'⁵

¹ Oranga Tamariki.(2023). *Strategic Partnerships with Māori* <https://www.orangatamariki.govt.nz/about-us/our-work/strategic-partnerships-with-maori/>

² Waitangi Tribunal. (2024). *Oranga Tamariki (Section 7AA) Urgent Inquiry Report* (Report No. Wai3350). pp.15

³ While we disagree with this term inherently as inaccurate and pejorative, these situations are often referred to and best known as reverse uplifts.

⁴ Martin, T. (Guest). (2024). 'Children will be worse off' - former children's minister on Government law change [Audio Podcast Episode]. Stuff. <https://www.stuff.co.nz/politics/350256865/tova-podcast-children-will-be-worse-former-childrens-minister-government-law>

⁵ Oranga Tamariki. (2024). *Regulatory Impact Statement: Repeal of section 7AA*. Pp.5-6. <https://www.treasury.govt.nz/sites/default/files/2024-05/ris-ot-rosaa-mar24.pdf>

Section 4A of the same legislation explicitly states that the ‘well-being and best interests of the child or young person are the first and paramount consideration...’⁶ Where negative or actively harmful decisions have been made about the safety and placement of tamariki and rangatahi, this has contravened the legislation rather than complied with it.

- 3.5 **Point 5:** This legislation is up for periodic review next year, and the insights from that would better inform decisions around it.

We recommend that any consideration of changes to this legislation makes use of the insights from the upcoming periodic review of the Oranga Tamariki Act 1989 is scheduled to be completed in 2025. Repealing this section of the legislation without regard to the outcome of this review would be short-sighted and miss an important opportunity for an in-depth critique to take place.

- 3.6 **Point 5:** Without this legislation, Oranga Tamariki will continue to cause harm to tamariki Māori

We recommend That this legislation is retained to ensure that outcomes for tamariki Māori are front of mind for Oranga Tamariki. In the absence of Section 7AA, Oranga Tamariki will no longer be required to work in partnership with iwi and Māori organisations, including iwi authorities, to reduce disparities for tamariki Māori. Long standing expert advice to government agencies stresses the need for partnership in this space⁷, and it is imperative that the Oranga Tamariki Act retains the ability to enforce this.

4. Whakarāpopototanga | Summary

- 4.1 The repeal of this section of legislation will remove one of the major oversights of the wellbeing of children who come to the attention of Oranga Tamariki. The requirement for the chief executive to report on the progress of tamariki Māori is integral to our understanding of these children and cannot be removed without a viable alternative. Data on the wellbeing of children in Aotearoa is increasingly scant⁸, and previous reports have identified that the collection of more and

⁶ Oranga Tamariki Act 1989. S4A (1).

⁷ The Māori Perspective Advisory Committee. (1988). *Puao-te Ata-Tu*. Pp.20
<https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/archive/1988-puaoateatatu.pdf>

⁸ Walters, L. (2024). *Stats NZ scraps survey gathering key child poverty data*. Newsroom.
<https://newsroom.co.nz/2024/04/04/stats-nz-scraps-survey-gathering-key-child-poverty-data/>



better data is important to delivering better outcomes⁹ for tamariki Māori. The removal of this section will further jeopardise delivery.

- 4.2 The requirements of the Act to respect and uphold the mana and whakapapa of tamariki Māori and the whanaungatanga responsibilities of their whānau, hapū and iwi, do not supersede the need for Oranga Tamariki to care for them in the best way possible. Tamariki Māori have the right to be safe and cared for - this includes having regard to the need of tamariki Māori to be connected to their whenua, whakapapa and whānau.
- 4.3 The experience of the membership of the Methodist Alliance is that Section 7AA of the Oranga Tamariki Act has been an important step towards the wellbeing of tamariki Māori, but that it has not been in place for long enough to see its true impact. The repeal of this legislation will have no discernible positive impact and is likely to cause irreparable harm to tamariki Māori, their whānau, hapū and iwi.

Hamish Jarvie

Kairuruku | National Coordinator

Ngā Purapura Weteriana | The Methodist Alliance

⁹ Office of The Childrens' Commissioner. (2020) *Te Kuku O Te Manawa*. Pp. 55,56,58. (ISBN: 978-0-473-55383-8). <https://www.manamokopuna.org.nz/documents/22/Te-Kuku-O-Te-Manawa-Report-2-OCC.pdf>