



# Submission on the Oranga Tamariki (Repeal of Section 7AA) Amendment Bill

## Social Services and Community Committee

**Submitted by Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA)**  
**3 July 2024**

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### Introduction & Background

1. Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA) welcomes the opportunity to submit on the Oranga Tamariki (Repeal of Section 7AA) Amendment Bill.
2. Te Pai Ora SSPA would welcome the opportunity to speak to this submission at the Committee.
3. Our submission is informed by our members, gathered through consultation and feedback that Te Pai Ora SSPA has facilitated (including a member's hui on 17 June 2024).
4. Our written submission provides our feedback, where we have focussed on some key areas of greatest relevance to the mahi of our members. Te Pai Ora SSPA's contribution to this process is to shape and influence this mahi to ensure an equitable future for care-experienced tamariki and rangatahi Māori, their whānau, hapū and iwi and the social service organisations who work alongside them.
5. In addition to our own submission on the Bill, some of Te Pai Ora's member organisations who support tamariki and rangatahi Māori, and their whānau everyday are making submissions. We urge the Committee to value and listen to their expertise in how 7AA is being applied in practice and the benefits to tamariki, rangatahi and their whānau of this.
6. Te Pai Ora SSPA is a signatory to the Joint Children's Rights Sector submission coordinated by the Children's Rights Alliance Aotearoa New Zealand.<sup>1</sup> We encourage the Committee to pay attention to the recommendations outlined in the joint submission to ensure a statutory framework that protects and upholds the rights, interests and wellbeing of all pēpē, tamariki and rangatahi in the Oranga Tamariki system.
7. Alongside the joint children's sector submission, Te Pai Ora SSPA encourages the Committee to pay particular attention to the submissions on the Bill from VOYCE – Whakarongo Mai and Mana Mokopuna. These submissions amplify the rights, matters and concerns that tamariki and rangatahi with care experience have about this Bill. Hearing and meaningfully acting on their experiences and views is essential to shaping a care and protection system that better supports the potential of all tamariki and rangatahi Māori, the aspirations of their whānau, and keeps them safe from harm.

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<sup>1</sup> Available [here](#)



## About Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA)

8. Social Service Providers Te Pai Ora o Aotearoa (Te Pai Ora SSPA) is a membership-based national organisation, comprised of over 230 community-based social service organisations from around Aotearoa New Zealand, based in both rural and urban locations.<sup>2</sup> Our membership makes up a vast majority of the service delivery to tamariki and rangatahi in the social sector.
9. Among our members are local and national social service providers, large national care providers, kaupapa Māori and Iwi social service organisations and Pacific providers. Te Pai Ora SSPA members work across the full spectrum of community-based social services with a central focus on supporting the positive outcomes of children, rangatahi, families and whānau.
10. Te Pai Ora SSPA full members are funded by government to deliver social services in our communities every day, with a predominant focus on children, rangatahi, families and whānau (the majority of member organisations are s.396 and/or s.403 providers) Our affiliate members are organisations that deliver social services for these people, and organisations and individuals who work in areas aligned to the interests of children, rangatahi, whānau or communities.
11. Te Pai Ora SSPA's vision is that Aotearoa's community-based social services are sustainable, able to make a positive impact every day in our communities, supporting children, rangatahi and whānau to thrive now and into the future. Te Pai Ora SSPA works to strengthen Aotearoa's social sector through advocacy and engagement, learning and development, relationships and sector leadership.

## Te Pai Ora SSPA's position on this kaupapa

### Safety of children is paramount

12. Te Pai Ora SSPA believes that the first and foremost focus for tamariki and rangatahi in the care and protection system must be on keeping them safe from harm, upholding their rights and protecting their wellbeing. In decisions regarding all tamariki and rangatahi who come to the attention of Oranga Tamariki, the wellbeing and best interests of the child must be the first and paramount consideration. This is already mentioned in section 4A(1) of the Oranga Tamariki Act.

### Care-experienced pēpē, tamariki and rangatahi Māori at the centre

13. This Bill is about children, it affects all pēpē, tamariki and rangatahi Māori in the Oranga Tamariki system. As evidenced in many reviews and reports, tamariki and rangatahi Māori are disproportionately represented within the care and protection system. Taking these realities into account, the proposed Bill has significant implications for the way tamariki and rangatahi Māori, and the issues that affect them, are considered by government now and into the future.

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<sup>2</sup> Find out more about Te Pai Ora SSPA at [www.sspa.org.nz](http://www.sspa.org.nz). Our strategic plan 2023-2026 can be found [here](#)



14. Policies affecting children must be grounded in Te Tiriti o Waitangi, be consistent with our international law obligations, and take an evidence-informed approach. Any change should be an opportunity:
- a. to strengthen the way government fulfils its responsibilities to tamariki and rangatahi Māori and;
  - b. fulfils the government's responsibilities to create the conditions in which tamariki and rangatahi Māori in Aotearoa's care and protection system can grow and thrive

### **Positive life experiences and thriving long-term outcomes for tamariki and rangatahi Māori and their whānau, hapū and iwi**

15. For generation upon generation, the principles of whanaungatanga and whakapapa have been at the core of Māori identity. In the care and placement of children, considerations such as the ability to be able to speak their own language, practise cultural norms and maintain their identity as Māori are essential ingredients, alongside other factors, to the success and wellbeing of all children. Numerous reviews of the care and protection system have reinforced these positive factors and furthermore, that Oranga Tamariki and its predecessors have continuously failed to comprehensively implement change. There are inter-generational negative impacts for tamariki and rangatahi Māori who are disconnected from their culture and whānau.
16. The 2015 *Final report of the Expert Panel on Modernising Child, Youth and Family* reinforced that tamariki and rangatahi Māori were significantly over-represented in the care and protection system and that Māori communities wanted to play a more strategic role in the welfare of tamariki and rangatahi Māori. In response, changes were made to the Act to address these issues and to drive transformative change and improve outcomes for tamariki, rangatahi and whānau Māori.<sup>3</sup> The coming into force of section 7AA in 2019:
- a. was a recognition of the importance of Māori principles in relation to the welfare of tamariki and rangatahi Māori, and their whānau, hapū and iwi
  - b. gave practical effect to the principles of Te Tiriti o Waitangi, Māori beliefs and values and;
  - c. worked to achieve the vision that Oranga Tamariki set for itself to ultimately decrease the numbers of tamariki and rangatahi requiring statutory intervention<sup>4</sup>

### **Section 7AA remains important**

17. Section 7AA represents the first time in Aotearoa New Zealand's history that Te Tiriti o Waitangi has been applied to legislation relating to children. The particular duties in relation to Te Tiriti o Waitangi that it holds the Chief Executive of Oranga Tamariki accountable for are not reflected in other parts of the Act. The Oranga Tamariki annual section 7AA report makes public its progress, and while the 2023 reports states that much more needs to be done, they are making incremental progress<sup>5</sup> and it has led to:

<sup>3</sup> Cabinet paper: [Enhancing the wellbeing of tamariki and rangatahi Māori: Setting measurable outcomes and developing strategic partnerships](#), Hon Tracey Martin, Minister for Children, 2019

<sup>4</sup> Oranga Tamariki's vision: 'all children are safe, loved and nurtured by whānau, hapū, and iwi, supported by thriving communities'

<sup>5</sup> [Section 7AA Report – improving outcomes for tamariki Māori](#) 2023, Oranga Tamariki.



- a. strategic partnerships with iwi and Māori organisations to provide early support and improve long-term outcomes
- b. the duty in section 7AA (2)(b) to mana tamaiti, whakapapa and whanaungatanga has supported tamariki and rangatahi Māori to connect with their culture and develop a positive sense of identity which protects against adversity and supports long-term wellbeing
- c. provides the statutory requirements to set and report on measurable outcomes for Māori, such as setting measures to reduce inequities and report publicly on progress to achieving these
- d. it has also played a pivotal role in strengthening trust and relationships between Oranga Tamariki and Māori and;
- e. a reduction in the number of tamariki and rangatahi Māori that have entered state care

## **Proposed repeal of section 7AA**

18. Te Pai Ora SSPA together with our members, the community-based social service organisations who work alongside tamariki, rangatahi and their families and whānau strongly recommends that section 7AA be retained and the Bill withdrawn.
19. The following sections of our submission further bring forward the whakaaro of our member organisations, which are community-based social service providers working in the child protection and whānau wellbeing spaces throughout Aotearoa. Tamariki, rangatahi and whānau Māori who our member organisations serve every day will be directly impacted by this proposed Bill, as will our member organisations themselves in the course of their day-to-day mahi.
20. The Te Pai Ora SSPA submission offers our evidence-based and considered opinion that the full repeal of section 7AA will create the following issues which are now further explained in this submission.

## **Removes critical protections for tamariki and rangatahi Māori and their whānau, hapū and iwi**

21. There have been numerous reviews over a number of years which extensively detail the over representation and poor record of servicing the needs of tamariki and rangatahi Māori and their whānau, hapū and iwi in the care and protection system. These reports evidence the failure of the care and protection system to address the long-term challenges experienced by those in the care and protection system, and the systemic change required to address these long-term failures.
22. The following reports (while not a complete list) are indicative of the evidence base that Te Pai Ora SSPA use in our efforts to advocate for community-based social service providers to enact systems-level change, inform policy decisions and government investment in tamariki, rangatahi, families, whānau and their communities, so their aspirations can be experienced every day.



- [Puao-te-Ata-tu \(Day break\), The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare](#), September 1988, reprinted March 2001
- [Expert Panel Final Report: Investing in New Zealand's Children and their Families](#), Expert Advisory Panel Report, December 2015
- [Strengthening independent oversight of the Oranga Tamariki system and of children's issues in New Zealand](#), Sandi Beatie QSO review, August 2018
- [Ko Te Wā Whakawhiti, It's Time For Change](#) A Māori Inquiry into Oranga Tamariki – Report, Whānau Ora Commissioning Agency, February 2020
- [He Take Kōhukihuki](#), A Matter of Urgency that looked into Oranga Tamariki's policies, practices, and procedures for newborn child removal under section 78, The Ombudsman investigative report, August 2020
- [Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa](#), The initial report of the Oranga Tamariki Ministerial Advisory Board, July 2021
- [Hāhā-uri, hāhā-tea - Māori Involvement in State Care 1950-1999](#). Independent research commissioned by the Crown Response to the Abuse in Care Inquiry (Report prepared for the Crown Secretariat. Ihi Research), July 2021
- Abuse in Care Royal Commission of Inquiry He Purapura Ora, he Māra Tipu. From Redress to Pūretumu Torowhānui, [Vol 1](#), December 2021
- [Ensuring strong and effective safety nets to prevent abuse of children](#), report by Dame Karen Poutasi, Joint Review into the Children's Sector: Identification and response to suspected abuse, November 2022
- Various Waitangi Tribunal reports as referenced throughout this submission

23. The 1988 Ministerial Advisory Committee report *Puao-te-Ata-tu*<sup>6</sup> was the first substantial articulation of a Māori point of view. Members repeatedly acknowledge this report as pivotal. *Puao-te-Ata-tu* acknowledged that 'Māori people must be involved in making the decisions that affect their future. This means direct involvement in Social Welfare policy, planning and service delivery at the tribal and community level.'<sup>7</sup> The report made a number of recommendations including recommendation 2 which called for a social welfare policy with equitable resourcing, power sharing, legislation which recognised cultural values and initiatives that harnessed the potential of people to advance.<sup>8</sup>

24. *Puao-te-Ata-tu* led to some reform of New Zealand's child welfare law. Despite this, historically the Crown has struggled to address systemic barriers for whānau, hapū and iwi and ensure their involvement in providing care and support for tamariki and rangatahi Māori at risk of harm, abuse, and/or neglect. The *2015 Final Report of the Expert Panel on Modernising Child, Youth and Family* reinforced that tamariki and rangatahi Māori were significantly over-represented in the care, protection and youth justice systems, and that Māori communities want to play a more strategic role in the welfare of tamariki and rangatahi Māori.<sup>9</sup>

<sup>6</sup> [Puao-te-Ata-tu \(Day break\), The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare](#), September 1988, reprinted March 2001.

<sup>7</sup> *Puao-te-Ata-tu*, page 18.

<sup>8</sup> *Puao-te-Ata-tu*, page 9.

<sup>9</sup> [Expert Panel Final Report: Investing in New Zealand's Children and their Families](#), December 2015



25. In response to the Final Report and renewed calls to address the issues and transform the system with and for Māori, acknowledging *Puao-te-Ata-tu* and numerous reviews since, the government of the day made changes to the Act. This included section 7AA to place new duties on the chief executive of Oranga Tamariki in relation to Te Tiriti o Waitangi designed to address these issues, and to drive transformative change and improve outcomes for tamariki, rangatahi and whānau Māori.
26. The final report of the Royal Commission of Inquiry on Abuse in State Care will soon be released publicly. The report will discuss the severe and widespread abuse of children in care historically, the context in which people were placed and abused in care, and the impact of that on them, their whānau and their communities. Aotearoa New Zealand's modern child protection system has always disadvantaged Māori. Māori have always been over-represented in child protection statistics, as evidenced in multiple reports, including in independent research on Māori involvement in state care commissioned by the Crown Response to the Abuse in Care Inquiry.<sup>10</sup>
27. To ensure an equitable future for survivors of abuse, care-experienced people, their whānau and families, hapū and iwi, we urge the Select Committee to give effect to the final reports' findings in its decision-making process. We envisage that measures such as section 7AA giving practical effect to Te Tiriti o Waitangi, protecting against adversity and supporting long-term wellbeing could address a number of issues in the report, providing evidenced ways to address the issues in practice.
28. The wider impact of section 7AA across the care and protection system is evidenced in the report *Children in Care: complaints to the Ombudsman 2019-2023*. The report shares a case study of a complaint from siblings disconnected from whānau, seeking to be reunited and the subsequent use of section 7AA in law to enable these tamariki to meet protecting their rights and ensuring positive life experiences.<sup>11</sup>
29. The review into the children's sector undertaken by Dame Karen Poutasi included positive mention of the value of 7AA, describing the requirement to give practical effect to Te Tiriti as positive, alongside Oranga Tamariki's commitment to partnering with iwi, hapū, and kaupapa Māori organisations.<sup>12</sup>
30. Aroturuki Tamariki | Independent Children's Monitor also mentions section 7AA in its *Experiences of Care in Aotearoa 2022/2023* report.<sup>13</sup> Section 7AA is evaluated as part of agencies compliance with the National Care Standards and related matters regulations, and the report gives some useful examples of it in practice. This provides a useful tool for reflective practice and improvement regarding the operationalisation of 7AA.

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<sup>10</sup> Savage, C., Moyle, P., Kus-Harbord, L., Ahuriri-Driscoll, A., Hynds, A., Paipa, K., Leonard, G., Maraki, J., Leonard, J. (2021). *Hāhā-uri, hāhā-tea - Māori Involvement in State Care 1950-1999*. Report prepared for the Crown Secretariat. Ihi Research.

<sup>11</sup> *Children in Care: complaints to the Ombudsman 2019-2023*, page 30.

<sup>12</sup> *Ensuring strong and effective safety nets to prevent abuse of children*, report by Dame Karen Poutasi, Joint Review into the Children's Sector: Identification and response to suspected abuse, November 2022, page 26.

<sup>13</sup> Aroturuki Tamariki | Independent Children's Monitor, *Experiences of Care in Aotearoa 2022/2023*.



31. As evidenced, there are consequences to the proposed removal of section 7AA that are broader in scope that the Select Committee should consider. It could be useful for the Select Committee to investigate the applications of section 7AA across the parts of the care and protection system in the time it's been in law and how it has served the wider best interests and wellbeing of children, young people and their families and whānau, hapū and iwi.
32. Ultimately, it is important the care and support systems work to ensure tamariki and rangatahi are always treated as the taonga that they are – first and foremost, the taonga of their whānau.

### **Removes necessary obligations to Te Tiriti o Waitangi**

33. This submission is founded on our collective belief that the application and implementation of children's rights in Aotearoa must be in accordance with Te Tiriti o Waitangi, respecting and upholding the rights of pēpē, tamariki and rangatahi Māori as tangata whenua and as children.
34. Te Tiriti o Waitangi needs to be meaningfully embedded at the heart of this kaupapa. Repealing section 7AA is not consistent with Te Tiriti o Waitangi. A repeal of section 7AA risks perpetuating the same mistakes that have already been made by the Crown in relation to the care and protection system.
35. The proposed Bill is inconsistent with the views of the Waitangi Tribunal. There have been two Waitangi Tribunal inquiries into Oranga Tamariki in recent years:
  - a. *He Pāharakeke, He Rito Whakakīkinga Whāruarua; Oranga Tamariki Urgent Inquiry Report* in 2021 which addresses claims submitted to the Waitangi Tribunal under urgency regarding the disproportionate numbers of tamariki Māori being brought into State care and protection, and the functioning and cultural orientation of this system about policies towards Māori generally (WAI 2915),<sup>14</sup> and;
  - b. *The Oranga Tamariki (Section 7AA) Urgent Inquiry Report 2024* about the repeal of section 7AA specifically (WAI 3350).<sup>15</sup>
36. The WAI 3350 report from this year talks about how the process to repeal section 7AA is a breach of Te Tiriti o Waitangi. They also found clear breaches of the guarantee of tino rangatiratanga over kāinga and the treaty principles of partnership and active protection. They refer back to their WAI 2915 report in 2021 for more detailed evidence to inform their considerations on this proposed Bill.
37. Some of the detailed evidence from the WAI 2915 report made the historic acknowledgement that the right to tino rangatiratanga over kāinga in Article 2 of Te Tiriti o Waitangi includes the right of whānau, hapū and iwi to care for their own children. The tribunal called this '*right to cultural continuity*.'<sup>16</sup> We note that a child protection system which removes Māori children from their families and whānau threatens this right. The Tribunal also talked in that report about how the Crown's child protection policies breach the treaty principles of active protection, partnership, equity and options.

<sup>14</sup> Waitangi Tribunal. (2021). *He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry (WAI 2915)*.

<sup>15</sup> Waitangi Tribunal (2024). *The Oranga Tamariki (Section 7AA) Urgent Inquiry Report (WAI 3350)*.

<sup>16</sup> Waitangi Tribunal. (2021) *WAI 2915*, page 12.



38. The WAI 3350 report explores the Bill's general policy statement and the concern that section 7AA has led Oranga Tamariki to prioritise cultural factors over the safety and wellbeing of children. The Tribunal believes that the Bill has created tension between the best interests of a child and honouring Te Tiriti o Waitangi which doesn't exist.<sup>17</sup> There is mana in a child's identity which is not separate but is key to wellbeing.

### **Aotearoa New Zealand will be in opposition to international human rights and international law**

39. The Bill must be consistent with Aotearoa New Zealand's obligations under international human rights law and standards, as well as consistent with domestic human rights law. A child and young persons' rights must be respected and upheld. In particular, from an international law perspective, it is essential that the Bill reflects and is grounded in:

- a. The United Nations Convention on the Rights of the Child (UNCROC)
- b. The United Nations Convention on the Rights of Persons with Disabilities (CRPD)
- c. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

40. UNCROC is clear that among other things, every child has the right to grow up in a family environment;<sup>18</sup> with respect to parents rights, extended family, community and caregivers;<sup>19</sup> to know and be cared for by their parents as far as possible;<sup>20</sup> to preserve their identity;<sup>21</sup> to practice their culture and use their own language;<sup>22</sup> and participate in decision-making activities and decisions affecting them.<sup>23</sup>

41. We draw attention to the inconsistency of the proposed Bill with these obligations. As reported in the Departmental disclosure statement the Bill is not consistent with UNCROC and a full repeal of Section 7AA will contravene Articles 30 and 5.<sup>24</sup>

42. As a signatory to the joint children's sector submission, Te Pai Ora stands with all the other signatories from across the children's sector in amplifying the messages that it shares and the inconsistencies of this proposed Bill for children's rights. We consider that insufficient consideration has been given to the Bill's actual impact for pēpē, tamariki and rangatahi Māori, and the Bill risks deepening the prejudices, discrimination and inequities that already exist for tamariki and rangatahi Māori within the Oranga Tamariki system.

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<sup>17</sup> Waitangi Tribunal. (2024) WAI 3350, page 30-31.

<sup>18</sup> Preambular para [6] of the United Nations Convention on the Rights of the Child 1989.

<sup>19</sup> Article 5 of UNCROC.

<sup>20</sup> Article 7(1) of UNCROC.

<sup>21</sup> Article 8 of UNCROC.

<sup>22</sup> Article 30 of UNCROC.

<sup>23</sup> Article 12 of UNCROC.

<sup>24</sup> Departmental disclosure statement available [here](#), page 5.





## **Stops flourishing and supportive valued practices between Oranga Tamariki and their community-based partners, kaupapa Māori organisations, whānau, hapū and iwi, to care for tamariki and rangatahi Māori**

43. We agree entirely with the views of the Waitangi Tribunal *‘that a policy change of such significance must rely on evidence and not on anecdotal stories, hearsay, and ideological positions.’*<sup>25</sup> The Oranga Tamariki Regulatory Impact Statement (RIS) notes *‘a lack of robust empirical evidence to support the view that section 7AA causes harmful changes to long-term care arrangements.’*<sup>26</sup>
44. The RIS goes on to convey that the problem likely stems from flaws in the practice of individual staff and recommends retaining section 7AA while continuing to strengthen practice and operational guidelines. We agree, and are concerned that a small number of isolated practices has resulted in a rushed ill-considered legislative process, rather than time to consider non-legislative options taken in consultation with affected stakeholders.
45. We believe the case to repeal section 7AA outlined by the Minister for Children in her paper to Cabinet will not achieve her objectives and will instead negatively impact the processes that are delivering positive outcomes for tamariki and rangatahi Māori. These include strategic partner-run services, accountability mechanisms that capture the voices, rights and needs of tamariki and rangatahi Māori, practice decisions with regard to whakapapa and whanaungatanga and resourcing supporting these efforts.
46. We are pleased to note the intention to retain the strategic partnerships enabled by section 7AA. However, we believe without it being legislatively required we will progressively see the same struggles and failures continued by the Crown to protect tamariki, rangatahi and whānau Māori and the communities who work alongside them. The duties in section 7AA hold Oranga Tamariki accountable and obligated to improve practice.
47. This obligation is important in the context of the current Oranga Tamariki restructure and its potential impact on current practices. If we remove this important lever used to support equitable outcomes for tamariki, rangatahi and whānau Māori, we are concerned that these efforts will be gradually reduced due to a retraction of roles across work programmes and potentially reduced funding for iwi partners and providers working with tamariki and rangatahi Māori.
48. We believe the proposed Bill does not reflect the ongoing change in trajectory in caring for tamariki, rangatahi and whānau Māori by community-based partners, kaupapa Māori organisations, hapū and iwi. The work that went into operationalising section 7AA has universal support and was done with care and consideration. Section 7AA is integrated into practice so specific impacts of this legislation in isolation are difficult to gather.
49. Importantly, following the adoption of section 7AA and other legislative changes at this time, there has been a ripple effect outwards to everyone in the care and protection

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<sup>25</sup> Waitangi Tribunal. (2024) WAI 3350, page viii.

<sup>26</sup> [Regulatory Impact Statement: repeal of section 7AA](#), page 2.



system working with tamariki and rangatahi Māori. Section 7AA established a precedent and was a leadership signal out to the social sector to build cultural practices and processes (if not already in place), and work to embed the principles of mana tamaiti, whakapapa and whanaungatanga. Te Pai Ora SSPA members commented on how procedures like Family Group Conferences started to look different, and there was more cultural training to support practice. It has been particularly valuable in navigating situations where children are or may be uplifted. The existence of section 7AA has meant that connections with whānau, hapū and iwi remain paramount in placement and maintain the relationship with the child. This comes after generations of Māori being taken into the care of the state and losing their identity and become disconnected from their culture. The protective factors for pēpē and parents when this connection is built or maintained are enormous. Inter-generational impacts of state care can impart negative experiences of being Māori and those in care without these links can, ultimately, deny their Māori identity.

50. Section 7AA has taken time to implement but the current practising environment is now more reflective and responsive to the needs of those most represented in the care and protection system.

## Suggestions to support practice and policy improvements to the care and protection system

51. As detailed in our submission, we do not agree that there is sufficient evidence that warrants the repeal of section 7AA. We have made below a few suggestions on how practice and policy could be better supported:
- a. **Act and make changes in line with reports and reviews completed** - the long-term failure of the state child protection system to protect tamariki and rangatahi Māori and their whānau is well known and evidenced in many reports. Key recommendations from these reports and reviews are seldom implemented and there is a need for bold, transformational change of the entire care system
  - b. **Practical suggestions to improve 7AA implementation** - through this process, many useful and beneficial suggestions on how to improve 7AA and the care system for Māori will have been shared. Given there hasn't yet been a review of 7AA, we urge the Committee to deeply consider current practice, how to strengthen the operation of 7AA in practice to address the long-term structural bias of the current care and protection system rather than support an outright repeal
  - c. **Consultation with the children's and social service sector** - Te Pai Ora SSPA is of the view that there has been insufficient community consultation on 7AA to date, with tamariki and rangatahi Māori in the care and protection system and with the iwi and Māori organisations that have established strategic agreements with the Chief Executive pursuant to section 7AA
52. Overall though, we agree with the Waitangi Tribunal that there is a more principled way forward, already available under the Act which will fulfil the policy objectives and best address the Government's concerns. This is the periodic review of the legislation and policy provided for in section 448B of the Oranga Tamariki Act 1989. This will allow for the legislation to be reviewed in its entirety and section 7AA in context with other relevant sections.