

Briefing

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

Date due to MO:	30/07/2024	Action required by:	30/07/2024
Security level:	UNCLASSIFIED	Briefing number:	BN2024-015
To:	Hon Matt Dooney, Minister for Mental Health		
Copy to:	Hon Dr Shane Reti, Minister of Health [REDACTED]		

Contact for Telephone Discussion

Name	Position	Telephone
Karen Orsborn	Chief Executive	[REDACTED]
Matt Bloomer	Principal Advisor	[REDACTED]

Minister's Office to Complete

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|--|------------------------------------|---|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <input type="checkbox"/> Noted |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by event |
| <input type="checkbox"/> See Minister's note | <input type="checkbox"/> Withdrawn | |

Comment:

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

Security level:	UNCLASSIFIED	Date:	26/07/2024
To:	Hon Matt Doocey, Minister for Mental Health		

Background

1. The Oranga Tamariki (Repeal of Section 7AA) Amendment Bill is currently before the Social Services and Community Select Committee, having passed its first reading in the House.
2. The Bill is seeking to repeal Section 7AA of the Oranga Tamariki Act 1989. Minor additional clauses reflect the repeal of s 7AA elsewhere in the Act and related legislation.
3. Passing the Bill was agreed under the National-Act coalition agreement to 'deliver better public services by improving the effectiveness, efficiency, and responsiveness of public services'.
4. The impacts of the Bill will be predominantly experienced by young Māori currently in state care, those that may be in state care in the future, and their wider whānau. This carries implications for wellbeing outcomes for three of the priority populations identified in the Mental Health and Wellbeing Commission Act 2020.
5. Submissions on the Bill were open until 3 July, with the Committee to report back by November.

Advice

Our position

6. The Commission recommends that the Bill should not be progressed further through the House. The position we have developed is informed by advice from communities we engage with, the Waitangi Tribunal's WAI3350 urgent report on the matter, and the departmental declaration and Regulatory Impact Statement (RIS), which shows good evidence against repealing Section 7AA.
7. We want to see more support for enabling safety for children and tamariki Māori, through promotion of connection to whakapapa and connection to whānau, as these are core enablers of wellbeing. Our monitoring work using our He Ara Oranga framework, our engagement with rangatahi, and people formerly in state care tell us that connection to culture for rangatahi Māori is key to mental health and wellbeing. Research with young people and with Māori shows that connection to culture and access to te ao Māori is a protective factor for young rangatahi and Māori. Removing

those elements from decision-making can be expected to impact the wellbeing of tamariki and rangatahi Māori.

8. Iwi and Māori organisations' engagement with Oranga Tamariki to develop relationships and approaches to support vulnerable tamariki is critical to finding a solution that works for tamariki Māori. There is a risk that removing the requirements under 7AA to engage with iwi may have a negative impact on already vulnerable tamariki. This action also impacts on Crown's obligations under te Tiriti o Waitangi. If 7AA is to be repealed, the engagement clauses should be replaced elsewhere in the Act.
9. In our submission, we recommend that the Committee make it clear that this Bill should not be progressed further through the House. Instead, the House should await the findings and recommendations of the Minister of Children's assessment of the legislation and its working, which is due by July 2025. This provides a way to address any identified issues, and an opportunity to replace some of the repealed content if appropriate, within the current parliamentary term.

Equity

10. We know that young people in State Care disproportionately experience poorer mental health and wellbeing outcomes, and that the majority of young people in state care are Māori. Therefore, the impacts of the proposed Bill may fall disproportionately on some of the already most vulnerable people in Aotearoa.

Consultation

11. The position we have developed is informed by advice from communities we engage with, as well as the Waitangi Tribunal's WAI3350 urgent report on the matter, and the departmental declaration and Regulatory Impact Statement (RIS).

Next Steps

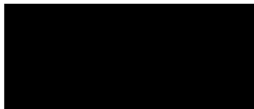
12. Te Hiringa Mahara made a written submission to the select committee on 3 July 2024, and plans to present in person to the committee on 7 August.



Recommendations

We recommend you:

- a) **note** Te Hiringa Mahara intends to proactively release this briefing as part of our proactive release policy **Yes / No**
- b) **note** that Te Hiringa Mahara made a submission to the Social Services and Community Select Committee, as outlined in this briefing **Yes / No**
- c) **note** that Te Hiringa Mahara expects to present our views to the Select Committee in person, on 7 August **Yes / No**



Karen Orsborn
Chief Executive
Date: 26/07/2024

Hon Matt Doocey
Minister for Mental Health
Date:

ENDS

