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## “Second Chance for a revolution in the care and support of children” – Children’s Commissioner

“When the Oranga Tamariki Act (1989) comes fully into effect on 1 July, it sets the scene for a potential revolution in the way Māori children and young people in particular receive care and support”, according to Children’s Commissioner Andrew Becroft.

“The changes that come into effect are not merely tinkering”, he says. “They set in place a new model for the way the state cares for and supports children and young people.

“They build on the original vision of the Children Young Person’s and their Families Act, a revolutionary vision 30 years ago that, unfortunately for indigenous children in particular, never took form.

“The good news is that these changes show us a positive and constructive way forward to work together as families, whānau, iwi, Māori authorities, communities, NGOs and state agencies. Together we can make a difference to make our children safer and their lives richer.”

The Children’s Commissioner sees two broad themes characterising the range and significance of these changes for Oranga Tamariki.

1. The first is a shift away from being a reactive organisation, effectively an ambulance at the bottom of the cliff. Oranga Tamariki will now be expected to be proactive and preventative. Its new emphasis is to be on early and intensive intervention that provides support and assistance whenever care and protection issues might trigger later state intervention, and certainly before there is any suggestion that a child may be removed.
2. The new section 7AA of the Act makes much more explicit a commitment on the part of Oranga Tamariki to develop effective partnerships with Māori. When addressing issues for indigenous children, Oranga Tamariki will be expected to delegate functions and resources and to devolve power and responsibility to iwi and Māori authorities.

“On one analysis these changes simply make explicit what was already implicit in the 1989 legislation”, the Commissioner believes.

“It offered a revolutionary approach, a new way of working with Māori. But, regrettably, at that time the opportunity was effectively ignored and the revolution failed to take root. Now, 30 years later, we have a second chance to give it life. And I believe we can.”

Other key changes coming into effect on July 1 include:

- National Care Standards for children in care
- Inclusion of 17 year olds within Youth Justice
- Te Tiriti o Waitangi mentioned for the first time in legislation relating to children
- The United Nations Convention on the Rights of the Child (UNCROC) mentioned for the first time in legislation relating to children

“Seizing this second chance at the revolution will see Oranga Tamariki working and partnering much more closely with iwi”. Commissioner Becroft says. “This is a challenge they have been preparing for and now is the time for it be meaningfully implemented.”

“It will have to foster relationships of trust that will enable a revolution through devolution. That will mean iwi and Māori authorities have the opportunity, the resources and the authority to lead their challenged tamariki down the path of new life.”

Attached is a paper by Children’s Commissioner Andrew Becroft, outlining the background to, and the significance of, the potentially revolutionary changes the Act will enable.

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#### **About the Office of the Children’s Commissioner**

The Children’s Commissioner is an Independent Crown Entity, appointed by the Governor-General, carrying out responsibilities and functions set out in the Children’s Commissioner Act 2003. The Children’s Commissioner has a range of statutory powers to promote the rights, health, welfare, and wellbeing of children and young people from 0 to 18 years. These functions are undertaken through advocacy, public awareness, consultation, research, and investigations and monitoring. The role includes specific functions in respect of monitoring activities completed under the Oranga Tamariki Act 1989. The Children’s Commissioner also undertakes systemic advocacy functions and investigates particular issues with potential to threaten the health, safety, or wellbeing of children and young people. The Children’s Commissioner has a particular responsibility to raise awareness and understanding of the United Nations Convention on the Rights of the Child.

The Children’s Commissioner’s activities must comply with the relevant provisions of the Public Finance Act 1989, Crown Entities Act 2004 and any other relevant legislation.