Hāhā-uri, hāhā-tea

Māori Involvement in State Care 1950-1999

Chapter 6: Puao-te-Ata-Tū

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# Chapter Six Puao-te-Ata-Tū

Kia whakatōmuri te haere whakamua.

I walk backwards into the future with my eyes fixed on my past.[[1]](#footnote-2)

## Summary

In the 1980s Puao-te-Ata-Tū emerged as a critical juncture in time, with potential for substantive change, creating a blue-print for systemic transformation and partnership with Māori (p. 231).

Puao-te-Ata-Tū revealed the state ‘awareness’ of the crisis situation facing many Māori communities and the dire situation of tamariki Māori in State Care. There was acknowledgement of institutional racism within the Department of Social Welfare and grave concerns about cultural ignorance and detrimental policies / practices within other state departments. Urgent action was needed to address substantial harms (p. 239).

Despite the urgency, evidence revealed only ‘initial’ or ‘partial’ change on behalf of the state, as well as a ‘reversal’ of change over time (p. 239).

Initial changes arising from Puao-te-Ata-Tū included a move away from residential institutions and a reallocation of funding towards Mātua Whāngai and community-based alternatives to State Care (p. 241).

The introduction and implementation of the 1989 Children, Young Persons, and Their Families Act (CYPF Act) was the state’s main response to Puao- te-Ata-Tū regarding state obligations to Māori. The 1989 Act was designed to introduce a more culturally appropriate, accessible and more whānau- based approach to promote wellbeing of tamariki

Māori. An approved Iwi Authority (or Cultural Authority) could exercise specific duties or powers, including guardianship or custody. Additionally, the 1989 Act introduced government initiatives such as an increase in frontline Māori workers (p. 243).

The 1989 Act made a distinction between ‘care and protection’ and ‘youth justice’. The rights and responsibilities of families were to be ensured by new practices, such as the Family Group Conferences (FGCs). The idea was that FGCs would be facilitated by department professionals whose main responsibility was as a resource to the family. (p. 245).

The changes created new roles for mainly non-Māori professionals as they were expected to present official information at the conferences, leaving families to review and discuss before returning to help develop a plan of action and resolution. Furthermore, a new Youth Court was set up to deal with youth offending (p. 245).

However, there was inadequate action (including State Care practice failings) and deliberate inaction on the part of the state to fully implement Puao- te-Ata-Tū’s recommendations. The implementation of the 1989 Act including FGCs were seen as tokenism; a grafting of Māori faces and processes onto the same monocultural welfare system that had not fundamentally changed (p. 245).

Structural racism and whānau deprivation were not addressed. The over-representation of Māori in State Care and other negative statistics remained excessive. The implementation of the CYPF Act relied on the expertise of NZCYPF staff (the majority who were Pākehā and lacked cultural expertise) (p. 247).

Māori Department of Social Welfare staff expressed concern that Puao-te-Ata-Tū was on the ‘backburner’ and recommendations were not being implemented (p. 248).

Several changes made following the release of the Puao-te-Ata-Tū report were later reversed over time and there was a waning of government support (p. 249).

The 1989 shift in focus for the Mātua Whāngai policy was short-lived as it was disestablished in 1992. Initial optimism amongst Māori communities following the release of Puao-te-Ata-Tū quickly dissipated resulting in increased mistrust of the state and scepticism that partnership could be achieved (p. 247).

The implementation of the CYPF Act and the FGC were inadequate for ensuring the wellbeing of tamariki Māori and tokenistic changes were evidenced. The cultural appropriateness of the process of the FGC has been ‘contested and debated by Māori’ since its introduction (p. 251).

A particular focus of the CYPF 1989 Act was to be the empowerment of whānau, hapū and iwi in the care and protection of tamariki Māori. However, there was a lack of comprehensive action by the state to ensure strategies and initiatives harnessed the potential of whānau, hapū and iwi. Inadequate and inequitable resourcing also inhibited whānau engagement following the implementation of the CYPF Act (1989) (p. 252).

Eventually, Puao-te-Ata-Tū was replaced with another strategy, following a change of government. In 1994, the DSW released its new bicultural strategy – ‘Te Punga’. The release of Te Punga was supposed to recommit the DSW towards a partnership with iwi, hapū and whānau under its Treaty of Waitangi obligations (p. 256).

Considerable structural barriers and competing government agendas, were cited as reasons why partnership with Iwi did not occur. The Public Finance Act 1989, the change of government and loss of political will to implement and sustain change over time (p. 257).

Constant restructuring was a feature of the state system including a focus on managerial objectives, commercial branding and ‘efficiencies’, fuelled by a concern to reduce state expenditure. Neo-liberal economic policies were introduced by the fourth Labour Government in the 1980s and this ‘reform’ was continued by the National Government in the 1990s. This had devastating impacts for many Māori communities, who were in low-skilled jobs in sectors that were later decimated by government improvements (p. 262).

The reassessment of the role of the state with a move towards individual responsibility and neo- liberal economics, re-centralised state power. Iwi Social Service research and reviews found that Iwi Social Services had not achieved better partnerships with communities. The focus on measuring ‘outputs’ rather than ‘outcomes’, meant discrimination and disparities for Māori across the State Care system remained unaddressed (p. 256).

There was deliberate inaction on the part of the state to implement key recommendation of Puao-te-Ata- Tū; including to ‘attack all forms of cultural racism’ and ‘address whānau deprivation and alienation’ (p. 249).

Structural racism is an enduring feature of the State Care system; a system imbued with inherited racist beliefs, that privilege Pākehātanga and pathologise tamariki Māori and their whānau. Continued state failure to work true partnership with Māori has resulted in enduring, intergenerational harms for tamariki Māori and their whānau, hapū and iwi. (p. 266)

Despite the findings of Puao-te-Ata-Tū, structural racism has remained a key feature of the State Care system (p. 266).

## Introduction and Background to the Puao-te-Ata-Tū

Prior to the 1980s, there were increased debates and concerns raised, particularly by Māori, about the plight of Māori children in State Care (Doolan, 2005; Kaiwai et al., 2020). Māori resistance and rejection of state policies of racial integration, coupled with the call for Māori self-determination generated protests regarding the failure of the settler state system for Māori (Kaiwai et al., 2020). Official inquiries during the 1970s-1980s emphasised the ‘high numbers of Māori children who were in State Care; there was a high rate of placement breakdown and instability; tamariki Māori were frequently placed with non- Māori families; and Department of Social Welfare institutions were abusive and were not meeting the cultural needs of children in care’ (Ernst, 1999, p. 117).

In 1984, a Māori Advisory Unit was created in the Department’s Regional Office in Auckland (Department of Social Welfare, 1985a). Problems were quickly identified by three Māori staff tasked with providing advice on policy and programmes to meet the special requirements of Māori people. They released a report in 1985, concluding that, ‘the Department of Social Welfare has not given due consideration to the Maori[[2]](#footnote-3) people in the delivery of its services’ (p. 18). The Department was a typical hierarchical bureaucracy with rules which reflected the values of the dominant Pakeha society and there was evidence of institutional racism (Department of Social Welfare, 1985b, p. 8). For example, they found ‘Maori input’ and ‘participation in policy and decision making’ was ‘almost non-existent’ (Department of Social Welfare, 1985b, p. 11). The insistence on professional qualifications for social work and policy staff frequently disadvantaged Māori applicants (Department of Social Welfare, 1985b, p. 11).

Around the same time (1984), a report entitled ‘Institutional Racism in the Department of Social Welfare’ was released by nine Auckland social workers (the Women’s Anti-racism Action Group, WARAG). Following the release Garlick (2012) notes within the department ‘there was internal disagreement and debate over the legitimacy of the allegations’ (p. 114). Dame Ann Hercus, the Minister of Social Welfare at the time, requested John Rangihau to lead a review. The review was tasked with finding the ‘most appropriate means to achieve the goal of an approach which would meet the needs of Maori in policy, planning and service delivery in the Department of Social Welfare’ (Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare, 1988, p. 5).

Puao-te-Ata-Tū (the final report) was presented to the Minister, Dame Ann Hercus on the 1st of July 1986. The review found evidence of negative treatment towards tamariki Māori and their whānau within the settler State Care system, institutional racism, and highlighted that the relationship between Māori and the state was ‘one of crisis proportions’, (Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare, 1988, known as Puao-Te-Ata-Tu, 1988, p. 8). Although the report did not specify the numbers of Māori engaged within the system, it did note that users of the social welfare organisations and the courts were ‘predominantly Maori’ (Puao-Te-Ata-Tu, 1988, p. 7). The release of the Puao-te-Ata-Tū report was intended to herald a new dawn, a transformation of a state system that had never met the aspirations or needs of Māori in policy, planning and service delivery.

Although the Puao-te-Ata-Tū report focussed on the Department of Social Welfare, there were ‘equally grave concerns about the operations of the other Government departments’ (Puao-Te-Ata-Tu, 1988, p. 7). The report emphasised that tamariki and rangatahi Māori ‘who come to the attention of the Police and the Department of Social Welfare invariably bring with them histories of substandard housing, health deficiencies, abysmal education records, and an inability to break out of the ranks of the unemployed’ (Puao-Te-Ata-Tu, p. 8). Urgent and drastic changes to the State Care system, including policies, planning and service delivery were needed to change the status quo (Boulton, Levy & Cvitanovic, 2020).

Thirteen recommendations came out of the 1998 Puao-te-Ata-Tū report (pp. 9 – 13). These are identified in the following table.

Table 6.1. Recommendations from the 1988 Puao-te-Ata-Tū report.

There are 13 recommendations summarised in this table:

**Recommendation 1 Guiding Principles and Objectives:**

We recommend that the following social policy objective be endorsed for the development of Social Welfare policy in New Zealand: “Objective - To attack all forms of cultural racism in New Zealand that result in the values and lifestyle of the dominant group being regarded as superior to those of other groups, especially Maori by:

1. Providing leadership and programmes which help develop a society in which the values of all groups are of central importance to its enhancement; and
2. Incorporating the values, cultures and beliefs of the Maori people in all policies developed for the future of New Zealand.” (p. 9)

**Recommendation 2:**

We recommend that the following operational objective be endorsed: “To attack and eliminate deprivation and alienation by:

1. Allocating an equitable share of resources.
2. Sharing power and authority over the use of resources.
3. Ensuring legislation which recognises social, cultural and economic values of all cultural groups and especially Maori people.
4. Developing strategies and initiatives which harness the potential of all of its people, and especially Maori people, to advance.” (p. 9)

**Recommendation 3 accountability:**

We recommend that:

1. The Social Security Commission be abolished and be replaced by a Social Welfare Commission. The new Commission shall consist of four principal oﬃcers of the department, two persons nominated by the Minister of Maori Aﬀairs after consultation with the tribal authorities, and two persons nominated by the Minister of Women’s Aﬀairs. The Minister of Social Welfare may wish to consult the Minister of Paciﬁc Island Aﬀairs on the desirability of a ninth appointee.
2. The Social Welfare Commission, either at the request of the Minister or on its own motion shall:
3. advise the Minister on the development and changes in policy and scope relating to social security, child and family welfare, community welfare of disabled persons and other functions of the Department of Social Welfare;
4. advise the Minister on the co-operation and co-ordination of social welfare activities among any organisations, including Departments of State and other agencies of the Crown or by any other organisations of tribal authority; and
5. consult at least once a year with representatives of tribal authorities in a national hui;
6. recommend to the Minister the appointment of and oversee the work of District Executive Committees for each Social Welfare District Oﬃce, and Management Committees for each Social Welfare Institution, and allocate appropriate budgets according to priorities set by these Committees.
7. District Executive Committees should be formed in each Social Welfare department district. Each Committee shall consist of up to 9 persons appointed from the community on the nomination of the Maori tribal authorities and the nominations of other community interests. The Director of Social Welfare (in person) and the Director of Maori Aﬀairs are to be members. The Chairperson shall be one of the non-public service members. Members are to be paid in the normal way.
8. The District Executive Committees shall be appointed by the Minister of Social Welfare under S13 of the Department of Social Welfare Act 1971, and shall report to the Social Welfare Commission and be responsible for assessing and setting priorities in consultation with the various tribal authorities for the funding of speciﬁc family and community welfare projects and initiatives in their areas; for preparing draft budgets for these projects for ﬁnal approval by the Social Welfare Commission; and for monitoring and reviewing the eﬀectiveness of such projects and initiatives and the appropriateness and quality of the Department’s range of services to the district it serves (pp. 9 – 10).

**Recommendation 4 deficiencies in law practice:**

We recommend the following amendments to legislation:

1. The Social Welfare Act 1971 be amended to provide for the establishment of the Social Welfare Commission.
2. The Social Security Act 1964 be amended to provide for the following:
3. Abolition of the Social Security Commission.
4. Clarify the law so that there is no impediment to veriﬁcation of age and marital status being established from Marae or tribal records and that a Maori custom marriage is recognised for the purposes of the Social Security Act.
5. Restructuring of the unemployment beneﬁt so that it can provide greater incentive to work, whether part time or full time, training or entrepreneurial initiative and to provide the ﬂexibility through discretion for the Social Welfare Commission to develop variations of or alternatives to the unemployment beneﬁt that are tailored to the needs of the individual.
6. Social Security beneﬁt child supplements be made more readily available where the care of Maori children is transferred from natural parents to the grandparents or other relatives.
7. Eligibility to orphans beneﬁt provisions be extended to include the claims of unsupported children, so that payment can be made to whanau members who are looking after these children.
8. The Children and Young Persons Act 1974 be reviewed having regard to the following principles:
9. That in the consideration of the welfare of a Maori child, regard must be had to the desirability of maintaining the child within the child’s hapu;
10. That the whanau/hapu/iwi must be consulted and may be heard in Court of appropriate jurisdiction on the placement of a Maori child;
11. That Court oﬃcers, social workers, or any person dealing with a Maori child should be required to make inquiries as to the child’s heritage and family links;
12. That the process of law must enable the kinds of skills and experience required for dealing with Maori children and young persons hapu members to be demonstrated, understood and constantly applied.

The approach in recommendation (iv) will require appropriate training mechanisms for all people involved with regard to customary cultural preferences and current Maori circumstances and aspirations;

1. That prior to any sentence or determination of a placement the Court of appropriate jurisdiction should where practicable consult, and be seen to be consulting with, members of the child’s hapu or with persons active in tribal aﬀairs with a sound knowledge of the hapu concerned;
2. That the child or the child’s family should be empowered to select Kai tiaki or members of the hapu with a right to speak for them;
3. That authority should be given for the diversion of negative forms of expenditure towards programmes for positive Maori development through tribal authorities; these programmes to be aimed at improving Maori community service to the care and the relief of parents under stress (pp. 10-11).

**Recommendation 5**:

We recommend that the Social Security Act be reviewed by the Social Welfare Commission with a view to removing complexity of conditions of eligibility and achieving rationalisation of beneﬁt rates (p. 11).

**Recommendation 6**:

We recommend that:

1. Management Committees drawn from local communities be established for each Social Welfare institution;
2. The Committees shall be appointed by the Minister of Social Welfare under S13 Department of Social Welfare Act 1971 and shall be responsible to the Social Welfare Commission for the direction of policy governing individual institutions, allocating resources, making recommendations on the selection of staﬀ and for ensuring that programmes are related to needs of children and young persons and are culturally appropriate;
3. Each Committee shall consist of up to 9 persons appointed to represent the community on the nomination of the Maori tribal authorities and on the nomination of other community interests and with one member to represent the Director-General of Social Welfare and one to represent the Secretary of Maori Aﬀairs. The Chairperson will be a non-public servant member. Members are to be paid in the normal way;
4. As a priority the Committees shall address the question of alternative community care utilising the extended family;
5. The Committees shall have the right to report to the Social Welfare Commission on matters of departmental policy aﬀecting the institutions.
6. Funds be provided to enable children from institutions to be taken back to their tribal areas for short periods of time to give them knowledge of the history and nature of the areas and to teach them Maori language and culture
7. Provision be made to enable young people to be discharged to home or community care and to continue to attend schools attached to Social Welfare institutions (pp.11-12).

**Recommendation 7 maatua whangai:**

We recommend that:

1. The Maatua Whangai programme in respect of children return to its original focus of nurturing children within the family group;
2. Additional funding be allocated by the Department to the programme for board payments and grants to tribal trusts for tribal authorities to strengthen whanau/hapu/iwi development;
3. The funding mechanism be through the tribal authorities and be governed by the principle that board payments should follow the child and be paid directly to the family of placement, quickly and accurately and accounted for to the Department in respect of each child. The programmes should be monitored for suitability of placement and quality of care;
4. The level of the reimbursement grant for volunteers be increased to a realistic level (p. 12).

**Recommendation 8 funding initiatives:**

We recommend that:

1. The Department of Social Welfare, Education, Labour and Maori Aﬀairs in consultation with tribal authorities promote and develop initiatives aimed at improving the skill and work experience of the young long term unemployed;
2. The proposed Social Welfare Commission meet with Maori authorities to consider areas of needed investment in urban and rural districts to promote the social and cultural skills of young people and to promote training and employment opportunities for them (p. 12).

**Recommendation 9 recruitment and staffing:**

We recommend that:

1. Job descriptions for all staﬀ acknowledge where appropriate the requirements necessary for the oﬃcer to relate to the community including the needs of Maori and the Maori community;
2. Interview panels should include a person or persons knowledgeable in Maoritanga;
3. The Department provide additional training programmes to develop understanding and awareness of Maori and cultural issues among departmental staﬀ;
4. Additional training positions be established for training in Maoritanga’
5. Provision be made for the employment of staﬀ to provide temporary relief while other staﬀ attend training;
6. Assistance be provided to local Maori groups oﬀering Maoritanga programmes for staﬀ, and
7. The Department accredit appropriate Maori people to assist in ﬁeld and reception work (pp. 12-13).

**Recommendation 10 training:**

We recommend that:

1. The Department take urgent steps to improve its training performance in all aspects of its work;
2. The State Services Commission undertake an analysis of training needs of all departments which deliver social services;
3. The State Services Commission assess the extent to which tertiary social work courses are meeting cultural needs for those public servants seconded as students to the courses;
4. The Department in consultation with the Department of Maori Aﬀairs identify suitable people to institute training programmes to provide a Maori perspective for training courses more directly related to the needs of the Maori people;
5. Additional training positions be established for training in Maoritanga at the district level;
6. Provision be made for the employment of staﬀ to provide temporary relief while other staﬀ attend training;
7. assistance be provided to local Maori groups oﬀering Maoritanga programmes (p. 13).

Recommendation 11 communication:

1. The Department ensure appropriate advice to its information staﬀ on the speciﬁc public relations and information needs of particular ethnic groups, and to assist with interpretation and translation into Maori;
2. Immediate steps be taken to continue to improve the design and function of public reception areas;
3. An immediate review be undertaken by an appropriate ﬁrm of consultants of the range of all application forms to reduce their complexity;
4. The funds be allocated to Social Welfare district oﬃces with a high Maori population to provide some remuneration to Maori people who provide assistance to Social Welfare staﬀ in dealing with Maori clients;
5. A toll-free calling service to Social Welfare district oﬃces be installed to enable all Social Welfare clients living outside toll-free calling areas to ring the Department free-of-charge (rural areas);
6. A general funding programme be established which could be drawn on by rural areas for community self-help projects. These funds could be used for example, to employ a community worker, or to provide back-up funds for voluntary work (p. 13).

**Recommendation 12 interdepartmental co-ordination:**

We recommend that:

1. The Terms of Reference for the intended Royal Commission on Social Policy take account of the issues raised in their Committee’s report;
2. The State Services Commission take immediate action to ensure that more eﬀective co-ordination of the State Social Services agencies occurs (p. 14).

**Recommendation 13 comprehensive approach:**

We recommend that:

1. Immediate action be taken to address in a comprehensive manner across a broad front of central Government, local Government, Maori tribal authorities and the community at large, the cultural, economic and social problems that are creating serious tensions in our major cities and in certain outlying areas;
2. The aim of this approach be to create the opportunity for community eﬀort to:
3. plan, direct, control and co-ordinate the eﬀort of central Government. Local Government, tribal authorities and structures, other cultural structures, business community and Maoridom;
4. harness the initiatives of the Maori people and the community at large to help address the problems;
5. The Cabinet Committee on Social Equity and their Permanent Heads be responsible for planning and directing the co-ordination of resources, knowledge and experience required to promote and sustain community responses and invite representatives of commerce, business, Maoridom, local Government and community leaders to share in this task (p. 14).

Moyle (2013) emphasises it was imperative for the state to commit to achieving the first two recommendations, as without radical change in these areas, there could be no partnership and advancement for Māori. The report emphasised the need for a coordinated approach with the Government working in collaboration with local Māori communities as well as other government departments and business communities/private sector (Puao-Te-Ata-Tu, 1988, p. 44-45).

‘We need the co-ordinated approach that has been used to deal with civil emergencies because we are under no illusions that New Zealand Society is facing a major social crisis’ (Puao-Te-Ata-Tu, 1988, 1988, p. 44).

In addition, much of the strength of the report lay in the appendices of Puao-te-Ata-Tū which framed the journey of Māori from the signing of the Treaty of Waitangi to the issues of the time (Brooking, 2018). They provide an astute and comprehensive history of New Zealand dating from 1840 to the situation in 1986 which resulted in the institutional racism within the Department of Social Welfare (Brooking, 2018, p. 23).

### Discussion

Clearly, Puao-te-Ata-Tū was ground-breaking in creating a blue-print for systemic transformation – in particular in its aim to ‘attack all forms of cultural racism’ and to ‘attack and eliminate deprivation and alienation’ facing Māori communities (Puao- Te-Ata-Tu, 1988, p. 9). Liu and Pratto (2018) utilise Critical Junctures Theory intersected with Power Base Theory in the context of colonisation countries and decolonising processes[[3]](#footnote-4). They state that there are ‘critical junctures in history’ that provide opportunities for change and transformation (p.262). Liu and Pratto, (2018) explain it like this:

Critical Junctures Theory identifies four conceptually different, if not strictly distinctive, forms of temporal organization for societies: (1) continuity, in which the patterns of behaviour, social structure, and shared beliefs are largely contiguous with the immediate past (see Durkheim, 1912); (2) rupture, which refers to substantial changes in sociopolitical organization occurring in relatively short periods of time, including chaos (Liu, Fisher Onar, et al., 2014); (3) anchoring, sets of intra/interpersonal and institutional processes that maintain continuity amid change (see Abric, 1993; Moscovici, 1961/2008); and (4) re-anchoring (restabilizing a system after rupture). Whereas continuity and (re-)anchoring concern societal stability, rupture entails disorganizing and perhaps reorganizing significant aspects of society (p. 263).

“The appendices, including the legal ones … I used to say to John Rangihau I wrote some of my best words in those appendices.”

– Tā Tipene O’Regan, Editorial Team Puao-te-Ata-Tū

In the following section, we examine Puao-te-Ata- Tū as a ‘critical juncture’; ‘moments of potential for substantive change’ that emerged through crises facing many Māori communities (Liu & Pratto, 2018, p. 262). We examine the extent to which services and systems for Māori have changed since the release of the Puao-te-Ata-Tū report and the subsequent 1989 Children, Young Persons, and Their Families Act (CYPF Act). This includes the extent to which changes reinforced preventative measures and eliminated structural racism and deprivation by:

* Allocating an equitable share of resources.
* Sharing power and authority over the use of resources.
* Ensuring legislation which recognises social, cultural and economic values of all cultural groups and especially Maori people.
* Developing strategies and initiatives which harness the potential of all of its people, and especially Maori people, to advance (Puao-Te- Ata-Tu, 1988, p. 26)

Our research analysis related to the impact of the Puao-te-Ata-Tū report and the introduction of the CYPF Act highlighted specific themes that emerged from the data. These included state ‘awareness’ of the crisis situation facing many Māori communities and the dire situation of tamariki Māori in State Care. Analysis also revealed ‘initial’ or ‘partial’ change, as well as a ‘reversal’ of change over time. This demonstrates a ‘re-anchoring’, that restabilised the settler State Care system after the initial rupture caused through release of the Puao-te-Ata-Tū report. This ‘re-anchoring’ ensured structural racism remained intact (Liu & Pratto, 2018, p. 263).

Puao-te-Ata-Tū was an opportunity for transformation. Our research demonstrates that the state’s inability to fully implement the recommendations of the Puao-te-Ata-Tū report has had devastating impacts on pēpi/tamariki/rangatahi Māori, their whānau, hapū and iwi (Waitangi Tribunal, 2020), as well as on Māori staff working in State Care (Moyle, 2013). Initial optimism amongst Māori communities following the release of the report quickly dissipated resulting in increased mistrust of the state and scepticism that partnership could be achieved.

Furthermore, our research analysis noted the continued resistance by Māori communities, including Māori staff working in the Department of Social Welfare, against the lack of action and inadequacy of the settler State Care system during this time. The following section explores evidence related to the changes and challenges encountered.

## Initial rupture: State acknowledgement of racism and need for change

Noting several changes Garlick (2012) argued that Puao-te-Ata-Tū initially had ‘a pervasive impact’ across the Department of Social Welfare (p. 117). For many Māori, the department’s acknowledgement that it was racist was a significant change.

There were several policy and service delivery changes, including the establishment of a Komiti Whakahaere, comprising Māori community members who had previously taken part in the consultation process and national hui for Puao-te-Ata-Tū (Garlick, 2012). Komiti Whakahaere members were tasked with establishing a Cultural Development Unit to ‘implement the spirit and recommendations’ of the Puao-te-Ata-Tū report. The unit organised nationwide staff training in cross cultural communication skills and reported back on progress during the Komiti Whakahaere hui. Other changes included a more focussed recruitment of Māori staff, a new bi-cultural emphasis within the Department’s social services, as well as more visible references to Māori iconography; panels and carvings in reception areas and inclusion of signs in te reo Māori (Garlick, 2012, p. 117). Garlick reported:

“There was a great deal of nervousness amongst quite a lot of the Cabinet about going down the track that Puao-te-Ata-Tū was proposing and it’s interesting that in the sort of overnight massacre of the 1991 Budget legislation, all the structures were abolished.”

– Sir Michael Cullen, Minister of Social Welfare, 1987

Several offices set up ‘culture clubs’ and encouraged employees to take ‘time out for cultural things’, express more emotion in the office, and reflect on their own cultural background. Staff reported improved relationships with local communities and a greater sense of cultural awareness and responsibility (Garlick, 2012, p. 117).

Changes in the Benefits and Pensions Division of the DSW, included a redesign of application forms for major benefits and a toll-free benefit reporting for rural areas (Garlick, 2012, p. 117). ‘A New Direction’ in relation to partnership with iwi was seen through a re-engineering and shift in focus of the existing Mātua Whāngai policy. The policy had initially been launched in 1983, with the aim of preventing Māori entry into State Care. However, it had been criticised for ‘being little more than Māori fostering’ (Garlick, 2012, p. 120). In 1989, the policy was updated with an emphasis on iwi development and partnership. Garlick observed that funding was made available for new whānau, hapū or iwi development programmes, so they could be better prepared to care for tamariki/ pēpi Māori. Approximately $500,000 a year was awarded to iwi to bolster tribal networks alongside additional funding for koha placements of children within whānau and for social workers to assist small-scale, preventive community projects, such as ‘self-help’ initiatives for Māori in isolated rural areas (Garlick, 2012, p. 120).

The introduction of a new service delivery model based around community services was characterised as ‘radical change’ by the Department’s Principal Social Worker. This emphasised ‘partnership of decision-making and resource sharing with the community and in particular with Māori whānau, hapū and iwi’ (Garlick, 2012, p. 120).

Other changes arising from Puao-te-Ata-Tū included a move away from residential institutions and the reallocation of funding towards Mātua Whāngai and community-based alternatives to State Care. Garlick argues that principles of decentralisation, devolution and greater community participation viewed as ‘more culturally appropriate’ (Garlick, 2012, p. 120) were reflected in initial policy and service changes. Garlick argued:

Accusations of institutional racism intersected with wider dissatisfaction with the Department’s organisational dynamics to trigger a flurry of developments across the organisation that were linked by general themes such as ‘community involvement’ and ‘local responsiveness’.… Processes of ‘decentralisation’ occurred in tandem with mechanisms for ‘devolution’, which transferred control from the state to community groups and organisations. In addition, ‘de-institutionalisation’, which aimed to give individuals, families and communities more control over their own circumstances, intersected with a desire for ‘community development’ which attempted to strengthen communities and reduce the need for remedial casework. (Garlick, 2012, p. 121).

“Puao-te-Ata-Tū came along … I think what was really great about it was, for the first time a government department acknowledged that it was racist. It came out with the definitions of racism, I think that was important…. The believers in Puao-te-Ata-Tū were basically Māori people … because they were seeing it … it is truly a document of the people … people still talk about it. Thirty bloody years on.”

- Harry Walker, Māori public servant

“We rushed around, and we put carvings in every office, to make it look like we were bicultural, because bicultural was the in thing then, and we put Māori names for Pākehā managers. We didn’t change the faces behind the door.”

– Māori social worker

For example, the Neighbourhood Services programme (1984) that aimed to strengthen community networks was renamed the Neighbourhood Family Support Services Programme: Kaupapa Tuhonohono (Garlick, 2012), with funding being redirected to neighbourhood and whānau-based services (p. 121).

Brooking (2018) conducted kaupapa Māori research to investigate the impact of Puao-te-Ata-Tū through in-depth interviews with participants who had been involved in the development of the report (members of the Ministerial Advisory Committee). Her research explored what had changed and/ or been achieved as a result of the report, both intentionally and unintentionally. She found that whilst the report was accepted in its entirety, the 13 recommendations were not progressed as intended. Intentional changes included giving a pathway and direction on how to effect change for Māori service delivery and setting out foundational principles to guide effective practices for Māori. However, she also asserted the report unintentionally provided an effective framework to conduct an authentic consultation process, particularly when working with Māori communities; ‘the approach taken by John Rangihau was unique yet successful in giving Aotearoa, New Zealand its own voice’ (p. 119).

Changes in legislation following Puao-te-Ata-Tū included:

* In 1987 - amendments to the Social Security Act (1964) and Social Welfare Act (1971)
* In 1989 - amendment to the Children, Young Persons, and Their Families Act (1974)

Research has demonstrated that Puao-te-Ata-Tū had an impact within the Department of Social Welfare (DSW) (Brooking, 2018; Department of Social Welfare, 1994; Garlick, 2012; Keenan, 1995; Te Amokura Consultants, 2020). For example, in 1987 the DSW presented a working party report, ‘Review of the Children and Young Persons Bill’ (Renouf, 1987). The review was requested by Dr Michael Cullen, the then Minister of Social Welfare, with the aim of potentially redrafting the Bill (later became the Children, Young Persons, and Their Families Act (the CYPF Act). The review acknowledged some ‘contentious areas of the Bill’ (Renouf, 1987, p. 1) and noted a need ‘to reflect in legislation the principles and spirit of the Treaty of Waitangi’ (Renouf, 1987, p. 3).

Māori community and Tauiwi criticisms of the Bill echoed concerns previously raised, particularly the mono-cultural, paternalistic assumptions made by the state in drafting the Bill. The most serious and strongly articulated criticism was ‘its monocultural nature and associated failure to take account of the recommendations of Puao-te-Ata-Tū’ (Renouf, 1987, p. 8). Criticisms also emphasised that more needed to be done in terms of prevention and whānau support; and that procedures and organisational structures mooted in the Bill serve to undermine the integrity of whānau, hapū, and iwi, leaving whānau in a position of powerlessness and dependency (Renouf, 1987, p. 9). The report highlighted the central importance of the child’s place in its whānau, hapū, iwi and family group, and the need for the state to protect the Māori way of life as a taonga (treasure) and to give status and a place to Māoritanga (Renouf, 1987, p. 9). It also noted concerns amongst social workers that the welfare of children was ‘inseparable’ from the welfare of the family (Renouf, 1987, p. 11). The resultant 1989 Act heralded another tinkering of the settler state system to contain Māori concerns, yet did little to ensure the welfare of tamariki Māori within the context of their own whānau.

The implementation of the CYPF Act was the state’s main response to Puao-te-Ata-Tū regarding state obligations to Māori (Garlick, 2012). Although the CYPF Act highlighted the importance of preserving tamariki and pēpi Māori within the hapū and involving whānau, hapū and iwi in decision-making, in practice this rarely happened (Love, 2002; Moyle, 2013). The lack of appropriate funding to address whānau deprivation (which is addressed in later sections) continued despite the theoretical allocation of funding for tribal authorities, to create positive change for whānau at more local levels.

“A Pākehā system can’t act in place of Māori parents.”

– Oliver Sutherland, advocate for Māori

In theory the 1989 Act was designed to introduce a more culturally appropriate, accessible and more whānau-based approach to promote wellbeing of tamariki Māori. An approved Iwi Authority (or Cultural Authority) could exercise specific duties or powers, including guardianship or custody (Garlick, 2012; Love, 2002). Additionally, the 1989 Act introduced government initiatives such as an increase in frontline Māori workers (Office of the Children’s Commissioner, 1991; Garlick, 2012).

The 1989 Act made a distinction between ‘care and protection’ and ‘youth justice’. The rights and responsibilities of families were to be ensured by new practices, such as the Family Group Conferences (FGCs). The idea was that FGCs would be facilitated by department professionals whose main responsibility was as a resource to the family. This created a new role for mainly non-Māori professionals as they were expected to present official information at the conferences, leaving families to review and discuss before returning to help develop a plan of action and resolution. Furthermore, a new Youth Court was set up to deal with youth offending (Garlick, 2012).

The 1989 Act was viewed by officials as having ‘three innovative features’ (Office of the Children’s Commissioner, 1991, p. 1). These were:

1. ‘Families are central to all the decision- making processes involving children and young people, for both care and protection and youth justice issues’.
2. ‘The rights and needs of indigenous peoples have been taken into account in drafting the legislation, which emphasises the importance of culturally appropriate processes and provides for the use of Māori structures and institutions in decision-making and service provision’.
3. ‘Victims are given a role in negotiations about possible penalties for juvenile offenders’. (Office of the Children’s Commissioner, 1991, p. 1).

Family Group Conferences (FGC) were supposed to be a solution-focussed strategy within child welfare and youth justice practices (Connolly, 2006, p. 523). They were viewed by the state as the ‘main mechanism’ for family-based decision-making, culturally appropriate processes for Māori and victim involvement in negotiations (Office of the Children’s Commissioner, 1991, p. 2).

However, the implementation of the 1989 Act including the FGCs was criticised as being nothing more than tokenism; a grafting of Māori faces and processes onto the same monocultural welfare system that did not fundamentally change anything for Māori (Love 2002; Moyle, 2013; Moyle & Tauri, 2016). Indeed, the over-representation of Māori in State Care and other negative statistics has remained excessive (Came, McCreanor, Manson & Nuku, 2019; Love, 2002; Moyle, 2013; Waitangi Tribunal, 2020; Waitangi Tribunal, 2021). Ernst (1999) emphasised that the implementation of the CYPF Act relied on the expertise of NZCYPF staff and that there was a lack of Māori-led research on the experiences, process and outcomes for tamariki Māori, whānau, hapū and iwi involved in FGCs and kinship care. Furthermore, several changes made following the release of the Puao-te-Ata-Tū report were later reversed over time. For example, the 1989 shift in focus for the Mātua Whāngai policy was short-lived as it was disestablished in 1992 (Te Amokura Consultants, 2020).

“There was nothing in the (CYP & F Act) that promoted taking kids into care … that it happened with such regularity was the ultimate abuse.”

- Rahera Ohia, Māori senior public servant

“I remember that when they appointed the (FGC) coordinators back then, they weren't really looking outside of who was already in place in the department. They didn't look for people who had real connections in the Māori community or in the community generally. They just appointed people who were already in the department and working how they'd already worked really.”

– Don Sorrenson, Māori social worker

## Re-stabilising: Inadequate action and deliberate inaction on the part of the settler State Care system

Although literature emphasises the significance of Puao-te-Ata-Tū and its findings (Brown, 2000; Department of Social Welfare, 1994; Garlick, 2012; Brooking, 2018; Keenan,1995; Moyle, 2013; Waitangi Tribunal, 1998; Walker, 1995), our analysis highlights ‘inadequate action’ (including State Care practice failings) and ‘deliberate inaction’ on the part of the state to fully implement the recommendations of Puao-te-Ata-Tū.

Brown (2000) emphasised ‘the failure’ to achieve the vision and opportunities embedded within Puao- te-Ata-Tū, noting ‘delay, dilution’ and distortion (p. 82). Even the Department of Social Welfare (1994) reluctantly acknowledged shortcomings by admitting some ‘structural changes did not endure … [through a] waning of commitment to Puao-te- Ata-Tū ’ (pp. 13-16).

Document evidence highlights the concerns of many Māori staff members working at the time in the Department of Social Welfare Head Office. These concerns are revealed in a letter signed by 18 head office staff members which was sent to The Executive Management Group (EMG) on the 28th March 1989 (Personal Correspondence of Letters supplied by H. Walker). The signatories included the National Director of the Māori Development Unit. The letter expressed concerns about the ‘organisational environment’ and that Puao-te-Ata- Tū had become ‘a secondary consideration’. The following issues were raised:

“Legislation put whānau at the center of decision making and potentially communities at the center of decision making through the family group conference process. But right from the start … the Department of Social Welfare at that time captured that position, made the family group conference process something at the end of an investigation process and at the end of a statutory process, instead of having it early on so that people could make a plan and people, kids could be supported by their wider whānau and their hapū and their iwi. The department had made that family group conference process appear … a punitive process, a punishment really.”

- Don Sorrenson, Māori social worker

1. The partnership envisaged under the Treaty of Waitangi is not being adequately demonstrated in this department.
2. Puao-te-Ata-Tū is on the backburner and has been for some time.
3. Recommendation 2[[4]](#footnote-5) of Puao-te-Ata-Tū is being ignored.
4. EMG have yet to define what they perceive a bicultural agency to be.
5. EMG needs to clearly identify for themselves their progress in creating a bicultural agency.
6. No comprehensive training package has been developed within the department which incorporates Māori skills for Māori staff, e.g., social work, benefits and pensions
7. The imbalance of numbers of Māori and Pākehā staff in head office, regional and district offices needs to be addressed.
8. A number of Māori managers in the department, seeking promotion, have been unsuccessful.

Two specific recommendations were made at the end of the letter:

* EMG, as a corporate team, should analyse these concerns as they relate to each member’s area of responsibility.
* EMG provides the authors with a response to the particular issues and concerns they have identified.

The Chief Executive, Department of Social Welfare (29th March 1989) responded by letter to the National Director of the Māori Development Unit acknowledging the Head Office Māori Staff hui – Tiromoana (2nd March 1989) but expressing he was saddened by the challenges set out. He did not reply to or acknowledge any of the issues raised in the letter, instead he wrote,

“I am not going to fight with Māori staff whose eyes should be with mine on the horizon and not at our feet” (Personal Correspondence of Letters supplied by H. Walker from the Chief Executive, Department of Social Welfare, 29th March, 1989).

This total lack of regard for Māori staff members’ concerns epitomises the waning of senior leader support for Puao-te-Ata-Tū. Eventually, it was replaced with another strategy, following a change of government. In 1994, the DSW released its new bicultural strategy – ‘Te Punga’ (Department of Social Welfare,1994). The report acknowledged Puao-te- Ata-Tū, describing evidence within the appendices as ‘colourful’ even though they are related to ‘the roots of dependency’ and ‘the many faces of racism’ (Department of Social Welfare, 1994, p. 13). The release of Te Punga was supposed to recommit the DSW towards a partnership with iwi, hapū and whānau under its Treaty of Waitangi obligations (Department of Social Welfare, 1994, p. 1). These expectations are outlined below.

‘Accepting our obligations to the Treaty involves a shift in attitudes and a revision of the cultural assumptions which underpin social policy and planning of service delivery. It is not simply a matter of adding a tangata whenua flavour to existing assumptions. The challenge of the Treaty and of Puao-te-Ata-Tū is to ensure that our advice to government, and our service delivery planning, addresses tangata whenua needs in tangata whenua terms.

Key Results Areas

* Develop an effective partnership with Māori.
* Develop relevant information and research.
* Identify the economic and social development issues for Māori at the policy development stage.
* Identify the effects of policy proposals for Māori economic and social development.
* Communicate the findings to our clients (Government/Minister).
* Monitor the implementation of policy and service delivery planning decisions to check whether they are achieving the desired outcome for Māori.
* Monitor the outcomes for Māori of existing policy and the suitability of existing service delivery modes.
* Advise clients (Government/Minister) of the means to address shortfalls or build on successes’. (Department of Social Welfare, 1994, p. 16)

However, despite the rhetoric of partnership, there remained considerable departmental failures (Becroft, 2009; Garlick, 2012; Te Amokura Consultants, 2020). Reflecting back on progress made since the introduction of the CYPF Act 1989 Act, Becroft (2009) chronicled the continuing failure of the state system for Māori.

State failure has also been acknowledged by Oranga Tamariki (The Ministry for Children). Te Amokura Consultants (2020) undertook a review of key documents supplied by Oranga Tamariki and interviewed two former social workers/staff members who had worked within the Department of Social Welfare during this time and had experience of the Puao-te-Ata-Tū report (either in development and/ or implementation). They analysed the effectiveness of the response of the state to recommendations made through the Puao-te-Ata-Tū report as well as identifying and assessing the impact of the key legislative and policy changes made from 1986- 2006. Their analysis highlighted that ‘The Crown’s response to the Report recommendations has been inconsistent’ and that the Crown had ‘failed to implement and deliver on the intent of the Report’ (Te Amokura Consultants, 2020, p. 6). Our own analysis demonstrates that the state has been intentionally neglectful over decades.

The failure of the settler state to implement the Puao-te-Ata-Tū recommendations was perhaps most notably highlighted on 25th November 2020 by Gráinne Moss, Chief Executive of Oranga Tamariki who presented a short-written statement to the Waitangi Tribunal as part of the urgent inquiry into Oranga Tamariki and its practices towards Māori pēpi and tamariki (Opening statement by Gráinne Moss, Waitangi Tribunal, 2020, November 24).

On behalf of the Crown, I acknowledge the Crown’s failure to fully implement the recommendations of Puao-te-Ata-Tū in a comprehensive and sustained manner. This failure has impacted outcomes for tamariki Māori, whānau, hapū and iwi. It has undermined Māori trust and confidence in the Crown and undermined confidence in its willingness and ability to address disparities (Opening statement by Gráinne Moss, Waitangi Tribunal, 2020, November 24, pp. 1-2).

Moss went on to acknowledge the presence of structural racism across the State Care system and how this had contributed to differential treatment and the over-representation of tamariki Māori. State failure to implement a key recommendation of Puao-te-Ata-Tū, to ‘attack all forms of cultural racism’ (Puao-Te-Ata-Tu, 1988, p. 9) has meant that structural racism is an enduring feature of the settler State Care system; a system imbued with inherited racist beliefs, characteristics and structures that privilege Pākehātanga (Brooking, 2018; Came et al., 2019; Penetito, 2010; Love, 2002; Moyle, 2013). State failure to fully acknowledge or address the devastating impact of structural racism has resulted in enduring, intergenerational harms for tamariki Māori and their whānau, hapū and iwi.

“How do you bring a whānau view into State Care when the state are the parent and they have no legislative foot to stand on to allow whānau to come in and try and identify and retain some kind of decision-making in the future, with tamariki, mokopuna? Undoable, no matter what they did.”

– Shane Graham, Māori social worker

Brooking (2018) found that whilst some of the recommendations of the Puao-te-Ata-Tū report were initially implemented, they had a limited tenure. Consequently, the enactment of the CYPF 1989 Act did not fulfil the true intent behind its role for shared decision-making with whānau, hapū and iwi in the care and protection of tamariki Māori, nor in the youth justice space.

For example, Judge Andrew Becroft (2009) reflected on progress made since the introduction of the CYPF 1989 Act, considering improvements as well as enduring challenges for youth justice. He argued that when the Act was introduced it aimed to tackle ‘significant perceived problems’ within the existing approach, including:

* ‘too many young people being brought before the courts;
* too much reliance on an institutionalised, residential approach (often criminalising behaviour which was really the result of care and protection deficits); and
* insufficient opportunity for family and cultural input’ (Becroft, 2009, p. 9).

Whilst the Act had enabled some positive changes to youth justice practices, Becroft (2009) emphasised the continuing failure of the State Care system, including education, to address issues of rangatahi disengagement and alienation that contributed to the over-representation of Māori in Youth Courts. His criticisms revealed the inadequacy, yet entanglement of State Care services and systems that resulted in rangatahi entering Youth Courts.

To be involved in the Youth Court is to daily confront the tragically disproportionate involvement of young Māori within the system. Māori comprise approximately 17% of the Youth Court age range, yet account for nearly 50% of total apprehensions (Chong, 2007). Alarmingly, Māori figure even more disproportionately in custodial remands, where the figure approaches 60%. Indeed, in areas of relatively higher Māori population it has been observed that the appearance of Māori in the Youth Court approaches 92% in Kaikohe and 86% in Rotorua (Ministry of Justice, 2002, p. 24). Regrettably, this issue is all too easily avoided. In my view, it is the single most important issue facing our youth justice system. (Becroft, 2009, p. 14)

As noted earlier, a key recommendation of Puao-te- Ata-Tū was the urgent need for preventive measures, a sharing of power and resources with Māori communities and the need to eliminate structural racism. However, our analysis demonstrates this was not achieved. Systemic racism can only be addressed by acknowledging te Tiriti obligations of partnership and power-sharing, to resolve issues through a systems approach in ways that are coordinated and sustained over time (Came et al., 2019).

## Inadequate action: Tokenistic and superficial changes

Brooking (2018) argued that as the principles of Puao-te-Ata-Tū started to gain traction many Pākehā people became fearful of the direction of that change and accordingly hurdles were developed to slow this progression (2018, p. 116). Likewise, Garlick (2012) noted that Department of Social Welfare staff, at the time of the report’s release, were divided over the recommendations. Some Pākehā staff found the report and its findings difficult to understand or explain, whilst some Māori staff complained of ‘rent a powhiri’ and ‘window-dressing’ (Garlick, 2012, p. 117). Garlick notes that in 1987 an external inquiry was ordered by the Director General into the death of a two-year-old who had been under the Department of Social Welfare’s supervision (2012, P. 130). The inquiry found the child’s death could be partly attributed to ‘a system in disarray’ (Garlick, 2012, p. 130). Garlick noted some inquiry findings, that while there was acceptance for ‘a more culturally appropriate service’ there was ‘a lack of training programmes’ for front line staff, staffing shortages as well as ‘inadequate monitoring’ of front-line decision-making (Garlick, 2012, p. 131).

The implementation of the Children Young Persons and their Families Act and the Family Group Conference have been severely criticised as being inadequate for ensuring the wellbeing of tamariki Māori as well as for introducing tokenistic changes. These include such things as the introduction of karakia and inclusion of kai, but not ensuring tino rangatiratanga (self-determination) and/or sufficient resources to ensure whānau-centred solutions (Love, 2002; Moyle, 2013; Moyle & Tauri, 2016; Pakura, 2005; Tauri, 1998; Tauri 1999). The cultural appropriateness of the process of the FGC has been ‘contested and debated by Māori’ since its introduction (Moyle, 2013, p. 11).

Building on Moyle’s earlier research (2013; 2014), which explored the experiences of seven Māori social workers who were engaged in the FGC process, Moyle and Tauri (2016) examined whānau and Māori community members’ experiences and perceptions of the FGC particularly, ‘the ability of the forum to enable them to have significant input into decisions made about child care, child protection, and youth justice issues’ (p. 88). The previous research on Māori practitioners’ experiences, coupled with the initial analysis of interviews with whānau and Māori community members, revealed three interconnected themes. These were: a lack of cultural responsiveness and capability; the mystical origins of the family group conferencing forum; and a forum for removing Māori children. Overall, the findings show an emphasis on ‘enforcement-based’ rather than ‘strengths-based’ (Moyle & Tauri, 2016, p. 99).

The first theme, ‘a lack of cultural responsiveness and capability’, was related to standardised risk assessment tools used in FGCs that were monocultural and Eurocentric in nature and/ or imported from other countries that were not appropriate for engagement with whānau and Māori communities. This ‘importation’ approach further disempowers whānau, perpetuating damaging myths that Māori communities lack the expertise and knowledge to develop appropriate programmes for their own. This theme also relates to non-Māori practitioners’ lack of understanding of whakapapa and its importance to cultural identity which inhibits whānau involvement in FGCs. It also refers to the fact that ethnicity data was not recorded accurately as the ethnicity of tamariki and rangatahi Māori was often left up to the social worker’s discretion to determine.

Where a child’s ethnicity may not be clear, it becomes a matter of practitioner discretion and may not be recorded or is often miscoded. This has certainly been the case in previous years where non-Māori practitioners have consistently failed to record whānau, hapū (sub-tribe), and iwi (tribe) details of Māori children coming to the attention of the state because it was “too difficult”, even though the Act they are obligated to uphold requires them to do so (Moyle, 2014 cited in Moyle & Tauri, 2016, p. 96).

This lack of accurate information has seriously impacted ongoing research and evaluations to determine the cultural responsiveness and effectiveness of FGCs involving Māori children and whānau.

The second theme to emerge from the research related to ‘the mystical origins of the FGC forum’. The FGC was often described by professionals as ‘culturally responsive’, appropriate and effective for tamariki and rangatahi Māori and whānau without any actual evidence of outcomes. This theme also relates to the co-option of Māori cultural practices used in tokenistic ways to ‘Māorify’ the FGC process. Moyle and Tauri (2016) highlight the exclusion of appropriate expertise by the exclusion of a kaumātua from attending an FCG on the grounds this person was not considered whānau, even though they had been asked to attend by the whānau involved, as part of a tikanga Māori process. The kaumātua was subsequently invited to attend a different FCG on behalf of the Social Workers, a process described as ‘dial a kaumātua’ (p. 97).

The third theme, ‘A forum for removing Māori children’ highlights the high numbers of pēpi Māori being placed into non-Māori environments as a result of the FGC process. This practice mirrors the actions of the settler state during earlier periods, when pēpi and tamariki Māori were taken into State Care severing their connections to whānau and whenua. Young wāhine research participants often described how they were ‘assessed by child protection and found to be a risk to their own children because of their inability to protect them from witnessing family violence at home’ (Moyle & Tauri, 2016, p. 98). Rather than working with wāhine Māori to strengthen their ability to keep themselves and their tamariki safe, child protection assessments and the FGC process positioned wāhine Māori as the ‘problem population’, with a focus on enforcement that was not in the child’s best interests.

As Moyle and Tauri (2016) emphasise, ‘Simply put, for the FGC forum to work as a culturally responsive, empowering, and whānau-inclusive process for Māori participants, it must be delivered by (or at the very least reflect the needs and cultural contexts of) the communities within which it is practiced. For any intervention to be effective for whānau (i.e., the FGC), Māori need to be involved in its development and delivery—from identification of community needs to designing and directly delivering those programmes themselves. They also need to be involved at all stages of programme development, change, and local programme evaluation’ (Moyle & Tauri, 2016, p. 101).

The inadequacy of FGC to empower whānau was emphasised by interview participants we spoke to. Although initially the FGCs appeared to hold a lot of promise, over time problems emerged. These included variability in terms of departmental support, funding cuts and inadequate resourcing, as well as a variability in staff expertise to ensure the FCGs followed appropriate tikanga Māori protocols.

“We were told that the Family Group Conference was based around Māori concepts, and that hui would be resourced. Simple concepts like manaaki, for example the sharing of kai when you came together, and you're told you're going to have all these things. For those of us who were raised in Māori tikanga, we knew what we had to do. Well, it didn't happen. We didn't get kai. I used to go and buy my own food and do my own thing. Or if it was an early morning hui … we're dealing with whānau who are hungry and the children are hungry, I’d go and get kai to feed them…. And we'd have to do those sorts of things. So those things that might seem nothing to the department, meant heaps to us as Māori. Just the way we started our hui and just the way we greeted people. Simple things like that were just dismissed (by the Department). It's nothing, dismissed. But it makes a big difference to relationships and working with people.”

– Te Inupo Farrar, Māori Mātua Whāngai and DSW social worker

“For us, (Family Group Conferences) it was this new way of working within the Department and recognising that families had the ability to make decisions and keep children safe…. If the social worker was of a mind, then they would let it (whānau decision making) happen, eh? But you have to be of a mind…. Because it is about power.”

- Harry Walker, Māori public servant

## Deliberate inaction to confront structural racism and address whānau deprivation

Our analysis has highlighted deliberate inaction on the part of the state, to confront the structural racism and address whānau deprivation that was emphasised within the Puao-te-Ata-Tū report. This has been emphasised by other authors.

Rather than make major change to departmental practices in reaction to Māori claims of systemic racism, they instead concentrated on co-opting Māori their bicultural ideology and cultural practices within institutional frameworks in order to transform the face of state service delivery. (Tauri, 1999, p. 2)

Changes in State Care systems and services have been described as little more than ‘ventilation spaces’ enabling Māori to express their views and aspirations (Love, 2002, p. 24). Love noted how the state appropriated knowledge that Māori communities shared with them and then re- used and re-defined that knowledge in ways that marginalised Māori experiences. In addition, Love (2002) disclosed the limitations of the 1989 CYPF Act as it related to Iwi Social Services/Iwi Authority and the ability to ensure tino rangatiratanga:

Under the terms of the Act, an ‘Iwi Social Service’ is a body approved by the Director General in accordance with the terms of the Act. The rangatiratanga or authority of iwi is thus subsumed beneath the authority of the Director General of Social Welfare, an arm of the state. (Love, 2002, p. 28)

Our independent examination of the CYPF Act confirms Love’s (2002) concerns. According to the legislation (Oranga Tamariki Act 1989), the constitution of an Iwi Social Service was contingent on the chief executive providing his or her approval of the overall suitability and capability of the body or organisation to act or exercise the powers, duties, and functions conferred or imposed on an iwi social service. Observing the language utilised in the provisions, the presence of ‘may’ imputes that this is an exercise of discretion as to the overall fitness of the prospective service provider, and the necessity of imposing additional conditions. Where a child or young person is placed within the care, custody, or guardianship of an Iwi Social Service, the convener of the social service possesses and may exercise on behalf of the service, all of the rights, powers and duties in respect of the child or young person that are conferred or imposed on the Iwi Social Service by the CYPF Act.

The wording of the sections requires the express approval of the chief executive, and therefore the Crown, for legal recognition of the existence and capability of an iwi body or organisation for the care and protection of tamariki Māori. Love (2002) is correct in reasoning that iwi rangatiratanga is subsumed by the provisions of the Act, chief executive, and DSW arm of the state. The criteria and processes preceding acceptance as a service provider coincides with the acceptance of Pākehā processes and bureaucratic processes that run contrary to an indigenous model. For example, service providers are required to attend Child Harm trainings, include a Child Harm policy and be police vetted without equally ensuring there are adequate cultural safety mechanisms in place for tamariki Māori and their whānau. In turn, this can be cited as a further attempt to colonise indigenous welfare providers by installing a Eurocentric regime and monitoring oversight, with little attempt at genuine partnership.

More information is required to provide analysis of the overall effect of the application and acceptance process on indigenous service providers to act in accordance with an āo Māori worldview. However, the language of the Act illustrates this was not parliament’s intent in forming the provision. Iwi social service mechanisms appear to afford Māori a measured amount of cultural autonomy whilst maintaining the supremacy of the sovereign. As indicated by the conditional acceptance mechanism, it may have been the Crown’s intention to create a ‘brown arm’ under the DSW model, rather than provide Iwi Mana Motuhake. This assertion may be supported with reference to the wording of Section 402 (Oranga Tamariki Act 1989). No reference is made to the goals or aspirations of the Iwi Authority in its role as representative of the iwi, and therefore whānau.

The exercise of powers under Section 402 (Oranga Tamariki Act 1989) does not make an express or implied link to exercising the functions of guardianship in accordance with the Act’s cultural objectives directly relating to Māori. Therefore, the Act did not guarantee shared power with and/ or authority with iwi to ensure culturally sustaining and appropriate social services for whānau as recommended by the Puao-te-Ata-Tū report.

Garlick (2012) notes slow development on the part of the state in the approval and resourcing of Iwi Social Services. There were delays in addressing iwi concerns that the legislation ‘empowered’ the state to define what counted as a recognised Iwi Authority (2012, p. 184). Although Cabinet agreed to alter the Act, this was deferred as Minister Jenny Shipley expressed concerns over ‘a separatist provision’ for Māori and whether iwi should ‘act as sole guardians under a Family Court Order’ (Garlick, 2012, p. 184. Vigorous opposition from iwi and a change in minister, saw these restrictions on guardianship reversed. In 1994 an amendment to the Act was made replacing the terms ‘Iwi Authority’ and ‘Cultural Authority’ with ‘Iwi Social Service’ and ‘Cultural Social Service’ – to receive such as status, a service needed approval from iwi (Garlick, 2012, p. 184).

As discussed earlier, the release of a new bicultural strategy ‘Te Punga’, was supposed to develop effective partnerships with iwi and hapū (Department of Social Welfare, 1994; Garlick, 2012). Te Punga was supposed to ensure the approval and resourcing of Iwi Social Services by 2000, but there were continued delays by the state.

The development of Iwi Social Services was a challenge for the Department. The strategy involved a significant transfer of resources from CYPFS to iwi, and there was a tension between the ‘partnership’ approach and the highly specified nature of contracting, which limited an Iwi Social Service’s ability to ‘deliver its services in its own unique way’7. A 1999 review of progress found that in spite of ‘an expectation that an iwi driven Social Service would exhibit different and specifically Māori dimensions … the requirements of CYPFA outputs, CYPFA accountabilities, and CYPFA deliverables dictate the structure of iwi service patterns’. For this reason, iwi viewed the rhetoric around ‘partnership’ with some scepticism: one iwi representative described their role as little more than putting ‘a brown face on a CYPFA service’ (Garlick, 2012, p. 185).

The continued failure by the state to ensure more robust partnership processes with whānau, hapū and iwi, and fully support Māori-led services, is further evidence of structural racism.

Reid et al. (2017) are highly critical of the Crown’s approach to te Tiriti as iwi are privileged over hapū, resulting in ongoing divisions amongst Māori communities. State actions have devastated the political and economic power of hapū and whānau. Prior to the arrival of the European settlers, hapū ‘were the traditional unit of power’ (p. 46). This privileging has created enduring divisions within Māori communities, through ‘divide’ and ‘rule’ policies (Reid et al., 2017).

Other Māori criticisms of the Act argued that it privileged kin-based groups, leaving non-kinship Māori groups with no services. Since the Crown had destroyed traditional tribal groups through colonisation and urbanisation, there was a duty of care on the part of the state to recognise both kin and non-kin groups in the provision of Iwi Social Services. Garlick (2012) relays how ‘Te Whānau o Waipareira Trust’ applied to the Waitangi Tribunal, arguing that the state had failed to protect the rights of non-kin groups under te Tiriti. In 1998, the Tribunal agreed and stated that Te Whānau o Waipareira should be granted status as a Treaty partner. In May 1999, the state agreed to alter the Act and create a Māori Social Services approach that would recognise both non-kin and kin-based groups (2012, p. 185).

Iwi Social Services as they pertained to the Act were also examined by Brown (2000) in The Ministerial Review of the Department of Child, Youth and Family Services. Brown emphasises the importance of adhering to Te Tiriti o Waitangi commitments and a focus on partnership work between the State Care system and Iwi Social Services.

In the course of this review, I spent some time with two of those established Iwi Social Services; one at Hauraki and the other Ngāti Ranginui in Tauranga. Both were extremely well focussed and seemed to be providing an excellent standard of service with dedicated staff. Ngāti Ranginui in particular, has a clear vision of moving from the present collaborative role with Child, Youth and Family ultimately to one of autonomy. Both, I note, spoke highly of their Area Manager and the value of his support, encouragement and shared vision. The point I am making may be more to do with the Department and their local iwi organisation getting on with providing services to children as opposed to constant rewriting of strategy papers and interminable recitations of revisionist mantra. (Brown, 2000, p. 82)

Brown (2000) also acknowledged the immense value and impact of networked Māori communities in the care and protection of children and young people.

The classic irony is that anyone who has worked in the children and young person’s sector would be aware of the large number of Māori men and women who have over the years, given selfless and usually unpaid service to children and their causes. The great strength that those people have made to the advancement of this country is the incredible network that they can call upon and their profound knowledge of the Māori community, all of which qualities will be required in the inevitable development of this sector involving a greater involvement by and with the community. Certainly, in my own experience in both West Auckland and Auckland Central Courts, I saw those strengths exhibited almost on a daily basis (Brown, 2000, p. 83).

## Inaction/inadequate action to ensure equitable sharing of resources, power and authority

Structural racism as evidenced through ‘inaction’ and ‘inadequate action’ by the state, resulting in little meaningful change became apparent through literature analysis. Change, as recommended by the Puao-te-Ata-Tū report, was to eliminate racism and deprivation through:

* Allocation of equitable resourcing
* Shared power and authority over the use of resources
* Legislation that recognised the social, cultural and economic values of Māori groups
* Strategies and initiatives that harnessed the potential of Māori people to advance.

A particular focus was to be the empowerment of whānau, hapū and iwi in the care and protection of tamariki Māori. However, our research analysis found a lack of comprehensive action by the state to ensure strategies and initiatives harnessed the potential of whānau, hapū and iwi.

Inadequate and inequitable resourcing inhibited whānau engagement following the implementation of the CYPF Act (1989). For example, an appraisal of the first year of the Act undertaken by the Office of the Children’s Commissioner (1991) highlighted some positive changes as well as several problems that inhibited progress. An identified barrier was state inaction for ensuring adequate resourcing for kin-based authorities and community-based services for Māori. The report also emphasised the deprivation affecting many whānau which was not being adequately addressed:

The reality of family empowerment depends on resources and support services. Many families are living in very poor circumstances; without adequate incomes, in poor quality housing and without the support of others in caring for their children and acquiring skills in managing their families. The rhetoric of family responsibility can readily lead to the reduction of the support of the state sector which is essential to the wellbeing of many families. (Office of the Children’s Commissioner Report, 1991, p. 12)

Superficial reforms further entrenched disparities and deprivation for whānau who were denied appropriate resources to implement their FGC plans (Love, 2002). This included resources for whānau to travel to FGCs, which impacted upon whānau levels of attendance (Pakura, 2005). Whānau, hapū and iwi were being asked to resolve problems within whānau but were not receiving the funding or resources to ensure capability development (Love, 2002).

Family Group Conferences were intended to address Māori over-representation in the care and protection system (Tauri, 1999; Love, 2002; Connolly, 2005; Libesman, 2004; Doolan, 2004). However, in their review of progress made following the CYPF Act (1989), Te Amokura Consultants found that over time ‘FGC’s became under-resourced and more of a formality. FGC plans were sometimes not followed up or reviewed’ (2020, p. 7). Under-resourcing of FGCs was emphasised in participant interviews.

Literature often refers to the ‘potential’ of the FGC to be ‘empowering’ or ‘responsive’ to Māori (Ernst, 1999; Connolly, 2006). However, Tauri (1998) asserts that while the FGC model successfully demonstrates the co-option of Māori cultural practices, the way these are practiced in Aotearoa New Zealand disempowers Māori cultural experts. Furthermore, FGC studies undertaken by Māori researchers shows the FGC process as it is implemented, does not ensure the empowerment of Māori whānau (Love, 2002; Moyle, 2013; Tauri, 1998).

In addition, Keenan (1995) noted that while whānau preferred working with Māori social and community workers, Māori social workers were often caught between ‘a rock and a hard place’, with conflicting demands, expectations and little support. This was emphasised in our interviews (Refer to Chapter 7).

Likewise, Love (2002) observed that Māori social workers, employed for their knowledge of tikanga, were pressured into conforming to institutional norms that were in conflict with tikanga Māori. This was particularly problematic for Māori community workers, whereby the trust of their communities was pivotal to the success of their work.

Despite this, the concept of FGC empowerment for families is quoted across various government websites such as MSD, CYF and MoJ – these organisations have promoted the FGC as empowering with the potential to be culturally responsive. However, there is no mention of empowerment being subject to appropriate resourcing, cultural competence and the self-determination of Māori. What is being promoted is the potential but not the actuality of the FGC to be empowering (Moyle, 2013, p. 24).

Moyle (2013) cites Rimene (1994) who found that although the Act provided whānau, hapū and iwi with a means of participating in decision-making related to tamariki Māori, practitioners who implement the Act were not doing so because:

* Discretionary powers were being used by practitioners to vet whānau decisions.
* Insufficient information was provided to whānau rendering them uninformed and unable to make decisions.
* FGC’s and informal meetings were poorly arranged because practitioners were unable to network with whānau.
* Although whānau were involved in the process, they had no control over decision-making.
* Practitioners manipulated the process and the outcome to what they thought was in the best interest of the child (Moyle, 2013, p. 25).

Becroft (2009) warned ‘the vision of the 1989 Act has been allowed to wither’ and that there were significant State Care practice failings in relation to enabling community agency expertise and experience to develop. He stated that government agencies often found it easier to retain ‘a control and monitoring role over a young person’s course through the youth justice system, rather than relinquishing that control to the community’ (2009, p. 13).

This failure by the state to ensure partnership with, and empowerment of whānau, hapū and iwi, has contributed to the ongoing intergenerational harms and effect of the enduring colonising environment.

“(Over time) that funding got capped. And then it started to get wound back in. And all of the other agencies were having their money wound back in. And as a result, everybody pulled back. Then it became really a cost cutting exercise, the Family Group Conferences moved more into an exercise where you were trying to manage costs. You were trying to get the best outcomes, but often that was just transferring care from one member of the family to another member of the family and the state not being involved…. Whānau who were in fiscally restrained circumstances … they were the ones who put their hands up. And … they didn't think money. It was about aroha. And I think the state started to take advantage of that myself, from where I was sitting.”

- Non-Māori senior social worker

“When Puao-te-Ata-Tū came out, Rangatira our esteemed to ao Māori presented that stuff. It was like they gifted it over and they (the state) got all of it and they looked in and they picked their way through when they heard it was convenient … I feel robbed, you give someone something from deep down – our kaumātua gifted that. They don’t, because it hurts so much, want to go back and experience the whole thing again. Why would you do that?”

– Daniel Mataki, Māori family home parent

## Constant restructuring and tinkering with the settler State Care system

Since the release of Puao-te-Ata-Tū the State Care system has experienced constant restructuring with no significant changes for whānau (Boulton et al., 2020). Many of the system changes that had been introduced as a result of the Puao-te-Ata-Tū report were disestablished over time (Garlick, 2012). As a backdrop, The State Sector Act 1988 and the Public Finance Act 1989 created fundamental changes to public management, such as the development of new information systems to improve state service efficacies and measure performance (Garlick, 2012). The State Sector Act 1988 ‘set out, amongst other things, the requirements for government departments to introduce measures to improve the delivery of government programmes and services to Māori communities’ (Department of Social Welfare, 1994, p. 6).

However, the Department of Social Welfare experienced difficulties in measuring performance, partly due to the processes of decentralisation and regionalisation (Garlick, 2012). Regional offices were criticised for a lack of monitoring and accountability in a review by the State Services Commission (1990). Garlick conveyed that the ‘dual accountability committee mechanisms resulting from Puao-te-Ata- Tū were also disestablished’ (2012, p. 125). Garlick noted dual accountability and shared decision- making with iwi ‘did not sit easily within the legislative framework of the state sector’s new emphasis on efficiency and transparent monitoring of outputs. Accountability to community representatives was replaced with consultation and between 1987 and 1991, many of the introduced changes were ‘slowly rolled back’ (Garlick, 2012, p. 125).

The new state sector environment was focussed on managerial objectives, commercial branding and ‘efficiencies’, fuelled by a concern to reduce state expenditure. In 1992 the department of Social Welfare (DSW) restructured into five focussed ‘business’ groups including the New Zealand Child and Young Person’s Service (NZCYPS). The creation of the NZCYPS coincided with findings from the ‘Mason Review’ (a Ministerial Review of the 1989 Act). Garlick notes the review found ‘the Act itself was largely sound’ but there were considerable criticisms of department practices, in particular the ‘training and competence of social work staff’ (2012, p. 153). Of particular concern were the management of FGCs and inadequate follow-up and review of plans (2012, p. 153). Garlick refers to ‘competency- based learning’ which assessed staff against predefined criteria but makes no mention about how these criteria ensured culturally appropriate and safe practices, nor the cultural expertise of senior staff undertaking practice evaluations (2012, p. 154).

Additionally, Garlick (2012) describes the many changes to the State Care system that occurred from the 1980s-2000. Neo-liberal economic policies were introduced by the fourth Labour Government in the 1980s and this ‘reform’ was continued by the National Government in the 1990s. This had devastating impacts for many Māori communities. Reid et al. (2017) show how over decades, Māori were pushed into low-skilled jobs in sectors that were later decimated by government improvements. Whānau have been over-represented in lower socio-economic statistics and ethnic wage gaps for decades (Cram, 2011; Reid et al., 2017). The Ministry of Women’s Affairs (2001) noted the adverse effects of both ethnic and gender gaps which were particularly experienced by Māori wāhine.

The lack of support for young mothers during this time was also emphasised in interviews.

Research undertaken by Fletcher and Dwyer (2008) has emphasised the relationship between poverty and risks to children’s health.

From the start, poverty undermines children’s entitlement to a good quality of life. It increases the likelihood they will have poor health and do less well at school. In the longer term, childhood poverty is associated with poor adult health, less employment and lower earnings, and a high risk of anti-social or criminal behaviour. There are large costs for the taxpayer too, in additional health, education and social expenditure now, and in a continuing tax burden as the children grow older and become disadvantaged adults (Fletcher & Dwyer, 2008, p. 11).

“1984 I think was the Mātua Whāngai thing … in 1984 I think there was the introduction of the Public Finance Act. And that was part of the Rogernomics, so that changed a lot of things. And, in 1984, with the cry of the Māori people to have their iwi out of institutions, it fitted the philosophical approach of the government, Rogernomics. To actually have the state less involved in the care of people. Māori people were saying the same thing, but for different reasons.”

- Harry Walker, Māori public servant

Others have highlighted issues of cultural competency of department staff and a lack of in-depth training (Brown, 2000; Te Amokura Consultants, 2020). For example, in reviewing policy documents and other literature Te Amokura Consultants (2020) found that the training provided by the Cultural Development Unit was ‘introductory’ and lacked depth (p. 10). The unit was underfunded, required more staffing and was not well supported by senior leadership. Findings from The Ministerial Review of the Department of Child, Youth and Family Services emphasised these issues. Brown (2000) noted the performance bonuses paid to public service managers for underspending their budgets. Brown (2000) makes several observations relating to problems with the cultural competency of staff:

How do we build a culturally competent workforce? There is a real need to build – in both Child, Youth and Family and Māori social service providers – a strong and culturally appropriate social work workforce that can provide better services to Māori (Brown, 2000, p. 80).

The majority of social workers – both in our organisation and in voluntary sector agencies – lack professional qualifications. There is a clear tension in the professionalism debate between life experience, cultural competence and professional qualifications. This is particularly pronounced within the Māori social work workforce and for Māori social service providers. The proposed legislation to register social workers will present real challenges to the partnership between Child, Youth and Family and Māori (Brown, 2000, p. 80).

Social work tools such as the Risk Estimation System (RES) have gained a certain measure of credibility due to an exhaustive process of consultation and testing with Māori. These tools should be able to translate to Māori service providers. However, other social work processes, such as investigative interviewing, family group conferencing, and placement processes have not been through a process of cultural ratification. To build effective partnerships with iwi and Māori in the delivery of statutory social work services, it is vital that work to develop Māori models of statutory practice proceeds. The absence of clearly articulated Māori social work practice models will hold back the transfer of functions to Māori providers (Brown, 2000, p. 80).

Apart from the obvious over-representation of Māori in every social statistic there is no ‘actual’ research that evidences care and protection as a result of FGCs, working for whānau (Love, 2002; Moyle, 2013). The gap between the potential and actuality is an important issue (Moyle, 2013, p. 24). Brown (2000) noted the absence of longitudinal research into the impacts and outcomes of the State Care system, foster and kinship care.

“Young mothers at this time were really impacted … we're talking back in the '80s, in the early '90s. Income. A lot of the women were in relationships, but they were on domestic purposes benefit, which put them in a position that when you showed up from the welfare, they weren't very open. They were often in pretty abusive relationships … they couldn't be open because of their relationships. Work and Income was pretty tough. I can remember being told by a Work and Income worker that when I went into houses I should be looking for whether the toilet seat was up or down, because there might be a man living in the house. And that kind of thing, when it was supposed to be the sole parent, but they might have had a son too. But I can remember Work and Income telling us that kind of thing. So it was surveillance ... it was there. Women were at the bottom of the heap…. And the women were the only ones who were looking out for the kids. But they often didn't have a lot to look out with.”

– Non-Māori senior social worker

Garlick (2012) acknowledges the growing tensions in the NZCYPS, as budgets were tightened, alongside firmly prescribed service objectives that led to ‘front-line staff exposed to community needs’ whilst unable to provide the quality, wraparound services needed. Changes within the NZCYPS resulted in a ‘reduced commitment to community activities and preventive work with families’ alongside ‘an alarming increase’ in reported cases of child abuse (2012, p. 154).

In their review of progress as a result of Puao-te- Ata-Tū, Te Amokura Consultants (2020) identify considerable structural barriers and competing government agendas as reasons why improvements did not occur. They note the Public Finance Act 1989, the change of government and loss of political will to implement and sustain change over time. The reassessment of the role of the state with a move towards individual responsibility and neo-liberal economics, re-centralised state power. State failure was acknowledged, ‘the department did not meet its Iwi Social Service targets and reviews found that Iwi Social Services had not achieved better partnerships with communities’ (Te Amokura Consultants, 2020, p. 8). The focus on measuring ‘outputs’ rather than ‘outcomes’, meant discrimination and disparities for Māori across the State Care system remained unaddressed (Garlick, 2012; Te Amokura Consultants, 2020).

In addition, there has been a failure to understand the importance of attachment theory and its link to culture identity and resilience in the State Care of tamariki Māori:

[That] cultural dislocation continues to be imposed on already vulnerable children and young people, undermining their identity in a nation where negative stereotypes of Māori prevail, demonstrates our failure to grasp the link between culture and resilience (Atwool, 2006, p. 327).

Stanley (2016) identified the multiple state failings to properly monitor and improve care and protection practices for tamariki Māori, from the 1960s through to the 1990s. She highlights the problems with Moerangi Treks (1993-98) a ‘90-day residential programme [based in Te Urewera] for about 16 to 24 boys who had offended or were at risk of doing so’ (2016, p. 219). The programme was considered culturally responsive, with staff who were identified as ‘skilled’ in te reo me ona tikanga and who ‘led boys through basic life and survival skill such as farming, hunting, fishing, food-gathering and home- keeping’ (Stanley, 2016, p. 220). Stanley notes the programme ran on a ‘shoe-string budget’ with ‘very little department support or involvement’ (p. 220). Several complaints about the programme emerged with allegations of physical abuse by staff, coupled with medical neglect. Whilst the department suspended Moerangi Treks as a ‘registered provider in June 1998’ the Director of the programme then went on to run ‘Eastland Youth Rescue Trust’ receiving departmental approval and funding from 1998-1999 (Stanley, 2016, p. 220). ‘Ongoing allegations of assaults and extreme punishments’ finally resulted in funding being stopped (Stanley, 2016, p. 220).

## Discussion and summary

Research analysis demonstrates that successive governments and state agencies between 1980- 1999 did not heed Puao-te-Ata-Tū’s warnings, nor did they fully implement its recommendations. In addition, the 1989 CYPF Act failed to eliminate structural racism, ensure partnership with whānau, hāpu and iwi and address whānau deprivation. This demonstrates a serious, yet continuous breach of the state’s responsibilities under Te Tiriti o Waitangi. It is also evidence of the enduring and cascading nature of colonisation that remains very much alive and well today (Reid et al., 2017).

Structural and institutional racism have been defined as ‘inaction in the face of need’ (Waitangi Tribunal Report, 2019. p. 21). Such ‘inaction can be conscious or unconscious; it can manifest through the deliberate actions of individuals’ or ‘from the routine administration of public institutions that produce inequitable social outcomes’ (Waitangi Tribunal Report, 2019, p. 21). Our analysis shows that despite the ‘rupture’ and opportunity of Puao- te-Ata-Tū, the settler state ‘re-anchored’ itself to maintain the status quo (Liu & Pratto, 2018, pp. 1-3). From the early 1960s the state became aware of significant disparities between Māori and Pākehā groups (Hunn, 1961). Research highlighted the links between over-representation of Māori in offending statistics with lower educational achievement and poorer socio-economic status (Fifield & Donnell, 1980). Evidence presented to the state highlighted the crises facing many Māori communities (Puao-Te- Ata-Tu, 1988, p. 44).

As stated earlier, the release of Puao-te-Ata-Tū was part of a series of published reports that exposed structural racism within the public sector. In 1988, the Royal Commission on Social Policy released ‘the April report’ which leveraged the findings from Puao-te-Ata-Tū and signalled the need for a national and system wide approach to address racism (Barnes & Harris, 2011). In 1998, the Waitangi Tribunal released the ‘Whānau o Waipareira report’ which reviewed the government’s response to Puao-te- Ata-Tū (The Waitangi Tribunal, 1998). Finally, in 1999, Labour used the phrase ‘closing the gaps’ which then became policy in 2000 following an analysis of the social and economic outcomes for Māori compared to other New Zealanders. The need to close the gaps through whānau capacity building was emphasised in a speech on 7th June 2000 given by Dame Tariana Turia.

The gaps between Māori and non-Māori are especially apparent in areas such as housing conditions and home ownership, educational achievement, rates and periods of unemployment, health status, numbers of prison inmates and children and young persons in need of care, protection and control. (Turia, 2000).

Despite various reports of structural racism and monocultural practices by the settler state, these have endured resulting in compounded intergenerational trauma for whānau, hapū and iwi. In particular, this is due to the failure of successive governments to fully implement the 1975 Treaty of Waitangi Act and the 1988 Puao-te-Ata-Tū report recommendations. ‘Inadequate action’ and ‘deliberate inaction’ on the part of the state have emerged as significant themes through our research. Findings emphasise that state inaction has contributed to the enduring over-representation of tamariki Māori in the State Care system, corresponding with the decline of the cultural, spiritual, physical health, wellbeing capabilities of many whānau. As noted in other chapters, we argue that the State Care system for tamariki Māori encompasses many Crown agencies, including, but not limited to, the Ministries of Social Welfare/Social Development, Education, Health, Youth Justice, Te Puni Kōkiri, Police as well as organisations funded by the state to provide care and protection (foster homes and residential faculties).

This interconnected failure was emphasised in 1988 when the report Puao-te-Ata-Tū was presented to the then Minister of Social Welfare, Ann Hercus.

Although we invited the people to talk to us about the operations of the Department of Social Welfare, discussions invariably brought out equally grave concerns about the operations of the other government departments, particularly those working in the social area. There is no doubt that the young people who come to the attention of the Police and the Department of Social Welfare invariably bring with them histories of substandard housing, health deficiencies, abysmal education records, and an inability to break out of the ranks of the unemployed. It is no exaggeration to say, as we do in our report, that in many ways the picture we have received is one of crisis proportions. (Puao-Te-Ata-Tu, 1988, pp. 7-8).

However, the crisis of State Care failure has not been addressed as noted in more recent reports (Office of the Children’s Commissioner, 2020).

Māori are not well served by the systems of government intended to support New Zealand society. While our topic in this report is pēpi being removed from whānau in the statutory care and protection system, the impacts of colonisation, socio-economic disadvantage and racism also appear across the many branches of government, including but not limited to justice, health, education and social welfare. All of these systems have significant disparities for Māori and are struggling to address these issues in different ways. Despite investment in state driven Māori responsiveness programmes, major disparities between Māori and non-Māori remain (Office of the Children’s Commissioner, 2020, p. 99).

Citing the crisis impacting Māori communities the Puao-te-Ata-Tū report noted: ‘At the heart of this issue is a profound misunderstanding or ignorance of the place of the child in Maori society and its relationship with whanau, hapu, iwi structures’ (Puao-Te-Ata-Tu, 1988, p. 7).

This ‘misunderstanding’ and ‘ignorance’ on the part of the settler state has continued despite the release of the Puao-te-Ata-Tū report and the implementation of the 1989 Children's Young Persons and their Families Act (Moyle, 2013; Waitangi Tribunal 2021). Structural and institutional racism has continued to be a feature of State Care as emphasised below.

Structural racism is a feature of the care and protection system which has had adverse effects for tamariki Māori, whānau, hapū and iwi. This has resulted from a series of legislative, policy and systems settings over time and has detrimentally impacted the relationship between Māori and the Crown. The structural racism that exists in the care and protection system reflects broader society and has also meant more tamariki Māori being reported to it (Opening Statement of Grinne Moss, Waitangi Tribunal, 2020, November 24, p. 2).

Oranga Tamariki staff talked about instances of institutional racism, for example recruitment panellists preferencing graduates from traditional universities over those qualified at wānanga (Māori tertiary education institutions), and structural racism resulting from policies that impact disproportionately on Māori. Caregiver assessment processes, which require Police and CYRAS checks, were described by many staff as unfair, given that whānau Māori are much more likely than non-Māori to have suffered negative impacts from agencies such as Police and Oranga Tamariki (Office of the Children’s Commissioner, 2020, p. 44).

The failure of the state to address institutional racism and whānau deprivation has had devastating impacts across decades. Pihama, Cameron and Te Nana (2019) cite estimates from the Public Health Advisory Committee, ‘that upwards of 20,000 primarily Māori children may be intergenerational victims of incarceration’ (p. 259). Came et al. (2019) warn that structural racism can only be addressed through a transformative systems-change strategy developed in true partnership with whānau, hapū and iwi.

## References

Atwool, N. (2006). Attachment and Resilience: Implications for Children in Care. Child Care in Practice, 12(4), 315-330. doi:10.1080/13575270600863226

Barnes, J., & Harris, P. (2011). Still Kicking? The Royal Commission on Social Policy, 20 Years On. Social Policy Journal of New Zealand, 37. https://www.msd.govt.nz/about-msd-and-our- work/publications- resources/journals-and-magazines/social-policy-journal/spj37/37-still-kicking-the-royal-commission- on-social-policy-20-years-on.html

Becroft, A. J. (2009). Are there lessons to be learned from the youth justice system? Policy quarterly, 5(2), 9-18. Retrieved from https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps\_ pid=IE1251681

Boulton, A., Levy, M. & Cvitanovic, L. (2020). Beyond Puao-te-Ata-Tū: Realising the promise of a new day. Te Arotahi Series Paper, 6. Retrieved from http://www.maramatanga.ac.nz/te-arotahi-06

Brooking, F.H. (2018). The Journey of Pūao-Te-Ata-Tū: what did we learn? (Master's thesis, Massey University). Retrieved from https://mro.massey.ac.nz/bitstream/handle/10179/14541/02\_whole. pdf?sequence=2&isAllowed=y

Brown, M. (2000). Care and Protection is about Adult Behaviour. The Ministerial Review of the Department of Child, Youth and Family Services. Retrieved from https://www.msd.govt.nz/documents/about-msd- and-our-work/publications-resources/archive/2000-care-and-protection-is-about-adult-behaviour. pdf

Came, H., McCreanor, T., Manson, L. & Nuku, K. (2019). Upholding Te Tiriti, ending institutional racism and Crown inaction on health equity. New Zealand Medical Journal. 132, 1492, 61-66

Connolly, M. (2005). The New Zealand practice framework: Using knowledge to inform practice in care and protection. Social Work Now, 32, 6-11. Retrieved from https://thehub.swa.govt.nz/assets/ documents/42718\_social-work-now-32-dec05.5-10\_0.pdf

Connolly, M. (2006). Fifteen Years of Family Group Conferencing: Coordinators Talk About Their Experiences in Aotearoa New Zealand. The British Journal of Social Work, 36(4), 523-540. http://www.jstor.org/ stable/23720953

Cram, F. (2011). Poverty. In T. McIntosh and Mulholland, M. (eds). Māori and Social Issues. Ngā Pae o te Māramatanga, Edited collections. Wellington, Aotearoa New Zealand: Huia Pub

Department of Social Welfare. (1985a). Māori Advisory Unit Report. Retrieved from https://trc.org.nz/sites/trc. org.nz/files/Maori%20Advisory%20Unit%20Report%20%281985%29%20.pdf

Department of Social Welfare. (1985b). Institutional racism in the Department of Social Welfare, Tamaki Makaurau. Report of Women Against Racism Action Group (WARAG Revised). Retrieved from https:// trc.org.nz/sites/trc.org.nz/files/Institutional%20Racism%20WARAG.pdf

Department of Social Welfare. (1988). Puao-te-Ata-Tū = Day Break: the report of the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare. Retrieved from https:// www.msd.govt.nz/documents/about-msd-and[1]our-work/publications-resources/archive/1988- puaoteatatu.pdf

Department of Social Welfare. (1994). Te Punga: Our bicultural strategy for the nineties. Retrieved from https:// natlib.govt.nz/records/39708406

Doolan, M. (2005). Iwi Social Services: Why the lack of progress? Social Work Review, 17(3), 26-33. Retrieved from https://anzasw.nz/wp-content/uploads/SW-Review-Issue-17-Spring-05-Article-Doolan.pdf

Doolan, M.P. (2004). A Life Too Short: Child death by homicide in New Zealand: An examination of incidence and statutory child protection actions (Master's thesis, University of Canterbury). Retrieved from https://ir.canterbury.ac.nz/handle/10092/1034

Ernst, J.S. (1999). Whanau Knows Best: Kinship Care in New Zealand. In R. L. Hegar & M. Scannapieco (Eds.), Kinship Foster Care: Policy, Practice, and Research (pp. 112-138). New York: Oxford University Press.

Fifield, J. & Donnell, A. (1980). Socio-Economic Status, Race, and Offending in New Zealand. An Examination of Trends in Officially Collected Statistics for the Māori and Non-Māori Populations. Research Report No. 6. Wellington: Research Unit, Joint Committee on Young Offenders.

Fletcher, M. & Dwyer, M. (2008). A fair go for all children. Actions to address child poverty in New Zealand. A report for the Children’s Commissioner and Barnardos. https://www.occ.org.nz/assets/Uploads/ Reports/Poverty/A-fair-go-for-all-children.pdf

Garlick, T. (2012). Social Developments: An organisational history of the Ministry of Social Development and its predecessors, 1860–2011. Retrieved from https://www.msd.govt.nz/documents/about-msd-and- our-work/about-msd/history/social-developments.pdf

Hunn, J. K. (1961). Report on Department of Maori Affairs: with statistical supplement, 24 August 1960. Wellington: Government Printer.

Kaiwai, H., Allport, T, Herd, R., Mane, J., Ford, K., Leahy, H., Varona, G., and Kipa, M. (2020). Te Wā Whakawhiti, It’s Time For Change: A Māori Inquiry into Oranga Tamariki - Report. Retrieved from https://whanauora. nz/assets/6f126cc001/ORANGA-TAMARIKI-REVIEW-REPORT.pdf

Keenan, D. (1995) Püao-Te-Āta-Tu: A brief history and reflection. Te Komako: Social Work Review, 7(1),11-29.

Libesman, T. (2004). Child welfare approaches for Indigenous communities: International perspectives. National Child Protection Clearinghouse (NCPC) Issues, 20. Retrieved from https://aifs.gov.au/cfca/ sites/default/files/publication-documents/issues20.pdf

Liu, J. H. & Pratto, F. (2018). Colonization, Decolonization, and Power: Ruptures and Critical Junctures Out of Dominance. In P. L. Hammack Jr. (Ed), The Oxford Handbook of Social Psychology and Social Justice (pp. 262-280). New York: Oxford University Press

Love, C. (June, 2002). Māori perspectives on collaboration and colonization in contemporary Aotearoa/New Zealand child and family welfare policies and practices. Paper presented at the Positive Systems of Child Welfare Conference, Waterloo, ON. Retrieved from https://scholars.wlu.ca/cgi/viewcontent. cgi?article=1017&context=pcfp

Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare. (1988). Puao-te- Ata-Tū = Day Break: the report of the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare. Retrieved from https://www.msd.govt.nz/documents/about-msd-and- our-work/publications-resources/archive/1988-puaoteatatu.pdf

Ministry of Women’s Affairs (compiler) (2001). Mapping inequalities and pointing ways forward. Wellington: Ministry of Women’s Affairs

Moyle, P. (2013). From family group conferencing to whānau ora: Māori social workers talk about their experiences (Master's thesis, Massey University). Retrieved from https://mro.massey.ac.nz/handle/10179/4731

Moyle, P. (2014). Māori social workers’ experiences of care and protection: A selection of findings. Aotearoa New Zealand Social Work, 26(1), 55-64. https://doi.org/10.11157/anzswj-vol26iss1id55

Moyle, P. & Tauri, J. M. (2016). Māori, Family Group Conferencing and the Mystifications of Restorative Justice, Victims & Offenders, 11:1, 87-106, http://dx.doi.org/10.1080/15564886.2015.1135496

Office for the Children's Commissioner. (1991). An Appraisal of the first year of the Children, Young Persons, and their Families Act 1989: a collection of three papers.

Office for the Children's Commissioner. (2020). Te kuku o te manawa: a review of what needs to change to enable pēpi Māori aged 0-3 months to remain in the care of their whānau in situations where Oranga Tamariki-Ministry for Children is notified of care and protection concerns. Report Two of Two. https:// www.occ.org.nz/assets/Uploads/Te-Kuku-O-Te-Manawa-Report-2-OCC.pdf

Oranga Tamariki Act (1989). https://www.legislation.govt.nz/act/public/1989/0024/latest/DLM147088.html

Pakura, S. (2005, March). The family group conference 14-year journey: Celebrating the successes, learning the lessons, embracing the challenges. Paper presented at the third IIRP conference in Penrith, Australia. Retrieved from https://www.iirp.edu/news/the-family-group-conference-14-year-journey- celebrating-the-successes-learning-the-lessons-embracing-the-challenges

Penetito, W. (2010). What’s Māori About Māori Education? The struggle for a Meaningful Context. Wellington, New Zealand: Victoria University Press.

Pihama, L., Cameron, N., & Te Nana, R. (2019). Historical trauma and whānau violence. Issues Paper, 15. Auckland: New Zealand Family Violence Clearinghouse, University of Auckland. Retrieved from https:// nzfvc.org.nz/issues-paper-15-historical-trauma

Rameka, L. (2016). Kia whakatōmuri te haere whakamua: ’I walk backwards into the future with my eyes fixed on my past’. Contemporary Issues in Early Childhood. Vol. 17(4) 387–398. Sage. Downloaded from https://journals.sagepub.com/doi/pdf/10.1177/1463949116677923.

Reid, J., Rout, M., Tau, T. M. & Smith, C. (2017). The Colonising Environment: An Aetiology of the Trauma of Settler Colonisation and Land Alienation on Ngāi Tahu Whānau. Ngāi Tahu Research Centre, University of Canterbury

Renouf, J. (1987). Review of the Children and Young Persons Bill. Department of Social Welfare. https:// ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps\_pid=IE35587518

Rimene, S. (1994). The Children, Young Persons and their Families act 1989, from a Maori perspective. (Master's thesis, Victoria University of Wellington). Retrieved from https://viewer.waireto.victoria.ac.nz/client/ viewer/IE920816

Stanley, E. (2016). The Road to Hell: State Violence against Children in Postwar New Zealand. Auckland University Press.

Tauri, J. (1998). Family Group Conferencing: A Case-Study of the Indigenisation of New Zealand's Justice System. Current Issues in Criminal Justice, 10(2), 168-182. doi:10.1080/10345329.1998.12036125

Tauri, J. (1999). Explaining recent innovations in New Zealand's criminal justice system: Empowering Māori or biculturalising the state? Australian and New Zealand Journal of Criminology, 32(2), 153-167.

Te Amokura Consultants (2020). Pūao-Te-Ata-Tu: Ki Muri, Inaianei, Ki Whea [Unpublished]. Oranga Tamariki, Wgtn, New Zealand.

Turia, T. (2007). Closing the Gaps. Speech given at Te Pua Wānanga ki te Ao The Faculty of Māori and Indigenous Studies International Exchange Scholarship, Waikato University. https://www.beehive. govt.nz/speech/closing-gaps

Waitangi Tribunal Report (2021) ’He Pāharakeke, He Rito Whakakīkinga Whāruarua, Oranga Tamariki Urgent Inquiry’. Retrieved from https://www.waitangitribunal.govt.nz/news/tribunal-releases- report-on-oranga-tamariki/?fbclid=IwAR3hGqyJtO\_C3YhTqVK2IBfwy4oESOfOR50QFmOD- 19qMyLDMbrIVuQPw8E

Waitangi Tribunal. (2020, November 24). Opening statement of Grainne Moss in the matter of the Oranga Tamariki Urgent Inquiry (Wai 2915, #A184). Retrieved from https://forms.justice.govt.nz/search/ Documents/WT/wt\_DOC\_166370609/Wai%202915%2C%20A184.pdf

Waitangi Tribunal Report. (2019). HAUORA Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry. WAI 2575. Legislation Direct, Lower Hutt, New Zealand. Retrieved from www. waitangitribunal.govt.nz

Waitangi Tribunal (1998). Te Whānau o Waipareira Report. Retrieved from https://forms.justice.govt.nz/search/ Documents/WT/wt\_DOC\_68641192/Wai%20414.pdf

Walker, H. (1995). Where is Puao-te-Ata-Tū and the Department of Social Welfare? Te Komako: Social Work

## List of tables

[Table 6.1. Recommendations from the 1988 Puao-te-Ata-Tū report. 9](#_Toc87174063)

1. In Western perspectives the past is behind you and you walk forward into the future. This whakataukī speaks to the ao Māori view that you look to the past and learn from your tupuna and the work and wisdom of others as you walk into a future you cannot see. Although you cannot see where you are going you will be safe because your tupuna are with you. Rameka, L. (2016). Kia whakatōmuri te haere whakamua: ‘I walk backwards into the future with my eyes fixed on my past’. Contemporary Issues in Early Childhood. Vol. 17(4) 387–398. Sage. Downloaded from [https://journals.sagepub.com/doi/ pdf/10.1177/1463949116677923](https://journals.sagepub.com/doi/%20pdf/10.1177/1463949116677923). [↑](#footnote-ref-2)
2. We have copied quotes accurately from the original sources. In many historical documents, macrons were not used. [↑](#footnote-ref-3)
3. This theory is explored in more depth in Chapter 7. [↑](#footnote-ref-4)
4. Although not specified in the letter, recommendation two is; To attach and eliminate deprivation and alienation by:

   a) Allocating an equitable share of resources.

   b) Sharing power and authority over the use of resources.

   c) Ensuring legislation which recognises social, cultural and economic values of all cultural groups and especially Māori people.

   d) Developing strategies and initiatives which harness the potential of all of its people, and especially Māori people, to advance. (Puao-te-Ata-Tū 1988, p. 26) [↑](#footnote-ref-5)