

SUMMONS UNDER THE COMMISSION OF INQUIRY ACT 1908
IN THE WAITANGI TRIBUNAL

In the Matter of the **Commissions of Inquiry Act 1908 &
Treaty of Waitangi Act 1975**

and

In the Matter of **Wai 3350, Oranga Tamariki (Section 7AA)
Urgent Inquiry**

To: THE HONOURABLE KAREN LOUISE CHHOUR, Minister of the Crown

Of: OFFICE OF THE MINISTER FOR CHILDREN, with offices located Parliament
Buildings, Wellington

TAKE NOTICE, that you are summoned to attend to the Waitangi Tribunal located at:

Level 7, 141 the Terrace, Fujitsu Tower, Wellington

by **12pm, 26 April 2024**

for the purpose of providing evidence in the subject-matter of the inquiry conducted by the Tribunal.²

You are ordered to furnish the following information as evidence whether via an affidavit or brief of evidence to the extent the information is within your control or possession.

The information produced with respect to the proposal to repeal section 7AA of the Oranga Tamariki Act 1989 should address the following–

- (a) What is the policy problem this addresses?
- (b) Could that policy objective be better advanced by way of amendment rather than repeal of section 7AA? If not, why not?
- (c) Has the Minister taken legal advice on the proposed repeal and its effects? If so, please provide.
- (d) Has the Minister taken policy advice on the proposed repeal and its effects? If so, please provide.

² Pursuant to sections 7 and 8 of the Commissions of Inquiry Act 1908, you are entitled to be paid witness' fees, allowances, and travelling expenses according to the scales for the time being prescribed by regulations made under the Criminal Procedure Act 2011, and those regulations shall apply accordingly.

- (e) Oranga Tamariki's *Section 7AA Annual Report 2023* lists 10 strategic partnership agreements entered into pursuant to section 7AA and notes a number of other relationships with Post Settlement Governance Entities and Māori Providers.³ Has the Crown consulted with its partners to these agreements about the proposed repeal of section 7AA? If not, does it intend to do so?
- (f) For all agreements established under section 7AA, will they endure, or be replaced if section 7AA is repealed?
- (g) Has the Crown consulted with Māori more generally on the proposed repeal of section 7AA? If not, does it intend to do so?
- (h) What are the actual and predicted fiscal implications of a repeal of section 7AA in terms of investing in iwi and Māori Providers and service contract funding?
- (i) In regards to the Cabinet paper can the Minister provide more detail as to the basis for the opinions recorded at paragraphs 12 to 17, and in particular;
- a. How many instances the Minister is aware of where it is said that decisions were made concerning care arrangements for Māori children which were not safe or in the child's best interest due to the operation of section 7AA?
 - b. Who are the "prominent individuals" and what are the "several high profile cases" referred to at paragraph 14 of the Cabinet paper?
 - c. How many caregivers have informed the Minister of concerns about section 7AA as noted at paragraph 16 of the Cabinet paper?

We ask that the above is compiled with, in accordance with section 4D of the Commissions of Inquiry Act 1908 and clause 8(2) of the second schedule to the Treaty of Waitangi Act 1975.

DATED at Wellington this 11th day of April 2024



Judge M Doogan
Presiding Officer
WAITANGI TRIBUNAL

³ Oranga Tamariki *Section 7AA Annual Report 2023* at 26.