

Under the Inquiries Act 2013
In the matter of the Royal Commission into Historical Abuse in State Care and in
the Care of Faith-based Institutions

Ministry for Pacific Peoples: Brief of Evidence of Laulu Mac Leauanae for Institutional Response Hearing

8 August 2022

Solicitor

Julia White

General Counsel, Crown Response to the
Abuse in Care Inquiry
Julia.White@abuseinquiryresponse.govt.nz

Counsel

Rachael Schmidt-McCleave

Kate Sheppard Chambers
PO Box 5606, Wellington 6140
www.katesheppardchambers.co.nz
Rachael.Schmidt-
McCleave@kschambers.co.nz

Max Clarke-Parker

Meredith Connell
PO Box 24546, Wellington 6140
Max.Clarke-Parker@mc.co.nz

Brief of evidence of Laulu Mac Leauanae

1 Introduction

- 1.1 My name is Laulu Mac Leauanae. I am the Secretary for Pacific Peoples and Chief Executive of the Ministry for Pacific Peoples. I took up this role in July 2017. I was previously Chief Executive of the Pacific Cooperation Foundation. In my role as Secretary, I am responsible for leading the Ministry.
- 1.2 I will be giving evidence to the Commission on the topics it has identified are of interest for the Ministry, together with Aiono Matthew Aileone, Deputy Secretary for Policy, Research and Evaluation, Languages, and Housing.
- 1.3 Before I begin my evidence, I acknowledge the survivors who have given evidence in this inquiry, and whānau. I acknowledge your bravery in sharing these very painful accounts of abuse during your time in State care. In particular I acknowledge the many Pacific peoples affected, such as those who shared their stories in the Tulou – Our Pacific Voices: Tatala e Pulonga hearing. The Ministry, like the rest of the Crown, looks forward to the guidance the Commission will provide in addressing the wrongs of the past and preventing them occurring in the future.

2 Scope of evidence

- 2.1 The Commission has identified the following three areas as being of particular interest for the Ministry:
 - (a) Priority Groups
 - (b) Monitoring, Oversight, Safeguarding
 - (c) Funding and resources
- 2.2 Some of these topics are the subject of substantial comment in the Ministry's response to NTP 441 dated 17 June 2022 (**NTP 441 Response**). Before discussing these topics of interest, I have set out some background information on the Ministry and the extent of its involvement with the care system below.

The Ministry's background

- 2.3 In 1984 the Pacific Island Affairs Unit was established as part of the Department of Internal Affairs. In February 1990, the Cabinet Policy Committee agreed to establish an independent Ministry of Pacific Island Affairs (**MPIA**). MPIA was established on 1 July 1990 and its role was to:
 - (a) promote the development of Pacific Island people in New Zealand in a way which recognises and reflects Pacific Island cultural values and aspirations, so that Pacific Island people can participate and contribute fully to New Zealand's social, cultural, and economic life; and
 - (b) help foster and enhance the cultural values deemed important to the identity of the various Pacific Island people and the identity of New Zealand as a whole.

- 2.4 In particular, MPIA was responsible for:
- (a) providing policy advice to Government on issues related to Pacific Island matters.
 - (b) liaising with, and flow of information between, Pacific Island communities in New Zealand and government agencies.
 - (c) servicing the office of the Minister of Pacific Island Affairs and the Pacific Island Affairs Advisory Council; and
 - (d) administering grants.
- 2.5 In 2015, MPIA changed its name from the Ministry of Pacific Island Affairs to the Ministry for Pacific Peoples. The name change emphasised to the community and wider New Zealand that the Ministry is here to work for Pacific peoples.

Overview of the Ministry's role and responsibilities and engagement with the care system

- 2.6 The Ministry does not have any direct formal role within the care system. The extent of the Ministry's involvement in the care system depends on its relationships with other agencies that do have a role within the care system, and the work done for or with those agencies.
- 2.7 As the Crown's principal advisor on matters pertaining to Pacific communities, the Ministry may offer advice to these agencies on Pacific-relevant matters. However, the agencies retain responsibility for their own work and determine the extent to which our advice is incorporated into their work.
- 2.8 In some circumstances, the Ministry may advise on policy proposals from other agencies that may have negative distributional impacts on Pacific communities, and may also directly engage with other agencies in relation to those policies.
- 2.9 The Ministry also influences work through cross-agency working groups on a wide range of policy areas. We have regular bilateral partnerships with teams in other agencies.
- 2.10 The Ministry is responsible for developing and coordinating implementation of the All-of-Government Pacific Wellbeing Strategy. In April 2022, the All of Government Pacific Wellbeing Strategy was endorsed by Cabinet. The Strategy was developed and is being implemented with key agency partners who are members of the Lalanga Fou cross-agency CEs and DCEs groups.¹ The Strategy was endorsed by Cabinet in April 2022, and has four key focus areas that guide and capture the Ministry's developing role as the Crown's principal advisor for Pacific communities:
- (a) Lalanga Potu: Pacific Values and Principles
 - (b) Fale Fono: Partnership and Governance
 - (c) Vaka Moana: Performance and Improvement

¹ This includes Ministries of/for: Social Development, Health, Education, Business, Innovation and Employment, Housing and Urban Development, the Treasury, Oranga Tamariki, and Kainga Ora.

- (d) Te Kupenga: Capability

3 Priority groups (Policy)

3.1 The priority groups identified by the Commissioner are:

- (a) tāngata whenua;
- (b) Pacific peoples; and
- (c) disabled people.

Supporting cultural continuity of Māori and Pacific peoples

3.2 The Ministry strongly advocates for the preservation and maintenance of Pacific cultural identity as we understand and acknowledge that this is critical to the wellbeing of Pacific communities. The importance of cultural preservation is reflected in our Lalanga Fou report, within particularly Goal 1 'Thriving Pacific Languages, Cultures & Identities'. We advocate for the importance of culture, languages, and Pacific identities in the policy advice we provide to government agencies, including those within the care system.

Supporting autonomy and needs of disabled people and people with mental health conditions

3.3 Outside the Ministry's policy advice, we do not play a formal role in the care system such as that undertaken by the service delivery agencies. However, the All-of-Government Pacific Wellbeing Strategy and our ongoing policy advice sets out expectations for culturally responsive and tailored services that respond specifically to the needs and values of Pacific children and young people, including those in the care system. The Ministry actively advises prioritising the needs of Pacific disabled people, rainbow community, youth and those with mental health conditions. Ensuring sufficiency of appropriate support for Pacific disabled people, LGBTQIA+/MVPFAFF+ and youth across Government are key outcome areas of the Pacific Wellbeing Outcomes Framework.

Impacts of racism, ableism and bias on resourcing and delivery of care services

3.4 As part of the Ministry's advice on government policies and legislative changes in the care system, we have advocated for the visibility of Pacific children and young people and their specific needs in the delivery of services in the care system. As part of this, we have emphasised the need for a Pacific specific focus, rather than one that groups together Māori and Pacific. Further we have advocated for co-design processes to include Pacific delivery agencies as well as Pacific communities in decisions around care services. We believe that these approaches will address issues of racism and bias through ensuring that the care system is reflective and responsive to the needs of Pacific children and young people.

Influence of racism, ableism and bias on decisions to place children and vulnerable adults in care

- 3.5 The Ministry where consulted will provide policy advice on the development of agency strategies, policies, and interventions through the policy development or programme design process. We have been and continue to be actively involved in providing advice to agencies, including those in the care system, to ensure the system is responsive to the needs of Pacific communities.

Implementation of strategies and policies to detect and address racism, ableism and bias since 1999

- 3.6 Our Ministry is not a delivery agency in the care system, however as the Government's principal advisor on matters pertaining to Pacific communities, we routinely provide advice to agencies on their internal policy development. This includes advice to service delivery agencies in the care system. The AoG PWS's Capability focus area will focus on building and implementing systems and tools to enhance Government's ability to deliver culturally appropriate and non-discriminatory services and policy settings for Pacific communities. This focus area in the AoG PWS augments our ongoing delivery of policy advice to wider agencies.
- 3.7 Progressing the Capability area includes work building on tools the Ministry has developed for the public service to build cultural competency and to inform engagement approaches. The Kapasa Pacific Policy Analysis Tool is a tool for policy makers to incorporate the needs, values, aspirations, and experiences of Pacific peoples in the generic policy development process. The Yavu Pacific Engagement Tool provides guidance on how to engage with our Pacific communities in a way that is meaningful and relevant. Our Ministry actively promotes the use of these tools across government to ensure that policy and programme development and implementation appropriately consider and respond to the needs of Pacific peoples.

Extent of change in outcomes

- 3.8 This AoG PWS Performance and Improvement focus area includes the All of Government Pacific Wellbeing Outcomes Framework - with a set of 18 shared outcome areas reflecting a range of agencies' responsibilities that will be reported against moving forward. This Outcomes Framework was endorsed by the Lalanga Fou cross-agency group including Oranga Tamariki, the Ministry of Health and Ministry of Social Development. The current priority for implementing the Pacific Wellbeing Strategy is co-developing a reporting framework for the Pacific Wellbeing Outcomes Framework
- 3.9 We note beyond what is currently endorsed in the Pacific Wellbeing Outcomes Framework, there are no specific requirements to report to the Ministry on the implementation and/or effectiveness of agency-specific or Pacific-relevant strategies or where our Ministry has been consulted.

Representation of Māori, Pacific and disabled communities among staff

- 3.10 Through the AoG PWS and in our policy advice the Ministry has emphasised that a culturally responsive system, underpinned by a culturally competent workforce, is better able to respond to the diverse needs of children, families, and communities. The Ministry has actively supported initiatives that will help

enable a workforce that is culturally responsive to the needs of Pacific children, families, and communities.

- 3.11 Our policy advice has emphasised the need to partner with Pacific organisations to deliver culturally responsive and tailored services. This is reflective of our communities' desire expressed in Lalanga Fou to take leadership roles in decisions that affect their lives and, in the design, and delivery of services targeted for Pacific communities. Our advice has therefore advocated for an approach that enables Pacific communities to be involved in decisions relating to all areas of service design and delivery, particularly prevention and early intervention initiatives, to minimise the risk of having Pacific children enter the state care system.

4 Monitoring, oversight, safeguarding (I&A, AOG)

- 4.1 Monitoring and oversight is addressed in section 4 of the Ministry's NTP 441 Response.

Overview

- 4.2 The Ministry does not have formalised responsibility to monitor or review the effectiveness of Pacific-relevant strategies, policies, or interventions of other agencies related to care standards or settings. However, we do perform these activities as part of our policy advice role, and for the strategies and policies that the Ministry leads itself.
- 4.3 The new AoG PWS provides a Pacific Wellbeing Outcomes Framework and reporting process against 18 shared outcome areas across Government (including agencies with a direct role in commissioning and monitoring care settings). These outcome areas were co-defined by Pacific Community also collect significant investment or initiatives currently in place across government which are dedicated specifically to Pacific wellbeing outcomes.
- 4.4 Although agencies may consult with the Ministry on identified policy proposals relevant to Pacific communities, they are not currently required to report to the Ministry on the implementation or effectiveness of Pacific-relevant strategies. The introduction of the All-of-Government Pacific Wellbeing strategy, Pacific Employment Action Plan and Pacific Languages Strategy will establish new requirements for agencies to report on implementation and effectiveness of their related strategic work.

Monitoring of care system

- 4.5 The Ministry does not have any formal role in monitoring the care system and its outcomes for Pacific children and young people specifically. The Pacific Wellbeing Outcomes Framework in the AoG PWS presents the key outcomes for Pacific youth which the Ministry is working to measure. The key outcomes related to the care system in the Outcomes Framework are captured under the "Improved youth mental health and wellbeing" outcome area and include "If in care, quality, safe, culturally appropriate care and assisted to transition out to adulthood and independence" as well as "Pacific youth treated fairly and supportively by the youth justice system if involved in it". The other high-level outcomes include "Pacific youth confident and contributing" and "Education Improved"

- 4.6 The Ministry is aware of ongoing policy development by Oranga Tamariki and other agencies through consultation, however, does not have any proactive work programme that relates to monitoring and inspection of care settings.
- 4.7 The Ministry was consulted on the Oranga Tamariki National Care Standards and provided feedback on the standards in 2018 working with the Oranga Tamariki Pacific Panel. This advice related to each of the six recommendations put forward in the regulation. In providing feedback to Oranga Tamariki, the Ministry affirmed the need to take a holistic approach to assessing the needs of children and young people.
- 4.8 The Ministry also supplied advice to Oranga Tamariki on the development of policies relating to third-party care providers. The Ministry also has a close relationship with Oranga Tamariki and kept informed of policy development as it relates to Pacific issues and we anticipate consultation on any significant changes to pathways into care in future, particularly those that require Cabinet approval.


Data collection and record keeping

- 4.9 The Ministry has not played and does not currently play a formal role in monitoring and overseeing the collection and use of Pacific statistics across government agencies. This extends to data across care settings.
- 4.10 However, since 1990 the Ministry has worked closely with Stats NZ as the lead agency to produce reports on Pacific populations in New Zealand using government-held data. The Ministry currently provides advice on the collection and use of Pacific statistics through engagement with the Stats NZ Data Investment Working Group, Stats NZ Ethnicity Standards Review Advisory Group and the planning of the Stats NZ 2023 census.
- 4.11 The Ministry has reviewed statistics relating to care settings when providing second opinion or advice on related work. An example of this was for the Oranga Tamariki (National Care Standards) Regulations in 2018. The Ministry advised the use of Pacific data to strengthen the case for prioritising focused action for Pacific young people.

5 Funding and resources (I&A, AOG)

- 5.1 Funding is addressed in section 3 of the Ministry's NTP 441 Response.
- 5.2 Based on records of previous advice available, the Ministry has been consulted on a range of Cabinet papers relating to the provision of care. The Ministry is not proactively involved with funding policy, or funding in general at Oranga Tamariki. Again based on records, the Ministry has not had any involvement in the evaluation of funding for the care system.
- 5.3 The Ministry has had limited (but growing) involvement in monitoring funding and the use of investment for Pacific outcomes in other agencies.. Developing a greater view of investment into Pacific communities across Government is a feature of the AoG Pacific Wellbeing Strategy's performance and improvement workstream. Since 2019 the Ministry has started collecting investment information from the Lalanga Fou DCE agencies (ten agencies) on their Pacific-

specific investments. This has not to-date included investment information from Oranga Tamariki.

A handwritten signature in blue ink, appearing to be 'L. Mac Leuanae', written over a dotted line.

Signed:
Lulu Mac Leuanae

Date: 8 August 2022