

26 July 2023

D Towell
fyi-request-21854-855aca92@requests.fyi.org.nz

Tēnā koe Towell

Thank you for your email of 16 February 2023 via the FYI site to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting information about Oranga Tamariki staff raising concerns about Section 17, the effect of overseas adoption, in the Adoption Act 1955. Your request has been considered under the Official Information Act 1982 (the Act). I apologise for the delay in responding.

I have addressed each of your questions below.

Copies of any reports, emails or other written documentation, written in the last 10 years by OT staff raising concerns about Section 17, the effect of overseas adoption, in the Adoption Act 1955.

Copies of any reports, emails or other written documentation, co-authored in the last 10 years by OT staff, along with any other agencies, raising concerns about Section 17, the effect of overseas adoption, in the Adoption Act 1955.

Please find attached as Appendix A documents identified within scope of your request. Some information has been withheld under the following sections:

- section 6(c) of the Act to protect the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial,
- section 6(a) of the Act where the making available of this information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand,
- section 9(2)(h) of the Act, to maintain legal professional privilege,
- section 9(2)(f)(iv) of the Act which protect the confidentiality of advice tendered, and
- section 9(2)(a) of the Act where the withholding of the information is necessary to protect the privacy of natural persons.

In accordance with section 9(1) of the OIA, we have also considered countervailing public interest relating to the release of the information, including transparency and accountability. In this case we do not think that the public interest outweighs the withholding grounds.

There is one document titled Pacific Adoptions – Impact of COVID-19 on Border Movements being withheld in full under section 6(a) of the Act where the making available of this information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

In how many instances in the last 10 years have OT staff identified concerns about the welfare of children adopted overseas, and recognised as adopted by NZ authorities under section 17 of the Adoption Act 1955?

For these, please break down how many relate to concerns about physical; mental; and/or sexual abuse, and the home country of these children.

How many referrals have been made by OT regarding the safety of children adopted under the Adoption Act 1955 to other NZ agencies?

How many overseas children, recognised as adopted by NZ authorities under section 17 of the Adoption Act 1955, have been repatriated to their home country by OT in the last 10 years. And to which country have these children been repatriated.

Oranga Tamariki do not hold the data you have requested in a format that is accessible electronically and would require staff to manually search through individual files which would require significant time and resource and would take staff away from operational priorities. Therefore, we are refusing this part of your request under section 18(f) of the Act, as the information cannot be made available without substantial collation or research.

Copies of any referrals or reports made to other NZ agencies raising concerns about children recognised as adopted under section 17 of the Adoption Act 1955.

There is one document titled Children Across Borders – Problem Definition Paper within the scope of this request. This information is legally privileged, and we are therefore withholding this document in full under section 9(2)(h) where the withholding of this information is necessary to maintain legal professional privilege and the interest is not outweighed by other considerations which render it desirable, in the public interest, to make the information available.

I trust the information provided is useful. I encourage you to raise any concerns about the response with OIA_Requests@ot.govt.nz. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman by contacting them on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'Rachel Leota', written in a cursive style.

Rachel Leota
Deputy Chief Executive
Service Delivery