

SENSITIVE

Office of the Minister for Social Development and Employment

Office of the Minister for Child Poverty Reduction

Cabinet

Government Response to the *Public Inquiry into the Disappearance of the Phillips Children*

Proposal

1. This paper seeks approval of the Government Response to the *Public Inquiry into the Disappearance of the Phillips Children* (the Inquiry).

Relation to government priorities

2. The Government Response supports the Government's priorities of strengthening the systems responsible for protecting children from abuse, neglect, and harm as part of broader work to deliver better public services for New Zealanders and restoring law and order.
3. The proposals relate to the Government's response to the third priority (preventing child harm) in the Child and Youth Strategy 2024-2027, the Poutasi Review¹, recommendation 88 of the Royal Commission of Inquiry into Abuse in Care² (the Royal Commission), the Oranga Tamariki System Action Plan, Te Aorerekura³ Action Plan, the Performance Improvement Review of the New Zealand Police (Police), and reforms relating to firearms licensing and public safety.

Executive Summary

4. The prolonged disappearance⁴ of the Phillips children was an exceptional circumstance that attracted widespread public and media attention in New Zealand and overseas.
5. At the heart of this matter are the children who lived for almost four years in isolation from family, community and wider society, in squalid conditions that deprived them of the experiences, relationships, and opportunities that New Zealanders would regard as fundamental to a happy and healthy childhood.
6. A theme of isolation and alienation runs through the case. These tactics appeared when Phillips removed the children from school and during the first disappearance. They were used to undermine family relationships and restrict the children's connections with others.

¹ Dame Karen Poutasi's Review of the children's sector, dated 23 November 2022

² That the government should take all practicable steps to ensure the ongoing safety of children, young people, and adults in care at Gloriavale.

³ The National Strategy to Eliminate Family Violence and Sexual Violence

⁴ The first disappearance occurred in September 2021 and lasted 18 days. The second began in December 2021 and continued for almost four years until the children were recovered in September 2025.

7. Following the recovery of the children in 2025, the Government commissioned Simon Moore KC to conduct a Public Inquiry into the role government agencies played, and could have played, before and during the children's disappearances.⁵
8. The Inquiry highlights that significant opportunities were missed, particularly between the disappearances. The harm caused by Phillips isolating the children from family, friends and society was minimised, as were concerns of the maternal whānau. More could have been done to mitigate the risk of the children being taken away and to recover them earlier.
9. These children, the conditions they were living in, and the risks this posed to them should have been at the centre of decision-making for agencies. However, it should not be overlooked that those connected to the efforts to recover the children were deeply concerned about their welfare and dedicated significant amounts of time and energy to their recovery.
10. I propose that we acknowledge the Inquiry's findings, accept all its recommendations, and agree a plan setting out 20 actions in response.

Scope of the Inquiry

11. The Inquiry was asked to consider whether agencies took all practicable steps to protect the children's safety and welfare (including steps to prevent the children's disappearance) and whether they responded appropriately and in a timely way to locate the children once they had disappeared.
12. The Inquiry was tightly focused on the actions of government agencies, rather than to examine all circumstances surrounding the case.⁶ It was expected to conduct the investigation and reporting in a way that did not further threaten the privacy and welfare of the children.
13. The Inquiry delivered its final report on 21 July 2026. In August 2026, the Prime Minister directed me to lead development of the Government Response. This aligns with my broader responsibilities for strengthening child wellbeing and system oversight.

Overview of the findings of the Inquiry

14. The Inquiry made 41 findings – 16 for Police, 13 for Oranga Tamariki, five in relation to firearms, four for the New Zealand Defence Force (NZDF), and three for the Ministry of Education (MOE)⁷ – and nine detailed recommendations – three for Oranga Tamariki, one for Police, one in relation to firearms⁸, two for NZDF, and two for MOE.

⁵ The Governor-General established the Inquiry on 27 November 2025 by notice published in the New Zealand Gazette.

⁶ The inquiry was not to inquire into government agency involvement with the children after they were located on 8 September 2025, and was expected and directed to respect the independence of the courts and not comment on or inquire into judicial decisions concerning the children, including suppression orders made in respect of the children.

⁷ Including one joint with the Education Review Office.

⁸ Responsibility for implementing the firearms recommendation will transfer to Firearms Safety and Education New Zealand.

15. I consider the Inquiry to be a thorough, balanced, and thoughtful examination of a complex case. While the Inquiry recognises that at least some of its findings are made with the great benefit of hindsight, it finds that agencies did not take all practicable steps to protect the children and could have taken some steps earlier. The inquiry identified two critical themes:
 - 15.1. The harm caused by Tom Phillips isolating the children from family, friends and society was underplayed or overlooked by agencies for significant periods. So too were concerns of the maternal whānau, which were often minimised as being part of a parenting dispute.
 - 15.2. A more consistent and collaborative interagency approach could have prevented the children's disappearance and brought them back sooner.
16. At the same time, the Inquiry appropriately recognised the exceptional dedication and courage of many individuals, positive and commendable actions of agencies, the isolation and remoteness of the Marokopa Valley, the complexity of the environment, and the elevated risk that agencies faced.

Agencies missed opportunities to intervene after the first disappearance

17. Had Police and Oranga Tamariki worked more closely and collaboratively after the first disappearance, the taking of the children by Tom Phillips a second time could have been prevented or, at least, made more difficult.
18. Following the first disappearance, Police held information indicating Phillips posed a risk to his children's welfare. They considered Phillips had staged his and the children's deaths in leaving his ute on the beach and were concerned he might take the children away again. Police reviewed and ultimately revoked his firearms licence, citing concerns about his mental health, willingness to place his children's wellbeing at risk, significant alcohol use (including references to alcoholism in family harm reports), the condition of his living environment, and two earlier allegations of insecure firearm storage.
19. Not all this information was provided to Oranga Tamariki. Police's report of concern to Oranga Tamariki at this stage was commendable, but Police should have ensured all information was provided and critical discussions were ongoing.
20. Around the same time, maternal family members repeatedly raised concerns with Oranga Tamariki and with Police. They provided further information to Oranga Tamariki, including a sister's affidavit account of what the Inquiry describes as "controlling and abusive" behaviour from Phillips. It appears no one read this affidavit. Despite receiving this information, Oranga Tamariki proceeded to inform the Family Court that the children were "completely fine." It should also have included the concerns of the maternal family and Police.
21. Oranga Tamariki did not take all practicable steps to fully understand Police's concerns, did not take reasonable steps to understand the concerns of the maternal whānau, should have more carefully considered Tom Phillips' mental health, and could have better advised the Family Court.

22. MOE should have required more information on Phillips' applications for home education, and MOE and the Education Review Office should have reviewed his applications for home education after the first disappearance.
23. Regarding firearms, the Police did not take all practicable steps to respond to allegations by Phillips' former spouse, should have served his suspension notice sooner (and identified and seized firearms on suspension), and should have considered his access to other firearms in the home where he and the children were to reside.

Agencies missed opportunities that could have led to the children's earlier recovery

24. Police applied extensive resources and investigative skill, in trying to locate the children, but should have taken some steps much earlier.
25. Police should have identified the serious risk to the welfare of the children from the time they were taken, based on the information they held. A more proactive investigation strategy should have been developed including a Police-led multi-agency response, and more Criminal Investigative Branch staff should have been involved from the beginning.
26. There were also avoidable delays in identifying some specific information that could have led to locating the children sooner. There were delays in responding to a sighting in May 2023, and in identifying Phillips as the offender in an aggravated robbery that month. Police should also have sought surveillance device warrants before August 2023, and made earlier use of intersection/road cameras.
27. Meanwhile, Oranga Tamariki continued to minimise the concerns of the children's sisters and should have treated the children's second disappearance as a risk of harm from the outset. Oranga Tamariki should not have closed a report of concern in February 2022, should have informed Police of the risk to the children and had ongoing contact, and missed an opportunity for engagement with the Family Court.
28. From August 2023 to September 2025 Oranga Tamariki took appropriate steps to prioritise the welfare of the children. Its efforts to protect the children's privacy and welfare were commendable, its careful planning and contribution were instrumental to their safe recovery on 8 September 2025.
29. Where the NZDF accepted requests, it provided exemplary support. While acknowledging NZDF's constitutional role, NZDF should have communicated better with Police, and could have encouraged establishing a multi-agency working group. NZDF capabilities could have been utilised more fully and earlier to help in finding the children.

Lessons from the Inquiry's Findings

30. While the specific circumstances of these events are novel, it is sobering that many of the themes identified by the Inquiry are not new. Previous reviews and inquiries have raised similar issues, often in the context of situations where children were not adequately protected from harm. The persistence of these issues highlights the need for sustained action.

31. The lessons of the Inquiry will only have value if they result in enduring change. Legislative and policy reform remain an important consideration, but lasting improvements also depend on leadership, sound practice, accountability, and a culture of continuous improvement across agencies.
32. The Inquiry's nine recommendations cover improvements to Police policies and practice regarding reports of concerns, improved reporting to the Family Court, building the lessons of the Inquiry into Oranga Tamariki policy and practice, requiring additional information regarding home education applications and the consent of all guardians to these applications, planning for operations involving the NZDF, and improvements to responses to firearms safety concerns.

Children's wellbeing must consistently be at the centre of decision-making

33. While this case arose from an exceptional set of circumstances, the principle of putting children's wellbeing first always applies. New Zealanders expect agencies to ensure the safety and wellbeing of New Zealand's children by working together, sharing information, and acting when concerns arise. On several occasions, these expectations were not met.

Children are safest when agencies work together early around the child, not within organisational silos

34. The Inquiry concluded that if agencies had at various times communicated and coordinated more, the children's welfare would have been better protected.
35. This provides an important learning opportunity to strengthen how agencies work together across organisational boundaries to provide timely support for children and their families, before issues can escalate further.
36. It reinforces a key lesson from the Poutasi Review: no single agency can keep children safe on its own. Protecting children is a collective responsibility that requires agencies to work together around the needs of the child, rather than within organisational silos. This works well when agencies have clear roles, effective coordination mechanisms, and decision-making settings that support information sharing and collaboration as a matter of course. In this case, these were not all in place.
37. I expect all agencies to respond to concerns for children with urgency and purpose, and to operate in lockstep. They must share relevant information, test and connect concerns, agree ownership and escalation, and take timely, coordinated action. Implementing the recommendations is only the starting point; agencies are expected to go further, embedding the changes necessary to achieve enduring improvements and stronger performance.

Agencies should recognise the harm to children posed by parental isolation, exclusion and alienation

38. The impacts of parental isolation, exclusion, or alienation were not consistently recognised. Concerns raised by the maternal family in relation to this were minimised as part of a parenting dispute. This meant that the children's prolonged time in the bush in squalid conditions during the second

disappearance was not consistently considered within the context of a pattern of isolation and alienation that could impact on the children's wellbeing.

Government Response Action Plan

39. I propose that the Government will acknowledge the Inquiry's findings, accept all its recommendations, and implement them through a coordinated cross-agency programme of work that builds on work already underway.

The Government is actively driving reform across many of the areas highlighted by the Inquiry and has already delivered substantial improvements

40. This Government continues to advance significant work to strengthen child protection and address family violence since this case first came to light. This work addresses issues raised by the Inquiry and in some cases goes further. The Government is committed to protecting children and young people, responding to risk earlier, and ensuring they are supported to thrive.
41. I am advancing important reforms arising from the Poutasi Review and Recommendation 88 of the Royal Commission to strengthen protections for children and young people. The Government has already taken decisions to strengthen children's worker safety checking requirements and child protection policies.
42. Mandatory training for core children's workers to better identify and respond to abuse and neglect is currently being rolled out in phases. It is expected to improve the quality of reports of concern and the flow of information to Oranga Tamariki, as well as improving overall cross-agency information sharing. These actions will help identify risk earlier, support earlier intervention, and better protect children from harm.
43. While mandatory training is being rolled out, policy work on the next tranche of changes towards introduction of a mandatory reporting regime is due to be considered by Cabinet in 2027.
44. Through Te Aorerekura, the Government is improving agency and sector coordination, strengthening multi-agency responses, and supporting initiatives to improve the safety and wellbeing of children and families.
45. The Government is actively delivering an important programme of firearms reform to reduce firearms-related risk and strengthen public safety. These changes make it harder for high-risk individuals to access firearms, improve the identification and management of risk, and support earlier action when concerns arise. They go beyond the Inquiry's recommendations and deliver stronger protections against firearms-related harm.
46. The Government is actively driving significant reforms to homeschooling settings, with this work underway well before the Inquiry reported. Building trust and maintaining strong relationships with the homeschooling community remains critical to protecting homeschooled students, and MOE is well progressed in engagement with the sector. The work underway creates an opportunity to consider those recommendations not covered by the existing reform programme, ensuring the Inquiry's findings are fully reflected.

47. Under this Government, agencies have also improved frontline practice in ways that directly respond to several of the Inquiry's findings and recommendations:
 - 47.1. Oranga Tamariki has implemented significant changes to its practice framework, assessment tools, workforce guidance, quality assurance processes, and staff training, including unconscious bias training.
 - 47.2. Police is strengthening resourcing, senior oversight and case-management arrangements for prolonged and complex investigations.⁹ A new Case Management Policy and supporting reporting framework also strengthen case ownership, supervision, escalation, risk visibility and accountability for case and victim outcomes.
 - 47.3. Police, Oranga Tamariki and Health New Zealand are refreshing the Child Protection Protocol, which clarifies agency responsibilities, and strengthens coordination and information sharing.

The Government's expectation is clear: agencies must sustain progress and deliver results that meet New Zealanders' expectations to keep children safe

48. New Zealanders rightly expect public services that keep children safe, and the Government's expectations are clear: agencies must continue to lift their practice to meet those expectations.
49. The Action Plan attached as **Annex One** presents the 41 findings and nine recommendations (in summarised form), and 20 actions that agencies have committed to in response to those findings and recommendations.
50. Key actions include:
 - 50.1. Oranga Tamariki embedding guidance on identifying and responding to exclusion, isolation, and alienation behaviours within its practice;
 - 50.2. Police and NZDF amending their Memorandum of Understanding to clarify that, where practicable, interagency planning should occur before a formal request for support is made;
 - 50.3. Police reviewing policies and practices to clarify that information supporting a firearms suspension notice, where it relates to child safety concerns, should also be included in a Report of Concern;
 - 50.4. Police strengthening policies and practices to support the ongoing and regular disclosure of relevant information between agencies;
 - 50.5. Oranga Tamariki strengthening Family Court report writing by updating guidance to ensure staff provide the Court with information on all matters relating to child safety and wellbeing;
 - 50.6. MOE changing the application process for exemptions from enrolment for the 2027 schooling year to request consent from both parents and/or guardians; and

⁹ This includes senior oversight by Territorial Detective Superintendents, flexible access to additional resources, national deployment of specialist capability, and baseline contingency funding for major operations and complex criminal matters.

- 50.7. placing expectations on New Zealand's new independent firearms regulator, Firearms Safety and Education New Zealand, that it put in place operational guidance reflecting the findings and recommendations of the Inquiry when it starts operating from 23 September 2026.

Further work may be needed to fully realize the broader opportunities and lessons highlighted by the Inquiry

51. The Inquiry raises a question of how far current training and improved reporting will go in responding to the broader opportunities the Inquiry highlights around cross-agency information sharing and collaboration.
52. I will direct officials to report back to the Child and Youth Ministers Group on whether further action is required and, if so, provide options to ensure issues raised by this Inquiry are covered in workforce training and guidance. This work will be undertaken at pace and aligned with existing training rollout timeframes.
53. I expect agencies to collaborate across organisational boundaries and demonstrate an ongoing commitment to identifying, capturing, and embedding lessons from operational experience, reviews, and inquiries. Learning should be shared across the system and translated into policies, processes, and practice to support continuous improvement and enduring capability.

Strong implementation and oversight will be required to deliver lasting change

54. Identifying the arrangements for ensuring timely, effective delivery of cross-Government work programmes and maintaining the overall response is critical to driving the change Ministers expect.
55. I have considered the characteristics of this response, including the involvement of multiple agencies and the highly public nature of this work programme, and recommend using existing social sector governance mechanisms for the monitoring and implementation.
56. This would mean that reporting will mirror that for the response to the Poutasi review and utilise the same reporting timeframes, meetings and approaches.
57. As chair of the Child and Youth Ministers Group I will be the Lead Minister for oversight of implementation and ongoing monitoring of the Government Response.
58. I have asked that agencies, through the Chief Executive of the Ministry of Social Development as the lead Chief Executive, report to Child and Youth Ministers on progress against the Action Plan in the first week of each month starting from October 2026.

Cost-of-living Implications

59. The Government Response does not have direct cost-of-living implications.

Financial Implications

60. The Government Response does not have direct financial implications. If there were future changes that required substantive new policy or legislative,

then any funding requirements would be considered through future Budget processes or the subject of separate advice to Cabinet.

Legislative Implications

61. The proposals in this paper do not have direct legislative implications, but several recommendations are relevant to legislative reform already underway, including work arising from the Poutasi Review and the Royal Commission. Other recommendations may give rise to future legislative proposals as implementation planning progresses.

Impact Analysis

62. No legislative or regulatory proposals arise directly from this paper. Accordingly, the requirements relating to Regulatory Analysis Summaries do not apply. The proposals also do not have direct climate implications.

Population Implications

63. The Response is intended to strengthen the protection, safety, and wellbeing of children and young people (particularly those experiencing vulnerability, elevated risk, or complex family circumstances) by improving risk identification, information sharing, and cross-agency responses.
64. Some issues highlighted by the Inquiry, including isolation, alienation, and family violence dynamics, have gendered impacts. Strengthening agencies' ability to identify and respond to these risks has the potential to improve outcomes for affected women, children, and families.

Human Rights

65. No inconsistencies have been identified with the New Zealand Bill of Rights Act 1990, Human Rights Act 1993, or New Zealand's obligations under the United Nations Convention on the Rights of the Child.

Consultation

66. This paper was developed by the Ministry of Social Development. Crown Law, Oranga Tamariki, Police, MoE, Ministry of Justice, the NZDF and the Public Service Commission were consulted in the development of the Government Response. The Department of the Prime Minister and Cabinet was informed.

Communications

67. The Attorney-General intends to table the final Inquiry report on 15 September 2026. I propose to release the Government Response on the same day.
68. A communications plan is being prepared to support the release of the Inquiry report and the announcement of the Government Response.

Recommendations

The Minister for Social Development and Employment and Minister for Child Poverty Reduction recommends that Cabinet:

1. note that the Public Inquiry into the Disappearance of the Phillips Children delivered its final report to the Governor-General on 21 July 2026;

S E N S I T I V E

2. note that on 17 August 2026 the Prime Minister directed the Minister for Social Development and Employment to lead development of the Government Response to the Inquiry;
3. note that the Attorney-General is required to present the final Inquiry report to the House of Representatives as soon as practicable, and the Government Response will be announced the same day;
4. note that this Cabinet paper (and annex) outlines the Government Response to the Inquiry's findings and recommendations;
5. agree the Cabinet paper (and annex) will be released at the same time the Inquiry is tabled;
6. agree that the Government acknowledges all findings and accepts all recommendations of the Inquiry;
7. agree to the actions in response to the findings and recommendations of the Inquiry as set out in Annex One (as the Government Response Action Plan);
8. agree that monitoring and reporting arrangements for the Government Response mirror those of the response to Dame Karen Poutasi's review of the children's system, with reporting on the first week of every month starting from October 2026;
9. direct officials to report back to the Child and Youth Ministers Group on whether further action is required to improve cross-agency information sharing and collaboration and, if so, provide options to ensure issues raised by the Inquiry are covered in workforce training and guidance;
10. direct relevant agencies to implement the Government Response through a coordinated cross-agency work programme;
11. invite responsible Ministers to bring any policy or legislative proposals required to implement the Government Response to Cabinet.

Authorised for lodgement

Hon Louise Upston

Minister for Social Development and Employment

Minister for Child Poverty Reduction

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