

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY  
MĀORI HEARING**

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**Under** The Inquiries Act 2013

**In the matter of** The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

**Royal Commission:** Ms Julia Steenson  
Dr Anaru Erueti  
Mr Paul Gibson  
Judge Coral Shaw  
Ali'imuumua Sandra Alofivae

**Counsel:** Ms Julia Spelman, Mr Kingi Snelgar, Mr Wiremu Rikihana,  
Mr Luke Claasen, Ms Maia Wikaira, Ms Alisha Castle,  
Ms Tracey Norton, Ms Season-Mary Downs,  
Ms Alana Thomas, Mr Winston McCarthy,  
Mr Simon Mount QC,  
Ms Kerryn Beaton QC for the Royal Commission  
Ms Melanie Baker, Ms Julia White

and

Mr Max Clarke-Parker for the Crown  
Mr James Meagher for the Catholic Church  
Ms Fiona Guy Kidd for the Anglican Church  
Ms Sonya Cooper,  
Ms Amanda Hill as other counsel attending

**Venue:** Ngāti Whātua Ōrākei Tumutumuwhenua Marae  
59b Kitemoana Road  
Ōrākei  
AUCKLAND

**Date:** 7 March 2022

## OPENING SUBMISSIONS BY THE CROWN

**MS BAKER:** Ko Taranaki tōku maunga, ko Mimihau tōku awa, ko Tokomaru tōku waka, ko Ngāti Mutunga me Ngāti Tama ōku iwi, ko Urenui tōku marae. Ko Dorothy rāua ko Neville Baker ōku mātua. I am Melaine Baker ahau. Ko au te rōia mō te Karauna. Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

[English: Greetings. Taranaki is my mountain, Mimihau is my river, Tokomaru is my waka, Ngāti Mutunga and Ngāti Tama are my iwi, Urenui is my marae, Dorothy and Neville Baker are my parents, I am Melanie Baker. I am counsel for the Crown and so greetings, greetings, greetings.]

E mihi ana ki a koutou ngā Kaikōmihana mō tēnei aheinga. Ki te wāhi i ngā kōrero ō tēnei hui whakarewa i ngā wheako Māori. E pā ana ki ngā mahi tūkino i a rātou e noho ana i roto i ngā manaakitanga a te Karauna. Kei ngā mōrehu, e mihi ana ki tō koutou kaha, me tō koutou māia, ki te tū mai, ki te kōrero i ō koutou wheako ki te Kōmihana.

[English: On behalf of the Crown, thank you to the Commissioners for this opportunity to make an opening statement for this hearing into the Māori experience of abuse in State and faith-based care. To the survivors, I would like to acknowledge your courage and your strength in coming forward to tell, speak about your experiences to the Royal Commission.]

Ka mihi anō hoki ki ngā rāngai mōrehu me ō koutou whānau, kaitautoko hoki i noho hei taituarā mō koutou. Ko te aronga whānui a te Karauna ki ngā whakaritenga o te Kōmihana, he whakarongo me te ako, mai i a koutou ngā mōrehu, ō koutou hāpori me ngā kaiārahi e pā ana ki ō koutou wheako i roto i ngā pūnaha manaaki a te Kāwanatanga. Ahakoa i roto ngā whakaritenga o te Tari o te Ora, Mātauranga, Hauora me te whaikaha hoki rānei

So I acknowledge the work of the survivor groups and your whānau and supporters who have stood with you. The Crown's approach to the Royal Commission of Inquiry overall is to listen and learn from you, the survivors, your communities and leaders, about your experiences within the State care system, be it in Social Welfare, Education, or Health and Disability settings.

E mārama ana te Karauna ki te mana o te reo. He aheitanga tēnei uiui me tēnei hui ki te pōhiri i tēnei wahanga taumaha o te hītori i tō tātou motu. Kotahi mahi, he noho, he māngai mō ngā pokapū Karauna ka whai wāhi mai ki tēnei hui whakawā. Ko ngā pokapū ka tāpiri mai ko Te Manatū Whakahiato Ora, Oranga Tamariki, Te Manatū Hauora, Te Tāhūhū o te Mātauranga, Ngā Pirihimana o Aotearoa me Te Puni Kōkiri.

1 [English: The Crown acknowledges, recognises the paramount importance of your  
2 voice. The Inquiry and this hearing are an important opportunity for the Crown to confront  
3 a very difficult part of our history as a nation. My role is to represent the Crown agencies  
4 who engage with this hearing. These agencies include the Ministry of Social Development,  
5 Oranga Tamariki, the Ministry of Health, the Ministry of Education, the New Zealand  
6 Police, and Te Puni Kōkiri.]

7 Kei konei hoki ngā māngai mai i ēnei pokapū huhua e whakarongo ana ki ngā  
8 kōrero. Arā noa atu te nui o ngā tari Kāwanatanga ka hono mai ki te whakarongo mā te  
9 tuku arorangi.

10 Representatives of many of these agencies will also be present to listen to the  
11 kōrero. Many other Government agencies will be listening through the livestream.]

12 Kei tēnei hui hoki ngā māngai mai i te Karauna whakarata. Hei whakahaere i ngā  
13 tikanga a te Karauna i roto i tēnei uiui. Āpiti atu ki te noho a te Karauna whakarata, he āta  
14 whakarite i te āheinga, e whai wāhi atu ki ngā kōrero o mua, ā, me te wāhi mai o ngā  
15 pokapū Kāwanatanga ki te tautoko mai i te Karauna.

16 [English: Also present at this hearing are representatives from the Crown response  
17 overseeing the overall Crown response to the Inquiry. The Crown response's role includes  
18 ensuring that the Royal Commission has access to the historical information and other  
19 support it needs from State agencies.]

20 Kei te kaha tautoko ahau i ngā mihi ki te taha o te Karauna, i te uiui whawhati tata a  
21 Te Rōpū Whakamana i te Tiriti o Waitangi. Arā, e whakaata ana i ngā take e whiriwhiritia  
22 nei e mātou mohoa nei. Kotahi atu te aro o ngā uiui ki ngā take pāhikahika, arā i te nui o  
23 ngā tamariki kei roto i te pūnaha manaaki. Ka mutu, e arotahi ana ki te wā, mai i te tau  
24 2015, haere ake nei.

25 [English: I wish to reinforce the acknowledgments made on behalf of the Crown at  
26 the recent Waitangi Tribunal Oranga Tamariki urgent inquiry which reflects issues that we  
27 are grappling with to this day. That inquiry addressed claims concerning the  
28 disproportionate number of Māori children in the Care and Protection system with a focus  
29 on the period from 2015 onwards as part of it.]

30 Āpiti atu ki tēnei, e whāki ana te Karauna, kāore mātou i aro ake ki ngā whakaaro  
31 Māori ki ngā rongoā, ki ngā pae o te pūnaha manaaki. I te tau 1986, ka puta te rīpoata o  
32 Pūao Te Ata Tū ki mua i te aroaro o te Karauna, i Te Rōpū Whakamana i te Tiriti o  
33 Waitangi. I whakaae te Karauna ki tō rātou ngoikoretanga ki te whakaō i ngā whakahau ki  
34 te taumata e tika ana. Nā taua hapa, i mate ai ko ngā hua mō ngā tamariki Māori, whānau,

1 hapū, iwi hoki. Nā tēnei āhua, kāore te Māori i whakaponono ki te Karauna, tae noa ki te  
2 angitū o te Karauna ki te whakatikatika i ngā whāwhārua.

3 [English: The Crown acknowledged that historically Māori perspectives and  
4 solutions have been ignored across the Care and Protection system. In the year 1986 the  
5 Crown received a landmark report Puaō-Te-Ata-Tu. At the Waitangi Tribunal the Crown  
6 acknowledged the failure to fully implement the report's recommendations in a  
7 comprehensive and sustained manner. That failure has impacted outcomes for Māori  
8 children, whānau, hapū, and iwi. It has undermined Māori trust and confidence in the  
9 Crown and confidence in the Crown's willingness and ability to address disparities.]

10 E whakaae ana te Karauna i te whakaaro, he kaikiri te āhua o ngā whēkau o te  
11 pūnaha manaaki, ā, ka mate ko ngā tamariki Māori whānau, hapū, iwi hoki. Nā wai, nā wai,  
12 nā ngā ture kaupapa here me ngā pūnaha i tino wehe ai te whanaungatanga i waenganui i te  
13 iwi Māori me te Karauna.

14 [English: The Crown also conceded that structural racism is a feature of the Care  
15 and Protection system which has had adverse effects for Māori children, whānau, hapū, and  
16 iwi. This has resulted from a series of legislative policy and system settings over time and  
17 has detrimentally impacted the relationship between Māori and the Crown.]

18 I tua atu i tēnei, ahakoa he hārahiraki te āhua o ngā kōrero i kohia i ngā rā o mua, ā,  
19 tae noa ki ngā tikanga mauhanga, tuakiri tangata rerekē i roto i ngā tau. E mārāma ana te  
20 kitea nō waenganui i te rau tau 90 te iwi Māori e noho pāhikahika ana i roto i ngā  
21 tatauranga, ā, kua rongohoki te utu o ngā mati nei. E rongohia tonu ana ngā iwi, hapū me ngā  
22 whānau i ngā mati moroki kua whakairohia ki te ngākau.

23 [English: Further, I wish to observe that while the historic data is patchy and the  
24 practises for recording ethnicity varied between institutions and over time, it is clear that at  
25 least from the mid-20th century, Māori have been disproportionately over-represented in  
26 care and experienced a range of damaging outcomes. The ongoing effect of historical  
27 injustices on iwi, hapū, and whānau continue to cast a long shadow.]

28 I whati te Karauna i te uiui whawhati tata a Te Rōpū Whakamana i te Tiriti o  
29 Waitangi. Tekau pāhikahika o ngā tamariki Māori e urumia te nohoanga i te pūnaha  
30 manaaki. Kāore te Karauna i whakaae ki ēnei āhuatanga. E whakaae ana te Karauna me  
31 pūmau tana noho ki te whakatika i tēnei torete. Kia eke ki tā te Tiriti o Waitangi i  
32 whakahau ai.

33 [English: The Crown acknowledged in the Waitangi Tribunal the urgent inquiry that  
34 the disproportionate number of Māori children entering and remaining in care is

1 undesirable and unacceptable and accepts Te Tiriti o Waitangi requires the Crown to take  
2 all reasonable steps to address this inequity.]

3 Kua oti he rīpoata motuhake e Ihi Research i runga i te whakahau a te Karauna  
4 whakarata. Hei taunaki i tēnei whakatewhatewha. Ko te whakaaro ia, kāore i tua atu i tēnei  
5 rīpoata mō te arotake i ngā wheako Māori mō te manaaki a te Kāwana, He whānui atu ngā  
6 kōrero tautoko me ngā whakakitenga a ngā kaimahi i roto i te pūnaha, e whakamana nei i  
7 ngā whakataunga kua kōrero kētia e au. Ka matapaki anō hoki te rangahau nei i te  
8 whānuitanga o tēnei kaupapa me ōna take huahua. He mea nui tēnei rīpoata, e mātai ana i te  
9 wheako o te hunga i whakawhiua e ngā kaupapa here, i whakamātautia e te Karauna i roto i  
10 ngā tau.

11 [English: An independent report commissioned by the Crown response has been  
12 completed by Ihi Research to assist this investigation. This report, understood to be the  
13 most comprehensive study ever of Māori experience in State care, provides detailed  
14 evidence, including observations from people working in the system that validates the  
15 broad conclusions I have described. The research also discusses the broader context and  
16 the factors contributing. The report is a valuable insight into the experience of those most  
17 affected by the Crown's approach and policies over time.]

18 Ko ō mātou tūmanako, mā tēnei hui, e rewa ake ai he tūāpapa mō ngā mōrehu ki te  
19 kōrero i ō rātou ake pono, e huri ai te tai. Ka āta whakarongo te Karauna. E mārama ana  
20 mātou ki te nui o tēnei uiui me te mana nui o te Kōmihana ki te wherawhera i ngā kōrero i  
21 raru ai ngā tamariki, taiohi me ngā rangatahi pōpori. Inā rā, he nui tonu ngā Māori e tiakina  
22 ana i te Kāwana me ngā hāhi o Aotearoa.

23 [English: We are hopeful that this hearing will be a platform for survivors to tell  
24 their truth and can be the start of meaningful change. The Crown will be listening  
25 carefully. We acknowledge the significance of this Inquiry and the Royal Commission's  
26 dedication to uncovering what happened to children, young people and vulnerable adults,  
27 many of whom are Māori in State and faith-based care in Aotearoa.]

28 Ko te rīpoata tārewa a te Kōmihana mō te whakaora, arā He Purapura Ora, he Māra  
29 Tipu. Hei tohu i ētahi tikanga e pai ake ai te whakamātau i ngā mahi. Ko ngā kōrero o ngā  
30 mōrehu kei te whakahau i ngā tikanga e pai ake ai ngā pūnaha Kawana ki te aukati i ngā  
31 mahi tūkinohia me te whakarite hoki he huarangi e whakaea i ngā whakaaro o te hunga i  
32 tūkinotia. E oti ana mātou ki te noho pūmau ki ngā mōrehu me te whakarerekē i te āhua o  
33 ngā mahi. (inaudible) hui o mua, kāre te Karauna e rapu ki te uiui i ngā mōrehu me te tuku  
34 pātai ki ngā mōrehu mā ngā rōia.

1 [English: The Royal Commission's interim redress report He Purapura Ora, he Māra  
2 Tipu shows us ways of how things could be done better. Survivor stories are informing  
3 change to improve Government systems to prevent further abuse and to provide an  
4 opportunity for redress to those who have suffered abuse. We are committed to being held  
5 to account by survivors and to changing the way things are done. As for previous hearings,  
6 the Crown will not be seeking to question any survivor witnesses, nor to have any questions  
7 put to survivor witnesses through Counsel Assisting.]

8 Hei whakakapi i tēnei kōrero wāhi, ka mahara ake ahau mō te whakataukī e whai  
9 ake nei. Hei whakamana, hei kōkiri hoki i te matū o ngā whakaaro o te Karauna i roto i  
10 tēnei hui. “Whakapuakihia tō reo ngū, whakamahua te mamae, whakaorahia tērā i ngaro,  
11 mai i te pō uriuri ki te ao mārama. Me tū pakari, mārohirohi me ngā ngākau titikaha. Tīhei  
12 Mauri ora!”

13 [English: To complete this opening statement, I would like to reflect on the  
14 following whakatauki to reinforce and convey the essence of the Crown's aspirations for  
15 this hearing. "Speak what has been silent, heal what has been hurt, restore what has been  
16 lost, from the dark to the light. Let us all be strong, stand brave and steadfast. Behold the  
17 breath of life".]

18 (Waiata: ) Tau nei te ...urungia te whakapai. Mā te whakarongo me te ako, ka huri,  
19 ka huri te tai. Titiro atu whakamuri. Ngā akoranga o reira, ka tae ki ngā rangi tūhāhā,  
20 kōkiri, kōkiri whakamua. Mā te kimi ka kitea. Mā te kite ka mōhio. Mā te mōhio ka  
21 mārama. He waka, he waka eke noa.

22 [English: Return, return the tides, we look to the past, to the lessons of that time  
23 (inaudible), to the highest heavens, advance and move forward. Through searching we will  
24 find and through seeing we will know and through knowing we will understand that we are  
25 all in this together.]

26 **COMMISSIONER STEENSON:** Tēnā koe miss Baker and thank you. Thank you for advising  
27 the Crown's committed to being held to account. I understand that our Chair would like to  
28 make a comment, can we?

29 **COMMISSIONER SHAW:** Yes, kia ora koutou. Kia ora, Melanie. The mention that you are  
30 the daughter of Neville Baker means that we cannot let this moment pass without  
31 acknowledging him. Neville, we note his sad passing last year was a huge loss, I'm sure to  
32 his whānau, but to us as well. And it's important to note because the name has already been  
33 mentioned several times by Ms Spelman and yourself, Pūao-Te-Ata-Tu. Neville was a  
34 member of that extremely important work, was proud of it, grieved the loss of its

1 implementation in full, and then hurihuri, he turned and came to us almost as an end point  
2 in his journey for justice for young people in care.

3 So, Neville Baker, for those who don't know, was a foundation member of the Te  
4 Taumata of which Prue Kapua is our Chair. He made a vital and important contribution to  
5 us, he brought with him all his wisdom, all his knowledge, all his genealogy, all his  
6 genialness, his good humour and his intense intellectual capacity and he graciously  
7 bestowed them on us. So, we are forever grateful, and it is impossible for us to let you  
8 finish your kōrero without that acknowledgment.

9 Moe mai, moe mai ra, moe mai ra ki te pō

10 [English: rest in peace, rest in peace through the night.]

11 **COMMISSIONER STEENSON:** Āe, moe mai ra (yes, rest in peace).

12 **COMMISSIONER ERUETI:** Kei te mihi ki a koe me ō kōrero. Kei te maumaharatia tō mātou  
13 rangatira, tō mātou hoa pūmau, Matua Neville Baker.

14 [English: I want to acknowledge you and your sentiments. We remember our chief and our  
15 close friend, the elder Neville Baker.]

16 I also want to acknowledge your kōrero, but also the loss of your father who, as a member  
17 of our Te Taumata Rōpū, was a leading supporter and influence particularly on mahi that  
18 we did on redress. So, I just wanted to acknowledge and mihi your whānau in Taranaki and  
19 thank you for your kōrero too, so ngā mihi nui ki to whānau (English: acknowledgments to  
20 your family).

21 **COMMISSIONER STEENSON:** And I'd just like to say tēnā koe, Ms Baker, thank you also.

22 So now we move to Te Rōpū Tautoko, the lawyer for the Catholic Church, kei a koe  
23 te wā Mr James Meagher (you have the floor Mr James Meagher).