

**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 ROYAL COMMISSION

MS SPELMAN: E noho ana i te pōuritanga. Mai i te pō roa, te pō uriuri, te pō kerekere, te pō tangotango, te pō te kore te kitea. Te pō tiwhatiwha, te pō whāwhā, te pō namunamu. Te pō tahuri atu ki te whai ao ki te ao mārama. Koia!

[English: I sit in the gloomy darkness, tis a long intense night, intense night that is seldom witnessed and extremely dark, short, the short night which transforms into the world of light, yes indeed.]

Matua ake, e mihi ana ki te kahukura o te rangi. Mōna i tauwhiro mai tōna korowai mārire kia tātou i te rangi nei. Mōkori anō, kia aumihi ki tōku kīngi, Tūheitia Paki. Te Ariki taungaroa. Ko Te Atairangikaahu ki te rangi, ko Tūheitia ki te whenua. Paimarire.

[English: First and foremost, I must acknowledge the rainbow in the sky which takes care of us today through its peaceful cloak. It's also appropriate that I acknowledge King Tūheitia Paki the chief of chiefs, Te Atairangikaahu is in heaven and Tūheitia is on earth. Peace and goodwill to all.]

Auraki ana te ngākau mōteatea ki te tokomatua tāwhati. Kua whetūrangitia. E mihi kau ana ki ngā purapura kua mate. Mō koutou te tai awatea, mōku te tai ahiahi. Haere, haere, haere atu rā.

[English: I also wish to express heartfelt sorrow to our many deceased who have joined the stars, including those survivors who have passed on. You depart in the morning and I in the afternoon. Therefore, I bid thee farewell.]

E te whare e tū nei, ko Tumutumuhenua tērā. E manaaki nei i a tātou, tū tonu, tū tonu, tū tonu. E te pou whakawairua, ngā kaikaranga, ngā kaikarakia, ngā kai kōrero, mōu i tō mai i te rongomaiwhiti o te wāhi ngaro, kia kainamu mai ki a tātou, nei rā te mihi. Otirā, kia koutou te mana whenua o Ngāti Whātua Ōrākei, e mihi ana ki a koutou. Kia tātou te hunga ora e kāpunipuni mai ana ki te hui whakahirahira nei, tēnā tātou.

[English: To the ancestral house, Tumutumuhenua which stands before us and is taking care of us, may you continue to endure forever. I acknowledge the spiritual pillar, those who made formal calls who conducted formal oratory and prayer, you have brought us closer to the sacredness of the other side. And so I thank you and I also thank the Mana Whenua of Ngāti Whātua Ōrākei. To we the living assembled for this important gathering, greetings.]

E ngā purapura ora, he mihi tēnei ki a koutou katoa. Mai i tēnei uri o Kāwhia Moana, nō Ngāti Hikairo. I roto i te ngākau iti ki a koutou, e mihi ana. Ahakoa e noho

1 tawhiti ana kia haumarua ai, kei konei koutou a wairua me ō koutou whānau, hapū, iwi,
2 hāpori anō hoki. E mihi ana ki te rōpū Sage, ki te Taumata hoki. Kia koe whaea Kararaina,
3 kōrua ko whaea Prue. E mihi ana ki ngā kupu akiaki ki te kaupapa nei.

4 [English: I want to acknowledge the survivors on behalf of the descendants of
5 Kawhia Moana of Ngāti Hikairo standing humbly before you. Although you are currently
6 present remotely for safety reasons, you are present spiritually alongside your whānau,
7 hapū and community. And so I want to acknowledge the organisation Sage and to the
8 Taumata to you, elder Kararaina, and to you, Prue, I acknowledge your words of
9 encouragement to this matter.]

10 He tika kia aumihi ake ki te pae nei. Ki ngā Kaikōmihana, te tokorua kei konei, otirā
11 ki ngā Kaikōmihana ā-ipurangi. Kia koutou katoa, e whakarongo pīkari ana, tēnā koutou
12 ōku rangatira.

13 [English: It is appropriate that I acknowledge the orators to the members of the
14 Royal Commission, those Commissioners who are present here today and to those
15 Commissioners who are joining remotely and to everyone who is listening, greetings to you
16 all.]

17 E mihi ana ki tēnei kaupapa whakahirahira, te kaupapa hōhonu, ki tōna
18 taumahatanga. Nā te kaupapa i hono mai tātou. Nā te kaupapa i whakakotahi ai tātou mai
19 ngā hau e whā, e mihi ana. Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

20 [English: I wish to recognise this important matter and a deep, complex matter and
21 the heaviness. This matter has brought us together and this matter unites us from the four
22 winds and so I acknowledge you all. So, with all that in mind, greetings everyone.]

23 I want to acknowledge again ngā purapura katoa, all survivors of abuse in State and
24 faith-based care. I'll acknowledge those of you who are joining us via the livestream, and
25 I acknowledge the Māori survivors and their whānau who are taking part in this hearing and
26 who are taking part in the work of the Royal Commission.

27 I also acknowledge those who are not here with us, those who did not survive, those
28 who have since passed on, those who are not able to be here today, and those who have not
29 yet and may never share the abuse that they endured while in care. I acknowledge you all.

30 My greetings to the Commissioners and to our host, the mana whenua Ngāti Whātua
31 Ōrākei who gifted the name for this hearing tō muri te pō roa tērā a Pokopoko Whiti-te-rā,
32 which refers to hope and healing for survivors of abuse in care after years in darkness.

33 I also acknowledge all of those who are joining via the livestream to watch this
34 important hearing.

1 Tēnā tātou. He uri ahau nō Ngāti Hikairo ki Kawhia, ko Julia Spelman tōku ingoa.

2 [English: I am a descendant from Ngāti Hikairo at Kāwhia. My name is Julia
3 Spelman.]

4 I appear as Counsel Assisting the Royal Commission and I am joined here in the
5 whare by senior Counsel Assisting Simon Mount QC, by Counsel Assisting, Kingi Snelgar,
6 the team leaders for the Māori investigation, Wiremu Rikihana and Luke Claasen, and by
7 video link by senior counsel Kerryn Beaton QC, the rest of the Māori investigation team
8 and also the other Māori Counsel Assisting who will be leading evidence of survivors in the
9 coming days; Tracey Norton, Maia Wikaira, Alisha Castle, Winston McCarthy and Season-
10 Mary Downs.

11 He huringa ao, he huringa tikanga [English: as the world turns the customs turn.]
12 I acknowledge the disappointment in having to move this hearing online. I know how
13 much people were looking forward to coming together ā kanohi to wānanga over the next
14 two weeks (English: in presence to discuss over the next two weeks). And while that is not
15 possible due to the current outbreak of Covid-19, we are confident that the strength of the
16 voices of survivors will shine through and that we will continue to wānanga and
17 whakawhiti kōrero mō tēnei kaupapa whakahirahira ahakoa te aha [English: to have
18 conversations about this important matter no matter what.] We will continue to be guided
19 by tikanga, to ensure that the kōrero and the wero that are laid down during this hearing
20 will retain their power and significance.

21 We are here today so that voices of whānau Māori who were abused by the State
22 and by faith-based institutions are heard. We are here because Māori have suffered more
23 than most, both individually and collectively. We are having this hearing because we know
24 that Māori perspectives and solutions have been previously ignored. We are here so that
25 the Crown and the faith-based institutions responsible for this tūkinō can listen, and we are
26 here so that all New Zealanders can confront this reality, can understand what happened
27 and so the Commission can make recommendations supported by evidence and research to
28 ultimately be implemented.

29 This hearing is not the whole picture, this is not the end point, but over the next two
30 weeks I hope that as many people as possible will watch and listen to grapple with the
31 intensely personal and the inherently political cost of the systemic abuse of tamariki and
32 pakeke whakaraerae, children and vulnerable adults.

1 Kia whakatōmuri te haere whakamua, walking backwards into the future with our
2 eyes fixed firmly on the past. This is a principle that underpins this hearing and the Māori
3 investigation of the Royal Commission as a whole.

4 I want to acknowledge here the work of former Counsel Assisting Chris Merrick
5 and Ophir Cassidy, now Judge Cassidy, for their work in establishing the Māori
6 investigation in line with this important principle. We look back to Māori ways of being
7 and knowing, to guide us on the path forward, and we look back on the experience of abuse
8 in care to inform recommendations for how to prevent this happening ever again.

9 Kia whakatōmuri te haere whakamua, [English: walking backwards into the future]
10 is a whakatauki that also reflects the critically important place of whakapapa in Te Ao
11 Māori. Everyone and everything has a whakapapa, a genealogy, a lineage. And the Māori
12 experience of abuse in care can also be seen as having a whakapapa and context.

13 As a consequence of Crown breaches of Te Tiriti, Māori land was taken and
14 therefore the ability to govern and control communities in accordance with tikanga was
15 lost. Matua Moana Jackson has said in a previous Royal Commission hearing that the
16 reasons for over-representation of Māori in negative social and economic spheres are
17 unavoidably linked to the history of colonisation and the failure of successful Governments
18 to honour Te Tiriti o Waitangi.

19 Matua Moana encouraged this Royal Commission to be courageous, to reckon with
20 colonisation and the constitutional implications for the future. This involves understanding
21 the Crown duties and obligations to Māori under Te Tiriti in relation to State care, and it
22 also requires an understanding of the Crown's ongoing responsibility for abuse that
23 occurred in faith-based institutions.

24 On the impacts of colonisation, we know it was 34 years ago the seminal report
25 Puao-Te---Ata--Tū from 1988 was released. The report was highly critical of the then
26 Department of Social Welfare, describing it as institutionally racist, underpinned by a
27 profound misunderstanding or ignorance of the place of the child in Māori society and its
28 relationship with whānau, hapū, and iwi structures.

29 The recommendations were not fully implemented by the Crown, and more than 30
30 years on, the Waitangi Tribunal, just last year, had to consider why Māori tamariki are five
31 times more likely to enter into care than non--Māori. In He Pāharakeke released last year,
32 the tribunal found that colonisation, ongoing historical injustices, and structural racism to
33 be contributing factors. The Tribunal made the primary recommendation that the Crown

1 step back from further intrusion to allow Māori to reclaim space in the transformation of
2 the State Care and Protection system.

3 The action and inaction of successive Governments has had serious and pervasive
4 impacts on Māori at a whānau, hapū, and iwi level, and this has given rise to ongoing
5 systemic issues of disparity and inequality experienced by Māori, in terms of the high
6 number of Māori taken into care, and the abuse that occurred within care.

7 It's important to acknowledge these issues across a range of State and faith care
8 providers due to the systems in place which allowed such abuse to exist and persist across
9 Aotearoa. Those issues of accountability will be further explored in August at the Royal
10 Commission accountability hearing.

11 Throughout all of this important context and history, Māori have resisted, adapted,
12 organised and above all, survived. For decades, Māori have been challenging the exercise
13 of Crown power as inconsistent with and detrimental to both tikanga and to promises made
14 to Māori under Te Tiriti o Waitangi. This hearing is a part of that ongoing challenge.

15 Over the next two weeks you will hear from 25 survivors and their whānau through
16 a combination of live evidence on video link and some pre-recorded evidence. This
17 includes some survivors giving evidence as individuals supported by whānau, through to
18 whānau sessions.

19 The last day of the hearing, Friday 18 March, will conclude with a panel. The panel
20 includes survivors and survivor advocates, Paora Moyle, Tupua Urlich, Gary Williams,
21 Hera Clarke, and Denise Messiter who will provide context, draw out key themes, include
22 perspectives of those who are not at the hearing, those who have passed on, and those
23 whānau Māori who cannot or will not engage with the Inquiry.

24 While the experiences to follow in the coming weeks are raw and harrowing, for
25 many survivors theirs is a story of power, resilience, reclamation, autonomy, and hope.
26 You will hear survivors' experiences of overcoming incredible adversity to lead rich and
27 full lives. E kore au e ngaro, he kākano i ruia mai i Rangīātea. I will never be lost, for I am
28 the seed which was sown from Rangīātea. This whakatauki speaks to the promise that the
29 essence of being Māori will never be lost, as within us is the potential passed down from
30 our tūpuna (ancestors).

31 While this is an inquiry into historic abuse in care, the reality is these are not merely
32 historical issues for Māori. You will hear from survivors who are currently working
33 through not only their past and their own trauma, but the present-day issues dealing with

1 the involvement of the State in the lives of their mokopuna. For one survivor, that includes
2 dealing with having her children, mokopuna, and now great moko placed in care.

3 For this reason as well, the hearing will open with the voices of rangatahi Māori,
4 Māori youth, because these issues are current and ongoing. The Royal Commission's terms
5 of reference means it cannot conduct a detailed investigation into current care settings.
6 However, it can and it will understand current care settings in order to make
7 recommendations for the future that are relevant, that can be implemented and that will
8 have a positive impact.

9 During this first week, you will hear from survivors about the impact of
10 disconnection, the disconnection they experienced from whānau (family), whakapapa
11 (heritage) and whenua (land) when they were placed into care. Some survivors say the
12 disconnection from culture they experienced was profoundly abusive in and of itself and
13 this challenges us to think about abuse in a broader way.

14 Survivors will describe being placed in non--whānau foster homes and not
15 understanding why they could not live with whānau. They will describe years of not
16 knowing who they are and where they belonged. Some survivors describe hating being
17 Māori, or of having their chance to be Māori taken away from them; of having experiences
18 so painful that they do not feel able to reconnect with their identity and what it means to be
19 Māori. Others have walked a difficult road, reconnecting with whānau, whakapapa, and
20 their Māoritanga, and others have found great strength and solace in reclaiming their
21 Māoritanga.

22 We will hear about the pain of survivors, feeling bad for their children and
23 grandchildren because they feel unable to pass on that connection to their whakapapa. That
24 theme of disconnection will also be heard through survivors who had experience of closed
25 adoption and the impacts that has had for their whānau. One survivor will describe a closed
26 adoption to a Pākehā family as a process that severed the relationship within the whānau
27 and damaged relationships with the wider whānau. You will hear about the practice of
28 families requesting a white baby for adoption, differential policies when adopting a Māori
29 baby versus a non--Māori baby, and the role of religious institutions in these processes.
30 You will hear about the impacts of those adoptions, including the inability to legally
31 succeed to Māori land interests.

32 Racism, the presence of it and the impact of it is another key theme of this hearing.
33 Racism was felt all throughout the care process. Racism can be seen in the disproportionate
34 way that Māori young people came to the attention of Police and Social Welfare and

1 entered into the care system. It can also be seen in the pathway of Māori into care
2 placements with faith-based institutions.

3 Survivors will speak about their lived experience, being targeted for being Māori,
4 enduring racial abuse and derogatory comments and you will also hear from survivors who
5 were treated as though being Māori had no value at all, where it was not even
6 acknowledged, and they had no opportunities to learn or stay connected with culture or te
7 reo Māori.

8 You will also hear from whānau hāua, whānau whai kaha, Māori who are disabled,
9 about their experiences and the additional challenges they faced in care, not having their
10 needs recognised, let alone met, and facing stigma and prejudice. One survivor will speak
11 about Māori disabled being discriminated against for being disabled, but also
12 underestimated and marginalised due to incorrect and outdated beliefs about what whānau
13 hāua are capable of.

14 Another important theme that will emerge is the intergenerational nature of the
15 impacts of abuse in care. You will hear about the long-lasting impacts abuse has had for
16 survivors. For some this has meant issues with alcohol and drugs as a form of escape,
17 issues with being able to express and show affection to others, issues with trust,
18 psychological issues, including confidence, fear of the dark, fear of the sound of jangling
19 keys and ongoing hypervigilance to any perceived threats. The impact of the physical,
20 sexual, and psychological abuse experienced by survivors is not isolated and stuck in the
21 past. It contributes to ongoing health issues today. These impacts go beyond the individual
22 and in turn have impacted survivors' relationships with their whānau, including tamariki
23 and mokopuna (children and grandchildren).

24 The intergenerational nature of these impacts can also be seen in the Māori
25 experience of the pipeline from care to custody, to the justice system, to gangs, and to
26 prison. It is important to note that not everyone who goes through the State or faith-based
27 care system goes on to offend; far from it, most do not. But for those who are in the justice
28 system, research shows that upwards of 85% have had prior Care and Protection reports of
29 concern made to the State.

30 You will hear from survivors about their own experiences, being transferred from
31 care to custody. For one survivor who was discharged from being a ward of the State and
32 sentenced to borstal at age only 15, he said it was as though the Department of Social
33 Welfare thought I was now somebody else's problem, and I was passed on to the justice
34 system. This backdrop is directly relevant to the current prison statistics in Aotearoa which

1 reflect the modern-day mass incarceration of Māori which is why some say the justice
2 pipeline begins at birth.

3 Some of the survivors who you will hear from in the coming days did make
4 attempts to seek help or redress from the system, but they did not find it to be relevant or
5 helpful to them. They were met with systems that were Pākehā and foreign, systems that
6 did not reflect Te Tiriti or Māori values, Māori thinking or tikanga, processes that felt
7 devoid of manaakitanga and that failed to take account of the broad scope of tūkino
8 experienced by Māori.

9 Tikanga Māori requires that in these circumstances processes must be undertaken to
10 account for tūkino and to restore mana to achieve a state of balance and restoration. The
11 systems encountered by Māori survivors and their whānau did not do this in a real or
12 tangible way. The impacts of the abuse being multidimensional, physical, spiritual, mental,
13 cultural, social, and economic.

14 These are some of the key findings of the Royal Commission's report He Purapura
15 Ora, he Māra Tipu that was released at the end of last year. You will hear more kōrero
16 about restoration of mana in this hearing, not only the pitfalls of the existing systems, but
17 what is required to allow for regeneration and growth, despite the trauma that has been
18 endured. Further recommendations, informed by this hearing, will be included in the final
19 report of the Royal Commission next year. The strong call from survivors is for holistic
20 redress and restoration of mana.

21 You will hear survivors' experiences of their own efforts to reconnect and their
22 hunger to know their whakapapa. As one survivor will say, "I have worked through this all
23 on my own in my lifelong search for self, for my tūrangawaewae and reconnection to
24 whakapapa. For many it has been their own journey, reclaiming their identity, learning
25 traditional Māori healing practises, learning te reo me ona tikanga and learning about Māori
26 world view that has made a difference in their lives. Māori survivors will give their vision
27 of what a true care system would look like for Māori. This includes kōrero about what is
28 needed to ensure the care of mokopuna and what whānau need to be able to be supported to
29 care for their children.

30 Mai i te pō ki te Ao Mārama [English: from the darkness to the light]. This hearing
31 is underpinned by that concept. Mai i te pō ki te ao Mārama, meaning the transition from
32 night to the enlightened world. Puao-Te---Ata--Tū, the name of the 1988 report, means
33 come into the light. But that report was left on the shelf in the dark for decades. Until now

1 the experiences of Māori survivors and their ideas for change have not been given the full
2 light of day that they deserve.

3 I open today referring to the night as it is described in the beginning of the world.
4 From the great night, the long deep intense night, the night in which nothing is seen, the
5 intensely dark night, the night of feeling, of seeking passage, of restlessness, turning to the
6 enlightened world. Te reo Māori tō tātou reo rangatira (English: our noble language) has
7 the ability to describe the depth of feeling of the long dark nights, both literally and
8 figuratively, that have been the experiences of some survivors while in care. For too long
9 that abuse has taken place across Aotearoa, and it has been overlooked and in some cases,
10 actively hidden.

11 This hearing will bring to light issues previously untouched, and abuse not well
12 understood. Over the next two weeks we will hear from survivors in their own words about
13 their experiences. They will be heard here in Tumutumuwhenua whare, they will be heard
14 across Aotearoa, we will journey through the depths of darkness to emerge into the light.

15 Mā te kōrero ka rongo, mā te whakarongo ka mōhio, mā te mōhio ka puta te
16 māramatanga, ki te whai ao, ki te ao mārama. Tīhei mauri ora.

17 [English: Through dialogue, you listen and through listening you know, and through
18 knowing you emerge to the light, to the enlightened world, behold the breath of life.]

19 (Waiata: Whakataka te hau ki te uru, whakataka te hau ki te tonga. Kia mākinakina
20 ki uta, kia mātaratara ki tai. E hī ake ana te atakura, he tio, he huka, he houhū, Tīhei mauri
21 ora.)

22 [English: Cease the winds to the west, cease the winds to the south, let the breeze
23 blow over the land, let the breeze blow over the sea, let the red tipped dawn rise with a
24 sharpened air, a touch of frost, and the promise of a glorious day, behold the breath of life.
25 Behold the breath of life.]

26 **COMMISSIONER STEENSON:** Tēnā koe Ms Spelman (thank you Ms Spelman). Tēnā koe,
27 tēnā koe for summarising some of the vital themes that we'll be hearing more about over
28 the next couple of weeks.

29 We'll now turn to counsel for the Crown. Ms Melanie Baker, kei a koe te wā (you
30 have the floor).