

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
STATE INSTITUTIONAL RESPONSE HEARING**

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: Judge Coral Shaw (Chair)
Dr Anaru Erueti
Ali'imua Sandra Alofivae
Paul Gibson
Julia Steenson

Counsel: Mr Simon Mount QC, Ms Kerryn Beaton QC, Dr Allan Cooke, Ms Katherine Anderson, Ms Anne Toohey, Ms Tania Sharkey, Mr Michael Thomas, Ms Ruth Thomas, Ms Kathy Basire, Mr Winston McCarthy, Ms Julia Spelman, Ms Alice McCarthy and Ms Natalie Coates for the Royal Commission

Ms Rachael Schmidt-McCleave, Mr Max Clarke-Parker, Ms Julia White for the Crown

Ms Victoria Heine QC for the Office of the Children's Commissioner

Ms Sally McKechnie for Te Rōpū Tautoko, the Catholic Bishops and congregational leaders

Mr David Stone for the New Zealand State Abuse Survivors Charitable Trust

Venue: Level 2
Abuse in Care Royal Commission of Inquiry
414 Khyber Pass Road
AUCKLAND

Date: 26 August 2022

TRANSCRIPT OF PROCEEDINGS

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Adjournment from the 10.31 am to 10.49 am

13

14 **CHAIR:** Nau mai hoki mai. I'm going to first of all say tēnā koe ki a koe, Ms Castle, and I invite
15 you to introduce yourself and explain what you look like to those who cannot see.

16 **MS CASTLE:** Tēnā koe Madam Chair, tēnā koutou katoa. Mātua rā ko te mihi tuatahi ki ō tātou
17 tūpuna kua wehe i te pō, haere atu koutou, haere, haere. Ki a koutou ngā kanohi ora, tēnā
18 koutou katoa. Ki te haukāinga o tēnei whenua Ngāti Whātua Ōrākei, ka nui te mihi ki a
19 koutou. E mihi ana ki ngā purapura ora ki konei, ā-ipurangi, ki ō koutou kāingā mātakitaki
20 mai ana, tēnā koutou katoa. Ki ngā māngai mō te Karauna, tēnā koutou. Kei āku rangatira
21 kei te tēpu ngā Kaikōmihana, tēnā koutou, huri noa ki te whare, tēnā tātou i runga i te
22 kaupapa o te wā, tēnei kaupapa whakahirahira, tēnā koutou, tēnā koutou, tēnā rawa atu ki a
23 koutou katoa.

24 Good morning, everyone. My name is Alisha Castle and I am one of the Counsel
25 Assisting the Royal Commission. By way of description for those who cannot see me, I am
26 a female in my early 30s of Māori and Pākehā descent. I have brown hair and I am wearing
27 a light green top and a black jacket. I'll now hand it over to my friend for the Crown.

28 **CHAIR:** Kia ora, Ms Castle. Mōrena, Ms Schmidt-McCleave.

29 **MS SCHMIDT-McCLEAVE:** Morena anō ngā Kaikōmihana. Ko Rachael Schmidt-McCleave
30 tōku ingoa. For those who are unable to see me, I am a tauiwī, middle aged woman of
31 German, Polish and Scottish descent. I have brown hair and brown eyes and today I'm
32 wearing a black jacket with a black dress and a number of multi-coloured flowers on it.

33 I'm happy to introduce this morning the two witnesses from Te Puni Kōkiri. We
34 have Mr David Samuels, the Chief Executive, and the Secretary For Māori Development,

1 and he's accompanied by Ms Grace Smit, the Deputy Secretary, strategy, finance and
2 performance for Te Puni Kōkiri. So before I hand over to you, Mr Samuels, to make your
3 opening statement I'll just ask Madam Chair to administer the oath. Tēnā kōrua.

4 **TE PUNI KŌKIRI**

5 **DAVID SAMUELS AND GRACE SMIT (Affirmed)**

6 **CHAIR:** Thank you very much. We're just going to ask Dr Erueti to mihi ki a kōrua.

7 **COMMISSIONER ERUETI:** E tika ana kia mihi ki ngā kaiwhakautu i tēnei wā, tēnā kōrua, nau
8 mai haere mai ki te tuku kōrero ki mua te aroaro o te Kōmihana, tēnei te mihi mahana ki a
9 kōrua, mauria mai ō kōrua mana ō kōrua tikanga ki waenganui i a mātou, tēnā kōrua.

10 **QUESTIONING BY MS SCHMIDT-McCLEAVE:** Tēnā koe, Professor Erueti.

11 Mr Samuels has prepared a written brief of evidence and he's very happy to have
12 that taken as read and he will make a brief opening statement and then be available for
13 questioning. Tēnā kōrua.

14 **MR SAMUELS:** Kia ora. Hutia te rito o te harakeke, kei whea te Kōmako e kō? Uia mai, koia rā,
15 he aha te mea nui? He tangata, he tangata, he tangata. Ka mihi ki a rātou ngā mōrehu, i
16 runga i te kaupapa o tēnei Kōmihana, ngā hara me ngā mamae, kei te mihi, kei te mihi. Ki a
17 koutou o ngā Kaiwhakawā, tēnā koutou. Judge Shaw, ki a koe e te kaikōrero, ka mihi ki a
18 koe, ki a koutou katoa. Ko David Te Tokohau Samuels tōku ingoa. He mokopuna nō
19 Waikato, ko Ngāti Māhanga te hapū, me te Whakatōhea ko Ngāti Ngahere te hapū. Ko ahau
20 te Tumu Whakarae o Te Puni Kōkiri. Anei tōku mahi, anei ahau, tēnā koutou.

21 **MS SCHMIDT-McCLEAVE:** Tēnā koe, Mr Samuels. I'll now pass you over to Counsel
22 Assisting, Ms Castle. If you could just both introduce yourself visually, that would be
23 appreciated. Thank you.

24 **MR SAMUELS:** Kia ora, my name's Dave Samuels. I'm the Tumu Whakarae, the Chief
25 Executive of Te Puni Kōkiri. I'm an older Māori male, grey hair. I have a white shirt, a
26 dark tie and a blue suit.

27 **MS SMIT:** Kia ora, tēnā koe e Kaiwhakawā Shaw, tēnā koutou e ngā mema o te Kōmihana, tēnā
28 tātou katoa. Ko Grace Smit taku ingoa, he uri ahau nō Te Waka o Takitimu, Ngāti
29 Kahungunu me Ngāti Rakaipāka taku iwi.

30 My name is Grace Smit. I am the Deputy Secretary for Strategy, Finance and
31 Performance at Te Puni Kōkiri. Today, I am wearing a blue dress with white and bone
32 earrings. I am a wahine Māori of fair complexion with white hair of chin length and
33 wearing bone earrings as well, kia ora.

1 **MS SCHMIDT-McCLEAVE:** Ngā mihi ki a kōrua. Just before I hand you over to Ms Castle, I
2 will just remind you we have the signers here and Katherine, our stenographer, so if you
3 can speak slowly, that would be appreciated. Thank you.

4 **QUESTIONING BY MS CASTLE:** Tena kōrua, ngā mihi mahana ki a kōrua. Before I begin,
5 are you happy for me to address you both as "David" and "Grace"?

6 **MR SAMUELS:** Dave.

7 **MS CASTLE:** Dave, ka pai. I just want to begin by orientating the Commissioners and briefly
8 talking about the long history that TPK has had, because it isn't a recent construct, is it, and
9 you describe it in your evidence as TPK having a whakapapa that dates back to the signing
10 of the Treaty, that's correct?

11 **MR SAMUELS:** Yes.

12 **MS CASTLE:** So we see in 1840, the protectorate department being established, and this is a
13 summary because I'm mindful you refer to there being 29 administrative heads of TPK.
14 We then have the Native Department established in 1861, disestablished in 1893. That is
15 reconstituted in 1906. In 1847, we see the Department of Maori Affairs established and the
16 1989 mainstreaming with the establishment of the Ministry of Maori Affairs and then, with
17 the 1991 act, Te Puni Kōkiri being established. So it's been in place in various forms for a
18 very long time, hasn't it?

19 **MR SAMUELS:** Yes.

20 **MS CASTLE:** And TPK in its current form, you say, is the Government's principal adviser on
21 Māori well-being and development. Māori well-being, that's a big concept, you'd agree?

22 **MR SAMUELS:** Just a correction, the principal policy adviser.

23 **MS CASTLE:** Ka pai. How do you see TPK's leadership role in relation to Māori well-being?

24 **MR SAMUELS:** We are a policy Ministry, so if I just step back in terms of -- I'll slow down. In
25 terms of where decisions are made, it's very important for Te Puni Kōkiri to have a strong
26 policy function, because at the centre of government, and government don't make all the
27 decisions in New Zealand, but certainly at the centre of government is Cabinet. The contest
28 of ideas in government occurs around the Cabinet table and it's very important for the
29 Māori voice to be at that table and to have a strong and capable policy voice. So, first and
30 foremost, we have to have that capability and that's not easy to come by.

31 If you look across the Public Service in New Zealand, if you look at any of the
32 sectors in the Public Service -- justice, health, education, employment, housing, to name a
33 few -- you will see that there are disparities and inequities.

1 From a government perspective, at the centre of that is Cabinet and for us to be
2 effective, we have to have a strong policy voice.

3 The second component of Te Puni Kōkiri is our capability building and that's
4 focused on the community and building the community. We have 17 offices throughout the
5 country. We have our regional staff, but they also link in to our policy function so that our
6 policy is grounded in reality. With that regional presence, coupled with our strong policy
7 capability, underpinned by a clear framework, that's how we bring about change in terms of
8 well-being and development, which is reflected in our role.

9 **MS CASTLE:** Can you briefly explain for the public how what TPK does on a daily basis differs
10 from Te Arawhiti, the office for Māori-Crown relations?

11 **MR SAMUELS:** All right, if I start with Te Arawhiti first, Te Arawhiti, broadly, has four
12 functions, the first being the overall Treaty relationship; the second being building the
13 capability of the Public Service to engage in a meaningful way with Māori and the Treaty
14 partner; the third being the Marine and Coastal Area Act settlements; and the fourth being
15 Treaty settlements.

16 Te Puni Kōkiri, as I said, our role is the principal policy adviser, but we also have
17 an Act, which differentiates us from Te Arawhiti. Under our Act, the 1991 Māori
18 Development Act, we have a number of functions. One is to promote the achievements of
19 Māori, under section 5. We also have a role in monitoring those agencies -- monitoring and
20 liaising with those agencies that have a responsibility to deliver services to Māori with
21 regards to the adequacy of those services. So that, in a nutshell, is the difference.

22 The only other thing I'd say is that we focus on building the capability of the Māori
23 community, which is different to Te Arawhiti which focuses on building the capability of
24 the Public Service.

25 **MS CASTLE:** Kia ora. And those two responsibilities that are set out in section 5 of the Act, the
26 first, promoting increases in the levels of achievement attained by Māori, that references
27 particular areas, doesn't it, education, employment, health, economic development, but to
28 clarify, the second arm, the monitoring and liaising function, that applies to any agency or
29 department that delivers services to Māori?

30 **MR SAMUELS:** With regards to the first part of your question, it's not confined to those, it's right
31 across the Public Service; and the second part, yes, it's all agencies.

32 **MS CASTLE:** You referred to Te Arawhiti's role in terms of the Treaty relationship. What is
33 TPK's role in terms of giving effect to Te Tiriti in supporting the Crown in meeting its
34 Treaty obligations?

1 **MR SAMUELS:** We are a policy adviser. Our policy is founded on a Treaty framework. That
2 framework is called Te TautihiōRongo and that really provides us with an understanding of
3 when we are engaging with Māori, when we are engaging with the Treaty partner, for what
4 purpose and with whom. So everything that we do is founded on the Treaty and a policy
5 framework that we apply with regards to the Treaty.

6 **MS CASTLE:** As the Ministry responsible for Māori well-being and development outcomes,
7 what levers does TPK have to keep Māori children in care safe?

8 **MR SAMUELS:** If you follow the Act, there is the monitoring function, and that is the second
9 part of section 5 -- in fact, both of them, I would say, we have a role in what you have just
10 described.

11 **MS CASTLE:** We'll certainly get into how that function works. Just in terms of closing off,
12 understanding TPK's role, can you briefly explain TPK's role in terms of fulfilling
13 New Zealand's commitment to the United Nations Declaration on the Rights of Indigenous
14 Peoples?

15 **MR SAMUELS:** Within government, in conjunction with Māori, we are developing the
16 implementation plan.

17 **MS CASTLE:** And what about in terms of the Convention on the Rights of Persons With
18 Disabilities?

19 **MR SAMUELS:** We would have the same responsibilities as every other government department.

20 **MS CASTLE:** Looking more closely at TPK's monitoring role and you say, I think at paragraph
21 18 of your evidence, the purpose is to ensure adequacy of services provided by other Crown
22 agencies for Māori, if we look at it, TPK's response to the notice to produce -- just for those
23 watching who aren't aware, this is a response to an information request that was made to
24 TPK -- at paragraph 8.11 of the response -- do you have that in front of you, the notice to
25 produce? You'd like it on the screen? If I can ask my friend to bring up paragraph 8.11 of
26 the notice to produce response and that is WITN2017003 at page 28.

27 **CHAIR:** For those in the room and those watching on the website, you won't see this. We're not
28 putting up documents for public view, due to a variety of reasons, including privacy, but
29 counsel will identify the document and read the portion that she's referring to, so we all
30 know what is being referred to.

31 **MS CASTLE:** I'm told there's difficulty in bringing it up on the screen so if I read out the
32 portion? Talking about TPK's monitoring responsibilities, it says:

33 "Te Puni Kōkiri considers that the monitoring function denotes a series of checks
34 over time to assess progress and is not a one-off exercise. Te Puni Kōkiri also prioritises

1 which departments and agencies it monitors, having regard to the availability of resources
2 and other factors that indicate a need for monitoring."

3 Can you tell us more about how Te Puni Kōkiri prioritises its monitoring and what
4 that assessment looks like?

5 **MR SAMUELS:** I think I'll start with the second part first with regards to monitoring, because I
6 think there's a number of different ways you can define "monitoring" and Te Puni Kōkiri
7 has gone through different periods where different monitoring processes were used. Back
8 in the early 2000s, for example, there were effectiveness audits that were run by Te Puni
9 Kōkiri. Those subsequently stopped and there've been various iterations of monitoring
10 which have ranged from, if I try and paint an image, officials in hi-vests with a clip board in
11 other agencies right through to policy development.

12 If I take us to where we are now and my approach to monitoring, which, I think, is
13 at the heart of the question, if I look at Te Puni Kōkiri and I mentioned the different sectors
14 across the Public Service, if I was to adopt an approach that was akin to effectiveness
15 audits, the 383 staff in Te Puni Kōkiri would be sucked up in any one of those sectors,
16 whether that be justice or health, just to name two.

17 The other way that you can monitor and the way that I currently monitor, because
18 the Act doesn't define "monitoring", is monitoring by doing and that's walking beside those
19 agencies that are delivering services for Māori and showing them how to do it. The
20 examples that I would give, and are recent examples, and they relate to this kaupapa, would
21 be Covid19, Ngā Tini Whetū, which is a partnership between Oranga Tamariki, ACC, Te
22 Puni Kōkiri and the Whānau Ora commissioning agency, to deliver outcomes for whānau
23 and, in particular, children at risk. Those are examples of the monitoring I speak of. I'll
24 leave it there.

25 **MS CASTLE:** Have you both been following the proceedings over the last two weeks?

26 **MR SAMUELS:** Yes.

27 **MS CASTLE:** So you would have heard some of the acknowledgments made by the various
28 agencies and ministries about Māori experiences in care settings within the ambit of those
29 ministries, and the adverse impacts that Māori have suffered in those settings. How do you
30 see Te Puni Kōkiri's role in addressing that? Are those examples that you just talked about
31 mechanisms that you use to influence what we've heard have been these outcomes and
32 impacts for Māori?

33 **MR SAMUELS:** If I can just refer to my brief? The examples that you refer to I think in every
34 case were complex and, fundamentally, in terms of how Te Puni Kōkiri approaches this, is

1 that we would argue that for interventions to succeed for Māori, they need to be
2 whānau-centred. Currently, within the Public Service, and it's a result of our history, the
3 focus is on the individual. Our interventions are all focused on the person. We argue, from
4 a Māori perspective, that you need to focus on the collective and the whānau. Whānau
5 have the solutions and only when the whānau, as the smallest unit within Māori society, is
6 well, will the individual be well.

7 So the primary unit we serve, if you like, is not the single person, but the whānau of
8 which that person is a part. And those examples that I gave you, if I just can unpack some
9 of those, are examples of how we view that.

10 If we take Oranga Tamariki and children at risk and the Ngā Tini Whetū
11 pilot -- that's what it is, it's a pilot -- that's an intense programme working with 800 whānau
12 and what we have done in that is that we reduce the number of whānau that navigators will
13 work with from 20 down to 10. So it's quite intense. What we know, and this has been
14 running for a year now, is that of the 150 children that were at risk to be referred to Oranga
15 Tamariki, none have been referred to Oranga Tamariki and none are currently at risk.
16 That's an example of how we monitor, monitor by doing. That's a pilot because Te Puni
17 Kōkiri, in terms of our resources and what we do, we look for innovation and that's
18 an innovative approach.

19 Fundamentally, with whānau at the centre and if you think of Te Puni Kōkiri back at
20 central government level, what we are trying to achieve is to enable the community to
21 deliver. In between the whānau and Te Puni Kōkiri, we have a commissioning agency. Te
22 Puni Kōkiri funds that commissioning agency for outcomes. It's not the normal
23 funder/provider relationship, where you have some milestones and you have deliverables
24 and you have to deliver those on time and within budget. These are based on seven high
25 level outcomes.

26 From there, and it's multi-year, and from there it moves to the commissioning
27 agency that coordinates and also funds for outcomes. And those outcomes are the
28 outcomes that ACC, Oranga Tamariki and Te Puni Kōkiri are collectively after, the
29 individual outcomes, because they have different requirements. Those other agencies, they
30 have different requirements that they need to meet, but the innovation is how you wrap
31 those up into outcomes and then deliver them to the whānau in need, and that's done
32 through that commissioning agency or the intermediary.

33 The same thing happened in Covid. If you think about Covid in September
34 last year, clearly, Māori were not being vaccinated at the same rate as the rest of the

1 population. In fact, I think at that point in September, we were looking at about 48%
2 vaccination rates.

3 Dr Ashley Bloomfield has publicly commented how he wished he had engaged the
4 community earlier. Te Puni Kōkiri was at the forefront of that and, again, it was
5 innovation. We used those intermediaries; in that case, it was Whānau Ora, but also the
6 national Hauora group as well, and those vaccination rates lifted from 48% up to 88% by
7 the following year, early in the year.

8 In both those cases, it was delivery through the community to the community and in
9 both those cases, it was putting whānau at the centre.

10 **MS CASTLE:** Does TPK experience challenges in scaling some of these pilots, because you
11 referred to how Tini Whetū is a pilot programme?

12 **MR SAMUELS:** The programmes that I talk about come to Te Puni Kōkiri because we should be
13 the agency of excellence around Māori development and well-being. They come to us for
14 us to test and then once they are tested, they can be adopted by mainstream.

15 If they are worthwhile to be adopted, then that is a decision that will be taken across
16 government, and we have to prove that case. The idea is not that it stays within Te Puni
17 Kōkiri, because we have to innovate and change the system so we do that by incubating
18 these types of programmes within Te Puni Kōkiri and then taking them out into the wider
19 Public Service. In the case of Ngā Tini Whetū, we have those Public Service agencies with
20 us. In the case of whānau ora, that is Te Puni Kōkiri, and has been for about the last
21 decade, running that, but another example would be housing. And in that case, and it is a
22 different case, but I feel it provides another explanation of how we engage and innovate; in
23 that case, Iwi Chairs went to the Government and said, "We stood up in a crisis with
24 regards to Covid. We now have a housing crisis. We have the land, we have the
25 workforce, we have the capability, we know our communities, we know the local
26 authorities. Give us an opportunity to deliver housing". That was at Waitangi in 2021.

27 That was subsequently handed to Te Puni Kōkiri and in partnership with the
28 Ministry of Housing and Urban Development, we developed a programme whereby iwi are
29 now those entities between the Government and the whānau and there are four prototypes,
30 where we are in the early stages of commissioning them to deliver houses to their people.
31 So those are examples of how Te Puni Kōkiri innovates.

32 Where that goes to in the future, I would expect that the Ministry of Housing and
33 Urban Development and those iwi will be able to partner and Te Puni Kōkiri will pull back.
34 Before Waitangi Day in 2021, we weren't doing that, but after Waitangi, we were. So you

1 have to be innovative but you have to look at how do you pass this over to mainstream.

2 That's the strength of Te Puni Kōkiri and that's the strength of our monitoring by doing.

3 **MS CASTLE:** In terms of -- you've told us about the approach to monitoring that TPK takes now
4 and that's really helpful. Stepping back to the prioritisation process assessment that Te Puni
5 Kōkiri carries out, just to use an example, yesterday the Commissioners heard about the
6 very recent report titled "Care to Custody: Incarceration Rates"; that's document
7 MSC0008257. Are you familiar with that report?

8 **MR SAMUELS:** I saw the news articles.

9 **MS CASTLE:** If we can go to page 10 of the report and the second bullet point there in the
10 summary of key findings says:

11 "Māori who had been in State care were usually around 4 to 7 times more likely to
12 receive a custodial sentence than the matched cohort."

13 Just to understand in practical terms what the prioritisation process might look like,
14 do statistics like this influence how Te Puni Kōkiri prioritises its monitoring or, to put it
15 another way, would this influence Te Puni Kōkiri prioritising monitoring State care
16 agencies in terms of ensuring adequacy of outcomes for Māori?

17 **MR SAMUELS:** Well, again, I would argue that we just -- I just explained to you how we did
18 with Oranga Tamariki and ACC that influenced where we focused our resources.

19 **MS CASTLE:** Can you describe for the Commission some of the challenges that Te Puni Kōkiri
20 might face in prioritising its resources, thinking about the wide range of areas where Māori
21 are impacted?

22 **MR SAMUELS:** In my brief of evidence, you'll have our strategy on a page. In that strategy,
23 you'll see that there is our vision and then our purpose, our role, the three strategic priorities
24 and nine focus areas. Those nine focus areas and, to be honest, nine focus areas for a
25 government Ministry is a lot of focus areas, but they are all important. That's how we
26 determine where our focus will be with regards to our resources. There's a lot else, a lot
27 more work that is done because we administer 40 pieces of legislation as well, but that's
28 generally the way in which we organise ourselves and where we focus.

29 In there, you will see -- under effective and equitable public sector performance for
30 Māori, you will see that there is whānau-centred approaches, policy and well-being
31 monitoring. What we've been discussing would fit there.

32 **MS CASTLE:** Around paragraphs 18 and 19 of your evidence, you talked about some of the
33 previous struggles that Te Puni Kōkiri has experienced in carrying out its monitoring role.
34 Do you have that in front of you? I can paraphrase what it says, I'm mindful of the time,

1 but you talk about Te Puni Kōkiri largely being denied the opportunity to make a
2 fundamental difference through working closely with responsible agencies. Can you
3 explain by who or how Te Puni Kōkiri was prevented in developing those relationships?

4 **CHAIR: [Fire alarm]** Given there's only one bell, I think we might remain seated unless we're
5 instructed to do otherwise.

6 **MR SAMUELS:** I think that's a period when Te Puni Kōkiri did run effectiveness audits. And I'd
7 put it like this: if you're a system influencer, you need to partner with the agencies and
8 partner with Māori. That's the way you influence. In fact, the higher you go within the
9 Public Service, the less authority you have. It is about influence, particularly when you're
10 trying to influence across a whole range of sectors because Māori are in them all. Under
11 those effectiveness monitoring arrangements, Te Puni Kōkiri became isolated and its
12 influence waned.

13 **MS CASTLE:** So you consider that the monitoring by doing approach has enabled Te Puni Kōkiri
14 to be more effective in its ability to influence, am I understanding that correctly?

15 **MR SAMUELS:** We proved it in Covid. We're proving it in housing and we're proving it in Ngā
16 Tini Whetū.

17 **MS CASTLE:** Has TPK in its monitoring role in relation -- had any role, sorry, in relation to
18 Māori abused in faith-based contexts, bearing in mind the placement by the State of Māori
19 in the care of faith-based institutions?

20 **MR SAMUELS:** Because we are a policy Ministry and have been for some time, I would say that
21 any -certainly, any Cabinet material that was being developed would have come across Te
22 Puni Kōkiri's- desks to comment on. That's part of what we do. But in terms of
23 specifically being involved in the care of children?

24 **MS CASTLE:** I acknowledge that Te Puni Kōkiri has never had a role in the provision of care.
25 Just in terms of its monitoring function and the placement in care of Māori children by the
26 State in the care of faith-based institutions, just whether Te Puni Kōkiri has had any
27 monitoring role in that context.

28 **MR SAMUELS:** Not that I know of.

29 **MS CASTLE:** Given Māori having been abused in the care of those faithbased institutions, do
30 you consider that Te Puni Kōkiri's monitoring role should have, or can currently extend into
31 that setting?

32 **MR SAMUELS:** Well, I hate to change this into a question, but it depends where you want to put
33 your main effort, because that kaupapa that you have just described, I suggest if I said,
34 "We're going to focus on that and monitor", and what I think you're describing, which is an

1 effectiveness audit, then we would do nothing else. The fact that we focus on
2 whānau-centred approaches and delivery mechanisms that empower the community, I think
3 that is an approach and that would impact upon the kaupapa that you're talking about.

4 The backdrop to this is multi-faceted, but one of the components here is open
5 government. We've been signed up in New Zealand to open government since 2014. It's
6 under the International Association For Public Participation. In there -- and it's on the
7 Public Service Commission's website as their long-term insights briefing. In there, it's
8 acknowledged internationally that participation by the public provides for better outcomes.
9 Also in there, it describes an engagement framework that is tiered, that moves from inform
10 to consult to involve to collaborate and then to empower. That, in conjunction with a
11 whānau-centred approach, commissioning for outcomes is where we will make a change in
12 terms of well-being outcomes for Māori right across the spectrum, whether that be in
13 health, housing, education, justice.

14 **MS CASTLE:** Earlier this week, when we heard from Oranga Tamariki in an exchange between
15 my colleague, Ms Coates, and their Chief Social Worker, and I'm paraphrasing, he said,
16 "We don't have enough regard to the fact that there are changes in government and there is
17 influence on the agency from a direction and practice perspective, and agencies are at times
18 subject to pendulum swings". Does TPK see pendulum swings to a barrier to effectively
19 carrying out its role or effecting change?

20 **MR SAMUELS:** The Public Service, and in particular chief executives within the Public Service,
21 we're stewards of the Public Service. So whilst policy differences may change in terms of
22 governments and we serve the Government of the day, what we're talking about in terms of
23 well-being for Māori, I think will straddle across whatever governing body is in place. It's
24 for the Public Service to steward that. So, no, I don't accept that.

25 **MS CASTLE:** Okay. Do you have any reflections on TPK and its predecessor's performance of
26 its mandate over the same period of time we're looking at, so the terms of reference period,
27 when we know that Māori were subject to very high levels of abuse in various State care
28 settings?

29 **MR SAMUELS:** What was the first part of that question, sorry?

30 **MS CASTLE:** Do you have any reflections to make in terms of TPK's performance of its mandate
31 over that period, in light of what we've heard through this Inquiry about Māori abuse in
32 care?

1 **MR SAMUELS:** Clearly, there have been failings within the system. Te Puni Kōkiri is part of
2 the system and so I accept that we are part of the system that has resulted in those hara and
3 that pain that I mentioned earlier.

4 In terms of Te Puni Kōkiri over the period of 1950 through to 1999, our purpose in
5 Te Puni Kōkiri, and it's really why we exist and that's how I explain it to our staff, is to
6 build an Aotearoa New Zealand where whānau can all stand, thrive and belong. We do that
7 by drawing strength on our past. I think in the various iterations in Te Puni Kōkiri and the
8 Ministry of Maori Affairs, there have been very, very good intentions and very good
9 innovations that probably were ahead of their time. And if you look back in the records,
10 you'll see that delivering through the community, delivering by the community,
11 empowering the community and putting whānau in the centre has been a strong theme
12 throughout the existence of Te Puni Kōkiri and its predecessors. I think there is a
13 convergence now and Covid has been part of that, that we can see that that approach will
14 work and has worked.

15 So I think we've learned from our past, we're drawing strength from our past.

16 **MS CASTLE:** Is an example of that moving away from that effectiveness auditing approach to
17 TPK's monitoring role?

18 **MR SAMUELS:** Well, if we did it, we would fail.

19 **MS CASTLE:** That previous approach being taken, is that part of the part in the system that you
20 think TPK played when you talk about TPK being part of the system that failed Māori who
21 were abused in care?

22 **MR SAMUELS:** No, the failure I talk about there is in TPK's role and it is my judgment and my
23 leadership that has determined that is not how we will carry out the monitoring function,
24 because, in my view, we will fail.

25 **MS CASTLE:** Do you consider that function being carried out in that way during part of the
26 terms of reference period, had any part to play in the system failing in terms of Māori
27 abused in care?

28 **MR SAMUELS:** I don't know that I could draw a direct link, but I do, on reflection, and
29 remember I wasn't -- it's very easy to be critical of predecessors and I don't want to do that,
30 but clearly, that function, if you look across the system, wasn't successful.

31 **MS CASTLE:** You say in your evidence there needs to be, and this is talking currently, at system
32 level, a better way of ensuring that government services are being delivered effectively to
33 Māori. You say that at paragraph 20 of your brief. If you were to have a wish list in terms

1 of what those changes at system level would look like, what are the top three things, to your
2 mind?

3 **MR SAMUELS:** There would be three component to this. One is we would take account of the
4 whānau and not just the individual. We would deliver for the individual, but we would also
5 see the whānau as the primary focus. Secondly is that we would empower communities to
6 deliver into the community; and, thirdly, we would take a commissioning approach, where
7 we commission for outcomes, as opposed to a contractual funder/provider arrangement.

8 **MS CASTLE:** You talk a lot about a whānaucentred approach and you referred to Whānau Ora in
9 your evidence. What do you think would be the benefits to taking a Whānau Ora approach
10 as the first building block for designing a safe system focused on the prevention of abuse?

11 **MR SAMUELS:** I think there would be an argument that it would be more efficient. There
12 would be funding required upfront, but I think the long-term outcomes would mean that,
13 ultimately, the costs -- the benefits would outweigh the costs.

14 **MS CASTLE:** So is the costs the only disadvantage that you identify in terms of taking that
15 approach?

16 **MR SAMUELS:** No, because rather than deal with the multiple issues in whānau at risk, whether
17 that be drug abuse, whether that be family violence, whether that be substance abuse, etc,
18 rather than deal with those individually, you'd deal with them as a whānau unit, because if
19 you deal with the individual alone and those other issues aren't managed, then the
20 environment that that individual is in will be unwell.

21 **MS CASTLE:** You referred to this earlier as well in terms of there being too much focus on the
22 individual. Is there anything else that you think needs to change to enable ministries to take
23 on a more whānau-centred approach and to move away from looking at individuals in a
24 vacuum?

25 **MR SAMUELS:** It's an evolution and so I don't expect -- I don't expect my colleagues to just
26 change because I said they should. I need to prove this. I need to ensure that in the contest
27 of ideas, we demonstrate that this works and we're close to that point. Many agencies now
28 talk about whānau-centred. Collectively, we -- if we come together collectively to work out
29 how we would deliver in that way across the system, that would be success, in my view.

30 **MS CASTLE:** Madam Chair, I'm mindful there's 5 minutes remaining and the Commissioners are
31 likely to have questions so I'll end it there.

32 **CHAIR:** Kia ora, Ms Castle, yes, we do and the questioning will be done by Dr Erueti and Julia
33 Steenson.

1 **COMMISSIONER ERUETI:** Kia ora kōrua. Can I just, Mr Samuels, start with clarifying Ngā
2 Tini Whetū. This pilot project seems to be focused on having more kairaranga directed
3 towards helping these whānau at risk, is that the essence of it?

4 **MR SAMUELS:** Yes, it is, so it is more intense, so you move from 20 down to 10. So it is more
5 intense with those 800 whānau at risk. It is through the commissioning agencies, and it has
6 evolved with the Whānau Ora Commissioning Agency and it's quite sophisticated, so that
7 the outcomes that we are purchasing are translated by the commissioning agency down to
8 provider level, in terms of those outcomes and how they deliver those. Yeah.

9 **COMMISSIONER ERUETI:** Okay. Are you funding -- is TPK funding this, one of the funders?

10 **MR SAMUELS:** We are one of the funders. The other funders are ACC and Oranga Tamariki.
11 So ACC 5.2 million; Oranga Tamariki 7.95 million; and Te Puni Kōkiri around 7 million.

12 **COMMISSIONER ERUETI:** Ka pai. Over the last few weeks, we've heard a lot about the need
13 to build the capacity and empower whānau, hapū, iwi, urban Māori, these collectives to
14 provide services to our tamariki and adults at risk. It's a platform for Oranga Tamariki, we
15 have heard, and I wondered, as part of your statutory function, whether TPK sees itself as
16 having a role here in advancing that kaupapa?

17 **MR SAMUELS:** I see it as part of our function. I wouldn't necessarily rely on statute for that.
18 I mean, it's what we are doing currently. And the reason I say that is because Whānau Ora
19 has resided within TPK for over a decade now and what we see now in Whānau Ora is not
20 what we started with and that has evolved. So there is a whole body of evidence and
21 learning residing both in Te Puni Kōkiri but, more importantly, I think, in the
22 commissioning agencies around how you can do exactly what you had heard from the other
23 witnesses.

24 **COMMISSIONER ERUETI:** Ka pai. What I should have added is that progress has been very
25 slow. The Māori providers participating in providing these services are really thin on the
26 ground. There has been some progress but there's a real desire, we're hearing in
27 communities, for Māori to -- for these services to escalate quickly and I wonder what role
28 your Ministry would have in providing a significant boost to this initiative.

29 **MR SAMUELS:** In terms of funding?

30 **COMMISSIONER ERUETI:** You speak of -- well, I go back to your statutory functions, the
31 network that you have with 18 officers throughout the country, with capability building,
32 with monitoring, with the innovation that you've talked about.

33 **MR SAMUELS:** Absolutely, we have a role and if I again use the example in front of me now,
34 which would be housing, immediately when you think about housing, you do think about

1 construction. But if we look at Iwi Chairs, and this was a Treaty partnership, which is
2 different to some of the other engagements we have around capability build, the building of
3 the house, I guess, is the entry point in terms of well-being in this case study. And
4 \$730 million was secured across the housing -- between us and HUD to be able to deliver
5 on Māori housing. In there, by getting iwi, in this case, entities to be able to stand up,
6 partner with the Crown and, through their own development arms, delivering houses, what
7 sits behind there -- and it is across the whole system, and Te Puni Kōkiri is nurturing this
8 with Housing and Urban Development -- are cadetships, where you would get employment
9 and moving up the ladder in terms of employment in those building activities. Behind that
10 should sit apprenticeships and behind that should be enterprise, such as the delivery of
11 services, and Te Puni Kōkiri, along with the Ministry for Business, Innovation and
12 Employment, has now got through Cabinet the progressive procurement.

13 **COMMISSIONER ERUETI:** Tēnā koe, I don't mean to cut you off but I just did want to focus
14 on the care and protection, about whether you see a role in building Māori capacity to be
15 providers in this area, to accelerate the rate of progress that we're seeing.

16 **MR SAMUELS:** I think we're doing that with Ngā Tini Whetū.

17 **COMMISSIONER ERUETI:** Ka pai. We have very limited time, we have lots of questions, of
18 course, but we appreciate your contribution. Thank you. I'll pass now to my colleague.

19 **COMMISSIONER STEENSON:** Tēnā koe, tēnā kōrua. So just staying on that theme around the
20 commissioning agencies, because they're your intermediaries, as you termed it, and I'm just
21 wanting to understand that a little bit better. So they take the pūtea and decide who the
22 third parties to deliver the outcomes to will be; is that correct?

23 **MR SAMUELS:** They deliver through their providers.

24 **COMMISSIONER STEENSON:** Through their own providers or --

25 **MR SAMUELS:** They have a whole network of providers. There are three commissioning
26 agencies. There's one for the North Island, one for the South Island and one for Pasifika
27 and then they go through their own providers to deliver to communities in need through
28 their navigators.

29 **COMMISSIONER STEENSON:** Right, and so are they part of them or are they third party
30 contractors that they choose?

31 **MR SAMUELS:** They may be both. There are Whānau Ora providers that will provide for other
32 social services as well.

33 **COMMISSIONER STEENSON:** I'm assuming they'll be the likes of marae-based.

34 **MR SAMUELS:** They can be, yes.

1 **COMMISSIONER STEENSON:** That's helped me understand that. That means they have quite
2 a bit of -- they're pretty important in the ecosystem that you're trying to achieve, in terms of
3 outcomes and wrap-around services with Whānau Ora. Just wondering if you have any
4 insights around any barriers that they might have in delivering and whether you think
5 Whānau Ora is currently delivering what it needs to in the way it was envisaged.

6 **MR SAMUELS:** Well, Whānau Ora is limited by -- if you like, by Te Puni Kōkiri in terms of the
7 Māori development vote, so it's limited by my vote.

8 **COMMISSIONER STEENSON:** And by "vote", you mean funding.

9 **MR SAMUELS:** Sorry, yes, vote by funding. If a decision was taken in the future to expand
10 those services then either Te Puni Kōkiri's vote would need to grow, or Whānau Ora would
11 need to go into a wider network of funding, enabling funding to occur. To do that, for
12 example, for Ngā Tini Whetū, we take the funds from the other agencies, but in the future,
13 you might see agencies coming together in much larger groupings to provide a funding
14 funnel into a Whānau Ora type arrangement, or any other entity such as the housing entity
15 I explained or hauora.

16 **COMMISSIONER STEENSON:** Okay, because I am aware, with my other potae, that some iwi
17 and hapū get funding to do this delivery, but is there any policy around, say, certain funding
18 priorities to deliver Whānau Ora, just thinking the importance of that, if -- yeah, how is that
19 prioritised? Is it done on a -- you have a settlement so you can use that settlement versus
20 this hapū that doesn't?

21 **MR SAMUELS:** For Whānau Ora?

22 **COMMISSIONER STEENSON:** For Whānau Ora.

23 **MR SAMUELS:** For Whānau Ora, there's a budget for Whānau Ora. If I just very quickly go
24 back ten years ago, through a procurement process, those three entities, commissioning
25 agencies were identified and agreed to by Cabinet. So there was a whole process by which
26 they were selected, the procurement process if you like. And so now there's a budget that
27 comes through Te Puni Kōkiri, that goes out through Te Puni Kōkiri through investment
28 plans and multi-year plans and then every year gets funded out through the commissioning
29 agencies.

30 **COMMISSIONER STEENSON:** So they will have their procurement policies on how that's
31 distributed, is basically what you're saying?

32 **MR SAMUELS:** Yes, yes, and we do as well.

33 **COMMISSIONER STEENSON:** And you have a say in what that looks like and how that's
34 done.

- 1 **MR SAMUELS:** Yes, we negotiate with them on the investment plans.
- 2 **COMMISSIONER STEENSON:** I'm just trying to get to how those outcomes are monitored that
3 are required because, obviously, it's such an important front end for whānau, as you know.
- 4 **MR SAMUELS:** Yeah, and they report back through to us on those outcomes.
- 5 **COMMISSIONER STEENSON:** Okay, thank you. Just wondering, with the -- you talk about
6 not wanting, basically, TPK to do greater monitoring with regards to mokopuna in State
7 care because you think TPK would fail. Can you just expand on why, your reasons around
8 that? You'll have reasons, no doubt.
- 9 **MR SAMUELS:** Can I just clarify, we are monitoring. We're just not doing it in the way that I
10 think the questioning led me, which is around effectiveness audits, but we are
11 monitoring -- the fact that we are working with Oranga Tamariki now and monitoring by
12 doing.
- 13 **COMMISSIONER STEENSON:** Okay, so for a mokopuna, a tamariki who is in the care of the
14 State today, how will they feel that?
- 15 **MR SAMUELS:** If we're successful in this innovation, we'll change the system.
- 16 **COMMISSIONER STEENSON:** Okay, I see where you're going with that. So it's around the
17 shifting of what the system looks like.
- 18 **MR SAMUELS:** That's my role. I'm here to change the system, to get the system to deliver for
19 Māori. That hasn't over the period in question. You can either focus on individual actions
20 or you can look at the system and how you shift the system to change. That's my focus.
- 21 **COMMISSIONER STEENSON:** Kei te pai. In your statement you do talk about there needing
22 to be a system level change. Do you have a vision for what that is or is it that
23 whānau-centric vision of a system?
- 24 **MR SAMUELS:** It is our vision of thriving whānau and when whānau thrive, so do hapū, iwi,
25 communities.
- 26 **COMMISSIONER STEENSON:** So all the agencies having that central driver.
- 27 **MR SAMUELS:** Having a whānau-centred approach. And I have to say agencies are open to
28 this.
- 29 **COMMISSIONER STEENSON:** Ka pai, thank you. And just on monitoring still, if we talk
30 about the Act that's just been passed, did the agencies consult with TPK at all around what
31 that has now -- the policy and the Act and was there any engagement with, say,
32 the Ombudsman, the OCC or the ICM at all?
- 33 **MR SAMUELS:** I would expect -- on the last part of your question, I would expect that there was
34 from the lead agency and certainly they have engaged with us.

1 **COMMISSIONER STEENSON:** So you've had input into that, what it now looks like.

2 **MR SAMUELS:** We will have had input, yes.

3 **COMMISSIONER STEENSON:** It just leaves me then, that's all my pātai, so I will say on
4 behalf of the Commission --

5 **COMMISSIONER GIBSON:** Can I ask one last question? We've heard many stories of tāngata
6 whaikaha, tāngata whaiora Māori and their whānau and the abuse they experienced in care.
7 Do I take it from the absence of the kōrero in the brief of evidence that they're not one of
8 the -- and the agencies that are there to support them are not one of the monitoring priorities
9 for Te Puni Kōkiri?

10 **MR SAMUELS:** The system is the monitoring priority; they're part of the system.

11 **COMMISSIONER GIBSON:** But, in a sense, if you walk alongside some agencies to guide
12 them.

13 **MR SAMUELS:** I wouldn't rule them out, no. No, because -- well, if you look across the system
14 right now, you'll see multiple agencies that aren't walking with Te Puni Kōkiri right now.
15 What I'm trying to do is to create an invasion to get the system to change and that would
16 impact on the communities right across that whole system, Māori communities.

17 **COMMISSIONER GIBSON:** Is there a proposal to do similar work, for example, with the new
18 ministry Whaikaha in the same way you're working with Oranga Tamariki?

19 **MR SAMUELS:** There's not a proposal right now that I know of, no, but that doesn't mean that
20 what we're doing, if we get a whānau-centred approach adopted, if we get delivery to the
21 community through the community, if we get commissioning taken up across the system,
22 that doesn't mean that all communities within that system wouldn't benefit.

23 **COMMISSIONER GIBSON:** Kia ora, thanks.

24 **COMMISSIONER STEENSON:** Tēnei te mihi, tēnei te mihi, tēnei te mihi ki a kōrua e rangatira
25 o Te Puni Kōkiri. Kei te takere nui o tō tātou waka te Kōkiri atu nei. Nō reira, tēnā koutou o
26 te rā, tēnā koutou katoa. Kia ora.

27 **CHAIR:** Yes, thank you both for coming and to your teams behind you who have done all the
28 preparation of work, we appreciate that very much. It's now time for us to take a short
29 break. Shall we cut that down to, say, 10 minutes because I'm conscious we've got the
30 Ombudsman to follow before lunch. Is that suitable to everybody? All right, we'll take
31 10 minutes.

32 **Adjournment from 11.57 am to 12.12 pm**