

Dr Rawiri Waretini – Karena

Brief of Evidence - Contextual Hearing Abuse in Care Inquiry

Ko wai ahau | Introduction

1. Ki te taha o tōku Matua,
Ko Tainui te Waka
Ko Taupiri ko Kario ōku maunga.
Ko Whaingaroa te moana Ko Waikato te awa.
Ko Ngāti Māhanga, Ngāti Māhuta ōku iwi.
Ko Tainui Āwhiro te hapū Ko Tūrangawaewae me Poehakena ōku marae
Ko Tūheitia te tangata
2. Ki te taha o tōku whaea ko Ngātokimatawhaorua, ko Mamaru, ko Tinana ōku waka.
Ko Pūtahi, ko Maungataniwha, ko Pangaru ki Popta ōku maunga.
Ko Waioro te Awa, me Rangāunu raua ko Hokianga oku moana.
Ko Ngāti Hine, Ngāti Kāhu, Te Rarawa ōku iwi
Ko Ngāti Whakaeke, ko Patukoraha, ko Ngāti Manawa ōku hapū
Ko Te Kotahitanga, ko Karaponia, ko Motiti ōku marae.
Ko Hohaia, Ko Rapehana Tohe, ko Paparoa ōku whānau
Ko Tihei Rawiri (David) Waretini-Karena tōku ingoa, tihei mauri Ora
3. My name is Rawiri (David) Waretini-Karena. On my father’s side I descend from Tainui, and on my mother’s side from Ko Ngāti Hine, Ngāti Kāhu, and Te Rarawa.
4. I have a PHD in Philosophy. My PHD research was on Māori experiences of intergenerational trauma stemming from colonisation due to legislative policies. I argued that these policies also contributed to Māori crime and prison statistics. This research has formed the basis of evidence I have given in three Waitangi Tribunal Inquiries.¹
5. In 2013, I was a Ngarimu VC and 28th Māori Battalion Doctoral Scholar. I was also a Te Atawhai o te Ao Doctoral scholar and a Waikato Tainui Doctoral Scholar.
6. Until 2018, I was the National President of Te Whariki Tautoko, a Māori counselling and social services national ethical governing body.
7. I have been in the education field of over 22 years. I am a Lecturer and Post Doctoral Research Fellow Recipient at Te Whare Wananga o Awanuiarangi Indigenous University in Whakatane and I teach and supervise PhD and Master’s students. My specialist fields include counselling, social work, and mental health.
8. I have been a board member of the Ngarimu and 28th Māori Battalion Alumni Board since 2014
9. I am a High councillor for the Glenview Stake in the Church of Jesus Christ of Latter Day Saints.

¹ Department of Corrections Inquiry Wai 2540, Prisoner Voting Rights Inquiry Wai 2867, and Maori in State Care (Wai: 2494, 2615, 2619).

10. I am co-chairman of the Kīngitanga Academic Panel. We are involved in various projects within the Waikato Community one of which includes the building of a rehabilitation complex for Māori female prisoners. This is in collaboration between the Kīngitanga and the Department of Corrections.
11. I am a Board of Trustee for the Endowment College at Hopuhopu Ngaruwahia for the Kīngitanga.
12. I also sit as an Executive member of the New Zealand Māori Council and am part of the Justice, Law and Corrections Committee alongside our chair Roimata Minhinick. Our Tumuaki is Sir Eddy Durie, and is led by Matthew Tukaki. Through them I am actively involved in the development of the Hōkai Rangi strategies for Ministry for Corrections
13. I have spent over 20 years as a facilitator for the Alternatives too Violence Project Waikato facilitating Alternatives to Violence programs in both prisons and the community.
14. I have been involved in facilitating and training hundreds of prisoners in finding alternate ways of dealing with anger.

Te Tongi a Tawhiao

15. To start, I want to refer to the well known Tongi of King Tawhiao:

Te Tongi a Tawhiao
Māku anō e hanga tōku nei whare
Ko te tāhūhū, ko te Hīnau.
Ko ngā poupou ko te Māhoe, ko te Patatē

I shall build my own house,
The ridge-pole will be of Hīnau
And the supporting posts of Māhoe and Patatē

16. A significant feature of Te Tongi a Tawhiao prophesy concerns the timber Tāwhiao refers to and chose to rebuild his house with. In his prophetic saying, the timbers he chose are not the chiefly timbers such as the 'Totara', or the 'Kauri'. The reason for their omission from this prophesy is important because carvers prefer to use the chiefly timbers to build houses and canoes. The type and quality of the timber used in building houses and other properties, imbues them with great status. However, the timber Tāwhiao speaks of in the prophesy, are commonly grown in abundance throughout the forest. What is also known about the Hīnau, mahoe and Patatē is that they can be bent when pressure is applied, and not break. They possess a resilience about them that does not exist in the Totara or Kauri tree.
17. One interpretation of the prophesy is by likening the concept of the timber to the nature of human beings. Given the circumstances that the Waikato people went through with the confiscation of land, I interpret those words to mean that the people will be restored by the

power of resilience, adaption, recovery and re-emergence that exists within the common people.

18. This is relevant to my story, the story of my whānau, and in my view the story of many Māori who have been impacted by this country's colonial history, state care, and abuse (in its many forms) inflicted on those in that care.
19. The Tongi a Tawhiao also speaks to the future of state care in this country, if we are to transform the way this system works, especially for Māori we must give careful consideration to that process, and ensure that Māori have considerable input into what works best for Māori. I am strongly of the view that a system that is for Māori by Māori is what is needed in order to address the years of harm caused by colonisation.

Genesis of Māori child abuse

20. Research from Dr Rawiri Taonui, Dr Moana Jackson and Dame Anne Salmond highlight that child abuse is not indicative of Māori culture pre-colonisation.
21. I don't intend to delve deep into the research of others in this area, other than to say that as a starting point, Māori child rearing changed markedly at the arrival of Europeans and laws and policies which had a wide spread detrimental impact on the traditional Māori way of life.
22. Dr Rawiri Taonui turns to te reo Māori as a means to illustrate the importance of relationships between parents and their tamariki:²

*He aroha whārere, he pōtiki piri poho – A mother's love, a breast clinging child
Maku I kapu I te toiroa o a taua tamariki – by my hand our children will be kept unharmed.*

23. Although whakataukī are insightful, the written work of early European dating between 1814 to 1868 also contributes to the notion that Māori pre-colonisation were not endemically physically abused.
24. Samuel Marsden made the following comments that Māori men engaged in little violence towards women and children. "I saw no quarrelling there. They are kind to their women and children. I never observes either a mark of violence upon them nor did I ever see a child struck."³ Marsden believed that children were treated respectfully.
25. This was the theme of an editorial written by Dame Anne Salmond when she discussed early European settlers' comments about how Māori treated their children. Salmond states: John Savage who wrote in 1807 that the children here appear to be treated with great degree of affection. They are robust, likely and possess in general, pleasing countenances.⁴

² Taonui, R. (2010). *Mana Tamariki: Cultural Alienation*. News. Tangatawhenua.com.

³ Ibid.

⁴ Salmond A. (2016). *Once were tender fathers*. Accessed from:
http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11644786.

Intergenerational experience

26. I was born into a dysfunctional and abusive home environment and experienced severe child abuse.
27. As I constantly turned up at school showing signs of abuse and demonstrated behavioural issues, I came under the scrutiny of the Department of Social Welfare.
28. I was five years old when the Department of Social Welfare and Youth Aid Police Officer picked me up from primary school and took me to a social welfare home called Tower Hill which was located at 9 Ruakiwi Road in Hamilton. Tower Hill was a three-story social welfare home created for State wards that housed up to 30 children at a time.
29. I am a product of the system who spent 11 years as a ward of the State. I moved between social welfare homes, foster homes, boys' homes and then I spent 10 years and 7 months of a life sentence in prison.
30. I was released from prison 23 years ago. I have spent 45 years in this system. I am still part of it as a person on parole for a life sentence for murder. Whilst that is a summary of my personal story, its origins begin with my Great Grandfather, Te Nahu Te Kuri Waretini Wetene.

Great grandfather, Te Nahu Te Kuri Waretini-Wetene (Te Nahu)

31. Te Nahu was born in 1840.
32. At 23 years of age, he fought against the against the British Empire and the New Zealand Colonial Settler Government troops who invaded the Waikato region. After nearly a year of war, Te Nahu followed Kingi Tāwhiao into the King Country, and exile.
33. As a result of the war, Waikato lost resources, assets and over one million acres of land defending their homes and families. This left them impoverished and destitute for many years.
34. P Waratini (personal communication, Jan 10 2011) contended that "whilst Te Nahu was in the King Country he ended up alongside Rewi Maniapoto and Tuhoe fighting the British troops at Orākau pā, he was lucky to escape with his life". Te Nahu was said to be 80 years old when my grandfather Te Kapa Waretini-Wetene was born. In his later years he became a spiritual advisor to King Māhuta, King Te Rata and Princess Te Puea.
35. Te Nahu lived to the age of 100 years old, and can be seen as an example of a man born into a collective life of wealth and abundance born from collaborative interdependent alliances pre Te Tiriti o Waitangi, to dying under impoverished circumstances resulting from the confiscations of Māori land from the Waikato invasion in 1863 post Te Tiriti o Waitangi.

Grandfather Kapa o Te Wharua Waretini-Wetene (Kapa)

36. Kapa was born in 1920's. Princess Te Puea was known for raising whāngai, and Te Kapa was brought up by her. Te Kapa was born into a very different time to his father, Te Nahu and there were many pressing issues for Māori in Waikato.
37. The first issue was a growing sense of outrage over the confiscated lands in the Waikato. The Waikato people protested the actions of the respective New Zealand Settler Governments regarding the land confiscations and refused to participate in the First World War becoming conscientious objectors. This resulted in numerous Waikato men being jailed.
38. The second issue came about in 1918. In 1918 an influenza epidemic struck lasting from approximately October to December 1918. King (1987) contended that "many Māori parents died leaving children orphaned, homeless, abandoned and destitute". Karena (2009) contended that "Te Puea visited all the settlements between Mangatawhiri and the Waikato heads gathering up all the those orphaned as a result of the influenza epidemic". King (1987) stated that "the children numbered just over one hundred".
39. The State education system was damaging to my Grandfather. Coming from an environment that mainly spoke Māori it was a shock for Te Kapa to continually be on the receiving end of beatings for speaking Māori to the point that he stopped using his native language. As a result, he wouldn't teach his children te reo me ōna tikanga.
40. To this day many of his descendants do not speak the Māori language or attend marae meetings due to religious reasons based on Western paradigms. He passed away from a heart attack in 1989 while attending a hui at Tūrangawaewae marae.

My father, Raymond Bartholomew Waretini Karena

41. My father was born in the aftermath of World War II. His father went away to fight with the 28th Māori Battallion Company C for the rights of citizenship as expressed by Sir Apirana Ngata, to be equal partners in te Tiriti o Waitangi.
42. However, as successful as they were, the 28th Māori Battalion soldiers came back broken and traumatized. What little land they had left was taken and given to the settler soldiers. That left my father's generation even more impoverished and they were forced to migrate from the rural sectors into the cities to find work. The pepper potting strategy and the Hunn Report of 1961 was used to break up Māori communities and assimilate Māori to Western ways of doing things.
43. In the city there was not a marae to connect with, so for my family, the Chartwell Pub became their marae. My father's generation experienced the effects of poverty, drugs, alcohol, child abuse and domestic violence.
44. In the 1950's my father was taken away by the social welfare agency of the time and put with caregivers who beat and abused him. It left him traumatized. This upbringing in State care,

was his model for raising his children. The environment I was born into was toxic and abusive. It had many of the traits seen in the movie, *Once Were Warriors*.

My first experience in State Care

45. I always expected that my parents would come and get me from the social welfare home I was in. My room was close to the front door and I waited there with my bag packed everyday waiting for them to come.
46. Days turned into weeks which turned into months, which eventually turned into a year. When they finally did come, I was angry at them. I felt they had abandoned me and left me with people I didn't know, strangers.

Going home

47. When I got home, I found out that I had another brother. Things were good at first then they slowly slipped back into an abusive lifestyle again. One day my mother went off to housie and my father went to the pub. I was left at home to look after my younger brother who was about 12 months old. It was raining and the roads had flooded. Once the rain stopped all the kids in the neighbourhood ran out into the street to play in the water.
48. I decided to join them and left my brother on the porch so I could see him whilst I played alongside the other kids. I got so engrossed in what we were doing that I didn't notice that it had started raining again. My brother got soaking wet on the porch which I didn't realise until I heard him crying. I took him inside and dried him down. I then made him something to drink. He caught the flu and died seven days later.
49. I blamed myself for his death. It happened in 1976, and yet it still sits with me even to this day. I knew better than to tell my parents. Even at that age, I knew that my father would kill me.
50. After his funeral, my mother took to praying every night to console her heart break at losing her son. One night my father came in drunk and started beating my mother, my older brother and I for praying to God. I was still angry at him for abusing and abandoning me and tried to stand up to him. The beating got worse. My mother got int between us and was knocked unconscious.
51. I was so shocked at what I saw, I just felt rage. He wanted to make me cry, but I didn't want to give him the satisfaction. He could see my rage: I was mumbling things under my breath. For some reason he said: 'One day you and I are going to fight. Maybe one of us won't survive'. From that day I contemplated the day I would grow up and have it out with him.
52. Three days later, I was still seething; I pinched all his money out of his wallet and set fire to his bed – while he was still asleep in it. I was returned to Tower Hill and was angrier and more confused than before.

Returning to State Care

53. When I returned to Tower Hill, I started at a new school. From what I experienced, us State Wards were treated differently from others, and there was a stigma in being a State Ward at school. An early memory is of being picked on by a group of kids for having no parents. I found it hard not to react badly to people who picked on me. All sorts of things would trigger flashbacks to the way my father treated me. I would often run out of the classroom, or go into trances, and struggled with battle voices in my head when I had flash backs of abuse that left me traumatized.
54. In 1978, Gwenda Rowe came to Tower Hill. One day I walked up from the laundry with some towels when a man was standing behind a social worker. He had a gun to her head and was ordering everyone to get into the lounge and to lie on the floor. He then kidnapped Gwenda and went on the run from the Police for over five weeks. Gwenda was brought back to Tower Hill and we became close.
55. In 1979 I was moved to a foster home. My foster parents were European. It was here that I directly experienced racism for the first time. I didn't have the words to respond to those situations, so I would resort to anger. There were examples of physical abuse, but it was very light compared to what I had experienced at home. At that time, it was the overall treatment of me that impacted me most. The overt racism towards me by my caregivers was the dominant feature of that.
56. At this time, I'd grown to hate myself and started to self-harm. I tried to commit suicide a few times; I didn't like my life. I ended up in the Hamilton Boys home. I was with young boys who'd had similar experiences to me, who also felt abandoned, who were angry and wanted to test themselves against others. It was set out similarly to a prison and kids automatically formed into gangs for protection. It was here that I learnt to defend myself and test myself against others.
57. I never experienced abuse of a sexual nature in State Care. The abuse I experienced (mainly in the Boys Homes) was physical and psychological. The culture of State Care at that time was to make it so uncomfortable that you wouldn't want to come back again. They may have determined it to be a form of discipline; however I would determine it to be a culture of abuse, and bullying that subjected mainly young Māori boys to violent circumstances.

Murder Charge

58. When I was 17, Gwenda Rowe and I met up again and hung out like we used to. We came across a situation similar to our own experiences – a five year old boy we were led to believe was being abused by his father.
59. Whilst I did not recognise it as such at the time, I was carrying psychological baggage and trauma from my own past. The circumstances of this young boy as they were relayed to me

triggered much of my own trauma fuelled anger, and experiences of abuse, and I killed the boy's father.

60. During the trial, I found out everything we were told by the boy's mother was a lie. I understand the mother was trying to collect a life insurance policy. I was convicted of murder and sentenced to life imprisonment. When I entered the West South / West north wing in Waikeria I knew approximately two-thirds of the young men in there. We had all grown up together through the social welfare homes, foster homes and boys' homes.
61. I experienced way more physical altercations during 6 months in the boy's homes than I did during ten years in prison. Just like prison there was a code, if you were attacked by others you retaliated. It was about holding and maintaining your mana. It was also in the boy's homes where I saw boys become involved in gangs, it was a place where those disenfranchised by their own families and communities found a brotherhood that had collective protection.
62. In the environment that I came from, there were 6 men convicted of murder and manslaughter. Three of us lived on the same street. The other three lived around the corner, on the same street. Two were Mongrel Mob, two were Black Power the other two were affiliated to both. All had come from low impoverished circumstances where gangs, drugs, domestic violence and child abuse were factors. The history of the Mongrel Mob has its roots founded in state care. The gangs play a huge role in prison. In the high security wings all inmates lined up in one of two lines to go to the dining rooms for breakfast or dinner. The lines were based on Mongrel Mob or Black Power regardless if you were a gang member or not, you still had to choose which line to stand in.

Overcoming my deficit legacies

63. I have spent the last 23 years healing two deficit legacies. The first deficit legacy was with the family of the man I killed. I did an article with an aunty and uncle of the man which was published in the Waikato Times. The article is about how we met (at Mormon Temple) and how we began our healing journey together.
64. The second deficit legacy was with my own family who were initially shamed because of my actions. I used education as a vehicle to create a new legacy they can be proud of. After completing a bachelor's degree, I became a lecturer at WINTEC teaching counselling, social worker and mental health. I then commenced a Master's degree in counselling, a Master's degree in commercial music and a PhD in Philosophy. My family name is now proudly used in education, in the media and in other forums like this.

My PhD Research

65. I have built my academic career researching to understand historical contexts surrounding my offending, the environment I was born into, and the manner in which the environment I was born into was created and shaped.

66. A major theme that came out of my PhD research highlighted that Māori, due to colonisation; grow up in the face of their histories born into environments systematically constructed by others (previous New Zealand Governments).
67. Ensuing colonial legislation of the 19th century created intergenerational ripples that continue to affect Māori. The intergenerational ripple effects stemming from previous New Zealand Governments, and their focus on systematically breaking down traditional Māori societies.⁵
68. Bedggood argues that the “penetration of the capitalist mode of production and the destruction of the Māori occurred at three levels, economic, political and ideological.”⁶
69. The immediate impact of the capitalist mode of production; was designed to challenge the ideological dominance of the Māori chiefs in the reproduction of Māori society. Bedggood further explains that although ethnocide weakened the ideological resistance of Māori society to the capitalist market allowing rapid adaption, it was not sufficient to convert land and labour power into a commodity form required by the capitalist mode of production.
70. The Native Lands Act 1862, the Native Reserves Act 1864 and the New Zealand Settlement Acts were created for the purpose of confiscating Māori land.
71. Rashbrooke contextualises these Acts by stating:⁷

Central to this story is the appropriation and alienation of almost 95% of Māori land from the nineteenth century well into the twentieth century...Settlements to date have produced compensation of about 1.48 billion – an amount that has to be considered against the impact of the almost total loss of an economic base over more than a century.

72. The Tohunga Suppression Act 1907 is another legislative instrument that had a detrimental impact on Māori. This Act made it illegal for traditional Māori teachers, healers and experts to train their people in customary practices affecting tikanga, protocols and traditional knowledge. This impacted Māori who grew up without traditional ways of knowing or being due to not being grounded in their cultural origins.
73. The Native Schools Act 1867 is another importance piece of colonial legislation that had a devastating impact on Māori. It is discussed further below.
74. The impact of not being grounded in traditional knowledge and history, left urban Māori from a young age slipping through education gaps, and then put through a social welfare system that pipelines them to prisons.

⁵ Waretini-Karena, R., ‘Colonial law, dominant discourses and intergenerational trauma’ in *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice*, Deckerhert, A, Sarre, R (eds), 2017 at 697 – 723.

⁶ Bedggood, D., *New Zealand’s semi-colonial development*, Auckland, 1978 at 286.

⁷ Rashbrook, M., ‘Inequality and New Zealand’ in Rashbrooke, M (ed) in *Inequality: A New Zealand crisis*, Wellington, 2013 at 4.

The House of Commons Select Committee on Aborigines

75. The following stems from the literature review in my PhD thesis titled, *Transforming Māori experiences of Historical Intergenerational Trauma*.
76. The thinking behind the first policies around child welfare have its genesis in the House of Commons Select Committee on Aborigines. The House of Commons Select Committee on Aborigines was established in England in 1837. Armitage conveyed that one of their roles was to impose European civilization, Christianity, and assimilation upon the 'Aborigines'.⁸
77. This required British administrators to determine who was, and who was not, an aboriginal person. This was the first step towards administering different policies and laws for settler societies and aboriginal societies respectively. Initially the distinction was based on a racial difference hierarchy according to colour. "The white race was at the top, and the darkest race at the bottom. The Australian Aboriginal was seen as lower in hierarchy than were the lighter colour Māori and the Northern American Indian".⁹
78. This hierarchy, according to skin colour practice seemed to be another mechanism in the arsenal of dominant cultures, was utilised as a means in which to undermine the Indigenous peoples it was subjugating by establishing a system that enables one culture to dominate another, according to the colour of their skin. We are still dealing with the legacy of this today, for example Statistics New Zealand reported in 2012 following its project *Working together: Racial discrimination in New Zealand*. In that report around 6 percent or 187,000 New Zealanders believed racial discrimination was the reason for them being treated unfairly or unfavourably.
79. The House of Commons Select Committee on Aborigines were also responsible for blood quantum thinking. Blood quantum is the idea that full blooded Indigenous had full right to their traditional land, while a "half caste" and "quarter caste" Indigenous didn't have as much right to their traditional land as the "Indigenusness" had been bred out of them.
80. The House of Commons select Committee on Aborigines then came out with the idea that there were no more full blooded Indigenous peoples, so none of them had rights to their traditional lands.
81. Armitage explains racial discrimination using three principle phases characterized by three different meanings.¹⁰ The first phase is race lineage and genealogical connections. The second phase talks of race as a subspecies presenting connotations that infer some species of race are higher value than others. The third phase discusses "the role of race in establishing social divisions used for the purpose of one race benefiting at the expense of another".¹¹

⁸ Armitage, A, (1995). *Comparing the policy of aboriginal assimilation in Australia, Canada and New Zealand*. University of, Vancouver: Canada. UBC Press.

⁹ Armitage, A, (1995). *Comparing the policy of aboriginal assimilation in Australia, Canada and New Zealand*. University of, Vancouver: Canada. UBC Press at 194.

¹⁰ Armitage, A, (1995). *Comparing the policy of aboriginal assimilation in Australia, Canada and New Zealand*. University of, Vancouver: Canada. UBC Press.

¹¹ Ibid.

82. Other roles the House of Commons Select Committee on Aborigines participated in included distributing assimilation policies to Australia, Canada and New Zealand. Armitage states that:¹²

In Australia these policies were introduced through the protection of 'Aborigines' statutes which were passed in the period between 1869 and 1909; in Canada they were introduced within the framework of the Indian Act 1876, and its successors; and in New Zealand they were introduced in legislation establishing the Native Department (18610 and the Native Schools Act, 1867. Settlers, confident of their racial and cultural superiority, introduced these paternalistic policies in the 'best interests' aboriginal peoples.

83. What this brings to the fore are explanations as to why Indigenous cultures in three different countries have similar historical experiences with the colonising governments that occupy their lands. It also highlights the genesis to the stolen generations in Australia, the residential schools in Canada where the Truth and Reconciliation Commission have dealt with the disappearance of thousands of indigenous children who have gone missing over decades. It also explains the genesis of assimilation policies applied to Māori children in Aotearoa New Zealand.

84. Armitage argues that: "the 1837 House of Commons Select Committee on Aborigines believed that children offered the best means of ensuring that aboriginal peoples would be prepared for the responsibilities of Christianity, civilisation, and British citizenship".¹³

85. New Zealand's first child welfare policies were born out of this thinking. The initial piece of child welfare legislation in New Zealand was called the Neglected and Criminal Children's Act 1867. This piece of legislation was aimed at Māori youth and led to the establishment of industrial schools. The Department of Education was initially made responsible for these schools in 1880.

86. Armitage states that:¹⁴

In 1910, the Department of Education was made responsible for the supervision of orphanages, and in a further gradual extension of its role, it developed a range of child welfare services which had some mandate to interfere in family matters such as truancy officers, school nurses, protections officers, and probation officers.

87. What is also significant to consider when investigating some of these historical social welfare Acts, is to also take into consideration the Native Schools Act 1867. Under this piece of legislation only English could be spoken in schools and was stringently enforced through corporal punishment. In 1930, George Graham wrote to the Auckland Star, objecting to the operation of the Child Welfare Act.¹⁵

¹² Ibid at 221.

¹³ Ibid at 204.

¹⁴ Ibid at 161.

¹⁵ Graham, 1930 as cited in Armitage, A, (1995). *Comparing the policy of aboriginal assimilation in Australia, Canada and New Zealand*. University of, Vancouver: Canada. UBC Press at 165.

But it is in respect of the application of this law to Māori childhood that I write. For here in particular operate officials who cannot speak Māori, neither know little of nor care less for Māori mentality. They are hence incompetent to allow for those factors; yet they undertake to gather Māori children within their official nets, whence they are relegated to institutions or boarded out to European foster parents whose motives cannot be adjudged as mercenary.

88. Binney and Chaplin support this theory by giving an account of the life of Putiputi Onekawa who was born in 1908 and who was sent away to school at Turakina in 1921:¹⁶

I started school quite old. And I can't talk English. All we got to do is cry, because 'Don't talk Māori in school' We can't talk English – so all we do is cry. Yes for a long while. I can't talk English no matter what. I try by the only thing I know is "stomach". Yes! I know that! Oh, yes, Sister Anne, Sister Dorothy, Sister Jessie and Mr Laughton and Mr Currie. He's hard, very hard. No bloody humbug! A cousin of mine – we are all sitting on the floor, singing, and she was naughty. She did it on the floor. Because we don't know how to go outside! All we do is go like that [putting her hand up and point outside! And this girl she didn't like to say anything. She was sitting on her slate. She had her slate over it. We were just going to sing and I was going like that – pointing to her. Mr Currie gave me a good hiding, supple jack, eh across my back. He was a murdering thing! And Mr Laughton didn't like it. He knew, because I don't know how to say outside.

89. What people like George Graham and Putiputi Onekawa emphasise are some of the more dire consequences that have had detrimental impacts on Māori youth who were initially subjected to the Children Welfare System and the Native Schools Act 1867. Waitangi Tribunal statistics highlight that in 1905, 95 per cent of Māori spoke their native language. By 1981 only 5 per cent of Māori spoke their native language.¹⁷

90. The impact that the Native Schools Act had on successive generations of Māori was and continues to be devastating, not just in terms of loss of language, but that way in which it was done through the use of corporal punishment to effectively “beat it out of them.” This point is sheeted home if we refer to Sir James Henare’s often quoted whakataurangi, “*Ko te reo the mauri o te mana Māori*” – *Te Reo Māori is the very essence of being Māori.*

Conclusion

91. The ongoing impact of colonisation is recognised by the current government. In 2019, Minister for Justice and Treaty Settlements, the Right Honourable Andrew Little reported to the UN in Geneva that “the Treaty had been breached leaving Māori strangers in their own land.”¹⁸ He further stated that “the impacts of colonisation continue to be felt today through entrenched structural racism and poorer outcomes for Māori.”¹⁹

¹⁶ Binney, J and Chaplin, G. (1983). *Ngā morehu: The survivors*. Auckland: New Zealand. Oxford University Press at 150 – 165.

¹⁷ Waitangi Tribunal, *Report of the Waitangi Tribunal on The Te Reo Māori Claim* (WAI 11, 1986).

¹⁸ New Zealand Herald, ‘Justice Minister Andrew Little addresses UN Human Rights Council’. 22 January 2019. Accessed from: https://www.nzherald.co.nz/nx/news/article/cfm?c_id=1&objected=12194287.

¹⁹ Ibid.

92. In essence, there is acknowledgement that Māori are born into an intergenerational minefield based on harmful legislative policies, war and ideologies of superiority. These historic mechanisms continue to devastate current traditional *Māori* land, cultural identity, language and heritage. This suggests that *Māori* culture is already born into a position of disadvantage perpetuated by entrenched systemic racism determined by the power dynamics and societal constructs of hegemony or power of the state.
93. Whilst the Royal Commission's terms of reference cover abuse in State Care and Faith Based institutions, in order to truly understand how and why this abuse occurred we must be honest as a Nation with what the context was which allowed that abuse to take place.
94. We must also be mindful that abuse will mean different things to different people based on their experience. These experiences will be on an individual level, and for Māori, a whānau, hapū and iwi level.
95. For example, for Māori the loss of language and therefore identity through the Native Schools Act 1867, alongside the physical trauma of having had the language beaten out of us, is something that applies to many Māori. If you are Māori, the chances are very high that the hurt of that experience was carried by your tupuna and it is carried by you (whether you appreciate it or not), it is part of the story of your whakapapa.
96. In terms of context for Māori, I have developed a model called *The Pūtaketanga Model*, which is designed as an indigenous model that examines the contributing factors to Māori deficit statistics.²⁰ The purpose of the model was to:
- This paper supports Māori practitioners, counsellors, educators and social service providers to unpack societal issues that underpin sociological theories applied to Māori in mainstream New Zealand. It employs an indigenous model, specifically created from a traditional mātauranga Māori base for examining contributing factors not always evident in Western socially constructed systems that scrutinise Māori. The rationale for developing an indigenous model from a traditional mātauranga Māori perspective allows for a critique and analysis of Western ideologies through a Māori lens. This enables Māori practitioners, counsellors, educators and social service providers' space to articulate underlying themes and intergenerational links to Māori deficit statistics that Western socially constructed systems do not take into account.
97. At Figures 1 – 3 I have included three diagrams which help illustrate the context I have spoken about in this brief of evidence.
98. The origins of the model came from a need to respond to opinion of certain academics that made opinions on Māori crime without reference to the context underlying it. As part of that model, I have developed three figures which illustrate the importance of context. These are relevant in the context of the Royal Commission's work because of the context underpinning State Care in this country, and the subsequent impacts abuse in State Care has had. This has

²⁰ Waretini-Karena, R., 'The Pūtaketanga model' in *Handbook on Indigenous knowledge and biculturalism in a global context*, Hamid, S, El-Kafari, S, Waretini-Karena, R. (eds), 2019 at 311 – 323.

particular significance for me, because of my life story and what has become my life's work in academia in this area.

99. The Royal Commission needs to understand that the creation of State care by the NZ Crown was not due to child health and safety. It was a strategy to assimilate Māori children away from their cultural identity, language and heritage. My hope is that the Royal Commission addresses the intergenerational impact of legislation and policies like the Native Schools Act 1867 introducing corporal punishment and applying it to Māori children across generations. The whakapapa of Māori experiences of domestic violence and child abuse stems from this very act. My ultimate hope is a for Māori by Māori initiative that gives Māori through Whanau Ora the mandate to take care of Māori children.

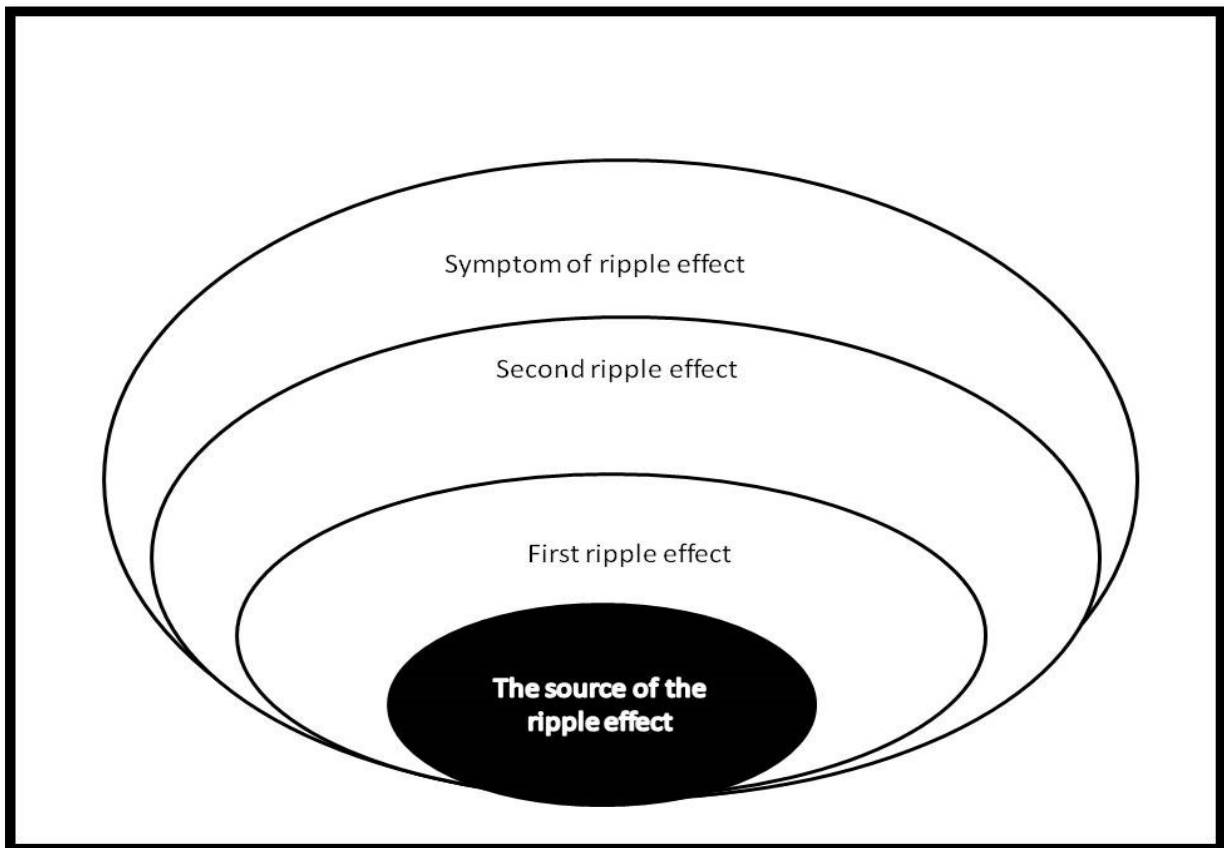


Figure 1. Putaketanga Model

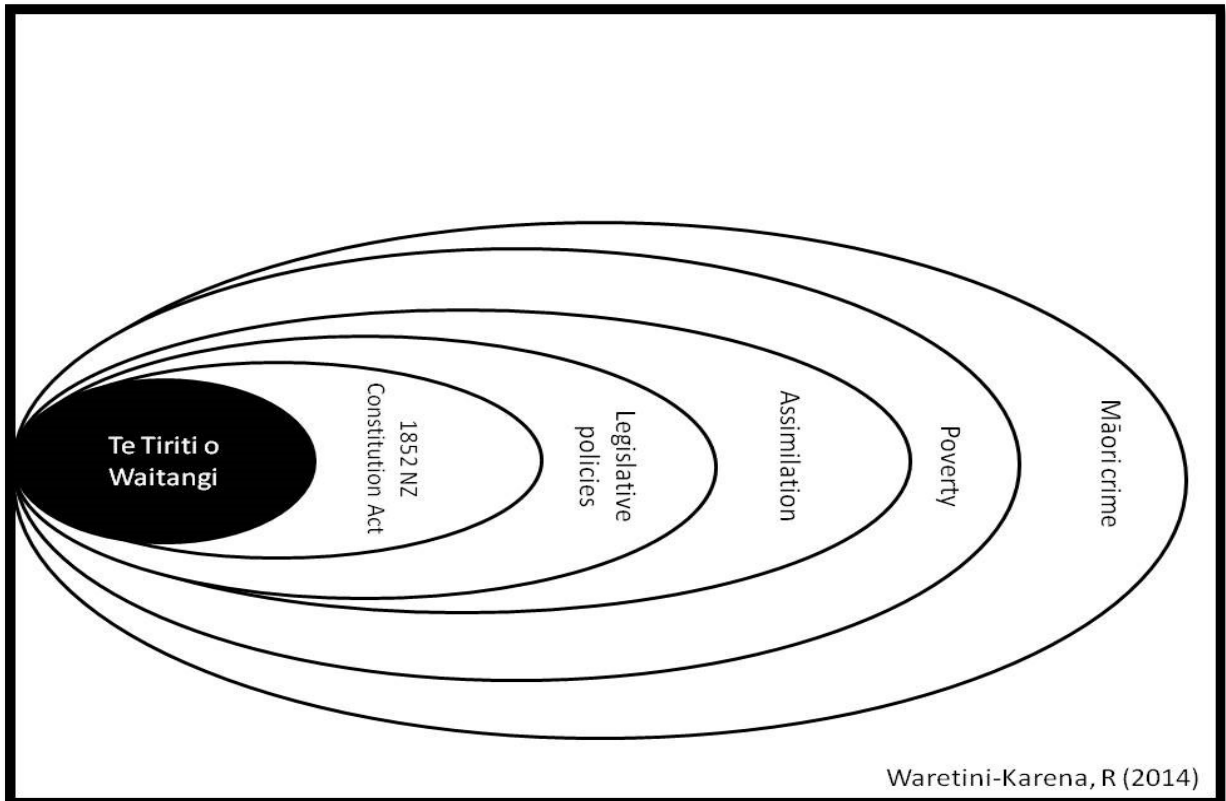


Figure 2. Putaketanga Model applied

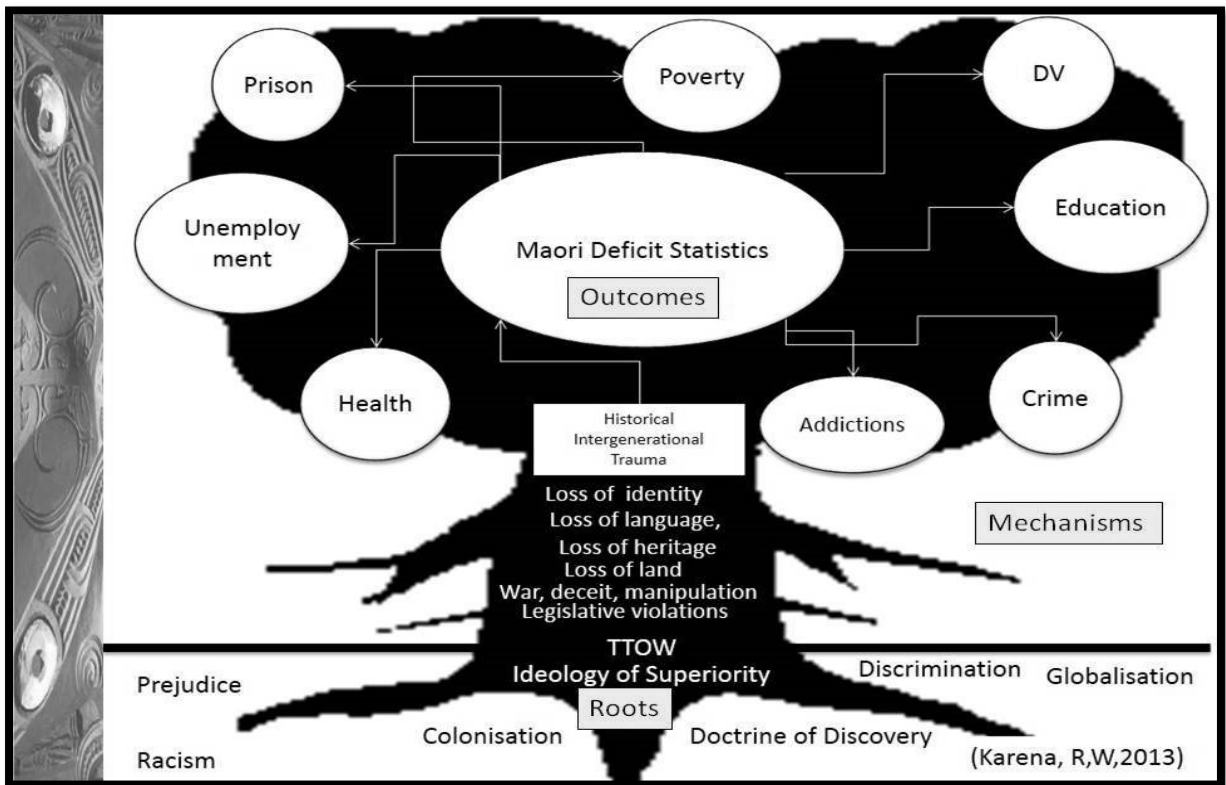


Figure 3. Colonising Tree