

- 182 -

1

2

ALISON GREEN - AFFIRMED

3

EXAMINED BY MR MERRICK

4

5

6 **MR MERRICK:** Our next witness today is Alison Green.

7 Q. (Opening in Te Reo Māori). Welcome and thank you for

8 being here and the work that's been done to get to this

9 point.

12.10 10 **CHAIR:** Can I insert a requirement of the Inquiries Act

11 (witness affirmed).

12 **MR MERRICK:** May I approach Ms Green to put her

13 microphone on?

14 **CHAIR:** Yes.

15 **MR MERRICK:**

16 Q. Just by way of introduction, Dr Green, can you tell us

17 who you are and where you're from?

18 A. Tena koutou katoa, (opening in Te Reo Māori). My name is

19 Alison Green.

12.11 20 Q. By way of further introduction, you've outlined in your

21 brief of evidence some of your qualifications. In 2018,

22 did you complete a PhD in Māori and Indigenous

23 Development?

24 A. Yes, I did.

25 Q. From the University of Waikato. Can you tell us more

26 about what that was about, what the thesis was?

27 A. Can I just go back a bit though?

28 Q. Sure.

29 A. I'd like to say that I am a mother of three grown

12.12 30 children, two of whom have recently had their first

31 babies and I am raising my 14 year old grandson who was

32 removed from his mother's care 10.5 years ago.

33 Q. Kia ora.

34 A. So, that's important context for me. So, I have a PhD in

- 183 -

1 Māori and Indigenous Development. I researched and
2 compared indigenous knowledge in health legislation and
3 policy in New Zealand and Canada. I am also currently
4 the Inaugural Post-Doctoral Fellow At the University of
5 Saskatchewan. In that capacity, I am researching,
6 alongside a Cree professor from the university of
7 Saskatchewan. We are comparing the removal of indigenous
8 children in both polities.

9 Q. Do I understand it that that postgraduate fellowship,
12.13 10 post-doctoral fellowship will effectively travel
11 alongside the life of this Commission?

12 A. Yes, it will, that's right.

13 Q. At paragraph 4, you outline some of the work that you're
14 doing for Ngati Awa, can you tell us about that?

15 A. So, I'm currently the Chair of the Ngati Awa Community
16 Development Trust. So, we look into the issues of social
17 development, so health, housing, education, community
18 development in general, as well as the development and
19 maintenance of our reo and our tikanga for Ngati Awa.
12.14 20 But I have also done a couple of pieces of work for the
21 tribe and so in 2007 I spent time working for Te Runanga
22 o Ngati Awa looking at the co-production of social
23 policy. That was an interesting piece of work. So,
24 again we were looking at how we as an iwi might influence
25 legislation and policy, in particular social policy, so
26 that those worked well for our people. Whereas,
27 historically they haven't and of course that's been the
28 domain of the Crown and not Māori.

29 And the other piece of work that I did, which
12.15 30 somewhat touches on the work of the Commission, the brief
31 of this Commission, was looking into offending and
32 victimisation involving Māori, both as offenders but also
33 as victims in the Mataatua region. I was looking at how
34 those statistics, at why Mataatua were over represented

- 184 -

1 in those negative statistics. That report was peer
2 reviewed by Professor Tracey McIntosh who will be with
3 the Commission in a few days.

4 Q. Just for those that aren't familiar, Mataatua region, can
5 you explain that for us, te rohe o Mataatua?

6 A. The Mataatua region would come what is called the Bay of
7 Plenty region, so right up the coast and then down into
8 the bowl around the Tauranga area.

9 Q. You come to it later in your brief but we acknowledge it
12.16 10 upfront, at this stage is it a piece of work that you did
11 in 1992 for the Human Rights Commission. Can you just
12 briefly tell us about that, that piece of work. We will
13 go into detail later on.

14 A. Right. So, in 1992, I co-researched and authored a
15 report with Pania Ellison. The report was entitled "Who
16 cares for the kids? A study of children and young people
17 in out of Family Care".

18 The report was done in two sections. So, there's a
19 Māori section and then there's a Tauīwi, Pākehā section.
12.17 20 And Pania and I did the Māori section which we can talk
21 about later.

22 Q. Yes. And it was the Human Rights Commission that
23 commissioned that report at that time?

24 A. That's right, it was.

25 Q. Turning back to your brief, and we're on page 2 now,
26 sorry we're still on page 1. I did want to ask you about
27 two things.

28 The first is, your involvement in claims before the
29 Waitangi Tribunal. Can you tell us about your
12.17 30 involvement in that Tribunal?

31 A. So, I am party to a claim, that's claim 2494, and we've
32 recently - sorry, I'm party to that claim because my
33 whānau have experienced three generations of removal
34 involving Department of Social Welfare, then the Child,

- 185 -

1 Youth and Family Services, and most recently Oranga
2 Tamariki. In my Statement of Claim, I'm concerned around
3 two levels. I'm concerned about the factors which
4 pre-dispose some Māori families to the removal of their
5 children at rates that are far higher than our population
6 would suggest.

7 And the second aspect is the way in which the
8 removals happened, and in particular those removals
9 happened without the involvement of hapu and the whānau
10 more generally. Thank you.

11 Can I add, Chris, that we've just been advised that
12 that particular claim and two others will be heard with
13 urgency, and I think that speaks to the critical issues
14 that children, Māori children, are facing right now.

15 So, although it's valuable to have this broader
16 scope of the Tribunal, I think it's also important we
17 consider the rights of Māori children now.

18 Q. Kia ora. We are on page 2 now, I suppose as a starting
19 point for you to share with us your experience of going
20 into and being removed from your whānau. At paragraph 6
21 of your brief, you start to talk about that and if you
22 could start to share with us from that point, that would
23 be great, thank you.

24 A. So, I am the eldest of seven children. I was born in
25 1958 and I was removed soon after birth and raised by
26 Pākehā parents. My parents who raised me were recent
27 immigrants to New Zealand. The consequence of - so, I
28 was adopted under the 1955 Adoption Act and it was a
29 closed adoption and as a consequence of that, I was
30 separated from my whakapapa, whenua and whānau and those
31 had traumatic consequences for me through my early life,
32 and I'd say they still have consequences, they do.

33 Q. Did you come to learn some more about the circumstances
34 of you being born and then adopted?

- 186 -

1 A. Mm.

2 Q. What could you tell us about that today?

3 A. Mm. So, I was adopted and around about 10 days after I
4 was born I was taken by my adopting parents to the Far
5 North. They were, they told me later that they were
6 advised by the social worker to say that I had a touch of
7 Spanish and that my parents, my birth parents, no longer
8 wanted me.

9 And I was told by them that there was no way, by my
10.22 10 parents this is, my adopting parents, that I was unable
11 to make contact with my birth parents. In fact, I'm
12 really uncomfortable using those terms birth parent and
13 adopting parents. I think those are, you know, the terms
14 themselves are probably pre-cursors as well, probably
15 justification for removal through the closed adoption
16 process.

17 The idea that you can be a birth parent but that
18 parenting and that relationship can end at birth, and
19 then you can pick up with somebody else.

10.23 20 So, yes, my parents, my birth mother, so my birth
21 mother was Pākehā, father Māori. My father and my - my
22 father and mother met at a dance in Tauranga. They dated
23 for around about 8 months and then she became pregnant
24 and out of the stigma that accompanied what was called
25 pregnancies out of wedlock in those days, she went to
26 Auckland to her parents where she was persuaded both by
27 Social Welfare but also I think by her mother that it was
28 in her best interests and mine that I be given up for
29 adoption.

10.24 30 She had been told by the Social Welfare that if I
31 was able to live my life as a Pākehā child, certainly not
32 as a Māori child, that my outcomes would be better.

33 And so, I guess a touch of Spanish kind of accounted
34 somewhat for the fact that I was a small brown round dark

- 187 -

1 haired child and they needed some way to account for
2 that.

3 Q. Are you aware of the practice at the time of establishing
4 a hierarchy in terms of the adoption system?

5 A. Yes.

6 Q. And do you have any comment about that and how that on
7 reflection has impacted on you in your circumstances?

8 A. So, again, so my adopting parents told me that they had
9 been - because they were recent immigrants, recent
12.25 10 British immigrants to New Zealand, that they were given
11 the bad babies and the hard to place babies. And the bad
12 babies were the Māori babies and the hard to place
13 babies, in the case of my adoptive sister who was Pākehā,
14 were babies that were not expected to live and that was
15 her situation. In fact, she did live but that was the
16 hierarchy as it was explained to them.

17 Q. At paragraph 9, you've made reference to growing up in
18 Aotearoa without whakapapa, whenua and whānau.

19 A. Mm.

12.26 20 Q. I'd like us to unpack that a little bit in your own
21 circumstances. And as a starting point for that, can I
22 ask you how societal attitudes of that time, much like
23 what I'd describe as a racist hierarchy of adoption
24 system, how that impacted on you growing up across the
25 board, schooling, that sort of thing, in terms of your
26 identity?

27 A. So, I want to liken this to, my experience, to the
28 pīpīwharau. The pīpīwharau is a migrant bird, the
29 shining cuckoo and migrates from the Bismarck
12.27 30 archipelago, so from Papua New Guinea and Melanesia. In
31 spring it migrates to New Zealand and it looks for the
32 nest of the riroriro, the grey warbler. It lays its egg
33 in that nest and then it flies off and the riroriro
34 raises the pīpīwharau chick but here's the rub and
35 here's the Māori understanding of the situation, is that
36 the

- 188 -

1 pipiwharauoa is always a pipiwharauoa. The
2 pipiwharauoa does not become the riroriro.

3 So, for me I was raised in a nest by Pākehā parents
4 but I remained myself.

5 Q. Kia ora.

6 A. And there is a sense, no it's more than a sense, there is
7 a belief in this country that when children are removed
8 and raised by somebody else that they will become
9 somebody else. I can tell you that it's not so. But
12.28 10 what you're left with are remnants of who you could be
11 and who you would be had you been raised in the
12 environment, in the nest, that you should have been, that
13 you belong to.

14 And so, I had a very unusual, I had an unusual
15 childhood, in that I knew that I was adopted and I knew
16 that I didn't belong in this nest and that I belonged
17 somewhere else, and that journey of finding out where I
18 came from and where I belonged was a lifelong journey.

19 So, that requires a lot of hard work on my part not
12.30 20 to lose focus of who I was meant to be. And importantly,
21 the original instructions of my people for their people
22 and for us going forward.

23 So, without those original instructions, which I'll
24 talk about later, Chris, but without those, it's hard to
25 find the path. You don't really - the path doesn't open
26 up naturally for you. So, in order to reach one's
27 potential, happens much later, I think, than if the child
28 is raised where it belongs, in the whānau, in the hapu
29 and with the iwi.

12.30 30 So, things like, so I know now, for example, you
31 know, when I go to my home territories, there is a
32 feeling about standing on those lands, about seeing,
33 looking through my eyes at the view that my tipuna would
34 have seen. Those are powerful feelings that I wasn't

- 189 -

1 able to access during the early years of my life and only
2 later when the Adult Adoption Information Act 1985 came
3 into being, and then I could begin that journey back.

4 Q. And so, looking at that journey back, what did the Adult
5 Adoption Information Act 1985 allow you to do? What
6 happened from there for you?

7 A. Yes. Before that, I had approached Social Welfare on at
8 least two occasions and asked if I could be given, even
9 non-identifying information but information that would
12.32 10 allow me to say, in answer to the question "Nō hea koe?"
11 I could say, "Nō Tauranga ahau, nō Whakatane ahau" and
12 that would be at least some sort of toehold into that
13 journey of belonging but I was refused on both occasions.

14 So, finally when the legislation changed, I was I
15 think fairly well forward in the queue of people writing
16 to Social Welfare to ask for my file and it was my good
17 fortune that my birth mother hadn't heard about the
18 legislation and so hadn't had an opportunity to prevent
19 access to the file. I don't know whether she would have,
12.33 20 I'm unsure about that, but certainly it made it much
21 easier.

22 So, that happened in 1985. I think in 1987, it
23 might have been, that I first spoke to her and as we
24 spoke, we corresponded first and then we talked on the
25 telephone. She was able to provide me with the
26 information that I needed. We had contact with each
27 other for a period of time but she experienced
28 posttraumatic stress syndrome related to the adoption,
29 she was having flashbacks and panic attacks, so we
12.34 30 stopped further communication. But I found out that she
31 had another child after me to a Māori man and she kept
32 that child, despite the pressure to give him up. And for
33 her, that was a healing point for her.

34 Q. And so, do I have my math right, I always get it wrong,

- 190 -

1 by that stage you were 21, around 21 years of age before
2 you've had that opportunity to access that information?

3 A. Yes, yes.

4 Q. And prior to that, you've been denied that?

5 A. Yes, I was. So, I moved from Epsom Girls Grammar where I
6 did my secondary schooling and I got there through a
7 Māori Affairs scholarship in the boarding school and then
8 went to Victoria University and did a degree in Te Reo
9 Māori and anthropology. And, of course, this was the days
10 following the land march and general Māori, sort of,
11 arising, an uprising of Māori across the country. And
12 so, we were concerned that the Crown had not honoured the
13 Treaty of Waitangi, and of course Te Tiriti o Waitangi
14 most importantly, and so we were involved, I was involved
15 in Māori activities all through my university
16 undergraduate degree. You know, the question was asked
17 of me all the time, "No hea koe?" And I didn't have the
18 answer as an 18 year old student. And for that reason
19 Professor Hirini Moko Mead and his wife made a tremendous
12.36 20 offer to whangai me in order to provide some sort of
21 resolution, albeit temporary, to that trauma of being
22 removed and not having whakapapa and whānau and whenua.

23 Q. Can we turn now to tō taha Māori, your Dad's side,
24 tell us about exploring that avenue and finding
25 out that side of yourself?

26 A. Yes. So, when I found out the name Mason, I immediately
27 contacted my professor, Professor Mead, and said to him
28 naively, do you know the Mason whānau from Tauranga? And
29 he said to me, well, actually, they're from Whakatane but
12.37 30 there are some Masons in Tauranga. And he said, actually
31 your koro sits in the office next to me, he's a whakapapa
32 expert, he is the person you need to talk to. This is I
33 think where the Pākehā western world with its
34 objectivities and its focus on what can be seen and what

- 191 -

1 can be measured and described and the Māori world
2 separate.

3 So, there was - the fact that Professor Mead had
4 come to me and made this offer, the fact that we were
5 already closely related but didn't know, to me was
6 evidence of those things that are unseen which for us are
7 as important, if not more so, than what can be seen and
8 described.

9 So, the rest of my years have been spent building
10 the relationships that I wasn't able to build as a child,
11 as a young person growing up with my whānau.

12 My aunties, so my father's sisters and brother were
13 so generous, so welcoming, of me as the eldest child of
14 my father who had passed by the time I went back into the
15 family. But their generosity of spirit, on my Ngati
16 Ranginui side and on my Ngati Awa side, was so reassuring
17 and grounding for me.

18 Q. You have spoken about the importance of the unseen and
19 you also just mentioned the passing of your father and
12.39 20 you've talked about that in your brief.

21 A. Yes.

22 Q. Have you got some things to say about that aspect of your
23 brief?

24 A. Well -

25 Q. Your korero, your story, your life?

26 A. Yeah. So, as soon as I knew - so, to go back, when my
27 father passed, he passed a few kilometres from where I
28 was at boarding school and I knew he'd passed. Don't ask
29 me how but it was there and as there have been many other
12.40 30 things that have happened since then - sorry, Chris, I've
31 lost my place.

32 Q. That's fine. One of the things that you've talked about
33 in your brief is the extent to which you have, through
34 your father's connection, learnt about the whakapapa of

- 192 -

1 your whānau.

2 A. Mm.

3 Q. And if I can describe it as the breadth and depth of it.

4 A. Yes.

5 Q. That's described at page 3 of your brief.

6 A. Yes.

7 Q. In particular, you've talked about some of your tupuna,
8 some of your ancestors?

9 A. Yes.

12.41 10 Q. Can you tell us why you chose to include them in your
11 brief of evidence and in your korero for us today?

12 A. So, anyone who knows anything about whakapapa would know
13 how tricky it is to come to understand the different
14 lines of your whakapapa. So, if you were talking about
15 your whakapapa and you were in a particular area of the
16 country, you might use another line of your whakapapa
17 than you might were you at home, and that's in order to
18 indicate the relationships that your tupuna have with the
19 people of the land on which you're standing.

12.42 20 So, I wanted to show that it takes a number of years
21 to amass that information. You gather it from people who
22 are respected in your whānau and I was very lucky on my
23 Ngati Awa side, so that's my grandfather's side, to have
24 Koro Jo Mason as a source of my information, and of
25 course it's always useful to go to the Native Land Court
26 minutes to read about one's tipuna. And then on my
27 grandmother's side, which is my Ngati Ranginui side, my
28 father's youngest sister, Te Iwi Pearson, gave me that
29 whakapapa.

12.43 30 The other point of having the whakapapa in my brief
31 of evidence was to highlight, for today anyway, two
32 members of my, two tupuna who were well respected and
33 well-known in my tribal areas.

34 So, Te Monotahuna on my Ngati Ranginui side was a
35 composer of

- 193 -

1 waiata and to this day Ngati Ranginui sing and perform
2 the waiata that she wrote for her illegitimate daughter
3 Matatu Monotahuna and she wrote that. I mean, the term
4 "illegitimate" is a western term. For whatever reason,
5 Monotahuna didn't name the father of her child but she
6 wrote this waiata to celebrate the absolute adoration
7 that she had for her daughter. And my new mokopuna, so
8 my eldest daughter's child, she has named her Matatu
9 after Matatu Monotahuna.

12.45 10 So, on my Ngati Ranginui we have Monotahuna and on
11 my Ngati Awa side I have referred to Pouawhā Meihana, my
12 great great great grandfather. His statue stands on our
13 marae. His claims and his counterclaims are through the
14 Native Land Court minute books from the period from the
15 1880s. He was a stalwart and a forthright defender of
16 the mana of Ngati Awa me te mana o Ngati Pukeko.

17 So, that was my tupuna and it absolutely horrifies
18 me that from the 1970s onwards the State saw fit to
19 remove three generations of children from whānau of
12.46 20 respected tupuna. And so, that is the point of having
21 that information in there, to provide that contrast.

22 Q. We're going to head in that direction shortly but before
23 we move away from our korero about whakapapa, I wondered
24 if you had any comment about, given the time that you
25 were effectively disallowed to live in that whakapapa, to
26 really experience it, and now having learnt all of that,
27 if you've had any reflection about the lived experience
28 of being part of that wealth, cultural wealth and whānau
29 wealth, whānaungatanga compared to having to come in
12.47 30 later and learn about it and experience it later in life.
31 Have you got any reflections on that?

32 A. Well, of course, the whakapapa is, as Rawiri said this
33 morning, it is relationships. And so, while I have the
34 words here and the names, some of the richness can never

- 194 -

1 be retrieved, you know. I wasn't party to conversations,
2 to events, to tribal gatherings where people were
3 regularly talking about the deeds of our tupuna. So,
4 I've come to that much later in life and that's something
5 that cannot be regained. And for that reason, I have
6 made it pretty much my life journey to make sure that my
7 children and my mokopuna, so the children of my siblings
8 and their children, that they never experience what I
9 went through because although I went through it in a
10 closed adoption system, effectively those who have been
11 removed by the State from the 1970s and 1980s onwards are
12 also experiencing that poverty of relationship connected
13 to whakapapa.

12.48 14 Q. Kia ora. We are now at paragraph 16 of your brief of
15 evidence. Can you share with us your thoughts about the
16 impacts of colonisation with your whānau hapu iwi
17 context?

18 A. Yes. So, on my Ngati Ranginui and Ngati Awa side, there
19 are the reports to the Waitangi Tribunal that document
12.49 20 the confiscation, the raupatu of thousands of acres of
21 land that both
22 of my iwi experienced. And the effects of that in a
23 socioeconomic sense but also in terms of a lack of
24 political authority or mana within our region.

25 So, those breaches, so the Tribunal found for the
26 claimants, so for both tribes, and were very clear with
27 the Crown that they had breached articles 2 and 3 - well,
28 had breached Te Tiriti o Waitangi. I'm alleging, I will
29 do this in my claim to the Waitangi Tribunal that
30 that breach of Te Tiriti has extended, that the Crown has
31 seen itself
32 as able to breach the Te Tiriti o Waitangi in relation to
12.50 33 the removal of our children. So, the Crown has seen
34 itself as having the right to remove our children, either
35 through closed adoption or through uplift and placement
36 or placement, yeah uplift, and that view is a breach, I
37 believe, of Te Tiriti o Waitangi.

- 195 -

1 Of course, Puao-te-Atatu, this is an original of the
2 document, recommendations 1 and 2 which I can talk about
3 later, but certainly highlight the right under Te Tiriti
4 o Waitangi of Māori to care for and raise our taonga, our
5 children ourselves within our authorities.

6 So, I'd also like to comment on the part that racism
7 has played in my adoption but also in the removal of my
8 nieces and nephews and grandchildren.

9 So, it seems to me that there's a shameful silence
12.52 10 in this country, that those of us who have been removed
11 from our families under the adoption legislation, that we
12 have laboured under that shameful silence, and in fact we
13 have adopted that silence ourselves. There has been very
14 little about the impact of closed adoption on Māori
15 children, on the loss to hapu and iwi. And that to me
16 speaks to racism in this country.

17 I think that if the same were happening for Tauwiwi
18 that there would be a public outcry, both about the
19 removal of children by Oranga Tamariki but also the
12.53 20 closed adoption system and the loss of potential of
21 children to Pākehā families. But because we are Māori,
22 that has happened with very little interruption until
23 recently.

24 Q. And when you say Tauwiwi you mean non-Māori in that
25 context?

26 A. Yes.

27 Q. In your brief of evidence from paragraph 18, you talk
28 about some factors that you would argue have created
29 whānau vulnerable to child removal?

12.53 30 A. Yes.

31 Q. In your summary, what are some of those factors in the
32 context of your whānau, your hapu iwi?

33 A. So, years and years of legislation and policy and poor
34 practice across the whole range of social and economic

- 196 -

1 and political, across those spheres, the cumulative
2 effect of that, part of which is dealt with in the
3 Waitangi Tribunal reports but the more recent material
4 has not been dealt with. But it is that legislation
5 policy and practice across the social, economic and
6 political spheres that have reduced some Māori families
7 to the point where we are extremely vulnerable to the
8 removal of our children.

9 This didn't happen overnight. My nieces and nephews
10 who have had their children removed, they were not in a
11 position where they had assets and resources as part of
12 their daily lives, knew where they were from, well
13 grounded in it their tikanga and reo. They did not
14 suddenly find themselves with Oranga Tamariki knocking on
15 their door. They, themselves, were removed from my
16 siblings, who were removed from their families, and the
17 poverty that - so, poverty, addiction, living in
18 neighbourhoods where there's high levels of crime and
19 violence, most recently the availability of
20 methamphetamine, these are antecedents to removal of
21 children. But it didn't happen overnight. Successive
22 governments allowed this situation to come to this point
23 and that is the point that my nieces and nephews and my
24 grandchildren find themselves in today.

25 Q. And what you've begun to touch on there is the move from
26 the papakainga to the cities, from the home base to the
27 cities, and at paragraph 24 of your brief of evidence
28 you've touched on that in terms of your earlier korero
29 about the loss of land in your home?

30 A. Yes. Can I read? In 1891, Pope described the lands of
31 Ngaitamarawaho as "little in quantity and poor in
32 quality. These Natives live a miserable existence at
33 Huria, endeavouring to get some return from their
34 ungrateful glebe, or working precariously for

- 197 -

1 neighbouring Europeans...or wearing out their
2 constitutions on the gumfields".

3 So, that is a report about my hapu Ngaitamarawaho in
4 1891. Things were that bad. We've had nearly 200 years
5 of legislation and policy and that poverty has been
6 further entrenched.

7 Q. Coming back to your siblings. You've discussed their
8 entry into the State care system from paragraph 27 of
9 your brief of evidence. Can we pick up from that point?

12.58 10 A. So, after my father died, he died at 32 years of age, and
11 suddenly, after he died my children's mother made the
12 decision to leave the Papakainga at Huirā, Ngaitamarawaho
13 lands and take my siblings with her to Wellington. She
14 moved for work reasons but without the support of whānau,
15 of elders, people who knew not just the negative things
16 about ourselves, as was written in 1891, but also the
17 strong and positive things. Without that, my siblings,
18 my sisters and brothers, faced many, many challenges, to
19 the extent of being put into homes and foster care. And
13.00 20 through that separation from our home lands, although
21 they are fiercely proud of being from Tauranga and of
22 being Māori, the specifics around whakapapa, whenua and
23 whānau in its Māori sense, not just Mum and Dad but
24 whānau in a Māori sense, that information has not been
25 available to them.

26 And so that, in combination with poverty and a
27 school system that failed all but one, you know, failed
28 five out of six, their lives, the trajectory of their
29 lives was set for real difficulties.

13.01 30 And I've made the point in my brief of evidence, you
31 know, that this was a time when New Zealand was
32 experiencing its good years. This was the pavlova
33 paradise. We were not part of that. That is racism.

34 So, the culture and relationships of gang life,

- 198 -

1 addiction, poverty, became constant features of my
2 sisters' and brothers' lives and those have remained.

3 **MR MERRICK:** I will just turn to the Chair now because
4 we are close to 1.00, Sir.

5 **CHAIR:** Yes, I think that might be a convenient moment
6 for us to take an adjournment. The stenographer
7 has been in full action for a lengthy time, so
8 Dr Green if you don't mind, we will take an
9 adjournment now and we will return to your evidence
10 at 2.15.

13.02

11 A. Thank you.

12

13

14 **Hearing adjourned from 1.02 p.m. until 2.15 p.m.**

15

16

17 **MR MERRICK:**

18 Q. Dr Green, just before the break I think where we ended
19 was you were talking about your siblings and the role
14.16 20 that State care had in, I think the words you used, their
21 life trajectory.

22 A. Yes.

23 Q. We hear a fair bit about the path from State care to
24 prison and I wanted to ask you whether that was a path
25 taken by any of your whānau?

26 A. Thank you, Chris. Yes, it is a path that two of my
27 siblings have found themselves or are on. And, given the
28 harsh circumstances of their lives, it isn't surprising.

29 But it's also trajectory that I'm concerned some of
14.17 30 my nieces and nephews may also be on, so these are
31 children who were removed from my siblings' care.

32 So, yes, that pipeline is well and truly established
33 in my whānau.

34 Q. Before we go on to talk about your nieces and nephews and

- 199 -

1 their tamariki, I want to pause on a period of around
2 1988, and you have referred to Puao-Te-Ata-Tu in your
3 brief of evidence.

4 We heard yesterday about reports being shelved,
5 gathering dust, things like this and Puao-Te-Ata-Tu is
6 said to be one of those. Did you want to share with us
7 today your thoughts about that in the context of your
8 journey?

9 A. What we know about Puao-Te-Ata-Tu is the engagement
14.18 10 between the advisory Committee that developed the report
11 and Māori communities across the country was a close one.
12 So, they were, I think there may have been 65 or more hui
13 held with Māori and the voices of Māori are absolutely,
14 you can see them in the report, they're reflected in the
15 recommendations of the report. At the time, the support
16 from Māori communities, once the report was released was
17 strong. But after that, there was a silence and then I
18 had occasion to be doing work for the Human Rights
19 Commission and the tangata whenua, the Māori communities
14.19 20 that we were consulting with, were saying well what about
21 Puao-Te-Ata-Tu? We told everybody what we thought needed
22 to happen in order to make sure that hapu and iwi had
23 authority with regard to tamariki Māori but what is
24 happening in practice is light years from our
25 recommendations.

26 Q. Before we go on to talk about that report, the Human
27 Rights Commission report which you describe at paragraph
28 30 of your brief of evidence, have you got some things to
29 say about Puao-Te-Ata-Tu in the context of closed
14.20 30 adoption?

31 A. I have got things to say about closed adoption but also
32 about the removal of my siblings, their children and my
33 nieces and nephews.

34 So, in relation to closed adoption, Puao-Te-Ata-Tu

- 200 -

1 was very clear that any decision about the placement of
2 Māori children, and they actually said including
3 adoption, should be made with hapu and iwi. The 1955
4 Adoption Act is exactly as it is now, as it was then.
5 So, we know that Puao-Te-Ata-Tu had no influence over
6 that particular piece of legislation.

7 And then in relation to my nieces and nephews and
8 those who have been removed from our family, again the -
9 actually, recommendations 1, 2 and 13 referred to the
10 kind of systemic changes that legislation should create
11 in Aotearoa in order to remove the burden of poverty, of
12 failed education, of lack of housing, of Māori engagement
13 with tikanga and Te Reo. Those Puao-Te-Ata-Tu
14 recommended that legislation should address those issues.

15 And I contend that had subsequent legislation
16 addressed those issues, that some of my nieces and
17 nephews may not have been removed because poverty, drugs
18 and alcohol, exposure to violence and abuse, would have
19 been addressed through those systemic changes but they
20 weren't.

14.21 21 Q. And so, that leads me now to ask you about this Human
22 Rights Commission report that you co-authored, the Māori
23 research component. If I could just pause there because
24 that report has only just come to hand and I just want to
25 check that has been circulated to the Commissioners?

26 What I intend to do, is just to touch on some
27 aspects of the report with Dr Green, read where relevant
28 some relevant sections of that but without diving too
29 deep for too long this afternoon on that.

14.23 30 **COMMISSIONER SHAW:** Will it be sent electronically to
31 us?

32 **MR MERRICK:** There is an electronic document that I
33 thought would be circulated by now.

34 **COMMISSIONER SHAW:** You just touch on it briefly and we

- 201 -

1 will look at it later.

2 **MR MERRICK:** Thank you.

3 Q. Can you, Dr Green, outline the background to that report
4 which is called *Who Cares For the Kids: A Study of*
5 *Children and Young People in and Out of Family Care?*

6 A. I could do that by reading the first paragraph, I think.
7 The aim of the report was to examine the issues
8 concerning the placement of children and young people
9 who, for various reasons, are being cared for outside
10 their immediate or extended families. Information is
11 gathered about how and whom decisions are made for out of
12 Family Care placements and what happens during and after
13 placements.

14 The report also describes the perceptions of young
15 people themselves.

16 Q. And that report was commissioned by the Human Rights
17 Commissioner and the foreword signed off by the Human
18 Rights Commissioner at that time?

19 A. Yes, that's right.

14.24 20 Q. Can I refer you to page 1 which is under chapter 1,
21 Introduction, and there's reference there to the United
22 Nations Convention on the Rights of the Child. But in
23 particular because of what you're talking about in your
24 evidence today, I just thought it might be useful to read
25 paragraph which outlines article 30 of UNCROC, we can use
26 that abbreviation.

27 A. So, article 30 of UNCROC addresses indigenous rights. It
28 states that children who are indigenous shall not be
29 denied the right in community with other members of his
14.25 30 or her group to enjoy his or her culture, to profess or
31 practice his or her own religion or to use his or her own
32 language.

33 Q. You spoke earlier about Article 2 of Te Tiriti o
34 Waitangi, have you got some views about how the two sit

- 202 -

1 together?

2 A. So, the Māori understanding of Article 2 would be that
3 children are taonga and that they, in relation to hapu
4 and iwi members, should not be denied their own culture,
5 their language, or any other practices or beliefs that
6 they have. But, in fact, that is what happened. So,
7 that has happened for those of us who were part of the
8 closed adoption process and it's happening now for Māori
9 children removed from care.

14.26 10 Q. Can I pick up on one piece of feedback that you have
11 included in paragraph 30 of your brief of evidence? I'll
12 just read it out. It's touched on in the report. In
13 that you've said, part of the feedback was it was found
14 had resulted from the corporate plan of DSW and that had
15 resulted in a lack of commitment by DSW to any real
16 bicultural development. Instead, a superficial
17 involvement in such development exists, one that
18 generated more negative than positive responses. And
19 you've referred, this is where I want to pick up on our
14.27 20 discussion about Article 2 and article 30 of UNCROC is
21 where one participant says "Māori concepts like Aroha
22 have been hijacked by DSW, trivialised and then used
23 against us". And that's found on page 91 of the report
24 we're talking about.

25 My question for you is, the answer is probably
26 obvious but discussion is important because of this
27 question of who is best placed to ensure that rights
28 conferred in article 30 to indigenous children, taonga,
29 mokopuna under Te Tiriti, Article 2, who is best placed
14.28 30 to ensure that those rights are nurtured?

31 A. So, of course, Puao-Te-Ata-Tu were very clear that those
32 best placed to make those decisions, and in fact to then
33 implement those decisions, were hapu and iwi, of which
34 whānau are a part. Puao-Te-Ata-Tu made a distinction

- 203 -

1 between what might narrowly, what in the west might be
2 called parental rights, they describe those as being best
3 considered with regard to the rights of the collective.
4 So, not necessarily one or the other but certainly not
5 simply the rights of the State, nor the rights of
6 parents, but the rights of the collective.

7 Q. Can I take you now to the Māori section of your report
8 which I note you co-authored with Pania Ellison?

9 A. That's right.

14.30 10 Q. That's at page 75. The title of that is "Te Murunga
11 Tamariki Ki Kainga Tauhou", what have you put as the
12 English title for that?

13 A. So, the term Muru is used to, in some contexts and it's
14 been used this way in this context, to refer to
15 confiscation, as in which has a sense of punishment.

16 So, raupatu and muru are often discussed in this way.
17 The report is called Te Murunga Tamariki, so the
18 confiscation of children. Ki Kainga Tauhou, Tauhou means
19 strange or unusual or different. So, the title
14.31 20 altogether means the removal or the confiscation of
21 children to the homes of strangers. And that was - the
22 title was proposed by well-known kaumatua Ani Delamare
23 but it was supported by the Advisory Group that was
24 involved with this project.

25 So that, there's an English translation as well.
26 It's not a translation. An English interpretation, so
27 the subtitle is, "Mis-placed Māori children in out of
28 Family Care". That comes from a quote by Naida Pou, who
29 some of you will know. Naida said at one of the
14.32 30 consultation hui that we held with tangata whenua, "Our
31 kids are not being placed in out of Family Care, they're
32 being taken off us and misplaced". That was 1992, the
33 same practices are happening now. And this was after
34 Puaoteata. Nothing had changed in that period

1 between the production of this report and the work we did
2 in 1992. So, I think what we can see there is a solid
3 line of continuous action of hapu and iwi being denied a
4 right in the care of their children and taking, a
5 confiscation form of punishment of our Māori communities,
6 taking our children and placing them with strangers.

7 Q. In terms of tangata whenua consultation at page 81 of
8 that report, you list that hui were held with tangata
9 whenua groups and you have listed those groups (reads
10 groups and names from page 81 of report).

11 Can I take you to the bottom paragraph of that page
12 because there was somewhat of a prophetic feedback,
13 wasn't there, from Ngati Koata and Ngati Kuia?

14 A. That's right.

15 Q. Can you read the portion stating, "The only"?

16 A. "The only hui tangata whenua not to propose
17 recommendations was the hui at Whakatu Marae, Nelson.
18 Some weeks after the hui, researchers were told that the
19 people at the hui in Nelson were so disillusioned by the
20 powers that be, that they did not think it a worthwhile
21 exercise for them to propose recommendations which would
22 not be heeded".

23 Q. Because it was one of the goals of your group to come up
24 with recommendations from each of the hui tangata whenua?

25 A. That's right.

26 Q. And you've included those in the report, haven't you?

27 A. Yes, we have.

28 Q. You said just before that some of the things that were
29 said, that have been said now about this issue, are what
30 was said back then. Do you have a summary for us of some
31 of what that feedback was during this report?

32 A. So, some of the issues that came from the tangata whenua
33 hui were actually as I've just described. Although
34 Whakatu marae withdrew, they decided not to make

- 205 -

1 recommendations, the other groups made recommendations
2 that were very, very cynical of the likelihood that the
3 Crown would make changes. So, they made those
4 recommendations but they were very cautious that it was
5 unlikely that change would happen. So, that was the
6 tangata whenua hui. Parents who we interviewed about
7 their children who had been placed in out of Family Care
8 had a number of recommendations. For example, they
9 commented that in their interactions with the Department
10 of Social Welfare, Child, Youth and Family, that the
11 emphasis was always on removing the child. There was no
12 emphasis placed upon what support the child would receive
13 once it was removed, what support the whānau would
14 receive once the child was removed and what outcomes
15 could be guaranteed that would be better perhaps than
16 those of the child's situation right now.

17 So, parents had low levels of confidence about what
18 was happening for their children but they had no right,
19 no ability to prevent their children being taken.

14.38 20 Q. What about the views of the young people themselves? Did
21 you canvass those?

22 A. Yes, we did. We met with young people. It was a difficult
23 exercise because, you know, asking young people
24 questions, there are ethical responsibilities that
25 researchers have not to over-promise. And in fact we
26 were - so, when you asked a young person, so I recall two
27 young people that we interviewed at Weymouth, which was
28 like a Correctional facility for young offenders, they
29 were, I remember the young woman saying that she was
14.39 30 worried about what was happening back home and whether
31 people would be all right, everybody at home, were they
32 all right, because she had no communication with her
33 family. And I remember a young man who I felt gravely
34 concerned about. His perspective was what's the point in

- 206 -

1 me saying anything? No-one has ever listened to me. I
2 expect, you know, my uncles, I've got more family in
3 prison than I have anywhere else and that's where I
4 expect to be. As a researcher, and as a Māori first and
5 foremost, one could not dissuade him of a situation which
6 actually he'd predicted fairly accurately.

7 And interestingly enough, Chris, this report has not
8 received very little attention in the public eye. It
9 took me a while to get a copy. I didn't have my own copy,
10 so it took a while for me and for the Human Rights
11 Commission to track it down. But I think that it behoves
12 us as people involved in this area of work to, as Rawiri
13 said, make sure the light shines on the voices of these
14 young people and family.

15 Q. That being said, did you want to produce that report as
16 an exhibit in this hearing?

17 A. I would very much like to do that, thank you.

18 **MR MERRICK:** Can that report be exhibited at Exhibit 3?

19 **CHAIR:** Thank you.

20 **Report produced as Exhibit 3**

21 **MR MERRICK:**

22 Q. Earlier, you touched on lack of intensive support or
23 wraparound support within the whānau. Removal response
24 and a response that's required in a whānau to support.
25 Is that a theme which comes out if we were to look at the
26 story, the life of your nieces and your moko?

27 A. So, again, the focus has been on the uplift of Māori
28 children and certainly not, at least on Oranga Tamariki's
29 part, certainly not a focus on how to alleviate
14.42 30 inter-generational poverty and all of the issues that go
31 with that.

32 So, if one interacts with Oranga Tamariki around
33 these issues, the focus, the response is usually
34 something along the lines of that's not something that we

- 207 -

1 can address, thank you for bringing it to our attention.

2 So, no advocacy and when I think about my nieces and
3 their children who were removed. So, you know, children
4 are taken 10.5 years ago from one family that I'm
5 thinking of, three children, a two week old baby, a two
6 year old and a four year old. They're taken to the
7 bottom of the country, miles and miles away. The parents
8 are told that they can keep in contact with the children
9 but over the years the phone calls dwindle, the letters
10.43 10 dwindle. The correspondence from Oranga Tamariki about
11 the welfare of the children doesn't reflect at all the
12 children's reality which has since come to light. So,
13 the children were reported as thriving but I would
14 dispute that.

15 So, yes, and you know the mother is asked to go on a
16 parenting course, repeated parenting courses, with no
17 hope of ever having those children back. How inhumane is
18 that?

19 Q. One of the things that comes out in your brief around
14.43 20 your nieces, nephews and mokopuna, is the issue of what
21 happens on transition back. Would you have some things
22 to say about that, on returning home and the Department
23 saying, yes, you can go home and what happens or doesn't
24 happen?

25 A. Mm. So, just going back a bit, so, you know, if we think
26 about those antecedents to the removal of children, those
27 are systemic issues, they're multi-generational. So,
28 poverty for one, poor housing, violence and abuse, those
29 issues sit within families but there's no attempt to work
14.44 30 with whānau, hapu, to address those issues so that by the
31 time the children return there's an environment which is
32 more conducive to the kind of parenting that
33 traditionally Māori, that we did.

34 And so, you know, Oranga Tamariki returns children,

- 208 -

1 it's like the Mr Bean picture, they're dropped into a
2 location, nothing has changed around it because there has
3 been no support or resources or advocacy for change. And
4 then Oranga Tamariki, it seems to me, watch and wait.
5 And then the inevitable happens, which is things go
6 wrong, both for the children who have not had a
7 relationship with the parent for over a decade, and for
8 the parent who's stuck in the poverty trap, so things go
9 wrong and then Oranga Tamariki sweep in and uplift again.
10 It's devastating.

14.46

11 Q. Shortly I want to ask you about your hopes for this Royal
12 Commission as which come to near the end of your evidence
13 today but before then, I just wanted to offer you the
14 opportunity to add anything more which you'd like to say
15 on any of those matters, particularly in relation to
16 current practice, the impact that it's had on your moko,
17 your nieces and nephews?

18 A. In terms of closed adoption, a change of legislation is
19 required. So, Māori children, we should not be seeing
20 Māori children put into or adopted outside of their
21 whānau or hapu or iwi. So, there's lots of scope there
22 for placing children when Mums and Dads make the
23 decision. And really, this shouldn't require State
24 intervention as it is now. And so, in my mind, you know,
25 so I'm not a fan for tinkering on the edges of
26 legislation. I think what is required is substantive
27 change in the way that power is held at the level of
28 government and also then who gets to make legislation and
29 policy and who practices that in this country.

14.47

30 So, I would like to see, I think it's important for
31 Māori that Māori have the opportunity to overhaul how
32 adoption happens for Māori.

14.48

33 There are some - I talked about the shame and the
34 silence that has accompanied Māori who are adopted out of

- 209 -

1 their family. And so, because of that shame and silence,
2 I think we have to have a thorough engagement around the
3 issue, perhaps something akin to a Commission of Inquiry
4 specifically for adoption.

5 There are some hangovers for those of us who are
6 adopted. Te Ture Whenua Māori Act needs a real good
7 look. So, discussions need to happen within Māori
8 communities around the issue of succession of land
9 interests for Māori who have been removed from
10 families. It's not an easy process to be able to
11 succeed under the current legislation, so even if you
12 know your whakapapa, it may be that the parent, that
13 the Māori parent died and that there's insufficient,
14 and that it's difficult to bring together information
15 to support an application for succession. So, that
16 needs to be dealt with.

17 In terms of removal of children from care, again I
18 would say that the Crown, in removing Māori children, is
19 breaching Te Tiriti o Waitangi and we need to look at,
20 reconsider the issue from the perspective of Te Tiriti,
21 and I know that my colleague, Moana, will talk in more
22 detail about this.

23 In relation to that, those antecedents to the
24 removal of our children urgently need addressing because
25 unless those are addressed, the burden of poverty, the
26 burden of marginalisation, of violence, of abuse, will
27 continue to fall on our families. And, as I've argued,
28 this is not because we are more likely to fall into this
29 area but because government policies have pushed us in
30 that direction.

31 Q. Kia ora. Just to finish, at the head of your brief of
32 evidence you've included a whakatauki, a proverb, would
33 you care to share that with us. Please explain why it
34 is you've used that proverb in particular?

A. So, it's spring, well we're starting to move into summer,

- 210 -

1 and at this time of year the kuaka or the Godwit returns
2 on a journey of 18,000 kilometres direct from the Arctic
3 to Aotearoa. And the Godwit has been doing that for
4 thousands of years and the map for how to return home is
5 in it, it is part of its makeup. So, although it's born,
6 so the eggs are laid in the Arctic, the bird hatches
7 there but it knows how to get to Aotearoa. So I chose a
8 verb which is about the Kuaka or the Godwit. "Te kuaka
9 marangaranga, kotahi manu i tau ki te tahuna: tau atu,
14.53 10 tau ra." And I chose that because the whakatauki speaks
11 to one Godwit arriving from across the ocean and landing
12 on the sand bank and as soon as we see one, we know that
13 more will come and we know that it will happen around
14 this time of year. I've likened that to the small, to
15 the voices that we have here at the Royal Commission of
16 Inquiry hearing. The voices are, you know, there's a
17 small number of voices but eventually the voices will
18 grow and this country will become aware of the injustices
19 that have been done. And so, I'm hoping that those of us
14.54 20 who have given evidence will be like the early Godwits
21 and we will all be followed by others and that altogether
22 change will come. Kia ora tatou.

23 Q. Kia ora (addresses in Te Reo Māori). Thank you for that,
24 thank you very much. I will just pass over now to the
25 Chair.

26 **CHAIR:** Thank you, Mr Merrick. Have any counsel
27 conferred with you, Mr Mount, about
28 cross-examination of Dr Green?

29 **MR MOUNT:** No, they haven't.

14.54 30 **MS SKYES:** I conferred through Mr Merrick, I sent emails
31 on Sunday.

32 **CHAIR:** Certainly, please proceed.
33
34

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34

1

2

JANE ALISON GREEN

3

QUESTIONED BY MS SKYES

4

5

6 Q. (Speaks in Te Reo Māori). There's two matters I'd like to
7 explore because I think that most of the others have been
8 covered.

9

14.55 10

The first is a matter of cultural prejudice that
arises from land dislocation for those that are in closed
adoptions. One of the concerns, and it's been an ongoing
concern, is Te Ture Whenua Māori Act and even the
fisheries settlement processes can actually work for
those that have been taken out of their whakapapa and
placed into placements with strangers, so that they
aren't entitled to benefits that are being accrued by
some of the processes that address the colonisation. Are
you familiar with that kind of cultural dislocation and
prejudice?

11

12

13

14

15

16

17

18

19

14.56 20

A. Yes, I am. Less so the fisheries settlements
process but certainly Te Ture Whenua Māori.

21

22

23

24

Q. Can you elaborate what that means by someone who is
Māori, has been adopted but cannot claim ancestral rights
or benefits?

25

26

27

28

A. So, if you can't locate yourself and be part of the life
of your hapu around a piece of land, then the
relationships that come from being involved with that
land are not formed.

29

14.57 30

So, one might intellectually know that they're part
of Taikawaia or Pukeko but unless one is actively
involved and recognised in that process then it's a name
but is not a relationship and that relationship is what
whakapapa is.

31

32

33

34

Q. There's actually case law, there's been Court cases,

- 213 -

1 hasn't there, that have determined that without
2 independent validation or verification from an ancestor,
3 you cannot claim entitlement?

4 A. That's right.

5 Q. Have you any personal experience of that?

6 A. Yes, there is. I was fortunate though that before my
7 aunt passed away, she was able to make a statement to the
8 Court that she knew my mother and of course my father,
9 her brother, and that she had heard some years later that
10 my mother had had a baby to my father and that I was that
11 child. And so, that was what I needed but if my aunt had
12 died before I'd got that statement, I would not be able
13 to succeed.

14 Q. And in inquiries and I'm going to move to your report,
15 that disconnection becomes permanent, doesn't it, because
16 of course the Native Land Court, now the Māori Land Court
17 becomes the place of your entitlements to your land, then
18 to your whānau, to your hapu's origins and of course it's
19 that basis for Treaty settlements quite often, isn't it?

14.59 20 A. That's right. It is permanent, it's permanent not only
21 for me but for my descendants as well.

22 Q. In your report, and I only want to focus on pages 182,
23 183 and 184, first of all it's a long time since I've
24 read it but I want to acknowledge the women that were
25 part of your team, the late Miria Simpson, the late Anne
26 Delamere were certainly Māori women extraordinaire. They
27 were stateswomen in their own right, founding members of
28 the Māori Women's Welfare League with Dame Mira and
29 devoted their lives to child welfare. So, I would just
14.59 30 like to acknowledge them.

31 And then I look that you're reporting to Dame
32 Elizabeth Murchie who is another great woman in the Māori
33 world. This report given it came after Puao-Te-Ata-Tu
34 and the Children Young Persons and their Families act
35 would be seen as a milestone in the Māori world the way
36 it was constructed biculturally and who it was reported
37 to

- 214 -

1 and I think with mana from Te Ao Māori or Wahine Māori
2 anyway; would that be fair?

3 A. That would, thank you.

4 Q. Now, you talk in there about the last resort
5 justification. I just want you to think, perhaps it's
6 now moved to the first resort justification, and I would
7 just like your comment?

8 A. Yes. So, I don't have the statistics in front of me,
9 Annette, but the number of Māori children who were placed
15.00 10 in institutions when this report was done in 1992, are
11 tiny compared to the numbers placed now. So, what we've
12 seen, so despite the report and despite the mana within
13 which this report was regarded in the Māori world, there
14 hasn't been a change, in fact there's been a worsening of
15 the situation. So, the burden absolutely falls with
16 Māori because at the same time, the number of Pākehā
17 placed out of family care has reduced.

18 Q. So, we've got increasing disproportionate number of Māori
19 children?

15.01 20 A. We have.

21 Q. Being placed in out of care arrangements. I looked at
22 your recommendations which were to try and put a pathway
23 which I would like you to look at which is on page 183,
24 there's two kind of sets.

25 Your recommendations really I thought if they had
26 been put into place, certainly they were received by the
27 Human Rights Commissioner. Who were they given to after
28 that because these recommendations seem like good steps
29 to avoid where we are today and I am just trying to
15.01 30 figure out why?

31 A. So, my understanding was that the report - that the Human
32 Rights Commissioner presented the report to the
33 Ministers, so that would have been Social Welfare,
34 Justice and Education in this case, I think that's right.

- 215 -

1 Q. So, a theme in the report which is then developed at the
2 bottom of page 183 and 184 is tino rangatiratanga, of
3 course we contextualise the report post or Te Runanga Iwi
4 Development Act and some of those social developments
5 that were occurring between Māori and the government.

6 But a strong theme is that Māori were seeking
7 control and care for their children and using the
8 vehicles of iwi development options, iwi authority or a
9 Runanga at that stage, for structural dimension or giving
10 force to that. How come that hasn't happened because, I
11 mean, even whānau ora now, if we look at it and that's
12 why I'm trying to look if you can guide us from this
13 report until now, what's been the barriers for
14 implementing that? Given it was signalled so early that
15 that kind of structural relationship was required.

16 A. So, thinking about the barriers that Governments face,
17 that would be the vote. So, Governments, Ministers, want
18 to retain their seats and in a racist New Zealand it
19 takes an extraordinary Minister to go up against an
20 electorate most of which would not support Māori control.

21 Q. But a humane society, if we can move it from the
22 discourse of governments, society, communities, would
23 surely want, as your report recommends, people to be
24 adequately refunded, to be adequately resourced, to
25 ensure the full potential of young people and children is
26 able to be obtained; wouldn't you agree?

27 A. Yes, logically one would think that, you know, people do
28 cost-benefit analyses, for example, and it would seem,
29 apart from the humane angle, that even if you went down
30 the cost benefit line, that it would be beneficial to put
31 resources in early into whānau. But let's not forget the
32 machinery that operates, in terms of prisons, in terms of
33 State institutions for so-called care, those machinery
34 and our people fill those and provide jobs for people,

- 216 -

1 for other people, not ourselves and profit.

2 Q. Because it strikes me, given our discussion it strikes me
3 if you look at some of your recommendations, it was a
4 forward thinking report?

5 A. Mm.

6 Q. It contemplated the tyranny of democracy, if I can use
7 that term, but it actually gave practical steps, based on
8 mutual respect and understanding, and the Puao-Te-Ata-Tu
9 understanding as a way forward. Do you think those are
10 important flagships or moments in time that should be
11 guiding this Inquiry?

12 A. I think this is the opportunity that the Commission has
13 which is to put things back on track and to stay clear of
14 tinkering around the edges of control and power and
15 legislation and actually go back to even the recent work
16 on the constitutional review, to go back to that work and
17 start to look at how we might pull together the threads
18 of our country so that everybody benefits and that the
19 burden is not with Māori.

15.06 20 Q. Where is the place of Te Tiriti or the values of Te
21 Tiriti in that?

22 A. That's the framework. Te Tiriti is a framework. If we
23 ignore that, we'll reproduce this situation in 10 years
24 time.

25 Q. Thank you, I have no further questions.

26 **CHAIR:** Thank you, Ms Skyes. Any other counsel? Thank you.

27

28

29

30

31

32

33

34

- 217 -

1

2

JANE ALISON GREEN

3

QUESTIONED BY COMMISSIONERS

4

5

6

COMMISSIONER ERUETI: I have a couple of brief

7

questions. I wondered whether, just on the subject

8

of adoption, your views about whether it could have

9

made a difference if, under the Adoption Act 1955,

15.07 10

there's no scope for recognition legally of

11

whangai, and that's been the case as I understand

12

for most of the 20th Century. But if there had

13

been within that Act recognition, legal

14

recognition, acceptance of the practice of whangai,

15

whether that might have made a difference for

16

tamariki Māori who ended up being placed in forced

17

adoption?

18

A. It may have made a difference. I would be reluctant

19

though to suggest that the State become involved in the

15.08 20

whangai process because of course it wasn't. Whangai,

21

the whangai, the practice of whangai was something which

22

whānau and hapu practice. So, I'd be reluctant, very

23

reluctant to extend the power of state into that domain.

24

COMMISSIONER ERUETI: Kia ora. My final question is

25

about your experience, your personal experience

26

with your niece and you describe in paragraph 44,

27

the intervention of Te Whakaruruhau as providing

28

wraparound supports that you thought your niece and

29

her children needed. Is that the type of extensive

15.09 30

wraparound support that you think is needed to be

31

provided to break the cycle, if you like, and keep

32

the whānau safe?

33

A. We're still talking - I mean Te Whakaruruhau provided

34

excellent support for our whānau at that moment but we're

- 218 -

1 still talking about an ambulance at the bottom of the
2 cliff. So, I would really like to see the span of
3 intervention sort of going right back and right across
4 the social and economic domains so that we didn't have
5 situations arising. But given that, that we haven't,
6 then that intensive wraparound service with high level
7 strategic arrangements between the Chief Executive of Te
8 Whakaruruhau, the Police in the Waikato, Oranga Tamariki
9 helped to provide some stability within which some
15.10 10 healing could take place. But it was important that
11 those systemic issues were addressed, not just - so that
12 the focus wasn't just on my niece and her boys but that
13 we had some understanding at the high level of
14 organisations that were involved in their case, that
15 there was an understanding there about what the family
16 required, what the direction was, what the practices were
17 that would support the whānau.

18 **COMMISSIONER ERUETI:** Kia ora.

19 **COMMISSIONER SHAW:** Thank you for such a powerful
15.11 20 personal story, combined with your intellectual and
21 academic knowledge and your traditional knowledge
22 of Māori tikanga and it's much appreciated.

23 I wanted just to turn to a small part and if you
24 don't feel comfortable answering these questions, please
25 say so because you've only glanced at this issue but it
26 is one that comes within our Terms of Reference, and that
27 is the plight of the unmarried mother i ngā wa mua who
28 had a very tough, tough time and I think maybe your
29 mother was one of those. Would that be correct?

15.11 30 A. That would be correct, yes.

31 **COMMISSIONER SHAW:** Do you mind just briefly giving us
32 some details about it? I mean, please say if you
33 don't want to.

34 A. No, no, that's fine.

- 219 -

1 **COMMISSIONER SHAW:** First of all, how old was she when
2 you were born?

3 A. She was older than my father by a year, so she was 19.

4 **COMMISSIONER SHAW:** She was just a girl.

5 A. Yep, she was. So, the stigma that women experienced,
6 it's women here that are experiencing the stigma, from
7 society but the stigma that they experienced was awful.
8 It followed them in many cases to the grave and it
9 affected their families and their position in society.

15.12 10 So, those were - so, my mother was a cleaner in
11 Rosall Hospital Maternity Home on the North Shore. She
12 cleaned and had her board for free, in return for my
13 adoption.

14 **COMMISSIONER SHAW:** That is what I was really wanting to
15 hone in on. Did she become the cleaner during her
16 pregnancy in order to sustain herself and then to
17 come towards the adoption? Was that all part of a
18 package or was she already a cleaner there?

19 A. No, she was not a cleaner. She approached Rosall then
15.13 20 looking for a place where she could hide essentially.

21 **COMMISSIONER SHAW:** Exactly.

22 A. And in return for hiding her and arranging the adoption,
23 she cleaned. And she gave birth to me outside, in a
24 hallway unattended. She was told to keep her voice down
25 because the married mothers would be distressed and,
26 yeah, she was alone.

27 **COMMISSIONER SHAW:** That is a very sad story. And you
28 say that it was the nursing home and the Department
29 of Social Welfare which arranged the adoption. Do
15.14 30 you know any detail about that, how that was?

31 A. What kind of detail?

32 **COMMISSIONER SHAW:** I am just wondering how the nursing
33 home became involved with this. I can sort of
34 understand the State coming in but the nursing

- 220 -

1 home, do you know anything about that?

2 A. Yes. One of the cooks in the kitchen knew of a family
3 who were after a child and told the nursing home of this
4 family and they contacted Social Welfare and made the
5 arrangement and it was to that family that I went.

6 **COMMISSIONER SHAW:** Thank you very much for that piece
7 of detail and just to signal that that is an area
8 well within our Terms of Reference and we are
9 looking, and I know the stories are there, it's
10.15 10 important to grab them when we have the
11 opportunity, so thank you very much indeed for
12 adding that piece of information for us.

13 **COMMISSIONER ALOFIVAE:** Thank you also just for the
14 courage to share the stories of you and your wider
15 family. The question I really want to ask you is
16 around you've really been able to articulate very
17 well for us one of the big giants that fall right
18 within our Terms of Reference, the systemic issues
19 and how we deal to that. One of the things that I
20.15 20 gleaned from your evidence is that actually in many
21 respects for Māori the work has been done. The
22 reports that you refer to, Puaoteata, the
23 human rights report, the uptake, and thank you to
24 Ms Skyes for the highlighting of the report. Māori
25 can put their weight behind things and it's not
26 reciprocated.

27 And so, I guess my question really is around in many
28 respects it's around the courage to actually revisit
29 those and to implement them and whether or not there
30.15 30 would be tweaks required for today's context?

31 A. Thank you for your question. Māori pretty much have been
32 saying the same thing about everything since, you know, a
33 long, for a long time now. So, we risk - I think if we
34 don't have regard for the work that's being done and the
35 important information that's produced, then I think the

- 221 -

1 Commission risks a strong backlash from Māori, in terms
2 of, you know, we've told so many people this, the
3 information is here already. So, I think you kind of
4 need to balance that. And as well I'd say there are some
5 complexities that are here with us right now that we may
6 want to visit but essentially, and I know that Moana will
7 deal with this, essentially we need to look at what's
8 being produced, what the recommendations are and I think
9 look at how to integrate those into the findings of the
10 Commission where it's clear that we're talking about
11 apples and apples.

12 If we're talking about a new phenomena, then I think
13 you'll need to take information as it comes to hand
14 through the Inquiry and then meld them.

15 **CHAIR:** Dr Green, I have a question too which arises
16 from your statement just a moment ago, of having
17 regard to the work that has been done.

18 If you look at page 7 of your brief, paragraph 33,
19 there's reference to Puao-Te-Ata-Tu. I have a direct
20 question. Do you think that Puao-Te-Ata-Tu is fit for
21 purpose for discussion now again?

22 A. Yes, I do. I think that we have had - we now have the
23 United Nations Declaration on the Rights of Indigenous
24 Peoples, for example, that wasn't in force at the time.
25 So, there is going to need to be some positioning of that
26 document relative to our current situation but I think
27 it's a powerful report and I think that there are
28 components of that report that most Māori leaders would
29 support.

30 **CHAIR:** Thank you and thank you for your evidence. It
31 seems, Mr Merrick, that this might be, although a
32 little early, a convenient time, if you don't have
33 any further questions, to suggest that we have the
34 afternoon break now.

- 222 -

1 **MR MERRICK:** Agreed, Sir, thank you.

2

3

Hearing adjourned from 3.20 p.m. until 3.35 p.m.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34