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DR RAWIRI WARETINI-KARENA - AFFIRMED

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EXAMINED BY MR MERRICK

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MR MERRICK:

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Q. Dr Waretini-Karena, in front of you there is a volume of documents, yes, and if you go to tab 4 of that you will find a copy of a brief of evidence prepared by you?

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10.06 10

A. Yes.

11

Q. Can you just refer to that and just confirm that that is a copy of the brief of evidence prepared by you and filed with this Royal Commission?

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A. I confirm that it is.

15

Q. You confirm that the contents of that brief of evidence are true and correct, to the best of your knowledge?

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17

A. Yes, I do.

18

Q. Thank you. I want to start by asking, by way of introduction, who are you and where are you from?

19

10.07 20

A. Kia ora koutou katoa. (Speaks in Te Reo Māori). Tena koutou, tena koutou, tena koutou.

21

22

Q. Kia ora. Dr Waretini-Karena, in your brief of evidence you've outlined some of your qualifications, do you care to share some of those with us this morning?

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24

25

A. I have a PhD in Philosophy. My specialist field is Māori experiences of historical intergenerational trauma. That is my PhD thesis. I am a PhD lecturer at the university in Whakatane. I am a lecturer and I am a Māori Battalion Doctoral Scholar, a Te Atawhai o te Ao Doctoral Scholar, I have just finished as National President of Te Whariki Tautoko which is the national governing body for Māori counselling and social services.

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I have been in the education field for 22 years. My specialist area of teaching is counselling, social work

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1 and mental health. I am a High Councillor in the Church
2 of Jesus Christ of Latter-Day Saints.

3 I am Co-Chair for the Kingitanga Academic Panel, so
4 I do research on behalf of the Māori King. I am also on
5 the Board of Trustees for Endowment College.

6 Q. Thank you for that.

7 A. Oh yeah, I'm also an Executive member of the New Zealand
8 Council.

9 Q. New Zealand Māori Council, is that right?

10.10 10 A. Yes.

11 Q. Have you also given evidence in the Waitangi Tribunal on
12 three occasions?

13 A. Yes, I have. 2006, 2015 and 2016 I was involved with the
14 Waitangi Tribunal claim.

15 Q. With the Corrections claim?

16 A. With the Corrections claim, yes. And so, my evidence was
17 used in that area and what I submitted is that
18 legislative policies which removed Māori language,
19 culture, identity, heritage and also contributed to Māori
10.11 20 experience of crime. If you look at the whakapapa, crime
21 comes from poverty and for Māori it's intergenerational
22 poverty, and that poverty stems from dispossession.

23 Q. Were you also involved in the Prisoner Voting Rights
24 Inquiry?

25 A. Yes, I was also involved in that.

26 Q. As a witness in that case?

27 A. As a claimant.

28 Q. As a claimant?

29 A. Yes.

10.11 30 Q. Are you involved as a claimant in the Māori in State care
31 claim currently before the Tribunal?

32 A. The Oranga Tamariki claim, yes.

33 Q. In your brief of evidence at paragraph 15, you've
34 referred as a foundation really to start your korero to

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1 Te Tongi a Tawhiao?

2 A. Yes.

3 Q. Could you share that with us this morning?

4 A. Sure. Te Tongi a Tawhiao came about as a result of the
5 Waikato invasion in 1860, in fact 20 years after. So, my
6 people, after the invasion, they went into exile for
7 20 years. But when they came out of exile and they went
8 back to their homeland, they found all their sacred sites
9 destroyed. The place where I used to work, the Waikato
10.13 10 Institute of Technology, called WINTEC, the original name
11 of that place is (talks in Te Reo Māori) of the Waikato.
12 It used to go from the top of the hill all the way down
13 to the river. It fed the whole of the Waikato.

14 They sent it to Auckland to feed the people there.
15 So, they bulldozed half that hill but up the top of that
16 hill where the marae sits was a ata, an altar, where our
17 priests met and they would do their karakia. And their
18 karakia was so that the land would be fertile to grow.
19 When our people came back and they saw that, they were
10.14 20 very distraught, they were in despair. Over 1 million
21 acres of land was taken, so the connection to the whenua
22 was cut. And they were looking for a vision, a way out
23 of this turmoil that they were going through.

24 The Māori King at the time, King Tawhiao, came up
25 with the idea and it says:

26 Te Tongi a Tawhiao

27 Maku ano e hanga toku nei whare

28 Ko te tahuhu, ko te Hinau

29 Ko nga pou pou ko te Mahoe, ko te Patate.

10.14 30 And what he was saying, is that our house will be
31 rebuilt. But what's really interesting about it, is that
32 when they built marae, they used Kauri, they used Totara,
33 these are the Rangatira trees, but in this instance they
34 referred to the Hinau. They are not Rangatira trees. They

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1 are the common trees that you find in the forest but
2 there's a big difference between the Rangatira trees and
3 the common trees. If you apply pressure to the Rangatira
4 trees, they break. But the common trees, they are wiry,
5 they are actually quite resilient, you can bend them, add
6 water, add fire to them and they will actually burn.

7 So, my interpretation is that the world will be
8 rebuilt or the house will be rebuilt not by the
9 Rangatira, not even by the Chiefs, but it will be built
10.16 10 by the power of the common people.

11 And so, when I look at that and I see these people
12 getting up there and giving evidence for the first time
13 in this Royal Commission, you know what I see? I see
14 resilience, like those trees they're resilient. They are
15 reemerging and sharing their stories that haven't been
16 shared before. Why? Because this is about restoration.
17 And this is the whole story is about resilience,
18 re-emergence and restoration.

19 Q. Kia ora. You've touched on some of the historic places
10.17 20 for Waikato in your earlier korero?

21 A. Yes.

22 Q. And in your brief of evidence you have discussed, albeit
23 briefly, you've made some comments around the genesis of
24 Māori child abuse or pre-colonial caring of children; do
25 you have anything to share with us today under that
26 topic?

27 A. Can I refer to what I want to show?

28 Q. Sure. [refers to genealogy chart - exhibit X]

29 A. What you have here, these are four generations of my
10.17 30 family. Over here it tells who they are. Over here it
31 tells a little bit of their story. And over here, right
32 on the far right, are all the legislative policies that
33 each generation was subjected to.

34 And so, what it allowed me to do was get an

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1 understanding of the legislative environment each
2 generation of my family was subjected to.

3 So, I want to talk about the one at the top first.
4 It's actually more than that. This is about my great
5 grandfather, Te Nahu Te Kuri Waretini-Karena, but it's
6 also about his grandfather, and his father. All of them
7 fought. What's significant about that is he is the older
8 half-brother of of the Māori king.

9 So, as a result of losing millions of acres of land,
10.19 10 what that highlights is generations of my family who
11 became destitute, who became intergenerationally
12 impoverished as a result of the Waikato invasion.

13 The next photo, that's my grandfather. He was
14 brought up by Princess Te Puea. He could only speak Te
15 Reo Māori. In 1930, he was taken away by the Social
16 Welfare Department. He was brought into a mainstream
17 school. He was beaten and abused until he learned to
18 speak English.

19 As a result of that, he wouldn't teach Māori beyond
10.19 20 the tikanga to the next generations because of what he
21 went through. So, as a result, I have 200 of my own
22 family who have never been on a marae. They don't know
23 Te Reo me ona tikanga because of what happened to my
24 grandfather.

25 My father was born in the aftermath of World War II.
26 His father went away and fought for the 28th Māori
27 Battalion. They fought for rights of citizenship, they
28 fought to become equal partners in the Treaty of
29 Waitangi. As successful as they were, when they came
10.20 30 back the land that they had was taken and given to the
31 settlor soldiers. As a result, it left them wandering
32 aimlessly from town to town to find work.

33 When they came to Hamilton, there wasn't a marae at
34 that time, so the marae became the Chartwell Pub. All

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1 the tikanga changed. They became what I understand to be
2 the 'Once For Warriors' generation.

3 So, what that did, is it helped me to understand the
4 environment that I was born into, why I never learnt my
5 language, my culture, my identity or my heritage. Why I
6 ended up in such impoverished circumstances, that led me
7 to the journey that I have taken to today.

8 Q. Kia ora. We will talk shortly about your experience.

9 Before we get there though, you mentioned your father?

10.21 10 A. Yes.

11 Q. Who is under generation 2 of that diagram?

12 A. Yes. And so, he was taken into Social Welfare in 1954.

13 Q. What do you know of his experience in Social Welfare
14 care?

15 A. His experience was very traumatic. He experienced a lot
16 of beatings, a lot of trauma. He had no-one to help him
17 deal with that and so what happened is what he
18 experienced he pretty much applied to his family. That
19 was his role model.

10.22 20 Q. And how did his experience impact on your early journey
21 in life?

22 A. Well, our home was very abusive, extreme violence,
23 extreme childhood trauma. I experienced flashbacks to
24 that trauma. I would go into a trance as a coping
25 mechanism for dealing with it and at that time no-one
26 helped me through that, in fact I didn't really
27 understand what was going on, it wasn't until many, many
28 years later.

29 Q. Did your at home experience bring you to the attention of
10.23 30 the State?

31 A. Oh yeah, absolutely.

32 Q. Can you tell us about that?

33 A. So, I was 5, I was going to school with bruises and as a
34 result of that I came under the scrutiny of the teachers

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1 and a Youth Aid Officer who called them and one day I was
2 invited to come into the classroom and they said "You're
3 going for a ride" and so I got in the car with them and I
4 ended up in a place called Tower Hill.

5 Q. Did anyone explain to you why you were being taken to
6 Tower Hill?

7 A. No.

8 Q. What was your experience when you got to Tower Hill?

9 A. Actually I didn't understand what was going on and I had
10.24 10 a feeling my family would come and get me, so my room was
11 right by the door, so I would have a bag packed and I
12 just remember standing there waiting for them and waiting
13 for them and waiting for them. And so, days turned into
14 weeks, turned into months, turned into a year.

15 So, after about a year, they came and got me but by
16 that time I was really angry with them, I felt quite
17 abandoned.

18 Q. Did anyone help facilitate contact with your whānau
19 during that period?

10.25 20 A. Not that I know of. I know years later my Mum said that
21 she contacted the Police, they just told her that I was
22 with them. They didn't tell her where.

23 Q. Can you recall any incidences of abuse in that first year
24 that you spent at Tower Hill?

25 A. Not so much the first time but the second time, yeah.

26 Q. We will move on to that shortly.

27 A. Yes.

28 Q. Now, after that first year, you say your parents came?

29 A. Yes.

10.26 30 Q. Did you end up moving home with them?

31 A. Yes, I went home with them for a little while. When I
32 got there, I found I had another brother. Things did
33 change for a little while but after a while they just
34 went back to how it was originally.

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1 Q. Can you recall what either Social Welfare or the Police
2 did or didn't do to support you moving home or the
3 circumstances of you going back home? Can you tell us
4 anything about that?

5 A. To be honest, one minute I'm at Tower Hill and the next
6 minute I'm at home. Maybe they had discussions with the
7 parents but I wasn't part of that discussion.

8 Q. Can you recall social workers coming to visit or any
9 support being put in place for you to help you go back
10.27 10 home after a year?

11 A. I don't recall, I don't recall them coming, no.

12 Q. How long were you at home for before you moved away from
13 home again?

14 A. Maybe about 6 months.

15 Q. And can you recall why you moved out?

16 A. Yes. My father had gone to the pub and my mother had
17 gone to housie and so I was responsible for looking after
18 my little brother. It was raining, raining really
19 heavily, like a flash flood. And then the rain stopped
10.28 20 and the roads were flooded and all the children in the
21 neighbourhood pulled out their buckets and went to go
22 outside and play. It looked like fun. I knew I had to
23 look after my brother but I wanted to go out and play
24 with the neighbours. So, I put him out on the porch just
25 so I could keep an eye on him and I went out and played.
26 I got so engrossed in playing with my friends and
27 neighbours, I didn't notice that it started raining again
28 and it started raining quite heavily. It was only when I
29 heard my little brother crying that I realised that he
10.29 30 was getting wet. I remember going, picking him up,
31 toweling him off and taking him inside. Unfortunately,
32 my little brother was only 12 months old. He caught the
33 flu and he died 7 days later. I remember the screams in
34 my family, how did this happen? Yep, I was only 6 or 7

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1 at the time but I was frightened if I told them what had
2 happened, I thought my father would kill me.

3 Q. Have you since spoken to your whānau about that day?

4 A. Yeah, I have now, yeah, yeah.

5 Q. At that stage, what happened with you?

6 A. After the funeral, we talked through karakia and prayer,
7 it was my mother's way of dealing with grief. One day my
8 father came home and kicked us all to the ground and
9 started beating us because he blamed God for taking his
10.31 10 son.

11 Q. Were you, soon after that, sent again to Tower Hill?

12 A. Yes. It was again, when he was assaulting my mother,
13 something in me just snapped and I just remember yelling
14 at him and then he started hitting me, my Mum got
15 in-between and ended up unconscious. And so, that ticked
16 something in me, yeah. He was asleep in the bedroom and
17 I set the bed on fire.

18 Q. Can we look at that second time at Tower Hill. Can you
19 tell us about your experience when you went there for the
10.32 20 second time?

21 A. Two things. Going to school being a State ward was quite
22 hard. I used to get bullied because I was a State ward,
23 had no family.

24 Q. Who would do the bullying?

25 A. Just kids at school, that's just what they do, yeah. But
26 I grew up in an environment where if someone gets in your
27 face you respond, so I responded and next minute I'm
28 sitting in front of the principal's office wondering what
29 the heck I'm doing here.

10.33 30 Q. What would you say now about the culture of Tower Hill,
31 for example, in the time that you spent there in care?

32 A. The first part of it, it was good, but what I actually
33 saw the second time around is a lot of corporal
34 punishment, we were strapped for a lot of things. But

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1 the funny thing about it is it was actually quite soft
2 compared to what I got at home. But what became quite
3 significant the second time around, is that one day I was
4 in the laundry, had some towels because it's a three
5 storey building, Tower Hill, but I was coming from the
6 second floor into the first, and there was a man standing
7 there, he had his arms around one of the staff members
8 with a gun pointed at his head. He wasn't happy that
9 this Social Welfare had taken his daughter and he came to
10.34 10 take her back, so he made us all go into the lounge and
11 lie on the ground and he took his daughter. For the next
12 five weeks the Police and the Army were chasing him up
13 and down the country until they caught him and his
14 daughter, her name was Gwenda Rowe, she ended up coming
15 back to Tower Hill.

16 Q. Was anything done to support you or the other children
17 and young people at Tower Hill following that?

18 A. No.

19 Q. Can we move to, we are at paragraph 55 of your brief
10.35 20 where you talk about moving to a foster home?

21 A. Yes.

22 Q. Can you tell us about your foster home experience?

23 A. Well, both my foster parents were European, a British
24 father, Italian mother, I suppose you have to
25 contextualise what was going on between 1979 and 1981.
26 Dame Cooper had done the March from up north down to
27 Wellington. My aunty Eva Rickard was involved in the
28 occupation. Bastion Point was happening at the same
29 time. So, while it was happening it was frustrating my
10.36 30 European foster parents who were seeing these things, and
31 usually they would take their frustrations out on me.

32 Q. In what ways did they do that?

33 A. Just the ways that they spoke and undermined Māori. I
34 didn't understand what they were saying or why but all I

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1 knew is that it made me angry. That was my first
2 experience of racism.

3 Q. What sort of things can you recall them saying?

4 A. Not necessarily I can recall what they were saying but I
5 recall the way it made me feel.

6 Q. How did it make you feel?

7 A. It made me feel degraded, it made me feel undermined, I
8 didn't even understand why. And, of course, 1981 was the
9 Springbok Tour and that just topped it and it was just
10.37 10 about Māori this, Māori that, we should just be grateful
11 for what happened there.

12 Q. Apart from the way they spoke to you and what you've
13 described as the racist way in which they've spoken to
14 you, were there other ways in which they took their
15 frustrations out on you, physically, for example?

16 A. Yep, the father was - again, like one day he was giving
17 me a hiding and I laughed, and he said, "What's so
18 funny?" I said to him, "You hit like a pussy compared to
19 my father".

10.38 20 Q. What were some of the emotional or psychological impacts
21 on you? How did that negatively affect you?

22 A. Yeah, I think it affected my self-esteem, I became quite
23 suicidal, I was self-harming, I didn't like my life, not
24 at all.

25 Q. Again, at any time during that point did anyone offer
26 some support to help you with the way that you were
27 feeling or the way that you were acting?

28 A. No.

29 Q. What involvement did you have with a social worker or
10.39 30 Social Welfare, the Social Welfare system, while you were
31 in foster care? How often were they in your life?

32 A. They actually did come about once a month or so but it
33 was to sit down, have korero and then they'd go. I
34 didn't see any relevance, to be honest.

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1 Q. How long were you in foster care for with foster parents?

2 A. 1979-84, so '74-'79 in Tower Hill, '79-'84 in foster
3 homes and '84-'86 in boys home.

4 Q. In '84, you moved to a boys' home?

5 A. Yes.

6 Q. Where did you move?

7 A. Hamilton Boys' Home.

8 Q. Can you tell us about your experience there? And you've
9 discussed that at paragraph 56.

10.40 10 A. In the Hamilton Boys' Home, they had a secure unit and
11 administration and then the wings. The secure unit was
12 pretty much like a prison cell. They treated you quite
13 harshly but the reason why they did that is that, I feel,
14 they wanted to make it so uncomfortable that you'd never
15 come back but I also feel that it didn't work. I saw
16 people come in and out of there all the time, yeah. The
17 boys' home is definitely the next step into prison and
18 I'll probably explain that a little bit later, yeah.

19 Q. Well, before we move in that direction, is there anything
10.41 20 you wanted to say around the culture of the boys' homes
21 in terms of any physical abuse that you may have seen or
22 witnessed there?

23 A. I probably experienced more physical altercations in the
24 boys' homes than I did in the prisons. The other thing I
25 want to note, is that a lot of those young men in the
26 boys' homes I knew them from the foster homes, I knew
27 them from the Social Welfare homes, so all of us grew up
28 in the environment, going through Social Welfare homes,
29 foster homes and boys' homes.

10.42 30 Q. What sort of environments did you all come from before
31 entering that system?

32 A. So, nearly all of us came from, in fact nearly all of us
33 came from impoverished environments.

34 Q. And how many of those that you knew were Māori?

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1 A. Probably out of 50, 49 were Māori.

2 Q. So many Māori?

3 A. Yes.

4 Q. Earlier you talked about these places, the system being
5 preparation for prison.

6 A. Yes.

7 Q. And we hear often the words "pipeline", "prison
8 pipeline"?

9 A. Yes.

10.43 10 Q. Did that become a reality for you around 1987?

11 A. Yes, it did.

12 Q. Can you tell us briefly about that?

13 A. The thing about being in the boys' home, is that when I
14 moved into the prisons the first day I probably knew
15 about 80% of the people. So, when you talk about a
16 pipeline to prison process, you know, that's exactly my
17 experience. It's also the experience of my father. I
18 don't know about my grandfather but I do know about my
19 father. So, he went through the same process as well,
10.44 20 Social Welfare homes, Borstal, prison.

21 Q. And so, you went into prison the first time because you
22 were convicted of murder, is that correct?

23 A. Yes, yes.

24 Q. Can you tell us about some of the other people that were
25 in prison with you and their backgrounds or what you knew
26 of them?

27 A. They come from a place in Hamilton called Henderlie. In
28 Henderlie in the same street, in the street adjacent to
29 us, there was six of us all convicted of murder, all came
10.45 30 from the same environment, we experienced the same thing,
31 we were all in the Social Welfare homes, in the foster
32 homes, in the boys' homes.

33 Q. Now, since then you've done a lot of personal growth and
34 reflection?

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1 A. Yes.

2 Q. What's your overall reflection on some of the - you've
3 referred to at paragraph 59 psychological baggage that
4 you've referred to there that you were carrying from your
5 upbringing in that environment.

6 A. Yes.

7 Q. What's some of your reflections on that?

8 A. Well, early on I talked about my own experience of severe
9 childhood trauma, going into trances as a way of dealing
10.46 10 with abuse and flashbacks. I talked a little bit about
11 my friend Gwenda Rowe in the Social Welfare home Tower
12 Hill. We met up again when we were 17. It was about
13 that time when we heard about a story very similar to our
14 own, a 5 year old being abused by his father. 6 months
15 later things came to a head. We were sharing our own
16 experiences of abuse and the mother of the child was
17 there and she told us more about what was happening to
18 her son. That was the time when I realised, you know, on
19 reflection, you know, I was carrying my own psychological
10.47 20 baggage, I didn't even know I had it. But hearing that
21 story impacted me to such a degree, I ended up
22 superimposing my own story, my own history of the boy to
23 such a degree, I went and I fought and I killed his
24 father. When I got to my trial, what I found out was
25 everything I'd been told was a lie. It wasn't about
26 abuse at all, it was actually about a life insurance
27 policy.

28 And so, when I began to reflect on what happened, I
29 came to this conclusion that my own experiences of
10.47 30 trauma, my own history, my own demons, my own anger at my
31 father cost an innocent man his life. And so, I was
32 convicted of first degree murder and sent to prison.

33 Q. How long of that sentence did you serve?

34 A. Nearly 11, so 10 years 7 months, yeah.

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1 Q. Were you granted parole after that period?

2 A. Yes, I was, yes.

3 Q. Was that the first time that you'd applied for parole?

4 A. Yes, it was, yeah. I was lucky I'd done a lot of work in
5 prison. I actually helped form kohanga reo with prison
6 staff. I became a facilitator in the Alternative
7 Guidance Programme and as an Inmate Facilitator I worked
8 with hundreds and hundreds of prisoners dealing with
9 alternate ways of helping to deal with anger.

10.49 10 And so, as a result of, you know, doing that time, I
11 pretty much went to the parole, I was given a weekend to
12 go home, and when I came back I was released. So, they
13 had a category from A to E, so E and C basically the
14 likelihood of getting out, none. And then B is minimum,
15 you know, minimum requirements. A is no requirements.
16 As a result of the work I'd done in prison, I became the
17 only A qualifier in the country, so I had no
18 requirements.

19 Q. At paragraph 63 of your brief, you talk about this idea
10.50 20 of overcoming deficit legacies?

21 A. Yes.

22 Q. Can you tell us about that?

23 A. I'm a big believer in addressing the past. What I came
24 to understand is even though I'd done my time, I came to
25 the understanding that there were people out in the
26 community who were still hurting and they were still
27 hurting because of my actions. So, I recognised I had
28 two deficit legacies I needed to address.

29 The first one was with the family of the man whose
10.51 30 life I took. And the second one was with the shame I
31 brought about on my own family.

32 So, the first deficit legacy I had to address is
33 when I became a member of the Church of Jesus Christ of
34 Latterday Saints. I was in the temple when I came across

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1 the uncle of the man whose life I took. I put myself in
2 his shoes and I thought to myself how would I feel if I
3 came face-to-face with a person who murdered a member of
4 my family? How would I respond? He said to me, "If I
5 had met you anywhere else I said I wouldn't have forgiven
6 you". He said "but you're here in the House of the Lord
7 and I want to tell you I forgive you". And he said to
8 me, "Come with me, I want you to come and meet my
9 family".

10.52 10 So, I went with him to his home, he called everyone
11 together and I got up and introduced myself. I actually
12 thought they were going to be really angry, really
13 abusive. I stood up, I told them who I was, I told them
14 what happened and I told them why. But instead of
15 experiencing abuse, they rose as a family, they
16 surrounded me and put their arms around me and said "I
17 forgive you". We ended up doing an article in the
18 Waikato Times together, it was about redemption of David
19 Karena. I always talk about this because it was the
10.53 20 hardest thing I ever had to do because it exposed me to
21 the world with all my faults, my flaws, scars, warts and
22 all. But what I recognised was this, it was necessary
23 because it gave this family their own voice, it allowed
24 us to start our healing, our transforming journey
25 together.

26 And the second deficit legacy I would like to
27 address is, when I joined the education field 22 years
28 ago, I knew I was going to become a doctor way back then
29 because I wanted to use education as a vehicle to
10.53 30 establish a new legacy, one that my family could be proud
31 of. And so, that's when I studied for my bachelor
32 degree, Māori counsellor, I became a counsellor, worked
33 in the social mental health and then I started a Master's
34 in Counselling, a Master's degree in commercial music and

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1 a PhD in philosophy.

2 Q. Kia ora. In relation to your time in State care or the
3 time of your father in State care, has anyone from the
4 State or have you been involved in any redress or any
5 apology process or restorative process with the State
6 about that part of your deficit legacy?

7 A. No, that was all - that was my own focus. I remember, in
8 fact I spoke with my Bishop and I told him how I was
9 feeling, recognising there were people in the community
10.55 10 that hurt me. You know what he said to me? He said to
11 me this, he said "Do all you can to make things right.
12 And when you've done all you can to make things right,
13 God's faith is sufficient to make up the difference".

14 Q. That puts us in a good position to talk about your PhD
15 research and how that is relevant to our Inquiry.

16 What was it that was the driver behind you doing
17 your PhD research on intergenerational trauma?

18 A. So, it started from this position: I had to take full
19 acceptability and accountability for my actions. But one
10.56 20 of the things I acknowledge, is that what I didn't have
21 control of is the environment I was born into and so I
22 wanted to know how the environment I was born into was
23 created. And so, I went on a journey of rediscovery back
24 into my history, back into the history of New Zealand,
25 back into indigenous history right around the world, all
26 the way back to a document called the Doctrine of
27 Discovery. From the Doctrine of Discovery, you know, it
28 gave me answers that I never knew before. It was from
29 the Doctrine of Discovery that this whole colonial
10.57 30 process came about. You take a stone, you drop it into a
31 pond, it ripples, you are looking at intergenerational
32 ripples. One of the things that I say in my PhD is this,
33 don't judge a person in isolation to their history. All
34 issues and behaviours have whakapapa, they came from

- 161 -

1 somewhere for some reason, these things didn't just
2 manifest out of the land. Everything has a whakapapa,
3 everything. And so, for me, it was about looking at
4 contributing factors to the environment that I was born
5 into, contributing factors that led me to do the things
6 that I did.

7 Q. What were some of the things that you would identify as
8 being those contributing factors historically in the
9 context of your PhD research? You've spoken about, for
10.58 10 example, legislation and policy.

11 A. Yes.

12 Q. And I'm speaking now in terms of your brief of evidence
13 from paragraph 70.

14 A. I suppose, before I go into paragraph 70, I just want to
15 go back a little bit further to contextualise
16 paragraph 70 because under the Doctrine of Discovery, in
17 the age of discovery European wanted to do very similar
18 to what Christopher Columbus did, so they sent European
19 out into indigenous worlds to engage with Indigenous
10.59 20 Peoples, but when they got there, they found other
21 European emissaries. So, as a result all these European
22 emissaries and European monarchies got together and
23 created guidelines for engaging with Indigenous Peoples
24 and it was called the Doctrine of Discovery.

25 But to get the legal sanction that they needed, they
26 needed the sanction of the most powerful organisation in
27 the world at the time which was the Catholic Church and
28 the Pope. And they developed things like Papal Bull
29 decrees and here's an example of one of those Papal Bull
10.59 30 decrees, it's called Romanus Pontifex and it's from 1455
31 and it said this:

32 "If you go to indigenous land and you find
33 indigenous people are not Christian, they were invaded,
34 they were vanquished, captured, subdued, reduced to
 slavery and have their property seized by European
 monarchs".

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1 And then you have another one from 1493, and it says:
2 "If they go to land and find it empty, they could
3 claim it on behalf of the European power who found it".

4 However, they were Indigenous Peoples there and they
5 were not Christian. They didn't have right to entitlement
6 of land, they only had rights of occupancy. So, what that
7 meant was their status as human was lowered to that of a
8 tree, a hedgehog, a deer, a weed, a rabbit. So, they were
9 came to be known as flora and fauna. So, their status as
11.00 10 a human being was removed.

11 Now, we might actually think hey that's 1493 but you
12 know the last time that they used the Doctrine of
13 Discovery, terra nullius, was in 2007 and they used it
14 against the people because the State said they had to pay
15 rates. The people said we were here before you, they won
16 their case but the Supreme Court overturned it due to
17 terra nullius in 2007.

18 Q. Can I bring us to, with that lead in, into some of the
19 legislation that was put in place here in Aotearoa?

11.01 20 A. Sure.

21 Q. One of the particular Acts that you have spoken about in
22 your brief is the Native Schools Act.

23 A. Yes.

24 Q. Can you tell us about the impact of that?

25 A. I suppose, can I talk about where it came from first?

26 Q. Yes.

27 A. For me, this is the whakapapa of Oranga Tamariki. Oranga
28 Tamariki, the Department of Social Welfare, its origins
29 is not necessarily here in New Zealand. In fact, it was
11.02 30 established in 1837 through the House of Commons Select
31 Committee on Aborigines. Because the British Empire
32 colonised more indigenous countries than any other
33 European power, they decided to set up assimilation
34 templates and applied it right across the Commonwealth.

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1 Because their responsibility was around
2 assimilation, what they recognised is that they couldn't
3 change the mindset of the current Indigenous Peoples that
4 they were dealing with, so they decided to go after the
5 future generations. So, as a result, the House of
6 Commons Select Committee established the Aboriginal Acts
7 in Australia that led to the Stolen Generations, they
8 established the Indian Acts in Canada and USA and led to
9 the Residential Schools and Truth and Reconciliation
10 Commission happening right
11.03 10 now. Why? Because thousands of children have gone
11 missing.

12 They also established New Zealand's experience of
13 Lost Generations. They did it through the Native
14 Department 1861, the Neglected and Criminal Children
15 Act 1867 and Native Schools Act 1867.

16 And so, while it was applied here and it's been
17 going on since 1921, its whakapapa, its origins, actually
18 sits in England.

19 And so now I can talk about that.

11.04 20 Q. In terms of some of the experiences of those who went
21 through the Native School system and was subject to that
22 corporal punishment for speaking Te Reo Māori, at
23 paragraph 88 you've taken historical account of that from
24 the work of Binney and Chaplin. Would you care to read
25 that for us?

26 A. Sure. This is a sample I took out of Judith Binney's
27 Book Ngā Morehu. It is written by Putiputi Onekawa who
28 was born in
29 1908 and was sent away to school at Turakina in 1921.
30 She said this:

11.05 30 "I started school quite old. And I can't talk
31 English. All we got to do is cry, because don't talk
32 Māori in school. We can't talk English - so all we do is
33 cry. Yes for a long while. I can't talk English no
34 matter what. I try but the only thing I know is stomach.

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1 Yes, I know that. Oh yes, Sister Anne, Sister Dorothy,
2 Sister Jessie and Mr Laughton and Mr Currie, he's hard,
3 very hard. No bloody humbug! A cousin of mine, we are
4 all sitting on the floor, singing, and she was naughty.
5 She did it on the floor. Because we don't know how to go
6 outside. All we do is go like that (putting her hand up
7 and point outside) and this girl she didn't want to say
8 anything. She was sitting on her slate. She had a slate
9 over it. We were just going to sing and I was going like
11.06 10 that - pointing to her. Mr Currie gave me a good hiding,
11 supple jack, eh across my back. He was a murdering
12 thing! And Mr Laughton didn't like it. He knew because
13 I didn't know how to say outside."

14 Q. I want to move on towards the end of your brief of
15 evidence where you talk about the ongoing impact of
16 colonisation. Have you come up with a model or a diagram
17 for that? We spoke earlier about te Tongi a Tawhiao and
18 the trees used in that prophecy, have you yourself come
19 up with your own figure to explain the ongoing, in your
11.07 20 view the ongoing impact of colonisation?

21 A. Yes, I have.

22 Q. Would you speak to us about that, please?

23 A. Sure. So, this is a model I developed, it's called
24 Putaketanga; so pu is origin and take is the issue. So,
25 what you're doing is you're tracking the issue back to
26 its origins. I'm going to use the Native Schools Act as
27 an example. When you understand the intergeneration
28 ripple effects of the Native Schools Act, one thing you
29 have to understand is this, pre-colonisation domestic
11.08 30 violence and child abuse was not indicative of Māori
31 culture. Domestic violence and child abuse can be
32 attributed straight back to the Native Schools Act. The
33 Native Schools Act became a vehicle of assimilation to
34 remove language, culture, identity. And so, they did
it through corporal

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1 punishment.

2 And so, again if you took a stone and looked at the
3 whakapapa of it, what it highlights is that the source of
4 domestic violence and child abuse is the Native Schools
5 Act because it was applied to a kaumatua and kuia when
6 they were vulnerable children. It rippled into the next
7 generation and rippled into the next generation. Mereana
8 Pitman says this very well. She says "colonisation taught
9 us to hate ourselves and each other". That is the ripple
11.10 10 effect of the Native Schools Act.

11 And so, when it was applied to our kaumatua and
12 kuia, it applied to the next generation and the next
13 generation. What happened, it doesn't make any excuses
14 but what it does is contextualise where these things came
15 from because that's one of the things that happened. A
16 lot of the systems apply a labelling theory and what
17 labelling theory does is it talks about a deficit
18 position without giving the context but everything has a
19 context, everything has a whakapapa, and everything has a
11.10 20 story. So, what this is actually talking about, is
21 contributing factors. And these are the things that we
22 don't really talk about. These are the things that are
23 not really interesting.

24 And so, what it does, so for example I can look at
25 anything from poverty and track its whakapapa back, drugs
26 and alcohol and track its whakapapa back. What it does,
27 it takes it back to what the root cause is and that's
28 what this particular model does.

29 I applied it to a colleague. I don't think I'll
11.11 30 mention his name but he said this, he said Māori crime is
31 a factor of life, wherever you find Māori you find crime.
32 He did a comparison between Hamilton and Christchurch and
33 Dunedin, he said there's a lot of Māori crime in
34 Hamilton, there's a lot of Māori there but hardly any
Māori crime in Christchurch and Dunedin, he didn't

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1 mention the fact because there's Pākehā crime down there.

2 So, one of the things I looked at is authority. Who
3 has the authority to speak on Māori about Māori and Māori
4 things? He's a professor, he's from Canterbury
5 University, he is a psychologist and criminologist.

6 Those are his areas of expertise. But is he expert in
7 Te Reo Māori? No. Is he expert in Māori history? No.
8 Is he an expert in Māori taonga? No. So, even though he
9 has expertise in criminology and that, that's not the
10 expertise which is relevant. So, what I'm doing is

11 contextualising Māori history and Māori stories alongside
12 colonial discourse. I was lucky to write a chapter in
13 the Palgrave handbook on Criminology in New Zealand and
14 Australia and that's about colonial legislation, dominant
15 discourses and Māori experience and childhood trauma.

16 Q. The last thing I want to ask you about is Figure 3 in
17 your brief of evidence. This is what's up now, the
18 reference to colonisation.

19 A. Yes. So, what this talked about, I call this the
20 colonising tree. At its roots, it is the Doctrine of
21 Discovery, colonisation, ideologies, superiority,
22 discrimination, racism, prejudice. So, I'm saying that's
23 the roots and Māori experience of historical
24 intergenerational trauma is based on loss of land, loss
25 of identity, language, culture, heritage. So, what I'm
26 saying is that if this is what you're feeding the roots
27 and these are what the instruments are in the trunk, then
28 you're only going to get deficit outcomes because what's
29 being fed is deficits to the root. You can't feed
30 deficits to the root and expect good outcomes. You're
31 just not going to get it.

32 And so, I've also got a transformative model. What
33 it talks about is how you change the roots, restore the
34 language, the culture, identity, mana, tino
rangatiratanga.

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1 If you look at the trunks of it, it's
2 about restoring, language, culture, identity, heritage,
3 Tino rangatiratanga. Then what happens is you will
4 have
5 Transformative statistics instead of deficit.

6 Q. Where would you place State care, abuse in care, within
7 this model of the rakau, of the tree?

8 A. It's definitely amongst that and it's definitely, it's a
9 Māori deficit outcome but it's also based on deficit
10 whakapapa, yes.

11.15 11 Q. The last thing I would ask you is to share with us your
12 hopes for this Royal Commission of Inquiry?

13 A. You know my hope and my dream, that the Royal Commission
14 consider is this, colonisation both historically and
15 contemporary current times, it's hurt our people and it
16 continues to hurt our people. And the reality is this,
17 it's not sustainable. There is a total imbalance of
18 power and a lot of assumptions have been made and a lot
19 of promises have been broken.

11.16 20 So, for me, the solutions sit with Māori, they sit
21 with our people, they always have. And Māori need space
22 to take care of their own. I believe we have the
23 capacity to do it and that's why I advocate, that our
24 people work with our people to heal our people.

25 Q. Kia ora.

26 A. Kia ora tatou.

27 Q. What I'll do now, is I'll just check with the Chair to
28 see if there are any other questions for you.

29 **CHAIR:** Thank you, Mr Merrick. Dr Waretini-Karena is
30 available for questions from any counsel. Ms
31 Skyes?

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DR WARETINI-KARENA

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QUESTIONED BY MS SKYES

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6 Q. Morena. (Opening in Te Reo Māori).

7

I want to bring Te Tiriti o Waitangi and He
Whakaputanga as part of your

8

korero today and I want to start with the whakapapa that
you shared with us. I think it's important we recognise

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11.18 10

that as a half-brother of Tawhiao who did not sign

11

Treaty of Waitangi, your great grandfather is quite

12

significant in the way you brought him into these
proceedings.

13

You would agree that Tawhiao signed He Whakaputanga, the
Declaration of Māori Independence in August 1839?

14

15

Yes.

16

And refused to sign the Treaty?

17

Yes.

18

However, your grand aunt, I heard today, Te Puea, was a

19

Follower of Te Tiriti and the values of Te Tiriti in

11.19 20

addressing the processes of colonisation that had
dispossessed your people of Tainui?

21

22

A. Yes.

23

Q. Can you elaborate on that history?

24

A. From Princess Te Puea?

25

Q. Why did she become a stern follower of the principles of
Te Tiriti o Waitangi, given the fact of the reality that
her tipuna, Tawhiao, did not sign te Tiriti?

26

27

28

A. I also think it was a way of holding them to account to
their own people. And Article 2 talks about protection
of taonga. There was no protection for them at all.

29

11.20 30

Protecting their mana, protecting their tamariki. And
that's part of promises given and promises broken, so
holding them to account for that.

31

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34

I can only talk from my grandfather's experiences

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1 with Princess Te Puea because he was brought up with her.
2 All I can do, and I understand she also stood tuturu to
3 what Tawhiao said and he said that Tainui wouldn't fight.
4 When they laid their guns down at Alexandra/Pirongia,
5 they weren't going to fight anymore. So, as a result,
6 they became conscientious objectors during World War I
7 and that's also something that Princess Te Puea led.

8 And so, when they were taken as conscientious
9 objectors to Narrowneck, she was standing there outside
11.21 10 the fence and singing to them and let them know that she
11 was there.

12 So, yes, for me it was about her keeping them
13 accountable to the words that they signed on a piece of
14 paper.

15 Q. If I can draw some threads from your korero. Children,
16 tamariki, human beings are taonga, the gift of life as
17 Mira Szászy once described is the most important taonga
18 protected by Article 2 of the Treaty; would you agree?

19 A. Yes.

11.22 20 Q. That's something that both Tawhiao and Te Puea lived
21 by?

22 A. Yes.

23 Q. And that was affirmed in He Whakaputanga, which is the
24 sister document that gives
25 force to Te Tiriti o Waitangi?

26 A. Yes.

27 Q. So, if we bring those values to going forward with
28 welfare of taonga, of children, of tamariki, of human
29 beings, how do they inform us in the solutions for
30 historical trauma?

11.22 30 A. What it highlights is that they haven't done a very good
31 job, in fact it's been abysmal, and they haven't held to
32 mana ki te kupu.

33 Q. Translate for everybody here, honour the words?

34 A. Yeah, so their words were not their bond. So, I think in

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1 bringing that context here, it's about putting it out
2 there and giving context to te Tiriti and our Tamariki and
honouring
3 that.

4 So, if they didn't do that, this is the forum to
5 bring it. Maybe that's a place where we can start in
6 this Royal Commission.

7 Q. And your evidence highlights the fact that Te Tiriti
8 or He Whakaputanga did not inform the Native Lands Act?

9 A. No.

11.23 10 Q. The various Social Welfare Acts that imprisoned your
11 father and your grandfather?

12 A. Yes.

13 Q. They were not informed by the values of those founding
14 documents?

15 A. No.

16 Q. Even though there's references though in the modern
17 legislation, what's missing?

18 A. Well, what I've come to understand with the doctrine of
19 discovery, the development of treaties was getting
11.24 20 people's foot in the door but actually forgetting that
21 they were also accountable to what they signed.

22 So, now, this process is about bringing them back to
23 what is that accountability.

24 So, what I am saying, is that Te Tiriti o Waitangi,
He Whakaputanga

25 to me is a sister, to me it's actually the parent, He
Whakaputanga is the parent.

26 There would be no Te Tiriti of Waitangi without
27 He Whakaputanga.

28 The other thing is this, He Whakaputanga was never
29 conceded, it doesn't say that anywhere. The English
11.24 30 version might say it but that's not signed by two
31 parties, so therefore it's an irrelevant document.

32 Q. I'm trying to look to the future rather than in the past.

33 Social workers should be trained in the values of He
34 Whakaputanga and Te Tiriti?

- 171 -

1 A. Absolutely, yes, absolutely.

2 Q. Was that your experience while you were in care?

3 A. I trained them in He Whakaputanga, in the Declaration
4 of Independence and the Te Tiriti o Waitangi but my
5 colleagues trained in the Treaty of Waitangi. So, we
6 would always have conversations, robust conversations
7 around that, yeah. But it's definitely important our
8 counsellors, social workers, mental health, they're not
9 trained in that history.

11.25 10 Q. Do you sense that there is this misbelief of superior
11 values from a euro-centric position that subjugates
12 Māori values that sometimes colours people's practice
13 and I'd like some examples?

14 A. Yes, right across the board. I think, in my experience
15 in talking with my colleagues, they actually didn't know
16 enough about the Te Tiriti o Waitangi. It's like
17 speaking Te Reo, they would be whakamā to even try.

18 And so, I would have to take them through and these
19 are the people who have way more experience teaching than
11.26 20 I did. But one thing I knew was Te Tiriti o Waitangi and
21 the Declaration of Independence. Not only that, I know
22 the whakapapa of how it got to there. So, I wouldn't
23 just teach He Whakaputanga but also its whakapapa.

24 Q. So, in your last diagram, if we could put that up, this
25 is my last series of questions. If we are to reclaim the
26 values, to have a prescience or appropriateness of
27 practice, then we have to address, don't we?

28 A. Yes.

29 Q. The reclamation of identity, the reclamation of language,
11.27 30 the reclamation of heritage?

31 A. Yes.

32 Q. And the reclamation of economic wellbeing or the
33 prosperity or loss of land?

34 A. Yes, absolutely.

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1 Q. How are we going to do that for, and I want you to think
2 back to you as the 6 year old child or the 12 year old
3 child in the Tower because that's the challenge before
4 this Commission. The big picture issues need to be given
5 substance and incremental steps if we are to honour, mana
6 ki te kupu o Te Tiriti o Waitangi, to give force to the
7 values of the honourable words of Te Tiriti o Waitangi.

8 A. If I think back to being a 6 year old and being a 12 year
9 old, you know, that wasn't even in their thought process.

11.28 10 But moving into the future, I think them learning about
11 He Whakaputanga, learning about te Tiriti o Waitangi,
12 learning about New Zealand history is very important
13 because what it does, it contextualises not only Māori
14 stories but the story of Tangata Tiriti,
15 our European partners.

16 Because at the end of the day we're all in this
17 together but how we work with each other to make things
18 better for the future. When it comes down to
19 relationships, not partnerships, it's about relationships
20 and about Māori has to be in that being respected.

11.29 20 Q. It's also about trust, isn't it?

21 A. Yes.

22 Q. Isn't it about the State trusting Māori to look after our
23 own?

24 A. Absolutely.

25 Q. As Princess Te Puea wanted?

26 A. Yes.

27 Q. It's about trust that Māori have solutions for our own,
28 isn't it?

29 A. If we have a good look at Whānau Ora, you know,
11.29 30 they operate on a budget that's way less than Oranga
31 Tamariki. What forms the basis of their practice is
32 relationships and, yeah, it is about trust but the thing
33 about it, it's a Kaupapa Māori Service, it's by Māori for
34 Māori.

34 Q. And that requires respect?

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1 A. Yes. Manaaki ki te tangata.

2 Q. And it requires resources which is what you've just
3 talked about?

4 A. Yes.

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

6 **CHAIR:** Thank you, Ms Skyes. Any other counsel?
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DR RAWIRI WARETINI-KARENA

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QUESTIONED BY MS GUY KIDD

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6 Q. Tena koe. My name is Mrs Fiona Guy Kidd and I represent
the

7 Anglican Church for Aotearoa New Zealand and Polynesia.

8 Thank you for your powerful evidence of your meeting
9 with the family of your victim and you explaining your
10 offending and why that had occurred and receiving their
11 forgiveness.

11.30

12 I'd like to ask some questions exploring and seeing
13 what we can learn from that meeting that you went
14 through.

15 How long after your offending did that occur?

16 A. 12 years.

17 Q. And did you receive any feedback as to how the victim's
18 family found that meeting or what they gained from it?

11.31

19 A. We're still friends to this day, so yes, they also serve
20 in my church, so yeah.

21 Q. And what impact did that meeting have on you?

22 A. I suppose for me, it was about reconciliation, it was
23 about redemption. I developed a programme, it's called
He Kakano Ahau and it
24 recognises that you're a seed born of greatness,
descended from a line of Chiefs, so I am in the
25 process of taking that into the prisons. It's about
26 helping men to unpack the stories to help them make sense
27 of their current reality. But part of that process is
28 accountability. Māori had a process, it was called
29 Kokonga Ngakau, where you would have the person who has
30 offended, the person who's been offended, a facilitator
31 and you would have the hapu. The person who has offended
32 can only talk about what they contributed to the offence,
33 that's it. Once that process has taken place, the
34 facilitator steps back,

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1 the person who has been offended steps back, and then the
2 hapu makes a decision about how to move forward in a way
3 that saves face and mana for those who have been offended
4 and those who have offended.

5 So, I talk about it in the traditional sense. And
6 so, it's asking them to understand it in that context.

7 And so, what that's about, is about when you take
8 account of your own actions and you can actually walk
9 with your head high in the community. And regardless of
11.33 10 what everyone comes to say about you or challenge you
11 about your history and your past, you've already dealt
12 with it.

13 Because I've had instances, I had a student, for
14 example, who didn't like the mark and grade I gave her.
15 And she said to me, "I want you to change the mark". And
16 I said, "For me it's based on the evidence you provided".
17 And she said this to me, she said, "I know your history,
18 I've read about you. If you do not change the mark, I'm
19 taking this to the media". So, I'm a lecturer, you know,
11.34 20 at a tertiary education, but because I'd already dealt
21 with it, I dealt with it this way, I opened up my drawer,
22 I pulled out the article about me and the family and how
23 we met in the temple and my story of redemption, and I
24 said to her, "When you go to the media can you give them
25 this". So, it highlighted, it took away the power to be
26 used against me because that's something I've always
27 brought to the fore.

28 Q. So, do you think that face-to-face essentially
29 restorative justice process is important after abuse?

11.34 30 A. While I do, I'm also sensitive to those who have been
31 offended. And so, it is a restorative justice process,
32 so both parties have to be willing to go there for it to
33 succeed but yes, I do.

34 Q. Perhaps just a final topic then. Given what you've just

- 176 -

1 said there, where there's a representative possible of
2 the offender, for instance, a representative of the State
3 or of the church, would that still have a benefit, do you
4 believe, for victims?

5 A. You mean in terms of the restorative process?

6 Q. Yes, participating in place of the offender, so instead
7 of the offender.

8 A. One of the things that I understand is this. Evil exists
9 in the dark. The only way to overcome that type of evil
11.36 10 is to shine a light on it. You shine a light on it so it
11 no longer has power over you or anyone else. And I think
12 this is the power of these courageous people who stand up
13 and tell their story because now that history will no
14 longer have power over them and it will bring about the
15 process of healing, something that has been needing to
16 come for generations.

17 **MRS GUY KIDD:** Kia ora, thank you.

18 **CHAIR:** Thank you, Ms Guy Kidd. No other counsel?
19 Colleagues?

11.36 20

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DR RAWIRI WARETINI-KARENA

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QUESTIONED BY COMMISSIONERS

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COMMISSIONER ERUETI: (Opening in Māori). I have a

8

question about the impacts of land loss, so it's

9

going back to paras 41-43 of your brief of

11.37 10

evidence. I want to ask you about the indication

11

there is that you have muru me te raupatu of

Waikato, vast areas of land taken

12

from..?

13

A. Yes, 1 million acres.

14

COMMISSIONER ERUETI: 1 million acres, thank you. In

15

paragraph 42 you talk about the Māori Battalion

16

soldiers coming home from the war?

17

A. Yes.

18

COMMISSIONER ERUETI: And more land was taken from them

19

and given to settlers?

11.38 20

A. Yes.

21

COMMISSIONER ERUETI: If you can elaborate more on that

22

process about how that land was taken? Was there

23

legislation also in -

24

A. Yes, it was a ballot. And so, what was interesting about

25

that, is when they came back as a result of the war, they

26

felt that because Māori already owned the land that the

27

land was given to the settlor soldiers but it was at the

28

expense of those who had land in the first place.

29

Dr Walker talks about even those Māori who had land in

11.38 30

the rural sectors and they went into the cities to find

31

jobs because they were away from their land and the

32

Council went and put rates on them and took them, yeah.

33

And so, it's an example that my grandfather, he was

34

a member of the 28th Māori Battalion Company C. Now,

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1 that's quite extraordinary because he's from Waikato
2 Tainui but what happened at the time is he was a young
3 man sheering sheep over in Ngati Porou when the war
4 started, so he went to war with his mates, and so he
5 signed that document Ngati Porou but he's actually
6 Waikato Tainui.

7 This process is not new. That's what happened at
8 Ihumatao.

9 They had newspaper clippings that said if you come and
10 join the fight on our behalf you will get a certain
11 amount of acres of land. So, they did in the 1860s and
12 they did in the 1940s. I'm not sure if you want me to
13 elaborate or not?

14 **COMMISSIONER ERUETI:** You are describing there
15 everything has a whakapapa?

16 A. Yes.

17 **COMMISSIONER ERUETI:** So, loss of the land and then your
18 father's generation then migrated to the cities?

19 A. Yes.

20 **COMMISSIONER ERUETI:** You talk about the pepper potting
21 strategy?

22 A. Yes.

23 **COMMISSIONER ERUETI:** Can you unpack that more for us,
24 the pepper potting and what that actually means?

25 A. Well, the pepper potting strategy, back in the '30s, even
26 before that, Māori lived in communes, communities. So,
27 what they wanted to do was break those communities up
28 because that's what actually gave them access to land.

29 And so, the pepper potting processes, they mixed
30 Māori and Pākehā communities together, made all the jobs
31 available in the cities. So, therefore, it moved Māori
32 off their land. I want to be very clear too, it was a
33 very intentional practice because those are the same
34 policies that they used in other indigenous countries
which they found quite successful.

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1 And so, a lot of legislative policies that they used
2 were imported from other countries: Australia, Scotland,
3 Ireland. I mean, Ireland, that's where the Native
4 Suppression Act came from because it was successful over
5 there.

6 **CHAIR:** Any other colleagues?

7 **COMMISSIONER GIBSON:** Kia ora, Dr Waretini-Karena.

8 You've put forward a powerful and a deep whakapapa
9 about the roots of what's going on in terms of the
11.42 10 taking of children, the abuse of children in this
11 country. With your experience also in terms of
12 mental health and counselling, I'm assuming the
13 same whakapapa about what's happening in terms of
14 Māori communities around mental health suicide
15 rates could be attributed to the same origins?

16 A. Yes, they can. In fact, it's a systemic outcome. And
17 so, when I talk about addiction, those all have a
18 whakapapa in poverty, they have a whakapapa for Māori
19 intergenerational poverty. That's why we talk about
11.43 20 where did that come from? That's taking of land,
21 cultural identity at the point it began.

22 **COMMISSIONER GIBSON:** From your working in services and
23 counselling, the same principles of tino
24 rangatiratanga could apply to care in terms of the
25 Mental Health System?

26 A. Yes, I think it can, yes.

27 **COMMISSIONER ALOFIVAE:** Dr Waretini-Karena, thank you
28 for the powerful honesty in which you shared your
29 evidence this morning. My question really arises
11.43 30 out of your comment that I found really encouraging
31 around you were referring to some redemptive
32 frameworks you found really useful in how you were
33 able to get to the place of a sustainable long
34 lasting peace.

A. Yes.

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1 **COMMISSIONER ALOFIVAE:** It's about going back to the
2 roots of your tree. If you have any comments
3 around, given that redemptive justice isn't always
4 rooted in the legislation, if that was a possible
5 tool that we should be looking at unpacking in a
6 much more incentivised way?

7 A. I believe so because the current model is very punitive.
8 There's no healing process in punitiveness. You don't
9 get to the root cause through punitive measures.

11.44 10 How I came to the place that I did, it was about 5-6
11 years into my sentence and then the actress her name was
12 Miranda Harcourt, she brought a play to prison called
13 *Verbatim*, she played six different characters all
14 impacted by murder. So, I asked her what did you hope to
15 achieve by sharing this with us? And then she said to me,
16 how would you answer that? And this is when I got
17 the idea of a stone dropping into a pond and creating
18 ripples. The main character that she was playing thought
19 he was only hurting one person but didn't realise the
11.45 20 impact of his actions rippled throughout the community.

21 So, when I was alone in my cell reflecting on what I
22 heard, you know what my inner voice said this to me?
23 What about the impact in the community you had? And I'll
24 tell you what, I was stunned, I was shocked. I never
25 even thought about that before. And the reason why I
26 hadn't thought about it, I was whakamā to look at my own
27 history, I was whakamā to understand the impact of my
28 actions, and that's when I came to understand my own,
29 there's a community out there that's hurting because of
11.46 30 me. My only family I had, my mother, she was hiding away
31 at home. I had my brother being assaulted at school just
32 for being related to me. And so, that's when I came to
33 the understanding that there's some work I've got to do,
34 a deficit legacy that I need to address, because I
couldn't - but I think at the heart of that was actually

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1 understanding that I'd taken the life of an innocent man.
2 And so, for me what it was, it was about accepting my
3 sentence and accepting everything that went with it. But
4 I remember asking myself this question, I went so low, I
5 hit the bottom of the bottom and it was probably about
6 3 years into my sentence, and I remember looking in the
7 mirror looking at myself and I didn't like what I saw.
8 So, I got out and I was looking through the bars at the
9 stars, bars/stars, and I came to this conclusion, I can
11.47 10 continue looking at the bars and stay institutionalised
11 or I can look at the stars. And I realised if this is
12 what the bottom looks like, what does top look like?

13 And so, from there, in 1988, in my cell, I decided
14 to strive and I've been doing that ever since.

15 **COMMISSIONER ALOFIVAE:** Thank you very much.

16 **CHAIR:** Thank you, Dr Waretini-Karena. The Royal
17 Commission has been enriched by your evidence and
18 your insights. Thank you. Mr Merrick, I think
19 this will be a suitable time for us to take the
11.48 20 morning adjournment.

21
22 **Hearing adjourned from 11.48 a.m. until 12.05 p.m.**

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