

INDIGENOUS CHILDREN IN STATE CUSTODY
AARON SMALE, JEAN TE HUIA, PROFESSOR THALIA ANTHONY

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>>RINGA HĀPAI: (Te reo Māori). Welcome, and I'd just like to acknowledge those of you from around the world who are watching us today. We've got some exciting kōrero coming up and hopefully Aaron can make it on to our screen, but at the moment we have Professor Thalia Anthony and Jean Te Huia with us tonight, gorgeous ladies sitting in their lounges and in places of residence. Thank you for joining us, I really appreciate your time and I'd just like to also thank our sponsors and partners is that have enabled us to be here tonight.

So I'm not going to do too much talking because these awesome wāhine have got amazing things to tell us. If you would like to introduce yourself Professor Thalia Anthony that would be great thank you.

>>PROF ANTHONY: Thank you Nicole. Kia ora and (Aboriginal). I'm here on Wangal country which is in what we now know as the colonised place of Sydney. We live on unceded land, sovereignty's never been ceded and it always has been, always will be Aboriginal land.

I'm going to let Jean introduce herself first.

>>MS TE HUIA: Kia ora tātou, ngā mihi nui koutou katoa mō tēnei pō. (Te reo Māori). So my name is Jean Te Huia, I'm a midwife of some 28 years and a registered nurse of about 40 years. I'm a dual practitioner. I've worked and work mainly in our Māori community. I've never aspired to be good enough to work at the DHB so they won't give me a job in the hospital. I think it's got something to do with my big mouth, so I know that it's challenging for others, you know, to have me on board sometimes, but I like to call it out.

And so my interest in this area has led me to do my doctorate, this is my fifth year of it, and I'm hoping to complete it this year. And I've mainly focused on sexual and reproductive needs of Māori women and I believe around the world indigenous women are underserved, but it's also the sexual and reproductive assimilation of us as indigenous women has given rise to child welfares.

So I'm really interested in discussing those points and also listening to what other people's views are on that, and it's a topic of conversation which challenges us all, but also it's about the fact that they keep looking at child apprehension in New Zealand as a Māori problem. I keep reminding them actually its a legacy of colonisation, that it's around the world, Canada, America, Australia, New Zealand, we are all legacies of British colonialism

and it continues in our every day lives every day. Some people talk about it as post-colonisation, but to me there's no post-colonisation, it continues every day

So yeah, interesting kōrero ahead, so yeah, thank you for that. Kia ora.

>>PROF ANTHONY: Thanks.

>>RINGA HĀPAI: Ngā mihi Jean, kia ora.

>>PROF ANTHONY: Thanks Jean. I might just say a couple of words, is that okay Nicole? So I just first want to salute Jean and her life time of struggle and the contribution of Nicole to the Māori community. I really feel like it's good to have these discussions to build our solidarity across lands.

So my name is Thalia Anthony, I'm an activist, I'm a mum, I'm a professor in a law faculty at University of Technology Sydney. I spent a long time working with families, Aboriginal families to have their children taken out of the so-called child protection system, but we know it is a child stealing system. And to resist the policies that seem to be ever oppressive for First Nations people.

And this is -- I think Jean will talk about this later -- but this is increasingly becoming a policy stance that is in partnership with private industry. And we're seeing in Australia huge profits coming out of that industry. And I work with the Aboriginal organisation Deadly Connections in Sydney, which is all about supporting Aboriginal family connections and trying to provide that response to -- that resistance to colonialism and to support the refusal of Aboriginal families to genuflect to that system and to continue to live within their own culture and their own strength and sovereignty.

>>RINGA HĀPAI: Kapaī kōrua. I'm just going to throw it out to those of you out there if you'd like to put your questions in the Q&A, our panelists can talk and respond to some of your questions, so happy to receive those. Otherwise I'm going to hand it over to our panelists to have a conversation about some of the work they've done and what the solutions are for our future. Kia ora kōrua.

>>MS TE HUIA: Kia ora. Look, I think that when we look at the way in which child welfare has originated in New Zealand, we've simply adopted overseas policies and practises. We've never been given the opportunity to develop our own service needs based on our priority group which are children and mothers and children. We adopt these foreign policies.

For example, the Vulnerable Children's Act was written in Canada and Britain and it was adopted, and we adopted the same almost word for word. It didn't work there, it didn't work for their Aboriginal families in that country, and so why on earth we continue to adopt these foreign policies that don't work for us either astounds me.

We just mentioned a minute ago, Thalia, thank you for that, that this is an industry, and we have to get that in our heads. It's a multi-billion dollar industry. In New Zealand the industry is almost \$7 billion. And if we were to stop the industry, there are a lot of people that would be without an income.

And we talked briefly before we started the webinar, that if we just simply got that money and gave it to all the children and let the children choose where they wanted to live, you know, what a difference the service would look like. Particularly for our rangatahi who have been in care for long lengths of their lifetime, and it's sad. When you read the Ombudsman's report and you read the Waitangi Tribunal report and you read the inquiries and you read the 27 reports on Oranga Tamariki and every one of those reports is damning, every one of those reports gives solutions that continue to be ignored. And they cost millions of millions of dollars to do the report, simply to be thrown aside and ignored.

You know, we need to have answers to this, we need to be proactive. And there are people, many of us who are asking those tough questions, why is this continuing to happen. Intergenerationally, it's, you know, there is a huge, huge industry that continues to make this service continue.

>>PROF ANTHONY: Thanks Jean. I think in some ways there are many synergies and parallels with what happened when New Zealand Aotearoa was colonised, but I also think there are some differences that are worth pointing out in Australia.

We have never had a Treaty. Our land was colonised on the premise that it was terra nullius, meaning there were no people and there were no societies with laws. Now this was a complete fallacy, it was a construct to justify the absence of a treaty and to enable the British to swiftly take over the lands across this, you know, hundreds of Aboriginal countries on Australia.

However, the impact was not one simply of lying down for Aboriginal people, there were strong resistance, and one of the strategies that was used by the colonisers was to divide families, to weaken that culture, and that happened very, very early on, happened through the missions and I think Christianity and its relationship with the British civilisation mantra, which claimed to bring civilisation and yet brought the most brutal barbarity through how it pilfered and pillaged Aboriginal land and massacred, which we're still documenting in Australia hundreds of massacres across the country right up until the 1980s, Aboriginal people's lives were taken.

So what I'm suggesting is that here the fracturing of Aboriginal families was part of this process of structural disposition that continues today. We haven't had, like Jean said, a

moment where we can say we are now post-colonial. It's the continuities that are frightening, because the rates of child removal today are as high as they were 100 years ago.

Back then we had this policy of protectionism; again, one of these words that keeps coming up. There were Aboriginal protectors that were endowed with the powers to control Aboriginal lives. And now we talk about the child protection industry. Again giving the State the power to control Aboriginal children's lives, but it's not just the children that suffer, it's the parents. And I work in solidarity with a lot of these parents who suffer ongoing trauma entrenched intergenerational trauma.

So we need to, I think, think about -- and Jean's pointing to some of this, and it would be good to hear from people listening -- think about ways in which we can start to decolonise, how can we start to empower First Nations families and organisations to do that collective work where we build strength rather than the child protection system focused on control, focused on deficits.

I just want to end by pointing out, and I suspect it's similar in Aotearoa, where you have most children taken not by abuse, not any violence, but by what the system classes as neglect.

Now this essentially means that families often cannot provide for their children and cannot meet the kind of western white standard that we expect of families. So a lot of Aboriginal people, especially when I think of remote places, live in vastly over-crowded homes, not by their choosing, not by their fault, but because they were forced from their homelands into houses that the State provided for them and then the State blames them for not caring for their children and takes their children. So it's part of this vicious structural problem of oppression.

So I might just leave it there and hopefully we'll have some time to think more creatively of ways forward.

>>RINGA HĀPAI: Kia ora kōrua, we have our first question which leads very nicely on from your own question there, Thalia, and it goes, "I didn't realise that child protection systems in so-called Australia were privatised. Obviously that is a very clear commitment to the care to prison pipeline. But what sort of complications does that create for activists in this space?" It's a curly one.

>>PROF ANTHONY: Jean, did you want to start?

>>MS TE HUIA: Well, all the evidence shows that child welfare is a pipeline into prison. I work in the prison as well and we know that 86% of those in prison have had, who are children

from State care, or who have had a rough ride through child protection services. And we also -- I like that you've brought that up, Thalia, about the neglect. Because neglect to one part of society is not -- is purely bias. I mean my kids used to run around with half their clothes on in winter with no shoes and socks on and the neighbours could have me for neglect any time.

But you know what, when we look at the number of notifications of concern, and we looked at some of the statistics, and at least three quarters of those notifications of concern are coming from white middle class women whose saviourism around the bias around what constitutes a good mother and what doesn't, based on her colour, what she wears, the type of clothing, the type of men she meets, whether or not she lives in a nice house or a stink house, whether or not she feeds them a hamburger or whether she gives them three fruits and a vegetable. And so we all know that the statistics tell us that most of those are teachers, nurses, they are the doctor's receptionist, they are the people that front-up to most government departments, they are the frontline staff of government entities that are making most of the notifications.

And you raised a very good point around neglect, around over-crowding. The other issue I have is around family violence. When we have families who are forced to live in one and two bedroom apartments and there are two or three families, the least they can do is fight and argue, because of the tension, because of the lack of resources in that home.

And family violence, Mereana Pittman, I wish she was here because she just loves the subject. But we look at family violence in terms of what causes family violence? No man wants to beat up his Mrs, you know; I know there's a few around here that would love to beat me up, but, you know, but because there is this over-crowding, lack of resources, lack of money, they argue over what they're going to spend their pennies on, they argue over do we put the heating on or do we spend the money for petrol, should we buy the kids school books this week or do we buy them school lunches. And do you know what, mum says no, let's buy the lunches and dad goes no, we need to do -- you know, the tension that results in that causes the harm that is in our family homes.

Yes, so we could go on about that and, you know, we look at the contemporary issues. We've got poverty, and structural racism. You ring up and you say "I need a hand, I don't have enough money" and straight away you're referred to Oranga Tamariki because you're not feeding your kids properly.

There's the ongoing historical injustices, they're intergenerational, and then there's the enforced alienation. You can't just ring up whānau and say "I need a hand." We're

all -- everyone's in the same desperate situation. And when Māori are whānau-structured, we depend on each other first, we go to our own first and our own are reluctant to say no, come and live with me they'll say. Before you know it you've got four families living in one home.

You know, we are judged, we are condemned, we are not white. Everything about us is what makes, you know, this -- whether we're fit for purpose, judged on others, you know, it just -- it's insidious and it's ongoing.

>>RINGA HĀPAI: Thanks Jean, how about you, Thalia, have you got a response to that question?

>>PROF ANTHONY: Yeah, thanks, I would say that there is unique problems with the privatisation, including for activists. I just want to say that when we talk about the pipeline, often it's cast in a way of, again, of deficit, that it's the kids that are the problem and the kids end up, you know, becoming troublemakers. But that reflects a thinking that doesn't focus on the system.

And we had a Royal Commission in the Northern Territory and what it found was that the pipeline is because foster carers, non-family foster carers, are often calling the Police. So there were stories of kids who would throw tomato sauce, I remember, and the foster carers would call the Police, and that's what creates the pipeline. That's kids being kids, that's what my kids would do. It's not an incident of what we would think of as property damage.

These people are being paid to care for the kids, their approach to care is the same as the State's response, which is basically one of discipline, one of assimilation. And so if they step outside of the boundaries, the criminal justice system and all its coercive power becomes involved, and that's how we create this pipeline, it's a continuation of pastoralism. And with privatisation, the challenges it places, and I don't think -- I wouldn't say let's preference State stealing of kids over private, they're both equally bad.

But the unique problem is that there's no accountability. So if I'm supporting a family, there are, for example, anti-racism policies that I can make a complaint against if it's a government department who is acting inappropriately and in a racist manner. But if it's a private provider, there's no accountability, there's no transparency, and there's no complaint mechanisms; it's all under this veil. And I think that means that there's a lot more discretion and capacity for private agencies to abuse their power and to not be accountable.

For activists, when we organise we're going to have a protest outside of the department or outside of a private Barnardos, or whatever it is, we don't care; we focus on

those who are responsible and we call it out, because for too long child protection, I would say probably unlike prisons, it's very hidden, you can't have open cases, you can't talk about it. And so it's difficult for activists.

And for a long time we didn't protest, but now after generations and generations we see it's the only way, we stand outside until we can have a meeting with who's responsible, because otherwise people don't come to the table, they make decisions without accountability to families, community and to culture. And despite all the rhetoric, despite an apology to the stolen generations, mistakes keep being made unless families and community and activists stand up to that power.

>>RINGA HĀPAI: That's a great segue to our next question about someone has said that they're totally on board and they're left with this question, "how do we meet children's immediate safety and developmental needs, including cultural needs, when they live in families experiencing and manifesting intergenerational trauma? Example, children experiencing violence. I think one child loses their life on average every five weeks in New Zealand from people meant to care for them."

>>MS TE HUIA: Well, I suppose we keep hearing the same rhetoric, that we need to shift the focus from the child to whānau, because whānau needs support as well. And I think the answers are complex. And we all know that a child raised in a whānau, everybody, you know, it takes a village to raise a child. And I think that what we've become used to is putting all of the expectations on to parents and, you know, and so what we have to start to do is look at what does the family need, and rather than what does a child need, what does that whānau need to support this child.

You know, we need to start with Hapū Mama, we need Hapū Mama kaupapa Māori antenatal education programmes that aren't run by DHBs. We need to be able, and the communities, to have having marae-based kaupapa Māori classes to teach our young mums about pregnancy, and about their bodies, and about being a good parent. We need to be bringing dads on board with that as well. And it's going to make a shift away from these individualised thinking about departmentalising families and realise that we're part of a bigger community with nans and grandmas and aunties and uncles and whole communities all willing and able to come on board and help with that.

And I think that's the problem. I think we're too busy looking at a family or looking at just a child's needs without -- and then judging they can't provide a home, they can't provide food, or they can't provide this or that. And yeah, I think we need to just shift the gaze and start to re-look at what do families need, you're going to get a healthy family,

you're going to get a healthy baby, you're going to get a healthy whānau unit, inside a community that cares inside of that.

>>PROF ANTHONY: Yeah, that's -- I just think you nailed it, Jean. There are generations of trauma and it keeps being perpetuated and, you know, time and time again in our reports too, the solution for healing is culture, and it's, you know, bringing the child back into their place of belonging and identity and strength.

There's -- and I think it's similar in New Zealand -- in Australia 80% of our funding goes towards taking the child; 20% goes towards family or to organisations that support family. And that's just so wrong, and it's not a flaw of the system, it is the system. It wants to invest that way. And that's why I think the response has to be systemic, it's not just about individual policies, it's the whole infrastructure.

I think that with children and with, you know, the effects of violence, what we forget is that the act of taking a child is violence, the act of separation is trauma. So we can't just say there's one incident and isolate it and treat violence. We need to look at engaging the child in holistic supports. We can't kind of -- I think the white system is very good at siloing and putting them in one service for one thing, it's about that wrap-around community, and listening to the child.

The department in Australia, and I think all settler colonies, it doesn't listen, it tells you what's best, it decides what's best for the kid. But the kid and the family, they're the experts in their lives, they're not just knowing the solution, they are the solution. So again, it's about that power shift back to the family and away from the State if the child is going to heal and prosper and move forward with strength.

>>RINGA HĀPAI: Which is a great question that follows immediately after what you have just said, it's "how do we raise the voices of our tamariki and rangatahi, children and our young people, when the system most adults, including Minister Davis, our Minister for Children and often our whānau aren't actually seeking our voices. So yes, we're a part of the whānau, but young people need to have the say in their own lives too."

>>PROF ANTHONY: Before Jean answers that, can I ask you, Nicole, because I know you're also an expert, but from Australia, and I think this is important for me and others to understand. From outside we look at your government in awe, and yet we know kids are being removed, we know that, you know, Treaty isn't honoured in the way it should be. Why is there that discrepancy that, you know, the Prime Minister can talk about social justice and yet removals keep happening?

>>RINGA HĀPAI: The pipeline is there, the pipeline for taking a child into care is very clear. So we don't fund prevention and intervention around our children going into care, we fund, like you just said, we fund the actual intervention taking children into care. The legislation's there, the pathway's clear, it's very easy for a child to end up in the system. And we let and allow Aotearoa to make that decision. So anyone can pick up the phone and dial 0508 and make a report of concern on a child. Anybody can do that. And there's thousands of those a day.

So I can just talk about the ones that come to our service in Hamilton, we get ten a day that actually have already been sieved through Oranga Tamariki that say, you know, these are not nefarious, this is actual sort of abuse or neglect occurring. They come to our table, we've got a brilliant system now within our region because we now have taken that decision-making into the community.

So we work in partnership with Oranga Tamariki and a couple of other Māori organisations to make the decision about what care is needed for that child. And we do everything we possibly can to, one, hold the State accountable for their actions and prevent the kids going through a family group conference system that enables them to take the child away.

Now the family group conference was invented years ago, and it was actually supposed to be run by the families to take leadership and decision-making around their children in care, and what the State has done is switch that up -- and we could lose our funding tomorrow if I say this too loudly -- but they switch that up, they took the power out away from the family and decision-making, the social workers who are registered go in with their own agenda about not losing their registration, and make decisions about the child because they're scared or risk averse, rather than actually going let's go wider, let's look in that whānau and go as wide as we can to find the solutions in there. And they become lazy because they're, well, their caseloads are way too big and they're way too big because they're allowing so many to come through. So they're allowing our society to make racist decisions about our babies.

Rant over. I'm not part of the panel, there is lots of questions here that are far more interesting. Jean, over to you. Where were we talking about?

>>MS TE HUIA: Well, I just want to acknowledge that we've just got Aaron come on board now and, you know, there's no greater advocate for this than Aaron. And Aaron and I have been sharing many similar stories, I'm at the birth end of it and he's at the other end of it. So I'm

going to ask Aaron to answer that question, because people have heard from me, let's hear from Aaron.

>>RINGA HĀPAI: Nga mihi ki a koe Aaron, welcome on board, Ngāti Toolatey. We appreciate your attendance, hope dinner was awesome.

>>MR SMALE: Yeah apologies everyone, I wasn't feeling well and I ended up going and having a sleep because I wasn't feeling well, then I sort of woke up. But anyway, I won't make any further excuses.

But, yeah, thank you Jean. I'm not sure what's already been said and I hope I don't go repeating it, but there probably is a lot to repeat. Just by way of introduction, I'm a journalist and have, I guess, fell down this rabbit hole called State abuse. It's probably going on six years ago now. And how that happened was I -- I'm adopted myself, and came from -- my birth father was Māori, my birth mother was Pākehā and -- but I was adopted into a Pākehā -- by Pākehā parents.

And that was -- I was fortunate, I had good parents growing up, but I always had this great big void not knowing where I was from, and especially finding it very difficult to know who I was as Māori. I had this vague notion that I was Māori, and when I eventually found my birth parents and met them, there was a whole lot of questions opened up again.

So that's been quite a long journey which I won't traverse in this conversation, but when I was in my sort of late 30s I found I had a sister I didn't know about, who had also been adopted. And that was both a wonderful experience and quite devastating to find the person, who I've become very close to, at that age. It's like how did this happen? How did it happen that I've got this the person that I'm very close to, very much like, has just been -- I didn't even know she existed.

And as I say, that opened up a whole lot of questions around not just my personal situation, but what's gone on here, you know, what has happened here that allowed this to happen. When you start to look at the Adoption Act, for example, it actually rules out traditional Māori adoptions. And some of those kinds of policies were creeping in even in the early 20th century about there was this connection between land and children, because of obviously the Native Land Court and the issue of succession, and the State was trying to separate those things out. And by the 1950s it decided, right, we need to take a stand on this. But anyway, that's the Adoption Act.

But then as I began asking these questions, one of them was well, why did this happen? And as I looked at it, there was this question in this issue around Māori boys, and in the 1960, 1970s, there were a lot of couples lining up to adopt, but they didn't want

Māori boys. Māori boys are at the bottom of the list, bottom of the wish list. And that really cut me deeply, and I started to ask, well, what is wrong with Māori full stop, what is wrong with Māori boys in particular, what is wrong with Māori men? And when you look at all the statistics, who's at the bottom? Well, it's not only Māori, it's Māori boys and men in particular. And that set me on this sort of journey.

And that -- then I ended up stumbling into this issue around the welfare homes. It was only when I realised the numbers around that that I started to say why is this? What's happened here? And it didn't take me long to draw some parallels with the stolen generations in Australia and the residential schools in North America.

And there's a pattern there that is quite consistent across those colonised countries. Take the land, take the culture, and oh are you guys still here, right, let's take the kids. And the details are different and vary in certain respects, but that pattern has been consistent right across those countries.

I think the difference in New Zealand is that, particularly if you look before World War II, there were virtually no Māori children in State custody. Then suddenly in the sort of 1960s, particularly from mid-1960s onwards, suddenly Māori are the majority. And how could that be? Well, I think the answer, in some respects, is urbanisation. But the myth is that Māori didn't cope with urbanisation, I think it's actually the other way around. Pākehā didn't cope with large number of Māori landing on their doorstep, and the State was very nervous about this, and you can see it in a lot of the files, and responded in various ways. And one of those ways was to really over-Police Māori families and Māori children.

And so that's, I guess, a short answer, believe it or not, to what has happened and how we have ended up here. But yeah, that's where I've kind of come from.

>>RINGA HĀPAI: Thalia, how about yourself?

>>PROF ANTHONY: Can you remind us of the question, I got a bit carried away with Aaron's story.

>>RINGA HĀPAI: How about we jump into another one, because we've got like 13 questions here and 18 minutes to respond, so I'll try and find some. "Do you think Oranga Tamariki chose to ignore the recommendations of the Waitangi Tribunal to create a Maori Transition Authority and transfer into tino rangatiratanga over (inaudible) back to Māori. That might be more for Jean.

>>MS TE HUIA: Kia ora. I can say that David Stone, my lawyer, put our application for hearing for Oranga Tamariki in 2017-2018 and what is frustrating is that the wheels of justice churn so slowly, but what raises it is social media. So once we got that on TV and we showed the

world what was happening in 2019 at the Hastings Hospital with our baby, everybody became aware of it. You know, thank God social media, you know, thank God cellphones, because if we wait for the system to catch up, we will be still waiting, it will never happen.

So, you know, I've forgotten the question already, but I just wanted to say that, you know, we are now becoming more empowered and the fact that the Waitangi Tribunal referendum and what their recommendations they came up with was that the State have to step back, they have to take their hands off the children and they have to empower Māori with resources and with the ways and means to be able to care for whānau. It wasn't about the child as we've said before, it was about the whole whānau.

But, you know, what has been disappointing is the fact that many of those recommendations that came out of the tribunal have been ignored, and so what we've got instead is a Māori Advisory Committee, and my hat off to them, fabulous, fabulous kaumātua and fabulous Māori on the committee, but we need the lived experience of whānau who have been through the system to be able to articulate the damage and the hurt that has happened to them. And Aaron, you know, Aaron speaks about that all the time in his interviews with whānau that are in abuse cases.

But, you know, the State has to be reminded again and again and again and again, you can't provide solutions for the damage that you've caused, you've caused the damage, step aside, let, you know, we need to take -- be able to be able to be acknowledged to address those hurts and damages, yeah. Aaron.

>>RINGA HĀPAI: The original question, Thalia, was "how do we get the children's voices back and hear what they want and how they, you know, what their needs are?"

>>PROF ANTHONY: To answer that question I think one way in which, at least in the courts, their voices could be heard is by having either Aboriginal or Māori lawyers who can represent them, because we have the independent children's lawyers who tend to just give the same representation as the State lawyers. And so they claim to act for the kids, but the kid's voices are really filtered through this white lens.

So the kids like from a very young age need proper representation, and then as they get older, they need to be present in these family conferences. In Australia the State meets with the parents and all the white service providers and where's the kid? Everyone else is making decisions, the kid should write their plan and then people should discuss it rather than everyone else work out the best plan for the kid and the kid just has to comply. And if they don't comply, if they run away, then the power turns over to the criminal justice system to manage them.

So at every stage I feel like kids' voices are silenced. And by the time they get to speak potentially when they are adults, the story they see, the reports they get from the Department about why they were taken, I think taint their perception. So the Department is told -- sorry, the Department provides a file that tells the child that, for example, the parents were on drugs or the parents were in poverty. It's this story that at no stage represents the views of the parents, and the fact that the parents are often fighting for the child and the child needs to know that their parents wanted them and love them, and that is totally obscured.

So when the child gets a voice, it is informed by all these other voices that they don't really get to speak with in themselves. I mean, Aaron, you can talk to your own experience. I'm only talking to the experience of the families I work with. But I think, you know, it's about giving voice, it's also about ensuring that the child has, you know, full information and so can speak from a platform of empowerment and knowledge

>>RINGA HĀPAI: Kei a koe Aaron.

>>MR SMALE: Yeah, I mean just as an example just to speak to Thalia's point; I mean I have to be careful here because I might tread on a few family members, but, you know, my case, I'm a mixed race and both my sister's case and myself there was racism on our mother's side of the equation. And I won't go into detail, but that did have an effect on the way we understood certain things, not just growing up but subsequent to that when we met our birth parents, we had to negotiate all of that. And where was the State? Nowhere to be seen, you know.

And I'd like to cast a little bit of a negative note here, because -- just a couple of things. Jean's point about these kaumatua etc, I have to be very blunt here and say that what you might call iwi leaders or kaumātua have been, generally speaking, missing in action. And there are exceptions of course, there's a number of leaders who have been on the frontline with this kind of issue for decades, Moana Jackson obviously, and there's others. But by and large, and this is happening in the Royal Commission where the Royal Commission is going to and engaging with iwi leaders and I've said to them, "why are you wasting your time, you know, they've had decades to be involved here and they have not been involved and they don't actually understand the issues." And that's not to disparage their integrity or their sort of personal mana, but it's the just a fact.

And, yeah, and it's an awkward fact because they get to be the ones that the State talks to, and yet, you know, if they really want to understand the issue and they really want

Māori leaders or prominent Māori people that understand this issue, they go and talk to the gang leaders, you know, they know this issue because they've been through this system.

Secondly, in terms of children being represented or heard, there's a young man Tupua Urlich who I've been talking to recently and he's with an organisation Voice and he's constantly frustrated, I can't speak for him, but I can hear it from him, that he's constantly frustrated with engaging with the Crown and they're not listening.

An example of the Crown not listening? Not just to Māori but to their own Royal Commission. They set up this Royal Commission to supposedly learn from the past, well, the Royal Commission delivered a redress report last year and that spoke to issues around oversight of Oranga Tamariki. The government is currently right at this very moment charging ahead with this legislation that basically dismantles the Children's Commission's office. There's a recommendation in there that children should be free from abuse when they are in State care, and if the government does not uphold that right, then the government should be liable.

Now I put those two recommendations to Carmel Sepuloni; she hadn't read that report. She would not answer when I asked her if that was going to be included in the legislation. Kelvin Davis wouldn't even front, the Prime Minister wouldn't answer that question. It's a simple question. Should children in State care be free from abuse? The Prime Minister would not say yes.

And that is how -- when I saw this legislation and when I spoke to people who have looked at it closely, I was actually quite, how shall I put it, despairing because it's like here all I've been covering the last 50, 60 years of this stuff and here we've got this Royal Commission and hopefully we're going to the corner and we're going to change things; this legislation basically opens the door for another 50 years of it.

And I don't say that lightly, it's just there is an unwillingness on the part of the Crown to actually take responsibility for the harm it's caused. And that's going to, unless I see some significant change, that's where it's heading.

>>RINGA HĀPAI: Kapai. Absolutely, Aaron, and we talked about the business that it is currently. Now there's a whole lot of other questions, but I thought I'd leave you a couple of minutes to say what you'd like to say to the 205 people online, and wrap that up with answering this one question. How do you keep yourselves well and safe while working in these spaces? Thalia, over to you.

>>PROF ANTHONY: Yeah, it's funny. I guess as a lot of people know, trauma's not something where you can pick your timing and sometimes things can collapse very quickly. But what

keeps me strong is the families and their strength. When I see how they can keep fighting when they're in the depths of their despair, it just gives me hope in humanity and in our resistance to these regimes, and I feel that -- I feel that we're at a point in time where people now acknowledge that the change cannot come within, it has to come from outside of government, it has to come from the ground, from community, and it has to come collectively.

Like I said earlier, for many generations people didn't go and protest about kids being stolen. People felt disempowered or resigned, but now there's a shift in mood, because it's clear that nothing works in the system to serve families, to serve First Nations cultures. The system, as I said earlier, is designed to assimilate, to disrupt cultures, and therefore the response, the power of First Nations people, that's the hope, and I think, you know, if I ever feel like not so much giving up, I don't feel like giving up, but I do feel like sometimes it's too much. And I just kind of, you know, put myself in a movement or get up and just, you know, do something that is collective, because I feel like that's where my strength comes from.

>>RINGA HĀPAI: Ngā mihi, Thalia, keep doing the good work. Jean, what are your final words and also how you keep yourself safe and well?

>>MS TE HUIA: I think my final words are that we have a nation of people who are becoming more conscious about the State, they're becoming more aware that there isn't a place for the State and child protection or child care, that that has to be done by parents and family and communities.

And I think that what keeps me going is humour. I mean -- and I have colleagues, I have Māori midwifery colleagues and we sit around and we enjoy each other's company and we find and humour in anything. And that's it, you know, it's Māori human that keeps us going because if you can't laugh about that and we have kai, and we share our kai and, you know, that's how we keep going.

And yeah, and so we just have, we've become resilient because of the adversities that we have to face on a daily basis, so yeah. And having like-minded people like Aaron, and you pick up the phone and you go "Aaron, I've had a f***ed up day-to-day, tell me what" -- and you know what, when you have someone like Aaron who has the calibre of his ideas and his intelligence and he goes "yeah, yeah, Jean, but what about", and, you know, you go yeah, yeah, that's right too. So you know, we all join it together and cushioning what is devastating it, cushioning it, so yeah.

>>RINGA HĀPAI: Kia ora Jean, thank you. Collectivity sounds to be the pattern here.

Aaron, how about yourself, other than having a moe just before, aroha mai?

>>MR SMALE: Yeah, apologies again, but you know. Yeah, I just -- I think, like Jean, sometimes humour's a real tonic. I'd just like to mention a couple of guys that I've gone to know, Tyrone Marks and Rangi Wickliffe who have been through some of the most horrific stuff that you can imagine and yet are two of the funniest people I know, and outrageous humour.

And I think what has -- a couple of things, I guess, sustain me, or keep me on track or something. One is that sometimes -- I mean just recently I did a podcast on Lake Alice, and that was a pretty dark hole that one. And my reaction to some of the stuff that I'm hearing, you know, you can get in a pretty dark space when you're hearing this stuff, and you start to almost feel like you're losing your mind. You think am I getting obsessed here, or am I, you know, and -- but I think the gratifying thing has been, once I've put back together and put it out in front of the New Zealand public, I get this reaction back; people are horrified, people are angry, people are grateful of this story has been told.

And I think it confirms how I've felt about those stories, and it sort of reassures me that no, I'm not going mad, one; and two there are people that actually feel the same way when they are confronted with this stuff. And I think it's just -- there's been a lack of awareness on this issue for so long. And in Australia there was a lack of awareness and yet when people found out, there were the detractors, of course, but most people think this is terrible, this should not have happened. And as Australians, as New Zealanders people are often ashamed. So that kind of reaction reassures me that you know, when decent people hear about this, they react the same way I do. And that can be, you know, that keeps me going.

The other thing I would just finish on, I know we're up for time, but 24% of the children in Aotearoa have Māori whakapapa. And that's a big number, and it's only going to get bigger, we seem to be a fertile bunch. And, you know, we need to -- it's not just about what happens at the wrong end in terms of ending up in places like Oranga Tamariki and then on to jail, we actually need to start at the front end and say well, what is it that we want for this group of children that have been in many cases left behind, and I think not just those children, but their whānau; what do we want, they're our future. And if we don't take note and take care of what we do for them, and how we think about that, then that future's going to be pretty bleak, not just for them but for our country.

And so that's, I guess, that's kind of thing that keeps me -- keeps the sort of fuel in the sort of petrol in the engine, if you like.

>>RINGA HĀPAI: And that's our solution, Aaron, is joining people back to their whakapapa and their whenua and their place of being and belonging, and we'll have more secure identity and a safer whānau and tamariki.

Kia ora koutou, ngā mihi ki a koutou, thank you so much for your time and energy this evening, thank you, Aaron, for coming and joining us. Jean, it's been a pleasure to meet you. Kei a koe, Thalia, for your spending time with us, and everybody in our chat room, I'm sorry I didn't get to all the questions, I think we could have been here for hours. But I really appreciate your time.

And I just want to thank our partners and I think we've got a few more days to go, so it's quite exciting. Thank you to all those who have been here tonight, we really appreciate your time and energy, and I think we've got a few messages as we leave. Ka kite koutou.