
KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I
TE TIRITI O WAITANGI
BEFORE THE WAITANGI TRIBUNAL

WAI 2700
WAI 2925
WAI 2926
WAI 2927
WAI 2928
WAI 2929
WAI 2930
WAI 2931
WAI 2932
WAI 2951
WAI 2952
WAI 2953
WAI 2956

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND
IN THE MATTER OF the Mana Wāhine Kaupapa Inquiry

AND
IN THE MATTER OF a claim by Sir Edward Taihākurei Durie on behalf
 of the New Zealand Māori Council, Kaa
 Kereama, Anne Kendall and Pauline Eunice
 Tangiōra (Wai 2925)

**BRIEF OF EVIDENCE OF ELLAMEIN EMERY ON BEHALF OF
HERSELF AND THE NEW ZEALAND MĀORI COUNCIL**

20 January 2021

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Waitangi Tribunal

20 Jan 2021

Ministry of Justice
WELLINGTON

- AND
IN THE MATTER OF** a claim by Mrs Raewyn Harrison as Deputy Chair of the Auckland District Māori Council (Wai 2932)
- AND
IN THE MATTER OF** a claim by Mrs Hanna Tamaki and Mr Roimata Minhinnick as Chair and Deputy of Tamaki ki te Tonga District Māori Council (Wai 2951)
- AND
IN THE MATTER OF** a claim by Mr Nika Rua and Mrs Wini Geddes, Chair and Deputy for the Mataatua District Māori Council (Wai 2953)
- AND
IN THE MATTER OF** a claim by Mr Derek Huata King, Chairman for the Takitimu District Māori Council (Wai 2926)
- AND
IN THE MATTER OF** a claim by Ms Ruihi Haira for the descendants of Heeni Te Kiri Karamu o Ngāti Rangiteaorere (Wai 2927)
- AND
IN THE MATTER OF** a claim by Mrs June Airini Northcroft Grant for the descendants of Makareti Papakura o Ngāti Wahiao (Wai 2928)
- AND
IN THE MATTER OF** claims by Mereti Taipana-Howe for the descendants of Wharekiri, Mihi ki Turangi and Kahurautete of Ngāti Rangatahi (Wai 2929)
- AND
IN THE MATTER OF** claims by Pauline Vahakola-Rewiti for herself and Rongopai Māori Committee of Otara (Wai 2930)
- AND
IN THE MATTER OF** a claim by Donna Foxall on behalf of Te Kaunihera o Nga Neehi Māori o Aotearoa (National Council of Māori Nurses) (Wai 2952)
- AND
IN THE MATTER OF** a claim by Teina Boasa-Dean representing the reo, culture and heritage portfolios in the New Zealand Māori Council and Māori Women's Welfare League communities, and Te Ataarangi as the elected member on the Te Mātāwai Board (Wai 2931)
- AND
IN THE MATTER OF** a claim by Ms Grace Hoet, a member of the Waikato District Māori Council,
- AND
IN THE MATTER OF** a claim by Enereta Carkeek and Ms Elaine Bevan for the descendants of Topeora (Wai 2956).

BRIEF OF EVIDENCE OF MS ELLAMEIN EMERY

SUPPORTED BY MS RAEWYN HARRISON

I, Ellamein Emery of Auckland, will say:

*He mihi tenei ki a koutou katoa,
tena koutou tena koutou tena koutou katoa.*

*He uri ahau no Te Tai Rauwhiti,
Kei roto o Omaio tae noa atu ki nga tatabi o Tokomaru.*

*Kaore te kumara e korero mo tona ake reka.
Nei ra te mihi aroha kia koutou katoa.*

*Ratou te hunga mate ki a ratou,
Taton te hunga ora kia tatou.*

Ka huri.

1. My name is Ellamein Emery. I am 76 years old of age and am retired.
2. I was raised as whāngai by seven nannies in the 1940s.
3. I owned and operated multiple businesses including the Contract Fire Security for over two decades. I was appointed as the first committee member to the Social Welfare Department in West Auckland and held various governance roles in Mana Board Tamaki Makaurau in 1986.
4. In 1982, I opened the first Kohanga Reo in West Auckland and became a founding member of Waipareira Trust. There were 149 tamariki under my care. I ran the kohanga the way I was taught when I was a child – incorporating the value of whāngaitanga.

5. In 1987, I was part of the movement to take the Government to task over unequal payment of Kohanga Reo funding equal to childcare. As a result of this Kaupapa, payments have been equal since June 1988.
6. In 1988, I became the chairperson to Maori Professional Association Auckland and to Tamaki Makaurau Kohanga Reo. At the time funding began at \$5000 then \$18000 then full funding from 1988-1989
7. In my brief of evidence, I will talk about the following:
 - a) my lived experiences as a whāngai and my whāngai children
 - b) Māori customary laws of whāngai,
 - c) Crown's actions that led to erosion of whāngaitanga, and
 - d) the future of whāngai.

My Whāngai Experiences

8. I believe that in Māori custom, I have the status of a whāngai and in my own right. I hold status as a whāngai and through my whakapapa lines. According to pre-1840 custom, children could take from their whakapapa lines and their whāngai whānau. In modern times this has changed.
9. I grew up understanding whāngaitanga as my nannies raised me as their whāngai. Although I was raised by my seven nannies, I knew who my parents were. My nannies were outspoken and they knew their responsibility. They cared for us, and took over when someone fell behind the scenes. The lessons I learnt from my nannies are those I have carried throughout my life.
10. Within our whānau there were tuakana-teina relationships. The whānau looked after the children and the tuakana took over the teina. The practical application of this kind of whāngai relationship is still relevant today.
11. Whāngai relationships then were not just feeding, nurturing and caring for the child. But also, looking after the person looking after the child. Once a wāhine had accepted a child into her care, everyone would rally around her and attend to her needs, as she was the one taking on the responsibility of the child.

12. I have cared for around 40 whāngai children. I started when I was in my early 20's, our community came to live with us. I have nine children and 52 grandchildren. Of the children I was a whāngai parent to, many of them have moved overseas, become teachers or gone on to university.
13. Currently, my daughters have whāngai children living with them. Being a whāngai parent has so many beautiful aspects for women. The primary carer does the work and then the rest of the whānau are on standby as backup for when they need a rest. Nowadays, this is what I do for my daughters.
14. Whāngaitanga needs to be restored and gifted back to women in a full sense. It should be easy for Māori wāhine to care for whāngai children and be recognised in the law.

Māori Customary Laws on Whāngai Pre-1840

15. Whāngai means raising a child by kin members other than their birth parents. It means 'to feed or nourish' the child in the fullest sense including instruction, culture, and aroha as well as food. Traditionally, to whāngai a child was both a privilege and a responsibility. A privilege because we view the child as a precious taonga; a responsibility because we need to ensure the child is nurtured to their full potential as Māori.
16. The process of whāngai was straightforward, you go directly to the child's birth whānau and you korero with them. There was no legal process or pile of papers you had to go through to prove you are worthy of the child. It is not by right; but by mutual understanding that it is for the best interest of the child and the whānau.
17. Whāngai is a collective caring and nurturing of the child in a Māori way. It transcends beyond the physical feeding and caring for the child. It is about giving spiritual guidance. For example, I taught my whāngai children a healthy respect of the environment, its contents, its occupants inclusive of every living breathing creature and surrounding trees and vegetation not to forget the atmosphere, the sun, the moon, the stars and the seasons. But most of all the honour, respect, love and worship to our creator Ihowa who has so lovingly provided for our existence.

18. Whāngai is a vehicle for learning and for passing down Māori taonga, wisdom and matauranga that mainstream schools do not teach our tamariki today. My nannies taught me Agriculture, Science, Math, Medicine and among other things before I even started formal schooling. For example, my nannies trained me when to plant, how to prepare the seeds for planting, testing the soil (reading the stars), the right season for planting preparing the gardens period (3 months). When I was a child, I had to provide a specimen of my poo and then studied what was in it so that they could talk to one another about what they could see based on the colour, texture and weight of my specimen. Then they decided what to feed me.
19. When I started kohanga reo – I made them do that. When the inspectors came to the kohanga, they said I was the only one in the whole of New Zealand that has that. I said I was brought up like that. I could tell if a child is well or not. I made sure this wisdom was passed down to my whāngai children, too. My tamariki learned mathematical equations early, as everything is divided by how many people who live in the house.
20. Whāngai is about preservation of the child's whakapapa. Whāngaitanga does not alienate the child from their birth parents. Irrespective of the problem, the child must never be deprived his or her whakapapa. There are protocols in place to ensure the child's safety while maintaining the child's cultural connection. As a result of this process, the child learns about the importance of protection without family disconnection.
21. Whāngai is about creating a lasting bond of relationship. It retains rather than alienates the child's cultural linkage. For example, my son, Robert (Bobby) Turonga Brooks, I cared for him since he was about ten months old. Bobby is a great example of the benefits that can come from whāngaitanga and the power wāhine hold to raise, care for and impact child's lives. Bobby was the youngest person to graduate from Waikato University, graduating with a Bachelor of Science at 17 years old. He started when he was just 14 year after being at Kohanga Reo. After his Bachelor's degree, Bobby completed a Master of Science and part of a Postgraduate Diploma in Economics. Following this,

at the age of 21, Bobby when to study his doctorate at Oxford University. He has now graduated and we are very proud of his achievements.

22. When Bobby left us and went to London, I told him how proud I was of him, he said “No, it was because of you that made me the person that I am today.”
23. Whāngai is about preserving the integrity of Māori culture. In the 1970s, learning te reo was brought to the forefront of many platforms, but not the tikanga behind it. Many can speak the reo but do not know the culture. Language and culture are inseparable. In the whāngai system, the child learns both. Within language itself, there is a huge lesson. With every word there is an action. Otherwise, it is just translating Pākehā words. When Māori talk, you hear it in their tone, on their faces.

The Erosion of Whāngai

24. The social structures and legislation driven by the Government continually devalue the whāngai system. For example, in 1858, government took families away from rural to urban and changed the whole system that Māori were familiar with and Māori had no one to support them. The Pākehā system is about individualism and control. Te Ao Māori is about whānau and shared responsibility.
25. The urbanisation of Māori led to poverty. There is no strength in poverty. With our 18 siblings, we still brought on other children and we were all fed. There was no poverty in my time. I am shocked by the cases of poverty today. In my time, we had the land, we had the sea, we had the gardens, we had the fruit trees. My father earned 1 pound shilling every week and we survived. They spent the money on flour, butter and everything else came off the land. When you visualise that life compared to where we are today, our people have lost our way. Not because they have chosen to live this way, but because this way of life has been chosen for us.
26. When the Government introduced Adoption/Foster care legislation, Māori were never consulted. Back in my day, women were consulted throughout the decision-making process. Today, our elders are talking in reverse, asking whether they can do such and such. Before, they had rangatiratanga over their

culture. My fear now is that there are few of us left on the ground. They have to request from the government whether they can care for the child, rather than taking on their responsibility where they see fit. I worry whether those my age are Pākehā-orientated.

27. An individualized way of thinking is very different to the thinking in a Māori whānau. The very new system of a child's status being separate from their whānau, an individual in their own right, and being able to be separated from their whānau, undermines the role of women that the center of whāngaitanga.

Forward


28. The Government needs to actively protect and value whāngaitanga in Māori communities, whānau and hapū through Māori education and empowerment.
29. The success of whāngai relies on the strength of our whānau. When Government drove Māori to urban living, it separated whānau and drove Māori into extreme poverty. In recent years, I have done research and produced writings on kaumatua/kuia relationships and those within Te Ao Māori who can do something immediately for our people. Throughout the years, their wisdom that has been stunted, taken or stopped being given. If we could tap into the knowledge that they have got, that would be knowledge that would filter down to the younger generation. The knowledge that kuia has will help us to figure out how to make it work.
30. My experiences as a whāngai, as someone who has whāngai children and now my children also have whāngai children can be sustained or replicated by others if wāhine Māori are empowered. It can be taught again. The women were the ones with influence, they were the ones who got the men to do everything. If women are given back their power, they will step up. It is essential that Māori wāhine voices are heard. Women make up 50% of the workforce, and if they are listened to, imagine what difference they can make.
31. I call on the Government to properly recognise the whāngai system and to alter the adoption and foster care system to better reflect the whāngai system. Wāhine in pre-1840 society were empowered by their ancestors and whānau to raise our children in line with the whāngai system. Government policy today

treats children as a separate and individual entity from whānau. Part of our tikanga is that Māori children cannot be separated from their whānau and government policy should reflect that.

32. Recently, my experience with my mokopuna whom my daughter has cared for from birth shows an example of the government's disregard for whāngai. My moko "X", whom I am my daughter's whāngai, has a brain tumor coupled with a heart condition. X needs a serious operation, but the health system requires my moko's biological mother's permission before they can do anything. My daughter, as X's whāngai mother, has no say on this despite X's biological mother being unable to engage with government services. X is only two years old and doctors have told us that they have to deal with X's heart first before they can touch her brain tumor. X appears normal but will collapse intermittently which tells us something is wrong.
33. My mokopuna's story is an example of the disregard for the importance of whāngai. As a wāhine in my whānau, I have told my daughters that our whole whānau must act as the eyes and the ears and have authority to stand up for X. All five of us, as our whānau and as wāhine. Our wāhine need to understand how to move with the authorities in dealing with these issues. In many cases, we need a spokesperson. When my whānau talk to authorities, we know how to answer. This is part of whāngaitanga training. The government needs to support the knowledge based that exists within a whāngai relationship and recognise the child development it can bring. Whāngai is an expression of us, Māori and must be respected. Whāngaitanga has been taken from us. There is a need for the system to be watching us and deciding our needs when it has been working for us for all these years. We need to have our own ways back. Wāhine were trained and taught by strong wāhine elders. They studied you when you were little and would guide you based on your personality. This does not happen anymore. This is how our people's lives were changed.
34. Māori wāhine must not be made to have to compromise whāngai values to fit within the current legislation and structures created by the Pākehā system. A strong whānau, with strong wāhine leadership, is essential to the survival of the whāngai system. Separation of children from their whānau and whakapapa is

an erosion that we cannot afford. The government must devolve its resources to strengthen the whānau whāngai system. I have hope that with our current Prime Minister's receptiveness, maybe now is the time, at the government level, for Māori wāhine to be empowered, to stand tall and to be heard to achieve better outcomes for all. I pass this responsibility to those wāhine in power to make the change.

Dated at Wellington this 20 January 2021



Ellamein Emery