IN THE WAITANGI TRIBUNAL

WAI 3060
WAI 2143
WAI 3073

IN THE MATTER	of the Treaty of Waitangi Act 1975
AND	
IN THE MATTER	of the Justice Kaupapa Inquiry (Wai 3060)
AND	
IN THE MATTER	of a claim by Steven Wilson and Karen Pointon on behalf of Ngāti Turi (Māori Deaf) (Wai 2143)
AND	
IN THE MATTER	of a claim by Tania Kingi on behalf of Te Roopu Waiora (Wai 3073)

BRIEF OF EVIDENCE TAURI LYNDON
Dated: 5 June 2025

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Waitangi Tribunal
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Ministry of Justice
WELLINGTON

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Introduction

Ko Pureora o Kahu te māunga
Ko Waimiha te awa,
Ko Tuwhakahekeao te hapuu.
Ko Ngāti Rereahu te iwi

1. My name is Tauri Lyndon. I have been a member of Te Roopu Waiora for eight years and a board member for four.

2. I was born in April 1978, and I currently live in Benneydale. I became Deaf from suspected meningitis at 5 months old.

3. My mahi for Te Roopu Waiora involves getting accessible information to our Turi whānau, advising on accessibility issues and supports for Tāngata Turi, monitoring services provided to Tāngata Turi and assisting with making kōrero accessible for Tāngata Turi within forums such as Iwi Chairs. I also currently advise Auckland Transport on matters relating to Tānagta Turi.

4. I have previously provided evidence to the Waitangi Tribunal as follows:

    a. Health COVID-19 Priority Inquiry, evidence dated 30 November 2021 (Wai 3060, #D6);

    b. Justice Whakatika ki Runga Inquiry, evidence dated 20 May 2022 (Wai 3060, #A7); and

    c. Health Stage Two Inquiry into Māori with lived experience of disability (Wai 2575, J001).

Background

5. My whānau are largely based in and around Waikato. My whānau lived in Te Kuiti when I was born, but my father was working on the ships at Birkenhead and so they were back and forth from Auckland a lot and I happened to be born in Auckland. I have more recently moved back to the King Country.

6. I have one older brother and a younger sister. When I was about seven months old my mother made the difficult decision to permanently relocate our whānau from our old homestead in Te Kuiti up to Auckland.

7. We moved because I was Deaf, and my mum wanted to make sure I had access to everything that I needed.

8. Moving to Auckland was hard, my mother always talked about it. She missed the wider whānau, our whenua, and the country life. She only had one of her sisters in Auckland. But we just had to accept it.

9. Because I was Deaf, it was a priority that we lived in Auckland. My mother knew we had to live there to have access to things like Deaf Education.

10. I really want to thank my mother. She made a lot of scarifies to make sure I had access to what was available. My mother also learnt some old signs to make sure she could communicate with me. She even worked at Kelston Deaf Education Centre (KDEC) as a teacher aide for a while as well as her various other cleaning jobs.

11. I was one of the lucky ones, I didn't feel isolated from my whānau. I had a lot of blessings, but I saw many Deaf children who struggled a lot.

12. I went to a Kindergarten in Auckland that had three other Deaf children, and then I started at KDEC. At KDEC, about 80% of my class were Māori and Pacific Islanders.

13. Because of problems with whānau hauā data and statistics, we do not know how many Tāngata Turi there are nationwide. What we do know is that Māori are well overrepresented within the New Zealand Deaf community. In 2002, it was estimated that Māori made up nearly half of all children diagnosed as Deaf or hard of hearing.[1]

14. By the early 1980s, KDEC used Total Communication and so there was some sign language used but it was signed English and not NZSL.

[1] Smiler, K and McKee R (2006) Perceptions of Māori Deaf Identity in New Zealand The Journal of Deaf Studies and Deaf Education, Volume 12, Issue 1, Winter 2007, Pages 93–111.

15. I left school in 1995, the year that sign language was formally given a place in Deaf Education. It was not until 2006, the year of the NZSL Act that the NZSL Curriculum was established for use in schools.

16. Although I learnt Total Communication and signed English in school, I was a late learner of NZSL. I did not really start learning NZSL until I left school and joined the Deaf rugby team.

17. From there, I went to AIT (now AUT) and studied graphic design, art, painting, and some architectural design and building. I passed that three-year course even though I only had access to an NZSL interpreter once a week. I had note takers for the rest of the time, but an NZSL interpreter is obviously preferred.

18. I have been a plaster since then for about 25 years. I worked and built up my own business. I am now semi-retired.

19. My children were born in 1998, 2000, 2002, 2004. I also have an adopted child as well as many more stepchildren and God children and I have recently been blessed with my first mokopuna. All my children are hearing.

20. Since 2006, there has been better access to interpreters, but a lot of Tāngata Turi still struggle with things like booking interpreters. I will still help and interpret written information and relay interpreter for Tāngata Turi where I can.

21. I have done a lot of this kind of Deaf relay interpreting within whānau and the wider Tāngata Turi community. None of this is paid. It's mahi we just have to do within our community.

Communication Barriers

22. Our whenua, marae and whakapapa is in the King Country. We still have land there and I spend a lot of time in the rohe. My cousin and I are looking after Pureora Forest Park, and I do maintenance at our marae: Te Hape. Painting, gardening, fixing things up, those kinds of things.

23. Many of my whānau still live in and around Waikato. There are a lot of Deaf in my extended whānau. I would estimate that there are about 30 Deaf in our hapuu alone, but there are probably more that are so isolated that I don't even know them.

24. Most of my Deaf whānau are older, from the time of the measles pandemic. Most were born Deaf. I understand that measles and other illnesses that cause deafness was brought back by the Māori Battalion into the King Country. That is the kōrero that I understand from our hapuu.

25. A lot of my Deaf whānau have very basic sign language, just home signs. NZSL just wasn't used in their time and many of my Deaf whānau did not have access to education.

26. Many Tāngata Turi also communicate with less formal NZLS, old signs, and sign language that is more connected with Māori identities and culture. There are differences, like dialect, in sign language between communities. Because of this, Tāngata Turi generally, are more comfortable engaging directly with other Tāngata Turi.

27. There is also a lot of suspicion and distrust about the government amongst Tāngata Turi because of the significant oppression and abuse Tāngata Turi as a community have faced. This includes police.

Justice Issues

28. A lot of my Deaf whānau get into trouble with the law because of the lack of communication and barriers that they face. Many are still isolated and do not have access to forums such as these.

29. This comes from a lifetime of bad education, abuse, communication barriers and not being able to cope with the costs of living. Police also think that we are ignoring them, but most of the time we just don't know what they are saying.

Teen troubles

30. In the 1990s, there were hardly any interpreters. During the holidays I would head home to Hamilton and get into trouble, but I wouldn't understand why. I would end up in Youth Court, and my whānau would have to come in and try and communicate with the police. I had no idea what things like bail meant. A lot of us Māori Deaf would be locked up at the police station for days, just trying to get access to someone to help us communicate.

31. When I got into trouble in my teens, I would say that I understood about 50% of what was happening. When the court process had finished the probation officer tried to fill the gaps in the information. I was lucky because I got a fine and community work. As I have said, I am one of the lucky ones. But a lot of Tāngata Turi end up in prison. Being housed and fed in prison can also sometimes just be an easier life for Tāngata Turi who are struggling.

My criminal record

32. In my adulthood I also got into trouble with the police. This was in the 1990s when I was charged with assaulting a female. In court, I read the summary of facts and tried to correct some things. I said I didn't assault her with my fist, it was the palm of my hand. I didn't understand the court process. There were interpreters in the court room but none when I met with my lawyer. There were many communication breakdowns through this process.

33. I got nine months' community work and had to report to a probation officer, but she said it was pointless because we couldn't communicate and so after two weeks, she told me there was no point in me coming back.

34. It wasn't until years later when I applied for, and got another job, that I found out I had a criminal conviction. I had told my employer that I did not have a criminal record and a few weeks into the job he pulled me into his office and said I had lied to him because he had ordered my record, and I did have a conviction. I did manage to keep my job, but it was embarrassing. I had no idea that I had a criminal record. I now

understand that that my record is clean, as I have not had any convictions in the last 7 years.

More recent experiences

35. It is difficult to engage with police in the community. For example, at police alcohol checkpoints. Because most Māori Deaf are non-verbal, this can be a very intimidating experience. Our language is sign language, and so we cannot speak into the machine. Instead, breath screening tests are used. Generally, all the information about our rights involved in this process are just given in writing. But as I have said, many Māori Deaf are illiterate. Some police officers will try and book a NZSL interpreter, but I have had police just simply refuse to do this. I have never come across any police officers with any basic NZSL skills.

Support work

36. Prior to the first COVID-19 lockdown, I also worked as a Tāngata Turi support worker with Emerge Aotearoa. I did this mahi for nearly three years. I supported Deaf inmates at various prisons and mental health hospitals between Pukekohe and up into the Kaitaia area. In total, I supported about ten Māori Deaf at a time.

37. In prison, Tāngata Turi have very little access to NZSL interpreters and therefore are extremely isolated. They are surrounded by hearing non-signers. It can be very dangerous physically and for their mental health. I became their mental health support and counsellor even though I am not trained in this. No Tāngata Turi are, but the need is so great that we just do what we can within our community.

38. I also supported Tāngata Turi at their Court hearings in Tāmaki and Whangarei. There is much better access to NZSL interpreters for Courts in Tāmaki.

39. In Whangarei, the hearings would be adjourned until a NZSL interpreter could be brought in from Tāmaki or elsewhere, sometimes hearings would proceed without NZSL interpreters. I would say about 50% of the time the Tāngata Turi who I was supporting would not understand the

Court hearing and why they were there. I could see how difficult it was for them to try and explain to their lawyer what they wanted.

40. During the pandemic, Tāngata Turi in prison did not know or understand what COVID-19 was. I would say 24/7 they were absolutely clueless as to what was going on with the pandemic and this made them very vulnerable and scared.

41. I supported these prisoners every week until lock-down, then the Department of Corrections would not allow kaimahi into prison, so I resigned from this role. I also was frustrated with the policies and procedures that I had to follow. At Te Roopu Waiora I am able to support Tāngata Turi in some way without all the policies and barriers that were in place.

42. Again, Tāngata Turi also need support directly from Tāngata Turi. The hearing community think they know, but they don't actually understand Deaf culture. Tāngata Turi can instantly trust one another and feel more comfortable. Trust is number one to creating whakawhanaungatanga.

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Tauri Lyndon