I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI **Wai 3565**
IN THE WAITANGI TRIBUNAL **Wai 3430**

In the Matter	of the Treaty of Waitangi Act 1975
And	
In the Matter	of the Te Tinihanga o Ngā Mātāpono o Te Tiriti – the Treaty Principles Reform Urgent Inquiry (Wai 3565)
And	
In the Matter	of a claim by Toni Jarvis, on behalf of himself, his whānau, and tamariki Māori displaced by the adoption, state care, and justice systems, and their whānau (Wai 3430)

HE KŌRERO TAUNAKI A TONI LEE JAMES JARVIS, KSM
BRIEF OF EVIDENCE OF TONI LEE JAMES JARVIS, KSM

Dated 18 May 2026

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Waitangi Tribunal
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TĒNĀ E TE TARAIPIUNARA
MAY IT PLEASE THE TRIBUNAL

1. My name is Toni Lee James Jarvis and I provide this Brief of Evidence on behalf of 3430 for Wai 3565: Te Tinihanga o Ngā Mātāpono o Te Tiriti – the Treaty Principles Reform Urgent Inquiry.

INTRODUCTION

2. I was born in 1961 and for 42 years of my life up until 2003, I was known as Richard Lee Kahukura. At just five weeks old I was illegally adopted, which pushed me down a path of state care and abuse. For all my life, I have been fighting against various Crown agencies and systems, both in terms of my own personal circumstances, but also for the generations to come.

3. I have previously given evidence in Wai 2915: the Oranga Tamariki Urgent Inquiry on behalf of Wai 1911 and also the Royal Commission of Inquiry into Abuse in Care relating to these experiences. I have lived experience of abuse in state care and have tirelessly been an advocate for our morehu whānau (survivors of state care).

4. In February 2025, I received the King's Service Medal in recognition of my efforts for survivors of abuse in state care. I have also engaged previously with Oranga Tamariki, the Ministry of Social Development and other agencies, to try and bring change to how these agencies operate. Since receiving this medal, I have given it up, as I am upset by the Crown's actions in relation to survivors of state abuse.

5. My evidence in this urgent Inquiry is focused on the proposed amendment or repeal of Tiriti provision in the Oranga Tamariki Act 1989 (**OT Act**). To be frank, it is a weak provision already. But weakening it further, or removing it entirely, will make it worse. One only has to look at me, and our morehu whānau when thinking about what a state care model looks like where our rights, as tamariki and mokopuna Māori, are not honoured and safeguarded.

6. I do not want tamariki and mokopuna Māori to have to experience the same things I did. That is what scares me with the watering down or removal of the Tiriti provision in the OT Act. We've seen what happens in other spaces

where Crown agencies are just asked to “take into account the principles of te Tiriti”, or even just “take into account” anything!

7. We see this in how Oranga Tamariki and the Courts treat the voices of Māori whānau as an afterthought in many cases relating to the care and protection decisions of tamariki Māori. There are countless of examples in the media where social workers and Oranga Tamariki override the wishes of whānau because they think “they know better”. But because they’ve taken into consideration the voices of that tamaiti’s whānau, that’s it, that’s all they have to do. Tick box checked.

8. Whānau, hapū and iwi Māori use the Tiriti provision to try and get our foot in the door so that we can do our best protect our tamariki and mokopuna Māori. It’s not much but it’s a start and we can build on that because at least it starts a conversation, which builds into a relationship, which then leads to understanding one another and respecting each other’s viewpoints. In other words, partnership. Which is what te Tiriti is all about.

9. I am deeply concerned that this Government has tried to put these changes to the provisions without any transparency and without any input from Māori rōpū, such as those of us who gave evidence in the Royal Commission Inquiry into Abuse in State Care. We are literal living breathing examples of a non-Tiriti compliant state welfare care system.

Dated at Invercargill this 18th day of May 2026

Toni Jarvis KSM

Toni Lee James Jarvis
Named Claimant of Wai 3430