# Transcript – Reflections on Seventh report, A duty to care, Thoughts of Committee members

[Stormie] Tēnā koutou katoa. Ko Stormie Waapu tōku ingoa. He uri ahau no Ngāti Kahungungu, Te Ati Haunui-a-Pāpārangi, Ngāti Tūwharetoa me Ngāti Rongomaiwahine.

Having a quick kōrerō today about the Family Violence Death Review Committee Seventh Report about a duty to care. My matters for consideration arising from the report: firstly, that the current system and the way we respond to family violence in this country in terms of the government structure, the Crown, is seriously lacking, and of concern to me in the time that I've been in the Family Violence Death Review Committee is that some of these responses, some of these professionals that are tasked with really helping whānau and providing them with support and assistance can at times be causing more harm or causing harm to whānau. And that is extremely concerning. It should be concerning for all of us.

And in particular, in the legal space, there's a lot more that can be done, and I'm always thinking and considering, you know, what more can be done in that space.   
  
However, on a positive note, I really enjoyed the report. I’m not being biased, but I would say it's one of my favourite reports, because it has the involvement of community, whānau, kaupapa Māori organisations, Tūhoe, Hauora, Manaaki Tairāwhiti and Tu Tama Wahine o Taranaki, organisations that are structured and built on mātāpuna Māori, Māori principles, tikanga Māori, Te Ao Māori, and some of the concepts arising for me when I look at the examples of the mahi those organisations do is whanaungatanga, manaakitanga, aroha, tika, pono, kaitiakitanga, kotahitanga and inherent in that is our collective responsibility to others and that, you know, the unwritten rule of having an obligation to your whānau, to your hapu, your iwi, manaaki tētahi i tētahi, looking out for each other, helping each other. And to me, you know, therein lies a duty to care.

In addition, these organisations, they're exercising their tino rangatiratanga and their mana motuhake and are really driving transformative change for whānau, hapu and iwi. And that is where positive change lies.  
  
Nga reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

[Nicola] The first point I want to make is one of some sadness that we are still failing to intervene at an early stage for people who are experiencing family violence and that there is a record of missed opportunities, multiple missed opportunities.

And on reading this report, one of the things that became clear to me is that we've talked about this in terms of the need for intersectoral collaboration and shared understanding, but that we've tried to work from the top down.

And what this report really highlights is that we are going to be much more likely to make change if we use a bottom-up approach.

So essentially what we see are organisations on the ground using a community development approach which is whānau focused and greatly increasing the responsiveness to families in the family harm space, but also addressing the other issues in their lives, which are equally important.  
  
And where that takes me to is that we need a paradigm shift where the duty to care that is expressed by our community organisations is being facilitated by mainstream organisations who are motivated by their duty of care to engage in ways of working that enable the community organisations to get on and do what they do and are doing really well.

And I think Māori, tangata whenua, have taken a real lead in this and that the case studies in the report speak to what is possible and where we need to go now is that in terms of a major paradigm shift that positions community as the best place to deliver the duty to care, and the mainstream organisations' responsibility being to facilitate that engagement by working in ways that are enabling and don't get in the way of allowing those people to do the very real mahi that they are doing.

If I had any concern about the messages in this report, it would be that Māori are taking the initiative and are demonstrating what is possible, and that there is, in my view, a risk that tauiwi will find themselves left behind and that our people will remain dependent on services that have proven not to be responsive, and that I think there's a real challenge for tauiwi in terms of how do we reposition ourselves so that the duty of care and the duty to care is underpinning work in that space in relation to family harm.

[Mark] Kia ora, Michael.

What do you think are the main challenges in the Seventh Report?

[Michael] Well, I think the biggest outtake for me is having a humble government. And, because that's linked to the first challenge is, when I read the report, the biggest challenge for me is about devolution, devolution to communities.

Until now, communities have repeatedly talked about how funding frameworks have created siloed, kaupapa based services, which prevents a holistic response to people's needs, to whānau needs, to family violence, and have asked that decision making be devolved to them.

And I think the report clearly outlines three case studies of different services that are engaging in kaupapa Māori responsiveness, where they have reclaimed decision making and responding to their communities, the unique needs of their communities, accordingly. It just doesn't work when there is a centralised funding and centralised programme development that is imposed on communities, that may not and often is not in line with how those communities function and what they need. Yeah.

How about you, Mark? What did you see as the biggest challenge?

[Mark] Well, just to follow on from what you said, I think it's also about empowering those communities, because some communities, I think are, as you say, up and running. With more resources they'll do better.

Some we’re going to, you know, they're going to have to start from the ground up, and those communities have to be supported to build their capacity to be able to do it in a way that they can take care.

And I think COVID was a good example. I think many communities, particularly Māori communities, really took it upon themselves and did a fantastic job through that period to make sure that basically their people were safe and looked after, and that same mentality with — and they were supported in that by government and by others. Even though people said, oh, you can't do this. The government said, no, you can. And so, I think that's a good sort of model that we can spread. And it was right up in the far north in areas which otherwise haven't been supported in the past. So, I think there is there is some precedent there.

Another challenge I think that's really important, Michael, is professionals, because I do think professionals come into people's lives and tend to look at them just as they are in front of them, rather than looking holistically. I've used that word before. What's going on behind the scenes? What are the wider issues to this that are that are happening here?

And because, I think, so many of our reports show that things could have been picked up and nipped in the bud. You know, the example of someone struggling, looking after a person who was difficult to look after, and people were dealing with this person but didn't see what the struggle was.

And I think without the holistic approach and a wider picture approach, we miss so much. And I think a real strength of this report is that it's the whole community approach that has to be taken, and that's everyone in the community is watching out for. We said this during COVID. You know, we've got to watch out for each other. But then, we’ve suddenly stopped saying it. We've got to continue saying it, because in many ways, family violence kills as many people. And even if it doesn't kill as many in the end as COVID, it has terrible ongoing effects for miles more people in terms of their mental health and their wellbeing.

What's your view on that, Michael?

[Michael] Completely agree. You've raised another challenge for me that I think has been percolating in my mind. So, when I think back to those three case studies, none of them, even though they specialise in family violence, none of them only focus on family violence.

And because they have, they embrace a completely holistic appreciation of the individual, and the individual is within a whānau, and there may be particular needs.

So, they might be addressing — say, someone is referred to them for gambling, budgeting, that forms a relationship with that person, which opens a doorway to explore what other needs there may be for the whānau. They work alongside that whānau and effectively reduce the incidence of family violence, because they are addressing the holistic needs of the whānau.

And I think this is the challenge for government, especially because we are focussing on family violence — that's the whole point of our our committee — but a true holistic appreciation of whānau means that we need to also stop just thinking in terms of a siloed approach, such as family violence, such as sexual violence, such as budgeting, and responding to whānau need.

So that's the other challenge it raised for me, at least. What do you think about that?

[Mark] Yeah, I find that's really, really important. I mean, there's some really wonderful examples in there.

For example, I think of the example of the woman who had twins and was suffering from post-natal depression, and that created problems which she felt she was to blame for. And she had had bad experiences with the bigger system, which didn't work for her.

So that particular issue was reflective of a whole lot of other things, and that can lead on to issues of family violence.

And I agree with you. I mean, the cases show that the surrounding circumstances are there and isolation can be there as well. For some people it's isolation, but for some, it's just, they don't want to approach anyone out of shame and other reasons. So that with community support, people are going to feel much more comfortable for those issues to be addressed in advance, because as you say, housing makes a hell of a difference on people's wellbeing and ability to operate. Limited resources makes a heck of a difference on people's ability to operate. Health issues that aren't addressed makes a difference. Mental health issues makes a difference.

So, for all those things, watched out for and dealt with, the other issues don't come through, and I think we have tended to see these as a particular problem. It's a holistic problem, which we've got to address.

I agree entirely with what you said, Michael.

The other challenge, I think is for the system to understand that Māori and Pākehā experiences are different. They're not the same, and I think there's some really good examples in there of following through a chain of thinking how, a Māori person may experience the system as opposed to how a Pākehā person may experience the system.

And I think that everyone working in the system has to be able to put their mind in the shoes of those who have experienced life differently, because we tend to come to them with our experience and say, this is what you need, this is what will work. And it never does work.

And when people are approached by that, they switch down, because they think this person doesn’t understand me.

[Michael] Absolutely.

[Mark] And the best person to understand them is their communities, as you've said. People coming in from the outside will always generally get it wrong unless they’ve lived or walked in their shoes.

[Michael] Cool.

[Mark] And I think the other challenge, which I think [—] with the humble government which I really liked, is the concept of Treaty dividends, that at the end, if we truly honour the Treaty and treat everyone, in particular Article Three with equity, we all benefit from that. You know, we're all going to benefit from it.

The Treaty has been seen as a kind of a them-and-us, which I think is really unfortunate. Whereas it's a holistic document. That's what it was done for. And I think that giving everyone the opportunity to work with each other in a way that they're going to gain from it and be seen holistically, they're going to be more productive in our community. Everyone's going to benefit from it.

So, I do think that people kind of don't understand the power of the Treaty, in particular, Article Three, which is used in that within the report to show that by treating people with equity, giving them resources to work within their communities, as you've said, Michael, people are going to be better off and we're all going to be better off because of that.

[Michael] Absolutely.

[Di] It has helped me to identify what I in my capacity can do to help educate from my personal and lived experience in this space. I strongly believe that the voices of those that have lived through their experiences can help people understand the deep impacts this trauma has on whānau and how the trauma permeates through whānau generations.

My future focus will be on educating where I can with the connections I have to hopefully have a voice for those that don't have access to areas or connections that I have. I started this journey in response to the trauma I experienced through a family harm related homicide of a close family member. At the time, I thought I had a good understanding of how broken our system was and how that contributed to my whānau's trauma.

But being part of this important work with the committee has helped me to see other areas of need and where we have failed that I was not previously aware of.

Now I understand more fully the depth of these issues and see more clearly where I can focus my voice, the ability to be heard, and for others to listen where I can, in the hope that it will help break down some of the barriers and issues that are still prevalent in the system that create further trauma for whānau.

The report has also helped me to realise in my personal capacity that sometimes you can create barriers yourself during lived experience.

In my experience, the person who I believed was responsible for placing my family member in harm's way likely experienced the system issues that I'm talking about here that contributed to her situation at the time.

So, my future focus will be on making sure that the small voice that I have is heard where it can be.

[Shayne] Kia ora. Kia ora koutou. Look, as I looked through this report again, there have always been some things that have stood out to me which I think are really future focussed.

The first one is Treaty dividends. And so, I think if we've learnt anything from COVID, it's that Māori can mobilise, they can do all those things quickly to have a robust, well-oiled machinery that does a good job at taking care of a multiplicity of issues. And so, for me, often, I think we look at the Treaty and we think, almost in a deficit fashion, that Māori need this.

I think one of the things that the Treaty offers us now is this opportunity to be strongly looking for what's working. What does the Treaty give us in this situation? And I think that violence within whānau is exactly the same.

We for so long now have looked at what's wrong, but I think we should be looking at what works. And I, for one, am really pleased that this report, I think, focuses on solutions that come out of Māori minds and Māori hearts. And and for me, it cannot be anything else, because if you, if those ways forward come out of the heart and mind of the very system that has caused half of these things, then for me, it's just false generosity.

So, the Treaty dividends part of it really speaks to me. It also makes me think about broader issues, such as housing, poverty, education, broader health issues. Again, the Māori Health Authority is in its infancy, but I can't wait to see what happens with that, and I look forward to other versions of the same thing dealing with other issues, but overall, having a Te Tiriti dividend focus. That's the first thing, really.

The second thing is this notion of treating people as fully human, treating communities as fully human. And in seeing them as fully human, we accept that they are more than capable, given the right context and circumstance, to work through a whole number of things.

And I think that at the moment, we have a system that still dehumanises people on a regular basis. And so, for instance, I love this notion of a collective response that treats the whole whānau as part of the solution.

And so, for me, treating people as fully human has absolutely broad whānau, hapu, community responses that go with it.

But in a — strongly at a micro level, again, if we want people to walk away from the kinds of things that ruin lives, we have to have things that are better for them, that they can own, that are part of their rangatiratanga.

So, if we are going to come to someone and say to them, what are the things that make you fully human? Do they come out of mātauranga Māori? Do they come out of your whakapapa? All those kinds of things.

But also, there will be other things, and so I think — I'm giving this kōrerō from Norway, and one of the things I do up here is I'm working in a class that has 20 nationalities in it and these beautiful young minds bringing their thoughts on particular issues from from Africa, from South America. And it's really occurred to me that this notion of treating people as fully human goes quite broad.

And also, with the new nationalities that are coming to Aotearoa, that's something that I'm sure we as a country will have to work on.

Probably the other part of the report that stands out to me strongly is the whole notion of duty of care. And I think of that idea, am I my brother or my sister's keeper? And in fact, I am.

And that goes all the way from the Minister to the front line. We all have a duty of care. And when I think of the different parts of the system that tend to carry the biggest burden of this mahi, it is the front line. It's those people who who sweat blood for the people they love and care for. And they're also the people I often dream for. And I think it's about time that the kind of outer layers of the system step up as well in this notion of duty of care.   
  
And so, for me, if I look at the future focus of this report and I love the way it's written in terms of inviting the reader to walk a journey on particular thoughts and logic, and then at the end of that, start thinking about their own stories.

And that, in fact, as well, I'd like some more of the those kind of institutionalised layers and levels to do. To read this report and go, what are the stories that we can bring to this? How can we really enable the front line and enable those people who receive services and things to have much better lives.

And so, I see those broader things as being just as important as the front line and a duty of care, for me, has that element of it, when, say, like when the Prime Minister said, you know, they are us. Well, I think it's also true with people who have issues with violence within whānau. They are us. Ko au ko koe, ko koe ko au. I am you, and you are me. Kia ora.

[Pauline] Kia ora, Jackie. Just having a quick conversation about what changes you think are required from government in order to respond to the challenges that are in the Seventh Report.

[Jackie] I think the, I think there's one enormous change. And I think that enormous change is requiring government to become humble.

And I think that our Seventh Report talks to that whole notion of a humble government, and what does it actually mean in reality? And I think that's the, to me, the greatest change that's required.

And I think if you think about a humble government, then it's not about just one department or a different department or, you know, speaking as a health professional, it's not just about the Ministry of Health doing something. It's about the whole of government.

And there's some great guidance out there, which our report refers to with Te Arawhiti and the cultural, organisational changes that are required by government to actually have proper partnership. And this is partnership in a way which is able to devolve, listen, devolve, hear a different language, hear different perspectives, listen to the community and not — for us, I think, often those of us who work in government agencies think we've got it right. We think we got the right answer, because we're the professionals. We know these things. We don't.

And I think, that to me is the biggest change that is required by government, is to become humble.

[Pauline] So just picking up on that. And I think it's something that somebody else has also picked up on — I think was either Dennis or Shayne — but I think what was being referred to at the time was understanding the power balance, both the power balance that exists between professionals and service users or clients or whānau, family, you know, whoever they're delivering services or engaging with, but also, the power balance that exists between government and services. And do you think that there's a full appreciation of the imbalance that currently exists?

[Jackie] I think there's a growing appreciation. In fairness, I think it's coming. I think we're a long way off, though. But where do I think it's coming? Where do I think this is beginning to show itself?   
  
Well, I think it's beginning to show itself in the health and disability service systems reform. We have for the first time, embraced the idea that Māori and kaupapa Māori services, kaupapa Māori services, Māori for Māori by Māori can happen and that health is making a transition and a transformation in its thinking. Now, it's got a long way to go yet, because I think one of the big theories is that it's paid lip service to so that new policies and procedures, the structures that are set up for the Maori Health Authority and Health New Zealand, etc. can be prefaced by, this is all grounded in Te Tiriti. And then it proceeds to go straight down the methodology of Western paradigms and doing the same old, same old that government has always done.

So, I think we’ve — there’s a greater awareness, a greater-mindedness now, to think. This has to be not just, oh, we'll mention Te Tiriti. This has to have to have Te Tiriti as its fundamental basis for when you're thinking of transforming services.

So, the power imbalance, I think it's gradually becoming recognised. I think, like the best of agencies, you know, we're not all going to come on board at the same time. Some are much more willing and able to listen. Others will take, unfortunately, more time.

We don't want too much time, because we don't want any more deaths or any more victims made.

[Pauline] Just sort of picking up from that, do you think that some of the work that also needs to happen is around trust? Like, we quite often talk about high trust commissioning and trust in communities to be able to shape their own solutions. Do you think the trust is there, or is there a little bit of work that's required for government to fully trust others to get on with the job?

[Jackie] I think — I don't think the trust is. The trust isn't fully there yet. We've got, as I say, we've got a way to go yet.

And if you think about practical ways in which services are in this sort of neoliberalism, etc., the way that service is being constructed, and looking at KPIs to measure things, and are we still expecting KPIs to be measured for kaupapa Māori service deliveries, etc. KPIs which are, they are constructs. They're government agency constructs.

And what determines what is a key KPI? And let's look at different languaging. Look at what might be the best outcome that kaupapa Māori services decide is the best outcome. And so, there isn't — I think the trust — we've got a long way to go before the trust is actually genuinely there.

[Fiona] Kia ora. Some years ago, I was invited by Donna Mertens from Gallaudet University, the only university in the US for deaf students, to talk on a panel, and what she wanted to talk on panel about was what people with disabilities had learned from indigenous people in the valuation space.

And I think I just want to turn it on its head at this moment, because I think some of the things that indigenous people have learned from those with disability are very, very profound.

The first thing I want to mention is the deaf community, who coined the phrase, nothing about us without us, and then the community of those with intellectual disabilities and their aspirations to live ordinary lives.

So, what's this got to do with this Family Violence Death Review Report? I think the focus of our report on our duty to care is a place where we speak into people's aspirations to be involved in the journey that others support them on, to be in charge of the journey through life, to not have things done to them, to have things done with them that support their needs, their priorities, their aspirations.

And that journey is so often a journey just to live an ordinary life, as a person who's confined to a wheelchair, not confined, that's probably even the wrong word, as a Pasifika whānau living in Aotearoa, as a person who's trying to raise their babies by themselves, and as Māori.

When my tupuna signed the Treaty, they signed it in such goodwill for the sharing of this country. They didn't anticipate the overwhelming settler numbers. They didn't anticipate the mamae from deaths from introduced germs that they hadn't seen before.

What they did anticipate was the honouring of that Treaty. And part of the honouring of that Treaty is mana motuhake. Nothing without us. Nothing about us, without us. Living ordinary lives as Māori.

So, what we've tried to emphasise in this report is the duty of care within these contexts and within the context of the Treaty, so, we can all realise the dividend of that promise.

Colonisation has seen judgements brought upon our communities about who is deserving, who is not deserving, who needs decisions made for them so that they become more like those classed as deserving, whose lives are less than ordinary and somehow deficit when judged in comparison to norms that aren't about them.

When we get stuck down into the Treaty dividend, the goodness returns to all of us, because we all have the opportunity to blossom into our full potential.

Richard Hill defines tino rangatiratanga as autonomy, as mana motuhake, the ability to have control over our lives. And that control over our lives, that stems from our own values, our own world view, our own knowledge bases, and our ways of knowing the world.

And that gives us the ability to live into our full potential and also join with others who are living in their full potential, for an opportunity to learn for one another. When we live into our potential, we all become tuakana. We all become teina. We all have something to share and something to learn. And that's what's going to nurture this country through the next decade, which we know are going to be difficult.

So, with all the challenges that we have ahead of us, why would we want to persist in the challenge of family violence, of a system that doesn't care, of the loss of lives to family violence, either because people are killed, or taken out of whānau, because they've transgressed and killed within the context of family violence. Why would we want to persist with this challenge?

When we all flourish, the gains accrue to us all about how to meet the next challenges that are going to be upon us.

Kia ora koutou.