

**IN THE WAITANGI TRIBUNAL
WELLINGTON**

WAI 2417

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Māori Community Development Act Claim, being a claim by Cletus Maanu Paul and Sir Edward (Taihākurei) Durie co-chairs of New Zealand Māori Council ("Māori Council") and chair of Mataatua and Raukawa District Māori Councils respectively; Desma Kemp Ratima, chair of the Takitimu District Māori Council and chair of the New Zealand Māori Council's Wardens Committee; and Anthony Toro Bidois chair of the Te Arawa District Māori Council and co-claimant for Ngāti Rangiwewehi in the New Zealand Māori Council's Water Claim (Wai 2358), on behalf of the New Zealand Māori Council and Māori generally

**AFFIDAVIT OF WILMA TUMANAKO MILLS (BILLIE) ON BEHALF OF THE
AOTEA DISTRICT MAORI COUNCIL**

Dated: 21 February 2014

Solicitor: Donna Hall
Woodward Law
Address: PO Box 30-411
Lower Hutt
New Zealand 5040
Telephone: (64 4) 560-3680
Email: info@mokoia.co.nz

Counsel: Matthew S Smith
Thorndon Chambers
Address: PO Box 1530
Wellington
New Zealand 6140
Telephone: (64 4) 499-6040
Email: Matthew.Smith@chambers.co.nz

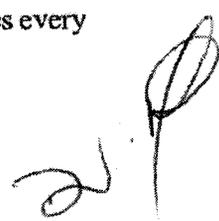
I, Wilma Tumanako Mills (Billie), Maori Warden, of Whanganui, swear:

Introduction

1. I have been a Maori Warden for the past 20 years serving in Ruapehu and in Whanganui, Warranted Warden for the last 6 years.
2. I am 48 years old.

My History as a Maori Warden

3. I was introduced to the Maori Wardens by my grandfather, Samuel Paeumu Arahanga, who was an original founding Maori Warden, number 11 in fact.
4. My grandfather had 20 children, one of which was my mother – Stella Te Aroha Arahanga. My mother was a stay at home mother as there were 13 of us, she didn't have much choice.
5. My Father was the chairperson of the Ruapehu Māori Committee, and as part of that role, he took up the cause of the Wardens.
6. The two of my siblings are living overseas, however 10 of us remain in New Zealand, of that two of us are Wardens.
7. I grew up exposed to a whanau committed to Watene principles. As a young girl, I was raised understanding the importance of looking after our communities in the way you would like to be looked after yourself. Years ago, that meant just working with our local Māori, but now it involves every aspect of life.



8. I heard stories about what my koro did as a Warden, and in his time, they were the Māori police. They worked with Māori, for Māori and in accordance with Māori codes of conduct.
9. Back in those days, Wardens were focused on making sure people were accountable back to their communities. If for example, someone stole the milk of your porch, the Wardens would call a meeting and they would have to stand up in front of everybody and be accountable for what they had done. There is nothing worse than having to face your own people. The community would then decide what would happen in response, which might be doing gardening for a week. It was this alternative justice system that worked very well in our communities.
10. My father trained me by taking me out with him. If we were dealing with young people then my father would send me over to talk to them.
11. Ruapehu is a small community and in the late 1980's, we had about 5 active Wardens.
12. The Ruapehu District included Raetihi, Ohakune, Waiouru, Taihape and Taumarunui.
13. When we were training our uniform comprised of black pants and white shirts and gloves from the Army surplus stores, which we paid for ourselves by fundraising.



14. This was the uniform I used until I moved to Whanganui about 10 years ago.

My role as a Maori Warden

15. Whanganui Maori Wardens Trust is based in a former Universal College of Learning (UCOL) complex building and is owned by a local iwi, Tupoho Trust.

16. Tupoho Iwi Trust represents all the hapu and marae of the lower reaches of the Whanganui River, which is around 20 marae.

17. Altogether there are 32 Maori Wardens working through the Whanganui Maori Wardens Trust, Wardens within the Aotea District Māori Council. The Aotea District is so large and has so many communities, we find that smaller, area focused groupings of Wardens are most effective. To become a Warden on the Whanganui Māori Wardens Trust, you make an application to the local marae, and if it is not contested, the Māori Committee at that marae will then take it to the District Council so there is a connection between the Wardens and the people they serve.

18. The Watene are expected to meet monthly. As some are working, attendance numbers vary but at least 10 do attend. At the meetings, we talk about upcoming duties, what training is needed, and any other matters that arise. The training is provided through our Regional co-ordinator. All the Wardens in the Aotea District Māori Council have done Police training course which advises us on our statutory rights. The training is also useful,

because we come away from it with an understanding of the functions of Wardens under the Māori Community Development Act, and what our roles are in relation to the police. A lot of Wardens weren't sure of this information before the training, also when completed you are measured up for a uniform. I have found that some of the police understand the cultural importance of the Watene and have an understanding of Tikanga, but not all of them. The training should focus more on the traditional concepts of restorative justice that Wardens traditionally held, and the importance of alternative dispute resolution. Often Wardens are ideally placed to get behind the problem to know what is underlying it. People open up to Wardens about that sort of thing.

19. Sometimes, this Police training course changes the way we work as Watene; I think it leaves some Wardens thinking that they are the police, and they can forget the important specific role they play in the community.
20. All our training are organised by our Regional Co-ordinator, we also get First Aid training and traffic control training. which is a must if you're going to be on the roads.

Our organisational structure

21. We have a chairperson, Treasurer, Secretary, we try to run our affairs in an orderly and consistent fashion. Sometimes this is difficult because our funds depend on the paid work we get from service contracts. For example we are contracted to Te Oranganui Health Authority to provide security for their buildings. Payments go directly to the Whanganui Māori Wardens

Trust expenses like travel. I think the Whanganui Māori Wardens Trust we do get some funding from Te Puni Kokiri, but I don't have the details of that. The majority of our funding comes from the contract work that we pick up.

22. We have a good relationship with our regional coordinator. He is a former Warden which makes it a lot easier for us, because he understands the kind of support that we need. He knows exactly what we're going through. He helps to set up training, but he is also generally around for support when we need him. He rings you personally to see how you're going and what training you need. He's a real hands on person, and really cares about what we're doing. He probably does administer the funding, but he's there with us all the time. He keeps us in the loop about what's happening. We know him, and we think he is excellent at his job.

23. In addition Whanganui Watene Trust receives funding assistance from Te Puni Kokiri to meet basic administration and rent costs, which comes from the regional coordinator. No individual Watene is paid. We are all volunteers.

24. I think ideally the Aotea District Māori Council would like to be self-sufficient. Accepting grants where there are strings attached that we don't really know about would affect the mana of the group.

25. It's getting harder for us to find Māori Wardens, as most people are looking for paid work. We have quite a few Wardens who do work, but sometimes we need Wardens during business hours.

What we do as Wardens in our community

26. Our work involves street patrols in Whanganui township and in the suburbs.

We go out in pairs usually between 8am and 4pm. Our focus is on school truants and just any members of the public. Sometimes we're in uniform, but not always. I used to explain to people that I was a Watene and what that meant, but my people know I'm a Māori Warden and respect me for that. Some kids avoid me if they see me in uniform, but most are willing to have a chat without worrying that they're going to get in trouble. We talk about why they aren't in school and let them know that they should head back. Our community is close and we all know each other so often we help local Pakeha as well as our own whanau.

27. We travel in pairs for safety purposes. We have a vehicle that we pay for through our contract work for the distant suburbs but mostly we just walk. This means we can better communicate with the community.

28. My work as a Watene coincides with my personal living situation because I have to pick up and drop off my daughter at her school and that way I can keep track of the truants who are whanau to me.

Relationship with Te Puni Kokiri



29. There are two Watene groups operating in Taihape. It used to be that one of these is funded by Te Puni Kokiri, but I think this division has been cleared now. There were different criteria that you had to meet to get funding, one group met this criteria and the other didn't, although I don't know what that criteria was. There are two Watene groups in Whanganui and both are funded now but that's only as a result of us pushing for equality across both groups.

30. In Taranaki there are three groups and for a long time only two were funded, but recently Taranaki have followed the Whanganui model. There are also Watene in Marton and Ruapehu. I don't know the funding details for these groups, but we all do work on the side. While the groups tend to work on their own, we are all accountable to the District Māori Council.

Relationship with the Police

31. I believe Watene need more recognition as Maori Watene and not as police helpers. Some of our people call us "the narks".

32. The korero of Watene being "narks" has only come about in recent times. I associate it with the Maori Wardens Association and the alignment with the Police that happened at the start of the Māori Wardens Project with the inclusion of the Police training.

33. The perception isn't too bad now, but at first when we started working with the police, I think people were surprised that we moved away from the traditional way of operating, where the Wardens would do what they had to

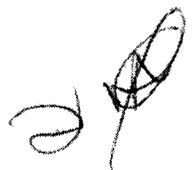


do to help and to calm the situation, and only call the police as a last resort. I think the Wardens are more of an ambulance at the top of the cliff, rather than trying to fix the problems after they've gotten out of hand. When we see our people drunk in public or driving, or if we hear about domestic violence, we just try and calmly explain that there are consequences to doing things like that, and that they don't just affect you. We explain that it affects the community, and also that they might end up having to go to Court.

34. Sometimes the police need assistance with crowd control. Wardens are happy to do this sort of work because we've found that people respond much better to us doing it, if there is no threat of the police, people tend to play up less.

35. I used to work in probation, now known as Community Corrections Department so I'm used to working with the police. While my upbringing was rich in history of involvement with Māori Wardens and the District Māori Councils, I also grew up with police in the family.

36. I have been raised in a community where service to the Hapu and Marae is part of the way we live. My whanau are committed to helping our own to perform better in school attendance and in general observance of the law. It would help us enormously if all the Watene groups operating in Whanganui could be funded.



Opinion on Working with the District Māori Councils.

37. The Whanganui Māori Wardens Trust did not used to work quite so well with the District Māori Council because they didn't used to get a lot of the Council's time. I think now that there are Wardens on the Council, though, the relationship is very good and we communicate very well.

Te Puni Kokiri's consultation process

38. I went to the Whanganui and Taranaki consultation hui run in September 2013 by Te Puni Kokiri. To me, they seemed very government oriented and I was a bit concerned that they wouldn't really listen to our views. I went with an open mind, but I thought they were being negative to the New Zealand Māori Council instead of stating that there are two parties, namely Te Puni Kokiri and the New Zealand Māori Council and we're only here to talk about it from our perspective.

39. When I was at the hui, I got a copy of the green book that Te Puni Kokiri was passing around, but I didn't read it. I thought it would most likely be one of those government documents where it says a lot but nothing, and they would just go ahead with what they wanted anyway.



40. There wasn't really enough time to get through the issues at either of the hui. The participants at the hui know how important the 1962 Act is, and that is why I think there was a lot of discussion.


SWORN at Whanganui this)
21 day of February 2014)
before me:)


A Solicitor of the High Court of New Zealand

D. WHITAKER
DEPUTY REGISTRAR
DISTRICT/HIGH COURT
WANGANUI