

Te Ururoa Flavell, Māori Party Co-leader MP for Waikari - GENERAL DEBATE SPEECH; Parliament Buildings Wellington, 9 April 2014 4pm

Tēnā koe, Mr Speaker. Tēnā koutou katoa.

Yesterday I was giving a statement to the media and it went something along the lines of: the justice system we have in Aotearoa is flawed, for many Māori it is unfair, it is biased, it is filled with prejudice, and there is institutional racism in the justice system of this country that spans across the entire system, from the police to the courts to corrections. How do we know?

Well, the United Nations recently released a report urging authorities here to address the disproportionately negative statistics that impact on Māori from the criminal justice legislation extending sentences or reducing probation or parole. We know because international reports tell us that it is institutionally racist. We know because umpteen reports written here at home base tell us that that so, and all we have to do is look at the statistics. Māori are 15 percent of the population, yet we are 50 percent of the prison population. That is a disgrace and we have got to do something about it.

But it is not just the proportion of prisoners who are Māori, it is the proportion of Māori who are actually prisoners. For Māori males born in 1975 it is estimated that 22 percent had a corrections managed sentence—that is, both custodial sentences and community based sentences—before their 20th birthday and that 44 percent had a corrections managed sentence by the age of 35. This means that virtually every Māori whānau in the country will have someone who has been labelled a criminal. That is unacceptable to the Māori Party.

We can say that Māori are four to five times more likely to be apprehended, prosecuted, and convicted than non-Māori counterparts and in the case of Māori aged between 10 and 13 this is six times more likely. Māori are seven times more likely to be given a custodial sentence and 11 times more likely to be remanded in custody awaiting trial. It costs \$90,000 to keep a prisoner in prison. It costs \$1 billion to run the Department of Corrections. That is simply crazy.

I want to draw a sort of local example, because they are easy to talk about. Following the apprehension for crime, the percentage of Māori who are prosecuted is far higher than for the percentage of non-Māori who are prosecuted. For the same crimes Māori are arrested at three times the rate of non-Māori, and here is the example. In the Waikari electorate there were two similar examples that resulted in two vastly different outcomes. In one incident a Pākehā offender was in a boating accident that caused the death of an acquaintance. This person was discharged without conviction and ordered to pay a fine to St John Ambulance. In the other incident, two young Māori boys were involved in a jet ski accident, resulting in the death of a friend. They were both convicted even though they had participated in a restorative justice process and were close friends of the victim. This conviction will now hang over them for the rest of their lives.

The Tūhoe raids signalled serious flaws in how the police dealt with Māori communities and, thankfully, the police have moved to deal with that, having

acknowledged that there were serious flaws in that. And, of course, the foreshore and seabed bill introduced by the Labour Government some years ago—it also acknowledged some serious flaws there. So it is not just about acknowledging that those are there; we have got to do something about it.

For our part, for the Māori Party part, it is that we need to try to keep people out of prison, out of the system, and get them back into the communities. We have raised a number of times through the media the need to look at a system-wide review and the United Nations has supported this by also recommending a review of the degree of inconsistencies and systematic bias against Māori at the different levels of the justice system.

Minister Sharples has also established Whare Ōranga Ake, and he is also working constantly with other Ministers to advance programmes that work to address the issues of offending such as Drivers of Crime, a youth justice plan.

And we are doing some good things: rangatahi court, which is an awesome initiative, and community law forums—we need to develop those further. So we want to work with iwi and whānau to reduce Māori imprisonment and find a better way to go. We want to search for creative and integrated solutions to root causes that cause the disproportionate rates of Māori who are locked up in prisons.

In the short term and until this transformation occurs, the Māori Party would, firstly, like to throw out that stink three strikes legislation—get it out of here—extend the Whare Ōranga Ake to every State prison, initiate computers in cells to foster literacy and numeracy, support whānau focus on alcohol and drug addictions, and we would also reintroduce preferred lawyer status in legal aid.

In the end, what we would like to do is shut down the Independent Police Conduct Authority and establish an anti-corruption commission. We believe that those are some of the answers that might deal moving forward, at least in a small way, with the issues that we have around institutional racism in Aotearoa.

ENDS