

***Speech from Chris Farrelly, Auckland City Missioner, at the
swearing in of Chief Justice Dame Helen Winkelmann***

He aha te mea nui o te ao

He tangata, he tangata, he tangata

(what is the most important thing in the world. It is people. It is people.

It is people)

E Te Whare Te Kōti Mana Nui e tu nei, Tena koe

E te Rangatira Chief Justice Dame Helen Winkelmann – Tēnā koe

E ngā mana, e ngā reo

E ngā karangaranga maha

Tēnā koutou. Tēnā koutou Tēnā Koutou Katoa

Like speakers before me I congratulate you Chief Justice Dame Helen Winkelmann.

I acknowledge your family, where you come from, what you bring and what you aspire towards. I also acknowledge the burden you carry.

As I have listened to you, read what you have written, listened about you, and understood a little of what lies before you, I am reminded of the words of the great American woman poet, Maya Angelou:

“We are all, at once, both a composition and a composer. We have the ability, not only to compose the future of our own lives, but to help compose the future of everyone around us, and the communities in which we live”

Chief Justice, you are a composition and composer.

As I stand here, I have a growing sense of being surrounded by many. In fact it's like an orchestra behind me, or perhaps the voices of the Street Choir. The “many” are some well-known people who are speaking out with courage, and also those who are unseen and even voiceless. I come here very much part of people who are not always heard. I acknowledge those voices. We listen.

Whakarongo mai, Whakarongo mai, Whakarongo mai.

Chief Justice, as you have frequently reflected, justice is both about the individual and the community. You have said that, “it is at the level of individuals that we experience every aspect of our society”. You have asked and challenged; “How does every individual enjoy the benefits of

justice, including those who are vulnerable, limited through education, their minority status or gender?”

And I would add – including Maori, children and those who have experienced severe trauma. How do they enjoy the benefits of justice? And again returning to poetry. It was Rumi who wrote, “You are not a drop in an ocean, but an ocean in a drop”

We are individuals, we are communities. Individuals need communities for wellbeing. The courts, while focusing on an individual, need communities and communities need courts. In fact, criminal justice outcomes are largely predetermined by what happens in society not in the criminal justice system. Responsibility, for a society of equity and justice lies with all parts of the community and with government.

So often, in the world where I work, we see the failure of sentencing to prison and prison back to the street. We also see the hope and healing that comes from greater connection with the community and with whanau.

Today there is much congruence from the voices of the people we work with, from the voices of lived experience as victims and from the voices from many within the system.

We hear of the ubiquitous research findings from the **Christchurch Longitudinal Development Study** showing the consistent link between social economic deprivation or disadvantage and elevated rates of crime.

We hear of studies on **Traumatic Brain Injury** in our country showing that over half the prison population have some sort of brain injury.

We hear the voice from **Judge Andrew Becroft** and the **Office of the Children's Commissioner** clearly indicating that if the unjust issues experienced by children living in poverty are not addressed the road ahead for many will lead to the court and before the Judge's bench.

We hear the growing crescendo of voices, crying out for change.

- From the **Government Criminal Justice Summit**.
- From recent **Victims Hui**.
- From "**Youth Speak**" a movement for transformative change in criminal justice towards a fair, just and compassionate Aotearoa.
- From the **Whiti Te Rā Hui** responding to the Waitangi Tribunal's findings.

And there are some different notes sounding out too:

- From the small number of **Therapeutic and Specialist Courts**; we hear the insights coming from the **Alcohol and other Drug treatment**

courts in Auckland and Waitakere, and the voices of Judges Ema Aitken and Lisa Tremewan.

Here we see the model of a collaborative and collective response, and the role of the court being seen as part of the wider community.

We hear of **The Matariki Court** in Kaikohe, involving whanau in wrap around services instead of prison sentence.

We hear of the **Rangatahi Courts**, recognising tikanga and kaupapa Maori approaches within the criminal justice system, which has the potential to bring about transformative change that is by Maori for Maori.

We hear of **The Court of Special Circumstances** here in Wellington and close to home its sister court in Auckland. The Court of New Beginnings. Te kooti o Timatanga Hou led by the amazing inspiring Judge Tony Fitzgerald – serving “our people” – the people of the Misison, offenders who are homeless, in a non-adversarial process, using an inter-agency approach to address the legal, social and health related issues that have led to offending and homelessness. Through this court re-offending rates have been reduced by 65%.

These voices come from deep within the system, from in-depth research, from some of our best legal practitioners. What can be heard is compelling, clear and challenging. Yet if they are not listened to, nor

responded to, what chance is there for the voices of the very marginalised, which are often not articulated well, and surrounded frequently with prejudice, and stereotypes - to be heard and understood?

Some of the movements to connect offenders with the community or address the wider health and social reasons for offending appear to be fragile and have to fight for recognition and resource. The pioneers for equality within our justice system in New Zealand fought hard. In the Ethel Benjamin Commemorative Address in 2014, our new Chief Justice, encouraged talk and thought about the fights that are ahead. The innovative and successful court of New Beginnings in Auckland, which I referred to, barely exists and sits just once a month, and has little or no resource for the crucial social work support required.

The Auckland City Mission stands with those in desperate need.

We, along with other Missions and agencies like ours, in this country are worlds where we acknowledge the mana of others. We create an environment that enables an unravelling of the stories which reveal the danger of the “single story”, the partial truth, the framing, and stereotyping that occurs so often.

And yet, what we see, is the utter courage of many who come through our door, taking little steps and bravely exposing vulnerability.

Aware, that there appears to be little understanding of what stops people moving out of poverty, the Mission embarked on a major piece of research, following 100 families that appeared to be trapped in a repeating cycle of poverty.

What emerged from “Family 100” was that there are 8 key drivers keeping people trapped in a state of constant financial hardship. One being the justice system, which figured disproportionately highly in the lives of our families. For some, this was because crimes of violence have been committed. For others it is more frequently related to traffic matters and debt. But whatever the reason, all participants were well aware of their own responsibility in these situations. Families spoke about the serious impact of having a family member in prison. They ask that this is considered when fining or imprisoning people, as the act of doing so affects more than just that person.

The voices here with me today, strongly re-enforce that criminal justice outcomes are largely predetermined by what happens in society not in the criminal justice system. There is significant pre-existing trauma amongst those presenting to the criminal justice system, and amongst those incarcerated, including the ongoing trauma of colonisation. We criminalise what is frequently a health and social issue and place courts in situations where they should not be.

The voices are no longer cries in the wilderness, but are coming together for us all to hear and respond to.

There is a challenge for all of us to listen and be part of the solution.

We have much to do, yet much to build on.

I conclude with the words of one of our country's great leaders, Sir James Hēnare:

“Tawhiti rawa tou haerenga ake to kore haere tonu”

“We have come too far, not to go further

We have done too much not to do more”

E te Rangatira Chief Justice Dame Helen

Kia kaha, kia maia, kia manawanui. Tena koutou. Tena koutou, Tena koutou katoa

(Be strong, be brave, be stout hearted)