

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
STATE REDRESS INQUIRY HEARING**

Under The Inquiries Act 2013

In the matter of the Royal Commission of
Inquiry into Historical
Abuse in State Care and
in the Care of Faith-based
Institutions

Royal Commission: Judge Coral Shaw (Chair)
Dr Andrew Erueti
Ms Sandra Alofivae
Ms Julia Steenson

Counsel:
Mr Simon Mount, Ms Kerry Beaton, Ms Katherine
Anderson, Ms Lorraine Macdonald, Ms Kirsten Hagan,
appear for the Royal Commission

Mrs Guy-Kidd, Mr Jeremy Johnson and Ms India Shores
appear for the Anglican Church

Mr Harrison Cunningham appears for the Catholic Church

Ms Helen Thompson appears for the Salvation Army

Venue: Level 2
Abuse in Care Royal Commission
of Inquiry
414 Khyber Pass Road
AUCKLAND

Date: 8 December 2020

TRANSCRIPT OF PROCEEDINGS

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MS M - AFFIRMED
QUESTIONED BY MS MCDONALD

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CHAIR: Ata mārie ki a koutou katoa, nau mai, haere mai.
Ms McDonald.

MS MACDONALD: Thank you, Madam Chair. Our witness today is Ms M. She's visible in the Courtroom today.

CHAIR: Yes.

MS MACDONALD: And she is an anonymous witness otherwise. Now, Ms M, this will be quite a long process for you, so there is a break scheduled for 11.30 but if at any time before that you need a break, just indicate to myself or any of the Commissioners and we can take a break.

CHAIR: Good morning to you. Welcome to the Royal Commission and welcome to your two support people. Before we start, we're not going to bite your heads off, okay? Try not to be too nervous.

A. Thank you.

CHAIR: I appreciate it's a difficult situation. We are going to call you Ms M, is that okay with you?

A. Yes.

CHAIR: Okay, all right. I'm just going to start by asking you if you will take the affirmation?

A. Sure. (Witness affirmed).

CHAIR: Thank you.

MS MACDONALD:

Q. You've got a copy of your statement there?

A. Yes.

Q. And I know that you've got a little introductory statement that you wish to make, so please go ahead?

A. I would like to start by thanking the Commissioners here today for allowing me a space to share my sister Janie's and my experiences. I would like to acknowledge Sarah and Rebecca and I would like to thank

1 Lorraine for the many phone calls compiling this
2 statement, for your compassion, your - at times -
3 outrage on my behalf, I felt well cared for.

4 This cannot go unspoken for all who are involved in
5 doing this Commission of Inquiry that you hear the
6 worst of society's actions against children and young
7 people and it must be hard at times to bear witness to
8 these abhorrent events. I would just like to
9 personally acknowledge this from my heart to yours.

10 On compiling this witness statement, I still get
11 shocked by the abuse that was failed to be seen by
12 those who could have, and should have, intervened to
13 help protect and provide safe care for two very
14 vulnerable and traumatised children who became
15 teenagers, young adults and then adults who live and
16 lived with the knowledge of the Church and State's
17 judgements that continue to impact throughout our
18 lives.

19 Q. Do you just want to read from paragraph 7. We'll talk
20 a bit about your early years.

21 A. My date of birth is 1962. I have had several different
22 names throughout my life. For the first 7 years of my
23 life I lived in Christchurch. When I was born I had
24 two sisters. For the first seven years of my life I
25 lived at home.

26 Some of the timelines are approximate as piecing
27 together some of the details is difficult.

28 My family life was very fragmented by the time I was
29 born. My eldest sister was removed by the police and
30 taken to live with my maternal grandfather at the age
31 of 18 months due to neglect. She lived the rest of her
32 life with them. My family had thus already become
33 known to the Christchurch Child Welfare Division since
34 before I was born and definitely by 1958. My welfare
35 file states that on 19 February 1964 my mother and

1 father separated. At this time I was in the care of my
2 mother and had just turned 2. My mother and father's
3 divorce was decreed in 1965. My mother then married my
4 stepfather two months later. They had a son born in
5 1965.

6 I have been able to see my file with the Child
7 Welfare Division at the Department of Education and on
8 17 September 1966 my stepfather spoke to an officer and
9 reported that our Mum had left us alone in the house
10 with only Janie to care for the two younger children.

11 Q. Do you have a memory of that yourself, Ms M?

12 A. At that time? Yeah. I remember sitting in the gutter
13 crying because there was no food, having someone come
14 and take us to school because we weren't going to
15 school. Yeah, we did all sorts of things. We used to
16 steal food and stuff just to get by.

17 Q. And I'm just going to take you to a note on - sorry,
18 I'm trying to find the witness reference, but it's
19 actually written in your statement, so I'll just read
20 it.

21 There was a note on your Child Welfare file which
22 described Janie and Ms M are both attending primary
23 school, their class teachers report that "the little
24 girls are often inadequately clad on cold mornings and
25 from their apparel it has been speculated that they
26 dress themselves unsupervised in the mornings."

27 If you want to just go to paragraph 22 and read from
28 there?

29 A. I fell in the fire while playing with Janie on the
30 sofa. I remember sitting in the fire and being taken
31 to the hospital. I had skin grafts and still to this
32 day bear the grafts on my left-hand and inside thigh
33 where the graft was taken from.

34 I remember coming out of hospital, falling off a
35 swing and breaking my arm.

1 I remember going door to door trying to sell fish
2 we'd caught out of the sewerage ponds near where we
3 live.

4 I remember Mum being really sick and me at 4 trying
5 to do the ironing, but the ironing board was too high
6 and I dropped the iron on my eye. It wasn't Mum who
7 helped me, it was a neighbour I went to for help.

8 I remember spending heaps of time playing on the
9 beach and stealing food from old drunks because we were
10 starving.

11 I remember sitting in the gutter crying from hunger.

12 My stepfather sexually abused both Janie and me.
13 One night as an adult I had a dream about it and
14 remembered it. I went to Janie and asked her if she
15 remembered anything and she said yes, he had abused her
16 too. It did happen. In my and Janie's Child Welfare
17 Division file notes a complaint about it was mentioned,
18 so it was known to others too. A note in earlier files
19 I saw says the house we lived in with Mum and our
20 stepfather was so bad it would be condemned.

21 There is much more I could tell you about this time,
22 but I want to move on. The next memory I have is of my
23 mother being in bed rambling about things that didn't
24 make sense even to a 7 year old. Janie rung an
25 ambulance and Mum was taken away. This led to Janie,
26 my brother and myself being placed at Huntsbury House.

27 Q. What was it like for you at Huntsbury House?

28 A. For me personally, it was great. I had clothes, I had
29 food, I went to school, yeah, I was with Janie who was
30 my main reason. So, for me it was actually a reprieve
31 really.

32 Q. And then if you go to paragraph 31?

33 A. Mum died in hospital in 1969. She was 29 years old.

34 She would have been 18 when she had Janie.

1 My stepfather committed suicide a few months later
2 in 1969. I remember someone coming up to Huntsbury
3 House to tell us he had died. I believe at the time
4 that he was my real father but he wasn't.

5 Q. And I'll just get you to clarify that Huntsbury House
6 was in Christchurch, but it was owned and run by the
7 North Canterbury Hospital Board?

8 A. Yes.

9 Q. So, we'll move on now to how you became under the care
10 of the Anglican Social Services?

11 A. Will I read that?

12 Q. Yes, read that from paragraph 33 and then I'm going to
13 bring up a couple of exhibits.

14 A. Okay.

15 Q. And I'll quote from them.

16 A. My younger brother went to live with his father's
17 sister and we lost contact with him. I think he had a
18 difficult life, but he has never talked to us in much
19 detail about it.

20 We must have come into the care of the Anglican
21 Social Services when my mother died because on my
22 records there is a letter from Reverend M J Goodall
23 from Anglican Social Services.

24 Q. If I could call up or you could call up Exhibit 6, 006,
25 and if you could just bring up the first paragraph,
26 zoom into that, please.

27 "Further to our telephone conversation, I am writing to
28 give details of (redacted names) commonly known as
29 (redacted). In February they were placed in the
30 Huntsbury Home with their stepbrother. The mother died
31 very soon after they had entered the home and I had
32 some discussion concerning the placement of the three
33 children. On the 28th of May the stepfather was found
34 dead and then following investigations we located the
35 father of these children."

1 If you could bring up the next paragraph?

2 "After discussion with Mr and Mrs", this is your
3 grandparents, "After discussions with the children's
4 grandparents" and with yourself, and this is talking to
5 the Social Services, Child Welfare, "We have sent the
6 children to stay with Mr and Mrs [redacted] on the
7 West Coast. These folk are known to the Child Welfare
8 Department and were willing to take the children for a
9 time to see how things develop. In view of the
10 distance from our Agency, we would feel that
11 supervision of these children by Child Welfare
12 department would be much more helpful and in view of
13 the apparent inability of" and that is a reference to
14 your natural father "to take responsibility for the
15 children, we wonder if it would be wiser for the
16 children to become State wards. We would be grateful
17 for your comments on this situation".

18 There's a handwritten note on this letter. "DCWD",
19 I think we can assume is the Department of Child
20 Welfare Office, the note says, "This is similar to the
21 query raised over the admission of the Social Services
22 boy to Marylands and them suggesting we takeover. I
23 would appreciate your talking over this policy matter"

24 And if you could bring up exhibit 007, there is a
25 reply to that letter.

26 A. Sorry?

27 Q. There is a reply to that letter from Anglican Social
28 Services and we are just going to bring that up and I
29 am going to read from that as well. If you could just
30 bring up the first paragraph there, a bit more than
31 that, please? The first chunk. That's lovely, thank
32 you.

33 So, this is a reply to Reverend Goodall at the
34 Anglican Social Services and it comes from Mr Lyons of
35 the Child Welfare Division. "These children are not

1 unknown to us. Acquired guardianship by the
2 Superintendent of Child Welfare is regarded as a very
3 serious step. The children would need to be in very
4 unfortunate circumstances and either the parents
5 admitting a complaint or this division being able to
6 prove one."

7 And if you could go to the next paragraph?

8 "Whilst children such as these are in your care and
9 favoured with your support it would legally be quite
10 difficult to sustain a complaint. On the other hand of
11 course the parent may not be willing to agree to a
12 complaint being laid.

13 In a way you can see this difficulty exists with
14 many children in the care of private agencies like
15 yourself".

16 The last paragraph:

17 "If you need any assistance in someone visiting
18 these children from time to time I am sure my colleague
19 would be happy to assist. You would really only need
20 to write to him offering him suitable information and
21 making this request".

22 If you can go to paragraph 40, Ms M and read from
23 there?

24 A. It was odd that they needed to make a complaint against
25 our parents because the reason we were in Anglican care
26 was that we didn't have any, or at least any that we
27 could live with.

28 This 26 June letter was then sent on to the Child
29 Welfare Division, our new foster parents, with a typed
30 addition. Do you want me to read that?

31 Q. Yes, you can read that out.

32 A. "If Anglican Social Services proceed with my suggested
33 course of asking you to keep an eye on these children I
34 will send you over the small file that we have. The
35 letter from Anglican Social Services suggests that

1 these people may be known to you. I am not inclined to
2 suggest that a complaint be laid because this would
3 establish a principle that would allow for many such
4 cases to be committed to our care. I personally
5 believe that this practice should be reserved for cases
6 of special difficulty."

7 Q. Just carry on from there.

8 A. We are orphans for all practical purposes, so I don't
9 understand why Child Welfare Division didn't think we
10 were its concern. I think our first foster parents got
11 money for looking after us, but I don't know where the
12 money came from. In a letter from our first foster
13 father years later he notes that we were asked by the
14 Church of England Social Services to take us for a
15 holiday. Janie and I were told we would go and stay
16 with this foster family for a six week holiday. We
17 remained there for five years, 1969-1974. No-one came
18 to check on us once we were placed with the foster
19 parents on the West Coast. No-one from Anglican Social
20 Services checked on us. No-one from Child Welfare
21 Division checked on us.

22 Our first foster father raped, abused, assaulted and
23 terrorised us for the next 5 years. He is dead now, he
24 died in 2003. He was 50 when we went to live with him
25 and 84 when he died.

26 Q. Can you just go to paragraph 46 now?

27 A. The first foster family had a farm on the West Coast.
28 Here I became known by their surname. Here are just
29 some snapshots of what our life was like at the farm.

30 Have you ever heard a crayfish scream as it's put
31 into boiling water? I was terrified and then later
32 when I went to bed there was a live crayfish in it.
33 The foster father had put it there just to see me react
34 in fear.

1 On Christmas morning I opened my present and found
2 my own pet lamb's tail in it. That was my foster
3 father.

4 I learnt to laugh and show no fear. I realised that
5 he wanted us to cry, so I learnt not to. I still don't
6 cry very often, however distressed I might be.

7 Imagine being a little girl and trying to judge your
8 carer's mood by how much milk he put in his whiskey and
9 then knowing what was coming. Watching your sister
10 Janie being thrown across the room and then going to
11 sit on your foster father's knee trying to keep him
12 sweet so you wouldn't be next.

13 We often went to school with black eyes. Janie even
14 more than me. We both went to school covered in
15 bruises from the stock whip and no-one ever asked us if
16 we were okay.

17 Imagine having to watch the man who was supposed to
18 be looking after us threaten his wife with a loaded
19 shotgun, tearing her clothes off in front of you and us
20 not knowing if the gun was going to go off.

21 Janie shared a story with me as an adult, that she
22 once got hold of the gun and pointed it at our foster
23 father, who then taunted her to shoot him saying how
24 gutless she was because she didn't.

25 Homemade pies used to be decorated with his false
26 teeth. I have so many issues with food, hang ups from
27 this time.

28 I remember not having many friends. Kids used to
29 tease me because I couldn't speak properly. I think my
30 speech was affected by the trauma I was suffering.

31 On one occasion, one of my girlfriends was allowed
32 to come and stay at our place. Janie and our foster
33 mother had gone home to Christchurch to visit her
34 parents. Janie and I were never allowed to go away
35 together. One of us always had to stay with our foster

1 father. The room where his wife slept had twin beds.
2 Our foster father said to ask my friend if she wanted
3 to jump into bed with us and she said no.

4 I was sent to the bedroom and told to come into him
5 when she was asleep. I fell asleep and woke up in the
6 early hours of the morning. I was petrified because
7 I'd fallen asleep and I went into bed with him. Can
8 you imagine being a child lying in bed pretending to
9 sleep, holding her breath stiff as a board and hoping
10 against hope he would leave her alone?

11 Janie was my everything. Our foster father could
12 see this so he would play us off against each other.
13 Janie and I used to fight with each other so we
14 wouldn't have to go over and scratch his back, which
15 was always a prelude to sexual abuse, including rape.

16 I didn't find out 'till years later when we were
17 adults that our foster father used to drug Janie and
18 lend her out to some of his mates. She was between 10
19 and 15 when we lived there.

20 I could tell you time and time again of things that
21 took place that would make your hair curl. After
22 5 years of this abuse of every kind I became a walking
23 zombie.

24 His wife was also around 50. This was her second
25 marriage. She would sleep in the front room of the
26 house because he snored and she couldn't sleep. I
27 think it is impossible that she did not know about the
28 sexual abuse. Her husband was very violent to her, so
29 she was no protection for us. She did not defend us in
30 Court but chose to stay with him.

31 We were isolated in so many ways. Physically, there
32 was only one other house in the district. We didn't
33 feel there was anyone we could tell about what was
34 happening every day. Our foster father told us we were
35 responsible for our stepfather's suicide. He used to

1 say all the time, "Your mother's dead. You've killed
2 your stepfather and your grandparents don't want you,
3 so where are you going to go?"

4 For many years, I had a recurring nightmare of
5 escaping up this rise not far from where we lived and
6 then hearing his voice saying this phrase and giving
7 up.

8 You never knew when things were going to happen. I
9 walked as if on egg shells holding my breath. I learnt
10 to lie as I was going to be in trouble whether I'd done
11 something or not. If I got away with it, good. And if
12 not, I was going to be punished anyway. I stole money
13 for food. I remember many times sitting on the bus
14 travelling home from school and looking out the window
15 into people's homes, especially in winter, seeing
16 families sitting around a fire and wishing I was in
17 there. They looked so happy.

18 I now want to share with you a poem Janie wrote
19 about that time.

20 "I'm lying still in the darkness of the night. I
21 know all the sounds, the squeaks of the doors opening
22 and shutting, all of the groans the floor boards have,
23 all having their own voice. The sounds of the house as
24 it cools down. I am lying awake for what may happen.
25 Praying to God, if there is such a thing, help us
26 tonight. Yes, my little sister is awake too. I know
27 this. I feel this in the depths of the night. She's
28 so still, so quiet, I can hardly hear her breathing. I
29 sense her tension. I wish I could get her and hold her
30 so tight that she would dissolve and be safe forever.
31 The lounge door opens. Slowly, ever so slowly, it
32 squeaks like a wild animal crying out for its last
33 breath. He's standing in the doorway. I can feel him.
34 The fear in this room is so thick you could choke on
35 it. I lie as still as I can, so still, as still as

1 death. I can smell him closer, smell his breath, smell
2 his sweat, I can feel his breath on me. Fear engulfs
3 me".

4 Q. Thank you. Now in the 5 years that you were there,
5 no-one from the Anglican Church Social Services ever
6 checked on you?

7 A. No-one.

8 Q. Can you talk now about the first attempt that you and
9 your sister made to get some redress for the situation?

10 A. On the 3rd of May 1974, after being at the first foster
11 parents for five years, I went to school and Janie
12 decided to go to the Police with the support of a
13 girlfriend whose partner was a Police Officer. I did
14 not know this was what she had in mind.

15 Janie had a locked deposit tin where she kept her
16 diary and money and personal things. Our foster father
17 broke into it and read in her diary that she was going
18 to the Police that day. I now know that some of the
19 pages described the abuse he was doing to us. He tore
20 the pages out and started ranting and raving saying he
21 was going to kill her. He grabbed his shotgun and took
22 off. His wife was in town. Janie was to go to where
23 she worked at the time. I was left in the house alone.
24 I was terrified that he was going to kill Janie, the
25 only person who I loved, and that I would be left at
26 the farm alone. I was 12 years old. It got dark and I
27 remember going to sleep. The next thing I remember was
28 the phone ringing. I wasn't meant to answer the phone,
29 but I did. It was the Police. They asked me if I was
30 in the house alone and I said yes, and I was really
31 scared as the foster father had a loaded shotgun and
32 he'd said he was going to kill Janie. That night I was
33 taken to a doctor and asked all sorts of questions and
34 he did an intimate examination. Janie had one too. I
35 wasn't sure why, no-one explained anything. I was then

1 taken to the Police Station and saw Janie. I was so
2 relieved. We gave statements and we sat in a room with
3 beds. I now know it was a cell and I went to sleep.
4 Later that night, we were placed in a State Child
5 Welfare Division family home in town. We stayed there
6 until after the trial. It was okay. We felt safe
7 there for the first time in five years.

8 Our case was heard in the Supreme Court on 31 July
9 1974. We had to give evidence at a deposition four
10 weeks earlier. The foster father was charged with
11 unlawful sexual activity.

12 Q. Now if we just go to the trial. Can you tell the
13 Commissioners some of the evidence that was heard in
14 the trial and that you know this because you've seen
15 the transcript?

16 A. Okay. So, when my foster father was arrested, he did
17 have a loaded shotgun in the car and he told the Police
18 that he'd run over a possum on the way home and he
19 hated to see anything suffer and he wanted to go back
20 and shoot it.

21 He denied any knowledge of having read Janie's diary
22 and ripping pages out but after he was arrested, he was
23 searched and got the papers out of his back pocket and
24 the diary and said, "This is what you're looking for".

25 Q. Can you go to paragraph 74?

26 A. In his statement to the Police, the foster father
27 admitted we slept in the double bed with him most
28 nights. He said his wife slept in the front bedroom in
29 a single bed. He said the girls slept there with him
30 so we could scratch his back. He said this happened
31 most nights. He said his wife was aware of the
32 arrangement.

33 His wife admitted that her husband had been in the
34 double bed with me a couple of nights before Janie went
35 to the Police. She admitted we used to have to go into

1 bed with him to give him back rubs and that sometimes
2 we would stay the whole night. I remember that she
3 didn't have to give him back rubs.

4 When his wife gave evidence in Court she eventually
5 became quite hysterical, denying that he had done
6 anything wrong and screaming about us.

7 The doctor that examined us, Dr Henry Salisbury,
8 gave evidence that by the age of 12, in his opinion, it
9 was clear I had had penetrative sexual activity on
10 multiple occasions, but I had not yet started my
11 periods.

12 The abuse I suffered from my foster father was so
13 traumatic, so complete – emotional, physical, sexual –
14 that I had become almost incapable of thinking. It was
15 as if I lived in total shock. I hardly remember giving
16 evidence, but I know from the transcript that I gave
17 evidence that my foster father regularly had
18 intercourse with me. I said that the day Janie
19 disappeared I heard him break into the cash box where
20 Janie kept her diary and I heard the sound of pages
21 being ripped out. I saw him get his rifle and say he
22 was going to kill Janie.

23 Q. If you can go to, have a drink of water if you want.

24 A. I'm all right.

25 Q. If you can go to paragraph 83.

26 A. The foster father then pulled Janie's diary from his
27 back pocket and said, "This is what you are looking
28 for". The Police Officer gave evidence that it was
29 obvious that there had been pages torn out of it. The
30 foster father then handed over the torn pages which
31 contained very matter of fact statements from Janie
32 about having to go in with him. He said they were all
33 lies.

34 The officer testified that in a search of the house
35 he found a tube of sexual lubricant in the top drawer

1 of the room with the double bed that his wife testified
2 she never slept in.

3 Even though I was just 12 and the medical evidence
4 was that we had been repeatedly vaginally penetrated,
5 and the foster father had torn out incriminating pages
6 of Janie's diary which showed I had been telling the
7 truth about what I saw and heard him do, he was
8 acquitted by a jury in the Supreme Court of sexually
9 abusing us.

10 I never understood what the jury were thinking. Did
11 they just not want to face the truth? Or did they
12 think we didn't matter? But then I found out that the
13 jury were directed by the trial judge Justice Casey to
14 find him not guilty on the charge relating to me, so I
15 guess they didn't get the chance to make up their own
16 mind.

17 Q. Can I just call up Exhibit ANG ending 6893? If you
18 could zoom in on the first - this is a newspaper
19 clipping from that time. I will just read, I am just
20 going to read the third paragraph down on the left-hand
21 side. "Mr Justice Casey intimated to the all-male jury
22 that he would direct acquittal on the charge involving
23 the younger girl after defence counsel Mr Hampton made
24 submissions for acquittal. 'The girl's evidence was
25 not capable of corroboration', His Honour said."

26 If you can carry on reading from paragraph 87?

27 A. I have been told that sexual offences had to have
28 corroborating evidence back then but my own evidence
29 was corroborated by the doctor, by Janie, by admissions
30 from the foster father that he had us sleep with him
31 and by the Police evidence about the diary. I do not
32 know what corroboration the Judge was waiting
33 for - that he would just admit it?

34 The jury were all men. But I would love to know
35 what they were thinking of my foster father when they

1 heard and saw him and whether at least some of them
2 thought we were telling the truth. I think some of
3 them would have believed us. I will never know. Janie
4 managed to get the transcript, but I am hoping to
5 locate the entire Court file to see if it sheds any
6 light on the Judge's reasoning.

7 Q. Carry on.

8 A. The Police and a social worker had laid their complaint
9 under section 13 of the Child Welfare Act 1925. They
10 did this soon after Janie went to the Police. The
11 complaint was that we were indigent in poverty and
12 living in a bad environment. After my foster father
13 was acquitted, the Police asked for leave to withdraw
14 their complaint.

15 I don't understand how the Police thought there was
16 enough evidence to lay a complaint and then because a
17 jury was directed to find him not guilty of rape, the
18 Police didn't go through with their complaint. I now
19 know it was in a different Court with a different and
20 lower standard of proof but that makes it harder to
21 understand.

22 There is a note from the Assistant Director of
23 Social Work, AF Campbell, from before the trial that
24 noted, "Should the foster father be found not guilty
25 the Police complaint will be difficult to prove.
26 Regardless of the outcome, he will not have the
27 children back".

28 Social Services must have discussed the possibility
29 or asked him to take us back. After everything we had
30 alleged against him, not just the rapes, this seems
31 incredible.

32 One of the things that upset me was that in their
33 note the Assistant Director of Social Work wrote:

34 "When the girls made their allegations to the
35 Police, it was necessary for the Police to remove a

1 loaded rifle from the foster father's possession
2 following threats by him to kill the girls. I feel
3 this was possibly an impulsive act and doubt if he
4 would have carried out his threat, however the girls
5 were badly shaken by this experience".

6 Clearly this man accepted that the threat had been
7 made so why did he minimise it? Why did he side with
8 the adult man against the children? Is threatening to
9 kill a child not bad enough? The same report noted
10 that Janie had gone to the Police several times because
11 our foster father was following or stalking her.

12 Q. Can I just ask you how the trial verdicts affected your
13 life after that? If you just read from paragraph 94.

14 A. 94?

15 Q. 94, yes.

16 A. Everyone thought we were liars after the trial. I now
17 know that an acquittal means the jury are not sure
18 beyond reasonable doubt that a person is guilty. But
19 people don't understand the Court process, so by
20 directing the jury to acquit my foster father, it was
21 as if the judge had labelled us liars. Whether or not
22 that was the intention, it followed us everywhere.
23 Everyone was warned about us.

24 In a note the social worker Mr Gay wrote for the
25 file he said he was concerned at how vindictive our
26 foster parents were about us and to the extent he
27 refused to say where we were going to be placed in open
28 Court to keep it from them. But then he says he thinks
29 we should be separated from each other and "I also
30 agree with the foster parents that any foster parents
31 that ...".

32 Q. That the girls?

33 A. "... go to should stay with should be made well aware of
34 the allegations that these girls have made, not only
35 against our first foster father but against other men

1 on previous occasions" but we'd never made a Police
2 complaint against anybody else. It was only our foster
3 father's defence lawyers who tried to smear us in
4 Court.

5 There was an order made on the 12th of August 1974
6 committing me to the care of the Director-General of
7 Social Services. On the 8th of August, Janie was to be
8 under the supervision of a social worker for 12 months
9 as she was over 16.

10 It was decided that both Janie and I couldn't stay
11 on the West Coast because of the threats to kill us.
12 The Police did nothing about the threats. On several
13 occasions he was seen waiting or following us, stalking
14 us. The rest of our family (our father, sister and
15 grandparents) were in Christchurch, so the Department
16 decided we should be in Christchurch.

17 They got in touch with Anglican Social Services who
18 said they had nothing available and on 11 June 1974 DS
19 Gay wrote that he had got in touch with Mr M Goodall
20 from Anglican Social Services who said they had no
21 information on us. Our foster father had also been in
22 touch with Anglican Social Services.

23 Q. Just to recap, what you've just explained is that Child
24 Welfare made you wards of the State after the trial?

25 A. Yes.

26 Q. And that they got in touch with the Mr Goodall who had
27 sent you to the West Coast who said he didn't have any
28 information on you?

29 A. (Nods).

30 Q. So, if you can go to paragraph 100 and tell the
31 Commissioners about your second foster family?

32 A. We were put on a train and brought over to
33 Christchurch. I was met at the Christchurch Railway
34 Station by my second foster parents. They lived on a
35 farm in a small village not in Christchurch itself. I

1 had never met them before. Social Services separated
2 Janie and me and no-one spoke to us about what we
3 wanted. No-one told us where we were going.

4 My first day there I can remember standing on the
5 homestead porch. I was stunned. I think I was in
6 shock after everything had happened to me. Janie had
7 disappeared. I didn't know these people and to this
8 day I can hardly bear to remember myself standing
9 there, wondering where I was, wondering where Janie
10 was, wondering if I'd ever see her again.

11 I lived with the second foster family until the 30th
12 of June 1977 when I was placed in a welfare family
13 home. I absconded from the foster home three times
14 over a three-week period and my files had many notes of
15 the trouble I got into and the reasons they thought I
16 did it. No-one ever really asked me why.

17 At this time, I had a social worker whose name was
18 Joan Cunningham. She would occasionally come to do a
19 house visit but not very often. One such visit
20 resulted in her reporting "I found her to be a very
21 pleasant, well-mannered girl. The foster mother
22 describes her as being very helpful and dependable in
23 the home".

24 I couldn't tell her of all the stuff that was
25 happening to me at the time, especially after the Court
26 case because by then we had reputations as being
27 trouble because people assumed we'd lied and the second
28 foster family were warned about us. During my time
29 there I was regularly sexually abused by the foster
30 father. This came to the attention of the authorities,
31 the social worker made comments and notes to the
32 Director of Social Work in town, PW Howells in June
33 1976. Some of the noting is redacted but some children
34 had made a complaint that they didn't want to go back
35 to that foster family for the holidays. The notes say

1 that other children had complained about seeing the
2 foster father doing things to me on the sofa.

3 Q. I'll read the next portion which is from the social
4 work report. "Mrs X rang me most concerned. She had
5 had (the child's name) home for the previous day and
6 they had been telling her of her holiday. She said
7 that they had stated that they definitely don't want to
8 go back to that foster family again because they claim
9 that when Mrs (foster parent) was out working in the
10 shop on Saturday afternoon, Mr (foster parent) and Ms M
11 were doing things on the sofa in the kitchen which
12 wasn't nice, indicating that they were conducting
13 themselves improperly. Whether they were cuddling or
14 having some sort of sexual play, I do not know. The
15 lady would give me no further information, but she said
16 she didn't want her daughters going to that sort of
17 house. I recommend that the Director look into this
18 situation as he sees fit, as firstly Ms M came into
19 care because of her and her sister's accusations
20 against the previous foster father of indecently
21 assaulting them".

22 A. What does this even mean? I was 14 years old. Why is
23 the recommendation not to remove me from the foster
24 family's care? Does this mean that even an independent
25 witness wasn't enough to protect me or that I was being
26 blamed? Was I not worth protecting because I was
27 already damaged goods? There is a handwritten note on
28 the letter which says that the foster parents were the
29 social worker's friends.

30 Q. Can you just call up Exhibit 20, please, and if you
31 could just highlight, pull up the highlighted bits,
32 thank you. There's two subjects, holiday home and
33 children's allegations against foster father.

34 Just to confirm, when it says, "children's
35 allegations", those aren't your allegations, are they?

1 A. No.

2 Q. They're somebody else's. "Mr and Mrs X (foster
3 parents) and Ms M were interviewed separately and then
4 together in relation to the allegations made against
5 the foster father. Ms M denied any allegations against
6 the foster father. She usually blushes when confronted
7 with misdemeanours but remained cool and calm".

8 Thank you. Carry on from 108.

9 A. I can't really remember being asked about it but I know
10 that after my last experience with disclosing abuse and
11 the trauma of the trial and the acquittal and being
12 labelled as liars, I would have been terrified to say
13 anything else in front of the abuser. Was this
14 reported abuse of me equated with a misdemeanour of
15 mine?

16 Q. Can you go to paragraph 110.

17 A. Nothing was done. Even after independent witnesses,
18 with no reason to make anything up, said they had seen
19 him abusing me sexually, no-one did anything to protect
20 me. It seems as if having made a complaint once, which
21 was the truth, I am forever seen as being at fault.
22 Two months after the complaint in August 1976 after I
23 had run away for the first time, my foster mother told
24 the social worker that she was giving up her Saturday
25 job.

26 The first time I ran away it was not long after the
27 abuse which was reported and ignored.

28 Q. Can I just get you to go to paragraph 115?

29 A. By this time, I had developed quite a reputation. I
30 didn't trust anyone and got into trouble stealing and
31 doing silly things. Sometimes I had but often I
32 hadn't. The foster mother used to accuse me of
33 stealing silly things like a sock just because one went
34 missing from the laundry. I don't know how well she
35 was really, looking back. I remember coming across her

1 shaking her fists and screaming at the sky. I was
2 scared.

3 After talking to Mrs Cunningham, I wrote to the
4 second foster parents. I didn't say anything about the
5 abuse, but I tried to be as polite and kind. I wrote,
6 "I am writing to say how sorry I am for running away
7 and causing you a lot of trouble. I gather you don't
8 know how I feel I don't want to be hurtful, but I feel
9 it would be better if I didn't return. I enjoyed
10 hearing from you, but it only made my decision harder".

11 The foster mother wrote back to Mrs Cunningham and
12 described this as a "hostile letter" and said, "We have
13 done our best by her and she has caused a lot of
14 trouble in our home through lies and pinching and now
15 we don't care what happens she can go on her way".

16 Q. And then you went, you got away from the second foster
17 parents, and that was really your own decision to do
18 that?

19 A. (Nods head).

20 Q. And you went into a Social Welfare home for a time?

21 A. Yep.

22 Q. What was that like for you?

23 A. I think probably, I think probably the people running
24 the place couldn't cope with a whole lot of kids.
25 There was both boys and girls and we used to sneak out
26 on a Friday night and go down to the bay. And if the
27 girls got in before the boys, they'd let the boys in
28 and vice versa. So, I think we probably were the last
29 straw for them really because I left not long after
30 that.

31 Q. If you go to paragraph 120.

32 A. At the same time, there were reports from the house
33 parents of how good I was with children. It said I was
34 extremely good with their children who absolutely
35 adored her. They say she is marvellous with young

1 children and she would have in fact like a job looking
2 after children.

3 Q. Now we go on to your third foster family. Are you
4 okay? Do you need a break? Okay. If you go to
5 paragraph 121. We won't say the denomination of the
6 Church.

7 A. I was placed with a Reverend and his wife. They lived
8 in a very small village. I had met them when living
9 with my second foster family as I used to attend the
10 youth group run by the Reverend.

11 Q. I will just confirm at this point that the Minister was
12 not in the Anglican Church?

13 A. No.

14 Q. Thank you.

15 A. After the school holidays they came up for a transfer
16 to a larger town. I wanted to stay with them and they
17 said if it was okay with welfare I could, as long as I
18 went to school. I then shifted to the new place with
19 them.

20 I can tell you that when I lived with them in the
21 first place I started popping pills. One day I freaked
22 myself out by the amount I had taken. I was very
23 unhappy. I wrote a letter saying what I'd done and
24 then I went to bed. They found the note and made me
25 get up and debated whether I needed to go to the
26 hospital and decided against it. They made me promise
27 I wouldn't do it again. I didn't keep that promise.

28 We all shifted to the new place and the Reverend and
29 his wife were very busy in their new parish doing
30 weddings and funerals. I had to babysit all the time
31 and I resented it. I decided on a Saturday afternoon,
32 after having been told I had to babysit again, that I'd
33 pop some pills out of the medicine cabinet and I mixed
34 it with alcohol. I remember cooking tea for the kids
35 and feeling like I wanted to lay down, so I lay down on

1 a beanbag. The kids couldn't wake me up and went to
2 the neighbours who got hold of the Reverend and his
3 wife and I was rushed to the hospital. I had my
4 stomach pumped. It was said by a doctor I would have
5 died within the hour if not admitted to the hospital.
6 The family were furious with me and told me I had
7 abused their trust and I didn't understand why they
8 were so upset. I became part of the family and it was
9 agreed they would adopt me. I would have been about 16
10 at the time and then I became known by their surname.

11 The adoption came about because at the time I really
12 wanted to be part of the family. I wanted to belong
13 somewhere. I believed being adopted would give me some
14 rights and they wouldn't be able to send me back
15 because I'd really belong to the family.

16 Q. The adoption process took a very long time, is that
17 correct?

18 A. About two years I think.

19 Q. If you just tell the Commissioner a bit more about the
20 Minister?

21 A. The first time the rapes happened with my foster
22 father, his wife was out of town. I was 16 or so. At
23 the time I didn't her to go because I knew the abuse
24 would happen. I had had so much abuse that my
25 instincts told me that he was building up to something.
26 I remember he used to play fight with me and it always
27 ended up with him on top of me, so I knew I couldn't
28 move. The very first night she was away it started.
29 First with fondling and then intercourse. I did not
30 know how to stop him. I did not want it to happen. I
31 thought once it was over it would be over.

32 The next day when I was cooking tea he said, "I'm
33 going out for a minute". I asked him where he was
34 going, and he replied, "to buy condoms". I was so
35 stunned, and I realised the abuse was going to continue

1 and I didn't know what to do. Even when his wife
2 returned, the abuse continued.

3 My adoption was eventually completed in 1981 when I
4 was 19 years of age. So, at the time he started having
5 sex with me I was his foster daughter and then I was
6 his legal daughter.

7 One day we'd gone into a fish and chip shop and all
8 of a sudden I felt sick. I had to go outside. The
9 Reverend came out and asked me what was wrong. I said,
10 "I'm pregnant". He said, "You can't be". I said, "I
11 am". He told me to go to the doctor's and ask for the
12 morning after pill and to tell the doctor it was my
13 boyfriend's. I did have a boyfriend at the time, but
14 we'd never slept together. I went and did as I was
15 told. I remember bleeding.

16 Around about the time I overdosed and ended up in
17 hospital, I started seeing a psychiatrist. I saw her
18 for a very long time and I'm sure I told her that I
19 thought I was pregnant to the Reverend, but she has
20 denied that I did. She worked for Child, Youth and
21 Family. I talked to her about what it was like to be
22 part of the family and she talked to them about why I
23 was being so difficult and not fitting in. I was about
24 16 at this time. I was very unhappy and very
25 distressed.

26 Q. Did you tell anybody at any point about the abuse that
27 was happening? Just go to paragraph 132.

28 A. I started working for the Council and a girlfriend at
29 work asked me what was wrong, and I told her
30 everything. She then went to a supervisor and told
31 him, and he contacted my foster father who was furious
32 with me but somehow it was covered up.

33 The Reverend's wife started going to a Pentecostal
34 Church and she took me along with her. I liked it and
35 decided that if I was to be accepted there, I would

1 have to tell the Minister about what had happened. I
2 went to the house where they were holding Bible study
3 and I said I wanted to talk to the Minister. He was
4 busy but I told a lay preacher and later that night
5 talked to the Minister. I think the Minister and lay
6 preacher believed me.

7 The Minister arranged to make me out to the
8 Reverend's to confront him. When confronted, my foster
9 father didn't deny he had had sex with me but said it
10 had only happened the once and he had sought counsel
11 within the Church and prayed to be forgiven. I don't
12 think the Minister or lay preacher did anything
13 further.

14 The adoption was already finalised before I told my
15 foster mother about her husband abusing me. I can
16 remember not wanting the adoption to go through but not
17 knowing how to stop it. There is much more I could say
18 about this time, but it is still painful to recall. I
19 so wanted to be part of the family and I thought this
20 would be it at last. I had been abused by every man
21 who was supposed to have loved me, so I thought I am
22 the common denominator, so it must be my fault.

23 I think his wife believed me, but she didn't do
24 anything. A few years later she decided she wanted a
25 divorce and so came to me to ask me to help her by
26 saying what he had done. I was so upset that she
27 didn't believe me enough to ask me to help her - I was
28 so upset that she believed me enough to ask me to help
29 her but that she didn't do anything for me about his
30 actions. I had a lawyer at the time and he said I
31 didn't have to help her, so I didn't.

32 Q. And some time later you went to the Police about what
33 had happened?

34 A. On 24 May 1990, I went to the Police and laid a
35 complaint against the Reverend. I was 28 years old. I

1 went to the Police about him because in his role as a
2 Minister of the Church he would have kids from places
3 like Samoa come to stay. I went out there one day and
4 they had this young teenage girl there and she hardly
5 spoke any English. And it just freaked me out. I
6 thought, "What if she ...". I only saw her the once and
7 I thought, "I cannot not say something". I was
8 wondering, "Is he fostering children or having them to
9 stay through his role as a Minister?"

10 When investigated, he admitted to Police that sexual
11 intercourse had taken place, but no charges were laid.
12 He said in his statement to the Police that I had
13 seduced him and that I was just a boarder at the time,
14 yet no-one questioned the fact that they had adopted
15 me. I was legally his daughter.

16 Q. If you could call up NZP23006. If you can go to
17 page 2, please. This is the interview that was
18 conducted by the Police Officer when the Minister was
19 living by that time in 1991. If you can pull up just
20 the first Q and A, if you could. That's lovely, thank
21 you. So, I'm just going to read a fair amount of this
22 out. Obviously, the Q is the question and the A is the
23 answer from the person being interviewed.

24 "Q. How did you first meet Ms M?

25 A. She attended the Sunday night youth group at
26 the Church. She was then a foster child in the home."

27 Then there's quite a long discussion about how you
28 came to be in their home. And if you can just pull up
29 the paragraph after that? Halfway down the page:

30 "Q. Were you aware that Ms M had been involved in a
31 complaint against a previous foster father?

32 A. I was aware, but I wasn't aware of the details
33 and I definitely wasn't aware of any abuse in the
34 second foster family home.

1 Q. At the time that you moved to where you were
2 living, what was Ms M's status in your family?

3 A. She was a foster child still under the control
4 of Social Welfare, but she was discharged around March
5 1979 as she was then deemed to be independent as she
6 had left school and had a job at the Borough Council"

7 If you could pull up the last paragraph of that page
8 and the first paragraph of the following page.

9 "Q. After Social Welfare discharged her, what was
10 your understanding of her position in your family home?

11 A. She was now a boarder and was in fact paying
12 board on a weekly basis".

13 If it you could go down to the paragraph, scroll
14 down a bit for me, thank you. Go down a little bit
15 further and the next bit as well. That will be fine,
16 that will be fine, we'll start with that.

17 "Q. What can you tell me about the sexual
18 relationship between you and Ms M?" I won't read all
19 of this.

20 "A. It began on a Friday night after my wife had
21 left. Ms M came into the room and sat on the floor
22 beside my feet then moved to sit between my legs. At
23 around 10.00 I indicated that I was going to bed and
24 she went off to her bed. I went in to say good night
25 and she was in her nightie. I sat on the side of the
26 bed and she sat up and put her arms around me. The
27 caressing started again and it took off from there.
28 After a while it became apparent that it would be
29 unwise to continue in that room where my other daughter
30 was sleeping and we moved into the sun room next door.

31 Q. Did you think that this was her first time at
32 having intercourse?

33 A. No, she seemed certainly much more experienced
34 than I was.

1 Q. Were you aware if she had been sexually active
2 with other boys?

3 A. Yes, my wife and I had been concerned about her
4 sexual activities and had actually asked her to go to a
5 doctor to have a check against STD." And the last
6 question on the page:

7 "Q. She was happy to have sex with you that night,
8 no force was used [sic]". There's no question mark
9 there.

10 "A. No, she was very willing and I would say that she
11 instigated it".

12 If you just pull out, just go on to the next page.
13 If you could go down the page? If you can go to the
14 last question and answer.

15 "Q. Is there anything else you wish to say about
16 this whole matter?

17 A. Yes. The problems between my wife and myself
18 were not able to be resolved and we separated mutually
19 agreed on 24 October 1989. Just prior to that my wife
20 went down and traced Ms M and met with her. The
21 purpose of this was to inform her of the impending
22 separation and to try to re-establish contact with her.
23 On her return, she told me that the trip was wasted and
24 that Ms M had seemed to be further off the track than
25 ever and was still living in a lesbian relationship
26 with her friend. I am now engaged to be married and
27 have bought a house and wish to be left to enjoy
28 living. I deeply regret and always have what happened
29 12 years ago between Ms M and myself".

30 So, if you could pull up page 1 of that document,
31 which is the letter, and if you could go down to the
32 third paragraph. If you go to the third paragraph down
33 and pull that out, please.

34 So, this is a letter written by the Detective
35 Sergeant in charge of your case, Ms M, and it is a

1 letter written on 29 May 1991 to your foster father.
2 "The circumstances of the intercourse are generally not
3 in dispute either by you or by Ms M. You have agreed
4 that intercourse did take place. It is quite apparent
5 that you have taken advantage of a rather insecure
6 young woman, for your own personal gratification. That
7 is something which will be with you for the rest of
8 your life and I am of the firm view that you have
9 breached her trust in you at the time."

10 And if you could pull out and go to the last main
11 big paragraph.

12 "Having reviewed the nature of the allegations, I
13 have taken into account the age of the complainant at
14 the time, her consent to the intercourse and the fact
15 that a formal adoption had not occurred until after
16 these events. I find that there is no evidence to
17 bring criminal charges against you and therefore no
18 further action will be taken. The Police investigation
19 will be filed".

20 Ms M, did you say to the Police that it was all
21 consented to?

22 A. No.

23 Q. If you can go to paragraph 140 and tell the
24 Commissioners what the Police—

25 A. 140?

26 Q. 140, yes, please, and say what it was the Police said
27 to you?

28 A. The Police said they didn't think I would win a case
29 against him due to my age when he started abusing me
30 and the fact that I had already been through the case
31 with my first foster father, so it would be used
32 against me.

33 I know that there is an offence for having sex with
34 someone who is under your care and protection. I know
35 that was the offence he was investigated for. I know

1 that consent is not a defence. Maybe he was
2 untouchable because he was a Minister of the Church.
3 But surely a Minister doing what he did to me is even
4 worse than someone else doing it?

5 When I was with the third foster family, I had a
6 male social worker. I read on my file years after I'd
7 left their care that the first time he met me he wrote
8 quite a favourable report about me but the Reverend and
9 his wife are recorded as saying that I was really good
10 at manipulating people and he shouldn't believe what I
11 say.

12 Q. I'm going to ask you now about the impact that all of
13 this has had on you. And after we've done that
14 section, it will probably be time for a break.

15 A. I have had many challenges caused by the years of abuse
16 I suffered. For most of my adult life, I have chosen
17 to see myself as crazy, because to see otherwise would
18 mean that the whole world was crazy, and I wouldn't be
19 able to function if this was true.

20 I've tried to escape living because I didn't feel
21 entitled to even breathe. I have nightmares most
22 nights. I have flashbacks and these were increased by
23 the 2019 shootings that occurred in Christchurch.

24 I have major depression, Chronic Complex Post
25 Traumatic Stress Disorder. I was diagnosed with
26 dissociative disorder. I have struggled with
27 addictions all my life. I worked so hard to conquer
28 one addiction and then need something else to cope with
29 my life with the abuse.

30 It has affected my education due to the sustained
31 long-term effects. I have never been able to work
32 full-time. I haven't married or been in a relationship
33 for more than 30 years. I would have liked to have
34 been married and had children.

1 The name of the man who adopted me still triggers
2 me. He instils great fear in me, even now. When I was
3 talking about taking part in this Commission of
4 Inquiry, I was signing a consent form and I couldn't
5 say his name - I literally couldn't make myself say it.
6 My friend who was with me had to say it. I think the
7 effect on me is still so great because I felt and feel
8 such a deep sadness because when I went to those people
9 I thought I might actually get a family at last. It
10 makes me so sad to think of me at that stage, wanting a
11 family so badly that I wanted to be adopted by those
12 people.

13 Even after all my years of counselling, there are
14 things that won't go away. The first foster father on
15 the farm dabbled in hypnosis. The first time he tried
16 to hypnotise me I wasn't under, but I pretended to be,
17 to be still. He stabbed me with safety pins and then
18 asked me what I'd do if he got me pregnant. I didn't
19 know what pregnant was but by the way he said it I knew
20 it was bad. He would try to use his hypnosis on me and
21 Janie. I learnt to pretend to be hypnotised while he
22 stabbed me with pins and scissors to see if I was
23 probably under, not to show any pain. To this day I
24 cannot practice any kind of breathing exercise because
25 it triggers me with memories of him.

26 When we had to bathe, my first foster father used to
27 tell me how to wash. He had a particular word for
28 genitals. And even today, every time I bathe I
29 remember him. A simple every day act that should be
30 pleasant or just practical is ruined because I remember
31 him and what he used to say. It still haunts me as an
32 adult of 58. I know my bathroom is safe. I bought
33 some lovely things for my bathroom. I say to myself,
34 "We're not going to do this, this is your place, this
35 is safe, here it goes again".

1 It's a marker of what that does to you. It is
2 challenging to live day-to-day because of things that
3 nobody could know, things that nobody could see. It
4 has had a major effect on my wairua and my connection
5 to my heart and soul has felt deeply blemished,
6 believing I was going to hell if I didn't get things
7 right and that I was being punished here on earth by
8 God because of abuses committed in the name of God by
9 an ordained Minister and the Anglican Church that sent
10 us to the coast to our first foster family and then
11 washed its hands of us.

12 I continue to attend weekly therapy so that I can
13 get support and make my life more manageable.

14 My sister Janie died at the age of 51 from cancer.
15 She was fun loving, an avid supporter in her work with
16 people experiencing bipolar disorder. Janie was also
17 diagnosed with bipolar disorder. She was a stone
18 carver, a photographer and a rebel. She loved
19 passionately and along with her illness had bouts of
20 depression. This manifest itself by suicide attempts
21 and admission to Sunnyside Hospital. The love of
22 Janie's life was Kath. Janie and Kath were together
23 for 28 years. They had a commitment ceremony when it
24 became legal to do so.

25 The loss of my sister when she died at the age of 51
26 did and still does deeply impact on my life. I
27 strongly believe if she hadn't experienced that
28 horrific abuse from the West Coast she would still be
29 here fighting to have her voice acknowledged. When the
30 first foster father died, she went to find his grave
31 and she peed on it. She laughed when she told me this,
32 but I know she was so traumatised by our time with him
33 just as I was.

1 The funny thing is that I am regularly the person
2 that people turn to in crisis, yet so often I don't
3 feel I count.

4 I work in the area of child protection.

5 I am a producer of a radio programme about mental
6 health and I have done this for approximately 14 years.

7 I live alone because I feel unable to cohabit.

8 Me and my sister were let down by the system over
9 and over again beginning with being dumped by the
10 Anglican Social Services with the first foster parents
11 and just left there. We've had to carry deeply etched
12 scars all the time, trying to live with a sense of how
13 insensible our lives were, how we were never believed
14 and in fact punished because we told the truth.

15 If people had truly wanted to help us, it wouldn't
16 have taken a lot to see we were being horrifically
17 abused repeatedly, but people were blinkered. We were
18 not bad children. We were abused, neglected and left
19 unprotected by the State and the Anglican Social
20 Services.

21 Q. Thank you. I just wonder if it would be a good time to
22 take a break?

23 **CHAIR:** I think it's probably a very good time for
24 everybody. I think we all need a break. Okay, we'll
25 take about 15 minutes and you can have a cup of tea and
26 recover.

27

28 **Hearing adjourned from 11.26 a.m. until 11.45 a.m.**

29

30 **MS MACDONALD:**

31 Q. Ms M, we're going to talk about your attempts to get
32 redress. We have already talked about the Court and
33 the Police and we're now going to talk about your other
34 attempts to get redress.

1 So, if you can go to paragraph 168 of your statement
2 and just read from there, thank you.

3 A. I read in a woman's magazine that you could claim
4 compensation for abuse suffered in State care. Janie
5 and I agreed to do it. We wouldn't have done it if we
6 had known how much of a nightmare it would be.

7 We got a lawyer who everybody recommended and it got
8 to the point of having hearings but our lawyer kept on
9 putting it off, and one day we rang and spoke to his
10 Secretary and she said, "This is more than my job's
11 worth to tell you this but he's not going to take the
12 case and I suggest you go and see this other lawyer".
13 We ended up hiring Andrew Cadenhead.

14 Q. Okay. I'm going to ask you about what Mr Cadenhead was
15 able to do for you later but now we'll go on to talk
16 about ACC.

17 A. 171?

18 Q. Yes, please.

19 A. My sister and I applied for ACC in the late 1980s and
20 were awarded some compensation for the abuse and its
21 effects. Janie got a payment from ACC and I got
22 several smaller payments, but this Statute of
23 Limitations thing caused us a lot of hassle because we
24 brought a claim over 20 years after the abuse.

25 I find ACC difficult to deal with. For example, in
26 2003 I got a letter declining my application for an
27 independence allowance. This was because I had had
28 four small lump sum payments; three for sensitive
29 claims and one for a back strain.

30 So, for one claim I received \$5,950 from a maximum
31 pay-out of \$7,000.

32 Q. I will just interrupt you there, sorry, Ms M, but if
33 you could pull up document 31, please, because there's
34 a letter that shows it quite well.

35 A. Okay.

1 Q. It might be easier. Here we are, if you could pull out
2 the highlighted bit?

3 So, what this shows, and you can correct me if I'm
4 wrong, what this shows is that you were paid a
5 percentage of the maximum that's allowable for a
6 specific type of claim?

7 A. (Witness nods).

8 Q. But each one is a separate claim?

9 A. Yes.

10 Q. And what they say is your combined lump sum entitlement
11 is over 100 per cent, so they decline your application
12 for an independence allowance?

13 A. Yes.

14 Q. But what they've actually done is they're adding up
15 percentages from different claims?

16 A. Yes.

17 Q. Thank you. So, if you could move on to paragraph 175
18 and talk about the lawyer that you found, Andrew
19 Cadenhead.

20 A. At the time of the ACC payment, my lawyer Andrew
21 Cadenhead was my executor and he mentioned that because
22 I was adopted the Reverend would be able to apply for
23 any money if I had died. Even though I did not imagine
24 I would have much when I died, I was offended and
25 deeply shocked and told Andrew that if I died and he
26 gave that man any money I would come back and haunt
27 him. I asked how I could become legally unadopted and
28 he said it would be hard to do but that he would try.

29 I managed to get Legal Aid to assist me to do this.
30 My lawyer had to get consent from the Solicitor-General
31 to even make the application and this was granted on
32 the ground that the Adoption Order was made by mistake
33 as to a material fact or in consequence of a material
34 misrepresentation.

1 Mr Cadenhead was prepared to argue that the Reverend
2 had misled the Family Court about being a fit and
3 proper person when he adopted me but in the end my
4 application was not contested by him. He did not
5 appear and was not represented.

6 On the 31st of March 1994, I became officially
7 unadopted. I had changed my name by deed poll in May
8 1991. I chose to use my mother's and grandmother's
9 hyphenated name for my surname, and I changed my first
10 name too.

11 At the age of 50 I presented my story on the 21st of
12 May 2012 to the Confidential Listening Service Panel.

13 After I used the Confidential Listening Service, I
14 received a letter on the 21st of July 2014
15 acknowledging the length of time that had passed and
16 that due to an overload they hadn't began to process my
17 application.

18 Q. Can I just interrupt you again there? The Confidential
19 Listening Service, was that a number of people you told
20 your story to or was it just one?

21 A. I think there were two.

22 Q. And that was a judge, was it?

23 A. Not sure.

24 Q. I believe it was a judge who you had contact with?

25 A. Yes, it was, sorry, yes.

26 Q. Sorry about that. So, if you just carry on from, if
27 you go to paragraph 180.

28 A. Yep.

29 Q. And four lines down is the sentence which starts, "I
30 was then offered"?

31 A. I was then offered to be part of the Fast Track
32 Process. I received an offer of compensation. This
33 offer became tainted by the process and the stress that
34 occurred.

1 When I was offered this money, I was given a
2 pamphlet entitled, "Frequently asked questions". It
3 said something like, "With a view to helping you make a
4 decision we really want you to accept the Fast Track
5 Process". I felt like this pamphlet contained a veiled
6 threat in its wording under the section "how much will
7 I get if you do a full assessment of my claim under the
8 normal process" it stated, "Until the assessment has
9 been completed, we cannot tell you how much you might
10 be offered, if there is a payment offered. It might
11 result in an offer of the same amount or it may be more
12 or it may be less, or there is a possibility that you
13 will receive no payment at all".

14 I think this wording is enough to make people take
15 what's offered because there's a clear message that you
16 mightn't receive any offer whatsoever.

17 It was also implied that if we didn't take the
18 offer, the process to have your claim assessed would
19 take a long time. At this point, I had already been
20 part of this process for nearly three years and still
21 the Ministry had not even started the process of
22 looking at my claim.

23 **CHAIR:** Can I just interrupt? I am sorry to interrupt
24 but just to be really clear, I take it this was the
25 MSD, Ministry of Social Development claim for abuse you
26 suffered while you were in Social Welfare care; is that
27 right?

28 A. Yes.

29 **MS MACDONALD:** That's correct.

30 **CHAIR:** That was just to clarify.

31 **MS MACDONALD:** Yes, thank you.

32 A. In regard to the delay, the pamphlet stated, "We are
33 very sorry that there's been such a delay. A large
34 number of people have come to us with claims because
35 our assessment process is so detailed it has meant we

1 have not been able to keep up with the number of claims
2 coming in and this is why we developed the fast track
3 option for eligible claimants to consider, so we can
4 resolve your claim faster and help to provide closure."

5 I and many of the claimants were not in a position
6 to afford legal assistance and frankly, my experience
7 to date with the legal system did not inspire me to ask
8 for advice.

9 I accepted the offer on 4 June 2015. I had been on
10 the Invalid's Benefit for most of my adult life. I
11 work part-time to maintain my mental stability. One of
12 the questions concerning the offer was what would
13 happen to my benefit if I accepted the offer? And the
14 pamphlet stated, "These settlement payments are not
15 considered income or cash assets for the purpose of
16 assessing your entitlement to a benefit for 12 months
17 after the date of the payment. Any cash assets you
18 have or income that you may make from the payment after
19 12 months might affect your benefit. To confirm what
20 your entitlement is you need to discuss it with your
21 Work and Income case manager".

22 My advocate and I tried to get answers about whether
23 I would be penalised for having this money after the
24 year's grace period. I didn't want to spend it all at
25 once. I wanted to be careful with it.

26 We approached many people seeking answers. The
27 considered view was it should not affect my
28 entitlements, but I was told that after one year if I
29 had assets over \$8,000 then I would be impinged on my
30 entitlements.

31 My advocate and I tried to find solutions. For
32 example, depositing it into KiwiSaver and exploring
33 possible ways of using this money to enhance my future.

34 Every time we thought we found a solution, they told
35 us I couldn't do it. My advocate and I were very

1 proactive in seeking advice and attended an appointment
2 at WINZ on 2 September 2016. Again, we asked about the
3 payment. The caseworker left to speak to another
4 advisor and came back into the office and informed me
5 that I'd lost my entitlements to the accommodation
6 supplement from 5 September 2016, which equated to a
7 \$65 per week reduction. I started crying. I hardly
8 ever cry. I couldn't afford to live, as I had
9 significant debts. They told me I needed to live off
10 the money until I'd gone below the income levels. I
11 got an email on the 7th of September 2016 which quoted
12 policy and legislation but didn't say exactly where the
13 quotes came from. That made it harder for me and my
14 advocate to look into.

15 I was on the Invalid's Benefit, now called Living
16 Support. The pamphlet had said that the payment would
17 have no effect on the benefit for the first year. This
18 encourages people to blow the lot in one go. But then
19 a further humiliation is that receipts have to be
20 provided because you are not allowed to be reckless.
21 They literally said I could not blow it on a \$15,000
22 diamond ring, for example.

23 "If the money is spent frivolously for
24 non-essential items, for example a \$15,000 ring, can
25 apply section 74(d) of the Social Securities Act."
26 That is a section which says a benefit can be
27 terminated if a person has directly or indirectly
28 deprived himself of any income or property which
29 results in qualifying for that or any other benefit or
30 an increased rate of benefit.

31 How dare they tell me that. What if a diamond ring
32 was the only thing I'd ever wanted in my life? If I
33 had had other money, say from an inheritance or I was
34 able to work full-time, then nobody could interfere
35 with how I spent the compensation money. But when you

1 are poor because of the effects of abuse, they don't
2 let you have the payment for something you are entitled
3 to. If someone like me or Janie did want to buy one
4 nice thing, they were telling me I wasn't allowed to.
5 I already have benefit deducted for my part-time
6 earnings. It's like they want to keep you poor.

7 It took me to 30 December 2016 to arrive at under
8 \$8,000.

9 The settlement money became tainted. I felt like I
10 was being raped over and over again by the very system
11 that claimed good faith to redress an historical abuse.

12 Someone said something to me about the money being
13 for my future. I realised then that I didn't believe
14 in a future. Janie was my life and soul. I believed
15 if she died there would be no purpose for me to live.
16 She was my reason for living - the money was not for
17 the future as I didn't believe there was one. She's
18 been gone for 10 years and I can't get used to her not
19 being here. I wouldn't see her for a time and even
20 when she disappeared for a while just dealing with her
21 own situation, I would know when she was coming back
22 and she would come.

23 This settlement money was for events that happened
24 to me in the past and its ongoing cost to my wellbeing.
25 I was desperate and told my story to a reporter. I
26 went under an alias at the time.

27 I don't want any other survivors to have to be
28 traumatised by the welfare State process, although I
29 would hazard a guess that a large portion of recipients
30 are probably beneficiaries due to the mental health
31 effects from the State-based or faith-based abuse or
32 neglect in the first place.

33 Q. Thank you. Can I just ask you to go to paragraph 200?

34 A. I looked at a website about a class action website for
35 victims. Some were only paid \$2,000 or \$4,000. That

1 was less than my payment. My file was in with the
2 Confidential Listening Service for three years and not
3 looked at, so the amount I got was a guess I suppose.
4 No-one had looked at what I went through. I suppose
5 that means it wasn't really properly funded.

6 **COMMISSIONER ERUETI:** Can I, again just for a point of
7 clarification, the files, is that with MSD rather than
8 the Confidential Listening Service in paragraph 200?

9 **MS MACDONALD:** No, the file initiated with the
10 Confidential Listening Service and they passed it on to
11 MSD.

12 Q. I think that's the way it happened?

13 **CHAIR:** It was a pathway into compensation.

14 **MS MACDONALD:**

15 Q. Is that right, Ms M?

16 A. I'm not sure, sorry.

17 **COMMISSIONER ERUETI:** That seems to be, I don't think
18 the Listening Service would have sat on it for three
19 years. It sounds like the amount of time it would have
20 been with MSD, I am assuming.

21 **MS MACDONALD:** Yes, that's probably right but we can
22 definitely follow that up and correct that.

23 Q. So, the Confidential Listening Service helped you with
24 something else, didn't it?

25 A. After I used the Confidential Listening Service to talk
26 about the abuse perpetrated on me, Judge Caroline
27 Henwood helped me get the information from when I tried
28 to lay charges against my adopted father who was a
29 Minister.

30 Judge Henwood got the Detective to tell me why they
31 didn't proceed. The Detective said the Police never
32 disbelieved me but because of my age at the time and my
33 other allegations, they had taken the decision that we
34 wouldn't win. The Detective said they would make a
35 different decision now and would prosecute.

1 I still don't understand this because the Reverend
2 had admitted it and there was no defence of consent. A
3 lawyer told me that the law in force at the time
4 included people under 20.

5 Q. And did you try to get any redress, to make any contact
6 with the Anglican Church?

7 A. I made some contact with the Anglicans in 2010. It
8 would have been after the 4th of September 2010 because
9 that was when the Confidential Listening Service gave
10 me contact with the Church and I remember I rung them.
11 The person said that because of the earthquake, there
12 are archivists just starting to sort through records
13 and will pass on the information and contact me when
14 sorted. I did not hear back but didn't follow-up any
15 further. That was 10 years ago. I would really like
16 to follow this up.

17 Q. And have you ever followed up with the other Church
18 that the Minister belonged to?

19 A. I have never followed up with the other Church about
20 the Minister who adopted me. I think he has retired
21 now. I know he was promoted to a higher office in his
22 Church.

23 I have thought about going back to the Police since
24 he was never charged and he admitted what he did. I
25 was so worried when I saw that teenage girl in his
26 house. But I think I never followed up again because I
27 am still scared of him. We tried to make a proper
28 complaint about our first foster father and just ended
29 up being laboured as liars.

30 I think I am so scared of the Reverend because I
31 didn't necessarily expect much from other men who were
32 supposed to be looking after me because every man had
33 abused me, but he was a Minister. I thought I could
34 trust him. And yet, he behaved just like all the
35 others.

1 Q. Can I just ask you, if you were to get any form of
2 resolution either from the Church of the Reverend
3 because just to clarify, the Reverend was a State
4 foster parent? You weren't placed with him through the
5 Church he was a Minister of?

6 A. No.

7 Q. But if you were to get a resolution from either the
8 Anglican Church who put you on the West Coast or this
9 other Church, how would you feel if the same thing
10 happened again and WINZ deducted benefits that you have
11 to live on?

12 A. I certainly would like to see a change, that no other
13 person coming forward, and if there was redress for
14 myself, that I would not be penalised.

15 Q. If you can go to paragraph 209.

16 A. If the State gives financial compensation for the
17 trauma and the wasted potential that left people
18 dependent on benefits, I would like it to be theirs to
19 do with however they choose. It is the final insult to
20 say, "We let you down and we are going to give you some
21 money to compensate for the fact you now exist on
22 benefits. But now we're going to take money off you at
23 the same time because you exist on benefits". It is
24 like all those years of blaming myself and being blamed
25 for things is repeating again.

26 I do not exist on benefits because I don't want to
27 work full-time, but because I can't work full-time. I
28 would have loved to have had a normal childhood, even
29 if it was in care, and to have had a career in
30 childcare or teaching. I might have been a lawyer and
31 working on this Commission, that's a bit of a thing
32 with Lorraine.

33 I do my absolute best to contribute to society in
34 lots of different ways. If I was not on a benefit,
35 then any compensation would be properly mine. If I had

1 wanted to go and buy a ring or go around the world, I
2 could have but it's like the State wants to constantly
3 remind me that I am not important and they are in
4 charge of me.

5 No compensation can magically make me whole again
6 and able to do a full-time job in child protection,
7 which is what I do part-time and what I love. Nothing
8 can put me back to how I might have been.

9 But any compensation should be for me. To
10 compensate me and let me do something that makes me
11 happy. Or let me do something that makes me feel a
12 little secure.

13 I think if the State is the cause of suffering and
14 trauma, then financial compensation should be given
15 without any strings.

16 I would like to be re-compensated for the money
17 wrongfully taken from me and the compensated for the
18 trauma of that process. I work really hard in my
19 recovery and as an example, my counsellor who has
20 supported me for some time now is stopping doing ACC
21 counselling as the reporting takes too much time. I'm
22 going to have to stop seeing her as I cannot afford to
23 pay her out of my benefit.

24 I have significant debt with WINZ. Every year I
25 submit my earnings and every year they tell me I owe
26 them money. No matter what my budget and mental health
27 peer support worker tried to figure out, through no
28 fault of my own, it again looks like I will be
29 penalised this year. So, I have no faith in a system
30 that has always caused me great distress and continues
31 to re-victimise me over and over again.

32 I think there were a lot of alarm bells that were
33 ignored. We should not have been left with the first
34 foster parents. The Anglicans should have checked up
35 on us. I should have been removed from the second

1 foster family. The Reverend should have been
2 prosecuted. But every time another thing happens and
3 the authorities take the side of your abuser, you just
4 think it's your fault.

5 I want to see change as I believe a lot of crap is
6 still going on.

7 I do not think that a complainant in a trial should
8 be labelled a liar just because the accused is
9 acquitted. I believe by "warning" all my foster
10 parents, those men were given a green light to abuse me
11 because they knew no-one would believe me.

12 Having had the Court case about the first foster
13 father set the course of Janie and I being separated,
14 branded as liars, instead of a system supporting us it
15 chose to vilify who we were and even in my case
16 continue to tell future foster parents to be wary
17 because I had made past allegations against men.

18 Q. Can I just ask you, you and Janie were separated. How
19 long were you separated for?

20 A. When we came from the coast? Well, she went on to meet
21 a family, she went on to meet another foster family who
22 adopted her and told her that we weren't sisters and we
23 weren't to have anything to do with each other.

24 Q. And she managed-

25 A. I think probably - Janie was adopted really quick as
26 well. She was maybe 17 and it was only like, we'd come
27 over from the coast after the Court case and Janie was
28 still under supervision and then she met this family
29 that eventually adopted her. But before even that had
30 happened, she had attempted suicide and, yeah, I can't
31 believe that this family was allowed to adopt her.

32 Q. That family made a point of keeping the two of you
33 apart?

34 A. Yes.

35 Q. If you can go to paragraph 224.

1 A. I have had to pay dearly. I have spent my life in
2 counselling, not able to work full-time due to my own
3 mental health, having a fear that God, the universe,
4 the divine, whatever you want to call it, might have
5 negative effects on me in the future.

6 I am not vindictive and am not doing this out of
7 hate. I am doing this so I can give Janie recognition
8 that was never given to her while she was alive.

9 I am doing this because I realised that I never
10 thanked her for trying as an eight year old little
11 girl, being abandoned by all adults in our home for a
12 couple of days, with me four years and my brother one
13 and a bit, left to take care of us.

14 I am doing this because Janie had the courage to go
15 to the Police on the coast and this in turn rescued me
16 from becoming a walking shell as I was so close to
17 being.

18 We were always judged and held to account for abuses
19 that weren't our fault. Our reputation preceded us,
20 only this reputation was false. Wherever we went, we
21 tried to be heard.

22 Janie would be here today doing this if the effects
23 of years of trauma hadn't taken her life at the age of
24 51. She would have stood alongside me to tell her
25 story.

26 So, this is my very heartfelt thanks to her and a
27 reclaiming of the frightened child who has found the
28 courage and support to say to the Minister who adopted
29 and abused me, "You lied about me, you shattered a very
30 thin veil of trust. I stand here today, and I put the
31 blame right back in your hands. How you take this and
32 make peace with it is your business but know that I
33 will no longer carry your shame".

34 Q. Thank you. Ms M, is that everything you want to say?

35 A. Yes.

1 Q. If the Commissioners want to ask you questions, any
2 questions, will that be okay?

3 A. (Nods).

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MS M

QUESTIONED BY THE COMMISSIONERS

COMMISSIONER ERUETI: Kia ora, I have brief questions. Thank you for your evidence today. I did wonder whether Janie, I know she went to the Police on the West Coast and that was very brave of her but whether later she approached MSD for redress or the Church?

A. We both tried to originally go to MSD and start the process of looking into getting redress through the Church, no sorry through the Social Welfare, and we couldn't get Legal Aid, we couldn't get Legal Aid to pursue it. And then she got sick and yeah.

COMMISSIONER ERUETI: I keep thinking through your evidence too about with redress, about how you often have to do this on your own or you might be guided by a lawyer, and whether there's a need for some sort of advocacy service to help survivors like yourself?

A. I think that would be really great. I think survivors, run by survivors would be really great, certainly something I'd be interested in if it ever happened.

COMMISSIONER ERUETI: Particularly in your case, we've seen this with many other survivors too who have been in both faith-based as well State-based homes, family homes and foster care, just knowing where to go to get redress, there's the Police, MSD, the Churches, some guidance would be helpful?

A. I think it would be and it's incredibly - it takes so much energy to fight a system that say that they want to show good faith and then you have to put yourself in their hands and think that they truly do want to show good faith, to find that that doesn't happen.

1 **COMMISSIONER ERUETI:** Yep. I see also in your evidence
2 that Judge Henwood and the Confidential Listening
3 Service, I mean that was part of what they did and I
4 see a lot happened after you met with them?

5 A. Yes.

6 **COMMISSIONER ERUETI:** That you were offered these
7 different channels, MSD and others, to seek redress but
8 we don't have that process anymore. Thank you so much
9 for speaking with us. Kia ora.

10 **COMMISSIONER STEENSON:** I just have one question.
11 Thank you for being here. You were saying that you
12 found ACC difficult to deal with, do you remember just
13 how long that process took, around abouts?

14 A. To get the payment?

15 **COMMISSIONER STEENSON:** Yeah, just through that kind
16 of—from when you started something in the 80s, was it a
17 few years or was it months?

18 A. It was Andrew that did it at the same time, arranged
19 it, but it wasn't easy and they certainly weren't keen
20 to pay any money. With that, what I would like to say
21 is when Janie was getting the independence allowance,
22 the day she died it stopped and I seem to think that if
23 there was a set amount that was set to pay somebody for
24 a lifetime for an independence allowance, then surely
25 the amount left over, the balance, should go to maybe
26 her legal partner. You know, if they've set aside a
27 certain amount of money that if Janie had lived she
28 would still be entitled to, yeah.

29 **COMMISSIONER STEENSON:** Thank you.

30 **CHAIR:** I've just got one question that relates to the
31 ACC. You are not getting counselling now, is that
32 right? Has that been stopped?

33 A. I'm getting—my counsellor has been using ACC
34 counselling but she's finding the reporting too much, I

1 guess, that it takes a lot of time and she's decided
2 that she's not going to be doing ACC counselling.

3 **CHAIR:** So, it's not a case of ACC saying you're not
4 entitled?

5 A. No.

6 **CHAIR:** It is a question of your current counsellor not
7 wanting to do it any further?

8 A. Yes.

9 **CHAIR:** So, it might be possible to get another
10 counsellor?

11 A. Oh, it would. I am just not sure that I am ready to.

12 **CHAIR:** That you are up to it because that is a
13 difficult thing, isn't it, to change?

14 A. Yes.

15 **CHAIR:** How long have you been with this counsellor?

16 A. About eight years.

17 **CHAIR:** It's tough. Thank you. I'm just going to
18 leave you now with Commissioner Alofivae.

19 **COMMISSIONER ALOFIVAE:** Good morning, Ms M. Thank you
20 very much for the way in which you've detailed your
21 experiences this morning. Thank you also on behalf of
22 the Commission for bringing Janie's story to life in
23 the room. It was very powerful to understand the
24 connection between yourselves but also just the ongoing
25 consequences and the impact that has followed you all
26 the way through.

27 It takes enormous courage and the very frank and
28 honest way in which you've shared and presented your
29 evidence this morning is well received by the
30 Commission, so we just want to wish you and your
31 supporters continued courage and strength as you see
32 this process out, and thank you for caring enough about
33 our nation for speaking up on behalf of others who
34 might not otherwise come forward.

35 A. Thank you.

1 **COMMISSIONER ALOFIVAE:** Thank you for that.

2 **CHAIR:** On that note, I think we'll take the
3 adjournment before the next witness. Thank you.

4

5 **Hearing adjourned from 12.30 p.m. until 1.30 p.m.**

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