

CHAIR: We'll effectively take the lunch adjournment now, it will be a very long lunch, but we will come back at 2.15 for Mr Wiffin's evidence. Thank you very much.

Lunch adjournment from 12.19 pm to 2.15 pm

CHAIR: Afternoon Mr Mount.

MR MOUNT: Good afternoon Commissioners. The next witness is Mr Keith Wiffin.

KEITH WIFFIN

CHAIR: I think I'm going to call you Keith. Would that be acceptable to you?

A.It certainly would.

Q.Keith, I need to ask you to read the affirmation which reads "do you solemnly, sincerely and truly declare and affirm that the evidence you will give before this Commission will be the truth, the whole truth and nothing but the truth?"

A.I do.

Q.Thank you. Yes Mr Mount.

QUESTIONING BY MR MOUNT:

Q.Good afternoon Mr Wiffin

A.Good afternoon.

Q.I understand that you're suffering from some fatigue this afternoon. Please be assured the process can move as slowly as you need it to move and if you need a break at any stage just let us know.

A.Thanks, and just for the assembled, I am suffering a little bit of sleep deprivation at the moment due to noise associated with accommodation, so I may at some point need to take a bit of a break. So that sleep loss has been over a three-day period now so it's affecting me.

CHAIR: Please let us know the moment you need to take a break, please.

A.Thanks for that.

QUESTIONING BY MR MOUNT CONTINUED:

Q.I think you have with you a copy of the statement dated 12 February this year?

A.Correct.

Q.Just for our record, can you confirm that the statement is true and correct to the best of your knowledge and belief?

A.That is the case to the best of my knowledge, it is true and correct.

Q.What we will do is read much of the statement so that people can hear it from you and at certain points I understand there are things you'd like to add and we'll just pause and let you add to those as we go.

A.Understood.

Q.Perhaps if we start at paragraph 3 where you talk about the purpose of the statement and the purpose of your evidence.

A."The purpose of this evidence is to detail my experiences of seeking redress for those abuses, the fundamental flaws in the process I experienced and the way I believe things should be done in the future".

Q.When you talk about those abuses, of course you gave evidence at our hearing last year and talked about the abuse you suffered at Epuni Boys' Home and at a family home, is that right?

A.That's correct.

Q.I'd just like to keep going from the heading "Background: [Your] experience of state care", so from paragraph 4?

A."My father died suddenly on his 39th birthday when I was eight years old, leaving my mother trying to care for four children with very little income or support. The loss of my father had a huge impact on me and I carried a lot of grief. My mother found it very difficult to cope and when I was 10 years old she approached Child Welfare to ask for help in looking after me".
If I could just expand a little bit. There were some minor behavioural difficulties with myself related to grieving for my father, but in good faith my mother signed the document which made me a ward of the state, thinking that I'd be cared and nurtured for. The complete opposite happened.

Q.Keep going from paragraph 5?

A."In November 1970 I was admitted to State care at Epuni Boys' Home. I was 11 years old. I didn't have frequent contact with my mother after that". And also, to expand, none of my other family as well.

"The culture of Epuni Boys' Home was violent and abusive. Fights and bullying were routine. I personally had broken bones and required medical treatment, including stitches as a result of fights. The records of this are in Hutt Hospital. In many cases fights were overseen by staff and staff also perpetuated violence. Many of the house masters were violent themselves".

My introduction to that violent culture happened in the van on the way out there on my first day. And it continued, that violent culture, from my first day as a State ward to my last day.

"At Epuni I was also sexually abused by one of the house masters, Alan David Moncreif-Wright. I was 10 or 11 the first time just to expand I was 11 when he found me an excuse to send me to my room and then later followed me in and abused me. He abused me on a number of occasions. I didn't tell anyone about this at the time because I was terrified of Moncrief Wright". To expand again, that abuse happened on a number of occasions, also over a prolonged period of time.

"I kept quiet about the sexual abuse that I suffered for most of my life. Many decades later I made a police statement about what Moncreif-Wright did. He pleaded guilty in 2011 and was convicted of eight sexual offences in the Wellington District Court, including five against me. The complainants were me and two other boys at Epuni in the 1970s.

It turns out that Moncreif-Wright had previously been convicted of three charges of indecent assault on boys under the age of 16 and two charges of attempted indecent assault in 1972. Just over six months after I was discharged from Epuni and while I was still in State care I now know that his offending was against boys who were also at Epuni and that Moncreif-Wright left Epuni around the time of these convictions. As far as I know there was no attempt to find out whether any of the others had been abused by him at the time. Certainly, I was never asked. In 1988 Moncreif-Wright was also convicted of serious sexual offending and he was sentenced to four years jail.

I was at Epuni for about seven and a half months before moving to a family home. The family home was also violent and I was physically abused by the carers' it says here. I would like to amend that and say the male guardian.

Q.Just pause there Mr Wiffin. Some people may not understand the context of a family home. Would you like to just explain that for us?

A.All right. So I would describe the family home so Epuni Boys' Home and their like, there was something like 28 or 29. They're up here. The family home structure lied one tier below it. Below that again was foster care. So there was all a crossover often between those who

had been in the boys' home and the girls' homes becoming part of the family home population.

And the culture wasn't a lot different in terms of violence, and I can give you an anecdote around that. On my first day in the family home at Titahi Bay, Porirua I was sitting in the lounge on my first day and waiting to meet my new family, if you like, and a boy came down while I was sitting on the floor and punched me in the face as hard as he could.

Now I'd never met him before in my life and I'd just come from Epuni Boys' Home where that was pretty much stock standard stuff. And I reacted and would be fair to say on this occasion he came off a bit worse. And I was punished on my first day there and then I said to him later on, the boy, "Why did you do that? I've never met you, I've never done anything to you". He said that "The kingpin told me to come down and try you out"; the exact same culture that I'd just left at Epuni Boys' Home. So whilst they were better, some of the same conditions existed, same culture.

I don't know whether that explains it, but yeah.

Q.Some people might hear the phrase "family home" and think of a mum, dad and two or three kids, something like that. But actually how many children from State care might be in a family home at a particular time?

A.Looking back probably about ten and they had their own children. So they had two of their own, a boy and a girl, and there were clear demarcation lines between their own children and the wards of the State. And so, for example, when you walked into the lounge you did not sit in that furniture. If you went on a car trip, you did not sit in the front seat, that was reserved for them, they had different food and so on. So they had their own kids, but they were also paid guardians by the State of us.

Q.So in terms of that three tier system you talked about, I take it a family home was better than being somewhere like Epuni but not as good as being in a foster home in general?

A.That's right, the jewel in the crown was to find yourself in a foster home.

Q.I think you were up to the phrase "later when I was 14"?

A.Right. "I did a second period at Epuni of about three to four months. I distinctly remember feeling relieved once I found out that Moncreif-Wright was no longer there. But the culture was still the same. I wasn't sexually abused in the second stage but I was aware that there were other kids that were being sexually abused".

If I can just give an anecdote of my arrival on the first day back at Epuni, and I remember it. I said to one of the boys, "Is Moncreif-Wright working here?" And he said no, and he knew who he was, but he said as part of his reply "Make sure your light's out at night and you'll have a better chance". And I knew exactly what he was referring to. So even though Moncreif-Wright wasn't there, there were other house masters abusing in the same vein.

Paragraph 11.

Q.Yes?

A."State care and the abuse by Moncreif-Wright had a devastating effect on me. The impact has continued through my life. I dealt with things in different ways. At time alcohol abuse was a problem. I was in denial for much of the time as a form of self-defense protection mechanism. As I got older it started to become a real problem for me. Depression, nightmares, often featuring Alan Moncreif-Wright and back in Epuni Boys' Home were part of my life. It was enough for me to try to get through life and pay the bills day-by-day. As it got worse I realised I had to do something to address the past.

Sometime around 2000 I toyed with the idea of making an approach to MSD, but I decided against it because I didn't have the trust that they would treat me reasonably, or that they would listen to me or believe me". Special emphasis on the last word, "believe me".

"This was the same department that had been responsible for my care when I was abused at Epuni and the family homes. And who had employed Moncreif-Wright". There was a fundamental, expanding on it, lack of trust on my behalf.

"In around 2003 I remember seeing media coverage about a case that Sonja Cooper argued on behalf of an abuse survivor. I decided Sonja might be someone I could trust. I contacted her and met with her in November 2003.

After I first went to Ms Cooper, there was a long process to establish whether I had a claim. I had interviews with lawyers from Ms Cooper's office and with psychologists. As I've said before, it was a robust, rigorous and searching process to determine whether I had a meritorious claim. I doubt any false claim would make it through the process".

And just to expand, it really was rigorous. I remember it well. I probably had three two-hour interviews, one with Sonja herself, one with one of her junior partners, and one with a contractor there to take my statement. And they would come back around points of clarification. They wanted to be sure, that's the impression I got. So yeah, it was very robust and rigorous, and taxing, emotionally confronting.

"We made requests to the Government for my records and we had to go through all the documents and apply for legal aid. I found the whole process difficult, even after my lawyer received my records it took me some time before I was up to looking at them".

Q.Just pause there for a second. We have here with us today a specialist in records.

A.Yes.

Q.I think you wanted to expand on the topic of records if that's all right?

A.Yes, well, I distinctly remember the day sitting in Sonja Cooper's office by myself looking at those records and just how confronting that was. It was a very lonely, painful experience reading those records by myself. Records are a very big part of our lives obviously. It's the first time that you sit down there and read them and you're reading about your life. And sometimes that can take a long, long time to come about.

That is because in part, in great part, the authorities do not make it easy for you. The deletions, the redactions and the destruction of records is a complete and utter obscenity. It is designed as a tool to obstruct justice, obstruct us getting the acknowledgment and to limit the Crown's liability.

Records for me also can form a very important part of redress. And that's what this hearing's about essentially. I think you know the person you're alluding to who's here and I have been working with people around records. And so they have developed models and prototypes, which can be mainstream if there's a will to do so, that will see things done much, much better; and in the interests of victims, not in the interests of the agencies' agenda.

So that means things like how they're written up, accessibility and support mechanisms being put in place for those who read their records. Very, very important, and for me an integral thing in redress. Paragraph 16.

Q.Yes?

A."My claim was filed in the High Court in April 2006. I didn't see a court case as the best option or first preference, but I didn't think I had a choice. There was nowhere else to go except directly to MSD and the Crown, the very people who were representing the perpetrators",

which is a very important point. That's part of the lack of fundamental trust. And as things played out, I think I was very vindicated in the levels of mistrust I had.

"In September 2006 I attended a meeting with managers from MSD at Sonja Cooper's office. I understand they were trying to get feedback from claimants in order to develop an alternative process to respond to claims. As I recall, there was no discussion about MSD taking responsibility for what happened to me. The suggestions seemed to be just to make token services available, for example the removal of tattoos, which was a service already open to many people at the time. They sent me some general reading material after the meeting but did not suggest any concrete way to resolve my claim. My overall feeling about the meeting was that this was the Crown trying to find ways to make claims go away with services that were already available. This was in keeping with what seemed to be the Crown's general approach of trying to avoid paying any monetary compensation and minimise its civil liability at all costs. In layman's terms and I actually said this at the meeting I think it felt like they were trying to buy us off with muskets and blankets.

In late 2006 I made an official information request to MSD. In response, the Chief Executive, the then Chief Executive Peter Hughes wrote to me and assured me that MSD treats any allegations of abuse or neglect seriously and works to investigate all claims lodged by former wards of the State. He said MSD was bound to deal fairly with every claim and to seek to settle with claimants where it was fair to do so, and that he would investigate the issues people raise around their past care and seek to respond fairly, regardless of the forum people chose to raise these issues they have with the care they received. In reality, the way things played out, these statements proved to be pure rhetoric and hollow in the extreme".

For me the investigation wasn't taken seriously. Once again, as things panned out, it came down to them wanting to protect and defend their own agenda rather than ascertaining the merits of what happened.

Q.The next topic is about a case called the *White* case. As Ms Janes explained this morning, we're going to hear from one of the plaintiffs in that case, Mr White during this hearing, but I think you had some possible involvement in that case, which you talk about from 19?

A.Mmm. "Through most of 2007 there was no progress with my case. However, the *White* case of two brothers who had spent time at Epuni was going to trial in 2007. I understood from my lawyers that it was the first case bringing complaints against a resident and that the result might impact on all our cases, so I agreed to give evidence about my experience at Epuni for the trial. We prepared a brief, but in the end I didn't give evidence as I was having a really difficult time at that point in my life, revisiting the details of my time at Epuni and the stress of the upcoming trial triggered an episode where I became very depressed, agitated. I felt suicidal, was unable to get out of bed in the mornings, and I was referred to a therapist through ACC who gradually helped me improve. Due to ill health, together with the death of my mother, which coincided with that trial, I was unable to give evidence in the trial.

The *White* decision came out in late November 2007. Although the court found that there had been some abuses, including sexual abuse by a staff member at a residence, the case was dismissed on the grounds of a Limitation Act and the ACC Bar. This was really disappointing to me as it seemed to me that the Crown were relying on technical defences to avoid taking responsibility for what had happened. The Crown's approach that brought an end to the *White* case may well have applied equally to me and many others, which in all probability is why the Crown spent so much time and money on the case".

This was seen as a test case, if you like. A sense that I got from it in terms of the Crown and their legal team was it was some sort of interesting game for them, new and different. For us, it was about our lives.

"Towards the end of 2007 I was told my case was going to be one of the next ones to go to trial. My lawyer started doing some preparation for my case, including tracking down information about Moncreif-Wright. For example, in November 2007 they wrote to Crown Law asking staff records and any information MSD held about Alan Moncreif-Wright. In February 2008 Garth Young – and Garth Young was the then National Manager of Historic Claims Unit – replied noting that there is nothing contained in Moncreif-Wright's staff file that relates to Mr Wiffin. Nor is there any information relating to allegations of physical or sexual abuse against Moncreif-Wright. There was no mention of Moncreif-Wright's prior criminal convictions for sexual abuse during the time he was at Epuni".

Q.Just pausing there for a moment. You said in the start of your statement that Mr Moncrief-Wright had been convicted back in the 1970s for sexual abuse against boys at Epuni?

A.Yeah.

Q.I take it you didn't know about that at the time?

A.Absolutely not. I knew from my own experience what Alan Moncreif-Wright was like. But I had no idea at all, and it wasn't until sometime later that he was actually a convicted paedophile. Not only that, some of those convictions stemmed from Epuni Boys' Home at the exact same time I was there. This information wasn't forthcoming. And to me that was withholding evidence to obstruct the course of justice.

"At the time the result of the *White* case weighed heavily with me. I did not want my case to be thrown out on the Limitation Act. Same thing that happened in the *White* case, the preparation for the *White* case had also taken a serious toll on me and I was worried about facing a trial, particularly if the Crown would not be held accountable because of the Limitation Act".

I did not want to lose that case for any reason and it was the Limitation Act that looked like the most likely reason why I was going to lose. And I looked at it not only in terms of my case, but the ramifications it may have for others.

It is an obscenity that the Crown uses such legal technicalities to hide the abuse of children. I'm hoping with the passage of time that that particular technicality will come under very close scrutiny, because we are supposed to be looking at this through the lens of morality and humanity not legal technicalities.

"I had a meeting with MSD on 24 July 2008. At the meeting there were three people in the room, one from MSD and two from Crown Law" and I do remember this well. "One of the two people from Crown Law started the meeting by saying 'I'm only here because someone else was sick'. That was his total contribution to proceedings. The other person didn't say anything at all. She just sat there with a disapproving, dismissive look on her face. Garth Young was the only one that spoke to me. I was sceptical but I had some hope that he was genuine. In hindsight the meeting lacked substance, although at the time I was optimistic and the meeting raised my hopes" and I probably shouldn't have allowed that to happen because it was certainly a false dawn.

"The following day I received a letter from Mr Young. It acknowledged that it would not have been easy to talk about the personal and hurtful matters I told him about. Mr Young

offered to help arrange a visit to Epuni, which I requested. The letter said that MSD would get back to me with a response as soon as they had further considered my claim".

In fairness to Garth Young, he did try and arrange that trip to Epuni. In fact he's done it on more than one occasion. I still have not made that trip to Epuni, which I still want to do, because it has been obstructed by other officials.

"The letter gave me grounds for optimism, the letter said MSD would get back to me with a response as soon as they had further, the letter gave me some grounds for optimism that MSD listened to me and I might get a fair response. I wrote a letter in response and tried to be positive with a view to getting an outcome to settle my claim and a visit to Epuni Boys' Home, even though I thought the process was fundamentally flawed. With my hopes raised by the meeting, I tried to remain positive and I had expectations that the claim would be settled and I could visit Epuni.

However, I didn't hear anything else from MSD for many months after that letter. The inordinate amount of time that passed by caused me a lot of anxiety. As we got closer to going to trial, my mental health again began to deteriorate. I had difficulty sleeping, was distracted at work and had flashbacks to specific events and nightmares centred around my time at Epuni.

Over the next ten months there were exchanges between my lawyer and the Crown about things like expert psychological reports on me and my complaint to the police about Moncreif-Wright. As part of that the Crown said that if I proceeded with the criminal process, they might be unable to speak to Moncreif-Wright or otherwise investigate the allegations against me.

This led me to believe that the Crown wanted to speak with Moncreif-Wright and would do that as part of their investigation unless I proceeded with a criminal complaint. My lawyer responded a week later and said I would not be proceeding with a criminal complaint at this stage. From my perspective, this cleared the way for Crown Law to speak to Moncreif-Wright. I fully expected them to do that". Which didn't happen.

It's probably an opportune time just to remind some people who may be watching that I have done a restorative justice meeting with Moncreif-Wright and it was quite clear to me that nobody from the Crown had ever been anywhere near him in relation to his time as a house master at either Epuni Boys' Home or Hamilton Boys' Home.

"In March 2009 I still not had a response to my meeting with MSD so my lawyers made an offer in an attempt to settle the claim, because(sic) my case went to trial. My lawyers pointed out that much of the claim related to the period before the ACC Act and the main perpetrator Moncreif-Wright had convictions for sexually abusing boys during the relevant timeframe. In addition, the staff members who physically abused me at Epuni had been the subject of negative findings in the High Court in the *White* trial.

Crown Law responded saying they were still investigating. Garth Young also emailed to say that a considerable amount of work had been done on my file since the meeting and Crown Law should be in touch very soon on a settlement offer.

On April 1, 2009 Crown Law sent my lawyer a copy of Moncreif-Wright's previous criminal convictions. The letter said the Crown was not required to provide these to me but MSD was happy to provide the information. The conviction list showed Moncreif-Wright's conviction for sexually abusing young boys around the time he abused me as described above. Victims of those offences had been at Epuni at the time. I still do not know why the

Crown had not provided Moncreif-Wright's previous convictions to my lawyer earlier. For example, when she asked for any information held about Mr Moncrief-Wright in 2007".

Q.Just pausing there Mr Wiffin. For your information, we will have an opportunity to ask Mr Young of MSD about that later in this hearing when he comes to give evidence.

A.Right. Well, the bottom line here for me is that they knew about him. They tried to keep it from me and they should have helped me along with all the other victims known and unknown to investigate his time. This is a person who is a very serious abuser, who has created many victims, some of whom are only just starting to come forward now. And I met one recently who, like me, is 60 and in the last six, seven months he's spoken of the abuse for the first time. He reached out to me. He has suffered very serious abuse and he is suicidal at the age of 60.

Moncrief was allowed to get away with these things because of the serious systemic flaws and values in the system that allowed it to happen. You just cannot get away with the scale of abuse that has happened at his hand without there being serious problems with the system itself.

Q.Just pausing there, Mr Wiffin. Am I right that you had particular concerns about the earlier phase of Mr Moncrief-Wright's employment with the education system and that you have a particular hope of what the Royal Commission might do?

A.I do have concerns. I have certain information, bearing in mind I have spoken to Alan Moncreif-Wright that he was offending before he arrived at Epuni Boys' Home in a similar institution in Hamilton. It's my belief that he was allowed to quietly slip away, reoffend and create victims because of the reckless and negligent conduct of the administration at the time.

It is my further hope that the Commission will look at these things thoroughly and get to the bottom of them. There's a perception out there that maybe this is the only sort of stuff that happens in the Catholic church maybe in far off lands. It's not the case. It's a misconception. It's happened here.

"The following week on 9 April 2009 almost nine months after my meeting with MSD, I received a letter from the Crown. It said that the Ministry didn't believe my account of the physical assaults I received and would deny and defend them. It said that the Ministry accepted responsibility, sorry, the Ministry acted responsibly and that it gave my case close and diligent attention over many years. They made an offer to acknowledge that my time in care was difficult and to contribute to counselling costs not covered by ACC. There was no explanation for the conclusion that my account was false. There was no acknowledgment of the sexual abuse I suffered, only a statement that even if it did occur as I said it did, I would face considerable legal hurdles in the form of the ACC Bar and Limitation Act. In essence, it was a rejection of my claim".

Q.Just pause there Mr Wiffin. We have a copy of that letter on the screen. If we could zoom in on paragraph 3 please. You'll see the statement about the allegations of physical assault?

A.Correct, yeah.

Q.Your reaction to that?

A.They happened. And what I would like to remind the Crown is I was there. The two house masters were notorious for assaulting kids at the home. They were to be feared, one in particular and I mentioned this just the other day to someone had the worst temper I've ever seen on any individual anywhere. A small, angry man who, when he lost his temper, just lashed out. And I'm talking fists, no problem to him.

And I remember, I remember well giving an example of what happened to me by this person, that I was a very small boy and I was trying to control in the hallway an industrial polishing machine. And I don't know whether any of you have used any of those, but they're not the most easy thing to control at the best of times. I lost control a bit and I put a hole in a wall. [GRO-B-1] saw this and he attacked me. It's something I will never ever forget.

These were the people for me personally who were the most violent. Interestingly enough, I asked Alan Moncreif-Wright, I spoke to him, I said "In your opinion who was the most violent and abusive of the house masters at Epuni Boys' Home when you were there?" And he did not name either of those two. He named someone by the name of [GRO-B-2].

Q.We're going to take a brief pause if we may, Mr Wiffin. There's nothing you've done wrong at all, but we're just going to take a brief pause in the evidence if that's all right?

A.Sure.

MR MOUNT: Can we have a short adjournment please?

CHAIR: Yes, certainly.

Adjournment from 3.03 pm to 3.38 pm

CHAIR: Yes Mr Mount.

MR MOUNT: Commissioners, Madam Chair, thank you for that adjournment. I emphasise to Mr Wiffin it's absolutely nothing at all that he has done wrong, but we were taken by surprise by the mentioning of two names. In fairness to those two individuals who hadn't given any prior notice that their names might be mentioned in this public forum.

What I will do is seek and order under section 15 of the Inquiries Act to prohibit the publication of the names "[GRO-B-1]" and "[GRO-B-2]" in connection with Mr Wiffin's evidence today. In the transcript those names will simply be removed and perhaps replaced by a random letter, something like that. But I seek that order, I don't anticipate there'll be any opposition from anybody in the room, but I'll be grateful for that order.

CHAIR: Ms Aldred, did you wish to make any submissions in relation to that?

MS ALDRED: No Your Honour.

CHAIR: I'll use the wording of the Inquiries Act. Under section 15 I make an order forbidding the publication of the names and any identifying details of people called "[GRO-B-1]" and "[GRO-B-2]" in connection with the evidence given by Keith Wiffin.

MR MOUNT: As the Inquiry pleases, thank you very much Madam Chair.

CHAIR: Mr Mount.

MR MOUNT: Again just for the benefit of those in the room, we paused the live stream while we dealt with that technical matter. The live stream is now free to resume.

QUESTIONING BY MR MOUNT CONTINUED:

Q.Mr Wiffin, we were looking at the letter dated 9 April 2009 which was a response on behalf of MSD to your settlement offer. And we were talking a moment ago about the paragraph that dealt with physical assaults. We now have on the screen paragraph 4 which responded to sexual assault allegations. You'll see the reference to "considerable legal hurdles that you would face". Your response to that and particularly the reference to the legal hurdles that the Crown said you would face?

A.To me this was very, very hurtful and very insulting. And it just seemed to me that here was the Crown implicating a senior Crown lawyer implying, rather, not implicating, implying that in all likelihood Mr Wiffin did suffer sexual abuse at the hands of this person, but also there is

an implication there for me personally, not only would I face considerable hurdles but they would be happy to use them.

So for me, simply put, this was protecting and defending one of New Zealand's worst child abuses in the name of their own agenda. The agenda is about one thing, limiting at every step possible the Crown's perceived civil liability and to try to deny meaningful compensation to victims. That was the imperative. It had nothing to do with morality, humanity or ethics.

Q.If you go to paragraph 32 of your statement, you've already made some of the points that you spell out in 32. Perhaps if you just check if there's anything else you want to say on that before moving on to 33?

A.Just a small thing, I suppose, that the ACC Bar. I don't necessarily think would have applied, because the abuse that I suffered was pre-74, before that Act came into power. That's the only thing.

Q.Would you like to pick it up from 33?

A.And I do remember this well, "I don't remember another point in my entire life when I have been that angry. I was so angry I couldn't respond for some time. I felt like the whole process was a waste of time and completely justified my suspicion of the Ministry of Social Development. I rejected the offer which in essence was no offer at all. In substance, no more than a dismissal of the claim. I decided to withdraw my case and wait for a day where something would be put in place to hear my claim in a fair and just manner".

In summary, it wasn't about getting to the truth, it wasn't about assessing whether I'd been abused or not. It was about defeating me in the name of the Crown's agenda.

Q.The next topic you discuss is a 60 Minutes documentary I think you were asked to participate in?

A.Mmm, I remember that well as well. That was also a confronting thing. It was my first time in the media relating to this subject and it was quite a big deal. It was a 60 Minutes documentary. The narrator was a guy called Rod Vaughan.

"The interviewer interviewed myself, Mr Moncrief-Wright as well as Garth Young, the then National Manager of Historic Claims who had been responsible for my claim at MSD. Through the process, I learned that MSD had not even interviewed Moncreif-Wright in its investigation into my claim.

I was shattered to learn that MSD's investigation of my case had been so incomplete. The Crown's letter in September 2008 had led me to believe they would be interviewing Moncreif-Wright and I could only speculate as to MSD's motives for failing to speak to Moncreif-Wright, particularly when they knew he had convictions for sexually abusing young boys in the same period as the abuse against me. I had made serious claims against Moncreif-Wright. Why did the Crown not speak to him? MSD and Crown Law gave me the clear impression that they had done a thorough investigation on the claim. As it turns out, the investigation was anything but thorough because they had failed to ask questions of Alan Moncreif-Wright, my principal perpetrator".

I remember the making of that documentary well. After the first programme, which was about the survivors, four of us, I ran into Rod Vaughan and he said "I'll be interviewing Garth Young next week" and he said to me "If there's one question you'd like to ask him, what would it be?" And I said "Ask him if he, or anybody else, went and spoke to Moncrief about my claims". He asked him that question, which never went to air, but I remember it well because he rang me up at work straight after the interview and said "I've asked him that question and he looked stunned. He paused for several seconds and at the end of it he said 'no, we did

not.'" In response, Rod Vaughan said "How can your process have any integrity at all when you're not going to talk to him about these claims?" In response to that, Garth Young immediately said "We will reopen his case immediately".

If there's any doubt about that, because as I said it didn't go to air, I took the liberty earlier on this year of ringing Rod Vaughan and asking if he remembered it. And he remembered it well and he said to that "If you want me to come down to that Royal Commission of Inquiry and testify I will most definitely do that".

Q.And again, Mr Wiffin, Mr Young will have an opportunity to answer any questions about this when he comes to give evidence as part of the process coming up. I think we're up to 36 now.

A.As I alluded to just earlier, "I spoke to Moncreif-Wright in a three-hour restorative justice meeting around 2011. At that meeting the facilitator produced a 30-page document signed by Moncreif-Wright". Once again, "it was clear to me that no one at the Ministry or relevant Government agencies ever interviewed Alan Moncreif-Wright to find out the full extent of what he did and to whom, or to understand the systemic nature of the abuse at Epuni.

Moncreif died in June 2014 after being charged with further sexual abuse offences against children".

So I might just elaborate a bit on that if I can. Alan Moncrief-Wright had said to me, and signed to this in front of a witness, that he would ask further questions from me in the future; not only that, that if there was ever an investigation or an inquiry, he would come there and testify on our behalf.

I went back to Alan Moncreif-Wright through my facilitator in Tauranga on a particular day to ask him more questions. The facilitator got back to me and said "I have spoken to him and he said 'I agree to do that with him and I will'." And I gave him those questions.

On the very same day, unbeknownst to me, the police also went to him and laid a whole lot more charges against him. The one thing I definitely knew about him is that he was not keen at all to go back to prison where he'd been. And this time, if convicted, he would never see the light of day again, given his previous record.

GRO-C

GRO-C

That hit me hard. There was a variety of emotions from there. I've spoken to the police about that and the police were really good. They actually said to me, "Had we known you were going there we would have delayed by a day or two". And they offered for me to look at his file. But I have absolutely no doubt that he actually would have come here and testified.

Q.The next topic was the Confidential Listening and Assistance Service from 38.

A."In around May 2010 I met with the Confidential Listening and Assistance Service, CLAS. I had initially been sceptical of CLAS because of its limited terms of reference, but I heard feedback from participants who had found the process respectful and beneficial".

I participated and I found that myself. It was very well run by empathetic, non-judgmental people who did so against the background of not being able to do much because of the very restrictive terms of reference it operated under.

Judge Henwood, who ran it, was, in my opinion, fantastic. And she was moved enough by my own presentation to write to the then Chief Executive, the Ministry of Social Development, Peter Hughes, and complained about the way I'd been treated in terms of trying to get a redress.

"I found the process much more respectful than the meeting I had with MSD. I felt that Judge Henwood and the panel cared about what I had gone through and wanted to help".

And as I've alluded to, "Judge Henwood asked for copies of the correspondence with MSD and said she would write to the Minister about my case".

Just on the Classified Listening Service, the Classified Listening Service

Q.The Confidential Listening Service?

A.Confidential, sorry, saw 1,100 victims over approximately seven years I think it was. Could have seen a lot more, but it was shut down. And the information gathered, unless you had a video copy, as I understand from reliable information, was destroyed.

That also hit me really hard, and because it was my hope and the hope of others that that evidence could be presented here by those who didn't want to tell their story yet again. In some cases that's no longer possible.

So I have a great deal of respect for all those people who ran that service and it was diametrically opposed to any other process run by a Crown agency.

Q.The next heading "A change in approach and a Crown offer". Would you like to pick it up from 41?

A."In 2010 I got a letter from Garth Young from MSD saying that they were reviewing some files and making some further inquiries into my case. They wanted my permission to access some of my files held by a school I went to". That school was Mana College. "I refused. I was still furious about the dismissal of my claim and I had no confidence in the integrity of any MSD process. I did not think the Ministry was capable of conducting a fair, impartial or reasonable investigation of any kind".

Q.Just pause there, Mr Wiffin. You describe yourself as furious. I think we have a copy of the letter that you wrote out in your own handwriting in response to that request to access your school records. I think we'll be able to make that larger in the top half. If you're still able to read your handwriting, would you like to read that to the Commission?

A.Sure. And this, before I do, is the raw response of a very angry person. And it's addressed to Garth Young, National Manager Care and Claims. "In response to your letter dated 27/01/2010, firstly Garth, you haven't reopened old wounds because they have never been closed. I am primarily writing to you to tell you that you don't have my consent to approach Mana College about my records and I have gone to the extent of meeting with the principal to make sure it doesn't happen. In fact, you don't have my consent to do anything, and to be perfectly blunt I don't give a rat's arse about your review. It will just be another waste of tax payers' money and I'm sure you will find a way to come to the same ludicrous and insulting conclusions.

In my opinion it's my opinion that you have caused a lot of heartache and damage and in the eyes of many you and your unit are thoroughly, are a thoroughly discredited outfit. You will only ever be part of the problem, never the solution, and as my counsellor said to me when she saw you on TV, you're a man covered in mud and I couldn't agree more.

I'm sure one day there will be an independent body set up that will hear our claims with objectivity and integrity, two words not synonymous with your process. When this happens I will be able to present evidence of your appalling behaviour towards us.

So in summary, I find you to be a devious, untrustworthy careerist and if people like yourself had genuinely wanted to tackle and solve the problem it would have been done, it would have been resolved a long time ago. Because it's just not that hard.

So I have no desire to have anything to do with you or your unit again. I don't see the need for you to reply to this letter and that is my preference. If you do write at any stage, please send it care of my lawyer. She has a copy of your letter and you know who she is.

Yours sincerely, Keith Wiffin".

Q. Again, we'll be able to check with Mr Young, but is it your understanding that the letter was sent to him?

A. That is my understanding.

Q. If we come back to para 42 of your statement?

A. "Then in August that year out of the blue I received another letter from MSD through my lawyers containing an apology and a cheque for an ex gratia payment of \$20,000. There was no explanation given for what had changed. I had not provided any further information or evidence but the Ministry had assessed my claim. There was no explanation for how the Crown had calculated the amount of payment offered or what part of my claim they now believed. I suspected then and I still suspect now and I do that the change of heart was driven by increased pressure on MSD as a result of the 60 Minutes documentary, letters from Judge Henwood, recent attention on the matter in general from the United Nations and the efforts of my lawyer Sonja Cooper.

The letters included apologies for what happened while you were in care, the abuse you suffered and for the handling of the claim. Despite my suspicions about the motives of the letter, at the time I appreciated the apologies which had a measure of sincerity about them. The apologies quelled some of the rage I had been feeling, my sleep improved, and I felt less of the sadness that had dominated my life for so long".

If I could just elaborate on a bit of that. It did. I'd had nothing up until that point but resistance. But it still left many unanswered questions and in terms of quelling my rage, it was something tantamount to taking two strong Panadol for a migraine. It took the edge off it, but it never entirely went away. Because the apologies didn't accept responsibility for me, because they didn't acknowledge the abuse of Moncreif-Wright and other things. And I've jumped ahead a bit there, but yeah.

"The letter still fell short directly of acknowledging what Moncreif-Wright and other Epuni staff members did to me, and they did not take over all responsibility. And the amount I received was much lower than the amount my lawyers had assessed as reasonable in the offer we made.

I would not have accepted this offer at all had I known what I have since heard about the extent of Moncreif-Wright's offending". I've alluded to this earlier. "I have strong suspicions that Moncreif-Wright offended at a boys' home in Hamilton and that the managers allowed him to leave the Hamilton home and work at Epuni in full knowledge of his offending and in order to move him on quietly without due care for the actual and potential victims of his offending.

In my mind today, I still have not received full and final settlement".

There is no doubt in my mind that that is what has happened. So I have unfinished business with MSD. I will be going back at some stage. But I have to say that when I do, it is most definitely not about money, it's about to get the acknowledgment of what happened.

Q. Over the page, the next topic is about your complaint to the police about Mr Moncrief-Wright.

A. "I had been considering making a police complaint for many years and initially spoke to police in 2008. I didn't make a formal complaint as I wasn't sure that I could secure a conviction. I had some lack of trust in the police and I knew that the criminal process can be difficult, unpredictable for sexual complaints. I didn't want to go through a police process unless there was a good prospect of a conviction. I was then approached by police in 2010 as a potential

witness after complaints were made by other people. The Detective put no pressure on me, but wanted me to participate. Initially I was reluctant, but eventually I gave a statement. In contrast to MSD, the police were compassionate and respectful, and believed me. I felt supported by the police at every stage of the process. In the MSD process, conversely, I felt on the back foot from the beginning. I was looked at in their process in a disbelieving manner from the start. In the criminal process the police wanted Moncreif-Wright brought before the courts. That was reflected in the diligent and determined way they set out finding him". And at the time it very much felt like he was on the run and hiding. He was trooping around camping grounds in the south island and they did a good job in locating him.

"In 2011 Moncreif-Wright pleaded guilty to sexually abusing me. He was convicted and sentenced. Unfortunately, the original intention of a court-ordered restorative justice process did not occur. But the police helped me to arrange a private restorative justice process, which worked well for me. And the police deserve credit for helping to arrange that and the way they handled the case in general.

My experience did not reflect well on the Crown Solicitor's office in my view. There is more I could say on that topic, but it is not directly relevant to the present statement. Unfortunately, it is consistent, though, with my overall experience of the Crown".

I am going to make one comment about that. The police were fantastic. At one stage I wanted to ask the Crown Solicitor whose side are you actually on? And I got the impression that maybe the police wanted to ask him the same question. And I'll leave it at that.

Q.We're on to the heading "Overall comments on the redress process" at 52?

A."I really felt like the whole process lacked integrity and objectivity because of its lack of independence. MSD's starting point was to be suspicious and disbelieving of the claimants. I felt like we had a very high and unreasonable threshold put in place to prove our claims. At the same time, MSD seemed to be proactive protective, rather, of its own staff. Even those with criminal convictions for abusing children.

I tried to give the MSD process the benefit of the doubt, but my distrust was justified. While I was told that my claim was being investigated I saw nothing of the investigation, only the result that they would deny and defend the allegations I have made. There was nothing I could do to dispute their findings, except to go through with a trial".

So there was no appeal process and then I was faced with looking at that court situation again and those legal technicalities.

"I still struggle to believe that in the whole investigation no one spoke to Moncrief-Wright. Crown Law and MSD knew that Moncreif-Wright was a convicted paedophile. I believe that this was because they were worried about what else they might find out if they did talk to him, in particular whether he would corroborate my claim".

I also think that they believed in all likelihood other victims of him existed and that's another thing that they were always keen to protect is setting precedents.

"The way the Crown relied on the Limitation Act to win these cases, even against deserving claimants, seems to be a way of dodging responsibility. The idea behind the Limitation Act offence is that child abuse claimants should be expected to sue by the age of 22 or 26 years with leave from the court.

In my case that would have meant filing a suit in 1981 when I turned 22 years old. That idea to me is completely unreasonable. There is no way I could have considered bringing a claim at that time. At that age I didn't recognise the damage those actions had on me, ironically largely

because of the effects of the abuse itself. It took me until I was in my 40s before I could begin to process the effects of the abuse I suffered. Even then, there were times when I struggled to follow through on a claim, even though I really strongly believed that the Ministry should be held accountable for what happened to me.

What shone through in all my dealings with the Crown over redress was their focus on protecting the Crown's perceived civil liability, and their resistance to giving meaningful compensation to the victims. For me, the Crown reduced the issue to one of money, paying very little or no consideration to morality, ethics and humanity, and without any real genuine compassion for the victims. Anything that was given by the Crown was given begrudgingly. It had to be prised out of them even when there was compelling evidence to support the claim".

To elaborate, it's my strongly held view that if they could treat me in the same way as they treated me then in their dismissal of my original claim, they would do it again. They were caught out. There was no genuine empathy. And any so-called improvements would have been, would have occurred because of pressure brought to bear, in particular a campaign by Sonja Cooper law.

Q.58?

A."One of the great and sad ironies of all this is in the pursuit of that objective, not only was the Crown's conduct thoroughly disrespectful and contentious of the victims, it also needlessly cost the tax payers a fortune. If it had been dealt with constructively from the beginning, it would have cost a lot less and would have shown compassion and respect for the victims, something they thoroughly deserve. Today, because of the Crown's approach, we still substantially don't have resolution".

And as an anecdote to that, in 2003 I became a client of Sonja Cooper Law. At the time there was less than 50 of us. Fast forward to 2020, she has a client base approaching 1,500. What improvements? What have you done? You have had ample opportunity to do something about this. All those years later substantially we still have the problem on the table because of your contemptuous disrespectful approach. This approach continues today.

All right.

Q.We're on to your heading "The way forward".

A.Can I ask for a 5 minute break?

Q.Of course you can.

CHAIR: We'll just take a short break.

Adjournment from 4.20 pm to 4.32 pm

CHAIR: Are you ready to go again? You are, good, thank you. Yes, Mr Mount.

QUESTIONING BY MR MOUNT CONTINUED:

Q.Just before we move on to the final section of the statement, was there something else you wanted to say about the police process?

A.I did and I found this really interesting and it pointed to the humanity of this subject. During the course of the investigation at one point the Detective said to me, "Can I take my policewoman's hat off for a minute?" And I said "Yeah, of course you can". Bear in mind there were two others involved with me in terms of getting those convictions. She said, "I get it now. GRO-B-3 when he was a young fella, only ever wanted to be a captain in the army. But for going to that rotten institution, he probably would have been. Now, he is a gang member with a criminal record 15 pages long".

And that was it for me as well, and coming from the police it had quite significance because you can extrapolate that example out over hundreds if not thousands. Another example would be Arthur Taylor, who's well known, was in Epuni Boys' Home same time I was. You see the talents he has. He went there for some very minor infraction at school. But in Arthur's case, as in a lot of cases, a short stay at Epuni Boys' Home turned out to be a life sentence. There is a seamless transition between incarceration in those youth institutions into our adult prisons. It absolutely underpins our adult prison population.

The responsibility for that lies with the Crown. They have played a big development themselves in our gangs, our prison population and our welfare dependency by not looking after kids in care. The systemic faults and failures that led to the scale of this, overseen by the Crown of course, has had a massive impact on this nation. They got it so very wrong in the first place and now we reap what we've sown. That's all.

Q.We'll come back then to that final section starting from 59.

A.As you will have heard me here, I have been harsh on the officials around this. That's because I think they thoroughly deserve it. They've let us down, they've let the country down. But when I criticise, I do like to think that I can offer options as to how it can be done better. And there's no doubt in my mind that it can be.

"There needs to be a different approach to this from now on if there is to be resolution. This requires officials in the relevant Government agencies to engage with us constructively to put things in place that will deal with the historical element. Also giving those in care now better options for the future than we had".

A massive part of redress for victims of historical abuse, which they all have in common, no matter what the differences may be about what redress packages might look like, the one thing they all have in common, and is the most important thing, is that the generations of today and tomorrow don't suffer like we did. Nothing breaks my heart more to see the continued appalling rates of abuse coming out of those homes and institutions today. The historical and the now are inextricably linked. We have not learned from the past. To effect, to help effect better outcomes for those that are in care, you must recognise the historical.

"It is clear to me that this Government now wants a different approach and wants better outcomes for those affected. The recent Cabinet paper released by Minister of State Services Honourable Chris Hipkins indicates that. The general tenor of that document is to put forward different ways of seeking resolution. There seems to be a desire to take claims out of the courts and put in a fair and just claims process that victims can have faith in and to substantially speed up the process".

Q.Just on the screen, Mr Wiffin, there is an excerpt from the Cabinet Committee paper that you're referring to. You'll see in paragraph 8 reference to a change in terminology from a Crown litigation strategy to a Crown resolution strategy. What significance, if any, do you see in that language?

A.Well, it is the way forward. The sentiments expressed in that document are what needs to be put into practice. The problem I see at the moment is that those sentiments, and that will of Government, is not reflected in the actions of the relevant Government agencies. They are still travelling along in the same vein as far as I can see. Which will lead to no solution, because that is about a fight. And I know there is another court case set down for June next year, it could go as long as 16 weeks, and those terms of engagement are because of the resistance and the (inaudible) of the Crown.

This is not about a fight. That's what the courts are about. They are adversarial and they are about the Crown's agenda of wanting to protect their perceived civil liability. It needs to be taken out of that and an independent claims process needs to be put in place.

Q. Does that take us to 61?

A. It does and I've kind of covered it. Because there is a desperate need for officials in the relevant Government agencies to adopt a new and enlightened attitude. In essence, you still have the opportunity to cover yourselves in a bit of glory and I would urge you to take that by embracing that document.

"There are some key points that I think need to be taken into account when developing a system that survivors can have faith in.

The starting point has to be proper and full acknowledgment of the abuse that has occurred. It is very important that this happens because it would indicate a change of attitude on behalf of the relevant Government agencies and would make dialogue possible.

Secondly, and very importantly for me personally, any claims process must be independent of the Ministries and agencies who represent the perpetrators and who themselves are liable for the abuse. Otherwise the agencies are effectively investigating themselves. And I believe my experience shows that agencies cannot be trusted to do so objectively.

The independent claims process should have a victims' representative. It needs to have a mandate to fully investigate claims and make findings about what happened so that instances of abuse can be properly acknowledged and addressed. The Government agencies must be involved, but the final arbiters of what abuse we suffered and what the agencies should be liable for must be from outside agencies".

In our case in this country, Aotearoa, we have an opportunity because of what's happened in other jurisdictions around the world. They've had their inquiries, they've done similar things in terms of redress. So we have the opportunity to look at those things and bring it back to our own local conditions. A lot of the work's already been done. It just needs to be incorporated into our own conditions. In particular, for example, recognising Treaty of Waitangi imperatives.

"Thirdly and also a very important point for me further redress should not be reduced solely to the issue of monetary compensation. Redress means many different things to different people". And I alluded earlier to the most common and most important thing, that being we don't want to see what happened to us happen to future generations. "For me, redress is about restoring the wellbeing of those people affected. This means their health and their broader needs. Things like counselling, education, housing, an overall package needs to be developed to look at the wellbeing of those historical victims. The package could include mechanisms for accessing, as I spoke of before, personal records, and access to restorative justice type processes".

And I have just spoken about it. So I've jumped ahead a bit, about some of the things that have been done in overseas jurisdictions, but I'll read it again.

"There should be serious consideration of the redress models adopted in other similar countries, particularly Australia, Northern Ireland, Scotland and Canada. For example, Scotland has enacted what they call the advance payment scheme, for survivors of abuse in care who are over 70 or who have a terminal illness. This is something that needs to be instituted here. My starting point would be a bit lower than that, 60 or 65, in my strongly held view. Many

redress schemes in other countries also consider the wellbeing of the survivors in a broader sense than just money, as referred to above".

I've also mentioned in paragraph 68 the importance of restoring some peace of mind and closure to victims of historical offending, is having things put in place for those who are in care today".

It can't be emphasised enough. I recently met that victim of Alan Moncreif-Wright and when I told him of the appalling rates of abuse, he just broke down. And up until that point - and I met with him for two hours, he had remained composed. An injury to one is an injury to all of us, including today's children.

"That, once again, means having effective dialogue between those affected and the relevant Government agencies. Up until this point it has been difficult to have meaningful dialogue because of the lack of trust due to the approach that has been taken by the agencies so far". Thank you.

Q.Mr Wiffin, thank you very much. My suggestion, if you are willing, would be to invite the Commissioners to adjourn at this point and for us to return in the morning to check whether there are any points that you would like to come back to. I'm not suggesting there will be any that you've left out, but perhaps with a better night's sleep tonight there might be some further points you'd like to make?

A.Any sleep at all would be appreciated, and yes, I think that's a good idea.

Q.Certainly if you would prefer to leave it at that tonight that would be fine, but if you're willing to come back tomorrow and if that's your preference I'm sure the Commissioners would

A.More than happy and I would want to.

MR MOUNT: Madam Chair, would that be suitable to the Commission?

CHAIR: It certainly would, it's most appreciated, Keith. It means you have another night, but I do hope, as we all do, that you can have some rest and come with a clear brain in the morning. You're under no obligation to add anything unless you want to, so you'll be able to reflect on it overnight. Thank you very much. You can stand down for the moment, thank you.

Before we end today, I take it that's the end of today's proceedings?

MR MOUNT: It is, thank you Madam Chair.

CHAIR: Yes, can I just acknowledge, as I must, the immense work that's been going on silently by the stenographer and by our signers who have worked as an extraordinary team today. Also, thanks to the interpreter who appeared this morning. Apart from that, it's time to end the day and we will adjourn until tomorrow.

Hearing closes with karakia mutunga and waiata by Ngāti Whātua Ōrākei

REGISTRAR: This sitting is adjourned.

**Hearing adjourned at 4.52 pm to Tuesday,
22 September at 10 am**

1 **Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei**

2 **(10.00 am)**

3 **CHAIR:** Morning Mr Mount.

4 **MR MOUNT:** Kia ora tātou, good morning Commissioners. As you can see, Mr Wiffin is with
5 us again this morning. He has reflected overnight and there are three or four additional
6 matters he would like to discuss today if he may.

7 **CHAIR:** Of course, he may. Good morning again, Keith. Welcome back and you just remain on
8 the affirmation that you took yesterday.

9 A. Understood.

10 **QUESTIONING BY MR MOUNT CONTINUED:**

11 **Q.** Mr Wiffin, good morning.

12 A. Morning.

13 **Q.** As I said a moment ago, I think there are three or four topics that you wanted to expand on.
14 Am I right that the first of them follows from the *White* trial that we were talking about
15 yesterday and, in particular, the Crown's use of private investigators connected with that
16 case?

17 A. That's correct, and I was going to raise that yesterday and it kind of slipped under my
18 guard. So, in relation to that, and that is an issue around trust and to have a constructive
19 working relationship with the Ministry in terms of seeking solutions that relationship has to
20 be based on trust. And sadly, at the moment for me personally I still have the very same
21 levels of mistrust now as I did then.

22 And an example of that and the reason why I do is that in 2007 I became aware in
23 my street in Kilbirnie, Wellington that I was being watched. And to set the scene I lived in
24 a very small street, a bit of a cul-de-sac with not more than five houses either side and
25 surrounded by elderly women who you could say were nocturnal and nothing slipped under
26 their guard.

27 So, it became clear that this car was turning up with two detective-like people in it,
28 sometimes it was one, and over a period of a few weeks. And they were noticing it and so
29 was I. It was around the time of the *White* trial and I thought that was far too much of a
30 coincidence, so I decided to raise it. I first of all raised it with Sonja Cooper, my lawyer,
31 and said "I think I'm being surveilled, I'm under surveillance". And I said to her "I may
32 raise this with the Ministry", which I did. I got an audience with a senior manager who
33 I won't mention. And I raised that in conjunction with a few other things, but I said to her
34 "At any stage has the Ministry had any of us in relation to the *White* trial or this subject in

1 general under surveillance?" And she said "No, definitely not and we would never do a
2 thing like that". She looked me straight in the eye. It turns out with the passage of time
3 that they had spent \$100,000 doing just that. How are you supposed to trust an organisation
4 that can look you right in the eye and lie?

5 So, it's something I haven't forgotten and validated that lack of trust which remains
6 the same today.

7 **Q.** I think your second point related to the financial cost of the Crown's response to this topic?

8 **A.** Yeah. And I alluded to it yesterday, the inordinate and gross waste of tax payers' money.
9 For me there has been a very heavy tax payer-funded investment in denial. And that comes
10 about, in part at least, by outfits like Treasury having influence on Government policy
11 around this.

12 They essentially scare Governments into adopting the approaches that have been
13 adopted over many decades. It has led to no solution, it has led to the problem still being
14 on the table and that is very much why that money needs to be spent constructively. And
15 we need to look at this through a thoroughly different lens and the lens is about the
16 morality, the ethics and the humanity of it. Because until it's looked at through that lens
17 there will not be a solution and this will only ever be a fight about money, and that's not
18 what this is about.

19 **Q.** The third topic is a question of whether there were systemic factors at play or whether
20 someone like Alan Moncreif-Wright was a lone bad apple?

21 **A.** Yeah, so as I also alluded to yesterday, I had a restorative justice meeting with said person
22 Moncreif-Wright and, as I also said, I was hoping that he would be alive to come to this
23 Inquiry and give testimony. And one of the things he would testify to is the fact that there
24 wasn't just one or two bad apples, certainly in the institution I was in, there might have been
25 one or two good apples but basically the tree was rotten.

26 That's a myth that the authorities are keen to propagate, that there was only one or
27 two bad apples. That's about hiding the scale of what's happened, so they can also hide the
28 fact that there are serious systemic flaws and failures that have led to that scale. The thing
29 that they seem to be most keen to deny.

30 So, it will always be a very frustrating thing for me that he GRO-C when he
31 did and is unable to be here. But I did want to emphasise those points.

32 **Q.** The last point relates to the role of the Royal Commission and your hopes for any approach
33 that the Royal Commission might take?

34 **A.** I see this Royal Commission as incredibly important. A huge potential catalyst for change

1 and it must thoroughly investigate and thoroughly scrutinise the actions of some officials
2 who, in my opinion, have gone outside of the norms of any acceptable behaviour and need
3 to be held to account. And it is a very important catalyst for change in terms of
4 recommending what needs to be done about the future. There are far better ways to do this
5 and everybody benefits. And Treasury, if you're listening, it's far more cost-effective.

6 So, and in terms of morality, humanity and ethics, that can be achieved. That's
7 what needs to be embraced by this Royal Commission.

8 Just finally, when I left here yesterday I wasn't sure sort of what emotions were
9 going to sweep over me and I went for a walk back to Queen Street through the Domain
10 and it was actually one of sadness. And that's because I was sad that I had to sit here and
11 say these things about public officials, because I have a much higher expectation than what
12 they've given us. And I think the public of this country will have as well.

13 One last final note in terms of the Commission. I'd like to take the opportunity to
14 just thank all the support staff who have supported me so well. It's made it possible for me
15 to do this. That's it thanks.

16 **Q.** Mr Wiffin, thank you very much for your evidence and for your time over the last two
17 days, it is appreciated.

18 **A.** Pleasure.

19 **CHAIR:** Thank you very much. We can only echo what Mr Mount has said. Thank you for your
20 observations today.

21 **A.** It's been a privilege.

22 **Q.** Thank you.

23 **MR MOUNT:** Madam Chair, we are still in Covid level 2.5 and there are certain procedures that
24 we follow which require to us take an adjournment now between witnesses.

25 **CHAIR:** So, we'll adjourn for what, about 10 minutes?

26 **MR MOUNT:** Potentially slightly longer, possibly even to around 10.30 to allow that process to
27 occur.

28 **CHAIR:** All right, we will return when we're all clean. Thank you.

29