

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
STATE INSTITUTIONAL RESPONSE 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 Anaru Erueti
Ali'imua Sandra Alofivae
Paul Gibson
Julia Steenson

Counsel: Mr Simon Mount QC, Ms Kerryn Beaton QC, Dr Allan Cooke, Ms Katherine Anderson, Ms Anne Toohey, Ms Tania Sharkey, Mr Michael Thomas, Ms Ruth Thomas, Ms Kathy Basire, Mr Winston McCarthy, Ms Julia Spelman, Ms Alice McCarthy and Ms Natalie Coates for the Royal Commission

Ms Rachael Schmidt-McCleave, Mr Max Clarke-Parker, Ms Julia White for the Crown

Ms Victoria Heine QC for the Office of the Children's Commissioner

Ms Sally McKechnie for Te Rōpū Tautoko, the Catholic Bishops and congregational leaders

Mr David Stone for the New Zealand State Abuse Survivors Charitable Trust

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

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26 **Adjournment from 3.54 pm to 4.07 pm**

27 **CHAIR:** So we move into the last and final and important phase of this hearing and I invite our
28 representatives from the Survivor Advisory Group to speak to us, starting with Ms
29 Chapman. Tēnā koe, Ms Chapman.

30 **CLOSING STATEMENT BY SAGE**

31 **MS CHAPMAN:** E ngā mana, e ngā reo, raurangatira mā, tēnā koutou katoa. Kua hoki mai anō
32 tātou ki te mura o te ahi, tātou e kawē i tēnei kaupapa. Kāore e mutu i ngā mihi ki te hunga i
33 tae ā-tinana mai ki waengau i tēnei huihuinga tūmatanui. Koutou ngā māngai o ngā tari
34 kāwanatanga, o ngā tari e kaha hāpai i te kaupapa o te tūkinotanga o te tamaiti, koutou

1 katoa e pupuri nei i te mana o te tamaiti. Nei rā, ngā mihi ki a koutou. (To the many
 2 authorities, the speakers and esteemed leaders amongst you, I greet you. We have returned
 3 again to the heat of the battle, to continue this task. Words cannot express my gratitude for
 4 those physically present with us at this public forum. Those of you from the government
 5 departments, tasked with the prevention of abuse to children, who hold the authority on
 6 behalf of children, please accept my acknowledgements to you).

7 On behalf of SAGE members, I want to acknowledge all the survivors who have
 8 contributed to this Inquiry and who continue to lobby and advocate in their respective mahi.

9 Madam Chair, Commissioners, unfortunately, not all our SAGE members could be
 10 in attendance today. However, once again, and for those who may not know, the Survivor
 11 Advisory Group of Experts to the Royal Commission of Inquiry are Keith Wiffin,
 12 Jim Goodwin, Frances Tagaloa, who joins us via AV link from Orlando in the US, Rupene
 13 Amato and Gary Williams, who send their apologies, and myself, Tu Chapman. Our
 14 speaking order for today is as follows: Frances will lead off, followed by Jim, then Keith
 15 and then I'll provide the closing statement, kia ora.

16 **CHAIR:** Ms Chapman, we're going to have to ask SAGE to comply with the identification for
 17 those who cannot see.

18 **MS CHAPMAN:** Right. For those who cannot see me, I am about 5'7", Māori, I identify as
 19 female and I've got short black hair with blue glasses.

20 **CHAIR:** Talofa lava, Frances. Good to see you all the way from across the world.

21 **MS TAGALOA:** Talofa lava, Madam Chair. Ou te faatalofa atu i le pa'ia ma le mamalu ua aofia
 22 i lenei aso matagofie. Malo le soifua ma le lagi e mamā. Pacific greetings, Madam Chair,
 23 and Commissioners, and everyone, I'm Moeapulu Frances Tagaloa, a survivor of
 24 faith-based abuse and an advocate for survivors. Thank you so much for this opportunity to
 25 give a few survivor comments. And for those who cannot see me, I'm a Samoan and Palagi
 26 Pākehā and of Palagi and Pākehā descent. I have black hair and brown eyes and am
 27 wearing a red jacket and frangipani flower in my ear, as is my island custom.

28 So at the opening of this hearing, I said that this hearing will reveal that the State
 29 has not put survivors first ahead of their perpetrators and has not provided an appropriate
 30 way forward for survivors to heal and have redress. And this continues to be true and
 31 although the State institutions say their processes have changed, it still is apparent to me
 32 that the processes and laws have not changed, not enough to prioritise survivors ahead of
 33 the institution and ahead of their perpetrators. And I still believe that we cannot have a just
 34 and effective redress system where the survivor is expected to go back to the very State

1 institution where the abuse occurred, for redress. The institution is always going to protect
2 itself and struggle to put the survivor first.

3 It's been challenging to me to hear so many State institutions, like the Police or
4 Ministry of Education, not able to acknowledge widespread systemic problems like
5 systemic racism or ableism against Māori and Pasifika. Some agencies acknowledge the
6 very poor data gathering for Pacific Peoples and so we'll never really know the real impact
7 of abuse on Pacific Peoples. And I don't think the State agencies really understand the
8 issues and obstacles that particularly Pacific Peoples face and so our people are more likely
9 to continue to end up being victims of abuse in care.

10 It was disturbingly apparent that most institutions have not been able to properly
11 monitor or keep their care institutions accountable. I was pleased to see the Commission
12 ask questions of the Ministry of Education about their processes for holding private
13 faith-based schools accountable, and they referred to the Marylands atrocities. However,
14 the Minister of Education's current powers for holding private schools accountable is still
15 very limited and concerning. I just think every parent who has a child in a faith-based
16 school should be concerned. It just seems that abuse in faith-based schools, like
17 Marylands, could happen today. There seems no way for survivors to seek redress from
18 the Ministry of Education, and I think my statement at the beginning of this hearing still
19 holds true, that the State has appeared to abdicate their responsibility to keep faith-based
20 institutions accountable.

21 And, survivors, we know that the same systemic issues that have led to abuse are
22 sadly still apparent today. I was appalled, I'm sure along with many, to hear that Oranga
23 Tamariki admitted allegations of abuse by current employees, but only just started
24 investigating them and really as a result of this hearing. It just is appalling to me that there
25 are claims still today, shows that we have not done enough in changes; we have not had
26 enough change to combat these systemic issues. You know, a redress system that holds
27 such an institution accountable and is independent from the institutions is what is needed.

28 I had hoped that I would hear the State institutions supporting the recommendations
29 of the Commission for a fully independent body to be developed. Instead, I heard excuses,
30 explanations, defensive reasonings, justifications for mistakes and problems. We need
31 State institutions to see and understand the need for healthy accountability. I mean, this
32 hearing has just shown that a fully independent body that provides redress for survivors and
33 monitors and prevents abuse is needed more than ever.

1 And, furthermore, survivors need to be a part of leading and giving input into that
2 independent body, using their lived experience and expertise to inform and develop a better
3 system. Faafetai lava mo lenei avanoa. Malo le soifua. (Thank you for this opportunity.
4 Welcome). Thank you, Madam Chairman, and Commissioners, for this opportunity.

5 **CHAIR:** Thank you. I'll just have Sandra thank you.

6 **COMMISSIONER ALOFIVAE:** Lau afioga Moeapulu malo le soifua maua ma le lagi e mamā.
7 Faafetai mo le faasoa. Faafetai mo upu matagofie. Fa'amalo le finau, malo le loto toa. E lei
8 uma lo tatou aso, ae ia tatou oo i le faaiuga o le tatou lipoti June 2023 next year. Malo lava.
9 Faafetai mo au upu matagofie. (Greetings to you Moeapulu for good health and wellbeing.
10 Thank you for sharing. Thank you for the wonderful sharing. Thank you for being
11 persistent, and your bravery. Our day is not over yet and we will reach the end of the report
12 June 2023 next year. Thank you. Thank you for the wonderful sharing.)

13 **MR GOODWIN:** Thank you. My name is Jim Goodwin. For those who can't see me, someone
14 told me earlier I have a shiny head so I don't need to describe my hair. I am an above
15 average height Pākehā male. I have a gold card. I'm wearing a black shirt and olive green
16 trousers.

17 When we opened this hearing, I said that this is not the time for well rehearsed,
18 smooth weasel words and there have been many times throughout this hearing when we
19 haven't heard well rehearsed, smooth weasel words. There have been some real, genuine
20 apologies, there's been some falling on swords, there's been some good stuff. But there's a
21 bit of a theme and it goes like this: "Hi, I'm a senior person in such and such a State agency.
22 I want to acknowledge that terrible things happened in the past, but don't you worry, we've
23 got this. In a year or two, everything will be fine."

24 Please, guys, no more of that. This is serious. This is people's lives that are being
25 destroyed today. No more of that talk. We have to be honest, we have to deal with this.
26 Thank you very much for the opportunity to speak.

27 **CHAIR:** And thank you, thank you very much, Jim. Keith Wiffin.

28 **MR WIFFIN:** Kia ora. This has been quite some day for me, personally. I woke up this morning
29 not expecting to hear some of the things I've heard today from Mr Hughes. I did get some
30 heads up as to that a couple of hours prior and it has definitely affected my day.

31 I won't touch on it too much, because there are other things to talk about, but I did
32 feel it was delivered with sincerity and it did mean a great deal to me. My hope is that
33 apology will extend to all the others that suffered that fate like I did.

1 So I will leave that there and then talk to what I see over the last couple of weeks,
2 and I've been able to sit in on this Inquiry,-- in this hearing, rather, for parts of the day
3 every day and I thank the Commission for the opportunity to do that.

4 I see my role, standing here today, to try and represent, as best to my ability,
5 survivor interests. It's an extremely important event we've just witnessed. It has been
6 gruelling and, at times, as the Chair alluded to, somewhat boring; in fact, at times it was a
7 remedy for insomnia.

8 But I have to say, on balance, what I've seen gives me great hope that something
9 soon tangibly will happen and it absolutely needs to, because what we did see, through this,
10 was a lot of talk of aspiration at times. But what we also saw for the first time was these
11 agencies confronted by their own dreadful past and they've had to face up to that.
12 Hopefully, that will be a catalyst for more momentum for change and getting things bedded
13 in now because survivors don't deserve to wait any longer.

14 These things can be accelerated and it's very important that they are embedded, as
15 much as possible, free of any future political interference. A couple of things of note for
16 me. The hearing started with the Ministry of Social Development and for me personally
17 and for others, they will always be the biggest protagonist, because they represent also all
18 the sins of the Department of Social Welfare that have led to the scale of this.

19 I was deeply disappointed, on balance, with their presentation, which I found to be
20 lacking in empathy and humanity. The brazen promotion by one official in particular of the
21 now past OT bill was offensive and insulting to many of us and I felt he had a bit too much
22 latitude for that promotion. The OT bill is seen by us as not representing progress, but, in
23 fact, a consolidation and retention of power and control that agencies have always had.

24 What was required, and still is, is a truly independent, effective monitoring service.
25 It would not have cost a single cent more to have achieved that. The officials have won the
26 day and we have not been listened to.

27 On the issue of records, which is so supremely important to us, I have heard
28 reference to records, and I heard it again today from the Public Service Commissioner, and
29 every time I hear it, it's about records lost, it's about that making it harder to determine
30 things, and there is no doubt that there had been records lost, but also it needs to be pointed
31 out and made very clear that there also has been much malicious destruction of records in
32 the name of the agencies' own agendas. My intel says that may still well be going on right
33 now.

1 The second day was the Police Commissioner and I have to say, after the first day,
2 everything else was going to be an improvement and that's the way it played out. I felt he
3 had a measure of sincerity and was an all-round decent sort of a fella, but what I would ask
4 him to understand is that we still have those that are suffering abuse being told to go away
5 by frontline police. That is the sort of thing that happened in my day and it is still
6 happening.

7 There have been much positives out of this hearing for me. It is fantastic to hear,
8 even though I've been scathing of MSD, them saying, "We are now applying resources to
9 engaging with communities" on the basis of keeping us out of care and that is the future to
10 this. That is an approach that needs to be broadened and thoroughly resourced.

11 It is also great to hear from Oranga Tamariki that they are moving to close down
12 those residential care centres such as Epuni, which I was in 50 years ago and is still there
13 now experiencing very significant problems. I had a meeting with the National Manager of
14 the residence (inaudible) from OT a couple of years ago now and she assured that they were
15 moving to models of care with no more than three in it. Once again, I feel that is more
16 aspirational at the moment than anything else.

17 What we need to see is tangible effect. We don't deserve to wait any longer, and
18 there has been massive investment in Oranga Tamariki by this government, and Mr Te
19 Kani made reference to that when he said not so very long ago \$1.4 billion was invested.
20 Get on with it. Get it done. You have the resource.

21 I was most impressed with the CE of the Teachers' Council. If only her attitude and
22 approach could be adopted by all the other agencies, we would see improvement quickly.
23 And she was asked a very important question, for example, by counsel Katherine Anderson,
24 and it was, "What are you doing today in terms of the future and including survivors in that
25 future development?" Without hesitation, she said, "100% we are, and we can't do it
26 without them". That is the model that we need to have across the agencies, because these
27 things cannot be developed without us for them to be effective.

28 I've listened for over the two-week period and it has been gruelling at times, and
29 I could stand here and talk for a fair bit longer and I'm going to write a report, so I'm going
30 to end this just by saying I greatly appreciate the efforts of all the Commission staff and
31 Commissioners. It has been a monumental effort where people have worked extremely
32 hard, and I have witnessed that, into the early hours of the morning, seven days a week.
33 Like everything, it's not been perfect, but they have done their very, very best for survivors'

1 interests, and I think the Commissioners, the way they've put questions, have always
2 represented our interests.

3 To survivors, this is more hope for us. Keep the faith in yourselves, keep
4 questioning. The job's not done yet. Kia kaha.

5 **CHAIR:** Kia ora, Mr Wiffin. Kia ora anō Ms Chapman.

6 **MS CHAPMAN:** Thank you. I'll try to make this quick, I'm very conscious of the time. Honesty
7 and transparency were my key expectations that I delivered in my opening statement. The
8 question now is how honest and transparent the institutions have been over the last two
9 weeks. We must remember that it is the process that is in question and what the State has
10 done, or lack thereof, to fix this problem.

11 The issue that haunts survivors is who is going to take responsibility, not what.
12 Holding individuals to account in a court of law does not absolve the State of its
13 responsibilities, both morally or legally. Part of a statement from Debbie Power says:

14 "The State didn't always ensure people were safe in care and that we won't know the
15 full extent of people who were abused in care."

16 Admissions of failure is a start, but it is not a concession and nor should it be
17 classed as one.

18 It was disheartening to hear how the Independent Children's Monitor did not feel
19 compelled enough to make recommendations for change. Their role as an Independent
20 Monitor is not so independent after all. Whilst this may sound harsh, ka hoki anō ki aua
21 kupu, ko te tika me te pono. (I return to those words previously expressed regarding what
22 is right and what is truthful).

23 The most pressing issue today is the Oranga Tamariki Oversight Bill, passing its
24 third reading in Parliament earlier this week. The same organisation that is under huge
25 criticism across the spectrum for its failings over the years and the one point of focus most,
26 if not all, survivors are fighting, this Bill has done nothing for the process in question.
27 What it has done has nailed home even more the lack of trust from survivors that this
28 system is not fit for purpose.

29 Changing its name over the years was the plaster. That plaster continues to be
30 replaced but now it's being reinforced by legislation that will only create more issues for
31 those in care.

32 I want to take a moment to acknowledge the impacts for Māori. We all know what
33 the statistics say. It is common knowledge that Māori are over-represented in everything.
34 Colonisation caused a huge disconnect, creating the survival instinct. This was the natural

1 segue from historical trauma into intergenerational trauma. Ka aroha hoki ki āku tīpuna, ka
2 aroha hoki ki a tātou e pae nei. (I feel the compassion for my ancestors and also for those
3 of us present).

4 Trusting that the institutions would be honest and transparent was what I said on
5 Monday. Alongside many survivors, we are not satisfied with the responses from the State.
6 I am still concerned about the many failings across the board and the fact that the current
7 monitors in place are even not adequate because of lack of resource, support and/or
8 mandate or are over-delivering because the care and protection of our tamariki and our
9 most vulnerable takes precedence, as opposed to what the writing says must be done.

10 The Office of the Children's Commission has been critical in the monitoring of child
11 care and protection services and, again, alongside survivors, who provided submissions
12 against the OT Oversight Bill that will now see the Office of the Children's Commission
13 dismantled.

14 I had high expectations that we may come out of this hearing in a much better place
15 than when we first walked through the doors. All I see ahead is more work, having to keep
16 telling our stories, re-triggering ourselves and suffering over and over again. This is not
17 safe, nor is it a survivor-centric approach.

18 My hope is that the State hold themselves to account for the huge failures that some
19 have mentioned. Admitting those failures is not a concession as such, but it is a start.
20 There is nothing wrong with saying, "We are sorry for the abuses that survivors have and
21 continue to endure", a simple act of love and sympathy. Nō reira, ka whakairihia ki konei,
22 ngā ketekete kōrero, hei korowai whakatika, ki ngā kokonga o tēnei whare, tuia ki te rangi,
23 tuia ki te papa, tuia ki ngā muka katoa, e here nei i a tātou, tēnā hoki e te whare ka huri.
24 (With this I end my discussion here as a cloak of righteousness upon the corners of this
25 house, woven in the heavens, enmeshed upon the land, entwined with the fibres that unite
26 us. Here is my address to the house, thank you).

27 **CHAIR:** Tēnā koe, Ms Chapman.

28 **MS CHAPMAN:** I think Mr Wiffin has something more.

29 **CHAIR:** Mr Wiffin always has something more.

30 **MR WIFFIN:** I will keep it very brief. I just wanted to say that for survivors, and we've seen a
31 lot of talk aspirationally; the metric in which survivors judge progress by most of all is the
32 current continuing, rising rates of abuse. Until that comes down, there won't be progress.
33 So that means affecting and dealing with root cause, and I was really pleased to hear some
34 quotes from Moana Jackson, because as he alluded to, departments and government

1 agencies over the period of time have been willing to deal with the symptoms, but not so
2 the root causes, and that's what we need to do.

3 One of those, the single biggest root cause which has, once again, not received
4 enough attention in the course of this hearing, is the word "poverty".

5 So with colonisation in Aotearoa, came capitalism, an English class system which is
6 still with us today by and large, which has inherent in it high levels of poverty. That is the
7 single biggest determining factor to why we went into State care, whatever cultural
8 background we came from. In the institution I was in 50 years ago, it bonded us. It made
9 us fight back collectively at times, and in the institution I was in, shortly after I left and was
10 sent to a family home, there was a full-blown riot, and it was on the basis of we were all the
11 same, but they bonded together and fought back because they themselves knew the root
12 causes of why they were there.

13 We still have terrible rates of poverty in this country. It's not so many years ago
14 I could walk the streets of Wellington and not see a homeless person on the street. Now it's
15 littered with them. I bet you anything you like that the great majority of them have been in
16 State care at some stage. I thought it a really important thing to note.

17 One of the things that still disappointed me over the hearing also was the still
18 ridiculous non-acceptance of the degree of systemic failure and faults which has led to the
19 scale of the tragedy we all deal with today. It is fundamentally ridiculous to keep denying
20 it and it obviously has a legalistic slant to it and you need to get away from that, you need
21 to stop doing that and take responsibility as to what we all know has happened. Thank you.

22 **CHAIR:** Thank you, Keith. Thank you to all the members of SAGE for their contribution, both to
23 the Commission before this and during this hearing. You are excused.