

**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'imuamua 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

**Date:** 15 August 2022

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**TRANSCRIPT OF PROCEEDINGS**

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8 **CHAIR:** Yes, tēnā koe, Ms Beaton. I now have great pleasure of inviting members of the  
9 Survivor Advisory Group to come forward and address the Commission.

10 For the record, can I note that we have Ms Tu Chapman, Keith Wiffin, Rupene  
11 Amato, Gary Williams, and they are all in the room, but we also have Frances Tagaloa and  
12 Jim Goodwin who are joining us by AVL. Tēnā koe, Ms Chapman.

13 **OPENING STATEMENT BY SAGE**

14 **MS CHAPMAN:** E ngā mana, e ngā reo, e ngā karangatanga maha tēnei te mihi. Ki ngā tini mate  
15 katoa puta noa i te motu, haere, haere, haere atu rā. Hoki mai ki a tātou te kanohi ora, tēnā  
16 tātou katoa. Me mihi ka tika ki ngā purapura ora, ngā purapura whetū hoki, ko koutou, kei  
17 mua, kei tua o whakaaro. He uri tēnei o ngā kāwai whakapapa, heke iho mai i te waka o  
18 Mataatua o Tākitimu hok. Nei rā te mihi. (Greetings to the authorities, speakers, and  
19 people from the various callings in life. To the many across our country who have passed  
20 away go with our acknowledgements. Turning to acknowledge us here today I greet us as  
21 the living faces. It's also a time to acknowledge the survivors and also those who have also  
22 passed on, it is you who are at the forefront as well as in the back of our minds. I am a  
23 descendant who connects to the lines that descend from the Mataatua and Tākitimu canoes,  
24 here to acknowledge you all).

25 How ironic that I'm on this side of the fence. My name is Tu Chapman and  
26 alongside Keith Wiffin, Rupene Amato, Gary Williams, Jim Goodwin, Frances Tagaloa we  
27 are the Survivor Advisory Group of experts to the Royal Commission of Inquiry Into Abuse  
28 in Care.

29 It is also a huge honour to provide the opening mihi on behalf of SAGE, who will  
30 shortly provide their thoughts and expectations over the course of this hearing.

31 Lived experiences are critical to the way in which Māori share their experiences  
32 whilst in care. None more so than me. I am a ward of the State which I was made at a very  
33 young age. I suffered hugely from sexual, physical and emotional abuse by whānau  
34 members which was the reason I was placed into the care of DSW.

1           What was probably most impacting of all was that going into care was meant to stop  
2 the abuse, but it did not. The abuse continued by those who were tasked with my care and  
3 protection.

4           In preparing my kōrero today, I wanted to touch on key themes that have become  
5 evident through the life of this Inquiry. Instead, I will take the very cautious approach of  
6 trusting that the responses from institutions in this hearing will be honest and transparent.

7           Furthermore, I urge the Commission to be just as honest and transparent and that  
8 you appropriately acknowledge all the mātauranga that survivors have shared to help  
9 inform this Inquiry.

10           I wish that I did not have to be standing here today, bearing my heart and soul,  
11 because this is very hard and emotional. I could be here forever listing the impacts I have  
12 suffered, but we would need another hearing for that.

13           I am a survivor of abuse in State care and I have endured impact upon impact  
14 throughout my life. I would like to think that this fight has and will not be in vain. Tēnā  
15 tātou katoa.

16 **CHAIR:** Tēnā koe, Ms Chapman.

17           Mr Wiffin.

18 **MR WIFFIN:** Mōrena. There seems to have been a bit of a theme about grey hair this morning.  
19 I'm no different, and I think a fair few of those who have appeared in the last four years,  
20 although I do like to tell people I never went past 28.

21           We are having this hearing essentially because of the dreadful way agencies have  
22 conducted themselves over many decades. As Tu my colleague has said, I should not have  
23 to be standing here today. If people had actually been cared for, I wouldn't be.

24           That conduct has led to a monumental tragedy, which has impacted greatly on this  
25 nation and continues to do so. And as Kerryn, counsel, alluded to, it is not just an historical  
26 issue, it's contemporary.

27           Recently I heard an official, relatively recently, from Oranga Tamariki state that we  
28 are making improvements. And yet only to announce that abuse rates have gone up from  
29 6% to 8. And always that data is conservative. So I stand here as much about the future as  
30 I do the past, in fact more so.

31           I have been intimately involved in this Inquiry in one form or another since it began.  
32 And I've been truly horrified as to what I've had to see and listen to. After I hear that at the  
33 various hearings and I eventually composed myself, the question I always ask is, how could  
34 this possibly have happened?

1           That is a question that all survivors deserve to hear answered. That is what I want  
2 to hear from these agencies over the course of the next two weeks. And I want to see  
3 openness, transparency, and honesty- and- answers.

4           Having said that, the biggest thing I hope that will come out of the next two weeks  
5 is a genuine, emphasis on the word "genuine", commitment to having a much better future  
6 and doing this much, much better in the future. And that can only be achieved one way,  
7 and that is in collaboration with survivors and that is because survivors have an intimate  
8 and profound understanding of what went so very wrong and why. They also have an  
9 understanding of how it can be done right in the future.

10           So I am looking for that commitment, that they will work, "they" being the officials,  
11 constructively with us.

12           This Inquiry, in my opinion, and the opinion of others, is the biggest of its type in  
13 the world. And that reflects the massive impact it has had on this country. Because of this  
14 tragedy, it has given rise to our gangs, it absolutely underpins our prison population and  
15 plays a substantial role in our welfare dependence. All of those things could have been  
16 avoided if people had been cared for.

17           I am thinking, and I will be thinking throughout the course of this Inquiry, of all  
18 those who haven't made it, including my best friend, and all those who have not yet seen  
19 justice.

20           And in terms of collaboration with authorities, there are still very much mixed  
21 messages coming from that quarter. In terms of MSD for example, there are still miserable  
22 and insulting offers coming from that organisation. There is still a great culture change  
23 needed.

24           The Oranga Tamariki Oversight Bill runs counter to everything we are trying to  
25 achieve. It does not represent effective monitoring which is why this tragedy has happened.  
26 I ask for a rethink.

27           Ngā mihi, and to all survivors kia kaha.

28 **CHAIR:** Tēnā koe, Mr Wiffin.

29 **MS CHAPMAN:** I'd now like to invite our SAGE members that are on Zoom, Jim Goodwin and  
30 Frances Tagaloa, kia ora kōrua.

31 **MS TAGALOA:** Kia ora. Can you hear me okay?

32 **CHAIR:** Kia ora, Frances, we can hear you well and see you well.

33 **MS TAGALOA:** Kia ora, Madam Chair, talofa lava. Ou te faatalofa atu i le paia ma le mamalu ua  
34 aofia i lenei aso matagofie. Malo le soifua ma le lagi e mamā. (Welcome. Greetings to

1 distinguished guests present on this wonderful day. Greetings to good health and  
2 wellbeing.), warm Pacific greetings, Madam Chair, and Commissioners and everyone. I'm  
3 Frances Tagaloa, a survivor of faith-based abuse. Thank you for the opportunity to give  
4 survivor comments.

5 I wanted to start off by saying this hearing will reveal that the State has not put  
6 survivors first, not put survivors ahead of the perpetrators and has not provided an  
7 appropriate way forward for survivors to heal and have redress.

8 As a survivor, I expect to hear how leaving the institutions to remedy abuse of  
9 children and vulnerable has failed and all institutions, State and faith-based, need  
10 transformative change to combat that systemic problem.

11 All survivors here have encountered the bureaucratic obstacles presented by  
12 systemic issues not addressed in the justice system or ACC or mental health or legal  
13 services or the statute of limitations or financial support services, or any of the Ministries.

14 I expect to hear how the State has struggled to have adequate Māori or Pacific  
15 consultation, representation and cultural understanding. I expect to hear explanations from  
16 the State for their appalling record-keeping and data related to abuse. And I expect to hear  
17 that the care system has just not been adequately monitored, supervised or inspected, and  
18 especially from third party care providers, and how the state has appeared also to abdicate  
19 their responsibility to keep faith-based institutions accountable.

20 As a survivor, I believe a public apology by the State for the horrific abuse in care is  
21 well overdue, but a real apology comes with action, with redress for survivors, financial  
22 support for survivors and creating an infrastructure that stops abuse in care, holds  
23 institutions accountable and protects our tamariki and vulnerable.

24 It's more important that survivors receive an appropriate personal apology and  
25 redress, not just empty words.

26 It's uncomfortable for me to know that while this is a State-based hearing, sadly not  
27 all institutions are here today. All the faith-based institutions should be at this hearing so  
28 that we can understand the full impact of abuse in care. And as a survivor, we expect the  
29 full force of the Inquiry to come down on the State and not hold back their relentless  
30 investigation to uncover the truth.

31 We do not believe that there's been significant change in State policy, processes or  
32 systems to protect our children and vulnerable, and we believe that the State institutions  
33 cannot justly monitor themselves. Survivors should not have to continue to be

1 re-traumatised by going back to the very institutions responsible for their abuse to seek  
2 redress.

3 My hope is that State institutions will stop providing excuses, defensive reasoning  
4 and justification for their mistakes and errors, but will support the initiative recommended  
5 by the Commission for a fully independent body to be developed to provide true  
6 transformative change, redress, accountability and to protect our tamariki and vulnerable.  
7 Faafetai lava mo lenei avanoa. Malo le soifua. (Thank you for this opportunity. Greetings to  
8 good health). Thank you, Madam Chair and Commissioners for the opportunity.

9 **CHAIR:** Talofa, Frances.

10 **MR GOODWIN:** Kia ora, everybody, I'm Jim Goodwin and I'm talking to you from  
11 Christchurch. My apologies for not being able to be there in person, I blame Covid.

12 I come from Fairlie, if you know where that is, and I'm a survivor of faith-based  
13 abuse. To describe me, I don't have much hair, I've got a moustache, I wear glasses, and  
14 I can go on the bus for free.

15 Now what I have to say is serious. I address myself to the representatives of the  
16 State institutions that were supposed to provide care for our people. This is not the time for  
17 well-rehearsed, smooth, bureaucratic speak. This is the time to answer the questions that  
18 you will be asked honestly and with authenticity. This is the time to deal with the abuse  
19 and the survivors of it to help them get and stay well, and this is the time to make sure that  
20 this abuse never, ever happens again.

21 Thank you, everybody, Rupene.

22 **CHAIR:** Thank you, Jim.

23 Tēnā koe, Rupene Amato.

24 **MR AMATO:** Kia ora talofa, my name is Rupene Amato, I haven't got anything prepared but my  
25 colleagues of SAGE have said quite a lot. Just to describe myself, my salt and pepper hair,  
26 I've got a budding niece who wants to be a hair dresser so the salt's a bit yellow, bit of  
27 chicken salt at the moment.

28 I'm a survivor from faith-based abuse. Interestingly, from last year when I gave my  
29 submission I had an outpouring of support and love from my family, the community and to  
30 a certain degree the church. It was good to see that the church actually did some stuff, but I  
31 believe they could do more. And I believe that this is where we're at at the moment today,  
32 is that the institutions can do some stuff, but we expect more, and we deserve more because  
33 we're talking for those who can't talk.

1 I spoke on behalf of friends who had passed away. I spoke on behalf of those who  
2 didn't want to come forward, and I stand here again to speak again for those people. And I  
3 believe that the institutions, although these conversations are difficult, with honesty comes  
4 peace. And all we're asking for is peace of mind and to ensure that -- I believe abuse is still  
5 going to occur, but we need to try and minimise it, we need to try and put steps and  
6 mechanisms in place so these institutions know that if this happens this, is the result.

7 And I think my colleagues have covered a lot, and so I'm just going to leave it at  
8 that, kia ora.

9 **CHAIR:** Kia ora, thank you. Gary Williams.

10 **MR WILLIAMS:** Tēnā koutou katoa, ko (inaudible) te maunga, ko (inaudible) te awa, ko Ngāti  
11 Porou te iwi. I've been involved in SAGE for the last three and a half years, I want to  
12 address the Commissioners because apparently the issues that you're looking at impact 3 or  
13 400,000 people and I want to remind you that not many people have come forward to give  
14 their account and I want to suggest to you that that's because people don't trust the system.

15 So I'm going to ask you when you question multiple agencies do not allow them to  
16 give you evasive answers because survivors need to be confident that the agencies  
17 understand the issues, because without understanding the issues, they can't possibly affect  
18 what they do.

19 I've been thinking that the care system in our country is like a (inaudible) where  
20 people can do what they like to other people and our society as a whole doesn't really care.  
21 So we've got multiple agencies doing multiple things, there are huge gaps that need to be  
22 filled, so your job, I think, is to understand the past so that you can inform the future. Don't  
23 let the agencies pull the wool over your eyes. Thank you.

24 **CHAIR:** Kia ora matua. Tēnā koe.

25 **MS CHAPMAN:** Unless there are no further comments from the SAGE members, Frances, Gary,  
26 do you have anything further? Ka pai.

27 **MR WIFFIN:** I just wanted to emphasise that all survivors, whether they be faith-based or State,  
28 give the testimony to this Royal Commission on the basis that it won't happen again. That  
29 is motivation for all of them. And survivors can be forgiving. They will only give that  
30 forgiveness if there is genuine change and improvement. If that doesn't happen, every  
31 single cent that's been invested by tax payers in this Royal Commission of Inquiry will have  
32 been wasted. Thank you.

33 **CHAIR:** Thank you.

1 **MS CHAPMAN:** We'd just like to make some final acknowledgments. We'd like to acknowledge  
2 the Royal Commission of Inquiry staff, we'd like to acknowledge the Counsel Assist, we'd  
3 also like to acknowledge all of those that are involved in the background of informing and  
4 helping to assist this Inquiry.

5 I'd also like to acknowledge the Commissioners, tēnā koutou, it's not an easy job,  
6 I for one know that. And we look forward to having input and contribution to the final  
7 recommendations in June 2023 and we welcome that engagement with our taumata as well.

8 So thank you for giving us this opportunity today. Tuia ki te rangi, tuia ki te papa,  
9 tuia ki ngā muka e here nei i a tātou, tīhei mauriora. (Woven in the sky, the earth, in the  
10 fibres that fasten together mankind, alas it is life). **[Applause]**

11 **CHAIR:** It is now time for us to hear opening statements from our core participants and I invite  
12 Ms Schmidt-McCleave to open for the Crown.