

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY  
DISABILITY, DEAF AND MENTAL HEALTH INSTITUTION 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)  
Paul Gibson  
Julia Steenson

**Counsel:** Mr Simon Mount QC, Ms Kerryn Beaton QC, Ms Ruth Thomas, Ms Lucy Leadbetter, Mr Michael Thomas and Ms Kathy Basire for the Royal Commission  
Mr Gregor Allan, Ms Sandra Moore and Mr Vaughan Dodd for the Crown

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

**Date:** 20 July 2022

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**TRANSCRIPT OF PROCEEDINGS**

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**CLOSING STATEMENT BY THE CROWN**

11  
12 **MR ALLAN:** Tēnā koutou katoa, e te mana whenua o tēnei rohe, Ngāti Whātua ki Ōrākei, tēnā  
13 koutou. E ngā Kaikōmihana, tēnā koutou, e ngā mōrehu katoa, tēnā koutou katoa. (I  
14 acknowledge the home people, Ngāti Whātua Ōrākei of Ōrākei, greetings. The  
15 commissioners, greetings to you. To all of the survivors, I greet you).

16 Thank you, Commissioners, for the opportunity to present a brief closing statement.

17 In relation to the address that we have just heard, the Crown said many things in its  
18 opening, and one of those was that the Crown's responsibility is not to deny or diminish, it  
19 is to accept and to acknowledge that abuse occurred.

20 But this closing address is directed primarily to the survivors who have come here  
21 over the past several days, whose traumas have been revisited. To each of you, thank you.  
22 Thank you for sharing your truths, for some you not for the first time.

23 Many other survivors have not been able to attend this hearing. You have spoken  
24 for them too. In speaking out, you have each outlined and coloured in a shameful picture of  
25 inhumanity. We appreciate too that this is not the full picture; that your statements to this  
26 Royal Commission cannot truly capture years of abuse and of life lost.

27 You have told us of deprivation, of being denied personhood and of being denied  
28 voice. We heard of the loss of childhood, of education, and of capacity to trust. We heard  
29 of over-medication and seclusion, and of people who arrived speaking or even singing but  
30 left silent.

31 We heard remarkable stories of resilience, but we heard too of the tragic  
32 consequences of despair and demise. Together, all of your stories carry a collective weight.  
33 One person described this collective weight as a national disgrace.

1           In looking ahead, the Crown is mindful of the need to walk backwards into the  
2 future. Hei whakakapi i tēnei kōrero, ka tiki ake ahau i te whakataukī e whai ake nei, kia  
3 whakatōmuri te haere, whakamua. (To conclude, I reach for this proverb; let's go  
4 backwards in order to move forward).

5           The wisdom in this whakataukī is immensely important. The Crown expects to  
6 discuss the shape of change in a later hearing of this Royal Commission, but what the  
7 Crown has heard in this hearing is invaluable. We have heard that we need to speak with  
8 disabled people and ask what they want in their lives. More than that, we have heard of the  
9 need for disabled people to take a lead in this work. This is being reflected through  
10 Whaikaha, the Ministry of, not for, Disabled People. It needs to be reflected across other  
11 parts of the system too.

12           We have heard that it takes humanity to be a good ally. We heard that we need to  
13 think about how to approximate familial care, and we heard of the vitality of respecting and  
14 enabling cultural ties.

15           We heard about the dangers of institutionalisation making abuse almost inevitable,  
16 yet we also heard a concern about replicating these dangers in community settings, the risk  
17 of developing a system in which customers are funders with bottom lines, not real people  
18 with human needs and aspirations.

19           We have heard also of the importance of funding and of the continuity of funding.  
20 We have also heard of the vital importance of putting people at the centre; he tangata, he  
21 tangata, he tangata (it is people, it is people, it is people).

22           But we heard also that any authentic conversation about this requires more and  
23 better training. This address, these brief words from the Crown now, cannot do justice to  
24 the stories and lessons that we have heard.

25           I can only say for the Crown that your sharing of these experiences has been vital  
26 and will remain vital to the task of effecting lasting change. As I said at the outset of this  
27 hearing, the Crown has been listening to what you have said as part of a broader continuing  
28 process to effect lasting change. As you told us again and again, what happened to you  
29 must never happen again.

30           So once more, thank you for your determination and for revisiting your experiences.

31           The Crown also acknowledges the whānau of survivors. You have shared your own  
32 stories of suffering, and these too are stories of struggle. Unfairly, they are also stories of  
33 guilt. Thank you for sharing those.

1           The Crown is also grateful for the caregivers and others who have given evidence of  
2 life within the State system. You have helped us to understand the stories we have heard,  
3 not as disparate experiences, but as a collection of experiences, unified in character, impact  
4 and, importantly, cause. Your insights supply the threads that help us stitch together the  
5 bigger picture, unsightly as it is.

6           Ko tōku mihi whakamutunga ki a koutou ngā mōrehu mō to koutou maia, me te  
7 kaha, ki te whakapuaki i o koutou kōrero. No reira, tēnā koutou, tēnā koutou, tēnā tātou  
8 katoa. (To conclude, my greeting goes to you the survivors for your bravery and your  
9 strength to share and express your story. Therefore I greet you all). Thank you.

10 **COMMISSIONER GIBSON:** Kia ora, thank you, Mr Allan, thank you to the Crown, and thank  
11 you for acknowledgement to survivors, he purapura ora, and to your commitment to effect  
12 lasting change. Kia ora, thank you.

13           Some closing comments now from Commissioners. Commissioner Steenson.

14 **COMMISSIONER STEENSON:** E mihi ana ki a tātou. Me mātua mihi nā purapura ora me  
15 tangata whaikaha e tupu ana he mana nō rātou. Tēnei te mihi, tēnei te mihi, tēnei te mihi,  
16 ngā purapura ora. (I acknowledge us all and especially those that are thriving, the power  
17 that has grown forth from them, that they have shown).

18           I just wanted to first acknowledge the survivors and their mana in sharing the kōrero  
19 that they have shared, it's definitely a taonga for New Zealand, not just this Commission.  
20 And not just to those survivors who have bravely shared their accounts over the course of  
21 this hearing, but also the survivors who have been following the hearing and also those who  
22 are not with us and not able to have their voices heard. So I just wanted to first  
23 acknowledge that.

24           I'm going to leave it to Commissioner Gibson really to do a full mihi and  
25 reflections, but I did want to say a couple of things. Firstly, that what we have heard over  
26 the last few days is hopefully going to be, as one of our survivors coined it, the  
27 foundational change that is needed, it will help us drive those foundational changes that can  
28 be long lasting, and hopefully intergenerational.

29           I think some of the things have been, as they have with all of the Commission's  
30 hearings, pretty shocking for us to hear as a nation in the way that our most vulnerable have  
31 been treated and so it's important that we take that as a wero (challenge) and even past this  
32 Commission's work.

1           The second part is, I'll-- leave the thanking of everybody to our Chair, but I did want  
2 to thank our Chair, Commissioner Gibson, for his efforts this week and also for our  
3 Commissioner Coral Shaw who couldn't be here due to illness.

4           Nā reira tēnā koutou, otirā tēnā tātou katoa. (With that I greet you and  
5 I acknowledge us all).

6 **COMMISSIONER GIBSON:** Tēnā koe, Commissioner Steenson, thank you for your thanks.

7           A few reflections. We're uncovering the history, we're opening a light, Ūhia te  
8 Māramatanga, on what happened to many of us disabled people, our history, our  
9 whakapapa which hasn't been told before in the past, so thank you for listening, thank you  
10 for those who shared.

11           We've heard similar stories to what we've heard in many of the other hearings which  
12 are less focused on disability, on disabled people, on people with mental health conditions,  
13 on Deaf people, but they were there as well, there were some of those stories and some  
14 come through, and perhaps some additional themes coming through again today. There  
15 was abuse of all kinds, physical, sexual, emotional, psychological, there was pervasive  
16 neglect in a way perhaps that we haven't heard in other hearings.

17           Dehumanising systems of power and control, those little day-to-day things which  
18 rendered people's lives meaningless which built to something more. These little things  
19 which are not the headlines we see about abuse, but these are what destroyed the lives of  
20 many people.

21           Some of the horrific things we've heard, regimes and institutions like concentration  
22 camps, we heard stories of sex being sold out of Government run institutions by staff  
23 employed by Government, it was like paedophile rings, extreme overmedicalisation,  
24 medical neglect and unfortunate drug experiments, solitary confinement, tools of torture  
25 being made up, devices made to give shocks to people, ableism, racism, colonisation,  
26 breaches of Te Tiriti o Waitangi sat behind all of this.

27           Voices of those who were denied their culture, denied their whakapapa, denied  
28 whānau, voices that otherwise would have never been heard. Stories of those whose so-  
29 called care either caused or contributed to their death, the discovery of unmarked graves,  
30 the forgotten lives of many who lie across Aotearoa, sexual abuse, physical abuse, neglect,  
31 denial of language, voice, voice, communication, silencing, invisibleness. The denial of the  
32 rights to make your own decisions, your own simple decisions and your own complex  
33 decisions, denial of identity, and family and whānau. No love, no hugs to children, to

1 adults. Catastrophic failures that led to this on relationship levels, on provider levels, at  
2 community levels and at societal level.

3 We've also heard that the things that happened pre-2000, so much of this is still  
4 going on, the power and control systems are happening now, the same systems are in place,  
5 the systems which were performed successfully if they were designed to create the power  
6 and control structures which led to abuse and neglect for people out of sight, out of mind  
7 are still performing successfully and that denial of rights and the ongoing abuse and  
8 neglect.

9 There's a gap in understanding between what the disability community has seen and  
10 experienced and what the wider community is thinking, and I think that gap needs to close.

11 While we've heard about the resilience and resistance of disabled people and, at  
12 times, their family members, their supporters, there is still a complacency, and at times a  
13 complicity from those who have been responsible for care and the wider society. We need  
14 to understand that and challenge that and make a difference.

15 We've heard from secret keepers, from survivors, from storytellers, we've  
16 heard -- we've witnessed courage and determination, we've heard calls that this is not just a  
17 talk fest, but that each of us examines what we can do in our own roles, perhaps even check  
18 further down the track, are we making a difference, have we heard what we've heard and  
19 are taking this forward to some reasonable change, the good lives that we all aspire to,  
20 disabled people, people with mental health conditions can and should aspire to and have as  
21 well.

22 It requires a commitment of all New Zealanders, it requires the commitment of you,  
23 of each and every one of us.

24 We also heard the strong cry of "nothing about us without us", disabled people  
25 leading and that the solutions are those who have the wisdom of experience and who have  
26 built a broader collective wisdom of experience.

27 And finally, we need to challenge ourselves to -- now that there is light, now that  
28 we've begun the process of Ūhia te Māramatanga, to keep opening that light, the window  
29 on what has happened to disabled people and maintain a light to make sure that what has  
30 happened to disabled people, to Deaf people, to blind people, to people with mental health  
31 conditions, to people with neurodisabilities, in care and support doesn't continue to happen,  
32 that we all have great lives.

33 Many thanks to many people. It's the first time there has been a public hearing of  
34 this kind on this content. I really want to acknowledge again the witnesses, the courage, it's

1 a taonga that you have gifted us, that has been gifted to Aotearoa New Zealand. And we  
2 thank all survivors, he purapura ora, who are here in person, who have watched from a  
3 distance. Some have travelled a long way. Kathy, thank you for being here and thank you  
4 for sharing your story with Commissioners. Catherine, thank you for sharing your story  
5 through your art and thank you to the other artists who have contributed to the hearing  
6 space.

7 Thanks to supporters, to family, to those who have cared for survivors and the  
8 courage and strength which you all brought to that as well.

9 Thank you to Ngāti Whātua Ōrākei for keeping the place safe for us, for keeping it  
10 culturally safe, for the gift of your blessing, your aroha.

11 Thank you to all the staff at the Inquiry, lawyers, counsel, the well-being people  
12 who help keep everybody safe, the New Zealand Sign Language interpreters,  
13 stenographers, registrars -- apologies if I miss anyone, but there's a lot of work that goes  
14 behind the scenes to make this work and there's an increased range of logistic to get a  
15 hearing like this right, so thank you to everybody who's made it work and kept people safe  
16 through that.

17 Thank you to the Crown, Whaikaha, the new Ministry of Disabled People. It is the  
18 first time I think this organisation is stepping up and we give you the challenge to take what  
19 you've heard forward now and beyond the time that this Inquiry ends in a year's time.

20 Thanks to Ko Taku Reo for your contribution as well, and a final thanks to the  
21 waiata team and Tony for supporting us, supporting everybody's voices and coming behind.

22 Now, as this hearing closes, Ūhia te Māramatanga, we hope it opens up more light  
23 on the subject and it opens up a new world of enabling good lives for us all. Kaikarakia,  
24 thank you.

25 **Waiata He Hōnore and karakia mutunga by Ngāti Whātua Ōrākei**

26 **Hearing concluded at 5.03 pm**