

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
MĀORI 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: Ms Julia Steenson
Dr Anaru Erueti
Mr Paul Gibson
Judge Coral Shaw
Ali'imuumua Sandra Alofivae

Counsel: Ms Julia Spelman, Mr Kingi Snelgar, Mr Wiremu Rikihana,
Mr Luke Claasen, Ms Maia Wikaira, Ms Alisha Castle,
Ms Tracey Norton, Ms Season-Mary Downs,
Ms Alana Thomas, Mr Winston McCarthy,
Mr Simon Mount QC,
Ms Kerryn Beaton QC for the Royal Commission
Ms Melanie Baker, Ms Julia White

and

Mr Max Clarke-Parker for the Crown
Mr James Meagher for the Catholic Church
Ms Fiona Guy Kidd for the Anglican Church
Ms Sonya Cooper,
Ms Amanda Hill as other counsel attending

Venue: Ngāti Whātua Ōrākei Tumutumuwhenua Marae
59b Kitemoana Road
Ōrākei
AUCKLAND

Date: 7 March 2022

TRANSCRIPT OF PROCEEDINGS

COMMISSIONER STEENSON: Nau mai haere mai ki te Tumutumuhenua. Ms Spelman, kua rite mō te kai whakaatu tuatahi?

[English: Welcome to Tumutumuhenua. Ms Spelman, are we ready for our first witness?]

MS SPELMAN: Tēnā anō koe e te Heamana. Kua rite tātou, ko te kaiwhakaatu tuatahi ko Tupua Urlich, kei Tauranga ia, engari kei konei a Kingi Snelgar, Counsel Assisting.

[English: Thank you Madam chair. We are ready. The first witness is Tupua Urlich. He is Tauranga.] So, Mr Snelgar will be leading the first witness this morning, Mr Tupua Urlich.

COMMISSIONER STEENSON: Mr Snelgar.

MR SNELGAR: Tēnā koe. Tēnā tātou te whare. Kei konā koe, Tupua? Tupua, can you hear me? Tupua, can you hear me? We just can't hear you at the moment.

COMMISSIONER STEENSON: No, we can't hear Tupua.

MR SNELGAR: Can you just say your name?

SURVIVOR: Ko Tupua Urlich tōku ingoa. (My name is Tupua Urlich)

MR SNELGAR: Kapai, kia ora Tupua. Madam Chair, we'll just start with the affirmation.

COMMISSIONER STEENSON: OK. OK. Affirmation. Tēnā koe, Tupua.

SURVIVOR: Tēnā koe

COMMISSIONER STEENSON: We're just catching up with one small technical thing. One moment.

MR SNELGAR: Just for Tupua's benefit, Madam Chair, that we will start with the affirmation, Tupua, and then hand the rākau to you for karakia and then I will begin with a short mihi.

COMMISSIONER STEENSON: Kia ora. Mr Urlich, I'd now like to ask you to take the affirmation. Would you like to take that in te reo or in English?

SURVIVOR: Pākehā is fine, thank you.

COMMISSIONER STEENSON: OK.

TUPUA WHAITIRI HAPUKU URLICH (Affirmed)

QUESTIONING BY MR SNELGAR: Tupua, I understand you wanted to start your session with a karakia?

A. We've actually already done that offline, kei te pai.

Q. Kapai, kapai. Tēnā pea tuatahi nei ka tuku mihi ki a koe. Nau nei i whakatuwhera i tēnei huihuinga, nō reira e te rangatira e Tupua, mauria mai o kōrero kia whakawhārikihia ki runga i tēnei papa, arā ko Ōrākei. Tautoko ana ngā mihi kua mihia ki te haukāinga, ngā mate kei runga i a tātou. Ki a tātou nei kei roto i te whare, tēnei te mihi, tēnei te mihi. [

English: Very good! Firstly, I want to acknowledge you. For you are opening our proceedings, so Tupua, bring your narratives to lay upon the grounds of this land at Ōrākei,

I wish to endorse the acknowledgments that were expressed towards the home people and towards all of our deceased, our dead, and acknowledgments to everyone in the house.] First just acknowledging you. Thank you, Tupua, for being our first witness for the Māori hearing. And just to orientate yourself, just briefly, in the room today are our two Commissioners in person, Commissioner Steenson and Commissioner Gibson, and online is our Chair, Coral Shaw, Sandra Alofivae, and Anaru Erueti, our three other Commissioners. Here at the marae are a few of the lawyers that are involved with the Commission as well as the kaimahi and staff that are helping to beam you into the wharenui and across the motu. So, tēnā koe.

COMMISSIONER STEENSON: If I could also, Mr Snelgar, acknowledge Mr Urlich's participation in the panel for the hearing on the last day, tēnā koe.

QUESTIONING BY MR SNELGAR CONTINUED: Thank you. Tupua, I'd just like to start with just some introductory questions. You were born in 1995?

A. Āe.

Q. And your mother is Croatian?

A. Correct.

Q. And your father is from Ngāti Kahungunu?

A. Yeah. Speaking of, could I please introduce myself?

Q. Āe (that's fine).

A. Kei te pai. Tēnā koutou katoa. Ko Takitimu te waka, ko Tamatea Arikinui te tangata, ko Ngāti Kahungunu te iwi, ko Ngāi Te Rangikoianake te hapū. Ko Kahurānaki te maunga, ko Ngaruroro raua ko Tukituki ngā awa, ko Poukawa te waiū, ko Te Hapuku te tangata, ko Kahurānaki te marae, ko Tupua Urlich tāku ingoa, tēnā tātou katoa.

[English: Greetings everyone. Takitimu is the waka, Tamatea Arikinui is the eponymous ancestor, Ngāti Kahungunu is the tribe, Ngāi Te Rangikoianake is the subtribe, Kahurānaki is the mountain, Ngaruroro and Tukituki are my rivers, Poukawa is the ocean, Te Hapuku is the eponymous ancestor, Kahurānaki is the marae, and my name is Tupua Urlich.

Ki a koutou Ngāti Whātua, nā koutou te reo pōwhiri nā mātou te maringa nui, nō reira, tēnā koutou. Ki ngā Kaikomihana, tēnā koutou, nō reira tēnā tātou katoa.

[English: Greetings one and all to you, Ngāti Whātua, who invited us, we are honoured and privileged. Greetings to the Commissioners, greetings to you all, and indeed to everyone, thank you.]

COMMISSIONER STEENSON: Tēnā koe.

QUESTIONING BY MR SNELGAR CONTINUED: Tēnā koe Tupua. I wondered if we could start with your upbringing and some of your early memories?

A. I just need a minute.

COMMISSIONER STEENSON: Mr Urlich, if you need a break at any time, you just let us know.

A. Yeah, I'll be fine. Yeah, I think that it's just, this is clearly an emotional thing to go through, and I don't mind people seeing this because this is what we live with every day of our lives, so I am kei te pai with everybody witnessing this. My heart is racing right now, and this time there's a reason. But my time in care has left me with a racing heart at times when there is no threat. So, this is who I am, so yeah. I'm happy to continue, kia ora.

QUESTIONING BY MR SNELGAR CONTINUED: Kia ora. Thank you, Tupua. Maybe we'll just start with if you could tell us a little bit about your mum.

A. Yeah, kia ora. So, my mother is of Croatian heritage, she had a very religious upbringing and rebelled as a teenager, you know she experienced severe trauma throughout her life and unfortunately there was no healing for her and so that trauma was handed down through our whānau and that trauma still very much lives today. Then my father who's of Ngāti Kahungunu, he also, which I will reference later on, he spent time in the Social Welfare homes and was subject to poor treatment from them also.

Q. And you, say that your mum had six children and you were the,-- were you the second youngest?

A. Yeah, yeah, so she had eight in total, I'm the second youngest.

Q. And your younger sister, is she 11 months younger than you?

A. Āe, that's right.

Q. Do you want to talk at all about how your parents met?

A. Yeah, so my parents met at a rehab for drug and alcohol addiction, you know, their joint trauma and life experiences led them to that place.

Q. And your first five years of your life, was that spent living in Auckland with your mum and dad and siblings?

A. Yeah, those first five years of my life, I, honestly, were the best years of my childhood, despite, you know, maybe we didn't have much or there was, you know, there was alcohol use and substance abuse and all sorts of things happening around us, but I can look back now as an adult and tell you I was far safer in those first five years of my life than I was after the State intervened. My whānau loved me, never hit me, I knew who my people were, I knew where I belonged, up until the moment where the State stepped in.

Q. And just talking about the moment when you were taken away from your parents, do you want to talk about that a little bit?

A Yeah, so, you know, it's one of the hardest memories that I carry with me, it's so vivid.

There was a hui held at my mother's home, or our home at the time, we didn't know,-- these people were our whānau but up until that point I'd never met any of them, so they were strangers to me and to my sister. You know, one minute we're just normal day at home, and next thing you know we have a van load of people rocking up into the house and sitting down having a kōrero. We weren't in the room at the time, we were outside.

I wouldn't know how long it was because it's so long ago. But eventually at the end of their hui, yeah, we saw them packing bags into this van. We had no idea that we were next to get in that van and we had no idea where we were going or what was going to happen.

In that moment, I, yeah, I felt for my sister because my sister was clearly upset, my mum was extremely upset to the point where, as we were backing out of the driveway, she just collapsed to the floor screaming, this obviously upset us, but my sister the most. That pure sense of not knowing what the hell is going on, sitting in a van for the six-hour drive back to Heretaunga. We didn't know what was ahead of us, but all that we knew is it wasn't good because our mum was on the ground screaming and crying, that instilled fear in us.

The hardest part of that all was when we arrived, we arrived in a new environment with new people, so far away from what we've known our whole lives up until that point. -And-- yeah.

Q. And the two that were taken away, was you and your younger sister?

A Āe.

Q. And were you both split or separated from each other when you arrived in Hawke's Bay?

A. Yeah, so when we first arrived, we stayed together for a little while, wasn't very long at all, but eventually, I think -they say it was my behaviour, it was too much to handle the both of us, so we were split up, and that's when the gates of hell really opened on my childhood to be honest with you. -I left the whānau placement and was put in with non--whānau caregivers and that was the first time I endured physical abuse and it was close to on a daily basis. You know, this was hard enough, but the thing that hurts the most is being ripped away from your whānau and having your siblings still there and then not long after that having the last person that you've had in your life since day one taken away from you and then you're placed in with strangers who are abusing you.

Q. You were five years old when you were placed with this stranger who was a caregiver for Child, Youth and Family, is that right?

A. Yeah, that's right.

Q. Is there anything else you wanted to add about your experiences with this caregiver?

A. Yeah. You know, this caregiver went beyond physical abuse, he was cruel, nothing short of cruel. And how anyone could deem him safe or appropriate to take care of me, I don't understand. You take me away from my whānau and place me with someone who beats me nearly every single day. I missed so many days of school due to the bumps and bruises and black eyes he'd left me with from as young as five. I was, you know my pain turned to anger very, very quickly, because no one was there, no one had my back, I'd been removed from my whānau, I'd been placed with strangers, and put in a system that didn't care enough to check on me, they left me there for months and months and I put up with abuse nearly every single day of all those months. Now there's one particular incident that never leaves my mind and I still get flashbacks every now and then. So, when he hooked me in the head, a full-grown heavy built man hooking a five-year-old in the head, and I saw flashes, and that will never leave. That will never leave. I was a child at the mercy of a monster that nobody cared to check on to make sure they'd made the right decision. Very quick to make the decision to separate me from my whānau, not so quick to ensure that they'd made the right move and that I was safe.

Q. Eventually, Tupua, was there a time when you spoke to someone about what was happening to you?

A. Yeah. Aroha mai, there's another really important time, incident that happened when I was living with this man. So, my father passed away when I was young, and I was living with this man. One day I'd just finished getting a hiding and, you know, I was crying on the floor, I remember I was bleeding, the door opened, and he said, "Oh yeah, your dad's dead by the way." And the door closed behind him. And I'll never forget that feeling and actually I carry some of that today as we talk about this stuff. Because this is real life, this is real people, and it doesn't just "age out" like the system thinks, seems to think it does.

When my father died, even though he hadn't had an active role in my life, up until that point, I looked to him for protection, I looked to him as a person that would beat these guys up that were beating me up as my source of justice. And that was gone. It was literally just me. I couldn't even imagine someone coming to have my back, I couldn't even imagine justice.

Finally, after I was removed from this placement, I built up the courage to take this man to court for the abuse that he put me through. And honestly, I wish I never did.

I would have been six at the time and I took him to court for the assault, the abuse sorry,

this went far beyond just using his hands, he would use weapons, such as poles and wooden planks and whatever he had lying around. You know, going into that court, I was terrified. I was terrified of that man knowing that I was going into the same building as this person, it scared the life out of me.

Now I gave, I spoke in that setting via CCTV and his defence lawyer was cruel. I was clearly upset; it was clearly a difficult place for me to be in and he used my emotions as a weapon against me. When I became visibly upset, he said I was crying because I'm lying. The worst part about this whole thing is I was not the only one taking this man to court for abuse, for assault. There were many other young people there. He was acquitted of all charges but one and that was for kicking me. He got 30 hours of community service for that. I just want you to think about that, 30 hours for months and months of abuse, the fear, the worry, the pain, the hopelessness. All of that was worth 30 hours to the justice system. Now even at that very young age it became very clear to me that this is a system protecting another system.

Q. We'll come back perhaps, Tupua, to talk more about that, your experience of the system, but after that experience were you placed in multiple other care settings?

A. Yes, yeah, so it seems as though the second you opened your mouth the State just seems to push you from pillar to post. After that I didn't have any stable placements, home was wherever it was. I'd go to school one day, the next thing you know I'm going home to a different town or a different place, different people without any sort of notice, it just happens like that. You know, and it's,- it's not just the change in people and places, it's the change of environments. -Now, those so-called family homes are so far away from anything representing- a whānau, I'd be living in places where I had bars on my window, alarms on my bedroom door, if I need to get up to go to the bathroom, I've got 10 minutes otherwise that alarm's going off. These are the things that they're saying are family homes? And you know, these places, they are repressive, they absolutely are. You get groups form in there. The issue with me is that I've never trusted people, so I couldn't form a group or join one of these gangs to look after myself. So, I always ended up pushing my limit, pushing it as far as I could or running away. Yeah.

Q. Throughout your time, Tupua, did you ever have a Māori social worker?

A. No, I can't recall ever having a Māori social worker.

Q. I'd like to ask you a few questions about your experiences of racism and the first experience is of the CYFS office in Takapuna?

A. Āe, yeah. Yeah, so this is sort of time travelling a bit, but I'm 15 years old at this point. To give a bit of context, I had been self-harming quite a bit up until that point, several attempts to end my own life, I was at the CYFS office in Takapuna because I didn't know what to do. Now while I'm waiting there the social worker says to me, "oh, you're with youth justice?" I said, "No, I'm Care and Protection." And I kid you not, he said, "Oh, so future youth justice then." That is the attitude of people we have employed, and this was a Care and Protection social worker. This is the attitude of people that are put in charge and given a whole lot of power over our young people's lives. That is the attitude, that is the hope they have for us. "Future youth justice".

Q. That would have been in about 2010 when you were 15?

A. Yeah, yeah. About there. Other examples of racism. I mean, it's there, just,- it is so obviously there. The majority of the tamariki and rangatahi- in this system are Māori and that's not by mistake. You know, it's a train track that the Crown has laid down for us and it's so hard to get off that. I've attended education centres with some bright young Māori men who just aren't given the support they need when they need it as we've witnessed non--Māori receive. You know, all of those guys now, they all made it into the gang life, into jail, all followed the train track the Crown laid down. And it is extremely hard to get off it.

And being a light skinned Māori, you know, it exists on both sides, the hardest part for me was knowing that, you know, the destination is set, it's set and clear for us. How do you stay okay within yourself when everyone is looking at you and waiting for you to fail without a willingness to change the outcome? Why do we have to prove to a system that we can make it, we're the ones that need the encouragement to believe we can.

Q. Just turning, Tupua, to your experience of Police cells, is there anything you wanted to cover on that topic?

A. We've just got to stop placing young people in Police cells. You know, if you understand where behaviour is coming from, if you truly understood where it's coming from, you'd be locking people up not young people. When I go in, I've been into the cells a number of times over the years and I don't say that with pride, none of those experiences were healthy, we're placed in amongst adults who are so angry, often on drugs, aggressive, you're locking, you're treating us as a problem and locking us away and hoping that time will change us or fix us, it doesn't work that way. Now, part of being in the cells is you have constant banging on the doors, you have swearing, you have abuse, you have a whole lot of anger, and you're placing young people right in that environment.

- Q.** The next topic, Tupua, I wanted to ask is at paragraph 26 is about your name?
- A.** Yeah. So, one of my caregivers started calling me Michael and decided that that was necessary because she believed my anger and my bad behaviour came from the fact that her translation of my name Tupua is "evil and demonic". You know, she believed it was my name that was causing me to have such behaviours rather than the trauma of separation and abuse. I'll never forget going to school that day and the weird looks on people's faces and the other tamariki in my classroom, you know, being told that this was my name and that he has a new name, not responding to it and being told off. My name is Tupua, my name is not Michael. My name was given to me, it's not for anyone else to take. Yeah. Sorry, that's even that's pretty hard to talk about to be honest.
- Q.** Kei te pai. And just on the topic of names, at this point, I wondered if you wanted to talk at all about some of the use of Māori names by the Crown.
- A.** Yeah. Nothing insults me more, as an adult who's been through these systems, seeing them slap beautiful kupu Māori onto ugly, oppressive, abusive Pākehā systems that are destroying our people. What gives them the right? You know, everybody knows Oranga Tamariki has a bad reputation, but when you hear Oranga Tamariki, what do you think? You think Māori. Public perception is everything, and you know, Korowai Manaaki, the name of a youth justice residence. How fitting is that? Not at all if you'd ask me. It's time to respect our reo and stop using it to gain, I don't know, whatever you think it's doing, whether it appears to be partnership with Māori, I could tell you for a fact my tūpuna did not sign a treaty to have an advisory role in the lives of our people. Yeah, sorry, that's going to be enough on that.
- Q.** Kia ora, Tupua, thank you for your comments and honesty and sharing. I wanted to move now to talk about some of the impacts of your experiences and I know you've talked about that already, but just starting at paragraph 27 of your statement.
- A.** Yeah. Look, some of the things I've shared just offer some sort of insight but, you know, the abuse, the hopelessness, the loneliness was terrible. And when you top that off with absolutely no stability, a lack of direction, you know, so many things suffer. My education, but most importantly, my mental health. Still to this day I live with anxiety. Anxiety without any known trigger. It's just there. And whilst it's hard to live with that it's hard seeing my babies have to deal with a father who has anxiety that doesn't have the energy to play with them, you know, all the time. I love my tamariki, but this system has taken something from them that you cannot deny. You know, my only hope in my life is to raise strong confident loving people, but I'm having to do that off a foundation of pain, of anger

and of suffering at the hands of the Crown. You know, some of the impacts, most of the impacts go unseen by those that aren't affected by it. But those who are affected by it suffer severely every day. Parts of life are cut away from them that some of us never ever get back.

And, you know, I'm not a big crier, but the tears flowed at the beginning of this,- the powhiri, the opening, I saw those beautiful tamariki performing their waiata. That's why I'm here. Yes, this is my experience, but it's out of aroha and the need to protect them from this beast that the Crown has created. The effects will be lifelong, there is no questioning that. A lack of trust, relationships suffered and whilst a lot of this impact is on us directly, so many people that were close to me I've hurt and I've hurt as a result of that lack of stability, of that abuse, it took me a long time to figure out how relationships work-.

Q. Your experiences of the justice system, has that impacted your trust in it?

A. Absolutely. Going back to being a young fellow who's terrified, being abused, finding the courage to speak up and hopefully bring justice, to have – for the justice system to slap you in the face the way they did me and call me a liar, let my abuser get off, the whole court process was nothing short of terrifying. You know, and I remember going into a CYFS office at the time and the paper they gave me was an outline of the body and you're supposed to point to all the parts of the body where you're abused. What a way to go about that. Rather than listening to young people, no, no, no, they just want you to draw where you were hurt, and they'll take it from there.

I recall the way in which the defence lawyer was speaking to me, so demeaning. I was a six-year-old being spoken to with no regard for my wellbeing, no one, absolutely no one in the court system stepped in to reprimand the way he was speaking to me, not even the judge. I was crying and the defence lawyer claimed it was because I was dishonest, not because I was terrified, because I was lying. The defence lawyer was very much out to upset me even more. I believe that no child should be treated or spoken to in that way at all.

The sad thing is, you know, like I mentioned earlier, there were multiple young people he abused, sorry, I didn't mention this, but many young people he abused years after I left his care, he was then charged again and again, given community hours. So, I've had no trust in any system, Justice, Police, or whatever it is, because I've known for a long time, I only had me to rely on and it's taken me years after leaving the system as an adolescent to learn how to trust people.

- Q.** Just turning, Tupua, to another topic which is about the impact of your --the system on your relationship with your whānau and just if you wanted to say anything about that?
- A.** Yeah. I'm not as close as I'd like to be with my whānau to be honest with you all. This is a result of the State alienating me from my whānau. And for four years of our childhood my sister and I hadn't had contact with each other. It wasn't up until I managed to find a caregiver who would actually pay me pocket money that I could buy post stamps and write letters and send money to my sister. I'd send lollies if I had extra money. That was the only way I could love my sister, and buy phone cards and call her, but you can't make up for those lost years. A letter is great, but it cannot replace memories and experiences together. I'll always love my sister, but it's the same response to which are vastly different relationships with whānau, hapū and iwi. There is a colonial wedge that is permanently placed there.

Just because you leave the system, that barrier is still there. The barrier is years and years of missed opportunities and years and years of relationships lost. We are alienated because the system does not value us as Māori tamariki, did not value us as Māori tamariki belonging to a collective whānau, hapū and iwi. They throw these words around that they don't understand and it shows in the treatment of our tamariki. The separation stays there.

It is modern day colonisation that we are talking about. As an adult, I still must deal with that, I'm still trying to develop relationships which should have been made and developed throughout my childhood. It has left me disadvantaged as Māori. Once I've been told that being Māori is bad, it's ripped out, we know as Māori there is so much power there, I must work so hard to get to, if I had that from day one, it would be a completely different story. It would be a whole different picture. I wouldn't feel --I would feel, and it would be different.

Being Māori and raised in a system that is determined to separate you from your culture and knowledge is modern day colonisation. They want to detach us from our people, from our culture, and let us fall into a system that feeds their privilege, it feeds their position in Aotearoa. To me, my cultural identity is my identity, my whakapapa is my identity. It's my people, my place, it's my history and in the context of my childhood, whakapapa is where I should have been and who I should have been with. Our tamariki do not belong to a Crown entity, neither did I. Knowing who you are and where you come from, the values defined by tikanga, they are the right foundations to develop strong, healthy, independent ready young people. It's like day and night compared to the system that we were raised in.

- Q.** I wondered if you wanted to talk at all about your experiences with Peter?
- A.** Yeah. So when I was about 11 years old, I started attending an alternative education centre and that's where I was fortunate enough to meet a man there, Peter Nordstrom. Pete recognised and understood the importance of tikanga and te reo. He'd witnessed generations of those who had lost their cultural identity. Actually, recently, I had a kōrero with him and he reflected on this and he said that I had such a strong lack in my whānau base, so his mahi with me was actually establishing that through culture, through tikanga, and that was, at that particular time when I was learning te -reo-, I was learning our history, the history of my people, I remember feeling grounded, comfortable, and in myself I could --- I understood I belonged to my iwi, I'd learn the stories and what they achieved and what the people were like. I had something to be proud of. Peter Nordstrom knew that our behaviour is simply a mixture of two things: one, detachment and two, anger. How do you heal that? You must address the detachment.

We have a strong history, we have strong whakapapa, we have a lot to be proud of as Māori and it's important to embrace that, and that helped me a lot. There were lots of reasons why I wasn't supported by other places to learn tikanga and te reo. One, there was my behaviour, then you add on the psychology and counselling appointments to attend, there wasn't much room for learning things that are important to me outside of the education provider. Importantly, when you live in a racist system, it makes you view yourself differently. I was desiring to expand my knowledge of Te Ao Māori and te reo Māori in a safe setting. Outside that I wanted to dissociate. To me, in my mind, that was a negative thing. The only time I saw reference to Te Ao Māori outside of education centre was the koru patterns frosted on the glass meeting rooms of the CYFS office. Now, for me, that was my small instruction to things Māori. For a long time that's all I had and that wasn't a nice place to be. I deserved more than that.

- Q.** You mentioned earlier, Tupua, that you were, on your father's side a second generation of those who have been through State care?
- A.** Yeah. That I know of. So they're all dead now. My father and all of his brothers, they're all deceased. I am the eldest in my direct whānau line and I'm 26 years of age. My father, he was killed, one of my uncles passed away, he didn't -- he suffered a lot with schizophrenia because of his experience, intergenerational harm by the State was apparent.
- The result of abuse and trauma and what the State do to our people is present even in their death. This mahi is important to me as I am the eldest direct whānau in my direct whānau line and you can't say this is not connected because it absolutely is. I've lost two

uncles to [GRO-C], -most recently lost my uncle who lived a life where he suffered from severe schizophrenia from his experiences. My uncle who recently [GRO-C], he opened up to me before his death and this stuff is very real. The hardest part is living in a society that denies it's real. It's like an infection, if you aren't infected by it you don't know it's real. If we were to respond to the intergenerational harm that the State is putting on our people, the way we responded to Covid and other things and prioritise it that much, it would be far different.

There are a lot of whānau who have suffered from intergenerational harm and I know many people who have cut themselves off from whānau, they live by themselves, they go it alone, they've grown up to believe their parents are bad people and so they don't want to connect back to that. Something that I've learned as I get older is that it's important to acknowledge the trauma and the pain of our parents, the lack of support, that they have had to carry their trauma with them. I don't believe for a moment that my parents were bad people. I believe they were human and they were responding to a lifetime of pain without any healing.

Q. Thank you. The next topic, Tupua, is your experience of redress.

A. Yeah. So there are so many areas that have affected us negatively, like I keep saying. I suffer from anxiety. How do you make up for not having the energy, having the energy to play with your tamariki, having the fear of being around too many people, how do you make up for the scars that I will live with forever? The whānau that we've lost, the intergenerational slaughter. My experience with redress process was unsatisfactory.

I recall being interviewed by two Pākehā staff members about the abuse I'd suffered and endured while under State care. It was maybe six months before I heard back and an offer of compensation was presented. That was the worst time to come at me with something like that, because the full effect of the pain and the trauma hadn't even come, I hadn't even - I had no idea what I was in for. I didn't have a lot of options available to me at that time, I was only 17 years old, I was self-harming at that time, that was sort of a dangerous time because I already felt I didn't belong in society, I couldn't connect, I felt like an outsider in this world, living on a benefit that hardly gave me enough to survive and pay rent because the youth payments, whatever they were at that time, it was a struggle so I was literally starving almost three days a week. It wasn't until much later that I realised that what I signed and what I accepted was disrespectful to myself. The Government need

to acknowledge that when you abuse children and leave them, we suffer, we suffer hard, and we suffer for a long time.

Q. Just turning to the final two topics, Tupua. First, about your recommendations for what the State can do to help. Is there anything you wanted to share?

A. Yeah, a few recommendations here. Establishing an education scholarship that will provide opportunity for children to be brought up to the same level as everyone else. Our experience in the system, it affects our ability, it affects our access to opportunities in life, because we carry so much that we need support to reach the same level as everybody else.

The State has held us back and down for so long that real ways forward and up are needed. When it comes to whānau, Māori, iwi support services should be the one that contact Māori. This is our people. The best thing the State can do is keep their hands off our children. That's what you hear our people saying time and time again. Māori have a right to be heard and a willingness to have a healing role in the lives of our people. You know, this blockade of such that the Crown places on it is what feeds the racism.

The fact is the Crown has created its system in which we fall through gaps. They appear like the helping hand up but in reality they are the hand pushing us down. Allow Māori to exercise tino rangatiratanga. We don't need the Crown to give us power, we've always had it. We need the Crown to respect our power. Children in care are viewed as less than other children and young people. Young people at facilities should be supported by an independent advocate and listened to. All Care and Protection residences must be shut down. These environments are prisonlike. For children with high needs, what part of prison is therapeutic? New Zealand can no longer raise children in a system and isolate them from decision-making and when they become of age say, all right, you're an adult now, you're ready to go. We need support and help.

My mahi with VOYCE Whakarongo- Mai advocates for the voice and connection,- the voices of care experienced, and empowering children's voices to be heard and listened to and enabling a pathway to the cultural identity. VOYCE -Whakarongo Mai supports key relationships with iwi. We are about acknowledging our tamariki and rangatahi as collectors of -whānau, hapū and iwi. The knowledge exists and the supports are out there, so rather than re-invent the wheel, it's about connecting us with our iwi. They are the experts of their own. There is power in knowing where you belong, the tikanga connection, having those values instilled in you.

If I could just finish off with saying that it's very hard to give a solid view into my experiences because things that have become normal to me may not be normal to you at all.

But I've just done my best. All I can say is that this in no way gives you full view of what I've been through in my life under State care. But it's a start.

Q. Tēnā koe, Tupua. Just finally I understand you were quite instrumental in starting or being part of the startup of VOYCE Whakarongo Mai?

A. Yeah, so I was on the,- sorry, after the review of Child, Youth and Family, the so-called modernisation to -Oranga Tamariki, I joined the establishment with the board of VOYCE -Whakarongo- Mai and partnered with Government, non-government, philanthropic and care experienced whānau and young people.

Q. Thank you. That may well be something as well as other topics that you wish to return to next Friday as part of our closing panel. So I just wanted to reiterate that unless you had anything else to add at this moment, I was going to hand it over to our Chair.

A. No, kei te pai (I'm fine).

COMMISSIONER STEENSON: E mihi ana ki a koe, Mr Urlich, i tō kōrero i tēnei rā (English: I want to thank you, Mr Urlich for your evidence today). Thank you for sharing your experience and your whakaaro with us today. Are you comfortable taking pātai from Commissioners, Mr Urlich?

A. Āe (yes).

COMMISSIONER STEENSON: Okay. Commissioner Gibson, do you have any pātai for Mr Urlich?

COMMISSIONER GIBSON: Thank you so much, Mr Urlich, your truth is raw and powerful and it speaks to something much of the country is very uncomfortable with. You talk about racism, racing heart, intergenerational slaughter, the challenge to the powers that exist in a predominantly Pākehā system and how to let go and allow tino rangatiratanga to thrive. I think you're speaking today to both Pākehā and Māori Aotearoa. I think there are many Pākehā who believe they are allies to the cause of Māori tino rangatiratanga, of getting care systems right. What would you say to them, what do they need to learn, is there such a thing as a good tangata Tiriti ally and what would that good ally look like to you?

A. Absolutely they can exist, they're the most important piece to this whole puzzle here. Partnership is key. If they are a good ally then they know what they need to know, they have an understanding and a non--biased view of the situation, they're not afraid to speak up and speak their truth into the space. Yeah, it's --what we need to do is stop saying, "Yeah, we'll have a Māori Advisory Board for this and that." No, we're not there to give advice. These are our people. We need more power and more say in the spaces that are responsible for our tamariki, for our rangatahi.

Q. Kia ora, thank you, Tupua. Thank you, Mr Urlich.

COMMISSIONER STEENSON: I'll just check with our other Commissioners who are online.

Commissioner Alofivae, excuse me, my tongue was tied there. Commissioner Alofivae.

COMMISSIONER ALOFIVAE: Tēnā koe. Thank you, Madam Chair. Tupua, talofa lava.

I too want to salute you for the courage. You are our first witness this afternoon and you have brought it in spades, if I can put it very simply. Thank you for the honesty in your comments and how you see things and how it can be improved. Tupua, one of the comments that you made that I'd like to unpack with you a little bit more if I may, is you recognise that your parents had trauma. So we've got over 6,000 kids in care today who come from a similar background of trauma to you. Do you think you could expand on how you,-- where should the focus be going from your perspective as a young person who lost so much, you lost so much, it was like ripped away from you. What can we be doing now?

A. We can stop viewing children in isolation of their family. The wellbeing of our children should be inclusive of the wellbeing of the whānau as a unit. If the whānau are not operating in a way that is safe or sustainable or nurturing for our tamariki, do something about that, don't just remove the children, because guess what, Crown, you don't have a nurturing, safe, loving environment yourselves. So it's about recognising and respecting the role whānau have to play in the lives of our young people.

Q. So when, --so previously it's been very focused on the individual, but what I hear you saying is that actually as a nation perhaps we should be moving to becoming far more whānau--centric in our policies, in our systems; is that what I'm hearing you say, Tupua? I just want to make sure I am hearing you correct.

A. Absolutely.

Q. Thank you very much. And there was one other thing. Did you have social workers actually checking up on you, Tupua?

A. They may have checked up every now and then, but nothing consistent and nothing memorable, to be honest. Yeah, it was --the struggle to get them on the phone was enough. By the time you did see them it wasn't very long.

Q. So because you would have had others in your life who were tasked to care for you as well, so you would have had a lawyer, a lawyer for child?--

A. Yeah, the process of lawyer for child, it really was just some lawyer coming to tell me that he's going to court, this is what he's going to say, okay, see you next time. That's as far as engagement with lawyer for child was for me.

Q. And Tupua, for the kids of dual heritage, the kids of both Māori and Pasifika whakapapa, any comments around that that you'd like to share around how do we support that nurturing component?

A. I can't speak for Pasifika because I'm not myself, but our people, our whānau know how to take care of us. There's always going to be someone there who can take a leadership role. It's about,-- the challenge isn't really on whānau here at all. The challenge is on the State to allow whānau to have an active role in the lives of our young people. Our whānau aren't, you know, they're having to jump through hoops just to be heard in the room. You know, all I would say to our Māori and Pasifika whānau is kia kaha. This is not on you, you know, necessarily, and that the State really needs to step up and make the whole process more inclusive of whānau.

Q. And one of the impacts that you spoke so poignantly about was the loneliness and the mental health and just the gravity of that, the weight that that really placed on you. Were there,- was there anything positive that you might have been able to actually point- to that might have worked in that space?

A. Having good people. I was lucky enough, nothing to do with my time in the system, that I met good people, and that I have formed a solid network, I'm lucky, a lot of us aren't that lucky, I had people behind me that had my back, that I can be real with. A lot of this is understanding that, you know, all this pain and the anxiety that I carry, it's not my fault, I shouldn't be embarrassed by it, I should not be ashamed, the Crown should be. It's theirs. They are responsible.

Q. That was very powerful, it is not your fault. Tupua, can I thank you in my own language, can I say fa'afetai tele mole lototoa, fa'afetai tele mole lotofina i manuia.

A. Tēnā koe (thank you).

Q. Thank you, Madam Chair.

COMMISSIONER STEENSON: All right, now we'll move to Commissioner Erueti. Do you have any pātai for Mr Urlich?

COMMISSIONER ERUETI: Yeah, tēnā koe, can you hear me, kei te rongō i a koe e hoa?

COMMISSIONER STEENSON: Āe.

COMMISSIONER ERUETI: Kei te mihi ki a koe me o kōrero māia i takoha mai e te rangatira

[English: I want to commend you on your submission, your evidence.] I've just got a couple of questions. They follow from my colleague Sandra's questions, really, about learning more about mental health challenges that come with being in care, and your experiences about accessing good, robust care. If you could talk some more about that,

about your experiences about being able to access it and what do you think you needed while you're in care and today.

A. In terms of mental health?

Q. Yeah, because you talked about self-harming, suicide, and anxiety.

A. Yeah. Yeah, again, it really comes back to people, good people. Isolation is an ugly place and it's not a place where much healing can get done especially when you don't like who you are. You know, part of that is being treated so poorly for so long that you start to believe it is you, that you deserve what you are getting. You know, and it's like it took a long time for me to have the ability to stop and to actually understand what I'm feeling and what is all this, because the physical threats were always present, until I left the system. So I mean, if you imagine a solid parent, you imagine the things that they'd give their children, the answer to your question is, whatever that, you know, what that good parent would give to their tamariki. These are tamariki themselves, no different, except for the fact that --they've been removed from their whānau. Their needs are the same, if not more. But it all comes down to the basics, being loved, being respected, being cared for, and belonging. And no matter what end you look at it, those are the important things for me.

Q. Absolutely, absolutely. One of the things I have found with this Inquiry is the difficulties that survivors have of finding a good counsellor, you know, someone, because there are a lot of people out there, but just finding someone that's just right for them?

A. My issue with counsellors is when I was younger, I was being abused and I went to school and spoke with the counsellor, told him that I was being abused, he notified the caregiver, so I went home to another hiding. So even though I am an adult, you know, that's still, yeah, that's still a problem that I have talking to counsellors, you know, I prefer to speak with people that I know.

Q. Yeah, ka pai. That leads me to the next kaupapa really, Tupua, and that's complaint processes.

A. Yeah.

Q. I'm interested to hear from you about what you think makes for an ideal, you know, what creates the circumstances for encouraging someone in care to be able to trust someone to talk about their experience?

A. Yeah, there needs to be a very strong independence, aspect of independence to this, the State cannot be,-- are not trusted with this sort of thing. It has to be independent, it has to be transparent, and it has to be easy to navigate. You know, all of these grand ideas the Government seem to be coming up with by fragmenting out of the roles of complaints and

all of this does nothing but confuse our young people. They're overcomplicated. And it has to be obligated and there has to be accountability for reaching outcomes. Because what happens is that young people, they build the courage, make a complaint, six, seven months later still no progress, they've forgotten about it. Oh well, carry on. There has to be a desire to achieve an outcome and actually something that says you must reach an outcome. There's a lot of musts on us, as young people growing up, that the State seems to just not have so much of when it comes to anything to ensure that we're safe and, you know, our voices.

Q. Yeah. I can see from your evidence that your experience, you had the courage to speak up and the consequences were terrible for you.

A. Yeah.

Q There's so much in your evidence, Tupua, and we are limited with time, but I'm just going to ask a few more questions. One of them is, I was really struck about what you say about the family homes and how it's such a misrepresentation, and you also say in your statement about how the Care and Protection residences should be closed.

A. Absolutely.

Q. I'm just wondering, what's your vision, what would you like to see instead of these sorts of residences?

A. Instead of, yeah, instead of locking young people up who are suffering from pain, start addressing that pain, and wrapping around them literally with all those things I spoke about, love, care, nurture, belonging. Let's start addressing those rather than locking people up because they're showing their pain.

Q That seems to fit with also what you're saying about a, I think you described it as tino rangatiratanga model of, you say iwi service providers, giving them the capacity to be able to provide awhi services.

A. Yeah, we are not a resource for the Government to make money off. We belong to our people and if anyone were to have a say in my life and my upbringing I would hope it would be my iwi, not somebody who doesn't know me from a bar of soap.

Q. And it seemed that the turning point for you was when you met Peter?

A. Peter Nordstrom.

Q. And that opened up to you the tikanga Māori and te reo side for you and that was something that you really needed at that time and made a change for you. Do you think that that is something that can really instil the sort of ---

A. It was the most powerful thing throughout my whole experience, that was a window into something else altogether, you know, rather than the system, it was a culture and it's a culture that I'm connected to and I belong to and there's a lot to be proud of and, you know, my tūrangawaewae, I know where that is, you know, they moved me around a lot but I always knew where I belonged. Having belonging is so important for anybody.

Q. Another important kaupapa that you emphasise in your evidence is the education and the struggle that you had with all the multiple placements to maintain that, and I just wondered if you wanted to say some more about that. It's such a common thing we find with tamariki in care.

A. I don't know how, or when or why the State seemed to think that our place of education is an appropriate environment to come and interrupt our lives for meeting, for uplifts, for whatever. You know, that was something I feared the most when I started a new school was, I don't want them to know I'm a CYFS kid, because I already struggled to make friends. And the only time you ever saw CYFS on the news or anyone who was in CYFS was for some terrible things, I didn't want to be,-- I didn't want people judging me on that. And so, every school that they came to, they'd wear their bloody name tags with the CYFS logo, and that was it, game over, everybody knows you're a CYFS kid.

Q. Yes, yeah. There's stigmatisation about being a CYFS kid and there's also being Māori and being a CYFS kid, from your evidence, right? So it all compounds.

A. Yeah.

Q. Okay. Tēnā koe, Tupua. Ngā manaakitanga ki runga ki a koe me tō whānau [English: take care of yourself and your whānau, Tupua.] Thank you so much for your evidence today, ngā mihi mahana ki a koe (warm thanks to you).

A. Tēnā koe.

COMMISSIONER STEENSON: Ngā mihi, Commissioner Erueti. I also have a couple of pātai for you if that's all right, Mr Urlich.

A. Āe.

Q. Yeah, I felt the weight of your kōrero and emotions today so ngā mihi nui ki a koe and ka aroha, kia kaha (English: thank you very much and I sympathise and be strong), to the point where actually I was tongue-tied and couldn't even remember my fellow Commissioner's name. But my question is related to Commissioner Erueti's one around how you had a turning point with Peter Nordstrom. About what age was that?

A. About 10 or 11.

Q. So up until that point you really hadn't had any experience with your, or good experience of understanding your whakapapa or iwi, tikanga, reo?

A. No, I'd only been to my marae once and that was to bury my father.

Q. And so you say that it was one of the most powerful things once you had connected, which is fantastic. I kind of want to understand the,-- did you find that a healing,-- obviously it was powerful, so I'm imagining that would also be a healing thing for you and --

A. Yeah, definitely.

Q. Sorry, I'm just trying to reconcile how that differed to the counselling you'd received.

A. Yeah, counselling was talking to a stranger. Our culture is not strange, it's close, it's part of who we are. And seeing myself so closely connected to, you know, to our people, our way of life, our history, and why we,-- and understanding why we do things the way that we do.

Q. Yeah. And so do you think if you'd had more,- perhaps this is loaded, if there was- more experiences steeped in your culture and if you had actually spent more time with people, you know, from your culture, do you think that that would have helped you heal some of the anger that was, and trauma that had led you to some of the things that were going on?

A. Definitely. Definitely, yeah. It's very clear because the system is oppressive, it's isolating. Our culture is none of those things.

Q. The other thing I was wondering about was around,- you spoke about not being checked often and it was hard to get hold of social workers- and you had some other obviously bad experiences with nobody being there for you. What do you think is good oversight of these sorts of things, not only caregivers, but you know, people who have control over children's circumstances, what do you see as something that would be good oversight, check -ins?

A. I think that, yeah, again, there's a lot of trust placed in the system, you know, like, would I say that social workers checking in with young people more often would offer that? No, it has to be independent. You know, yeah, there are certain things that we just can't trust Oranga Tamariki to deliver on and this is one of them. Or-- independence is important, but making sure that young people know who you are and what you're about, that's really important too. So often we have all these professionals wrap-around that you don't know who does what, yeah.

Q. Okay. E mihi ana ki a koe (thank you very much). I'm going to pass now to Judge Shaw. Do you have any pātai for Mr Urlich?

COMMISSIONER SHAW: Yes, I do. Tēnā koe, Tupua. I'll use your name because you had your name taken from you and I did like your expression, "This is who I am" and you are Tupua, so I refer to you as Tupua. My question is related to some of the issues that have

been raised before which is, in particular it's about oversight, it's about safeguarding. I want to lift this away from your experience in particular to the more general. And it relates back to your statement about not wanting to be just an advisor in relation to your people. If you had the opportunity, I'd like to think when you have the opportunity, how do you see the role of yourself and other young people in designing something that in your view would work? Do you have a view about that? I'm talking here about a new system and the role that you see yourself and others like you being involved in it.

A. Yeah, I mean, I see our role being most vital of all right from the architecture to the rolling out of it. It has to be informed by our experiences, by our views. What we have is people that are learning through, you know, the education system and what works overseas and these things that are designed to work overseas. We're talking about majority Māori here. So, it's not just a matter of those with lived experience stepping in and claiming the space as ours altogether, it has to be a partnership, it has to be a partnership of our care experience whānau, our iwi and the Crown.

We all have to come together, it has to,-- but the partnership and everything has got to be genuine because so often you hear the problem with advising is you're just on the sideline-, there's no obligation to act on what you say. And that seems to be the -go-to-. And so actual partnership gives you power, and it has weight to your contributions.

Q. Tupua, you would be familiar with, I'm sure, the recommendations in our recent redress report, Purapura Ora, and with the concept of collectives that we recommended for the design specifically of the redress process. Would you like to comment on that in relation to the oversight, the over,-- the safeguarding of particularly children in care?

A. Yeah, it's hard to make comment on that right now, but yeah, what I will say is I support it, and there's a clear understanding of roles, right, and that's been lacking across the board, so yeah.

Q. So do we get a tick for that?

A. Yes, you do, you get a tick for that.

Q. Yes, I'm sorry I'm being tongue in cheek here, but the main thing is to see whether you think as a person who's lived this and continues to live it, to see whether there is a role of a similar sort for the design of other parts of a system of care?

A. There has to be. We absolutely have a place across the board, yeah, definitely.

Q. Kia ora, tēnā koe, ngā mihi atu ki a koe mō tō kōrero (thank you very much) and I hope when you have finished and got over this afternoon that you will feel better.

A. Thank you.

Q. That it won't have damaged you too much and that you will look after yourself. Tēnā koe. Ki a koe Commissioner Steenson.

COMMISSIONER STEENSON: Tēnā koe. I'm just going to pass it back to Commissioner Gibson to finally thank you, Mr Urlich.

COMMISSIONER GIBSON: Kia ora, Tupua. Nga maunga, ngā awa, ngā tīpuna o Ngāti Kahungunu, tēnā koutou. Tupua Urlich tēnā koe.

[English: The mountains, the rivers, the young sisters of Ngāti Kahungunu I greet you, thank you, Tupua Urlich.] You're not the first voice we've heard today from Ngāti Kahungunu. We heard Moana Jackson quoted, the challenge of racism underpinning failing care systems, abuse in care and the need for real reform, constitutional evolution. There's an intelligent, challenging, courageous truth to what he has been speaking to Aotearoa New Zealand and I see it absolutely in what you've shared today. We couldn't have got a better start to our hearing.

I acknowledge the work you've put on, the advocacy you have put into VOYCE Whakarongo Mai and, if my memory serves me correctly, you and your story were actually instrumental in the momentum behind the Inquiry and ensuring that what was looked at, that it was not just historic, that recognising what still has happened recently and is ongoing. Thank you for starting today, thank you for your māia, tika, pono and I so look forward to the panel at the end when you get another chance to contribute and I get another chance to hear and learn. Kia ora.

A. Thank you for the opportunity.

COMMISSIONER STEENSON: Mr Snelgar.

QUESTIONING BY MR SNELGAR CONTINUED: Tēnā koe, Tupua, kua mihia ngā mihi ki a koe. I just wanted to check whether you wanted to finish this session with a karakia?

A. Kei te pai, I'll do that offline, thank you.

Q. Ka pai. Nō reira, e te rangatira, te māngai, te toka tū moana ka kite hei te Rāmere,

[English: so to you, you are like a rock standing against the crashing waves of the sea.]

Thank you. Madam Chair, now we have a scheduled afternoon tea coming back at 3.45.

COMMISSIONER STEENSON: Āe. Thank you. We'll resume the hearing at 3.45 pm.

Adjournment from 3.36 pm to 3.50 pm