**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY**

**ROUNDTABLE DISCUSSION**

**1 JULY 2021**

**Present:**

*Royal Commission* -Coral Shaw (Chair), Anaru Erueti, Julia Steenson, Paul Gibson,Simon

 Mount QC, Joss Opie, Jane Norton

*Children’s Commission* – Glenis Philip-Barbara, Kerri Cleaver

*Human Rights Commission -* John Hancock

*Office of Human Rights Proceedings –* Michael Timmins

*Catholic Church* – Dave Mullins, Sister Sue France

*Methodist Church* – Reverent David Bush

*Anglican Church* – Archbishop Philip Richardson, Bruce Gray QC

*Crown* – Alana Ruakere, Maria Brucker

*Cooper Legal* – Sonja Cooper, Amanda Hill

*Network of Survivors of Abuse in Faith-based Institutions* – Murray Heasley, Liz Tonks

*Office of the Ombudsmen* - Chloe Longdin-Prisk

*Disability Rights* – Sir Robert Martin, Cindy Johns

*Salvation Army* – Murray Houston

*SAGE* – Jim Goodwin, Keith Wiffin, Gary Williams, Kararaina Beckett

*Taumata* – Neville Baker, Sharon Hawke

*NZ Collective of Abused in State Care* – David Stone

*VOYCE* – Tracie Shipton,

*TOAH-NNEST* – Stella Gukibau, Miriam Sessa

*STAND Tu Maia* – Fiona Inkpen

*Citizens Commission on Human Rights* – Mike Ferris, Paul Zentveld

*NZ Māori Council* – Denise Messiter

*Academics* - Dr Monique Faleafa, Dr Stephen Winter, Dr Hilary Stace

*Royal Commission Forum* - Judith Aitken, Rosslyn Noonan

*Individuals* - Frances Tagaloa, Tima Tagaloa

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

**[10.05 am]**

**KAUMATUA:** Mōrena koutou katoa. We're doing this without Tu so there's a little bit of a, what do we do? When Tu left yesterday she said to me just turn up at the same time and ask Abbey. So I came to the door and asked Abbey and she got on her phone straight away to Tu. Kia ora Tu. We'll just kick off the morning. We've been starting our sessions here with Korōria Hareruia. He wai.

**[Waiata He Korōria Hareruia and karakia]**

**CHAIR:** Me tū ake au nei ki te mihi atu ki a koutou katoa. Rau rangatira mā, tēnei te mihi mahana ki a koutou, nau mai, haere mai. Welcome to this very first of our public roundtables for the Royal Commission. I'm Coral Shaw, I'm the Chair of the Royal Commission. I'm joined in the room today with some of my fellow Commissioners, Dr Andrew Erueti, Anaru, Julia Steenson over here and Paul Gibson is straight ahead, there's Paul straight ahead, and we're mingling deliberately amongst you all. The one person who's not here is Ali'imuamua Sandra Alofivae who will be here tomorrow, she's off talking to survivors as we speak, because the work must continue.

So this is a very, very important occasion, as I said it's our very first public round‑table, and we regret that we weren't able to get up and running last year, which we intended, but we were rather overwhelmed with Covid and then with hearings and I think some of you who have followed our hearings will see that those are not easy matters to organise, to prepare and go through, and quite frankly we needed to get those underway before we started on this. But this is really important, I can't stress that enough.

But before I start, I've got a public announcement to make. Some of you will have received the message already, but the message is that Mervyn Singham, our Executive Director, is from today no longer our Executive Director. At this very moment he's being welcomed to his new role as the Chief Executive of the brand new Ministry of Ethnic Communities.

Ethnic Communities Ministry was formed as a result of the Royal Commission into the mosque inquiry, into the Christchurch mosques. One of the recommendations was that the Office of the Ethnic Communities, which was embedded inside Department of Internal Affairs, should be given its full ministerial status. And we are honoured that Mervyn has been appointed to that and it just shows the esteem with which he is held in his public service role, but also as a member of the ethnic community.

And when he told me, some weeks ago now this was going to happen, or was likely to happen, he said to me a very moving thing, he said "Coral, I want to be working amongst my own people." And I truly respect that. So Mervyn is a great loss, many of you will have dealt with him personally, he's been a tremendous support to me and the Commissioners through all the ups and downs and the ins and outs of this huge massive undertaking. He's held fast, calm, collected and so supportive of our work with survivors. So he will be sadly missed.

I can tell you that an interim director is being appointed and the name of that person will be announced if not today then tomorrow and you will be the first to hear. As soon as I am able I will tell you who that's going to be. So that's that.

First, may I acknowledge the survivors in the room, ngā mōrehu, and either survivors in person, and I've spoken to several of you already, or those who are survivor networks and who represent the survivors. You're at the heart of what we do and it's so vital that you are here with us today and being part of this important discussion.

So what is the discussion about? It's about redress, which is an ugly word, I've never liked redress. In fact, when I started I didn't even know what it meant in this context and I've had to learn it really fast. But the reality is that redress is a bundle of things, and I just thought to start us off in our discussions if I just gave you what the Commission's view is of redress in a very general way so at least we're all talking roughly about the same thing.

So redress is a wide term that usually involves in part money and apologies to survivors of abuse, but importantly it must also include restoration, rehabilitation, and at its very best it should take many and varied forms. From a Te Ao Māori perspective, there is a strong view that impacts of abuse, and therefore scope of redress, should go way beyond the individual to whānau and hapū at the very least.

And of course the fact that, and the knowledge of the intergenerational impacts of abuse that we have heard about so powerfully, particularly in the last two weeks with the Lake Alice hearing, shows us that redress may, in its proper sense, may well extend beyond the individual, beyond the whānau, the immediate whānau, to generations who follow who we have heard are deeply impacted by their parents or relations who have been abused. That's what we're talking about, it's not a narrow term, it's a wide term.

One of the tasks that we will have over the next two days is a conversation about what you think redress is, what does it look like to you, what does your community regard as appropriate redress. This is why I've gathered you all here to do this.

So just very quickly, this round‑table is the result of a very long process that began back in 2019. The first was we put out a public consultation on the scope of our investigation into redress and received submissions on that. We then called for submissions on two matters, the Māori investigation in the redress hearing and we received, I can't remember, about, quite‑‑ a number of submissions which have come in, written submissions fed into our learnings.

And then in September 2019 we put out an issues paper and we sought submissions on the topic. Then in the end of 2020 all that underground work, so much work goes on that nobody sees, there's a lot of work being done to prepare for the redress hearings, and at the end of 2020, as many of you will know, 2020, beginning of 2021 we held four hearings.

The first was in hearing the voices of survivors about redress, the second was then hearing from the institutions where the abuse occurred to put to them and to raise with them how they were dealing with and have dealt with survivors who come to them for redress, then we heard from the faith-based survivors and then we heard from the faith-based institutions, the churches etc, about what they're doing in the world of redress. So we've gathered an awful lot of material together.

We have committed and we committed very early on to producing an interim report on redress before our final report, that was always in our mind. And we'd always said we'd get it done by the end of this year. The Government applauds this, is happy with it, and in fact is likely to say in our revised terms of reference that's what it wants, well, we're doing it is anyway. And we will have a written fully published written report by 1 December.

The Government has asked us to produce by 1 October an embargoed summary on where we're going and the reason, and this is not a secret, the reason is the Government has said please tell us where you want us to go so that we can put a budget bid in so we can do something in the new budget round next year by way of implementation.

So we are hopeful that if we, tātou, tātou, can get this right by next year we should see the first signs of action by the Government in devising a redress process that has got to be, doesn't it, far better than what's there now. So I'm very hopeful about that.

We are in our consultation phase, so earlier in June we had a private two-day hui which was hosted by Kingi Tūheitia at Hopuhopu for iwi leaders and for church leaders, a very useful two days where we discussed and heard from iwi leaders and the church leaders what they perceive to be redress and started to form some ideas about the tikanga of redress as it applies in a Māori context.

Our colleague Anaru has been involved with a University of Auckland wananga just the last couple of days on redress, again from a Māori Tikanga perspective, so gathering those views, we're hoping they will feed those into us, and then we come to us today.

So, the last thing is, you know we do private sessions with survivors, the Commissioners are going out regularly, almost every week, talking kanohi ki te kanohi, face-to-face with survivors. Those are all recorded and now all that information is being mined and harvested for the views of survivors as we've been speaking to them in private.

So that's not lost and those views, our policy team is now analysing all of those to feed in, so here we are today. It's not just the beginning, it's a part of a very long and detailed process but a very important part of it.

So, it's a chance for us to hear, for us, us Commissioners, to hear from you. Our role today is to listen; to listen, absorb, discuss, argue if you like. We don't want to be, ‑‑we don't want to be arguing, we just really want to hear, but I want you to argue amongst yourselves.

And if I can just say, I am fully aware that there will be many voices in this room who feel that we haven't done the job right and we haven't, that we haven't addressed the Pacific area correctly, that there's lacking in the Māori area; no argument. We are not perfect and we haven't got everything right yet, although we're doing our darndest.

But today is a day where you tell us how to get it right. How would you like to see the final product of all of this work, how would you like to see it, what form would you like to see a redress process? So, it's a time for us to say if you do it this way you'll get a better result, tell us what you think we should be doing. We've got open ears and big hearts and we really, really want to hear from you. So that's terribly important.

The last thing, and we're going to break into small groups so you can all talk. I don't apologise for not having whakawhanaungatanga around this group, it's too big, I suggest when we go into our breakout rooms we introduce ourselves more intimately otherwise we'll be here all day.

The last thing I want to say is that the values of the Royal Commission are aroha, transparency, fairness and balance, determination and independence. It's a mix, isn't it, of caring and being forthright. Being independent but ‑and‑ being determined.

I would like you, if you would, in our space, to share those values and to put them into action. Don't be afraid to state your voice, don't be afraid to share your opinions, but do it with aroha. As an organisation we are committed to us all working together, tātou, tātou. And I am just so delighted that you have taken the trouble to come.

The last thing I want to say is, in here, this folder is a summary or a good proportion of the extraordinarily fine submissions that many of you have put in. We haven't had a chance to fully digest them, but they are a vital part of what we've got and will inform our discussion again, so for those who put in submissions our grateful thanks, they are just truly a valuable taonga that we're going to use well.

Enough from me, I'm now going to hand over to Simon who is the details man and he will even tell you about the microphones and how you turn them on and off I hope. Thank you Simon.

**MR MOUNT:** Good morning everyone, kia ora tātou katoa, nau mai haere mai to this hui whakatika hapa redress roundtable. To those of you who flew into Antarctica this morning flew ‑ into Auckland - this morning, welcome, thank you for making the voyage.

May I say how nice it is to see this room as a physical embodiment of the fact that the Royal Commission can work in different ways. It was only a matter of a few minutes after the Lake Alice hearing finished the other day, people came in, they moved tables, these ones came in and we’re moving and we’re working in a different way and we can see it all physically.

[edited for clarity]

**CHAIR:** It shows doesn't it.

**MR MOUNT:** […]

So in a few moments we will reorganise ourselves into the four small groups to talk about the purpose of a redress scheme. The concept here is that we want to start with the big picture. What is it that we believe a well-designed redress scheme should be trying to achieve. And it's one of those questions which might seem incredibly self-evident and incredibly obvious, but nonetheless we felt it was important to start with the big picture and it can generate some interesting discussion as you go through the various things that the scheme should be trying to achieve.

And in the written material we've seen some strong themes already about the need for restoration, the need for acknowledgment, the need for people to be restored to a state where their cultural identity, their spiritual identity is restored to the extent possible, where there's acknowledgment and where wrongs are, to the extent possible, addressed and put right.

Another very important part of this first discussion will be what is required to ensure that a new redress scheme is consistent with Te Tiriti and that will be a theme that will in fact run through all of our sessions today and is very much woven into the fabric of the consideration that we're giving to this topic.

That's all I think I wanted to say. But in the spirit of openness, if there are any immediate questions that people have by all means let us know.

[…]

Coral have I left anything out?

**CHAIR:** Nothing left out, but is there anything of a pressing procedural nature that anybody would like to know before we go into our groups just so that we don't leave you with some unanswered questions?

**MS GUKIBAU:** Tēnā koutou katoa. He mihi tēnei ki a koutou. Ko Stella Gukibau ahau. Ko au te tumuaki o Tū Wāhine Trust rāua ko te mema o Ngā Kaitiaki o Te Ohaakii a Hine, National Network Ending Sexual Violence Together.

I just want to start by thanking you for your information around how the groups were put together. However, I don't feel as Māori that I'm comfortable being that, seeing that this is not an even playing field and if no kōrero around Māori feeling comfortable in those groups, I'd like that to be rethought about, because it is really hard to be in a group where you are the only Māori in that group, and some of the expectations of being the only Māori is that your voice is the voice of Māori. kaore i te mōhio, it's not.

So I just want to state that really, really clearly. And I'm wondering when I feel uncomfortable where do I go with that? I hear you saying put it on the taniwha wall. I guess you're referring to that across the room. But there will be times that I think when Māori are in these forums that we need to be able to caucus as Māori, in particular when the issues are around our people. This is one of those cases where it certainly is around our people.

So I just wanted to address that immediately so that maybe in going forward that there will be some priority given to those who may be in a high at-risk situation, and Māori in particular as tangata whenua. So tēnā koe, mauri aroha if this comes across as harsh, but I think we all need to be aware of how we feel as Māori seeing that we are also part of this rōpū and being such a small group of us I'm really feeling uncomfortable.

**CHAIR:** Tēnā koe Stella. Stella and I worked together hundreds of years ago in West Auckland and Stella is always known for her kaha and we respect that. The question is where do you go if you're feeling uncomfortable. We have two Māori Commissioners, you're sitting next to one of them, another one, Anaru, over here. If you are uncomfortable and would like to raise any particular tikanga or other issues please feel free.

As Simon said before, we also have David Stone and some others, but the point is this. When we discussed with people how they would like to go into groups, the strong view was that we should be in mixed up groups. But as Simon said, if you are uncomfortable in a group then please do not feel you're stuck there, please gravitate to your own, find yourself a caucus if you wish and this is your space.

The only thing I would say, and I appreciate that it's terrible being the only representative in a group, because as you say, Stella, you were the one that has to bear the burden, suddenly you're the spokesperson for the whole of Māoridom and you don't necessarily need or want to be that.

Turning it on its head, the Māori dimension, Te Ao Māori, tikanga is so important to us that we need to hear. And it's important for some of us who aren't experts, who don't know, who don't understand to see the whites of your eyes, to feel the passion, to feel the flame and to learn from that.

And I appreciate that's a burden, but I'm going to put it back to you. You choose, kei a koe te tikanga, Stella, and to the rest of you here. So thank you for raising it. And if at any stage you feel uncomfortable, please speak to one of our Māori Commissioners.

**DR HEASLEY:** Stella, I'm Murray Heasley, Network of Survivors of Abuse in Faith-based Institutions. I identify as Māori, and Irish, and I will be in the same group as Stella. I may be the only one at this table whose ancestors signed the Treaty of Waitangi three times. I'm descended from Te Rauparaha and his son Tamihana Te Rauparaha. They signed the Treaty, Te Rauparaha signed it twice. So, if it's any consolation, Stella, I'm in your group, thank you. I'm white but I'm Māori as well, that's sometimes confusing.

**COMMISSIONER ERUETI:** Tēnā koutou katoa, ngā mihi nui ki a koutou katoa. Ko Anaru Erueti tōku ingoa, nō Taranaki. Tēnei te mihi ki ngā pukenga ki waenganui a mātou. Kei te whaea, ngā mihi mahana ki a koe mō tō kōrero kaha ki a mātou.

I entirely, and I'm sure Julia and the other Commissioners, hear what you're saying, and this is a strange environment for us all to be in. For some of us more familiar than others, but we do really need to ensure that we create a space that is safe for Māori and Pasifika, those with disabilities when they come and kōrero about this kaupapa, it shouldn't be on you to come here and stand up at the hui and talk about that to put pressure on you to do that.

So I acknowledge that, that this Commission should be doing better, we should be doing better. We have other spaces that we're trying to work harder for wananga where Māori gather together to wananga these kaupapa, that isn't happening today. I would have liked to have seen more Pasifika, Māori and disability around the table, that hasn't happened.

But again that's the wero for us to lift our game, okay. So we are committed to doing that and in particular Māori Commissioners to ensuring that there's a strong Māori voice in this process. So we haven't been good at it to date, we need to hear this, and our commitment to you is to do a better job. Kia ora.

**CHAIR:** Is there anything else anybody would like ‑we're‑ now of course deliciously going over time so that shows we're being really successful.

**MS PHILIP BARBARA:** Mōrena ki a tātou, ko Glenis Philip Barbara tōku ingoa, no Te Tairāwhiti, ōtira nō te tari o te Kaikōmihana mō ngā Tamariki. Just a quick process question. Are our comments and reflections within the group able to be captured in Te Reo Māori?

**CHAIR:** Yes.

**MS PHILIP‑BARBARA:** Great, thank you.

**CHAIR:** I'm sure they can be. Kararaina.

**MS BECKETT:** Kia ora, ko Kararaina tēnei. I totally agree with you, Whaea. I also feel safe in the survivor space as well, so I can kind of see myself because I was totally colonised as a survivor, I can see myself in both spaces to be honest, not in a legal space. Kia ora.

**CHAIR:** I think that's an important note to make. This is not a legal space, this is a discussion, kotahitanga, mahi tahi, tātou space, it's a listening space, and we very much value your views.

As Simon says, if you don't wish to speak, you don't have to speak. Your very presence, the fact that you've come along, you've made a submission, shows us that you're interested, but you are the experts and we want to listen to you. So, but at any time, come and talk to any of our wellbeing people if you wish, talk to anybody you want to get support. And as a last resort, or even as a first resort, come and talk to me and let's make sure you're feeling as well as you possibly can.

I think it might be time if we moved, unless there's anything pressing that anybody else wants to raise?

**MR MOUNT:** All right everyone, if we just check out our groups off the sheets outside and our four facilitators will make sure that you know where to find the way to be.

**[Break‑out sessions]**

**GROUP FEEDBACK**

**CHAIR:** Nau mai, hoki mai. In the interests of trying to keep some sort of semblance of discipline I think we'll try and get started. My voice means that lots of people will come. There's breaking news here that I've just heard. Apparently Oranga Tamariki has just announced they are closing down all residences at least pending the investigations, the Care and Protection residences. I thought you might be interested in that. I haven't read it, I've just heard word of mouth but, you know, I think we have movement people, I think we have movement.

I don't know about the rest of you but I thoroughly enjoyed that first session, it was engaging, rich and interesting and just really putting the toes into the water and wonderful to hear diverse views. So I think we will now share if our facilitators, if you're a facilitator could you put your hand up so I can‑ right, okay. So‑ Jane, because you put your hand up first, you get to go first.

**MS NORTON:** Kia ora tātou, ko Jane Norton tōku ingoa. I am in the redress investigation for the Royal Commission. It has been my great honour to facilitate the session that I did this morning and I wanted to thank everyone in my group for their patience with me as I found my way in this very new space of facilitating such an interesting and dynamic group of people. So, we attempted to talk about the purpose of redress, but of course we went on to other things to do with redress which were also important for us to talk about.

But what came through very clearly in our group is that the prevention of abuse is an essential component of redress and this is particularly for disabled people. That restoration is important as a central concept, restoration of whakapapa and the mana of survivors, but also that deep systemic change is needed, institutional and cultural change is needed otherwise redress is pointless.

There needs to be systemic change so that people don't end up in care. Any redress needs to be Māori led, Pacific led, led by persons with disabilities. Redress must include building whānau, which also includes communities of survivors. So, we heard in our group about how important survivor communities are for survivors.

And part of that leads into collective redress. Redress should be about survivors coming together and doing what they need to heal collectively. An example was given by Paul around Lake Alice. Oh, there were lots of topics that we're going to look at in the next session. We started to talk about barriers to access and standards of proof, which we are reserving for the next session, and also Te Tiriti. We started our conversation about Te Tiriti but we wanted to pick it up again in the next session and through all the sessions.

I just wanted to see from my group if I have missed anything. Alright, okay, I'll hand over to Commissioner Erueti.

**COMMISSIONER ERUETI:** Tēnā koe Jane, tēnā koutou katoa. So again, if I don't cover the field, please, members of our rōpū, please contribute. So we started off by talking about identifying the nature of the harm or the hara is an important process and that will vary according to the people affected. So, you know, Māori, Pasifika, disability, the nature of the harm varies according to the individual survivor, the community that they belong to.

So Māori will, ‑issues of mana, utu and tapu and all these unique ways of thinking about how harm, what are the, what's the nature of the harm, but not just the nature of the harm but also the effects of the harm will vary for members of different communities. I think we all know that.

So for example, we spoke about the hidden nature of the experience of being a disabled person and how you are excluded from citizenship. So a way back might be to restore citizenship the way that Sir Robert has spoken about. And there's Kaupapa Māori, if the mana has been diminished, the mana tangata, then how do you think about using utu to restore or even augment the mana of the individual and in turn the mana of the community in which you belong.

We also talked a bit about the language use and it's related to that first point about redress scheme itself, hearing more and more about whether that language is appropriate or whether we should be using other language. It seems to have alienated a lot of people. Redress scheme sounds very legal and technical and another concept might be better for us to be thinking about in terms of healing or some other language.

And even the language of just focusing on physical, emotional, psychological, sexual abuse, which is the standard ways of looking at the nature of the harm, again, looking at it in a broader sense, by, you know, these different cultural lenses, if you like.

A good question raised about the extent to which there has been work done in determining the different perspectives on redress. So there's tonnes of stuff written on restorative justice and so on, but what does redress mean from a Pasifika perspective, drawing on practises, cultural practises, like ifoga that are very layered and complicated on the surface, look like a way of coming and seeking forgiveness, but behind that there's a whole lot of different values and principles that are operating, and coming to grips with the complexity of all these different ways of dealing with hara and harm and addressing it.

And it reminded me also of the practice of muru, of plunder in Māori society and how that looked like it was kind of a process that didn't lend itself to restraint and out of control, but in fact there are a lot of principles that guided the process, a lot of thinking, a lot of ritual and a lot of performance in resolving conflict, the performative aspect of muru I call it.

But I think we recognised in our rōpū that there was still a lot of work to be done and while we have, as an Inquiry, have been seeking views of Māori, Pasifika and disability about how they view redress through their personal experience, their lenses, and it includes this gathering today, we need to do a lot more and that we're only really scratching the surface. And then there's a question raised about who should be doing that mahi, whether that's the Inquiry or the community themselves that should be really empowered to carry out that excavation exercise.

A lot of talk about whakapapa, the importance of connecting people to communities, to their whānau and whakapapa as a healing tool. We've seen a lot of that in the prison system, a way of having Māori men and women move out of the prison system using whakapapa to reconnect with their families and their own identity. We'll talk about that.

Big kaupapa was the exclusion of people with disabilities from their communities, institutionalisation, how to reconnect with communities, raising awareness amongst communities about what actually happened as a way of healing.

We talked about the Waitangi Tribunal process, the report writing, how that helped for many Kiwis to understand the nature of our history. But at the same time how the tribunal process about how more efforts could have been made to enable communities, non‑Māori to understand the history of their community, what happened in Kahungungu territory, for example.

Leading into the discussion about the idea of memorialising and ways of recognising what happened through education programmes, but also with the Canadian Truth and Reconciliation Commission, the sort of processes they had there to give affected indigenous communities a voice, but also for them to remember through memorials, acknowledgments and apologies and wananga and all these other healing processes.

There was an important kaupapa brought up about flipping the idea of a redress scheme when it comes to Māori so that rather than seeing Māori as bolted on, if you like, to a redress scheme that it could be a redress scheme that is grounded in Māori values, but is a redress scheme that would include Māori and non‑Māori and would have Māori as operationalising a redress scheme which is recognised as something distinctive and unique, something that you would recognise more in Canada or the United States, but seemed to be an opportunity to create something innovative and new for the New Zealand setting to lead the way.

Stemmed from that the recognition of the Treaty of Waitangi and equal partnership. The importance for Māori of tracing the harm back to the Crown, not just the executive of the current Government of the day, but the Crown in the broader sense as the Treaty partner. So this is taking it right back to the original source of the obligation the Crown made in the Treaty of Waitangi.

Records, we talked a lot in this rōpū, records is a big kaupapa for us and talking about the need for records now to be made in partnership with survivors, and to ensure the records of the past are accessible and not destroyed.

The importance of record‑keeping as a means to ensure transparency and restoring identity and dignity. There's more but I'll let the other contributors talk more about the other kaupapa and we'll move on to the next group, kia ora.

**CHAIR:** Kia ora Anaru. So the next group I think is sitting next to me.

**MR MOUNT:** In our little group we began with United Nations principles, so talk about starting off at a high level we went straight to the UN and we had a bit of a discussion about compensation. And obviously we discussed the fact that for some, financial compensation means an awful lot, for others financial compensation will always be inadequate. We spent quite a bit of time developing that notion of compensation and I hope, after my little summary, some of our contributors might also chip in when we get to the big group.

Acknowledgement was an important principle that we discussed. Very hard for an apology to be meaningful, very hard for compensation to mean something unless there's an acknowledgment of what it is that we're looking to right, and with acknowledgment goes accountability we thought.

One of those UN principles, the guarantee of Non repetition, and of course we've heard repeatedly from survivors how important it is to know that what has happened to them won't happen to others in the future.

We talked about restoration and rehabilitation. There's so much wrapped up into that word "restoration", I'm sure others will pick this up when we broaden our group of speakers in a moment. So many things that need to be restored for the individual, including their cultural identity, their spirituality, their language, their whakapapa, their confidence, their future, remembering my own need to slow down.

Rehabilitation was an interesting one, and Jim, you made the point about the fact that for some you'll never be rehabilitated to exactly the person you were before abuse, and that's something we might come back to as well.

Fiona introduced us to the concept of tamatatia which I will do a terrible job of explaining and, Fiona, you might do a better job. But as I understand it, it is a concept of restoring someone's face to the world, their strength, their identity to the world, or you may do a better job, I'm sure you will, of explaining that.

The concept of tiakina, protection for the future and ensuring people can walk forward in their journey in a stronger way, people needing to know better who they are.

And one that I think really struck a chord for many, the preservation of people's stories. We don't use story in a kind of made-up way, but the preservation of what's happened.

But Fiona made the lovely point that the framing of those narratives needs to be a framing as a story of resistance to abuse, not a story of victimhood or submission. I'm sure the others from the group will do a much better job on expanding on those shortly.

**CHAIR:** Our final group, who's our reporter? Must be you Joss. Sorry, this is Joss Opie who's a very important part of our team that's putting together our report, and so if you can impress Joss you're doing very well.

**MR OPIE:** I've been suitably impressed by everybody so far, so no one needs to try harder. As everybody else has said, I will report back, but if any of my group feel I'm not doing that accurately or they want to add anything then please jump in.

I think the overriding theme was that redress is about the restoration of mana, but that the Te Ao Māori view of that, of what that means, can't simply be translated into other non-Māori world views, there's a risk of that getting lost in translation. And restoration of mana, it's not about putting the survivor through a process, it has to be much more than that because survivors have been through many processes already and it's got to be broader and allow reconnection with community.

And mana from the view of tangata whenua, it's much more than individual restoration, it's a whole cultural perspective that considers whanaungatanga, whakapapa and wairuatanga and a person can't be considered outside the context of which they sit. And it has to be holistic, and that for Māori, holistic redress, has got a tikanga and a kawa, and Māori must have self-determination in that process.

And it's also about seeing the individual as a part of a community which has a history and a present, and for Māori that history and present includes colonisation. And as part of that, when we talk about mana and restoration of mana, we need to take care to ensure that we aren't just taking a Māori concept and appropriating it and changing it into something that the Māori don't recognise or don't want.

That restoration of community has to be a part of it too and that's indivisible from restoration of the individual. And there's a need to ensure that the same systems don't just keep on being perpetuated. And at the same time the process needs to consider individual needs and what that particular individual needs to have their mana restored, so it's got to be a flexible process.

The essence of the redress system needs to be inclusive and unifying, and Murray gave the concept, Māori concept of whāngai, so a unified approach, a whole approach that doesn't split State from faith or survivor from survivor. So there shouldn't be silos was one of the views that came across.

And a strong view that removal of wairua through abuse has been very destructive, and also I think reflecting on what some of the other groups have said, or echoing that, that education and awareness of the abuse that has happened and its impacts are essential.

And what's happened to date through the Commission in other endeavours has assisted with that, but much more needs to be done and redress going forward needs to include ongoing education and awareness. And so people's mana can be restored through a huge rebuild or a whakanoa process, and David Stone said one of the important things about education is it leads to understanding and understanding leads to empathy and empathy leads to change.

I think that's a summary, but if any of the group would like to add to that then please feel free.

**CHAIR:** Thank you Joss. I think that's our ‑ is that our four groups? Yes. So we've got half an hour now and I think it's appropriate that you fill the gap, you fill the spaces. And to add in anything to discuss. It's up to you entirely how you would like to do it.

I'm going to start by adding a little bit that you didn't mention, but I thought was important, you touched on it Joss, from our group the strong feeling that this is about survivors; it's not about the institutions from which they were abused.

And so it doesn't matter if you are a survivor from one, church or State, it's the survivor that's the focus, and I think that's a very powerful and important principle for us to remember. Because for too long survivors have been siloed into, and they have been framed by the institutions that they were abused in. And I think that's some way of survivors reclaiming their mana is to have it focused on them. So that's one point I would like to make.

But I'm now going to throw open the floor. I suggest that we follow the UN practice, hand up, I will do my best to make sure everyone gets fair dues and just remember to press the button when you're going to talk. So who's going to kick off? Paul, for you.

**MR ZENTVELD:** Kia ora everybody. I just want to enforce what you were just saying about the struggle after institution ‑ after being in an institution or State care, ‑about ‑and I hope this goes to the reporting as well because it makes sense, everybody that's been a State ward, they've got diagnoses against them and it will affect them for the rest of their lives, and it will also affect generations to come with insurance, this is what I was talking about.

So, to make it briefly, first of all the insurance. So, your future generations will all need insurance for house insurance, car insurance and all that. So they sign on the insured policy, has your family ever had history of medical history and you'll say probably no. And then some companies will put, or in the fine print have they got any psychological disorders; well, I haven't got any psychological disorders, no.

So later on your house burns down, or you go away and your car gets stolen, then you've got to claim insurance. So you're waiting and you're waiting, and you're waiting for months and they turn you down. "You lied to us because you said you had no psychological people in your family history."

And the other thing, so one recommendation is you can get your files frozen and that needs to be a DHB thing or a Government thing like I got mine.

The next thing is with the wrong kind of diagnosis, like in Lake Alice alone, it was proven later that it was wrong by the Commission, that it was ‑a‑ lot of kids shouldn't have been there. Just because you're a ward of the State doesn't mean you're mad. So that was well proven.

So, I think I would like to see myself that the Commission instructs the Government to change it so no other doctors in the future can go back on to that diagnosis of Dr Leeks and others and conclude that it's continued. Because all you're doing is punishing them for the rest of their lives basically. And I think that is very unfair.

**CHAIR:** You're talking about somehow either sealing the record, the wrong record, the record that's wrong, or rectifying it, somehow making it right.

**MR ZENTVELD:** Both.

**CHAIR:** Thank you Paul.

**MR ZENTVELD:** For future generations for insurance purposes because it affects your children and your grandkids on the diagnosis of something that shouldn't have happened, that was an experiment. Thank you.

**CHAIR:** Thank you. Yes.

**MR STONE:** Tēnā tātou e te whare, te rūma nei, ngā mihi ki a tātou katoa. Acknowledge everyone, in particular my tuakana down there, Bruce Gray QC, kōrua hoki, tetahi o ōku pīhopa teitei*.* E Pā, tēnā koe.

Just to carry on what Joss was saying in our rōpū where he spoke about the education aspect. I was obviously educated in the New Zealand curriculum, I think nearly all of us were, and we go through that and when we come out of it we're taught about Greek histories and the Romans and the American civil war and all that sort of stuff, but throughout all of that we weren't taught any of our Māori history, our New Zealand history, we weren't taught about the dawn raids, and we certainly weren't taught about what happened to our survivors.

But I understand that that's going to change soon in terms of our Māori history, the details of which I'm not clear about, but I understand that's going to begin. So why can't that happen in respect of our dawn raids, in respect of our mōrehu, because, like we said before, through that education process, people learn about what happened, that leads to greater empathy, that leads to change. So I hope that's one outcome of this process.

**CHAIR:** That's quite powerful because that's talking about, again, about the preservation of the story of the kōrero, not just for the sake of preserving it but for a very real important educational factor and also for, again, holding the power of the stories as well. So thank you David. Anybody else would like to?

**MS BECKETT:** Kia ora ano. I think we're all on the same wavelength by the sounds of it. I tautoko what Paul said because being stigmatised from our past can affect, you know, we might have mokos that get taken away and because they go back into your files and see you're a State ward, "Oh no you can't have your mokos." And for me, whakapapa restoration covers everything, whakapapa, the word "whakapapa" to me covers everything, the spiritual, emotional and everything else. Anyway, that's what I think, kia ora.

**CHAIR:** Kia ora Kararaina. Jim, I'm looking at you. Just looking.

**MR GOODWIN:** You'd like me to say something Coral?

**CHAIR:** I think if you would like to yes, we'd love to hear from you.

**MR GOODWIN:** Other people may have touched on this, but what I think of as community, like abuse happens in isolation, the person being abused is so often in institutions taken off and isolated and healing happens in community. And how we provide healing communities for our survivors I'm not quite sure yet, but yeah, that's my point.

**CHAIR:** Thank you Jim. I think Keith would like to say something.

**MR WIFFIN:** Just quickly on a couple of things that have already been touched on. I think Anaru mentioned that redress is sometimes an off-putting way of having this talked about, and for me personally I presented my stuff in terms of it being a wellbeing package, package may not be the right word, but I think wellbeing is.

And as I said in my group, redress can mean many different things to many different people. So it has all sorts of components to it which need to be recognised. And, for example, that can't be boiled down to momentary compensation at all, but it is an important factor for a lot of people. Records is a really big issue.

One of the big problems with records for me personally like other aspects of this, is that it hasn't been done in a survivor-centric manner. Those models are developed to protect the institutions. So whether that's MSD, or any of the others, and that's a very, very big part of this for survivors.

So, they're just a couple of points that I wanted to touch on and I've got a lot more I want to traverse over the next couple of days, thanks.

**CHAIR:** And you'll have ample opportunity, thank you Keith. I'm just going to go around our survivors because Sir‑‑ Robert, thank you Sir Robert.

**SIR ROBERT:** Thank you. I just want to say I really agree with what the, you know, about learning our Māori history and all that kind of thing. But also we mustn't forget the history of people with disabilities, what actually happened to them. The consequences of isolation, segregation, you know, being a fourth, fifth, sixth and seventh class citizen in your own country, you weren't even a New Zealander, and I think, you know, those things I think are really important.

But also the thing about the education system, I think ‑I don't know how many people of, you know, Campbell Park where for every ten people there were seven indigenous people and three white people. So‑ I often wondered why were people shunted around the country from Kaitaia to the Bluff to come down to North Otago type of thing, so why did that happen? How could people let that happen?

I mean that's part of our history, that's part of what we did to children, to families, to whānau, I mean it's a shocking indictment on what this country history has done to people in our society, in our communities, thank you.

**CHAIR:** Thank you very much. Again, just going around our survivors, Gary, would you like to share anything with the group?

**MR WILLIAMS:** Tēnā koutou katoa, (inaudible), there are minority voices, (inaudible), it's time for survivors (inaudible), what about (inaudible) it has to take into account the people who done ‑their voices haven't been heard, that have been taught over their lifetime that their voices don't count to the people who decided (inaudible). I'm going to keep banging on about remembering the people who were (inaudible) for the people whose‑ lives have been wasted by a system that didn't care.

**CHAIR:** Thank you very much, Gary, the system that didn't care, very powerful. Moving around, I want to make sure that every survivor in the room has the opportunity if they wish to have it to share their views. Yes.

**MR WIFFIN:** I'd just like to add one more thing. For me personally this is a very uplifting thing. Because it feels like to me we are actually on the precipice of affecting real change and getting something done, and there has been unabated resistance to this for many decades with every Government of every political hue.

But now there is the real opportunity, as I see it, to address the real issues and we have at the minute, as I see it, a Government that's willing to do that. The opportunity needs to be grasped and something done for survivors in the next couple of years, and that's why this forum is really really important, as I see it. Thank you.

**CHAIR:** Thank you Keith. I think we could all agree with that. Frances.

**MS TAGALOA:** Kia ora koutou, talofa lava. Yeah, I just want to echo what Keith said, it's an exciting opportunity that we have here, as the Commission has stated, for transformational change. For the purpose of the Commission as we talked in our group, fantastic what everybody's already said; compensation, restoration, healing, survivor-focused.

Some of the principles from a survivor perspective that I think we have touched on a bit is things like inclusivity, you know, we felt that, and it was mentioned by one group and I mentioned it in our group, like that's quite important, Te Tiriti o Waitangi, upholding that, but also accessibility, particularly for Pasifika and Māori, you know, that needs to be a principle that the purpose embodies.

Impartiality, it's already been mentioned transparency, consistency, timely access to redress, but also, and I know we've all touched on it, human rights and natural justice, and I think the ‑whatever the redress scheme, or the body that is created from this, has ‑to ‑it's ‑not ‑ I'm‑ not sure if it's been said or I just haven't heard it, has to be able to hold institutions to account, and to have those powers to investigate and be able to prevent any further abuse to children and vulnerable adults.

So I just wanted to say that just because I'm not sure I heard that, but thank you.

**CHAIR:** That strong theme of accountability, which can only come once the light has been shone and once the finger can be pointed at who or what did it, and I think it is a very vital part of the whole process.

Have we covered all of our survivors who wish to speak? Is there anybody else? All right, thank you. And now for anybody else who feels they would like to comment, add, discuss, we're free flowing. Paul wants another go, here we go, that's fine.

**MR ZENTVELD:** Sorry. There was something come up in our group that was very interesting and what I've been fighting for, is one that we don't vote for whether it's Labour or National, I was wonder if you could have a few words to ‑‑

**CHAIR:** To Ros?

**MR ZENTVELD:** Yeah, to cement what I said, what you said in the group about Mr, ‑‑Judith.

**CHAIR:** Sorry, Judith, he was pointing in your general direction.

**MR ZENTVELD:** What you said in the group was very powerful and I think that should be one of the recommendations for the Commission to at least think about, as to the blame. As in the State Services, the ones we don't work for, and accountability, but also their policy. It's the policy that's been doing all the damage.

**MS AITKEN:** I've just been actually writing notes to myself saying was what I said in that particular setting appropriate, because it shifted the focus of our discussion a bit from redress itself. But my concern really was that the behaviour of the public service for the last 20 years, certainly for this past year, has been demonstrably protective, self protective, risk averse, denying, obstructive, all those other unpleasant things.

And so what worried me is the context within which any redress decisions are to come, because the people who are responsible for administering and delivering many of them will be in the public service. And so I have worries and reservations about the competence and the ability and the willingness of public service at the moment to, given what we've seen, denial from all the senior officials that have been before the Commission, if it's competent to do that.

And I think that there are discussions which need to be held with the Public Service Commissioner, whose functions I've been re‑reading and I don't see any excuses for the Public Service Commissioner in terms of holding institutions and agencies to account. On the other hand, how can the Public Service Commissioner be seen as independent, being himself in the office that's part of the system.

So I do worry about the context within which redress is considered by the Government and advised by public servants themselves, demonstrably defensive at the senior level of Crown Law right through to the leading lawyer who was representing the Ministry of Health in the earlier part of the Commission's hearings.

**MR ZENTVELD:** Awesome, thank you.

**CHAIR:** Yes, I think the word that springs to mind immediately is the word "independent", and if it's one thing the message has been loud and clear, that whatever we recommend I think the first word has got to be independent, and in a real sense of the word. And I notice a couple of the submissions that have come in have talked about making this body, or requiring the legislation that will set up this body, as I think it must be statutory, answerable to parliament in the same way, say, as the Ombudsman is answerable to parliament, so that it bypasses that, at least some part of the bureaucratic corset that things get caught into and mindset. So independence is very important. Does anybody else want to talk about that?

**MR WIFFIN:** Just to tautoko that, I think it is fundamental to any redress programme working effectively that it be independent of those very institutions that have persecuted us for so long, thank you.

**CHAIR:** Murray.

**DR HEASLEY:** So in relationship to what you've just said, back in 1931 Kurt Gödel observed and proved that a system cannot demonstrate its own consistency. And then later W Edwards Deming, who had a lot to do with Japanese reconstruction etc., etc. said a system cannot understand itself. So I think this is true of faith-based institutions, it's true of the civil service, and there's a lot of talk about natural justice.

It seems to me the greatest attack on natural justice, and something that has to be avoided, is that a person, the fundamentals of natural justice, the fundamental basis is that a person cannot be a judge in their own cause.

So you've got a fundamental breach of natural justice when the public service who have demonstrated they acted in bad faith and faith-based institutions have acted in bad faith, they cannot be a judge in their own cause. That's all I wanted to say, thank you.

**CHAIR:** Yes, thank you Murray.

**MS CLEAVER:** Kia ora. I just wanted to add into the discussion about the independence of the, whatever is developed and there's the independent need for that, there's independence, a requirement for a monitor as well to monitor the current system, which isn't the current proposal on the table, it is not independent.

And also there's also the issue of when we acknowledge the intergenerational harm that abuse in care has had on whānau, hapū, iwi, and some of the drivers that's underneath that when we're talking about colonisation in our history, then how ‑there‑ is a conflict there about being, say, an independent Crown entity and still being able to leverage and challenge those other systems within Government which also need to change in order for abuse not to continue to occur.

So what needs to happen in education, what needs to happen in health, we've got opportunities in health now with the Māori Health Authority, what needs to change in our child protection system.

So there's a whole lot of things that, which I guess is some of what Judith was talking about, that we've got a whole lot of systems that remain committed to keeping the status quo and in order to redress continued abuse in care that the entity needs to be able to have some structure that enables them to hold the Government and the other agencies to account.

**CHAIR:** I think if you don't know it, Kerri is from the Children's Commission, and everything she's highlighted, of course, is the challenge that a body like that, a fearless advocate for children funded by the Government, but not afraid to speak out, advocate, put itself on the line, and take some pretty big hits, I must say, on the way. That's the first thing.

Second thing is, that you've raised the very important issue of monitoring, and one of the questions in relation to purpose is, do you see, what do we think, and we might have different views, as to whether one of the purposes of this, we're calling it a redress scheme now sounds like a dirty word, of the proposed new system, is one of the purposes to monitor, could it be that this is a multi‑headed thing that hears the stories, that investigates the harm, the hara, that makes accountability, but also has a function, finds records etc, but also has a monitoring function. And you've got a good idea Rosslyn?

**MS NOONAN:** Well, I've probably got a ‑‑I think this is an issue on which we need to sort of take a deep breath and step back, because I don't think there's been a proper look at the current monitoring functions that exist. And you've acknowledged the Children's ‑‑the office of the Children's Commissioner, and we have others, including the Ombudsman who does report to parliament.

And I think that there are questions that we need to look at in much more depth about what they've managed to achieve and what they haven't managed to achieve and why not, because I think ‑‑ and certainly let me say on what little I know about the monitoring mechanisms that's proposed, and if you'll excuse my language it's crap and it's not independent, and it's apparently been justified on a principle I've never heard before, which is that you can't be an advocacy agency and a monitor at the same time.

**MS AITKEN:** (Inaudible).

**MS NOONAN:** You know, I mean, there is unbelievable nonsense. And the thing is if you look at the Children's, ‑‑the office of the Children's Commission, it has never been properly funded, it has been given responsibilities and no funding to carry them out and it has been deliberately kept under‑funded.

You know, so I mean I'm just ‑‑ I just think that it's, looking at monitoring, is an area in its own right and we just ‑ we need, because we need to focus really on getting redress sorted, at least in part, and underway; I think it's good to hear comments on monitoring, but I don't think we should try to make this some new ‑all encompassing‑ which will not be funded, unlike the Government's preferred current model, it will never be properly funded so we need to focus on getting proper redress for past and current survivors, and then your next step is to look at the whole question of monitoring.

**CHAIR:** Which could be well covered in our final report.

**MS NOONAN:** I was going to say, providing you're allowed to, but whether you're allowed to or not, I think you should do it.

**CHAIR:** Thank you, I've got time for two people, I know two people have been waiting patiently, one is Julia and the other is Amanda. Of course it won't be your last chance to speak. Julia, could we start with you please.

**COMMISSIONER STEENSON:** Tēnā koutou katoa. Just to the point of independence, Judith's point around who will actually be, in reality, setting up some of these functions. I thought it was quite helpful the Human Rights submission talks about impartiality being a key requirement of any process which is very distinct from independence. I think that is a really important point that's been made, yeah.

And it's looking at those hierarchical relationships, the true conflicts of interest that in this country it's rife because of our size. And so I think that is something we need to think about deeply in our recommendations, making sure that these hierarchal connections between what's been set up and who, including the oversight, needs to be really carefully managed. That was really the only additional whakaaro I had.

**CHAIR:** Thank you Julia, and we'll finish with Amanda.

**MS HILL:** Kia ora tātou. I just had one thing and I've said it a few times. It is rare for a survivor to just have been in State care or just have been in faith-based care, people often have a really mixed and complex "care" experience, and I use that in quote marks. And what that often means from a legal perspective there are multiple defendants.

What I think we need to be really clear about in terms of the principles is that you bring your whole person to this redress scheme, you bring the whole complex history, and that any scheme needs to answer that whole complex history, and that may mean that some of the deaf or the entities responsible for that, they might not exist anymore. There might be incorporated societies, or things have collapsed over time, trusts, churches, whatever. And so one of the things that I've been thinking quite a lot about is the Government as a funder of last resort. So how do we plug those gaps when there's nobody there to answer for some or all of those experiences.

So rather than carving up someone's experiences or compartmentalising that trauma, a person needs to go to this whare, this place that we want to build and say this is my whole experience, and we need to be able to respond to that whole experience, whether or not all of the entities are in the room. So that's something to think about how we deal with that.

**CHAIR:** Kia ora Amanda, that's a really helpful note to end on. It's lunch time everybody, happy time. Note that when we're coming back we will come back here and at 2 o'clock we'll just go through what we're going to look at over the next session, and you obviously will have it, but start thinking about we're then getting into the detail of things that should be included about ways of abuse functioning under the Te Tiriti claims for survivors, there's a whole lot of things there, so we'll come back and have a discussion and go back to our groups after that.

So enjoy your lunch. Would somebody like to say a grace, karakia at this moment, Stella?

**MS GUKIBAU:** **[Karakia mo te kai]**.

**Lunch adjournment from 1.05 pm to 2.09 pm**

**CHAIR:** Kia ora tātou katoa. Nau mai, hoki mai ki tēnei huihuinga. I'm so glad you came back and so many of you came back. I thought maybe some of you would run for the hills, but you haven't and I take that as a tiny, tiny vote of confidence.

We're now moving on to our second session and to introduce that I'm going to ask Joss Opie, who I referred to before, Joss, one of our senior leaders in the preparation of the redress report, he's got the biggest ears of any of us because he's taking policy advice, research advice, survivor accounts, and it's his job to listen carefully and to incorporate it into the report.

So it's probably timely that he now talks to you about the second session and what we would like to discuss with you when we go into our private groups again. Thank you Joss.

**MR OPIE:** Thanks very much Coral. I'm not going to take too long at all, maybe 10 minutes or so, just to talk about the headline issues that we're going to ask you to consider in the break‑out sessions when we go to them, and some of the things that we've been thinking about and would appreciate your views on when you get into those break‑out sessions. Of course you may have different things as well that you want to discuss and that's perfectly fine.

What we're going to be talking about are redress functions. I think some of the main questions in that area is, what should a redress scheme for abuse in care be able to do to ensure that it can provide what survivors need for redress? And then a related question is, what can a redress scheme do well without taking too long for survivors?

So ensuring that survivors can receive redress without it taking too long, because it's critical for survivor well‑being and for the scheme's credibility. So there might be some functions we think of as being related to redress, but we might think well perhaps there are other organisations or other people that are better placed to look at those, or not.

Just running through some of the questions, we're saying what types of abuse should be included in a redress scheme. And the reason why we're asking that question is because some overseas schemes have limited, or the Governments have limited the types of abuse that the schemes can look at.

The Inquiry's terms of reference, though, they refer to abuse in a wider way and so should that continue into any new redress scheme, or should it go wider still, should there be space for spiritual abuse, for cultural abuse, and as some people have suggested in submissions for financial abuse?

And what is required to ensure that the redress scheme function is consistent with Te Tiriti and tikanga. I think some of the questions that arise in that as well, what would need to be done in the process of designing the scheme and operating it to ensure this. What would need to be thought about in terms of governance for this scheme, who it employs, how it operates and which people or groups of people are responsible for operating it.

We've also got a question there, should a redress scheme address past, present and future abuse. And the reason why we're asking that is because overseas schemes have always been limited to abuse in particular places, say in residential institutions, or to claims in a particular time period. And some people may think that helps with administration, you can get greater certainty about how many claims cost those types of things. But for us we said if a redress scheme is only going to look at claims in a certain time period then what would that be and what would happen to survivors who don't come within that time period, what options would they have?

Another question we've asked is, should survivors who have already received settlements from institutions, should they be able to come into the redress scheme. And overseas schemes have mostly said well, yes, they should be able to come in and make applications, and the reason why is because there's a feeling that well, some of those settlements when survivors were at a disadvantage, things like limitation law or whatever and they didn't have a fair chance to get a good outcome.

But if you do allow those survivors who have already had a settlement to come in, then how do you ensure fairness between survivors, and we've heard from the Australians what they said is well, if you've already had a settlement then we'll try and discount that from the redress that you might get under the new scheme to try and make it fairer. But doing that has taken a lot of time and caused a lot of issues. And so there's quite complicated issues to think about there.

Another question is should a redress scheme investigate and make determinations about abuse. And some survivors may want a full investigation of their claims and a formal finding, an official finding that abuse has happened, but these things take time, and then people can start saying well, if that's going to happen in institutions and people who have been accused of abuse, they need to be involved in the process.

So it can be a long process and it can be traumatising and it can start to look like a lawsuit, like a civil claim. So should perhaps there be options for survivors, should there be a quicker process for people who want that and then a more comprehensive process for people who want a fuller investigation.

Another sensitive and complicated issue is well should family members be able to make claims on behalf of survivors who have passed away? And why should that be allowed? Well, reasons might be so that abuse suffered by a survivor is acknowledged and not forgotten, and perhaps they can understand more about their survivor's past. And if the scheme does provide a monetary payment, well, that means that that payment can go on and benefit family members.

But overseas we've heard about some difficulties around these types of claim, and they've included well, how do you define who should be able to apply as a family member? And what if family members haven't had a good relationship with survivors during the survivor's lifetime, should they be allowed in? So there are some complicated issues there which would be important to hear your views on.

Another one is we're saying what review or appeal process should there be? What we mean by that is, well, if a survivor gets a decision and they don't like it, should they be able to ask somebody else to look at it again, and then if they don't like the outcome of the review, should they be able to ask another person or even a court to look at that? And allowing that can mean that mistakes in the process can be fixed, and it can also mean the survivor's not dependent on one person for the outcome of their redress application.

But again, that can make the process take longer, it can mean that cases end up going into court and to delay and traumatisation. And a person we talked to overseas, they were convinced the courts have no place in a redress scheme, so should just be reviews, no appeals. Anyway, another issue for us all to think about.

In terms of cultural appropriateness, the question here might be well, how could a scheme be culturally appropriate for each survivor that comes to it, what would the scheme need to do to achieve that, what would need to be in place.

And then finally accessibility, which is really important, and we mean that in the broadest sense, what does the scheme need to do to try and ensure that as many survivors as possible are aware of it, they know what it does and they know how to access it? In what form should information be made available about the scheme?

What about survivors who are still in care? Sometimes some people can think of survivors as people who have already left care, but what about people who are still there and may be there for their lifetime? What does the scheme need to do to reach them?

And finally, what supports do survivors need to find out about the scheme and when they're applying to it do they need advocacy, do they need communication systems, do they need interpreters? What are all of the supports that mean that we get as many people coming through into a scheme as possible and feel like they have a good experience through it?

So that's just by way of some very broad introductory remarks to then take us into the break‑out sessions, unless anybody has any particular questions now that they'd like to ask?

**CHAIR:** Yes, any questions you need to have answered before we go, just of a procedural nature? That's a huge list of questions, Joss, as shopping lists goes it's pretty expensive and challenging.

And so my suggestion is, I think that's right, Joss, I think my suggestion is that each group, you're developing your own culture now anyway, I'm sure, your mini culture, choose the ones that matter most to you about this. I would suggest you don't try and spend 5 minutes on each of them, but spend some quality time on the ones that you think are important.

But again, it's entirely up to you, if you're speedy and efficient and a bullet point person you might want to do the lot, but if you want to do it a different way, do it, and you've got one hour starting now.

**[Break‑out sessions]**

**GROUP FEEDBACK**

**CHAIR:** So we know we're ready to go because a number of women in the room, including myself, have refreshed their lipstick and that's very important and if men want to refresh their lipstick you feel free to do the same too, don't you mind us. Are you refreshing your lipstick Murray?

**MR HOUSTON:** (Inaudible).

**CHAIR:** You'll borrow mine later, that might be a health risk. Before we start, have we got all the important people in the room? I have an announcement to make. I started with an announcement this morning about the fact that we've lost our Executive Director, Mervyn Singham, who I can tell you has this morning endured a parliamentary reception at 8 o'clock in the morning where the new ministry was announced and inaugurated, and then a mihi whakatau where he was taken by some of our staff in Wellington from the Royal Commission across to the new ministry, I'm not sure even where that is, but he's been. Everybody cried, it was very emotional etc. So we've sadly lost him, although he'll be around for another couple of weeks to do hand‑over.

My next announcement is I can now tell you we have an interim director appointed, her name is Helen Potiki, and I'll just tell you, so she's an Acting Executive Director, she joins the Royal Commission from the Office of Ethnic Communities where she was the Applied Policy Manager. She's held the roles of Deputy Chief Executive of the Department of Housing and Urban Development, and she's been the Acting Chief Executive of the Ministry for Women, 18 years' experience in public service and she has strong experience working in the areas of family violence, particularly violence against women and in particular Māori and Pacific women.

She has a strong background in international relations, including leading Government delegations to the United Nations Commission on the Status of Women in New York, that's (inaudible), the APEC Women and the Economy forum in Vietnam, East Asia Forum on Family and Gender Policy Development in Thailand.

She's welcome the‑‑ Commissioners and I met her last evening and spoke to her and have basically formally welcomed her. She begins today. This is a very quick, unbelievably for the Government, an extraordinarily quick process. But she's been appointed for a few months and the formal process of advertising and selecting a Chief Executive will hopefully kick off immediately.

So this is short term arrangement but we need ‑to ‑I've said when I was spoken to about this a while ago I said to the powers that be, this Royal Commission, do what you like to us but we need continuity and we need stability, and we're hopeful that we will get that. So‑ there we are, you are the first to know outside the staff, I thought it was important that I share it with you.

So haere tonu. Who's going to start. So we've now got ‑all‑ right, so we've got our four groups to report back. From the sessions I observed as I put my head around the corners there was deep engagement which is fantastic even at this hour of the day. Do you want to start? You're all ready to go Simon. Simon can report from our group.

**MR MOUNT:** We might even tag team over to you Chair. We started broadly with a discussion about the types of abuse that we think should be covered and there was a pretty strong sense from our group that abuse is abuse and that there is a real reluctance to be drawing any lines that might exclude types of abuse from the coverage of a scheme.

A very good point was made that the experience of ACC has been once you try and define a class, you've got things on the outside, things on the inside, you get the boundary disputes, that can be a big feature of slowing things down. But we recognised, of course, that the tension which is the more you include the greater the risk that the scheme collapses under its own weight. So we saw that, we saw the tension.

In terms of settings, we had a similar discussion and, again, there was a very broad theme from our group which is that we wouldn't like to see any institutions excluded from the new redress scheme.

So the view, I think it was a consensus view, was that the State, faith-based and other types of institutions should all be included. There was even discussion within our group about whether fully private forms of abuse should be encompassed within the new scheme, and while some people started to get worried about the terms of reference for this Royal Commission, nonetheless there was that view expressed as well. I don't know if anyone wants to contribute from our group quickly on that point?

A quick and easy one, we talked about whether those who'd received past settlements should be able to apply to a new scheme and that was an easy yes, I don't think there was any dissenting view. I'd be surprised if there was any dissenting view on that in the room.

On timeframes, again, I think there was a reasonably strong consensus view that the scheme should apply to past, present and future abuse, Coral, I'm not sure if there's anything to add on that.

**CHAIR:** Again, it's an issue if you have a closing date then you're going to have somebody who's the day after or one minute after, you're always going to have boundary disputes. I think I said, how could any of us look a survivor in the eye and say no you're not covered because you're out of time. That's a concept I think that would be alien.

**MR MOUNT:** We spent a little bit of time talking about the desire that some have for accountability and whether that translates into a function of investigation, so that a survivor asking for redress can have an outcome from the process which includes an actual determination that yes, you were abused, and yes this is the institution that's responsible, which can flow then into the meaning that underlies an apology, because it's a very clear act or omission that has been apologised for.

But of course we recognise the tension that the more you introduce elements of investigation, the more you introduce elements of accountability, the greater risk of a slower process and a process that requires elements of fairness for the person who's being accused.

Where I think we landed as a consensus group was the recognition that different survivors will have different needs and different desires for what they want to get out of the system, so preserving the ability for people to choose a pathway that suits them we felt was important. Perhaps with an element of what one of the Canadian schemes has referred to as the common experience payments, so there could be a baseline recognition of the harm that has been caused to a survivor, but with the option to go further if someone chooses that that's what they want to do. Coral, I don't know if you want to add to that?

**CHAIR:** No, nothing to add.

**MR MOUNT:** We talked about the critical importance of making any new scheme accessible, and there was a real we‑‑ found it much easier to talk about the barriers to accessibility than we did to identify the solutions to that. I think it won't be a shock to anyone in the room just how easy it was to rattle off the barriers that exist.

We started to play with some interesting analogies. Someone had a strong view that the Covid‑19 communication by the Government had been so effective, that those types of very public campaigns were one effective model. One of the lawyers in the room was cheeky enough to talk about the way that class action settlements sometimes involve a requirement for an institution to actively contact all of the people who have been through or who have brought an iPhone, or who have been in a particular place actively make sure that those people are tracked down and that they know about what their entitlements are.

We talked about the district inspector model, about having people physically in institutions with freedom of access and ability to go and talk to people face-to-face, because obviously not everyone has got the internet or is listening to the radio. So we talked about a variety of ways that could help.

**CHAIR:** That seemed to be particularly apt for those situations where there are people who have a lifetime in care and who are often or may be abused by the only person who can communicate with the outside world on their behalf. So there is strong need for independent oversight advocacy for those people.

**MR MOUNT:** And then lastly we might have jumped a little bit into tomorrow's discussion about form, but we had a brief discussion about Government's arrangements and we were very interested in models that would have survivor representation at a high level within the organisation, although we recognise that that's not an uncomplicated topic to discuss, and so we thought we'd probably come back to it again tomorrow morning.

**CHAIR:** So put up your hand if you're another group person. Andrew, thank you.

**COMMISSIONER ERUETI:** Kia ora. Okay, so we were a bit more free ranging and so not methodical so to speak, but had some awesome whakaaro nonetheless.

When we talked about the types of abuse, again we had a sort of open, expansive approach as well to include ‑we talked about medical, financial, records not being kept properly, removal from family. And so‑ we had a discussion about these broader types of abuse.

But I think fundamentally we settled on the notion that really you don't want to tick a box, and we talked more about process too in determining it's really up to survivors to themselves to specify the nature of the abuse, and that they could do that on an iterative basis too, it wasn't set in stone. But more, I think, it's a comment going to empowering survivors and determining these definitions, I think that was a fundamental point.

We did talk about the common experience payment that, you know, just actually being in an institution could lead to some sort of redress. We talked a bit about these out of home care arrangements where you're in a residence, say, 24/7 and locked in and that being a particular type of harm, Lake Alice of course and others, where you were particularly vulnerable and how that was a factor that had to be taken into account.

We talked a bit about the intergenerational nature of harm, and seeing that that was a common factor in pretty much all the sessions that I've had, many of us have had, we hear this frequently, successive generations have been harmed and how to factor that also into a scheme.

And related to that are issues of violence against women too and the impacts upon whānau and women partners of men. Important too to emphasise that intergenerational is not just the Māori experience but also Pākehā whānau also.

What else was there? Colonisation and settlement and the effects of that as being a dimension in determining the nature of the abuse and harm experienced.

We came on ‑we‑ spent some time talking about fairness as between survivors, like the experience could in fact have been the same but the effects can be different, and the importance of factoring in impacts into determining the nature of the abuse and the response.

So that led into a discussion about a needs-based approach, but more, better put was this phrase we had, which came from Gary, about enabling good lives. So this is work and ideas that come out of the disability movement, enabling good lives, we really liked that. It's a mana enhancing process. It's kind of stepping back and seeing how a survivor presents and thinking about how to address his or her specific needs and their whānau.

And Matua Neville Baker, before he left, talked about this four pronged approach about enabling access to, one, jobs; two, healthcare; three, education; and four, housing I thought it was, yeah. Very much a human rights type approach to making amends, reparations and healing.

So these are real things for enabling a person to have a decent life. And we noted that, you know, you've got all the law reforms, apparently it's all been done already, it's kind of fixed. So moving beyond that to think about how to heal a person through these practical ways. I know that as Commissioners we talk about this a lot, particularly Commissioner Alofivae.

So it's not just a matter of just giving money and letting people, you know, that's it, it's closed off, it's time to go away.

We had some discussion about whether there should be redress for past, present or future and we had some question marks about what the future meant. I think the future, I think it was meant that it would the‑‑ redress scheme would continue to hear cases on an ongoing basis, but we weren't 100% sure about that.

And that led into a discussion about a monitoring mechanism and whether that should form part of a redress scheme. And whether that was appropriate or whether the redress scheme should have focus on that kaupapa and rather, instead, that there be a process that's separate and apart and independent and a sharing of information between the redress scheme, so that different learnings about oversight and reporting so forth could be fed into a monitoring mechanism.

And recognising too practical realities is that we have a system there for monitoring complaints, it's already established, but recognising also the limitations of that in terms of independence, but also in terms of its focus on, whether its function is sufficient, whether it should be also looking at systems and the need to reform systems.

There was a lot of discussion about how survivors often talk about, you know, it's not just about, well, before even talking about monetary compensation, ensuring it's preventative, ensuring that there's no further harm to tamariki now and into the future and how important that was.

And about not losing sight of the focusing on the fundamental elements to underpin the redress scheme and not getting too lost in the details, but thinking about a rethink of fundamental underpinnings of a redress scheme, but also of the Care and Protection agencies too, about having the courage to think about what are the first principles for operating the redress scheme in the Care and Protection system.

Talking about the idea of applying for consent if a survivor is deceased. And I think in principle we thought yes but we recognise the challenges that come with that, those identified by Joss. But also the tikanga elements that we talked briefly about issues of mana and utu and recognising in that context too that we don't want to distort tikanga or take it out of its context, and there is a proper process for determining these sorts of issues relating to tikanga Māori, no cherry picking and so forth. So we recognise that it can be complicated.

And then that led to a further discussion about where you think about individual survivors, in many cases is they have inherited a lot of harm through intergenerational successive generations of being in care and how that could be factored into determining the, you know, the effect of the hara or harm, it's not just their particular experience, but successive generations of whānau members being in care.

I think that's us. Yeah.

**CHAIR:** Kia ora Anaru. Jane.

**MS NORTON:** Kia ora tātou. I think everyone in my group could report back more eloquently than me, so I'm tempted to hand the mic over to Denise, but I won't. So hopefully I've captured everything the way that people told it to us and I'm hoping that my group will speak up if there's anything they'd like to add.

So first of all we started with talking about whānau. The whānau of a deceased survivor should be able to get redress, compensation and an apology should go to families, and a redress process should play a role in reconnecting whānau. It should not matter what the relationship whānau had with a survivor, it's about restoring, ‑‑there was a conversation about how this is about restoring whakapapa rather than providing money. Sir Robert and Cindy talked about families that were told to ‑‑

**CHAIR:** Just slow down please. Our signers are having great trouble.

**MS NORTON:** I forgot, sorry. So Robert and Cindy talked about families that were told to institutionalise their disabled children and discouraged to visit and some of these whānau carry a lot of guilt.

There was a conversation in our rōpū that some of the questions could be automatically answered. So redress should cover past, present and future abuse, whānau should get redress, there should be a role for tikanga, we shouldn't replicate an ACC model.

We had a discussion about the tikanga as the responsibility of whānau and hapū and cannot be nationalised. Redress should include channelling resources to whānau, hapū and iwi so that they can carry out their restoration of whānau and hapū themselves. And there are lots of ways this can be organised without establishing yet another piece of bureaucracy.

Redress should enable community building and whānau, hapū, iwi to have a ground up response.

State responsibility is to step back and fund the redress which is then directed by the community from the ground up. This emphasised again in our group, or we had a conversation that restoration shouldn't be through bureaucracy, it's about community.

The point was also raised that we don't have young survivors here for this kōrero so we might bring, ‑‑who might be able to speak to recent experience. And these young people want connection back to whānau but there is work that needs to be done at the whānau, hapū and iwi level so that we're ‑‑so that they're ready for this and the State has a responsibility to fund and support this work.

We then moved on to talking about accessibility. And just to mention that we had a disability redress hui a couple of weeks ago which Cindy Johns here participated in and I think Sir Robert Martin ‑‑ no? And so in that a lot of discussion was had around accessibility, which we talked a little bit more about today, but accessibility is more than physical access, it's advocacy, community assistance and more. And if you get it right for disabled people, you usually get it right for everyone.

Stephen Winter spoke about Canadian redress, including the role of cultural support workers, who could be a local person who was a survivor themselves, who had the experience and cultural knowledge to work with a survivor going through the process.

Also there are collective redress processes for survivors and community building initiatives. And so the scheme could channel money through to communities for these kinds of initiatives.

There was a need for social change, a shift to seeing abuse in care as part of a huge part of our society and social history instead of a siloed issue.

We talked about education as a function of redress, it can help with accessibility because many survivors were neglected and thus weren't given the education that they should have gotten.

We did have a conversation about ACC and this was around that survivors shouldn't an investigation(sic), we didn't talk about investigation of perpetrators, we talked about not replicating an investigative model in a scheme because survivors' abuse should not be measured and a survivor should not have to prove that they were abused, particularly over and over again.

That measures could be adopted to help cultural restoration and survivors should not have to incur debt trying to restore their whakapapa. One suggestion actually made in the break, thank you Kararaina, was about funding DNA testing.

Emphasis on any redress functions being survivor led. So‑ and this means having survivors in paid roles in a scheme who are seen as experts, so they bring their expertise to a process and they're using their skills in making ‑‑and experience to make their difference to others.

There was an interesting discussion over whether any scheme should have a monitoring or advocacy role. It was raised that the same people that create the harm are still working at the institutions. Any monitoring needs to happen from within communities and perpetrators need to be given the space to take responsibility. And our final discussion was around access to records.

Whakapapa must be returned to whānau because it's being used by the State to uplift babies still. Access to records can help with returning whakapapa to whānau. People need help, not only getting access to records, but in understanding them. Thank you.

**CHAIR:** Thank you Jane. Really interesting, some of the things that you talked about we talked about as well which we forgot to mention. I think the role of education seems to be coming up higher and higher, the need to educate children and the need to educate our own society and our culture of violence we have against children and women particularly in this country and the almost acceptance of it, the fact it's embedded in our society is something we've got to look at. These are broad, huge topics, but interesting that we talked about the same things.

Next person must be Joss.

**MR OPIE:** We also had an interesting and wide-ranging discussion. What the group started off with was this tension between speed and comprehensiveness. And so David Stone gave the example of the Waitangi Tribunal in which he said there was an option of a speedy, like direct negotiations process, but where claimants didn't get the whole history looked into, they didn't get to have that all reviewed and then feel that they could tell their story. And so while direct negotiations and a quick process could produce some quick outcomes, it wouldn't necessarily produce long lasting redress in the sense of people feeling that they had been heard and vindicated.

And so we discussed does it have to be either/or, can you have a process which is speedy and/or comprehensive or can it be both, and Murray Heasley was making a strong point to say well it's just a question of resourcing. You can adequately resource it and then it will be able to do both. And that it is very important that survivors do get redress without delay, and while monetary compensation or monetary payments can't be the be all and end all, for some survivors who have very little, it is important to get money, it's important to get money quickly.

And we talked a bit about some of the overseas schemes where they provide the ability to have an immediate payment upfront and then access to more supports later on.

There was some discussion about what should the initial focus of the scheme be where we're talking about both individual survivors and transformational change. And there was one view, a strong initial focus has got to be on individual survivors and getting redress to them, and if you get too involved in the transformational change right in the beginning then you might get lost in the systems and the individuals might get lost in that.

A theme, and I think a consensus in our group as well, any scheme's got to be flexible, it's got to be survivor-centric, a scheme that believes survivors and asks them what they need and then very importantly has the capacity to respond to that.

And we had an interesting discussion about investigations and well, if you start talking about an investigation does that then mean that you are not believing the survivor from the outset. And so perhaps some full investigation could be a parallel process.

Talked more about resourcing and the workforce and the kind of supports that might be available, and Keith was saying well, counselling is a key part of it, but currently there are insufficient numbers of trauma informed counsellors, and so he wanted to see a strong recommendation from the Commission that the Government ensured that there are in fact enough properly skilled counsellors to provide the support that people will need.

In terms of what the scheme should the‑‑ functions of what it should provide for redress, it was a wide range of well‑being supports, dental care, could be tattoo removal, adult education, priority for social housing.

And a key point was made well, the scheme has to have the power to deliver. So to be able to say to a survivor you can receive this and then also have the power to provide it and provide it promptly if that's what the survivor wants.

We talked also about well, survivors may need things, or need assistance from a number of agencies, so could there be an advocate or a navigator to help them through those systems. And there's some general support for that, but an emphasis to say these people can't be systems gatekeepers, they have to actually be on the side of the survivor, and be able to advocate for that survivor and have a leverage to enable access to support in services.

There was, I think, consensus as well that all types of abuse should come within the scheme and actually there should be a non exhaustive definition of abuse, no one should be shut out.

There was a discussion about the need for redress to be provided by Māori, for Māori, and with Māori. So the scheme can't be overly prescriptive and it can't be a recolonising system.

We talked a bit about reviews and appeals and I think there was a consensus that survivors should be able to ask for a review and some discussion about well, perhaps institutions should not be able to apply for a review, but if they don't have a review right then perhaps there's a cap on monetary payments.

And finally in terms of the scheme itself, a strong view that it should be independent and be able to articulate that strongly as a value and live that out, and also that it should be permanent and ongoing, not limited to a particular set of claims.

**CHAIR:** Thank you Joss. So that's our four groups isn't it? I'm inviting anybody, always starting with the survivors, if you wish to make any comments, additional insights that you feel free. Finger up.

**MR ZENTVELD:** Last one.

**CHAIR:** Don't say that. We know that's not true. No, I would hate you to think it's the last one, no, and don't be apologetic, please away you go.

**MR ZENTVELD:** Okay. After that report from John Hancock that was when I, ‑‑after I finished reading that I thought just wow, everything what I needed. But I've actually thought of something else that wasn't in there.

If the compensation from the first round is repaid back to the survivors, on the second round I paid my own lot, which is to Grant Cameron, plus (inaudible) was 300 ‑ anyway, some of them like Leoni, she had to ‑get some‑‑ of them got Legal Aid and they had to put up their houses. Will that stop, with this whole process of being able to afford a lawyer or not being able to afford a lawyer, if you own property or not you can't take on the State unless you've got a secured surety, I think those bully rules I'd like to see changes.

**CHAIR:** Just by way of explanation, for those of you who were not able to come or listen to the Lake Alice hearing, there are two ‑of the Lake Alice survivors there were two rounds of settlement. […]

And Paul, bless his cotton socks, would have none of that and went to the District Court and fought it, and found he got a very strong ruling from the District Court to say that was inappropriately deducted, that it was not what he was supposed to get and promptly gave it back to him.

[…]

**MR FERRISS:** No, they weren't.

**CHAIR:** […] But it does raise the issue, and I see the lawyers heads in the corner there nodding away vigorously, about the trenchant unfairness of a victim of abuse having to pay, put up their house, or get screwed down by Legal Aid for the privilege.

**MR ZENTVELD:** Or lose it.

**CHAIR:** Of the privilege to try and prove the unprovable in the civil courts. Have I stated that too highly Sonja?

**MS COOPER:** So our firm is probably in a very privileged position. So, the way that it works with our firm is that each of the Government agencies has entered into an arrangement with Legal Aid services so that, for the example, with the Ministry of Social Development, the Ministry of Social Development pays two thirds of the debt and Legal Aid writes off the balance. With the Ministry of Health and Ministry of Education they pay half of the Legal Aid debt and Legal Aid writes off the balance. Organisations‑ like Stand and Salvation Army, they pay half the debt and Legal Aid will‑ we have to make a write‑-off application but they will write‑-‑off the balance.

The reality is, though, that if do you own a house, Legal Aid will still insist on you signing the statutory authority. We argue against that every single time. But the reality is that they say that because these agreements can be rescinded by the State, or by any other agency, they still require them to be done.

But the reality is that these authorisations are never enforced because the debt is always satisfied, and we are increasingly in a position with our legally aided clients now that if a party won't pay anything towards the Legal Aid debt, and there are many parties that will either only pay a minimal amount towards the debt or won't offer anything at all, and that's mainly the church organisations, we do have the ability to apply to Legal Aid to write off 100% of the debt, we routinely do that, and probably for about the last two to three years, Legal Aid has taken what I would say a more benevolent approach and a more survivor focused approach, and if we ask them to write off the debt they will do it.

So actually, our clients are never left with debt, if they are legally aided.

**CHAIR:** That is the contemporary story. The historical story was something rather more gruesome, wasn't it.

**MS COOPER:** It is, yes.

**CHAIR:** I don't think we can answer this now, but it's certainly a live issue. What do survivors need to navigate a process that doesn't involve them in this labyrinthine, arcane and to me, I'm a lawyer, a judge, you know, it sounds […] that survivors should be tangled up in these sorts of things. So, we don't try and answer it, but we recognise it and thank you for bringing it because it's big part of it.

**MR ZENTVELD:** The Australians had the right idea.

**CHAIR:** What's that?

**MR ZENTVELD:**  The lawyers might not like this, though. In Australia on the commission, they ‑ the lawyers,‑ charge 10% fee out of their compensation. Over here we take automatically 40%.

**MS COOPER:** No, that's not correct.

 […]

**MS COOPER:** Lake Alice did?

 […]

**MS HILL:** Can I add to that. We differ significantly in terms of our view of Grant Cameron in the way he approached Lake Alice.

**MR ZENTVELD:** I'm talking about the percentages that lawyers take of survivors.

**MS HILL:** We don't, we don't take a percentage. We are only ever paid by Legal Aid, we take no percentage from any survivor. And I have a very strong view that no lawyer should enter into any contingency fee agreement with any survivor, they are too vulnerable and it is not fair when the settlements in New Zealand are so low.

**MR ZENTVELD:** […]

**CHAIR:** Well hang on, can we just stop here. Sorry, you've raised a really important point, and I don't want us to get bogged down in this. Can I just say that we note that, if I can suggest that we note that the issue of representation of survivors when they're bringing claims is a live issue, one that we need to address, and I'd like maybe to think we could do that tomorrow; question, should lawyers be involved at all? If they are, how are they paid? And is there another way, is there an advocacy service type arrangement that the Government funds for people?

There are a whole lot of questions, but I think we should not try and resolve it at this [...] end of the day, quite frankly, because we'll have big debates. And I don't think we should be talking about individual cases.

Now, other people, other survivors, anybody else would like to contribute to something about the functions of the redress scheme? Yes.

**MR WIFFIN:** Just quickly. So hypothetically we have a new redress in place that's independent. There are two fundamental things that need to happen to that. The first is when we walk into that room hypothetically we are believed. The first question for me to be asked is what does redress mean to you? Because what we've got at the moment is not a survivor-centric process. And that to me would reflect the fact that a new one would be.

I also wanted to touch on monetary compo, compensation. And those who have had it, in some cases that money has been very quickly gobbled up by outfits like in some cases Baycorp. And so people who have carried debt because of the terrible situation they've found themselves in because of what they have suffered in State care, for example, or any other care setting.

And so, in terms of a better life, it's very important that things like education, health, housing are included. Because money has also been taken, for example, by State agencies. They've given it in one hand and taken it in the other.

And so ‑and their processes, for example, I pointed out at one stage I saw $77 million had been spent in claims, but only $23 million had gone to claimants. So‑ the money had been spent on the process.

Records is something very important to survivors, it certainly is me. So new models need to be developed in terms of them being survivor-centric. Because what exists at the moment, like a lot of things, is that they're there to protect the institution. And so having support through that process of reading your records is very, very important for example.

The issue of records is second only to counselling, which is, as was mentioned before, which I'll ‑there is a real dearth of counsellors now. And there's been a number of reasons for that, the Christchurch earthquakes, the mosque, this Commission of Inquiry. So there has to‑ be heavy investment as far as I'm concerned in terms of getting adequate counsellors available.

Those are the most important things for me that came out, and there are many other things.

One thing that hasn't been mentioned is restorative justice. I went through a restorative justice process with my principal perpetrator, which I found very useful, cathartic. As an option that should be always available, as far as I'm concerned, to survivors who want it and where it's possible to happen.

Those are just a couple of things from me, thanks.

**CHAIR:** More than a couple, thank you Keith, that's really helpful. I'm very sorry, we invited, is he a doctor? Chris Marshall, who's the Victoria University expert on restorative justice. We were hoping to have somebody here who could speak to that, but certainly that's an element we mustn't lose sight of.

Is there anybody else in the room who would like to add in the next few minutes? Don't all speak at once. Yes, Frances.

**MS TAGALOA:** Just something brief. This has been very helpful. We're all talking, it sounds like what I'm hearing, about having a survivor-focused process or a survivor-focused redress scheme. It's just interesting to me that we only have six survivors here talking about what that survivor-focused scheme should look like.

I know I've written to the Commission about I really feel there should have been more survivors at the table here, and I do hope that in the future what the next steps could involve more survivors. I understand, you know, some survivors have needs and wellbeing that need to be addressed, but they're also very intelligent people and they have gone through experiences and know what they want and where they want to go. So, I just hope that when we start to define survivor-focused that we're actually talking to survivors.

And just lastly, but just a small point with survivors, you know, we've talked about having sort of a bundle of types of redress for survivors, and the next step that all survivors I know would like, you know, is it's not only for them to get help to heal, but also that it would not happen to anyone else, so prevention is a major function of whatever this redress scheme should look like.

**CHAIR:** Frances, certainly that's a common theme. Secondly, the point just taken about survivors, several more were invited but couldn't make it. But it's absolutely‑ you're absolutely right‑, survivor voice is the most important.

I think I mentioned earlier this morning that we have spoken to, I can't think what our numbers, we're up to nearly 1,000 survivors we've spoken to individually, and in each of those interviews the question of redress has been raised and we are using those, all of that as well. But it's not the same as sitting in a group talking together, so I do take the point and I think it's something we'll think about very seriously.

We've got about 5 minutes to go. Has anybody got a pressing need to say anything more? Paul.

**COMMISSIONER GIBSON:** Kia ora. A couple of points that came up from our group. First, education, not just as part of a redress package but as a site where abuse and neglect has occurred, and the need for, especially if we're talking about past, present and future redress, for timeliness around redress for children and how we impact on their lives, because of what's happened to them sooner rather than later.

Schools should be healing and inclusive communities as part of redress, and also noting that the action, seeking restoration for neglect in education through the Human Rights Review Tribunal has been going on for about 15 years or so now and still hasn't come to completion.

The other point that came up is, and this has been more highlighted through the Canada processes recently, unmarked graves and the need for healing the restoration of the land and telling the stories of the land of local people and the stories of the individuals who lived and died in many of these places with almost no mark to their story, their testimony. I think that's important as part of the whole redress scheme in context to which redress is delivered.

**CHAIR:** Thank you Paul. So Simon's just going to go and ring Papa Tem to come and do karakia waiata for us. Before we finish, a couple of announcements of the most enormous importance. Number one, could you please surrender your name tag and leave it here so you don't forget to bring it tomorrow.

The second subject of enormous importance, somebody, our lovely Karen Pierce, built especially, homemade, a suggestion box wrapped in plain brown wrapper. It's outside, it's got a slot in the top, if you put your suggestion in nobody will see it, but we really do welcome it. If you don't feel ‑that‑ you've got things to say that you don't feel you can say in public or don't feel you can or think about it later, please drop something in the suggestion box, it's been made especially for you and I don't want Karen's efforts to go wasted.

Beyond that, ‑‑he's not here yet, jolly good. He might be a minute or two. The question is do we wait for him to arrive only to find that his job has been done.

**MS MESSITER:** Kia ora.

**CHAIR:** Did you see him?

**MS MESSITER:**  No, no, no I want to raise a couple of things.

**CHAIR:** Then please do, no we've absolutely got time.

**MS MESSITER:** Just a couple of things, and I wasn't sure if I heard the Covid messaging, and I understand Government's done a really good job, but the importance of messaging is, and one of the ones that sticks clearly in my mind because of the area that I work in, it's one of the messages we were given was to stay safe and stay home. And it's not necessarily a safe place for everybody, wherever your home is.

The other one I just want to raise is, is that there has been some good research released lately around Kaupapa Māori approaches to trauma informed care that I hope the Commission will draw on as it considers what that might mean in a tangata whenua context. Kia ora.

**CHAIR:** Kia ora. If you've not already done so, I don't know if we're aware of it, but please tell Joss before you go, make sure that we've got the references to all of that. Right, now we've got an awkward silence. No, we haven't.

**MR WIFFIN:** Coral, can I add one quick thing. Survivors have watched the Commission in action for a number of years now and a lot of them are saying to me "When are we going to get something for us?" And so I look at what's, ‑I've been in touch lately with someone from Scotland who's working with their Commission and they're at a similar stage where they're dealing with redress, but the Scottish Government has implemented something immediately called the advance payment scheme, where those who are 70 or over or are terminally ill get something now. So‑ the equivalent of $20,000 gets put in your bank account immediately. That's not to say that there won't be further recognition down the down. That is something that I would I would dearly like to see happen here.

**CHAIR:** That's a very good practical thing. We were trying to somebody‑‑ knew a little bit about it but you've put your finger on it, Keith, that's a good thing to think about. Yes, Murray.

**DR HEASLEY:** Can I just show some respect for people that are victims that didn't make it in our network. We've had people who have given testimony who have died, we've had people who have taken their lives. So I wonder if we sometimes‑ ‑there's‑ a belief in Māoridom of the great power of silence. So‑ I wonder whether we can't take a couple of seconds to show respect for those that are not here but whose spirits we respect. So, he nui, he whakaaro nui (inaudible). **[Moment of silence].** Thank you.

**CHAIR:** Thank you Murray, tēnā koe, a very important thing, we never lose sight. Tragically we've had survivors who have given a statement and didn't live to actually deliver it in the hearing as they wanted, and had it read on their behalf. It's a deeply moving thing to hear a voice from the grave, effectively, who didn't quite make it in time to tell their story, so it's a really important kaupapa. Thank you.

We're going to give Papa Tem one last look for, if he's not here I'm going to ask for a volunteer. We think he might be stuck in traffic. In that case do we have a volunteer to do karakia?

**COMMISSIONER STEENSON:** I can do it, ma'am.

**CHAIR:** Thank you Julia.

**COMMISSIONER STEENSON:** Given I'm mana whenua. **[Karakia Whakamutunga]**

**CHAIR:** I think we'll sing waiata Te Aroha because it's Te Aroha. **[Waiata Te Aroha]**. Kia ora, kia pai tō pō. We'll greet you back here again tomorrow. Please take your name badges off and leave them behind. We'll see you ‑there'll be tea and coffee here at 9 o'clock‑ the‑ refreshments are now if you'd like to go and avail yourself you're more than welcome to do that. We'll see you by‑ 10 o'clock tomorrow.

**Round‑table adjourns at 4.47 pm to Friday, 2 July 2021 at 10 am**