**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY**

**ROUNDTABLE DISCUSSION**

**2 JULY 2021**

**Present:**

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

Ali’imuamua Sandra Alofivae,Simon Mount QC, Joss Opie, Jane Norton

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

*Human Rights Commission -* John Hancock

*OHRP –* Michael Timmins

*Catholic Church* – Dave Mullins, Sister Sue France

*Methodist Church* – Reverend 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

*Disability Rights* – Sir Robert Martin, Cindy Johns

*Ombudsmen Office* - Chloe Longdin-Prisk

*Salvation Army* – Murray Houston

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

*Taumata* – Neville Baker

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

*VOYCE* – Tracie Shipton, Elin Morris

*TOAH-NNEST* – Stella Gukibau, Miriam Sessa

*STAND Tu Maia* – Dr Fiona Inkpen

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

*NZ Māori Council* – Denise Messiter, Hera Dancer

*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**

**[10.03 am]**

**CHAIR:** E ngā mana, e ngā reo, e ngā hau e whā, tēnā koutou, tēnā koutou, arā tēnā rā tatou katoa. Welcome back. I'm so happy to see that you have all come back. I thought some of you would run screaming from the room yesterday and not come back, I hoped that wouldn't happen and I'm really glad it hasn't. I think you coming back, looking engaged and happy means that we're on our way to a very successful second day, so thank you.

In this job I've learned to do a lot of things, some of them very badly, but one of the things I've become very adept at doing is apologising and I've got an apology to make right now and it's important. I asked you to put things in the suggestion box and somebody put something in the suggestion box which noted that somebody, and I accept it was me, used some words which were triggering and offensive and inappropriate in the evening when I closed. I won't say them again because they will do more trigger(sic). I want to say that I acknowledge that, I'm sorry that I did it, of course it was unintentional, but in my excitement about the day I used some words that some people found inappropriate, so I do acknowledge that I've done that and I apologise for it.

The second thing I want to say is that it's obvious, I think, to us all around here that the issues that we're grappling with are more important ‑‑ are so important, but they are even more important to Māori, that the issues we're dealing with here, given that so many Māori were and are in care, that so many of those Māori who are and were in care have been and are being abused, that whatever comes up and results from this Royal Commission has got to have be based on Māori principles, Māori values, because if we get it right for Māori we get it right for everybody.

So with that little spiel I've been talking to my colleague, Anaru Erueti, and he's asked, and I think it's really appropriate, that our Māori colleagues and friends meet, have an opportunity to meet today. And so what I've suggested is that they take their lunch into the Koromiko room next door and hui over the issues Māori, Kaupapa Māori issues, and then we will make sure that there's an opportunity for you to come back and report to the whole group, because it's important that your voices are heard. So we might do a little bit of a rearrangement after lunch to accommodate that.

Do you see that I'm just about eating the microphone? That is because these chaps at the back who rule our lives have asked us kindly, very politely, could we speak directly into it. It's no good having it out there, you've got to speak in because it's not just us who need to hear it, the sound system needs to hear it so it can be recorded and well heard by others who might watch later.

Now so we're going to embark on our third and important session. Yesterday I think on reflection it was so important because first of all we got to talk to each other, we got to listen to each other, to start forming some relationships and get a sense of ‑‑ I was so impressed by the number of people who came up to me and said "Oh I've just realised" or "I've just heard and I'm thinking about this", so it means that people aren't just talking, they're listening. And I think that's very good foundation for today.

Yesterday we dealt with purpose and function, today I think we really are at the really hard bit. Given that we are more or less united on what the purposes are and what the functions of a redress scheme could be, it's the hard bit, how, what is it going to look like? So what you do in your groups is up to you, but I think if by the end of the day we can come back with some very concrete examples of what you think this new redress system should look like, that's going to be very, very helpful.

I don't think we need to argue that we've got values of manaakitanga, aroha, utu, all the concepts that it has to be fair, it has to have natural justice, that it has to be survivor focused, has to be trauma informed, I don't think anyone in this room would disagree with any of that. But how do we turn that into reality, and if you can focus on that today, that's what the Commissioners need to start turning these into recommendations.

Last thing, we're on a very tight time frame here. If we're to give the Minister the recommendations in draft on 1 October, if you think about lining up to that, we already have in our diaries that the Commissioners are going to get the first chop of the recommendations on 12 July. When's that; next week.

Then there'll be a second opportunity, so then we will talk and discuss and incorporate everything we've heard, then we will come back and I think there's another date in August. What date is that Joss? It's internal, but about a month later we see the new, the revised thing. And after that it's basically just the writing. So you can see that we're up against it in terms of time, and that's why I'm really pleading with you today, this is your chance to really give us some firm concrete recommendations that we can actually use.

So I've done enough talking, thank you again for being here and I look forward very much to being part of your discussions and I'm going to ask Joss now to introduce the next session which is what form a redress scheme could take.

**MR OPIE:** Mōrena tātou, lovely to see you all here again. I'd like to add my thanks too for the really interesting discussion and really useful exchange of ideas that we had yesterday. And as Coral said, we're now talking about four ‑and yesterday we talked about functions, so this is really a discussion, well, we think that the redress scheme should do these particular things‑, then what form should it take to ensure that it's best placed to be able to do them.

And there's a range of matters that we'd like to hear from people on. And one of those is should any new redress scheme be independent from Government and faith-based institutions, or should Government and faith-based institutions still have a role in running the scheme in some way?

If people think it should be independent, what are the things that should be done to ensure that independence? The Salvation Army has said it supports there being an independent scheme, but it says survivors should still have the option if they want to be able to come to The Salvation Army for redress. So the idea really is two schemes or even more if other faiths wanted to do that too, running in parallel. What do people think about that idea? We'd be interested to hear from you.

If there were an independent scheme, which organisation should be included in it? Should it be Government and faith-based institutions in together, or should there be separate schemes, one for Government, one for faith-based institutions? How could all of that work?

A key question in all of this, is funding. So if there were an independent scheme, should that perhaps be funded by Government but with faith-based institutions making a contribution upfront? One of the things that we've seen overseas in relation to that in Ireland, for example, there they had a scheme in which they actually badly underestimated the number of claims that were going to come into the scheme, but faith-based institutions made a contribution upfront based on that underestimate. And so what ended up happening is that the Government funded a lot more of the scheme than the faith-based institutions did and there's been a lot of anger about that. So how could we avoid that?

One answer to that question that we've seen overseas is in Australia, they've said well, what should happen is that Government and faith-based institutions should fund based on their responsibility for each claim. But what we've seen with that is that there has been a lot of delay, particularly when survivors have been in multiple institutions during care, it's taken a very long time to work out how much each institution should pay, and clearly that needs to be avoided.

So is perhaps one solution that if a monetary payment is to be made, the scheme makes that payment, and then the Government and the faith-based institutions sort out later who pays what. That's one option.

Another key question is, what form or forms should a redress scheme take to be consistent with Te Tiriti? So should, for example, there be a separate scheme for Māori?

If redress is going to include payments of money and also assistance with services like housing or education, should a redress scheme try to do all of that itself? Or should maybe it look after some things, like assessing claims, making monetary payments, and then look to assist survivors to be referred into other services run by other agencies? That's another option.

And also what about ACC, so some of you may well know ACC provides some assistance for people who have been abused in care. Should ACC have a role in any new scheme or should ACC and a new scheme be kept separate?

So those are just some of the issues, of course anything else that you'd like to add in or discuss we can do that, but that's all I have to say at the moment. Does anybody have any questions now?

**MR ZENTVELD:** Good morning everybody. What I've been observing on this round is there is so much difference in between. We've been through ‑on behalf of the Lake Alice survivors, we've been through the ACC system and they've just cancelled us right out. So is there going to be a difference between that and abuse care, because we wouldn't want you to lag behind and find out the hard way like we did. So‑ it's all ground‑breaking stuff here.

With the survivors versus the abuse in care of State wards and other institutions, but now there's been a problem of you're bringing the churches into line as well. In the Australian Commission of Inquiry the churches and the education board, which were Catholic or church-based education and accommodation schools, they were classed a little bit separate to the State ones, and there is a difference, and I think it should be categorised as different, different stages of the discussions ‑of because‑ we're all aiming for the same thing but it's actually different‑. Because we've tried the ACC, waste of time.

So if you want to go that, that might delay things big time. And you've got a whole army of people trying to set you back, which would be a stalling thing for the proposal, when we've already done the ‑we've already battle‑ hardened‑ with that.

The other thing is too, the compensation but it's not so much that, that's going to go through anyway for us; do we all get paid together with the faith-based ones, do we get together with the abuse in care of State wards? Because that's just going to be years and years of work.

And the other thing is, what you were talking about this morning is the after-care services. So we've been going for all these years with not much help and care, but there is groups starting to get set up over the years and that is The Salvation Army but do you call them because‑‑ they've got social services and they're marvellous, and they care, trust me, I knew that when I was 18.

But anyway, do you call them a Government service? I don't, because a lot of them are self-funded, but then I found out they do get paid by ‑the they‑ get, what do you call it, they get subsidised, and they do some beautiful work with the housing and that's ‑more ‑ I‑ think we should be looking at. And there's also some Māori groups out there that are doing it. But everyone's unknown because we're and‑‑ that's another path to go.

But the problem is, with the torture thing that we proved with the Lake Alice ones, that is ‑the Human Rights Commission down in Wellington have got their own 66 page‑ report, which is very good, I just went wow with that, but they have a few things that they've covered already. That is the State pay for everything, for lawyers.

But when it comes to the abuse in care for State wards, which is not by the institutions like the boys' homes and that, that is a bit of a separate issue. And that's not torture, that is just abuse in care. So will there be a difference? That's my question.

**CHAIR:** I think, Paul, that you have neatly summed up all the dilemmas that we're going to face and that we need to discuss. Thank you for giving us that perspective. Can I just say that I want us to go to our groups and we don't want to talk about their issues, but is there a sort of a procedural matter if I might say?

**MS HILL:** I mentioned a number to you yesterday and you asked me to raise this at some point, and I think that now is a good time to do that, because I want to make sure that while we are survivor focused we also have a sense of the time and the urgency that we have.

And so as I said to you yesterday, Cooper Legal currently has 1,585 clients. There are the same number roughly sitting with MSD and only MSD as open claims. So we're talking around 3,000 people and 30% of our clients are in prison.

So we need to think what do we do right now, because they're starting to pass away. So think big, but also what are the immediate things? So just sort of think what's right now, because some people aren't going to wait, we can't wait too long. So I really wanted to get that urgency.

**CHAIR:** Yeah, I think, as I said earlier, we've got to be realistic, pragmatic and incorporate all the values and ideals we have but in a realistic way. Did you want to say something, Judith?

**MS AITKEN:** Kia ora e te whānau. The point that Amanda's raised about time is one I wanted to raise because it does seem to me that in our workshops it would be useful, if we're looking at form, to think about the question of timing, in other words when it might come into effect, because the time will make a difference to the form that we're able to do.

If, for example, one of the options for one of the delivery mechanisms is an existing type of Crown agency, let's say a Crown entity or whatever, if it's an existing form then you've still got to adapt that, you've still got to have legislation that would affect that.

If it's a new Crown entity form of some sort, the wheels at Crown Law and everybody else grind very, very slow.

If it's an entirely different form of agency that we don't have yet, that would have to be invented, ‑‑that would take forever. Steve's already pointed out the possibility of six years to me yesterday.

But also, just given the point, Chair, that you raised earlier and that has been raised in the idea of the caucus today, given the significance of Māori people and issues and effects, it may be that you'd move outside existing Government forms and you could look at something that was essentially a Māori issue which dealt with the generality ‑the‑ Māori Health Authority, in other words, that has a specific focus but a general one.

It does seem to me that our decisions about our advice on form will be very much affected by how fast. If it's to be as fast as possible, then how well can you adapt and how well can you trust existing forms, even those which, like the Human Rights Commission, are independent and report separately. If it's to be new, how long are you prepared to take?

So I think in our workshops probably we just need to at least give a moment's thought to when because that will affect how soon any agency might be authorised to deliver whatever form of scheme we come up with.

**CHAIR:** That's excellent guidance, Judith. Hopefully in our groups we will have mixes of people and if you come or have had a public service background, please give us a reality check on what works, what doesn't work, and what takes a long time and what takes a short time, very valuable that we do that.

Did you want to say something? Yes, Kararaina.

**MS BECKETT:** Just quickly, I want to respond to the time thing. Now what is the quickest process, I can't understand how one lawyer can deal with that many clients, that would really slow down the process, wouldn't it? I mean can that be shared with other lawyers, would that speed it up?

Do we have to go through MSD because that's one of the worst processes out. Should we be referring clients to MSD? I don't think so. Yeah, what is the quickest process for survivors is the best option really.

**CHAIR:** The quickest path to justice. Kia ora Kararaina. I think we'll stop now. But I thank you for those, so we've got imperatives of reality, of what is going to work through, and the timeframe, those are important matters for us to discuss. I'm going to apologise again, I told you I'm very good at this, because I have completely forgotten to do a very important thing, and that is to introduce you to our missing Commissioner, Sandra Alofivae, who was out in the trenches yesterday talking to survivors and doing the real work that we do and love doing, engaging with survivors. So Sandra was doing that important work yesterday, but she has joined us. Talofa lava Sandra, thank you for coming.

**COMMISSIONER ALOFIVAE:** Tēnā koutou katoa [Samoan] (Samoan spoken). Lovely to be here this morning.

**CHAIR:** Thank you. There's another person who's arrived, that's Hera Dancer, where is she? Kei hea? Sorry, Hera is here. I'm not sure, Hera wears about 14 pōtae so I'm not sure which pōtae you have on today, Hera. Amongst other things she is from the Māori Council and we welcome you. She couldn't come yesterday but it's very important that you're here today to join us in general and in time for our Māori caucus as well, so nau mai, haere mai.

Right, I've done enough apologising for the morning, I will no doubt be able to do more later on if you want it. But can we now just go off into your groups. Has Hera got a group to go to, have you been allocated a group?

**MS DANCER:** Yes, I have. Sandra gives me an affirmative nod.

**CHAIR:** Then you cannot resist that affirmative nod. All right, thank you everybody, off you go to your groups, we look forward to coming back again at about 12 o'clock.

**[Break‑out groups]**

**GROUP FEEDBACK**

**CHAIR:** Welcome back everybody. From what I've seen that conversation was even more intense than the ones we had yesterday, because I think we are hitting the real nub of where we have to go here. So we've decided, the royal "we", have decided what we're going to do this time is, rather than each of the facilitators reporting back in depth, just to do a short quick summary of the discussions and then open up the table to other people to give you voice from your group as well, so that everybody gets more ‑there's rather more inclusivity and some of the subtleties, because I know it's really hard‑ for one person to sum up everything in a room when there's been so many points of view.

So if you're happy with that, what we're going to do is start with Simon and Joss, who are team tagging a little bit, and then go from there. Jane can swap in and then Anaru, or Sandra; oh my God are you two going to have a jurisdictional battle there. Let's not waste any time, you know, of all the regrets I have about today is we don't have five days to do this, so unfortunately we're going to have to keep hurrying you on a little bit, but I'll try and do that in as painless a way as possible. If you really feel you need to say something get your hand right up so I can see it and make sure that you get heard. Starting with Simon thank you.

**MR MOUNT:** Tēnā tātou katoa, as Coral says, I will just very briefly touch on some of the points of real substance that were discussed and I would really encourage the members of the group to expand on them once we move into our larger group discussion.

We began by talking about the critical place of a navigator or an advocate or someone who can assist the survivors in their interaction with whatever entity exists. In our group we had Sonja Cooper, we acknowledged all of the work that Sonja, Amanda and her firm do and have done for so long.

We also talked about other models, including the navigator models that exist within this very Inquiry. So we thought about and talked about how best to provide that service, which for some survivors will be very important.

We again emphasised how important it is that whatever entity exists survivors will have the ability to choose their pathway through it and that may vary from survivor to survivor.

We spent a bit of time on what might be a technical question about the type of entity, independent Crown entity, some form of trust. Neville, wonderful to see you back and we'd really love to hear from you with your experience as Māori trustee about the trust structure, so I will stop talking very soon and we'd love to hear from you, Neville.

We recognised the critical importance of timing here and, Judith, the point you made this morning we echoed in our group with understanding the need to make swift progress and not to let the perfect be the enemy of the good in this area. Although the trade-off, of course, being we've got to get it right as well.

Broadly on the question of funding, there seems to be consensus within our group that the Government has the primary responsibility to fund this work. There was some interest in our group of the concept of a levy that might be allocated to entities or organisations perhaps on a pro-rata basis acknowledging the level of contribution for that particular entity to claims.

On the critical question of Te Tiriti, we were very interested to hear the TOAHNNEST model of governance, co-governance models featured very much in our discussion. Perhaps I'll let others describe those when we move into the plenary session.

We also had a brief discussion about how important it will be for the Crown to make sure that there is momentum kept up on the Crown side in implementing whatever this Inquiry recommends. So we were very pleased to have Alana as a representative of the Crown Secretariat in the room as we talked about that. Coral, have I left anything out?

**CHAIR:** No you haven't. I think it's important we just mark those as headliners ready to be picked up by the rest of the discussion later.

**MR OPIE:** I'm still on here. As Simon said, I'll just endeavour to run through what our group discussed quickly, just highlight the main points.

We also talked about whether there should be an existing institution that could perhaps take on the redress role or perhaps there should be a new independence scheme. The consensus in our group was no, there does need to be a new and independent scheme. That scheme has to be inclusive, and Murray Heasley wanted to make the strong point that it needs to be a unified scheme, there cannot be any divide between faith-based institutions and Government institutions, and survivors are not to be siloed from one another.

Also there was a view there should not be the ability to opt out for any agency from the new scheme, any organisation who cares for children and vulnerable adults must contribute, and there was a view that there should be mandatory reporting and auditing of the organisations that are covered by the new scheme.

In terms of funding, there was a view that the Government must have the ultimate responsibility for funding and the respective contributions for any particular aim should be sorted out subsequently, and there was a suggestion that organisations could be levied by the Government, similar to schemes such as ACC and WorkSafe.

In terms of the importance of speediness, a point was made that the Government was able to make large payments in some circumstances in relation to Covid‑19 and that a similar level of urgency should be shown in this circumstance, so if it was possible to do it then it should also be possible to do it here.

Discussed a separate scheme for Māori. There was a view that there should at least be a separate Māori pathway, but also potentially a separate Māori scheme with that to be decided by Māori, those issues. At the least, Māori markers and values have to be embedded in the new scheme, and I say Murray, I could hand over to you, you did want to emphasise the importance of unity between survivors and survivors not being siloed from one another in whatever model is adopted.

With regard to ACC there was a suggestion perhaps ACC could pay into the unitary scheme but that there is a distinct need to separate out redress from what ACC does.

And I think I'll probably leave it there just in the interests of allowing more time for the plenary.

**CHAIR:** Have you got a division of labour here?

**COMMISSIONER ERUETI:** To follow on the points raised already, again, I think a fundamental starting point is the community affected, their ability to design the scheme; survivors, Māori, Pasifika, disability, their voice in the design of the process, but also recognising the responsibility of this Inquiry to provide direction and markers based on the voices we've heard through private sessions, our hearings, wānanga such as this that, that responsibility.

A discussion about what the whare might look like, some discussion about the new Māori Health Authority, for example, as a potential precedent in that you've got a body there that is Kaupapa Māori Treaty-based framework for operating it with those values, but in this case there is the issue of‑,‑‑ there's a need for inclusivity, Māori most affected, Care and Protection in particular, but also recognising disability, mental health, Pasifika, and non‑Māori. I thought that was an interesting point.

Again, I think the emphasis on providing a survivor with practical outcomes, again we talked again about the four pou for the whare that Matua Neville talked about; jobs, health, education and housing and providing survivors with those choices and embodied within the scheme some advocacy support services to enable survivors to access these different types of services.

In the end we had this discussion I thought it was really interesting about what can we do immediately. And one idea was this idea of taking the resources from MSD, MOE and MOH, putting them into one pūtea. We didn't discuss the role of faiths in this, but they would be included too. And immediately allocated to survivors who have shown, you know, they've been in these institutions for this time, a payment, say, immediate lump sum payment of say $10,000, for instance. And also that there be independent decision‑makers appointed with the right criteria having the right people to start making assessments and payments immediately, yeah. I'll hand over to ‑‑

**COMMISSIONER ALOFIVAE:** No, carry on.

**CHAIR:** Anything else, did you want to add anything gossipers in the corner there?

**COMMISSIONER ALOFIVAE:** Thank you, Paul, you've now moved the mic to us. I think there was a lot of really rich kōrero around big picture, so almost like macro/micro. So macro in terms of our place in the Commonwealth and in actual fact what's happened in the trauma space, in particular abuse space across Commonwealth nations and whether or not, ‑ and New Zealand is now at a place where we've just had a gutsful‑, we've had enough and it's about speaking up, this is what we want to do.

So there was talk about if there was going to be an apology it should come directly from the Queen, even though we have a representative here in terms of the Governor General. So if you think about our macro picture of our place in the universe, and even though we're this tiny nation at the bottom, we can still be incredibly influential because we've got a population that we're ‑able there‑ isn't the 7 degrees of separation between us.

So if you think about where the trauma came from, this is really important because it determines how we then do things going forward about being able to strip right back. So whilst we can attend to the technical things now, the trade-offs will be incredibly important and it's about the immediate things that was raised in our group, how can we address the urgency question, that would be an interim position only. So with law we talk about a full and final settlement that cannot be the case with what we're doing here.

So if you've got your, expanding on Anaru's point, around the fale which everyone spoke really passionate about, is it an institution of Government, is it an NGO or is it something else? And that's really recognising that here in Aotearoa we have other ways of doing things, the question is have we got the moral courage to go that far.

And I think that's something we can't lose sight of when we're trying to respond. There was a lot of discussion let's not always be rushing to the urgency of the Crown, whilst that's critical and we can't miss our moment, we might do it to the detriment of our survivors in the future.

There was also a lot of discussion around actually what can, you know, the whole thing about a one stop shop, what does that look like, what should our survivors feel entitled to be able to get, existing services we know provide lots of different wrap‑arounds, but it's so fragmented that nobody really feels the synergy of actually being able to get the healing and the restoration which is often really important for our survivors.

So they talk about it's not just about the compensation, let's look at the whole life course and then intergenerationally and is what we're able to achieve here almost like a prototype of how you then influence our wider system of Government. So what is our bigger picture as a Royal Commission then about putting forward recommendations, addressing something now, we don't want to be looking at this again in another 20 years' time.

**CHAIR:** Amen to that. Where is Jane? There she is.

**MS NORTON:** Kia ora tātou, I just want to acknowledge and thank my amazing rōpū for their contributions. I will try to summarise what we discussed as best I can, although again, inviting everyone in my rōpū to contribute to the following discussion in case I've missed anything.

So we talked about how it was important that a unified and independent scheme or programme was a word that Stephen Winter offered instead of scheme, can be delivered by local agencies and community organisations.

We discussed how existing NGOs and other groups, including iwi, can deliver services for survivors but the capacity for these groups may actually need to be built up and funded by the State. We also need to enable the standing up of new organisations where needed.

There was support for moving the current model of funding where we have a lot of ‑‑ sorry, model of service delivery, where Christian NGOs have been the most funded organisations for service deliveries. The only way to build up for Māori by Māori is to fund the stand up and growth of Māori organisations that can respond in Māori ways and who can then provide a localised response.

There was worry in our group that the public service sector was not preparing itself for delivering the sorts of services that are needed for survivors. The Royal Commission was invited to call all the public service heads in and tell them to gear up. A scheme needs to be survivor led but we also need to define what survivor led means. And we talked about service delivery at the local level while important also raises issues of fragmentation.

A key part of the scheme is independence. Now we were talking about how quickly to provide set up some sort of effective redress programme. The quickest way it was suggested would be to attach it to an existing ministry, but that wouldn't be a great long term solution. It needs to, the programme would need to be answerable to parliament and to ensure its funding can't be squeezed.

There was also again this distrust of MSD and ACC came up. In terms of accessibility, we had a really interesting kōrero around how to ensure that any programme would be accessible for those with disabilities, many of whom do not realise they have been abused or are currently being abused and are still in care.

In terms of building capacity, we talked about building up workforce capacity especially in the disability sector. For example, there are not enough counsellors for people with learning disabilities and it may take time to build up capacity at the hapū level.

We discussed the distinction between assessing the claim and delivery of services. In terms of assessing the claim, we had, well, a very moving discussion for me around, ‑‑it was very moving for me to hear from survivors again about how difficult it is to be repeatedly having to prove that the abuse happened to them.

We discussed this possibility of a two-track process, one which might have this automatic quick redress response, so just say you're at an institution at a certain time and you are eligible for redress, and then survivors could then access a longer process which could include accountability and restorative justice.

In terms of accessing services, one idea was to facilitate access to services through a navigator or connecter, so a single place where survivors could go and then they'd be connected with other local service providers. Paul had a suggestion about a gold card type situation for survivors that would enable them to access Government services.

Kerri pointed out that we had all been talking about individual redress, but that the kind of ‑this‑ kind of redress is separate from community building which also needs to occur because it's the community that's part of the healing and the wellbeing.

And people were very concerned about there being another bureaucracy and lots of money being spent on administration and the assessing claims rather than actually delivering services. And we also had a kōrero around access to records, sorry, how to prove your claim when you don't have access to records, and we also had a kōrero around parallel schemes, faith-based institutions having parallel schemes.

I just wanted to raise a point that Paul brought up about the problem of hearing the word "accusation" being used when, you know, it's something that actually has happened as a matter of fact. And yeah, so thank you to everyone in my rōpū.

**CHAIR:** It's almost like speed dating, isn't it. And it's unfair really to try and encapsulate everything that's been said in such a quick way. But I think we've done it for a purpose and the purpose is that we now give voice to all of you.

I've just got a couple of observations to make before we start. It struck me yesterday and I think I said it when we began, that this is a room full of experts and nobody is more expert in this area than the survivors. But we also have some serious experts who, like TOAHNNEST and STAND Tū Māia and VOYCE Whakarongo Mai and Children's Commission, I'm sorry if I've left you out, where these things have been tried, tested, some have succeeded, some have failed, some are just soso.

My feeling is that it would be wrong for us to ignore the lessons learned. And so I see the real seat of expertise in this room for people who are actually doing the work, walked the miles. For example TOAHNNEST we were told this morning is built, designed by Moana Jackson. Do we ignore that? Hell no. We do not ignore that, you know, we ‑take ‑sorry‑? It's your fault, okay.

**MS SESSA:** No, it wasn't mine (inaudible), I might have my information wrong, but it has been set up as a two-whare model.

**CHAIR:** Exactly, I'm sorry, I might have got that wrong too, but the reality, the point I'm trying to make is sitting in this room are experts from these fields where things have been tried and I want us to be able to hear those and see what worked and what doesn't. That's the first point.

Second point, somebody just gave me an idea, actually (inaudible) in my mind sat and watched television and I saw the question time in parliament, I mean I don't know what I was thinking. But these things sometimes are meant to happen and there was the minister of cultural, I can't remember her name, ethnic communities introducing the new ministry that our Chief Executive has just gone to. And they said, ‑‑asked the question, is this just not another bureaucracy all set up da‑da.

What she said, and I didn't know this, but it's something for us to consider, the way they have set up this new ministry is that they have kept an administering agency, I think it's DIA, but an administering agency that does all the backroom work, it does the funding, the health and safety, the human resources, the ‑‑ all of that, and then it leaves the ministry to get on with the real work. So it's not building a new bureaucracy, it's sucking the lifeblood out of another agency, if you like, but it's left to get on with the real work.

Now that to me struck me, I thought this is why I'm sitting watching this parliamentary stuff, and maybe there's an idea in there, so I'm not going to say anymore, I'm going to leave it open to the table, and I'd like you now to share your expertise with us. Tell us what worked for you as a survivor, you as an organisation, what works and what doesn't, particularly I think in the Māori space. And if I don't see you, put your hand up higher. Stella.

**MS GUKIBAU:** Part of my representation here today is for the national organisation Te Ohaakii a Hine, National Network Ending Sexual Violence Together. It's a partnership of, ‑it's a two whare model, like my colleague has talked about, which came out of work that was done in Raukawa by, I think it's by Matua Winiata‑ who was there who ‑and the development was done by, first by the leadership of‑ Ngā Kaitiaki Mauri and then discussed with those with our‑ tauiwi colleagues as to how the model would work.

How it works, essentially it works in a sense where we have a 50/50 split in terms of any resources coming to the organisation, we are based on a Te Tiriti partnership, Māori work using tikanga and kawa as their guiding document, whereas our colleagues, the tauiwi caucus, work based on a constitutional document.

So I guess the important things to remember about that, and my colleague here can sort of frame this a little bit better. But for us as Māori, was that we determine what happens with regard to people who are within our sector, which is the sexual violence sector. So we have a kaitakawaenga which is made up of eight representatives and eight Ngā Kaitiaki Mauri representatives and eight tauiwi caucus representatives, we decide what the priorities for the organisation look like, and each of us takes our own pathway to achieve those priorities.

There have been ups and downs in terms of how that works, it's not a, it has ‑not,‑  it's not simply black and white as to how that works. We've been in existence since 2006 when we began to participate in a task force for action on sexual violence. And so‑ the‑, ‑‑sorry, the organisation itself is in fact, sorry, Moana Jackson's involvement was to create the legal parameters for the organisation. However, the direction came from a Māori body of people, and in this case Raukawa and the members of Ngā Kaitiaki Mauri.

So it was something that was ‑we went around the country to gain what it could look like, so there were various hui that happened. And to date we're involved in various ways in various national organisations. We ‑have each‑‑ of us have membership, the Māori membership is around 500 and 100. So ours are individual and whānau, whereas I think ‑‑

**MS SESSA:** We have a range of individual associate organisations and core member agencies. So I think that's the role modelling. So if I can kind of add something to what Whaea Stella was saying, I think the commitment and the interesting part of working for this organisation is as tauiwi have to reconcile what true tino rangatiratanga means, because that is the independence that we're seeing. So it's not trying to subsume tangata whenua responses in a non-Māori system.

And I think that's the, ‑for me that's the privilege of working alongside our tangata whenua colleagues and within this structure, as it teaches you a lot in terms of what does that truly look like and how you have to really change the ways you think you operate‑ and you behave to work in the system.

So one challenge I will put resource. For me resourcing is the key issue and for tangata whenua colleagues often they are split between doing the by Māori for Māori responses and the tauiwi responses of, you know, what is the cultural appropriateness within non and mainstream or general population settings, however we want to describe them. So really tangata whenua resources always have to be double because it is double the work.

I would put a challenge, if resourcing is the issue, what would a Kaupapa Māori led entity look like that is also tasked with being inclusive. If money is the issue, how about let's flip it and have Māori led and be inclusive of all survivors instead of tauiwi(?) led that we know Crown hasn't always done it well in the past and seeing how that might work.

So I think to prevent abuse we have to think revolutionary. We have to think outside of the dominant norms of our current framework.

**CHAIR:** Tēnā kōrua, tēnā koe e whaea, very important. We have another model that I know Neville is expert as a former Māori trustee. And the issue was raised in our group anyway, why not have ‑maybe if we have a statutory entity, but inside that have a trust system that isn't as bureaucratic that might be more amenable to other ways of thinking and a more inclusive way. So kei a koe e ‑pā.

**MR BAKER:** Kia Ora Coral. My apologies for lateness, I did leave yesterday and spent five or six hours in Auckland Hospital and they fixed me up and I've been able to return, so great to be back.

Maybe I'll just describe the business of the Māori trustee, because he is a creature of statute and I've held a number of positions in Māori Affairs, including Deputy Secretary and also in charge of Māori and Pacific Island affairs at one stage. But I'll just give you the model of the Māori trustee.

Māori trustee in days gone past was appointed to be the trustee of Māori who were subjected to psychiatric institutions. I know that some of it was not well done. But when I took up the job I found that there were 800 individuals that were under the trust of the Māori trustee, so the first thing I did is to bring in Judge Ken Mason to actually review my role as Māori trustee and to tell me whether I was doing a decent job or not and looking after these people.

He came in and completed a report called Atawhaitia, which is available on the net, and he made a number of recommendations which were really saying to the Māori trustee it's important to have you there in a statutory position because you do bring some independence to the role.

So what I was finding is that a number of the patients that I looked after obviously had interests in Māori land, had interests in family affairs and had interests in areas like the unclaimed monies list, so it was a matter of working out what those interests were. And I still think that that's important, because what I did find is that there was some predatorial activities from family and other members that actually left them out of succession and left them out of inheriting their interests. So that, I guess, it's the independence of having a statutory person looking after an individual that says that you have rights and your rights should be protected.

So as trustee I could appoint a lawyer, I could appoint financial people, I could appoint a number of people to pick up on some of the affairs of those individuals.

It's interesting to note that in one case Ken Mason said you've got a girl that's in one of the institutions that inherited her father's farm, which was probably 2 or $3 million, and she shouldn't be there. So what we did is we actually built her a house and put caregivers into the house and she took in a number of other patients with her and they actually contributed to the contribution of that house.

Now what I'm saying is that not everybody has to be in an institution. I think that part of the development with good trusteeship is that you can have decision making for an individual that can't make those decisions for themselves to actually give them their legal and their other rights, because at the end of the day it's all about rights for individuals. So the protection of those rights is very important.

So I think that there is a discussion with the Public Trustee, whether the Public Trustee has done a good job with people that have come under that jurisdiction. I think there are certain arms of Government which need to be responsible for that sort of stuff. What I'll do now is just carry on with some comments from our group that I'd like to make.

I think this morning we had a discussion in terms of what is the bigger picture in terms of survivors. They have rights in terms of a number of areas and the bigger picture actually is two‑fold in the view of our group, in that there is the big picture in terms of the Commonwealth, and I think that the Commonwealth has a responsibility to look after us. It didn't look after us in terms of its original connections here, the Treaty is still a mess, the Treaty was supposed to be a partnership, it's not been a partnership, and I think that there's some room for negotiating some areas of the Treaty with parliament and with the Crown.

And secondly, I think that the colonisation sort of system still owes us and that there's still a lot of money in that system which should be regarded by members of the Commonwealth, and hence the survivors here as a right that should be given some reparation and redress, because we didn't look after people properly.

I think there's also a question in terms of who our neighbours are and our neighbours are actually the Pacific, and fortunately we've had Frances here sitting with us and talking with us and there's a leadership question there which is about the Pacific way, not about the Government way here. And the Pacific way has been tested in the past.

As part of my role with Māori and Island Affairs, I was responsible for managing the consultation between Queen Te Atairangikaahu and the leaders of the Pacific. So that once a year we used to meet with the Head of State for Samoa, the King of Tonga, Fiji, Niue and other Pacific Islands and that was really to say how do we look after their people here, because I think what's come out recently in terms of the overstayer situation says that we didn't look after our neighbours in New Zealand either.

So there's a number of questions here about who you can trust to give leadership to change. And at the end of the day, it's about where is the independence in this country. Political independence is not something that I think has been dominant in the past and nor is it going to be dominant now and in the future.

Independence is really bringing in a situation that can actually represent people's views and conduct their rights. So we did have the discussion about building a house and the house that we discussed was that there are four corners to a house in terms if you're building a meeting house, and in social and cultural terms it's about if you build a house with education in one pou, housing as another pou, employment and training as another pou and health as the other pou, you start to address all the issues that people need in a lifetime.

So at the present time you could go to each one of those departments, like health, and say look, you need to set aside resources for survivors and have a system of being able to deal with the allocation of funding for health, because if somebody needs to have health for the next 20 years, that should be part of the retribution that comes in terms of where it sits in the Government pool. You can do the same in housing, education and training and employment.

But I think a more realistic idea is that when you're dealing with public service agencies, they make the decision. So in some respects I think the decision needs to be taken away, and the way to do that is probably to talk directly to the Treasury Department and say look, you're spending 124,000 keeping one Māori in jail for a year, that's a bad investment. A better investment is to actually keep those people in the community and spread that money across being able to compensate other areas of people that have suffered because of some of the systems here that have dealt with them. I think that survivors are part of that.

So that if you start looking at ways and means of challenging the Government here, and I think it is the Government and parliament, not just the present-day situation, because we change. And what happened with Pūao-te-ata-tū, we had the support of Ann Hercus at one time, but once we produced the report the next Government didn't take any notice of it, so it took 30 years to get some recognition for it. We don't really want that happening with this Royal Commission. So I think there are a number of changes in terms of the political environment that actually bring resources.

The other thing I would say is there's a lot of money spent in the negative set within the Government circle. There have been challenges by the State in terms of this Commission in regard to certain issues, and so there's money being spent there which could have been spent in a more purposeful way.

The last thing that I'll actually identify is that I do sit on the Police Commissioners Forum and over the last little while there's been $500 million recovered from the community through the proceeds of crime. That's been both in cash and in kind of other assets that people have built up. Now that money has come back to the ‑from the community and in some respects should go back to the community. So I think there's a pool of funding that sits in different areas of the Government's disposal that can be negotiated. So I'll just leave it at that, kia ora‑.

**CHAIR:** Kia ora e pā, that's very rich, valuable pickings for us to muse on. Raise your hand if you would like to be next. Don't be shy. Kararaina.

**MS BECKETT:** Kia ora, ngā mihi for your wonderful kōrero Neville. I enjoyed that. I don't know if people are aware that there's been a Treaty claim, historical one for survivors in State care and adoption, Wai 1656, which was not really included in the latest Oranga Tamariki Waitangi inquiry. I've forgotten what else I was going to say. I've gone blank now.

**CHAIR:** Come back if you'd like. Just put your hand up again and we'll recognise you as soon as you do get it. But a really important point, we've got to think about the Waitangi Tribunal, its findings and where we position ourselves in relation to that, what we take from that.

**MS BECKETT:** I've got it now.

**CHAIR:** It's come back, okay.

**MS BECKETT:**  Part of the reason for writing that claim up was the fact that my particular iwi offered me to go under their claim, and I was doing some mahi with survivors who did not know their whakapapa and to me it was leaving them all out. I don't want this to happen at all. We have a lot of survivors that don't know their whakapapa and when we hear iwi representatives trying to tell us what to do it's quite hard.

So I hope we can have that kōrero at the next hui and I just wanted to bring that up, the reason why that particular claim was put in, but it was left out. I don't know the reasons really, but let's hope that all gets sorted out and we have tino rangatiratanga as survivors in this space.

**CHAIR:** Kia ora Kararaina, I hope you can join the Māori group at lunch time and perhaps expand on that because it's a really important aspect.

**MS PHILIP-BARBARA:** Tēnā tātou, just a couple of brief points. Some of you may have seen that our office released our report into Epuni yesterday, it was OIAed and is in the media now.

I guess the brief point I want to make is everything I've heard around this table in the last couple of days is still an issue for us today. Someone raised earlier we don't want to be doing this again in 20 years, we have at least 21 years of young people suffering still to contend with as a nation. We've seen the reports from Te Oranga.

I can say categorically that across every residence in this country our office has grave concerns for the safety of some of the young people there. The system, the culture, the structure, the way in which we place young people into prison-like environments and speak about therapeutic approaches. This is not the Aotearoa that I want for our collective mokopuna, our collective tamariki. When a young person needs healing we don't place them into secure. When a young person is a danger to themselves, we desperately need different ways than the ways that we have today in this country to deal with that mamae, to deal with those issues. So that's the first brief point.

Please know that we continue to hold grave concerns for rangatahi in those places today and we have been calling for the closure of residences for the last four or five years now. But many of you in this room have been calling for that very same outcome for much longer than our office, so I just want to mihi to you for your work over decades.

The second point is just to share a little bit about an experiment that we're conducting in the office of the Children's Commission and that is our Te Tiriti experiment. We started this experiment with the intent and the intent was to learn to share power within the context of Te Tiriti o Waitangi. We did not have any clue how this might roll‑out.

The Rōpū Māori advised the judge that what he needed was a coleader, a co-commissioner. Now as a Commissioner sole of course that was beyond his ability to generate. But we decided to do it anyway, and so that is the nature of my role, and we are learning as we go. We are doing our very best as co-commissioners to operate in the spirit of Te Tiriti. And, you know, there's a whole lot of learning going on, for my colleague who's learning to share power, and for me who's learning to navigate a completely new system within an ICE, but we're giving it our best shot and we are trying not to prefabricate the outcome.

We are calling for by Māori for Māori approaches in the spirit of Te Tiriti o Waitangi because it's precisely what article 2 guaranteed, that Māori have the right to determine, define and decide what happens in our kainga, what happens in our communities, what happens for our people, it's a very simple principle.

So as a Crown entity, we are abundantly aware that we do not as an entity have the right to determine what happens for whānau Māori. We are holding space to the very best of our ability to support whānau to make those determinations for themselves. So our attitude here is that we have a lot to learn from the survivor voice, in order to be the very best monitors of places of detention that we can be now and in the future.

So ngā mihi ki a koutou, we are learning so much from hearing the things that you are sharing in this forum, thank you for having us here.

**CHAIR:** Kia ora whaea. There's a very real example of an organisation that's trying and trying to work in a better model and one that I think we could, in my magpie principle, learn from, emulate, maybe avoid some of the problems that you've had when we're talking about designing our new entity, so kia ora ki a koe.

The sign says lunch time now. I'm not aware, I haven't seen many hands shooting up with people desperate to speak, I don't want to stop you if you have something burning to say. Yes Miriam.

**MS SESSA:** I just wanted to mention one thing around listening to the survivor experience, I think it was mentioned in one of the groups for us to seriously think around where the burden of proof is. I think we've heard enough in this Commission throughout the royal inquiries around organisations and actually shifting the organisation. So really hearing what you were saying yesterday around how we pathologise people. I'd like us to start looking at the organisations and them being assessed and they have to prove that they did everything in their power.

So that's what we see currently in our courts with survivors, you know, we support survivors of sexual violence mostly, that all the burden of proof is on them, and so we're putting the burden of proof on the most vulnerable in our set and we have to shift that really urgently.

**CHAIR:** That's a very powerful note on which to go to lunch. I invite Māori colleagues to yes‑‑, Māori colleagues Andrew‑‑, please.

**COMMISSIONER ERUETI:** Just a reminder for our Māori participants that Koromiko is the room just next door, if you could grab your kai and come in and a cup of coffee, then we can eat and talk together. Kia ora.

**CHAIR:** May I respectfully suggest that you choose one or two people to report back so that we get a full view of what you discuss, because we badly need to hear from you. Kia ora, ki a pai tō kai, tō koutou kai, and have a good lunch and we'll see you back here at 2 pm.

**Lunch adjournment from 1.03 pm to 2.08 pm**

**CHAIR:** Kia ora tātou katoa. We don't want to lose a minute of our valuable time. I have a public service announcement. Kararaina has lost some notes. Kararaina, were they in ‑was it the programme? and‑ you've made some notes on it?

**MS BECKETT:** Yeah.

**CHAIR:** Could you just check to see if your programme is not in fact your programme and that it's got some notes on it from Kararaina, if you could just check that please. There was a pen with Tūhoe on it; you don't want to mess with Tūhoe, come on. She's found the pen, we're safe from Tūhoe, that's a start. Kararaina we'll keep looking for you and hope you do find them.

So, we're going to slightly alter the programme, because we very much want to hear back from our Māori friends and colleagues about their discussions in the lunch time. Anaru, who's reporting back?

**MĀORI FEEDBACK**

[…]

**CHAIR:** What can I say after that. I don't want to say anything but to invite, because we have a few minutes, if there's anybody else from that hui who would like to add, supplement. Kararaina.

**MS BECKETT:** I just want to say that in that discussion we also talked about not leaving the other ones behind that aren't ready for our Māoritanga, and be inclusive of all survivors, especially Māori in our kōrero. Thanks.

**CHAIR:** Kia ora. Murray.

**DR HEASLEY:** I'm a spokesperson for a network of survivors and faith-based abuse and their supporters. So I present as an advocate, but I could also present as a survivor and I want to address that notion if I may.

Tangohia taku kuia, i tana whaea, ā, ka tonga ki Ōtepoti, ko te tau 1896. Nā te karauna e mahi i tēnei. He hawhēkāhe a ia, i haere a ia ki te Ōtepoti, ki te Mercy Orphanage. Heoi, ka hatapi atu mātou i tō mātou kainga tupu. I meinga mātou ki te katorika, kaore mātou i kōwhiri.

So I'll translate. My grandmother was taken from her mother in 1896 and sent to Dunedin to Mercy Orphanage, Sisters of Mercy, we have a representative here today, Sisters of Mercy.

She was a half-caste, a nobody. The State, the Police would have gone to her home, her children were taken from her, judges decided what would happen to those children. This is the State. My grandmother was sent to Dunedin to Mercy Orphanage, and the State ordered that her offspring be raised Catholic. There was no choice in this matter. It was a State decision.

So the odd thing is that all of my relatives in, around the Otaki region, are Anglican, as is my ancestor. So we were raised Catholic and we had no choice in the matter. That was the State action. You understand this. So what am I? Am I an advocate? Am I a survivor?

As a direct consequence of this, my great grandmother died in an unmarked grave at the age of 32. I looked for her grave, couldn't find it. The nuns are all buried there with their names but not her. She was a nobody.

So as a direct consequence of this, in the 1970s I knew nothing of this either, my first cousin was raped for a year at a Marist school in Invercargill by brother Charles Awhiake who eventually did crimes up here for his rapes, but never was charged with those rapes, and currently charges have been brought against him for that.

So my plea is that we are united, that we don't make these strict divisions between faith, State, Māori, Pākehā. That children have been savaged by an out of home care by people entrusted with their care and my plea is inclusiveness. Thank you so much.

**CHAIR:** Kia ora Murray. Anybody else from that rōpū in particular who would like to speak to the take that you had and raised?

**MS CHAPMAN:** […]

**CHAIR:** Kia ora Tu. Anything else? Kei a koe David.

**MR STONE:** Madam Chair, we also said that the Treaty and its principles have been raised several times through the course of this hui, but one principle that came out of our breakout session was this; nā te mōrehu te mana. Translated, nā te mōrehu, by the survivor; te mana, the mana. Meaning, it could be interpreted several ways, one of which is it's to be led by the survivor. That translation will do.

**CHAIR:** That is a powerful statement. Nā te mōrehu te mana. Anything else? Mike.

**MR FERRISS:** Thank you. As an advocate for survivors of abuse, and representing a group that's been doing it for a long time, I couldn't help,‑ it was a certain point in the Lake Alice hearing, I think it was when the Police were representing, or giving their testimony, and I really thought at that point we've uncovered something really big‑ in terms of what was being kept quiet about that abuse.

And something really sad about that, that it was being kept quiet by officials for so long. And now we're doing this, which is how do we come to redress for all these people, there's a lot of healing that has to be done in this country. It's not one group and another group, it's a country and we have an opportunity here to get it right.

And someone said, one of the survivors of Lake Alice said he would like an apology from the nation, from the ‑and he'd like the nation to know why it's apologising. I thought, yeah, that's right, people need to know. I was trying to tell a couple of people last night what I was doing for the last couple of weeks and they actually couldn't‑ believe it. They were like what? They'd not heard about this or Lake Alice or ‑they were young people. And so‑ we are acutely aware of what's happened through this Commission and through experiences and so on.

But the wider community is not. But the wider community does need to learn about this and does need to heal from this, and I don't know how that's going to happen, because if you do that, then real redress and money will be seen as being important and real redress will be seen as being important, because otherwise it will be marginalised once again and unimportant. So that's what I've got to say.

**CHAIR:** Thank you Mike. I think you've touched on something very important. I know that the Commissioners around the table, we've been talking about this since 2018, and that is it doesn't matter how smart and clever we are, we might have PhDs in mōhio, I don't know, but if we can't bring our nation behind us with what we recommend, then we fail.

And so Mike, I thank you for raising that issue. How do we make sure that everybody in this country knows what happened and accepts the enormity of it that we collectively accept responsibility as a nation, because unless we get that, then we don't have the political constituency to make Governments honest in the future.

Somebody mentioned from over here before, you know, it was Neville, ki a koe e Pā, it was, you know, Pūao-te-ata-tū, wonderful report, but the Government changed, and it fell down a hole and got lost for years. We cannot let this happen and unless we have virtually every person in this country behind us, or knowing about it, speaking […] about it to our politicians and holding them to account, we'll get nowhere.

How we do it, we're trying, we do our best, we are reliant unfortunately on the media. […]

So I'm going to beg you before we go into our session next, is to, as advocates, I think every one of us is an advocate, talk, talk, talk, kōrero atu ki ngā tāngata katoa, let them know what's happening.

Yes. Did you want to say anything or were you just agreeing with me for once?

**DR HEASLEY:** No I often agree with you, Coral, remember one time last year?

**CHAIR:** Don't let this become a habit, it could be dangerous.

**DR HEASLEY:** Now I'm a little bit more composed and I apologise for that, it's either the Irish in me or the Māori in me, I don't know which. I just wanted to make the point that in my view we're all survivors, everyone here in this room has been touched by this obscenity of child abuse and that makes us all survivors and victims, and I think what is required for this Royal Commission is to engage that reality with the general public so that they see that New Zealand society is the poorer for not addressing this obscenity, this holocaust. Whether it particularly affected Māori, Pasifika, because I'm in touch with my sociological mother is Fijian, Fiji is my second culture, Tongan, my third, (inaudible), My fourth. These are whānau-based societies.

But New Zealand generally has suffered a horrible effect from this failure to address this crime. So I'm just saying that I think you said we're all advocates, I think we're all victims as well and we need to spread this message, so thank you.

**CHAIR:** As Tu pointed out, the best voices are the survivor voices so maybe we don't go as advocates but go as survivors, whatever we call it, we must spread the word.

Unless there's anything else who has a pressing need to say anything more on the Māori issues, might I suggest respectfully that we now go into our groups for the last session and that is what types of redress survivors of abuse should get from a redress scheme. Who's going to speak to this, or do we need actually anybody? We're not going to prime you up on that, I think we've all had enough conversations already. If you can just look at the possibilities, take your sheet with you, facilitators do your best to get people to follow the script, but if they don't if doesn't matter, at all. It's absolutely open to what's important to you, so come back to us at afternoon tea at 3.15, then we will come back for our final plenary session at 3.45. Haere tonu atu.

[Break‑out sessions]

**GROUP FEEDBACK**

**CHAIR:** Tēnā tātou katoa. I know it's really hard to be disciplined at the last session on the last day, but we must get going because I don't want to deprive anybody of their voices and if we run out of time I'd feel very bad about that.

We are going to go almost straight into the discussion and reporting back from our last sessions. Before I do that, however, some people have told me they must go early, people like Jim Goodwin, Sir Robert I‑‑ always want to call you Sir Brian, I don't know why that. Sir Brian, Sir Brian as bold as a lion I keep thinking.

**SIR MARTIN:** I am too.

**CHAIR:** And you are that as well, yes, but it doesn't rhyme if I say Robert. Some are leaving, so if you want to leave early you are excused, do not feel bad about going early, and just know that you will be included in our grateful thanks when we do the final wrap up. But if you just want to slip away quietly you do so with our thanks and gratitude for coming, so thank you.

Let us go to our reporting. Who's going to go first on the reporting? Anaru, okay.

**COMMISSIONER ERUETI:** Okay, so on the topic of types of redress, we were looking we‑ started off talking about the notion of, for people with disabilities, about a citizenship ceremony and this is an idea of Sir Robert's about reclaiming, asserting one's right to citizenship after being denied the right. And yes, so that kaupapa, great idea, and Sir Robert generously has agreed to provide us more to elaborate on the concept and provide us with more information about it in the near future‑.

On the topic of collective redress, we found it quite thought‑ it would be useful to clarify what that actually means. We understood it as being, you know, there's a possibility of bringing redress claims as a collective, like as a whānau group, or it might be a subset, it might be a certain number of siblings, say, or a mother in a whānau that wants to bring a claim together, where they would have to waive their right to privacy, make a claim, but also there could be, as a result, the form of redress itself could be collected for that small rōpū. That could also extend to members of an institution, for example.

We talked about the ideas collective forms of redress might take, and really, you know, survivor choice again and, yeah, that what it could be is really up to the imagination and desires and aspirations of survivors themselves.

We talked again, we keep coming back to this about the needs-based approach, about thinking about the survivor as he or she presents and again, about enabling good lives, that was another sort of concept that keeps coming back to us from the disability community. But it just seems to be to capture so much of empowering survivors and allowing them to make their own choices about what they want, the smorgasbord of redress. As Gary was emphasising everything has to be on the table.

Survivors often, as we found through the hearing, may not understand what types of redress are actually available, so we need to be clear about what's available to them, and having an advocate to support them is a good way of doing that and talking with survivors to assess what their needs are, and also to talk with them about what the content of the redress might form, what the aspirations might be. And realising that that can be hard to articulate and understand, you know, coming back to this question about not fully appreciating the nature of abuse or realise that you've been abused. So having an advocate was a really strong theme that kept coming through over the last two days actually.

We talked a lot about simplicity and accessibility for survivors, that the system is not too complex. The use of flowcharts, clarity about the process from the outset, quite a strong communications about the process, you know, brings to mind the need for someone like this advocate to help to guide a survivor through the process.

Talked about timeline and about clarity about how long a claim might take generally, being upfront about that immediately. This idea of 12 months seemed to be something that seemed to be a reasonable length of time, although I have,‑ I'm not sure, I've got a bit of a raised eyebrow, if I could raise my eyebrow‑ I'd do that right now, I'm not sure of 12 months, it does still seem to be too long.

We raised this question about the redress scheme about what it could do, like, you know, in addition to redress there are these other issues about, say, disciplinary proceedings or the prosecution that may follow for a survivor to have full accountability and justice for the harm that was caused, which raises these questions about the capability and the functions of the redress scheme, would it include making referrals to the Police or passing information on to some sort of disciplinary process and that raised quite a few thorny, tricky issues.

But ultimately we kept coming back to survivor choice too about the types of remedies that he or she might want is the important thing, to get a guide from the survivor about, you know, whether he or she wanted to pursue redress, disciplinary proceedings, make a referral to the Police.

This question of burden of proof was briefly raised. We realised that we need to start from a position of belief, but also for the scheme to be robust, have credibility. There will need to be some sort of process where, although we didn't come to any description of what the standard might be, but recognising the need for the process to be robust, might require a threshold of some sort.

We talked finally about how important one person can make in a survivor's life. Often we hear that, you know, often it's one person who made a difference, who showed kindness and compassion for the first time in a survivor's life, I often hear that, we all do and how important it is for a redress scheme for people who work there to show compassion, aroha and love and kindness.

Ka pai, I think that is most of the key points.

**CHAIR:** Kia ora Anaru. Simon, do you want to go next?

**MR MOUNT:** Sure. Just before I start, as Coral mentioned, we know that some people have travel plans and taxis booked, so we won't be offended if you need to leave while we're still talking, but just a request: There are evaluation forms in front of you. We would love to hear from you any feedback at all, good, bad or indifferent. Not least because we would like to keep doing this type of event and so it's important for us to hear whether you liked it and what things you did like and what things you think might be improved. They can be left anonymously in the suggestion box on the table by the elevators on the way out. So just in advance thank you for that.

**CHAIR:** And if you're starting to fill it out now you get an extra brownie point because I know that once you stand up you'll forget. All right Simon, if you could report back on our group thanks.

**MR MOUNT:** We began talking about monetary payments and explored the notion of ongoing financial support, perhaps in the form of a living income provided to survivors over the period of time that they need it, and that idea met with quite a lot of approval within our group, although some of the pragmatists queried whether that would be compatible with the very broad form or definition of abuse that our group had favoured yesterday, but I think probably overall the mood of the group ‑‑ Coral, correct me if I'm wrong ‑‑ this was very much an idea worth taking seriously.

In the zone of services, we took a somewhat pragmatic line within our group recognising how desirable it is that people are provided with concrete, realistic supports in their lives. But also acknowledging that there are gaps out there. So we know there are not enough people who have the ability to deliver trauma-capable support for survivors. So recognising those gaps.

We acknowledged that designing a scheme that promises people that they will have all these needs met will have to confront the reality that in many cases we don't have enough of the people capable of delivering that in this country. And so we acknowledge that that may itself be something that will need to be addressed in any new approach. The building of capability and capacity to deliver those services.

One particular issue that we discussed was criminal convictions that people have acquired, as a direct result of the abuse that they have suffered and how unfair the consequences of those convictions can be. So we began to wonder whether the criminal records Clean Slate Act, which already exists, could deserve some attention to address whether it is sufficient for those whose convictions have been acquired in the context of abuse. And so we identified that as a topic that might need further examination.

On the question of surviving whānau members who are grappling with the abuse that their family member suffered before the family member passed away, we thought the easiest category of that would be where the survivor of abuse made a claim and then passed away. We felt that in that category there's a reasonably straight forward case for surviving whānau members to be able to continue to pursue that claim on behalf of their deceased relative. More difficult we acknowledged the category where no claim was ever made, and so it's only the surviving whānau who would want to pursue the claim.

But we felt that there may be a developing social licence or a developing acknowledgment in our country that the harm and the hurt and the interests and reputation, just to use the western phrases, do continue after someone has passed away, so we're interested in more thought on that topic.

We talked about access to records, of course, which we acknowledge is an incredibly important and complex area and we wondered whether in fact it justifies its own forum, perhaps something along the lines of this forum with experts in the area as well as, of course, the experts from lived experience in the zone. But we acknowledged the technological, the privacy and the other barriers that might exist to centralising of records, so there are those barriers there to confront; at the same time we recognised how important it is for survivors to have access to their records.

So we even wondered if those who would be interested in participating in a special forum on records, you could put your hands up now or you could send an e‑mail through to us, but we're noting around the room there are many who would be interested in that, thank you very much.

**CHAIR:** And there will be people who aren't in this room who we know will be very ‑‑ yes, Belinda being one of them of course. Thank you Simon. Where's Jane? There she is.

**MS NORTON:** Kia ora tātou. Just to acknowledge the expertise of Sir Robert Martin, Paul and Kararaina who were in our rōpū. So we had decided collectively to have a more free flowing discussion, so we decided to talk about what we felt we needed to talk‑ ‑‑what we hadn't had a chance to talk about yet. Although the two main topics that we discussed were collectively redress and access to records.

So we began by discussing what collective redress was and the concepts around it. We talked about how collective redress was an "and" to individual redress, not "instead of". We discussed what the collective is, and we talked about how this should be determined by the survivors themselves alongside their communities and their whānau. And we heard about how important survivor groups were for survivors, so the survivors who were in institutions together and were now whānau, and this is very important, and forms of collective redress could arise around sort of facilitating these survivor groups to heal together.

We heard different ideas of collective redress. So some included money going into repairing collectivities like hapū, resourcing available for collectivities to heal together in ways they choose.

Other great ideas included statues, living memory projects, preserving the memory of the Commission for future generation, preserving that evidence for the whānau descendants of survivors to know what happened to their tūpuna, and also preserving the evidence of the Commission as part of the history of New Zealand, that was a form of collective redress.

Another idea from Sir Robert Martin was a wall of remembrance. This could be in the entrance to Levin to educate about its history. We had a real sense that the accounts of the Commission should be preserved and remembered for the future of New Zealand and also we talked about collective redress involving honouring survivors who had passed away and hadn't been able to participate in the Commission.

We also talked about collective redress being access to records, making these records accessible. And on that topic we had a kōrero around the records in the past and maybe still now are insulting, especially in medical records, because they were written as never being intended to be provided to survivors, and when survivors do get their records, they can be difficult to understand and heavily redacted, and the redactions can deprive survivors from understanding their whakapapa and knowing who was involved in their life, and knowing this can be important for healing.

And we also discussed how this record keeping practice should lead to change in the current social health and education sectors where people should have consistent access to records.

And then we closed our session, just want to tautoko Kerri for the guidance into how to close. We all went around and we each said something and then Kararaina led us in a waiata, so for us, actually for me it was an incredibly moving experience. So thanks everyone.

**CHAIR:** Thank you Jane. And Joss is lucky last.

**MR OPIE:** Just in the interests of time I'll be ‑actually, I'll‑ sit over here, might be a bit easier. Just reasonably brief with this. Our group focused on accessibility in a general sense. What does the scheme need to do to be as accessible as possible?

And a key theme coming through was the scheme has to inspire trust, and part of that is being transparent, approachable and not adversarial. And that included that people should feel comfortable enough to approach the scheme without a lawyer, that they're not going into some adversarial setting where they need this back up, but that legal advice could be available throughout the process and that there should be specific funding for that.

An important part of accessibility, it's something we keep coming back to, is timeliness. So people will not want to access the scheme unless they feel they're going to be able to get a resolution in a timely way.

There was an importance about needing to have the right supports in place so that people feel confident enough to come forward, and there was an idea that there needs to be one trusted person who's going to work with the survivor throughout and particularly so that that person doesn't need to tell their story again and again.

There was the proposal that the scheme should have as a guiding principle "nothing for us without us", so having survivors actively involved and that's much more than just consultation. And being actively involved in decisions about the scheme, including being in governance roles.

We also talked about the need for, if the scheme's going to be accessed, people need to know about it. So there needs to be a strong ongoing communications about the scheme, what it does, how to access it, how to contact it, what supports are available. And we talked about well, should the scheme be involved too in not just waiting for survivors to come to it, but for people for‑ the scheme to actually go‑ out to survivors, and there was a query raised about how feasible is that.

And I think consensus as well, that the raising awareness of a redress scheme shouldn't just be up to the scheme itself but there should be collective responsibility, so that everybody here in this room, for example, has relationships, has networks that they could use to raise awareness.

And another part of redress we talked about was effective monitoring and prevention. And so a key part of that is having a robust, independent monitor of institutions. I think I'll leave it there.

**CHAIR:** Thank you Joss. And can I just thank, before we get lost in the conversation, each of the people who reported back to us. I think they've done a really great job, because those conversations that I was part of as well were complex and wide ranging and never kept a straight line, or seldom kept a straight line, and yet the facilitators have managed to encompass the whole thought, the whakaaro that came out and have given us some really foundations to work with. So thank you to you four who have done a really good job.

That leaves us now to open to the floor. And here is your last chance but important chance to say something. And Kararaina, you always have your hand up first, you've beaten Paul on this occasion, and thank you for being so willing, so ‑‑

**MS BECKETT:** I'm just panicking of the time because I've got to fly out.

**CHAIR:** That's a good idea, give priority to people who have to leave early, so we'll start with you.

**MS BECKETT:** I just want to publicly thank the members of our group, especially the non-survivors and also I want to, especially Kerri as well, Kerri put a lot into our group, your kōrero, ngā mihi for that.

There's just one thing I missed, we missed, have we talked about well‑being? Wellbeing ‑with ‑especially with the hearings. I see there's a big gap. I just feel like we need survivor‑ focus‑ in there, survivor advocates in that wellbeing. I don't know, am I being a bit too‑ is that possible? Because I haven't been really happy‑ with the wellbeing people. Sorry to say, but because I've come ‑back ‑I've‑ come from that background as well, especially for Māori. But I just needed to say that, but anyway, ngā mihi everyone, ngā mihi aroha, kia ora, thank you so much.

**CHAIR:** Thank you, Kararaina, for your input, important survivor voice, and thank you for the trouble. I know it's taken quite a toll on you, we acknowledge that and thank you for your bravery and courage in doing it.

I'm told that Keith Wiffin is ready to speak.

**MR WIFFIN:** Yes, thank you Coral. I'm ready to speak because I have to catch a cab. I just want to thank the Commission firstly for the opportunity for this to happen. I think it's been a really well-run event and I think in terms of survivors we've been well respected and as an example of that, yesterday we were given priority speaking rights. And I was really proud of Tu's presentation and the opportunity for her to make that presentation in the context that it was put.

In my group David Stone said each one of us is part of the solution. And that's what we have here. We have a melting pot over the last two days, which I hope at the end of it will form very strong recommendations to Government.

The Commission obviously can only make recommendations. It's Government that has to implement. And that's where the pressure/encouragement needs to be from here on in.

I've just got a couple of other wee points around, and these things were addressed in our group around the time it takes to settle claims, for example. And there were examples given by the church faith-based people of their processes settling in three months.

And I see the only impediment to that in terms of State stuff, for example, is the will to do it and it being bureaucratic. And I use the example of the $77 million spent but only $23 million going to claimants. So where there's a will, there's a way.

Pretty much lastly, I would just like to say and thank Glenis who you've just helped me through something earlier because my cage has been a bit rattled over the last 24 hours in terms of those residential care centres, of which I was in one of those 50 years ago, and that's Epuni. So it was almost 50 years exactly, it was 71 and it's 2021, and as we discussed in our kōrero out the back, exactly the same things are happening now as they were then.

Effective monitoring is crucial, and I have much respect for the Children's Commission's office, but at the end of the day they're resourced only to scratch the surface and what I have about Epuni they haven't got. And hopefully what I have got I'll be able to make public at some stage. So effective independent monitoring is crucial of these places.

Lastly, I mean I never thought when I started getting involved in this as a serious advocate maybe best part of 20 years ago I'd be sitting here with this opportunity. It's the precipice of, and an opportunity to make change and get things done now which has to be the emphasis.

And that's why I raised the Scottish advance payment scheme. Something has to be done now and there's no reason why it can't be. Their Inquiry, the Scottish Inquiry is at a similar place where ours is, they're dealing with redress, but the Scottish Government has implemented that scheme and it's done now. There's no reason why that can't happen. And it needs to be, as has been pointed out by many speakers, we've waited a long time for something to be done for us.

Sonja Cooper and Amanda and Sonja Cooper Law have been at the coal face of this for 30 years and they understand that perfectly. So from here on in I'd like to encourage anybody and everybody in here to encourage Government in any way you possibly can, whether it's through media or whatever, to do the things that need to be done.

Lastly I'd like to very much thank the Commission staff, the support staff for all the very hard work they do. They often don't get the acknowledgment they deserve, and this has been for me a pretty well-run event given the complexity of it.

So I wish you all well and I'm going back to the capital to I'm not quite sure what, but it has been a real privilege to be sitting in the same room as you all. Thank you.

**CHAIR:** Thank you Keith and thank you very much for your contribution, past, present and we hope future. Go well.

Is there anything else who has to leave early before they leave? No, no more early birds? Fiona.

**MS INKPEN:** I would just like to acknowledge what a privilege it has been to be here. I really want to acknowledge the humility and the respect that has been in the room from the second we walked in. I think humility is huge for creating a culture that can find solutions. And I just wanted to thank you all for the kindness and the compassion that seems to me to be in every single one of every sacred heart that's here really. I think it's a very special bunch of people.

I'd like to finish with Stand Tū Maia's tauparapara before I leave. Ko ngā pou i whiria, ko ngā pou i mārama, ki aho mai i roto, mārama mai i roto, ko ngā pou o tēnei whare, hui te ora, hui te mārama, hui e, taiki e.

**CHAIR:** Kia ora Fiona. Fiona brings a lot of insight from her work at Stand Tū Maia, we've really appreciated her in our group, so thank you Fiona, go well. Amanda.

**MS HILL:** I just had two final thoughts, and the first is to tautoko what Glenis had said earlier, and it links to this idea of monitoring. And to Frances' statement that if prevention isn't part of the focus then it's not a survivor focused process. But bringing those things together we need to be careful not to support the monitoring of the existing systems, because the existing care systems don't work and, as Glenis has said, the Children's Commissioner has been advocating for the closure of residences for a number of years now.

And our residences are still places of abuse and they need to be shut down and I think that is something that needs to be part of that conversation. So when we talk about monitoring, we're not monitoring we‑ don't want to monitor these ongoing abusive systems. So let's just be really mindful of that. And I think as part of redress, do we tautoko that call of closing down‑ and I think we should.

The second thing is just to say ngā mihi to the survivors and to our Māori colleagues because we ask for your emotional labour a lot and we ask for it again and again and we often expect you to have the answers, and I know that that's a hard place to be. So thank you for, you know, for turning up and for helping us keep that focus, because it can be, I know it takes a toll, so I'm really grateful for that, so I just wanted to thank you for that.

**CHAIR:** Thank you Amanda.

**MS TAGALOA:** Kia ora Amanda. I was actually just going to mention that, but thank you so much for, yeah, pre-empting that, yeah, I just do think as we talked about the types of redress for it to be survivor focused, prevention and monitoring and Joss you mentioned it again, we have to have a robust monitoring system processes in place, and it's all a part of the redress too for survivors, you know, like I said, often the second aspect of a survivor wants to heal first and have their abuse acknowledged, but the second part of is to prevent it; every survivor wants that.

So the part of redress has to have that, has to be robust systems for monitoring and preventing. And I mentioned in our group removing an abuser, and, you know, and I know Police systems are in place, but that is a strong, we‑ ‑need whatever‑ our new entity will look like, whatever our new independent body will look like, they have to be able to do that for effective prevention in whatever way that's going to happen. So‑ I just wanted to reiterate that.

And I did want to thank you for the invite and for being a part of this and I do hope that more survivors can be involved, I know you've promised that survivors will continue to have a voice and we look forward to that. I know I have a number of survivor friends that would love to have been a part of this conversation and continue to be a part of a conversation. So thank you so much, and particularly on behalf of Pasifika as well, I think it's important to have Pasifika involvement and have our Pasifika survivors involved too with the Pasifika hearing coming up. So looking forward to seeing I‑ know it will be hard again, as so many of our hearings have been, but hard but good, we need to hear these unfortunately horrific stories so that we can have a pathway to go forward to ensure that it doesn't happen again. So‑ thank you, thank you for everything you're doing, I really do appreciate it.

**CHAIR:** Thank you Frances, we appreciate what you've said, and I'm glad Sandra turned up today because you have been the lone Pacific face and voice here and we admire your courage and resilience in doing that, I know it's been very difficult to face the consequences of coming here and all the rest of it, but you've done it and we're very grateful and yes, you were right.

I have to tell you, behind the scenes we tried desperately to get some more survivors in. We particularly wanted to get some survivors from prison, and two prisoners made fantastic submissions, written submissions to us, and we tried to, tried to get them in, and we met the wall of not just ordinary bureaucracy but the bureaucracy of the Corrections system which wouldn't allow us to you‑ know, we would have them on screen, didn't happen. So‑ we try, but we sometimes fail. But thank you again Frances.

Yes Hera. Kia ora.

**MS DANCER:** Kia ora tātou. Heoi, tautoko ana i ngā mihi, kua mihitia. I too want to join in and say thank you on behalf of the New Zealand Māori Council. That certainly it has given us an opportunity to be in this forum to be at the early stages of big conversations. I too want to acknowledge Tu for her courage. As we all heard it's been 40 years sitting there. You have a jewel amongst the internal organisation that we want to continue to look after and to look towards what do we do to wraparound. So just those two things.

And I guess finally, to say that there have been a number of blueprints that we can continue to lean on, and I do, while we've got, and as we heard in our group earlier, we have the last of the Pūao-te-ata-tū, those who were the ringa raupa I would use, so they've worked the country signalling this is enough State care for our mokopuna.

So I think that we need to maximise those opportunities and, you know, I think it's the Indian indigenous communities talk about their listening, their listening ceremonies and I'd be encouraging us to use that same process when we're listening to the needs of survivors. Kia ora tātou.

**CHAIR:** Kia ora. Tēnei te mihi ki a koe e Hera. Yes.

**MS TONKS:** I just want to reinforce what Frances has said and also Amanda, because I think they're saying the same things. Amanda, absolutely we don't want institutions to continue as they have, but without the independent monitoring we don't have the evidence and we can't hold them accountable. And that all the terrible stuff we've heard about the institutions and what's happened to survivors all goes back to the failure of monitoring and the failure of accountability.

So thank you to the Children's Commission people for having that in place and doing the job that was needed to be done, and I think it's really important we do include independent monitoring in this thing, for the reasons Frances is saying, because survivors want to know that they have been held accountable, that they are held responsible if they don't have safeguarding in place, that they're held responsible when safeguarding fails and that they can be assured what they're asking for, that what happens to them doesn't happen to another person. So thank you Frances.

And thank you everybody, it's been an amazing two days to be a part of and to network with people and to be informed by other people's ideas, it's been really positive, thank you.

**CHAIR:** Thank you, Liz, and for your contribution. Again, I say it again, past, present and we hope future. David.

**MR STONE:** About a couple of months ago I stood over there and gave my opening statement for my clients. And I began by making reference to the work that I'd done for the soldiers of C company of the Māori Battalion saying that we were able to get for 134 soldiers their original World War II medals presented to their wives and their families. And I said that what the families of those soldiers wanted was exactly the same thing that survivors wanted, which was recognition, acknowledgment and their families were coming forward because it was the right thing to do.

I then went on to say that what this Commission couldn't do for survivors was to it‑‑ couldn't give them their childhoods back, it couldn't give them their innocence back, it couldn't mend the broken relationships and all that sort of thing. But I then went on to say that the one significant, one of the significant things that it could do was that it could give survivors hope, hope that one day they could be recognised and acknowledged for everything they've been put through, and hope that one day the right thing, whatever that may take its form of, may happen for them.

It's been incredible to be part of this fellowship where strangers have come together with a common goal of contributing to discussion with the aim of forming a document that has the potential to change things for the better for so many people on a real and significant way, for a massive amount of people. So that work that we've all been contributing too, that document that will ultimately be formed carries with it again hope, hope that things will change.

So I thank you for that privilege and that honour of today and of yesterday, it's been absolutely fantastic to be here. On Monday at Horowhenua College, Adelaide Hale, who was a 93 year old widow of Frank Hale, who is a Māori battalion soldier, she will be receiving her late husband's World War II medals. She's only one person and the Army are coming to Horowhenua to present it to her face to face because she was too ill to travel to Gisborne.

So the fact that the Army is willing to ignore all their so-called policy, because the policy is to this very moment that medals are sent out in the mail, but they are recognising that's not the right thing to do. And so they're calling this whole project Project Whakatika, which means to make right. And they've said that as a result of what happened in Gisborne, they're going to do the same thing in A company, B company, and D company, the whole of the Māori Battalion. And that's happening on Monday for a man who died in 1974, 76 years after the end of the war.

So the point of that is, if the Army can do that for a guy that's been dead for 47 years, there's always hope for everyone. Kia ora.

**CHAIR:** Tēnā koe David, that's very powerful and I have to say that as somebody who sat and listened to that opening statement, it struck many, many chords and the word "whakatika" is an important one and maybe one that we should be incorporating somewhere into the naming of whatever we do. So thank you David, much appreciated.

David, I don't know if you know, acts on behalf of a survivor ‑a very new but a very powerful and quite large survivor network, and so he is the voice of many people‑ and we are grateful that you could come.

Have we run out of words or are there ‑‑ no, we haven't. Please.

**MS MESSITER:** Kia ora tātou, tēnei te mihi ki a koutou. I'm Denise and I'm here with my hoa haere from the New Zealand Māori Council. I just want to say and I'm going to repeat a story that I told the Māori caucus, because I think it has ‑it resonates with so many things that have been said, but I think the ongoing persecution, if I can call it that, of survivors. The organisation that I work for in Hauraki, we have one of our staff members who's from Hauraki, he was put into State care, he and his brothers and sisters, his parents were killed in a car accident and he was put into State care. He was abused in State care and he then went on into crime, alcohol, drugs, and committed sexual offences as well. He went into prison and he came out of prison having had, from what I understand in his conversations, quite a spiritual experience in‑ there, which led him to his own healing pathway. That was 30 years ago.

Since that 30 years he hasn't committed another crime, he's been clean, he is now working with our other ‑our‑ men at home who are survivors and their whānau. On Wednesday he was asked to go to court to support another survivor who was part of the 52 who are putting in a claim against the IHC stuff that happened in Paeroa. The judge asked for a background check on our staff member, and because of his history, he was denied the opportunity to support this other survivor.

So I suppose that brings me to the point of when, because his comment is when will this stop. When, how long is it going to take for me to be accepted as part of this community, as part of this country. And that not only has he done his time in terms of tauiwi law, he's done his time in terms of our law.

So I think I just want to put that there as part of ‑so while we're thinking about prevention, the powerful, how powerful and abusive these institutions are who were supposed to protect us and rehabilitate us continue to persecute the very things ‑that ‑the‑ people that we're talking about, in terms of supporting their healing journeys. You know, and he just continually says, you know, I am not going to go back to do what happened before. You know, so I think that for me is about strength, resilience, commitment to his own healing, but to his whānau.

I just sort of want to put that there as part of the acknowledgment of how long a healing process takes, not necessarily maybe a personal one, but for the system to get over itself, you know.

And the only other thing I would like to say is that whatever it is that you've come out with at the end of the day, can it please not have any swipe cards and locked doors, and so that people who need to get through the door can come through the door. And not only that, they can come in and out for as many times as they need to, freely, with guidance, but continually building on their own healing journey so they're not continually persecuted by the rest of the bureaucracy that doesn't quite get it yet.

**CHAIR:** Tēnā koe e te whaea. That story made me feel quite physically sick actually, I just feel deep pain that the system that I used to be part of is still offending against the vulnerable. And when I say offending, I mean it; that's a shocking story. If I meet the person I did it I might say something. Yes please, Kerri.

**MS CLEAVER:** Kia ora. So I just want to reiterate the importance of survivor-led and I want to share with you that the reason why I'm a social worker and I work for the office of the Children's Commissioner is because I am a survivor and I don't often speak in spaces and I want to acknowledge the bravery of those here that bring and speak their truths about their experiences.

But also I want to say that we need to make sure at all times through this process that we're ensuring that those without voice have voice and I'm really aware that we don't have youth voices or like under 40 voices.

And I had this conversation yesterday, I just want to reiterate, there's a lot of different experiences of being a survivor. And there's some more recent ones and that what the redress looks like for them might be different. In my own role I've stood aside to make space for and support those that are more closer to the experience to be heard, and I'm not diminishing the survivor voices that are here, I think that what they bring is, ‑has been just such a richness of experience and that long tail of what your life experience is after you've been in ‑State ‑in‑ care and abused in care, wherever that is.

But I just want to make sure that we're centring all of those survivor voices. I had a discussion with Tu earlier on and the specialness of having Tu in your workforce is so powerful because even as Commissioners you can't understand the experience of being a survivor. So the more people you have close in the design space, the more effective that will be.

And I just also wanted to touch on the monitoring. And I think, as Glenis said, we've been monitoring not‑ me personally, new to the ‑office those‑‑ residences for quite some time, so it's not just about monitoring. Those stories have been told, they've been passed on, it's about the action and the change that comes after that. So it's about the redress system having enough power to make, to hold accountable those places that continue to harm our mokopuna. Kia ora, ngā mihi.

**CHAIR:** Tēnā koe Kerri.

**MS SHIPTON:** Kia ora, just to also respond to Kerri's point that ‑so I'm here representing VOYCE Whakarongo Mai, we represent the voices of tamariki and rangatahi in care across Aotearoa and many rangatahi fed into our VOYCE Whakarongo Mai submission.

But one request that they did have through that process was that whatever that comes out of the discussions and the recommendations, they really want to continue to have a place at the table and they want to continue to have their voices heard through the next stage of this process and the recommendations and implementations to continue to have those opportunities to, yeah, to be consulted and to have their voices heard.

So it's just a bit of a shout out for those people who are not at the table today but please continue to provide those opportunities.

**CHAIR:** Thank you for that. Your presence recognises that, but it also recognises that you are just a symbol of that and the real voices need to be heard, so thank you for that.

I'm looking about. Is there anybody else who'd like to say anything? I don't want to, ‑‑you to leave and feel you haven't been heard. Yes Mike.

**MR FERRISS:** First of all, I've really enjoyed the last two days, I think it's been very valuable, to listen and learn and contribute where I can. One of the things that came up in our group discussion was, and David talked about it and Keith as well, to utilise the, what's already actually there in the community, okay. And there's a lot of resources, voluntary and with groups like VOYCE and so on, that they do exist and they provide a very valuable service.

And when it comes to monitoring, I don't think you can get around every institution and monitor what might or might not be happening. Effectively let's say from the OPCAT viewpoint or method, but one you've got to get rid of the abusive institutions such as the, ‑ what we've seen just recently, and also you've got to change the culture of what's happening. And you can do that through empowering the community groups that exist, and‑ give them a channel to report abuse.

And not to be marginalised when you do, such as I‑‑ think those days might be coming to an end, but ‑so those channels are there for the child to be able to talk to someone or there's a channel that they can communicate through that's uninterrupted by the institution itself, and it could go straight to someone like OPCAT or even the Police, in serious matters so those things can be stomped on pretty hard‑.

Because if you don't penalise bullying behaviour of children, then you're not going to stop it. Those bullies will get into that role and then it will become a culture. So that can be changed through empowering the community to report and make known what's happening.

And likewise, with collecting up survivors, and getting their voices to an agency that might be providing redress in the future. Again, utilising the survivor networks that already exist to aid people into those things. Because there's a lot of people that are afraid to talk but they will talk to their fellows and actually making those communication lines open to those existing groups. It's a lot cheaper, you don't have to re‑invent them, they're already there. And just recognising that they are there is really what I want to add. And thank you.

**CHAIR:** Thank you Mike.

**MR FERRISS:** One and all.

**CHAIR:** I think on that note unless there's anybody with a burning issue I think we might call it a day. It's quite a good note to end on, isn't it. I mean what we have around this table is a representation of a very wide community, survivors, bureaucracy, survivor networks, Māori, Pasifika, disability, and many more. And some of you wear more than several hats. And I think, as we said earlier this morning, harnessing the power of our population is very important, and you people represent in many ways, our population.

So it's harnessing, getting the stories out, getting the recognition of the abuse and the ongoing abuse, and then, as Mike says, utilising what we have here. We don't need to invent a lot of stuff, there are many good people doing many good things. And we have to utilise that.

And in the end, David, did you say it, it's simple, it's really hard but actually it should be simple. Abuse must stop and those who have been abused need redress.

The last thing I want to say is that this is an incredibly important part of our investigation, if you like, or our preparation of our report into redress, but it is not the last word. We have to get our report out under the direction of Cabinet, but that does not mean to say that our work on redress does not continue, it will continue to the very end of the Inquiry.

And I want to say that particularly to Māori in the room. We will not be presenting in this report the full picture on Māori and the reason is that there is a hearing, a public hearing of Māori investigation team which will happen in about September. And we will simply not be able to have that hearing, analyse the material properly, consult on it, wananga it and get it into a report that's due on 1 October, it would be foolish and foolhardy to do that.

So we're not going to even pretend to do that, we're going to use the learnings we have so far, noting that it is ‑there's‑ more to come, and then to do it properly and well in a considered Kaupapa Māori way into the new year. So the word in our redress hearing will not be the last word, but it will be significant, I hope, and enough to at least get the ball rolling for our survivors in the redress space.

Can I just give some thank yous. First and foremost, and as forever, our survivors, who prepared ‑the burden they carry of telling their story over and over again‑ just moves me to the core. I don't know how they do it, or even sometimes why they do it, but they do it and thank God they do.

To the rest of you who have come along and contributed your expertise, my grateful thanks. We cannot do this alone, we can't make this stuff up, we need you and your like. So thank you for your very generous contributions, I really appreciate it.

Can I just go to the back room, to ngā ringawera, not exactly the ringawera, but the ringawera equivalents, those cooks and doers and workers in the background, and I'm going to name them, because these people have worked tirelessly for the last three months to get this up and running, and then have supported us through the day and a lot of hours of sleep have been lost, Rebecca Harvey-Lane, wherever she is, our facilitators, Andrew, Sandra, Joss and Jane, for our scribes who sat there silently but listening carefully, Rebecca, Winnie, Emma and Esther; for our support people, Lauren, Lucy, Sophie and Emma, and then can I add to that list, and I won't name them, but our well‑being people who have just been around for everyone, everybody, all of us, and thank you for your very important nurturing and supportive role, and then last but by no means least, our wonderful stenographer, whose hands must be seriously about to fall off, and then for our fabulous sign writers and yes, I hope you will translate that properly please, our fabulous ‑‑ sign writers, signers, whose not only hands but arms must be nearly falling off. We're so grateful to you, thank you very much.

And then I've got one final word, and that's for Simon. Simon has driven this project for the last three months, he has made me come to 8 o'clock meetings more often than I can be bothered, but I did because I was frightened, and it just shows that an event like this which runs so smoothly only comes about through diligent hard work, organisation and care and Simon has driven it, so I'm very grateful to you, Simon, for making this such a success.

I hope all of you have a safe journey home, don't forget us and keep feeding in and informing us for as long as we're in existence. So thank you very much indeed. And we leave as we must always leave in the hands of Pāpā Tem.

**KAUMATUA:** Just before we do our waiata I would really like to thank this room. I've spent a lot of time, not a lot of time, I have spent time. I've had my mokopuna girls come with me a number of times and even they can feel it. It's so nice to be part of an organisation that's abuse in care. It's not a very nice thing, but I go away from here daily, with a very warm feeling. Waiata Te Aroha.

**Hearing closes with waiata and karakia mutunga by Ngāti Whātua Ōrākei**

**Hearing concluded at 5.02 pm**