

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
CHILDREN'S RESIDENTIAL CARE HEARING**

Under The Inquiries Act 2013

In the matter of The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

Royal Commission: Judge Coral Shaw (Chair)
Dr Andrew Erueti
Ali'imua Sandra Alofivae

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Mr Kingi Snelgar, Mr Simon Waalkens and Ms Julia Spelman
for the Royal Commission
Ms Rachael Schmidt-McCleave and Ms Julia White for the
Crown
Ms Katie Lane for a survivor
Mr Stone and Ms Watene for survivors

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

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TRANSCRIPT OF PROCEEDINGS

1 change and understanding far better than what we did before some of the deplorable things
2 that actually happened to a lot of young people like yourself when you were in care. So
3 trusting that you will stay well and continue to journey well and be in touch with the
4 Commission if you actually need any other support. We stand with you and for you and all
5 of the other survivors that have come before the Commission this week and in previous
6 weeks. Thank you Desmond.

7 **CHAIR:** Thank you very much for the work you've done on his behalf as well, Ms Cooper,
8 appreciate that.

9 **MS COOPER:** Thank you Commissioners.

10 **CHAIR:** Yes Ms Toohey.

11 **MS TOOHEY:** Yes, thank you Madam Chair. Keith Wiffin is in the witness box who is known
12 to you.

13 **KEITH VERNON WIFFIN**

14 **CHAIR:** Yes. Good afternoon Keith.

15 A. Afternoon.

16 **Q.** Welcome back to the hearing. It must be said Keith is a regular appearance and I'm sure it
17 never gets easier, Keith, but thank you for returning to share yet even more insights with us.
18 So I'll just get you to take the affirmation, is that all right?

19 A. That is right.

20 **Q.** Okay. Do you solemnly, sincerely, truly declare and affirm that the evidence you give to
21 the Commission today will be the truth, the whole truth and nothing but the truth?

22 A. I do.

23 **Q.** Thank you, thanks Ms Toohey.

24 **QUESTIONING BY MS TOOHEY:** Keith, can you tell us your full name?

25 A. My full name is Keith Vernon Wiffin.

26 **Q.** And you were born in 1959, you're currently 61?

27 A. Correct.

28 **Q.** As the Chair mentioned, you have given evidence on two occasions before to the
29 Commission. Just to recap about your evidence, your father sadly died when he was 39, I
30 think on his 39th birthday, when you were a young child leaving your mother in strained
31 financial circumstances with four children. And that is what you've previously told the
32 Commission is what led you into care, is that right?

33 A. That was the catalyst for me being put into care, the catalyst indeed for me sitting here right
34 now.

- 1 **Q.** You've previously given evidence at the contextual hearing in relation to what happened to
2 you in Epuni's Boys' Home. And that related to Alan Moncrief-Wright who abused you
3 when you were 11, is that right?
- 4 **A.** That's correct.
- 5 **Q.** You've also given evidence in the redress hearing in relation to the process that you
6 experienced making a claim in relation to that abuse. And in today's evidence, just to recap
7 what that is about, you wish to give further information about something else that happened
8 in Epuni. Talk about some frustrations you had with the Crown prosecution service in
9 relation to the prosecution of Mr Moncrief-Wright in 2011, and importantly the restorative
10 justice conference that you engaged in with Mr Moncrief-Wright after his convictions for
11 offending against you. There is one more topic which is the use of private investigators by
12 the Crown Law Office in relation to the claims that you were making or your involvement
13 in the *White* trial and you will also speak to that with some new information.
- 14 **A.** Yeah.
- 15 **Q.** Just to begin then, Keith, with the additional information that you have in relation to Epuni.
16 You have previously given evidence about being made a State ward and travelling from
17 court to Epuni in a van. Do you recall giving that evidence before?
- 18 **A.** I do, yes.
- 19 **Q.** Was that a van that belonged, if you like to, Epuni?
- 20 **A.** My recollection is that it was.
- 21 **Q.** And how was it used other than taking you that time from court back to Epuni?
- 22 **A.** It was used as a sort of general purpose van, I suppose, but my recollection is that almost
23 every time I found myself in it it was driven by Alan Moncrief-Wright.
- 24 **Q.** And what kind of excursions would you be going on when the van was driven by
25 Mr Moncrief-Wright?
- 26 **A.** Well, the van that I remember being in, like I said, was only ever driven by him and the
27 sorts of things that he would do would go and pick up movies that were showing on a
28 Saturday night. On one occasion the van was driven by him taking boys into Wellington to
29 see a movie. As I've mentioned in my previous evidence, my recollection of that was
30 travelling from court, and my recollection of the van after that it was taken out of Epuni
31 grounds on various occasions and as the van would always be driven by the man that was
32 convicted of sexually abusing me, Moncrief-Wright.
- 33 Alan would go out and pick up movies that were showing on Saturday night.
34 There was one occasion where I remember, as I said about the movies, I remember him

1 driving the van into Wellington, taking some boys to see a movie. I remember on that
2 occasion it was some sort of reward for one particular wing in the institution supposedly
3 behaving better than the others. So as a result, they took us to a movie called The Great
4 Escape. And ironically three boys did exactly that during the intermission.

5 Unfortunately that's the end of the mirth. In relatively recent times, what has come
6 to my attention is that boys were driven in that van to a Catholic facility in the area where
7 some boys were selected by Catholic officials to be sexually abused. It is my
8 understanding that the person who drove the van to that location was Alan
9 Moncrief-Wright. That information has come to me in the first instance because of an
10 investigation being conducted by the Catholic Church itself. In the second instance from a
11 boy who was a ward of the State around the same time that I was in Epuni.

12 He remembers the van being driven to the church and recalls members of the
13 clergy walking around the van to look at the boys inside and select who they would take.
14 The common denominator was always Alan Moncrief-Wright, a very serious and prolific
15 abuser of children. As part of that investigation it would seem there is some evidence to
16 suggest that what Moncrief-Wright was doing was prostituting boys from Epuni to Catholic
17 Church officials.

18 **Q.** Keith, do you yourself have any recollection about trips to any Catholic kind of destination
19 when you were at Epuni?

20 **A.** Yes, I do. And I must say before I start this, that at no time have I myself been abused by
21 any Catholic official priest or otherwise. My memory, which is crystallised in relatively
22 recent times, it's always been there but it's crystallised, because once again Alan
23 Moncrief-Wright is at the centre of that memory. And so in bringing this here today I had
24 to be sure in my own mind, I had to consider was it another setting which I'd been in earlier
25 in life or was it this. And I have come to the absolute conclusion it can be no other setting
26 but this.

27 And that's because my memory is of being taken by Moncrief with at least one
28 other boy to a Catholic facility around the area, and it was like a church or a chapel, not a
29 church as such, but there were pews, and Moncrief-Wright saying to a Catholic official
30 these two could be in the choir. The other memory I have of it is back at Epuni talking to
31 that boy and saying there's no way I'm going to be part of a choir.

32 **Q.** Why was that?

33 **A.** That's because earlier on, this is earlier on, I don't entirely know how this happened because
34 it's -- I was for a very short period of time a boarder at Wellesley College in Eastbourne in

1 Wellington. Now that -- the reason why I say I don't know how that happened because it's
2 quite expensive and we didn't have a lot of money, so I was there for a very short period of
3 time, but in that time there was a choir there, the choir master was sexually abusing boys.
4 And whilst it didn't happen to me, everybody was aware of it. Hence my words around not
5 wanting to join a choir. And that is essentially my memory of it, and after 50 years I can't
6 bring anymore than that to it.

7 **Q.** When you said this church or chapel was around the area, which area are you referring to?

8 **A.** I'm talking the Hutt Valley and Wellington.

9 **Q.** Which is where Eponi is?

10 **A.** It is, yes. So Waterloo Road's around there, there are Catholic institutions.

11 **Q.** You mentioned before that you became aware of an investigation by the Catholic Church?

12 **A.** That's right.

13 **Q.** You've mentioned this in your statement from paragraph 11. Do you want to talk about
14 that?

15 **A.** Yeah, I do. So I first got alerted to this in February of 2020 and I kept it to my self
16 essentially ever since and that's out of respect for the claimant in the church process and
17 that claimant's advocate. And also in the hope that he would receive justice through that
18 process. So I have here in front of me some of the content of an e-mail that I got alerting
19 me to it, which I'd like to read out.

20 **Q.** The substance of this is within the written statement, ma'am.

21 **CHAIR:** Okay, thank you. Which paragraph?

22 **MS TOOHEY:** This is not in the statement itself, although --

23 **CHAIR:** You mean it's been paraphrased in the evidence?

24 **MS TOOHEY:** Yes.

25 **CHAIR:** Have you seen the e-mail?

26 **MS TOOHEY:** No, I have not, but I have had read out to me what Mr Wiffin's going to say.

27 **CHAIR:** Okay, you're comfortable with it being read out today.

28 **MS TOOHEY:** Yes.

29 **CHAIR:** That's fine. Thank you Keith.

30 **A.** This is not the entirety of the e-mail, but it's the substantial content and the most pertinent
31 things. As follows, and forgive me if it takes a wee while, I have to decipher my own poor
32 writing for a start.

33 **CHAIR:** And just keep an eye on the speed.

34 **A.** "Thanks, Keith, for meeting for coffee. It was really good to have someone like-minded to

1 talk to about the issues faced by survivors. Re the abuse at Epuni, Alan Wright, the van,
2 you may be able to help the survivor involved. He was in Epuni as an 8 year old in 1971
3 leaving when he was 10 in 1973. It was during that period that he made trips in the Epuni
4 van which he believes was driven by Alan Moncrief-Wright to somewhere along or beyond
5 Waterloo Road to collect movies and lollies for the Saturday night movie at Epuni.

6 Somewhere along that route the van detoured to what is almost certainly a
7 Catholic institution where boys were selected from the van to go inside to service the
8 religious officials who were there. The e-mail goes on to mention the name of another boy
9 who was abused, the name given to me was slightly wrong, which made it hard for me to
10 investigate. But I now know who that person is. He is still alive. But talking to him
11 because of his situation will require a great deal of sensitivity and delicacy. That is
12 pertaining to paragraph 11.

13 **QUESTIONING BY MS TOOHEY CONTINUED:** Thank you. So did you get in touch
14 directly with the ward of the State referred to? Please don't say the name, but --

15 A. The ward of the State got in touch with me.

16 **Q.** And what did you learn of the investigation by the church?

17 A. I learned that an investigation was done not once but twice, the investigation was done over
18 a period of time and then sent to -- and please forgive me, I don't understand church
19 hierarchies -- to the person at the top for ratification, and it went to that person with the
20 recommendation that the claim be dismissed. That person looked at it and said no, go back
21 and have another look at it. So it was reinvestigated. And it eventually went back to him
22 with the same recommendation, and the claim was eventually dismissed.

23 My strong sense of this is that despite some people being involved in that
24 investigation from the church side believing that the abuse may have happened, it's been
25 dismissed on what I would describe as spurious and convenient grounds in that they could
26 not nail down a location where it happened.

27 So I probably skipped ahead a bit here, but what it showed to me was that the
28 threshold put in place for that survivor to get justice through that process was unreasonable;
29 a very legalistic threshold. It reminded me so starkly, and one of the reasons why I've
30 raised this, of the issues surrounding the original dismissal of my claim. In that both the
31 Catholic Church and the relevant State organisation chose not to believe a survivor, in the
32 name of their own agenda, despite any evidence.

33 **Q.** Is there anything else that you want to say about that subject?

34 A. It's just a fundamentally appalling situation, again, where a survivor puts him through a

1 traumatic -- a survivor goes through a traumatic experience in terms of the original abuse
2 and then as an adult goes through another traumatic experience in trying to get redress and
3 acknowledgment as to what's happened to him and is once again abused, rejected and
4 traumatised.

5 **Q.** Shall we move then to the prosecution of Mr Moncrief-Wright for offending against you.
6 This is at paragraph 16 of your witness statement.

7 **A.** Yeah, sorry.

8 **Q.** You've previously given evidence that Alan Moncrief-Wright was prosecuted in relation to
9 sexual offending against you. And you previously have said that the Police, in your view,
10 handled this professionally and with respect. Is that still your view?

11 **A.** It's still my view, yes.

12 **Q.** But you also mentioned earlier that there was more that you could say in relation to the way
13 this was handled by the Crown Solicitor's office.

14 **A.** Yes. I do not think the Crown Prosecutor handled the case as professionally as the Police.
15 That was primarily because Moncrief-Wright had been convicted and during sentencing
16 there were certain things that were supposed to happen that didn't and went unchallenged
17 by the Crown Prosecutor. Prior to the sentencing, the Police approached me with an offer,
18 through Moncrief's lawyer, to pay reparation per complainant of \$10,000. Between that
19 approach and the day of sentencing I was aware that the offer had been reduced from
20 \$10,000 to \$7,000 per complainant. On the day of sentencing, that was the reparation order
21 that was supposed to be made. That was agreed to and as part of the resolution or bargain,
22 if you like, and something I wasn't personally entirely comfortable with but took into
23 account the views of the other complainants, so some of the serious charges were dropped.

24 In sentencing the defence talked down the agreed offer from 7,000 to 5,000
25 without any challenge from the Crown Prosecutor. I was very, very unhappy about that and
26 the Police at the time were not entirely happy either.

27 **Q.** Can I just clarify with you, Keith, was that on the day of the sentencing that that occurred in
28 court?

29 **A.** Correct. The other thing that was supposed to be part of the sentence was a court-ordered
30 restorative justice conference between myself and Alan Moncrief-Wright. It was clearly
31 understood by me that the restorative justice conference was to be part of any sentence.
32 Certainly the Police were aware of that, so should the Crown Prosecutor have been, as
33 should Moncrief-Wright's lawyer. This also didn't happen because the Crown Prosecutor
34 failed to advance it, which once again made me very angry and once again the Police

- 1 weren't very happy about it either. Because of this failing, the Police assisted me to set up a
2 restorative justice conference done privately. The other two victims didn't want to be
3 involved in a restorative justice conference but it was something that was important to me.
- 4 **Q.** I understand that as a result of this sentence Mr Moncrief-Wright received some kind of
5 home-based sentence, which he was serving from Tauranga, is that right?
- 6 **A.** That's correct.
- 7 **Q.** I want to move now to the restorative justice conference that you had?
- 8 **A.** Which paragraph am I on?
- 9 **Q.** Now we're at paragraph 27 to 28. You might remember at the end of the contextual hearing
10 you told the Chair, Commissioner Shaw, that you had a transcript, a record of the
11 restorative justice process, but at that time you didn't feel comfortable disclosing the
12 transcript and now you share a significant portion of the document, which I think is 28
13 pages long, is that right?
- 14 **A.** That's correct.
- 15 **Q.** And just to provide the setting for that conference taking place, the convictions that
16 Mr Moncrief-Wright was sentenced in relation to included five against you and eight
17 charges in total, is that right?
- 18 **A.** Correct.
- 19 **Q.** And that had taken place in July 2011, some 40 years after the offending had been
20 perpetrated against you, is that right?
- 21 **A.** That's correct.
- 22 **Q.** I think you were 11 at the time.
- 23 **A.** Yes.
- 24 **Q.** Generally speaking the offending, I think you'd said before, had been ongoing during the
25 nine months that you were at Epuni, was mainly on the whole represented by the charges
26 but not completely, is that right?
- 27 **A.** I would say most definitely not completely. And most definitely not completely in relation
28 to the other two claimants as well.
- 29 **Q.** Now who paid for you to go to Tauranga to attend the restorative justice conference?
- 30 **A.** That is still something that I haven't entirely got to the bottom of. I think it was a
31 combination, maybe the Prisoners' Fellowship. I had recently been to Tauranga in relation
32 to gathering more evidence around this presentation, and one of the people I met with was
33 the principal facilitator of that conference where one of the things I found out to my
34 astonishment was that she never ever got paid. So essentially what I remember about it in

1 terms of that is my travel costs got covered and all my basic costs were covered. So I've
2 never been entirely sure about that, just knew that it wasn't court-ordered and it was done
3 privately.

4 **Q.** We're just going to bring up the first part of this document on the screen, so this is
5 document 0080031. If we just bring out, call out the first part of that document at the top,
6 we can see there that this is the start of the document and you can see in the middle it
7 started at 1.25 and finished at 4. Do you recall it going for quite a long time?

8 **A.** That makes it two and a half hours, it felt like six. It was an extremely arduous day.

9 **Q.** And if we go down to the next part of the page at line 25, this transcript that we're looking
10 at it says here, "The notes that follow are the facilitator's summary of the key features of the
11 restorative justice meeting. The outcomes of the meeting are recorded on the final page."
12 So what do you recall about how this document was being recorded?

13 **A.** Once again, I spoke to that facilitator about that when I was recently in Tauranga and it
14 seemed to be a bit of a unique situation in a way, because there was no recording, and when
15 I asked the facilitator why that was the case she said because it wasn't court-ordered. But
16 what she did is she took endless shorthand notes to the point she said to me my arm nearly
17 fell off. So that was how it was done. It was transcribed from that. Now the document I
18 have, this is her words as well, is 28 pages long, it could have been 60. So as we speak, she
19 has kept that box of notes in shorthand and will transcribe it and I will have the full
20 document at some stage.

21 **Q.** So it's available presumably if required, and this document represents excerpts of what the
22 facilitator was transcribing by shorthand and later typed up?

23 **A.** Correct, yeah.

24 **Q.** So if we go to page 2 of that document, so still on 80031, and at the top of this document,
25 we'll just call that part out, this is recording, Keith, the reasons that are recorded. I just
26 want to read that and then I'll ask you about them. When asked why he wanted to meet
27 with Alan, Keith explained that he wanted to see what Alan had to say about what he had
28 done to Keith, to hear Alan's perspective about what was happening at Epuni Boys' Home
29 at the time and how they dealt with Alan's offending, to hear what Alan has done since in
30 terms of counselling and treatment and to ask whether Alan considers himself to be
31 rehabilitated. Keith asked that the facilitators reassure Alan that Keith wanted to meet for
32 genuine reasons and there was no hidden agenda." Do you want to speak to any of those
33 objectives expressed, or others that you might have had at the time?

34 **A.** Yeah, I think it's quite important. So I went there to see if he would apologise in a more

1 sincere fashion than he'd made in the criminal process, which I consider to be very
2 insincere. I was cynical of that apology and he did make one, but it lacked, once again,
3 sincerity and understanding of what he'd done. And that didn't entirely surprise me,
4 because that got back to what he was about, which was his own agenda and that agenda was
5 about one thing and that was trying to stay out of prison.

6 But my objective, my major objective, was to try and get information from Alan
7 about the scale of his offending, about the scale of others' offending, about the attitudes of
8 the administration of the day and the management of that institution. So I went there trying
9 to get information, but not to the extent of pressing him to the point where he would stop
10 talking. So it was a delicate situation and we kind of at times played a game of chess where
11 he gave away as little as possible, and I tried to get as much as possible, without pressing
12 him to the point where he'd stop talking, and so I could also foster him for the future, if you
13 like, in terms of further engagement.

14 **Q.** How difficult was it for you to retain composure during that conference?

15 **A.** Very difficult. And at times, you know, it became overwhelming, and I had to have a
16 break.

17 **CHAIR:** And you say if you need a break at any time now won't you, Keith.

18 **A.** I will, yeah. So and there were certain things he said in there a couple of times I can think
19 of where I wanted to do him physical harm and I had to restrain myself. So it was difficult.

20 **QUESTIONING BY MS TOOHEY CONTINUED:** You mentioned the insincerity of his
21 apology, I just want to call out that very last sentence, the quote on that page. This is Alan,
22 Mr Moncrief-Wright recorded as saying, "I don't really know, obviously I have to say sorry
23 that it happened, I don't know why I did it, I just have to deal with it." Is that your
24 recollection of how the apology began in the conference?

25 **A.** That's my absolute recall of it and a clear example of him having no understanding
26 whatsoever of the damage he caused, which is one of the most offensive things about him.

27 **Q.** I want to talk to you now about one of those objectives that you had which is the culture of
28 violence at Epuni. This is at paragraph 34 of your statement. At paragraph 36 you
29 mentioned generally about what you saw of the culture of violence at Epuni. Do you want
30 to tell the Commissioners generally what you saw?

31 **A.** Well, it was an incredibly violent place, it was a dangerous place. As I said when I first
32 met lawyer Sonja Cooper way back in 2003, that it was unusual for a day to go by at Epuni
33 where there wasn't some violent incident somewhere in that institution, often that involved
34 a staff member.

- 1 **Q.** So I want to take you to document witness 0080032 at page 1. You'll see at the top you're
2 talking about the culture of the boys' home as you remembered it at that time, and you've
3 mentioned, this is at the end of the first paragraph, "You will remember them, two
4 housemasters -- sorry, this is Mr Moncrief-Wright saying -- two housemasters there that
5 were bullies." This is him saying to you that there were two housemasters.
- 6 **A.** Mmm.
- 7 **Q.** You've responded saying that Tony Weinberg was one and that there were more than two in
8 your book.
- 9 **A.** Mmm.
- 10 **Q.** Do you want to tell us about Tony Weinberg?
- 11 **A.** Someone I was very fearful of and a violent, sadistic person. There's one particular
12 anecdote around him that I'll never forget, and that was upon my arrival back on the first
13 day at Epuni for the second time and when I went into the courtyard, there was a major
14 fight going on between two boys and he was watching it and enjoying it and he turned
15 around to me and he said "Keith, these boys are not as tough as they were when you were
16 here last time." And there's these two boys trying to kill each other, and him just presiding
17 over it. And that's the sort of person he was, he was a person to be feared.
- 18 **Q.** So Mr Moncrief-Wright responds to this, "There were two real bad ones in my book." And
19 you've responded "One who would be the worst I saw yourself as one, I saw Clive Chandler
20 as one, there was a Māori fella" and we'll get to his name in a moment. So first Clive
21 Chandler, do you want to tell us about him?
- 22 **A.** My recollection of that person is I don't think I've ever come across someone who has as
23 bad a temper as Mr Chandler. And he would fly off the handle and just lay into boys and
24 he did it to me on a couple of occasions.
- 25 **Q.** What about your comment that you saw Mr Moncrief-Wright as effectively a bully. What
26 is your recollection about any physical violence from Mr Moncrief-Wright himself?
- 27 **A.** He was another one who wouldn't hesitate to hit boys, and if there were two boys fighting
28 he'd almost join in the fun. And I felt him to be, once again, a brutally sadistic person.
- 29 **Q.** If we can just scroll down a bit. You just mentioned a Māori fella.
- 30 **A.** Ae.
- 31 **Q.** Mr Moncrief-Wright said "Sid", you said "Right, see I only have his face, I don't know his
32 name, there was half a dozen", mentioned Mr Tony Weinberg. Mr Moncrief-Wright said,
33 "Well, the worst one there was Sid, he was by far, not so much with the Pākehā kids." You
34 said "Was he a Māori fella?" If we just go to the next page, page 2 at the top?

1 A. I've just lost my --

2 **Q.** Sorry, it's going to come up on the screen, just the very top part. Mr Moncrief-Wright said
3 "Yeah, not so much with Pākehā kids, possibly stepped back a bit from them, but with
4 Māori boys he was just horrific. I'm talking about physical violence, physical beatings."
5 Did you know who he was talking about this man, Sid?

6 A. Yes.

7 **Q.** Do you want to tell us who he was?

8 A. I'm picking I can use his name because he's passed on.

9 **Q.** You can use his name.

10 A. His name was Sid Reweti and he had a major impact on my best friend who was also
11 Māori, and he suffered terrible beatings at the hands of Sid Reweti. Moncrief-Wright
12 accurately says there that he meted out his violence to Māori not Pākehā. And I for one
13 never was the victim of his violence, but I saw plenty of it.

14 **Q.** All right. I want to talk to you now about an incident involving Mr Moncrief-Wright that
15 you've described in your statement from about paragraph 39. So first you've said in your
16 statement that generally Mr Wright tried to say that in this restorative justice conference
17 that he wasn't that violent towards children. Do you recall that?

18 A. I do, yeah.

19 **Q.** Then you've talked in your statement about an incident that involved Mr Moncrief-Wright
20 using a brush to scrub a tattoo out of a boy's hand.

21 A. Mmm.

22 **Q.** Do you feel able to talk about this incident, Keith?

23 A. Yes, I do. So what happened there was at Epuni Boys' Home at the time there was a
24 courtyard with three lines on it representing the three wings, and before we went in for a
25 meal you stood on those lines to attention and were given some sort of talking to or lecture,
26 and usually it involved copious amounts of negativity. On this particular occasion there
27 were two or three housemasters actually, one of them was Moncrief-Wright who had got a
28 young Māori boy and he had a tattoo on his hand and he scrubbed it out with what I thought
29 was a wire brush, while we had to stand there and listen to his screams.

30 And I can still hear those screams today and it's the closest I ever saw myself of
31 the entire institution for boys attacking housemasters. And it just showed what a brutal,
32 sadistic person he was. And in the making of a 60 Minute documentary, which was the
33 first thing I ever did in the media relating to this subject, they went and found
34 Moncrief-Wright and they put that to him that he'd done that, and he denied it, said "No,

1 I never did such a thing." So when I met with Moncrief-Wright he said at one point in
2 there, "I'm really angry and irate with 60 Minutes" and I said "Why's that?" And he said
3 "That brush, it wasn't a wire brush, it was a nylon brush."

4 **Q.** We can actually bring this up on the screen, Keith. This is that same page and it's the very
5 final sentence on the paragraph that's highlighted there. "The other time which you referred
6 to as a wire brush, it wasn't a wire brush, it was a nylon fingernail brush." And your
7 response is under that. You were asked if you wanted to say something in response and
8 you said, "Yeah, what you say is not my recollection in terms of you being non-violent",
9 and your talk about that incident "whether it was a nylon brush or some other kind of brush
10 is almost irrelevant because I remember quite clearly that kid's scream."

11 And you mentioned there when you were asked by the 60 Minutes presenter what
12 was the most violent thing you ever saw as a State ward, the thing you remember the most
13 was that incident. And you go on to say that you did not think that he was being honest
14 with himself about his level of violence towards children.

15 **A.** Correct, that's one of the features of that conference was he continued throughout it to try
16 and minimise as though disgraceful conduct.

17 **Q.** Then it goes on to the next page, page 3, you continue to discuss this and at the top of the
18 page Mr Moncrief-Wright says, if I can call out the top part, "Because what had happened
19 was it had been going on for weeks tattooing, and this kid had written 'F you' across the
20 back of his hand, and when I caught him he was rubbing ballpoint ink into the scratches
21 because that's how they used to do it." He goes on, "I took him to the room and told him to
22 scrub it off. I was so angry because to be honest I'd had a gutsful of this tattooing, you
23 know, kids were deforming themselves every day of the week if they got the chance." You
24 then said, if I can call out the next part. "Well, all I would say is that I'm pleased you have
25 admitted doing that because originally you didn't, you denied it." I think we've got the
26 wrong part there. And then the next part he said, "No, I've never denied it. What I deny
27 was that I had used the wire brush on somebody's hand. I couldn't physically do that,
28 Keith."

29 **A.** Which is once again an example of someone who just -- you just wouldn't believe anything
30 that came out of his mouth. He absolutely knew he'd done that.

31 **Q.** I want to ask you about another form of violence that you've spoken about in your
32 statement at paragraph 46. That relates to the kingpin system which we've heard a lot about
33 in this hearing and you've mentioned in your statement it was used as a method of control
34 in the homes. Can you explain that further?

1 A. Yeah, well it was. So the kingpin, and maybe his closest associates, were given preferential
2 treatment. The housemasters cosied up to them. And if someone needed to be sorted out in
3 their eyes, that is what resulted in that. I remember one incident well, when a good part of
4 the home, I can't remember exactly how many of us, went to a camp in Akatarawa Valley,
5 where us boys were made to fight each other to determine who the kingpin was.

6 Q. So was the kingpin the person who won all of the fights, effectively?

7 A. He was last man standing.

8 Q. I want to refer you to a document where you talked to Mr Moncrief-Wright about this in
9 that conference. This is document 80032 at page 4. You've mentioned, this is at line 15, if
10 I can just call that out, down to line 30. Perhaps just above that first. You've said, you've
11 mentioned that you were involved in two fights and broke several bones in your hand and
12 you were sent back via the Hutt Hospital. And I think before that you were referring to the
13 same camp at the Akatarawa Valley?

14 A. Correct, yes.

15 Q. Is that what you recall happening to you after that camp?

16 A. Definitely, yes. I remember it well going back via Hutt Hospital in plaster cast and being
17 greeted by a housemaster there and saying "What's going on up there? You're the third or
18 fourth boy that's come back with similar injuries." And when I told him what was going on
19 he didn't say anything, he just turned and walked away.

20 Q. You've -- he's then replied, this is Mr Moncrief-Wright, "There was definitely at that stage
21 when you were there, there was what I would call a pecking order, there was a kingpin
22 system and that was used and, yes, I used that system."

23 A. There you go. By a staff member.

24 Q. Just in the final paragraph on that page, Mr Moncrief-Wright -- I think just before that
25 you've said that these things should never have existed and he said, "I would agree with you
26 now 100%, but in the 50s, no, we're talking 70s, yeah, yeah, 50s, 60s, the beginning of the
27 70s, there was still corporal punishment in schools and everywhere there was a pecking
28 order and then you let the kids sort it out. I always thought that if I was letting kids sort it
29 out, if I was somewhere near I might have been accepting it because it was happening, but I
30 was somewhere near to make sure that it didn't go overboard. I would never have let
31 anybody kick anybody on the ground or..." What's your comment about his statement
32 there?

33 A. He would absolutely let kids kick each other on the ground. And he absolutely did.

34 Q. And in your mind of the staff members who, I think you've mentioned this already, but staff

1 members who would encourage fights, who do you recall of the staff at Epuni who would
2 do that?

3 A. The ones I've mentioned.

4 Q. Tony Weinberg?

5 A. Tony Weinberg.

6 Q. And Mr Moncrief-Wright?

7 A. And Moncrief-Wright, were the two I remember the most. Excuse me.

8 Q. Is it all right if we just take a short break?

9 CHAIR: Yes, absolutely. Come back when you're ready.

10 **Adjournment from 3.11 pm to 3.25 pm**

11 CHAIR: Are you okay Keith?

12 A. I am.

13 Q. Thank you. Yes Ms Toohey.

14 **QUESTIONING BY MS TOOHEY CONTINUED:** Thank you. I just want to bring up another
15 document now, witness number 80033. This is again continuing on with this. Just one part
16 I want to call out near the bottom. Was one of the things that you were discussing with
17 Mr Moncrief-Wright the effect of the abuse on you and generally the stigma attached to
18 being a State ward, was that one of your subjects that you'd been discussing with him in the
19 conference?

20 A. It was, yes.

21 Q. And he said, "I think there was always a stigma about being a State ward for any kid. And
22 I think that I personally knew that the system at the time was wrong because you could
23 become a State ward for pinching a chocolate bar." And your response to that at the foot
24 was, "Yeah, but I didn't even do that." Did you feel that he'd acknowledged part of the
25 stigma of being a State ward in what he said?

26 A. In a way, yes, and also acknowledging to some degree the injustice of it all.

27 Q. Another objective that you talked about was trying to understand whether
28 Mr Moncrief-Wright had any feelings of remorse or any sense of wrongdoing in relation to
29 the sexual offending against you. And I just want to take you to one of the parts of this
30 document where it was discussed, which is document 80034 at page 2. And you've said at
31 the top of this document, "So at the time you didn't feel you were doing anything wrong, is
32 that right?" And he said "Yes, I would have to say that was true at the time, I knew it was
33 wrong." And you responded "You knew it was wrong legally, morally, but you didn't think
34 you were hurting?" And he said, "Yeah, I didn't think I was hurting you in any way and so

1 I didn't think that I was hurting anyone, because basically I've been there and even today,
2 even though I've been through all this and I know a lot of what you feel, but even today I
3 have trouble ratifying what happened to me as a person." And he goes on at the foot of that
4 to say "I knew that I was doing wrong, I knew it was wrong but I didn't think I was hurting
5 anyone." And you've mentioned in your statement at paragraph 50 the effect on you of
6 what he said in the restorative justice conference about that issue. Do you want to tell us
7 about that?

8 A. Just his response was lacking any understanding whatsoever about the effects of the abuse
9 and the damage that he did to do so many, many people. He never gave me a satisfactory
10 reason as to why he didn't think he was hurting anyone. He tried to justify his offending
11 essentially on the basis that he himself had some form of -- suffered some form of abuse in
12 his childhood. I have doubts about that, whether he did suffer. It felt like to me personally
13 it was some sort of employ to minimise and mitigate his own conduct.

14 Q. Is there anything else you want to say about that particular topic or can we move on to the
15 lack of training?

16 A. Alan Moncrief-Wright was a very serious abuser of children who in my experience
17 watching him felt no remorse whatsoever really. The only thing he was really sorry about
18 was that he got caught. And he's just a person that should never ever have been in a
19 situation where he could do such things. It was only the, for me personally, the
20 incompetent, reckless, negligent, administration management at the time that allowed the
21 scale of his abuse to occur.

22 Q. I think you mentioned there were three victims who came forward in 2011. Do you know
23 how many originally, how many complainants there were in total at that time?

24 A. At one stage there was eight.

25 Q. I want to now talk to you about one of the other topics that you were putting to
26 Mr Moncrief-Wright and that was the nature of the staff training, or lack of, for the staff at
27 Epuni, including him. Why was that an issue from your perspective, Keith?

28 A. It was an issue for me because essentially these people that -these staff were a combination
29 of hired thugs and totally untrained people who were there for nefarious reasons, and
30 Alan -MoncriefWright is a classic example of that. And so someone like Tony Weinberg,
31 for example, started there as -a - working- in the kitchen and without any training
32 whatsoever became a housemaster. And I wanted Alan to talk about staff training in terms
33 of what sort of social work experience did any of you have, did you feel qualified to do a
34 job, the job, did you feel resourced to do the job, things like that.

1 **Q.** I'll bring that up on the screen, that's document 80034 at page 3 and I'm just going to call
2 out from line 15 down to about line 40. So you've asked at the top, that's from you, "Did
3 you feel when you were working there that the staff received inadequate training, were
4 overworked possibly, the place was underfunded in terms of staff, you were stressed out
5 because of those things?" He said "We had a very inadequate manager." You asked if he
6 was referring to Maurice Howe and he said "Yeah, totally inadequate" and he's talked about
7 at the time there were three assistant managers and the rules were ridiculous. You've again
8 said "But did you receive any formal training in that area, ie social work or anything like
9 that?" And he said, "Only what I did on my own. I'd done a course in industrial
10 psychology prior to going to the boys' home which was dealing with psychologist effects in
11 the workplace."

12 Did that to you confirm Mr Moncrief-Wright's own inadequate training in this
13 area?

14 **A.** Well, it did, but also he was representative of the staff, of all of the staff.

15 **Q.** I just want to go to the bottom of that page, another question that you asked
16 Mr Moncrief-Wright at this part of the interview was, "Before you went to Epuni what was
17 your primary motive for getting a job there?" And he responded "Really just helping other
18 people and making a difference. We'd moved into town, I'd been through the scout
19 movement and was pretty involved in that. I was pretty involved in sport, I coached teams
20 and things like that so that was possibly my motivation for going there." So --

21 **A.** Yeah.

22 **Q.** -- for you --

23 **A.** Looking at that paragraph I remember him telling me, telling me it in such a way as I was
24 somehow supposed to respect him for being in the scout movement. You're a convicted
25 paedophile mate, that's why you're in the scout movement.

26 **Q.** What about the sport, did you recall him coaching any teams?

27 **A.** Yes.

28 **Q.** And can you tell us about that?

29 **A.** I'd seen a photo of him as coach of a rugby team from one of the Catholic schools around
30 Epuni. I'm not entirely sure which one it was, but I think it may have been St Bernard's,
31 and having talked to one of the claimants, I was told that he had the name given to him by
32 the boys of "touchy".

33 **Q.** Of what sorry?

34 **A.** Touchy.

1 **Q.** Mr Moncrief-Wright was given that name by the boys he was coaching?

2 **A.** Correct.

3 **Q.** I want to, just on the same subject, go to page 5, so that's 80034 page 5. This is where you
4 ask Mr Moncrief-Wright about the qualifications of other staff. So you've referred to that
5 comment you made before at the top, "People generally, like Tony Weinberg was, came in
6 off the street employed as a kitchen hand, totally unqualified for the position of
7 housemaster or were there people there who were trained?" And he has said "There would
8 be no housemasters there or attendants there at that stage that would have been what we
9 would today call qualified. There would be none."

10 And I think you've responded, we'll just get up your response at the time, that that
11 was a significant answer for you, because you felt that that was one of the major systemic
12 failures of the then system because it allowed anybody and everybody to get in there.

13 **A.** That's correct, and to hear that confirmed by a staff member was a big deal for me and is
14 one of the things I'd been told from time to time by people who have tried to minimise this
15 subject, is that you've had no staff member coming out and supporting you at any stage.
16 Well, we have now.

17 **Q.** He then replied to you, "I would say that 90% of staff in any of the institutions, including
18 Kohitere and Hokio, none of them were trained social workers. I'm just trying to think, I
19 don't think there was anybody while I was there, but a lot of people were trying to use it as
20 a stepping stone to go from there to social workers in the field." And he talks at the bottom
21 about one of the assistant managers coming from a teaching background and he was the
22 only one that would have qualifications.

23 Do you still maintain those views, that this was one of the major issues in the
24 abuse occurring, or being permitted to occur, is the lack of appropriate training or
25 vocational suitability of these staff?

26 **A.** Yes, definitely. It gets back to the ideology and the philosophy of setting up the places,
27 they weren't about care. They were about restraint and punishment. They were low paid
28 jobs, there was high staff turnover. Against that background it allowed people like
29 Moncrief and others to get in there and wreak the havoc that they did.

30 **Q.** I want to ask you now about a slightly different subject which is what happened when
31 Mr Moncrief-Wright was arrested by the Police in the early 1970s for sexual offending at
32 Epuni. This is that same document, 80034 at page 6. And from about line 20 you've said
33 to him, "I wanted to ask, Alan, because I am aware that in 1972 when you were taken to
34 court, you were caught in Epuni for those offences that you were allowed at the time to

1 resign." You go on, "I wanted to know when you were caught was there any inquiry by
2 senior management to ascertain the extent of your offending, whether you'd offended
3 against other kids? What questions did they ask you?" And he responded, "They didn't. It
4 was at the boys' home that I was arrested." And you asked, "And that was the end of the
5 matter?" And we'll just bring up the last part of the page. He said, "I can't really remember
6 100% and I think I was arrested, taken to the station, I spent the night in the cells and
7 I appeared in court the next morning. I was remanded and because I didn't have a solicitor I
8 was arrested at night." And he goes on to talk about a lawyer. And you asked after that
9 court appearance "Did you just go back to work?" He said, "No, I was suspended." He
10 goes on to talk about staying at the night watchman's place, moving into a boarding house,
11 and then going to see the Assistant District Commissioner based in Lower Hutt, "He just
12 pushed a pen and pencil to me and said 'you need to resign'. In fairness to the Assistant, at
13 the time that was what happened. It was typical that if you worked in a Government
14 department, you would be asked to resign."

15 Just to finish this subject, if we just go on to next page 7, because he mentions
16 how many complainants there were, just in the top half of the page at about line 10, he said
17 "The kids must have obviously made a complaint. How else would they know? There
18 were four complaints." What was your reaction to that part of the conference?

19 A. First of all, I don't think you'd be sacked from a Government -- asked to resign, rather, from
20 a Government department for raping children. And that's essentially what happened in this
21 instance. He wasn't sacked, he was allowed to resign, which means it doesn't appear on
22 your work records, you're able to just go elsewhere with relative impunity and do it all over
23 again, which he most definitely did. I'm looking down at 15 here.

24 Q. So that's another subject, is that Alan was asked, Mr Moncrief-Wright was asked, obviously
25 by you, if there were other people sexually offending at Epuni that he was aware of, and he
26 said "I think there were but nothing that I could prove at the time. There were a lot of
27 favourites."

28 A. Yeah, and that taught me everything. That also was almost part of the game we played, in
29 that he absolutely knew who they were, the scale of what was going on, but he wasn't going
30 to give me everything on this particular occasion. So I sort of backed off for another day.

31 Q. You did say to him that you knew for a fact some housemasters were taking kids from the
32 home and they were taking them back to their place for a reason, and those kids were
33 coming back and they were telling stories about what was going on. He replied he didn't
34 hear anything like that when he was actually there, there was suspicions.

- 1 A. Yeah.
- 2 Q. And if we just go to the next part about this. You said, "It's outside the guidelines and not
3 normal behaviour to take kids home." He responded, "The rules were you weren't allowed.
4 But it was possible." And he talks about taking somebody out of the home unofficially on
5 an outing to Wellington and stopping at Petone.
- 6 A. Yeah.
- 7 Q. What's your recollection of children going outside the home with staff?
- 8 A. Well, it just happened, they took them away for the weekend. And once again, looking at
9 this, this is an example of him trying to minimise, and I'm looking at that paragraph where
10 he says he didn't take any boys away. One of the things he got convicted of in one case was
11 taking three of us away in a car and abusing all three of us.
- 12 Q. Including you, Keith?
- 13 A. Including me. So he was constantly not telling the truth in terms of him wanting to
14 minimise his behaviour.
- 15 Q. He then said, "I do know it now but I didn't know it then that at least one of the women was
16 sexually involved with boys." You mentioned under that a Ms Hart, which I think your
17 recollection is that he didn't specifically confirm that, but you had the perception that he
18 recognised that name?
- 19 A. Without a doubt, yeah.
- 20 Q. Do you recall anything happening with Ms Hart and Mr Moncrief-Wright when you arrived
21 at Epuni?
- 22 A. I do. I do. So it was my first day in Epuni, and so Ms Hart and Moncrief-Wright stripped
23 me naked, humiliated me, and then I was sent off to the cell. So that was my welcome to
24 State care. And it didn't much improve for the whole time I was there.
- 25 Q. You've mentioned there that you were scared of Ms Hart and some others.
- 26 A. Mmm.
- 27 Q. Was that after that first day?
- 28 A. Truth be known I was scared of the whole bloody lot of them. They were to be feared and I
29 was a very small, young, vulnerable kid. That's it in a nutshell really.
- 30 Q. You've given evidence previously -- this is coming to paragraph 58 of your statement -- that
31 Mr Moncrief-Wright had been caught, you believed he had been caught offending in a
32 similar institution in Hamilton and you've said now that you want to provide some further
33 information about why you believe that to be the case. Do you want to talk about that?
- 34 A. Yeah, so as you said, during previous evidence I said that in my opinion Alan

1 Moncrief-Wright was a prolific offender in terms of Epuni. I believe he was caught
2 offending in a similar institution in Hamilton, but he was allowed to leave that institution
3 and get a job at Epuni. So I would like to provide further information about why I hold that
4 belief. The first -- this first came to my attention when the information was supplied to me
5 by two investigative journalists. Then I found out later that there had been a claim settled
6 around Moncrief-Wright's offending in Hamilton. What was supplied to me by the
7 journalist gave me a very strong sense that at the time the management people were aware
8 of his offending and allowed him to quietly slip away.

9 In relation to those journalists, I have a great deal of respect for both of them and I
10 would like to protect their identity. This information was then reinforced by a separate
11 source who told me the information has also come to the attention of the Confidential
12 Listening and Assistance Service.

13 **Q.** Just moving on to paragraph 59, I don't think we need to go to the document, but you've
14 mentioned that another matter that you put to Mr Moncrief-Wright in that conference was
15 the impact that he'd had on a boy who he had seriously offended against. Did you want to
16 tell us about that?

17 **A.** Yeah, and I used it as an example to try and make an impact on him about the damage he
18 had done, so that that victim, who later became a gang member, said that "Whenever I went
19 into a fight as a gang member I saw Alan Moncrief-Wright's face." That particular gang
20 member was someone that I was in Epuni with and I had quite a lot of time for. And it was
21 very interesting to me at one stage of the criminal process when the police detective said to
22 me "Keith, can I take my policewoman's hat off for a minute?" I said "Yeah, course you
23 can". She said "When GRO-B was young, the only thing he wanted to be was a
24 captain in the Army. But because he's in love with that institution he's now a gang member
25 with a criminal record 15 pages long." This is not coming from me, it's coming from a
26 Police Officer. I think my memory of it also is he just sat there and didn't say anything, not
27 a word. And I remember the facilitator saying to me later, "He just doesn't get it."

28 **Q.** Just on a completely different subject, you've previously given evidence about the whole
29 process that you had with the MSD, the Ministry of Social Development, and one of the
30 issues you've previously given evidence about is how upset you were that they had not
31 interviewed Mr Moncrief-Wright to verify the basis of your claim which is the sexual abuse
32 that he perpetrated against you.

33 **A.** Mmm.

34 **Q.** And this too was something you wanted to confirm with him, wasn't it?

- 1 A. It was.
- 2 Q. If we just go to that document, 80036 and this is -- you've said there, you're asking him
3 about this, whether the Ministry of Social Development, and you name the person, had
4 approached you and questioned -- had approached Mr Moncrief-Wright and questioned him
5 about his time at Epuni, and Mr Moncrief-Wright's response was, "No, have you met him?"
6 Then on the next page, page 2, you've said, referring to the person from the MSD that you'd
7 had a rocky relationship, and you've said, your take on it, which is "but what they say are
8 things like we've thoroughly investigated this, I think in terms of you, he thinks you're
9 avoiding him." Mr Moncrief-Wright said, "Why would I be avoiding him if I don't even
10 know he exists? He's never ever been in touch with me ever."
- 11 A. Yeah.
- 12 Q. How did that make you feel?
- 13 A. Well, that was confirmation to me just how flawed their investigation had been into my
14 claim, because here's my principal perpetrator, the person I'd made the most serious claims
15 against, in their so-called thorough investigation, where everybody else happened, they
16 knew where he was.
- 17 Q. Just in terms of the outcomes, one of the things that you've told us you were looking for
18 was more confirmation from Mr Moncrief-Wright about some different topics. And he did
19 in fact offer to help you at the end of this conference, didn't he, by writing letters,
20 contributing to papers or speaking with you again. Do you recall that?
- 21 A. I do recall that and that kind of speaks to part of my strategy in that, I wanted him to
22 possibly come to any investigation or any inquiry in the future and give evidence of the
23 type of which you've seen in this document in a formal process like this. So I was looking
24 long-term and I'm now going to talk about probably the most frustrating thing that's ever
25 happened to me in my life. I left it a day late, but 16 months later I went back to him
26 through the same facilitator in Tauranga with some more questions, that hopefully would
27 have led to the names of more perpetrators. The facilitator went to him with those
28 questions and his initial reply was "Yes, I agree to answer anymore questions that Keith
29 would have for me in the future, just give me a day and I'll come back with the answers."
30 Unbeknown to me, on that very same day, the Police went and arrested him and laid a
31 whole lot more charges against him.
- 32 And the one thing I always knew about Alan Moncrief-Wright was that everything
33 he did was designed to try and stay out of prison. And so he was charged, bailed, due to
34 appear in court the next day. Before I got the answers to my question

1 . And so I still very well remember the day that the facilitator rang me up and said "Are
2 you sitting down?" I said "Yeah", and she told me. And it still is a major, major point of
3 frustration, despair and anguish for me to this day.

4 **Q.** What did you think that you were going to be able to obtain, what was important for you
5 from the questions that you wanted him to answer?

6 **A.** I wanted to give -- I wanted to get out of him more information about other people
7 offending. And so I could have possibly pushed him harder in the initial conference I had
8 with him about that, but decided I didn't want to push him too hard unless -- in case
9 I pushed him to the point where he clammed up completely. So those four questions were
10 designed to get more information. I don't remember the exact questions, to be honest, but
11 they were four or five questions along those lines, and hopefully I'll receive that when the
12 shorthand notes get transcribed.

13 **Q.** I think the -- you've mentioned in your statement that the transcript records near the end
14 that you'd forgiven Mr Moncrief-Wright?

15 **A.** Mmm.

16 **Q.** But you mentioned there was a strategy in doing so?

17 **A.** Yeah.

18 **Q.** What was that?

19 **A.** Basically to -- and as I've said, forgiven him? I bit my tongue nearly right off when I said
20 that, and that once again was me trying to keep him on board in relation to supplying more
21 information further down the track.

22 **Q.** You've said in your statement that you, and I think you said earlier in your evidence, that
23 you felt that Mr Moncrief-Wright was participating in the conference in order to stay out of
24 prison. Can you explain that a little more?

25 **A.** Yeah, well, I got the sense of that he thought that by doing this with me he'd get me off his
26 back and so would in turn the authorities and this would be the last piece of grief coming
27 his way. I don't think at the time he actually understood, although I might not be correct
28 about this, that the restorative justice meeting wasn't actually court-ordered and he actually
29 didn't have to participate.

30 **Q.** Keith, I've come to the end of the questions about the restorative justice conference. Is
31 there anything else you want to say on that topic before we move on?

32 **A.** I think as painful as it was and as disappointing the end was in terms of him committing
33 one last selfish act, it's something I would recommend victims doing if they thought they
34 wanted to. For me it was also quite an empowering thing, and I would like to see it, an

- 1 effective restorative justice programme brought into the concept of redress if wanted.
- 2 **Q.** That might be a convenient point to talk about your recommendations for changes to the
3 redress process, which you've actually referred to earlier in your statement at paragraph 23.
4 And you've mentioned there that the most important thing for you on that subject is for an
5 independent process to be set up.
- 6 **A.** Yeah. It was the most important thing then and it's the most important thing now. I think
7 one of the things that highlights this presentation today is that it is very hard to get any sort
8 of justice out of organisations like the Catholic Church's process, the State's processes,
9 when they are the very institutions that have supported the perpetrators, hire the
10 perpetrators, and are the very organisations that need investigating themselves. They
11 should never ever be the final arbiter of these claims, in my opinion.
- 12 **Q.** And I think you wanted to say something about the court's involvement in hearing claims of
13 this nature?
- 14 **A.** Mmm. So as I've said here, whilst I disagree with most of what the Solicitor-General said
15 during the State redress hearing, the one thing I do agree with her is that the courts are not
16 the appropriate places to deal with these claims. The problem is there is no fair, just and
17 impartial claims process outside of the courts to deal with them.
- 18 **Q.** If we can move now to something you've subsequently become aware of, this is at
19 paragraph 68 of your statement. And you mentioned in a previous hearing that you felt
20 when you were participating in a previous trial or were going to, the *White* trial, that you
21 felt that you were being watched by two people who looked like detectives?
- 22 **A.** Mmm.
- 23 **Q.** And you raised this with a senior manager who denied that there had been surveillance of
24 witnesses, but you subsequently found out that some money had been spent on private
25 investigators by the Crown for that trial.
- 26 **A.** Mmm.
- 27 **Q.** How did you find that out?
- 28 **A.** Well, as you said, this is around 2007 I think, around about the time of the *White* trial
29 which is a big test case, I was originally down to be a witness. Lived in a very small
30 cul-de-sac in Kilbirnie, Wellington and there was obviously two people turning up very
31 much like detectives watching me, watching my house. It wasn't only noticed by me, it was
32 noticed by others in the street. So I eventually put that -- I also raised it with my then
33 lawyer, Sonja Cooper, said I think I'm being surveilled. She wasn't sure, she had no
34 evidence of it directly. But I put it to a person, a manager whose name I won't mention, in

1 the relevant Government agency and that person's reply was "No, we never have and we
2 would never do such a thing."

3 **Q.** I just want to bring up now document 0080039. Did you subsequently make an official
4 Information Act request in January 2019 to the Crown Law Office in relation to this
5 particular issue of whether you were under surveillance from private investigators?

6 **A.** Yes.

7 **Q.** And is this on the screen the response from Crown Law dated 28 February 2019?

8 **A.** It is, yes.

9 **Q.** So if we just look at paragraph 2. So that's confirming that Crown Law Office holds
10 documents which indicate your criminal history was obtained by Crown lawyers in
11 preparation for the trial, and mentions these documents are preparatory materials. And then
12 in the last part of the page if we just bring that up, paragraphs 3 and 4, it says at paragraph 3
13 "In addition, except for your criminal history which the Crown Law Office provided to the
14 private investigators engaged by the Crown to assist with the preparation for the *White* trial,
15 we have not identified any documents which indicate that private investigators accessed
16 any personal information about you without your consent." Then it says, "Notwithstanding
17 the above we repeat our regret that the broad terms of our instructions to a private
18 investigation firm fell short of the high standards necessary for the conduct of the *White*
19 litigation." And then "While we share the view of the State Services Commission inquiry
20 that there is no evidence low level surveillance was carried out in relation to you, we
21 apologise that there was a situation where it could have occurred." What was your take on
22 that?

23 **A.** It was a pretty cynical one. First of all, this is an apology when you're not getting an
24 apology, and it was the agency's attempt to absolve themselves of any responsibility of
25 wrongdoing and foist the entire blame on to the investigators themselves. And what do you
26 think investigators do? And the fact of the matter is, is why did you hire them in any
27 capacity against us in the first place? You are attempting, essentially, to vilify and
28 undermine people who have come forward because they've been victims of serious sexual
29 abuse as children. It was just another bit of obscenity for me.

30 **Q.** Thank you, that document can now go down. I now want to come on to the final topic,
31 Keith, which is current day Epuni. You've previously given evidence that you, as part of
32 the process you undertook with MSD, were promised a visit to modern day Epuni, which
33 still exists in the same site?

34 **A.** Mmm.

1 **Q.** Has that visit happened now?

2 **A.** No, it hasn't, but it's getting closer. And if I could, it's okay to mention her name, I'd
3 actually like to thank Wendy Aldred for helping facilitate a meeting between myself and
4 senior people in both Oranga Tamariki, ie the national manager, and the Ministry of Social
5 Development. On that particular day the manager of Epuni was supposed to be there but he
6 was sick. And my visit to Epuni was top of the agenda. And in relation to that visit the
7 national manager said, her actual words were "It would be an honour to have you out
8 there."

9 **Q.** Is this quite a recent meeting, Keith?

10 **A.** Quite a recent meeting, which went for an hour and a half in a neutral venue and there was
11 some positive things that came out of it. Firstly, the person I was dealing with in relation to
12 MSD was undoubtedly the most sincere person I've ever dealt with in terms of Government
13 agencies, and at the end of that meeting she said to me, she was a Māori woman, who said
14 to me, "I come from the area, I had whānau in that institution the same time you were there,
15 Keith." And she has been very helpful.

16 The national manager of OT also impressed me to a certain extent. When I say a
17 certain extent, for example, I asked her, in relation to that institution what was mana
18 whenua here? And she replied immediately saying "We engage with the local tribe", which
19 is Te Atiawa, and gave me tangible examples of an engagement. She also left the door
20 open to me to further engagement.

21 That does not mean to say that all is rosy. And as I said to her in that meeting, I
22 was frank, "I'm in receipt of certain information that tells me that everything that's going on
23 in that place in recent times is similar to some of the things that happened to me 50 years
24 ago."

25 **Q.** Shall we look at the newspaper article which is annexed to your statement document
26 number 80040. This is a Dominion Post front page article I think from 23 November 2020.
27 And if we just bring up the first part of the article on the left in the centre, and that reads,
28 "An investigation involving Oranga Tamariki and Police was launched after a residential
29 youth worker was caught having sex with a 16 year old girl living at the at-risk facility
30 where he worked." And it goes on to say at the end that the girl had been out on an outing
31 and was picked up by the staff member who was not on shift, took her back to his home
32 where they had sexual intercourse and she stayed the night and returned to the home the
33 next day.

34 And then it goes on towards the end of the article in the right-hand column, it just

1 goes on to say that the staff member accepted he'd made a huge error in judgment, one that
2 he would live for(sic) for the rest of his life and he's deeply ashamed and saddened with
3 what he had done. And there was in effect no Police prosecution from this. And he'd
4 been -- he resigned shortly after the investigation began.

5 A. Correct.

6 **Q.** Is this an example of what you just mentioned was of a similar nature to what was
7 happening to you 50 years ago?

8 A. It is. And as you can see there, despite him apologising, this is a person who was able to
9 just skip the country, he's happily ensconced in Australia, there's no ramifications,
10 repercussions, whatsoever. There was no Police prosecution, and there was no
11 ramifications from the employment investigation because he just resigned and left. But
12 also, and this is where I have to be careful in terms of protecting sources, I have much more
13 information that tells me that serious things are happening in that institution in the last few
14 years.

15 Now it's a difficult situation for me, because on the one hand I'm shown an open
16 door by an Oranga Tamariki senior manager for further engagement, but in no way can that
17 be seen as them being allowed to not take responsibility for some of the things that are still
18 going on.

19 **Q.** Thank you, Keith. Those are all of the questions that I had. Before I ask the
20 Commissioners if they have any questions, is there anything that you would like to say that
21 you haven't mentioned already?

22 A. Just that, you know, like a lot of New Zealanders, I've watched the presentation here over
23 the last week and a bit with total horror, shock. I just totally commend my fellow survivors
24 for coming forward and they come forward because they don't want to see it happen again.
25 What you've seen here over the last week and a bit is the tip of a massive, massive iceberg,
26 which has had a major impact on this nation. And it is a huge part of this country's history.
27 Needs to be recognised for that and acknowledged. That's all I have to say.

28 **Q.** Thank you.

29 **CHAIR:** Keith, I think that's a very fitting way to end this part of our hearings. As you know,
30 we've been listening to this evidence for several days now and we're only too well aware of
31 the burden that it has placed on us and I think, as you point out, on the whole of
32 New Zealand society. Because what has been related here is historic and that it happened a
33 long time ago in many cases, but you have brought it to life for the present as well and you
34 have reiterated the, I want to say the most, but one of the most important things is that the

1 impacts of this abuse live to this very day, regardless of when they happened.

2 I just want to, on behalf of us all, again to thank you, because although you have
3 given evidence twice before, you have brought new insights this time and you have taken it
4 on yourself to provide a depth of investigation that few other survivors I think would have
5 had the tenacity to do and so we salute you for that, and again, recognise that, in spite of
6 your experiences, it's still really, really hard for you to do this and it comes at great personal
7 cost. So we thank you for that and acknowledge that. And I can say no more other than
8 now again, you deserve a good rest.

9 A. I really appreciate those words, thank you.

10 Q. Thank you. And that, unless anybody else wishes to make any further submissions, brings
11 us to the end of this particular hearing, a hearing in which we have heard very sad, difficult
12 evidence of a terrible, dark part of our history. May I just thank everybody involved, but
13 what I want to particularly acknowledge those survivors and their supporters and the
14 stakeholders who have sat tenaciously through this hearing. I'm sorry that Oliver
15 Sutherland is not here with his wife in these last two days, I don't blame them quite frankly,
16 but they sat through every single day of the hearing last week, and we know, of course, of
17 Dr Sutherland's immense contribution to the work in this area and we want to acknowledge
18 that, and to thank him for his presence and his contribution to the hearing.

19 And to those survivors, we see how difficult it is for you, and to come along and
20 watch and observe and be part of this is hard for you, but it is very important to us and we
21 notice, and we hear. So thank you all very much for being here, all the usual suspects,
22 I won't name you all, and I simply think it's time, Papa Tem, that you come and give us a
23 good healing ending to the end of this particular part of our inquiry.

24 **Hearing closes with karakia mutunga by Ngāti Whātua Ōrākei**

25 **Hearing concludes at 4.25 pm**

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