

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY  
TULOOU – OUR PACIFIC VOICES: TATALA E PULONGA**

<b>Under</b>	The Inquiries Act 2013
<b>In the matter of</b>	The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions
<b>Royal Commission:</b>	Judge Coral Shaw (Chair) Ali'imuumua Sandra Alofivae Mr Paul Gibson Dr Anaru Erueti Ms Julia Steenson
<b>Counsel:</b>	Mr Simon Mount QC, Ms Kerryn Beaton QC, Ms Tania Sharkey, Mr Semisi Pohiva, Ms Reina Va'ai, Ms Nicole Copeland, Ms Sonja Cooper, Ms Amanda Hill for the Royal Commission Ms Rachael Schmidt-McCleave, Ms Julia White and Ms Alana Ruakere for the Crown Ms Sarah Kuper for Presbyterian Support Central
<b>Venue:</b>	Fale o Samoa 141r Bader Drive Māngere AUCKLAND
<b>Date:</b>	28 July 2021

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**TRANSCRIPT OF PROCEEDINGS**

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1 stepping up just like you said there, David, stepping up to tell your truth, that is exactly  
2 what you've done. That is a rich contribution to our talanoa. You know, and for everything  
3 else that you weren't able to talk about, we have your statement, we know it.

4 And I want the other survivors out there to know that everything David said about  
5 the abuse that he suffered and all of the various placements and what happened, is literally  
6 a mirror, it actually supports really strongly and in some places to the T the experiences of  
7 others who have spoken before and others who can't come forward for lots of different  
8 reasons. So David, you have done your family proud. You have done your community  
9 proud, you have done your village proud, you have done your nation proud. And for that  
10 we are very, very grateful. Malo le saunoa.

11 A. Malo.

12 [Samoan song]

13 Q. Lie. Malo le saunoa, tai lava. [Applause]

14 CHAIR: It's time for lunch. We'll resume again at?

15 MS SHARKEY: 2 o'clock.

16 CHAIR: 2 o'clock everybody, 2 o'clock if you're interested, thank you.

17 **Adjournment from 12.36 pm to 2.02 pm**

18 CHAIR: Good afternoon, welcome back everybody. And welcome to you Ms Hill.

19 MS HILL: Talofa lava.

20 CHAIR: Your first appearance in the fale, formal appearance, and do you have your client at the  
21 ready?

22 MS HILL: Yes, I do. I'll be leading the evidence of Mr VT who will be appearing by AVL.

23 CHAIR: Yes.

24 MS HILL: So only the Commissioners can see Mr VT and you'll see that he has his partner with  
25 him as well.

26 **MR VT**

27 CHAIR: Hello Mr VT, talofa, can you see me, or am I just a loud voice coming in from outside?

28 A. Yes, you're just another voice.

29 Q. All right. Can you see me now? Hi, I'm Coral Shaw, I'm the Chair of the Royal  
30 Commission and I've got my colleagues with me, can you see them?

31 A. Yes.

32 Q. Good, okay. So Mr VT, Amanda Hill's going to be leading your evidence, but before she  
33 does, I'll just ask you if you solemnly, sincerely, truly declare and affirm that the evidence  
34 you'll give today to the commission will be the truth, the whole truth and nothing but the

1 truth?

2 A. Yes.

3 Q. Thank you. And can I just acknowledge you've got your partner there, we won't name her,  
4 but thank you for being there and supporting your partner, it's very important.

5 **MR VT'S PARTNER:** Thank you, thank you for having us.

6 **CHAIR:** And for the information of the people who are watching, the Commissioners can see  
7 Mr VT, but he wants to be anonymous and so he's not going to be shown, his public figure  
8 is not going to be shown but you'll be able to hear what's saying. So over to you Ms Hill.  
9 Thank you.

10 **QUESTIONING BY MS HILL:** Thank you. So Mr VT, we're going to start with some general  
11 material about your background. So if you're able to tell us how old you are and where you  
12 were born.

13 A. I am now 35 and I was born in Samoa.

14 Q. So you were born in Samoa?

15 A. Yes.

16 Q. We just had a bit of distortion on the line there.

17 A. Yeah.

18 Q. So in your statement you talked a bit about your family structure, your parents and your  
19 grandparents. So can you tell me who was in your family home when you were young?

20 A. I had myself, my mum, my dad and my younger brother.

21 Q. And when you talk about your mum and dad, in your statement you've talked about being  
22 adopted by your grandparents when you were young. So when you talk about mum and  
23 dad, are they your, --is that your biological parents?

24 A. No, I grew up believing that they were my parents, it wasn't until I was 19 that I found out  
25 that I was adopted.

26 Q. So throughout this evidence today when you talk about mum and dad, that's actually your  
27 biological grandparents, isn't it?

28 A. Yes, that's correct.

29 Q. So you were born in Samoa. How did you come to New Zealand?

30 A. My dad was here before we went over with mum and my younger brother and he was  
31 working to get enough money to get us over to New Zealand.

32 Q. How old were you when you came over?

33 A. I was 7 going on 8.

34 Q. And whereabouts in the country did you come to?

- 1 A. I stayed in Blenheim with my aunty on my mum's side for a couple of years. I attended a  
2 Catholic English school to learn how to speak English.
- 3 Q. Because did you have any English when you came over here?
- 4 A. No. Just spoke Samoan.
- 5 Q. And what language did you speak at home?
- 6 A. I would speak Samoan. If me and my younger brother would speak English just to practice  
7 our English we were punished from my father for speaking English.
- 8 Q. So when you went to school you said you were about 7 or 8. Could you understand what  
9 was going on?
- 10 A. At that time no, I didn't quite understand any of the content at school. But it wasn't until  
11 I moved to Christchurch that I attended school.
- 12 Q. And in your written statement you talk about having a translator at school, can you tell me  
13 about that?
- 14 A. Yes, a translator was appointed by the school because myself and my younger brother  
15 weren't understanding the content that they were putting forward to us at the time, so with  
16 having the translator it was kind of frustrating because he spoke Samoan to us, but it  
17 seemed like he didn't even understand the content himself and we would get frustrated and  
18 he would take it out on us, slap us on the back of the head, those kinds of things, yeah.
- 19 Q. So how do you think you learned English, where did it come from in the end?
- 20 A. I learned English through my peers at school, once I moved from Sydenham and went to  
21 stay in Hoon Hay.
- 22 Q. Were there many other Pacific Island or Samoan kids around?
- 23 A. At my first school no, there was probably only just myself and my younger brother. We  
24 both got expelled. I threw a rock at someone and my younger brother through a rubbish bin  
25 through the window because of the translator, yeah. But once we got to Hoon Hay there  
26 were a lot more kids that were brown, a lot more diversity, diverse kids there, so I felt a bit  
27 better actually, I felt like I kind of fitted in a little bit because there were more brown faces.
- 28 Q. So you've talked about how you were punished if you spoke English at home. How did  
29 your parents cope with being in New Zealand, what was it like for them when you were  
30 growing up?
- 31 A. For myself all I heard was a lot of arguments about money and about church, yeah, just all  
32 those kinds of things, just financials were, it's the outside looking in, my parents were  
33 struggling in that area, yeah.
- 34 Q. Could they speak English?

- 1 A. No, my dad maybe spoke a few words, but that was about it. Yeah.
- 2 Q. You mentioned the church. What role did the church play in your family?
- 3 A. My family were very religious and a lot of the time, well, for myself personally a lot of  
4 money was going to the church and I kind of disagreed from a very young age about that.  
5 So there were a lot of contradictions in my family around that time. Wasn't able to speak  
6 English at home, but yet they put us in a school to learn English, so it was very confusing,  
7 yeah.
- 8 Q. Was there any English spoken at church?
- 9 A. No, Samoan church.
- 10 Q. We'll come on to what happened for you to come into CYFS care, but first I wanted to have  
11 a talk with you around the sort of values that you grew up with in terms of the values that  
12 you were taught and that you saw in your home. What do you remember?
- 13 A. I remember a lot of -it- was serve others before yourself, just that respect for the elders,  
14 whether it's in your family or was it the church member, and also the God and religious  
15 thing was very, very important to my family and that if there was anything, you know,  
16 wrong that you would pray to God about it. I never once heard anyone speak about feelings  
17 or how they felt, it was always dismissed and told to pray to God. Yeah. So a lot of  
18 respect, a lot of serve others, yeah, and just don't speak back, no backchat, all these kinds of  
19 things, we were punished severely for it.
- 20 Q. You talk about being punished for things like back chatting. Who was doing that  
21 punishment?
- 22 A. My father and sometimes in the early stages would be my mum. But at the same time I saw  
23 my mum as the most loving one in the home, yeah.
- 24 Q. In your statement it's clear that you came to the CYFS attention, Child Youth and Family,  
25 attention when you were about 10 and a half years old, and in your written statement there's  
26 notifications to CYFS about you turning up at school with bruising and black eyes?
- 27 A. Yes, there was a few times I turned up to school with glasses on and hiding black eyes.  
28 Wouldn't take my jersey off because I had a lot of bruising. Yeah, and the teachers noticed  
29 that over time and I guess they made note of that and talked to CYFS about it.
- 30 Q. Because your records have the first notification of violence in August 1996. So you're  
31 about 10 and a half?
- 32 A. Yes, 10 and a half, yeah.
- 33 Q. And then at paragraph 22 of your statement there's a note by a social worker that says your  
34 family's resistant to CYFS' involvement, they didn't want social workers involved.

- 1 A. Yes, my family didn't like that CYFS were getting involved, they didn't see any harm in  
2 what they were doing because it was part of our culture. So I didn't see it as anything  
3 wrong either. And so yeah, once the teachers kind of found out that there was violence, my  
4 family when CYFS would come over would try to hide me away, yeah.
- 5 **Q.** Because in your statement you talk about it being, even quite violent incidents, being  
6 discipline, don't you, that's how you thought about it?
- 7 A. Yeah, it was - the disciplinary, yeah, was, now that I see, was very severe. It went from  
8 using whatever he could find to closed fists and a steel capped gumboot which injured my  
9 eye socket, fractured my eye socket, yeah, so a lot of head injuries from that  
10 time, -and - yeah-.
- 11 **Q.** And in your statement from your records in November 1996 CYFS made an application for  
12 a declaration that you were in need of care and protection and you were put in the interim  
13 custody of CYFS, and that your family hid you from CYFS, which you've talked about, and  
14 that was when you had your first experience of foster care, wasn't it?
- 15 A. Yes, that was first, yeah. I didn't stay long at foster care. A lot of the times I'd get  
16 introduced to them and talk a little bit and then I'm gone, I don't -and- then run back home.
- 17 **Q.** You had lots of different foster placements, didn't you?
- 18 A. Yes, I've lost count how many placements I've been, I've been in quite a lot. And every  
19 time whatever chance I can get to get away I will do, I'd run away and I'd go home, yeah,  
20 I'd go home because I felt more safer there, I didn't know these people, yeah.
- 21 **Q.** So you were, --even though home was violent, it was a safe, that was the safest place that  
22 you could think of?
- 23 A. Yes, at the time, yes.
- 24 **Q.** In your statement at paragraph 24 you talk about your first time at Kingslea Care and  
25 Protection.
- 26 A. Yeah.
- 27 **Q.** That's in Christchurch, isn't it?
- 28 A. Yes, that's correct.
- 29 **Q.** And in your statement you talk about being admitted in December 1996 and you were 10  
30 years old the first time you went to Kingslea?
- 31 A. Yes.
- 32 **Q.** What do you remember about that first time?
- 33 A. I remember being really homesick, very emotional, wanting to go back home. I remember  
34 being locked in a room by myself and I remember just not being listened to, I guess, in a

- 1 way. It kind of really dismissed what I was feeling, they thought I was manipulative but I  
2 don't see it as that. I was just a 10 year old kid who just wanted to go home.
- 3 **Q.** And a couple of days after you got there your records say that your parents visited and you  
4 tried to run away to be with them. Do you remember?
- 5 **A.** Yes, I did. I tried to run away and jump in the car, but, yeah, I was pulled back in and  
6 placed in secure, yeah.
- 7 **Q.** So what was that first night in the secure unit like?
- 8 **A.** Very cold, very dark, a lot of noise because there were other older kids locked in there at  
9 the same time who were from youth justice. Yeah, I think a lot of that time I was just very  
10 emotional, I cried a lot, kicked the door, got angry, yeah.
- 11 **Q.** Were there many other Samoan or kids from the Pacific in Kingslea?
- 12 **A.** No, I probably seen a few as I got older but at that time no, there were -majority- were  
13 Māori kids and a few Pākehā kids.
- 14 **Q.** What about the staff, were there many from the Pacific?
- 15 **A.** No, it wasn't until later on in my life that I met a cousin of mine who was working there.  
16 But that's when I turned to youth justice at that time, so yeah.
- 17 **Q.** Was there any recognition of your Samoan culture while you were in Kingslea?
- 18 **A.** No. I went and joined a bit of a kapa haka group and it's kind of where I felt a bit like I sort  
19 of belonged, because of my culture, you know, like I didn't really have anyone there who  
20 spoke to me in my culture a lot of the time, and so I joined the kapa haka group.
- 21 **Q.** And in your statement you talk about being returned home in February 1997 and your  
22 CYFS records note that you've been,-- you'd been seriously physically assaulted by your  
23 older brother?
- 24 **A.** Yes.
- 25 **Q.** And your records go on to talk about Youth Aid getting involved with you at that point.  
26 Were you starting to get into mischief at that point?
- 27 **A.** Yes, I - -my older brother gave me a hiding outside of a youth centre where they run youth  
28 programmes and, yeah, kind of hit me with sticks. So around that time I just kind of  
29 rebelled against it, against everything, my family. I slowly started building resentment  
30 against my family, yeah-.
- 31 **Q.** And your records show that there's multiple notifications about violence in your home and  
32 that Youth Aid didn't want you returned home because you weren't safe. And then in  
33 November 1997 your records show that CYFS held a family meeting about where you  
34 should live. And your family acknowledged that they were beating you because they didn't



- 1 know how else to discipline you. Do you remember that time?
- 2 A. Yes, I remember that time. It took them a long time to get to that stage, a lot of waiting  
3 around. But yeah, my family was just unaware, didn't really get the help that they should  
4 have had coming into a country that disciplining your kids like that is a no. That's all they  
5 knew at that time, yeah.
- 6 Q. So your records show that your parents voluntarily placed you in care for a month and you  
7 went to foster care placement but ran away again?
- 8 A. Yes.
- 9 Q. And you went home at the end of that month, CYFS placed you back at home. Did  
10 anything change?
- 11 A. No, nothing really had changed. I think I just got into more mischief, petty crime, yeah.
- 12 Q. In your statement you talk about the first time that you got put in a CYFS family home and  
13 some difficulties understanding what was being said and having Palagi foster parents. Do  
14 you remember that?
- 15 A. Yes, a lot of confusion, not knowing what they were talking and asking of me. From what  
16 I know now a lot of them got angry, they thought I was faking it, that I did know, that I did  
17 understand what they were saying. So yeah, almost kind of a stand-over body language  
18 now that I think about it, and so I'd run away.
- 19 Q. So you couldn't always understand what was being said but they thought you were faking  
20 it, is that what you mean?
- 21 A. Yeah, yes.
- 22 Q. Your records go on to show that the Police were concerned for your safety and that your  
23 parents' only solution to your behaviour was to beat you and that your records talk about  
24 that fractured eye socket.
- 25 A. Yes.
- 26 Q. And got put back in Kingslea as response to that, didn't you?
- 27 A. Yes.
- 28 Q. So your records show you back in Kingslea in March 1998, so you'd just turned 12 years  
29 old.
- 30 A. Yes.
- 31 Q. In your statement you talk about some of the things that happened at Kingslea with the staff  
32 and one of the things you talk about was being restrained by staff. A lot of people won't  
33 know what that really looks like, so I was wondering if you can talk to us a bit about that?
- 34 A. Yeah, so they would restrain me if I refused to go to the time-out room from either I was

1 swearing at someone or acting out. So a lot of time they'll put me in arm bars or throw me  
2 on to the ground with a knee in my back, or at times on my neck. And there were other  
3 times where I refused to go in there so they had to physically move me to place me into the  
4 time-out room, and stay there for around about 15 to 20 minutes at a time and then, yeah,  
5 there'll be a punishment afterwards as well, whether it's more cleaning, just little chores,  
6 those things.

7 **Q.** So you talked about a time-out room. What does that look like?

8 **A.** The secure time-out room is very dark, it's just a slab of concrete as a bed, and a magnetic  
9 door and a very slim window, yeah.

10 **Q.** So you'd be restrained and forcibly put in there?

11 **A.** Yes, I would try my hardest not to let them take me into the time-out room, so a lot of the  
12 time there would be about five or seven people trying to get me in there, and I would just  
13 refuse at any cost, yeah.

14 **Q.** So five or seven adults restraining you at any time?

15 **A.** Yes.

16 **Q.** There's lots of notes in your records about you being bullied by other boys in Kingslea.  
17 What do you remember about that sort of environment?

18 **A.** That environment was pretty intimidating, there were a lot of other older boys than me in  
19 there and a lot of the time they'll try and intimidate me. And I was the type of person to  
20 stand up for myself, I wouldn't let anyone try and bully me. So I would end up in fights, or  
21 they would jump me with one or multiple people, which would lead to the time-out room  
22 and just more restraints. And a charge on top of that, so yeah.

23 **Q.** When you say a charge, do you mean like a discipline --

24 **A.** Yeah, an internal disciplinary that they have there, yeah.

25 **Q.** In your statement there's a letter that you wrote to your social worker, because each time  
26 you were put in Kingslea they were supposed to find you somewhere to go, and you've said  
27 in your statement but lots of times there wasn't anywhere else and you were just sent home  
28 again. And I'm going to bring up that letter, it's document 5 if we could bring that up. So  
29 we have your handwritten letter here to your social worker. And I've just highlighted a part  
30 of that and I'll bring that up so it's a bit bigger. This is you writing to your social worker.  
31 We've taken his name out. You've said:

32 "You are really pissing me off and I'm starting to get angry with you. Can you  
33 please see about where I am going to and I am really worried about that and all I need to  
34 know is where I am going when I leave here. That's all I want to say right now." You

- 1 wrote that from Kingslea.
- 2 A. Yeah, yes.
- 3 Q. Thank you for that. Did your social worker ever respond to you?
- 4 A. No. I didn't get any response. I just felt like I was left there and forgotten about. I felt  
5 alone and scared.
- 6 Q. In your statement at paragraph 49 there's notes from staff members at Kingslea complaining  
7 about your social worker and saying that somebody should complain about them. But  
8 there's nothing to indicate that they did, is there?
- 9 A. No, nothing was, --no, nothing was done.
- 10 Q. And in your statement at paragraph 50 you talk about leaving Kingslea and going to a foster  
11 placement on a farm, and again we haven't named that foster parent and you've talked about  
12 not having a lot of supervision and your growing substance abuse problem. So when did  
13 you start using things like drugs or alcohol?
- 14 A. I started using before I got to that foster home. A lot of the time I'd be out looking after  
15 sheep or riding around on a motorbike. Yeah, so there wasn't really much anything with  
16 supervision or education. It was the first time I drunk kava, yeah.
- 17 Q. The first time you drunk kava, who did you do that with?
- 18 A. The foster parent.
- 19 Q. You said there wasn't much in the way of education. Were you going to school?
- 20 A. No, I wasn't until I stayed with the **GRO-B** who were another foster home and there were  
21 also struggles in that area to get a uniform. So it took them a while to get a uniform and  
22 I roughly stayed at that school maybe a couple of weeks, yeah.
- 23 Q. Your records say that in October 1998 you were not attending school or any other  
24 programme, and so you were placed in the custody of CYFS. But then you were -- went  
25 through a few foster and family homes and were running away quite a lot. And once you  
26 ran away and weren't found for seven weeks because you didn't have a social worker  
27 allocated to you so nobody was looking for you. For that seven weeks where were you  
28 living?
- 29 A. I met, - a lot of times I was on the streets was where I met another crowd of people who  
30 were hanging around town getting up to mischief, stealing cars, looking after prostitutes  
31 down Latimer Square, those kinds of things and, yeah, just hanging around drinking, yeah-.
- 32 Q. And in December 1998 you spent your first night in the Police cells. What was that like?
- 33 A. Cold, loud, a lot of other people yelling. Very isolated, yeah.

1 **Q.** So we're going to turn to talking about the Eastland Youth Rescue Trust now, which was a  
2 programme that you went on. And at paragraph 54 of your written statement we've referred  
3 to some of your records which was correspondence between some CYFS managers. And if  
4 we could bring up document 6 please. This is an e-mail from a senior CYFS manager  
5 talking about Eastland Youth Rescue Trust, which sometimes I'll just call Eastland, and it  
6 says:

7 "I have advised Mike to approach the Eastland Youth Rescue Trust. I feel that  
8 even though they usually take the 14 plus age group and most of these young people are  
9 under a supervision with activity order and placed there with the agreement of their  
10 guardians, that you would be well placed there."

11 So you're 13 at that point and you're under care and protection orders, aren't you?

12 **A.** Yes.

13 **Q.** But this senior manager is saying that you'd be well placed at Eastland. And around that  
14 time you ended up in Kingslea again and there was more correspondence on your file.  
15 I know you didn't see at the time, but you've seen since --

16 **A.** Yeah.

17 **Q.** - correspondence between CYFS and Eastland. And I'll just-, at paragraph 58 of your  
18 statement there were notes saying that Eastland were apprehensive about taking you  
19 because you were only 13. And I'll bring up document 7, which is another part of that  
20 correspondence from Eastland and it says that you're under 14 years of age, that there is no  
21 indication that you have the physical attributes for being in the bush or whether you're  
22 physically strong and they weren't sure that you would fit in or cope in that environment.  
23 So that's the people at Eastland themselves being a bit worried. But there's- also notes in  
24 your records, and this is still at paragraph 58 of your statement, saying that Kingslea  
25 officials wanted you out of secure before Monday.

26 So when you see those records, when you see a senior CYFS manager saying that  
27 you'll be okay there, Eastland saying that they're concerned and Kingslea saying they want  
28 you out quickly, what do you think about all of that?

29 **A.** No, looking back I think it was appalling. I didn't know all this was going on in the  
30 background. I just kind of went with it really. I was so used to going from home to home,  
31 to place to place and endured whatever was going on there. And CYFS fed me a dream  
32 about this Eastland programme, that I would go rafting, confidence building, you know,  
33 abseiling, all these kind of good things. And it was nothing like that at all.

34 **Q.** So Eastland was in a place called Omaia in Whakatane, wasn't it?

- 1 A. Yes.
- 2 **Q.** How did you get there?
- 3 A. A tracker flew me from Christchurch to Rotorua and then to that place. I first met the  
4 person who was running the Eastland programme and the first thing was I sat on this log  
5 and got all my hair cut off and it was right from then I knew that this was no confidence  
6 building programme at all. So we rode on horse back for about an hour to get to the camp  
7 site and, yeah, it took a while to get there.
- 8 **Q.** And in your statement you talked about falling off the horse on your way there.
- 9 A. Yeah.
- 10 **Q.** What did the manager do?
- 11 A. I fell off, -I fell off a couple of times, the manager told me to get the fuck up and get back  
12 on the horse and, yeah, there were no saddles so it was bare back, and this is the first time  
13 I ever rode a horse and I wasn't told or shown how to ride a horse, so I fell off a few times  
14 and had to try and get up by myself-.
- 15 **Q.** So you go down the river by horseback and you get to the camp. What was it like, those  
16 first few days?
- 17 A. Well, the first few days I had all my clothes that was brought through CYFS and that stolen  
18 and taken from my bag, so I had no clothes, just the ones that I had on my back. I would  
19 tell the facilitator there who was running the programme and he didn't really give a shit. So  
20 there were a lot of labour, slave labour, or should I say taking logs from across the river,  
21 looking back now it was very unsafe, and digging holes a lot for these fence,- for this fence  
22 to go up, so there were a lot of labour -and - yeah-.
- 23 **Q.** How many other boys were there?
- 24 A. There were roughly about seven, seven other boys, and, yeah, a couple of them wanted to  
25 pick fights, and then I'll go to have a fight, but then I get jumped by four of them. And I  
26 would have an old washing machine that was run by a generator thrown on to my back, and  
27 the other kids there jumping on my back. And then I tell the facilitator and he doesn't want  
28 a bar of it, he doesn't give a shit, yeah, so I wanted to run away at that stage.
- 29 **Q.** In your statement you also talk about some of the racist language that the manager of the  
30 programme used. Do you remember that?
- 31 A. Yeah, he called me a black arse coconut and, yeah, just real emotional put-downs and,  
32 yeah. It was disgusting.
- 33 **Q.** Were there any other Samoan kids on the programme?
- 34 A. No, just me.

- 1 **Q.** Were there any other ethnicities there at all? What was the make-up of the kids?
- 2 **A.** Majority, majority Māori and a few Pākehā and they were all roughly about 17, 16 through  
3 youth justice and they would have one other facilitator there who would watch us if the  
4 manager wasn't there.
- 5 **Q.** So in your statement at paragraph 68 you talk about the first time that you tried to run away  
6 from Eastland with another boy.
- 7 **A.** Yes.
- 8 **Q.** Would you like to tell me about that?
- 9 **A.** I ran away with myself and another two of the boys there. As we were running away we  
10 came up to the manager's truck and I opened the boot and I grabbed a 22 rifle out and some  
11 bullets and, yeah, and made run for it, and heading back out through the river and not long  
12 after that we had the manager's truck come around the bend on the riverbed rocks. We  
13 were hiding up in the hills and he started shooting in our direction, and he's a man that has  
14 been in SAS and he knows how to track people, and so he just started popping shots in our  
15 direction. A couple of the kids came out, they were scared. I stayed up in the hill, and then  
16 eventually I came back down and then I had the gun, I had my hands up in the air with the  
17 gun in my hand. And he grabbed the gun and hit me with the barrel, hit me with the butt of  
18 the gun on my head. I knelt down and started seeing blood dripping down into the river  
19 and popped off a shot at the same time, which was very loud.
- 20 **Q.** You said he fired the gun; where did he fire the gun?
- 21 **A.** He fired the gun next to my ear into the river while I was kneeling down with my head  
22 bleeding and wasn't stopping, and it was then he put me into his truck, bandaged my head  
23 up and we went to some guy's house who I now remember was a Police Officer who was in  
24 uniform and he said to him "It's okay, we've found him." And I looked at the Police Officer  
25 while he put his head into the vehicle and looked at me and just looked away and that was  
26 it, and made our way back down to the river. I got out of the truck and was made to strip  
27 down to our underwear and with no shoes or socks and run along the riverbed rocks while  
28 being whipped by the kids on the horses. That was myself and the other two who were  
29 running along the riverbed rocks in our undies.
- 30 **Q.** I just want to clarify something, you said the manager took you to the Police Officer and  
31 said "I've found him", was that because you'd been reported missing?
- 32 **A.** Yes.
- 33 **Q.** Okay, the Police Officer saw you and you were taken back to the camp, is that right?
- 34 **A.** Yes, that's correct.

- 1 **Q.** So you've talked about being made to run back to the camp and the other boys are on  
2 horseback?
- 3 **A.** Yes, being hit by sticks and running back to camp, yeah, barefoot and just in our  
4 underwear. And it was then we got to the camp and the nightmare started. A lot of  
5 beatings.
- 6 **Q.** Who's doing that?
- 7 **A.** We were starved, yeah.
- 8 **Q.** So you said a lot of beatings, is that from the staff there or from the other boys?
- 9 **A.** It was from the other boys. It was done in front of the manager and the facilitator but didn't  
10 do anything, didn't intervene. I was made countless times to sit in the river in my  
11 underwear while I was cold and sleep deprived, tied to a tree with a chain and, yeah, pretty  
12 much treated like us animals. Myself and the other two were pissed on, urinated on by the  
13 boys.
- 14 **Q.** You talked about that in your statement, being tied up at night time, just checking -- in your  
15 statement at paragraph 73 you talk about them using dog chains and tying you up. Is that  
16 right?
- 17 **A.** Yes, they had pig dogs there, so they used their chains to tie around our necks and made us  
18 to walk around like we were animals and urinated on us and I was also tied to a tree by  
19 chains and cut with a knife along my shoulder, and just a lot of beatings, having the  
20 facilitator manager's kids shooting at us with slug guns.
- 21 **Q.** And this was all punishment for trying to run away?
- 22 **A.** Yes.
- 23 **Q.** And in your statement you talked about the other boys stubbing cigarette butts out on your  
24 face, is that right?
- 25 **A.** Yes, yes. They were stubbing cigarette butts out on our faces, on our legs, yeah.
- 26 **CHAIR:** Can I just ask a question. A lot of things are happening here. Over what period of time  
27 did these take place? Are we talking hours or days? Can you help me with that?
- 28 **A.** I was there I think roughly two weeks, and in between those two weeks all of that had  
29 happened, and, yeah, I tried to run away again at that time, and got caught, and while I was  
30 getting brought back I dashed into the bush and took off again and it was then I had to stay,  
31 well, I didn't have to, but I stayed in the, -all night in the hills while looking down while  
32 they were tracking me, trying to find me. -And it was the next day that they left and went  
33 back to camp and I went back out, got back out to the road and I hitchhiked from there back  
34 to Opotiki Hospital where the man dropped me off.

1 **QUESTIONING BY MS HILL CONTINUED:** I just wanted to go back for a couple of things  
2 that we don't need to talk about that also happened at Eastland. At paragraph 75 and 76 of  
3 your statement you talk about some sexual assaults from other boys on the programme.  
4 And I'm not going to ask you to go into the details of that, that's in your statement, but can  
5 you just confirm that that was something that happened?

6 A. Yes. I was sleep deprived a lot and made to scrub the tarpaulin floor in the tent and so a lot  
7 of the time I'd fall asleep while cleaning and would then receive a kick in the face. It was  
8 around after that I was asked by two of the kids there to perform oral sex on them. And  
9 I refused. I was then knocked out unconscious and while I was unconscious I was raped.

10 **Q.** Did you tell anyone about that at the time?

11 A. No, I didn't tell anyone.

12 **Q.** There were mentions in your records about when you did run away again, as you say, you  
13 got to the hospital, didn't you, and you were admitted to hospital?

14 A. Yeah, I was admitted to hospital.

15 **Q.** Yeah. Are you going okay, would you like to have a break?

16 A. No, I'm okay, I'm all right.

17 **Q.** We can take a break if you would like, that's not a problem.

18 A. Yeah, that would be good, can I take a break?

19 **Q.** Perhaps if we could take the afternoon break.

20 **CHAIR:** We'll take a break, you just let us know when you're ready to come back. We'll go away  
21 and we'll come back when you're ready, okay?

22 A. Thank you.

23 **Adjournment from 2.54 pm to 3.19 pm**

24 **CHAIR:** Hello again. Thanks for coming back. I hope you're feeling a little bit better and we'll  
25 move on now, thank you Ms Hill.

26 A. Yes.

27 **QUESTIONING BY MS HILL CONTINUED:** Are you okay to continue?

28 A. Yes.

29 **Q.** When we finished up talking about Eastland, you asked earlier how long the events at  
30 Eastland had taken, what period of time, and you got there on 13 April 1999 and your  
31 records say you ran away on 3 May 1999. So that's about two weeks or so, isn't it?

32 A. Yes, I mean for me at that time I didn't really know how long I was there for. I only kind of  
33 knew after reading it.

34 **Q.** At paragraph 80 of your statement I just wanted to read out a note from your records, and it



1 was that -- one of the people at Eastland ringing CYFS and saying that you'd run away and  
2 they could not find you. And they'd been told that you were at the Opotiki Medical Centre.

3 A. Yes.

4 **Q.** And they said that they didn't know how you'd got there but that they guessed you might  
5 have been disturbed while trying to steal and that you might have been beaten. What do  
6 you think about them saying that?

7 A. I do not have a clue, I was nowhere near in a place to go and steal a car with no shoes, I had  
8 a stick I found that was washed up on the shore at the beach to help me walk. I was very  
9 badly in pain, I had stones in my feet, yeah, it was very, very sore.

10 **Q.** And your records show that a doctor rang CYFS and said that you'd been physically  
11 assaulted by your caregivers and the Police rang CYFS as well and said that you'd disclosed  
12 abuse at Eastland, and they agreed that you could stay in hospital. You spent four days at  
13 Opotiki Hospital, didn't you?

14 A. Yes, I did. I heard that the manager of Eastland was outside wanting to get me out of the  
15 hospital, but the security wouldn't let them through. After I told them about the situation  
16 and what had happened, Police had come to the hospital and taken photos of my injuries  
17 and my statement.

18 **Q.** And we've actually got a copy of that statement from your file and I'm going to bring that  
19 up. That's document 8 please. And the Police faxed this through to CYFS and on the cover  
20 sheet they say it's the local CYFS decision as to whether or not you were sent back to the  
21 programme. So your records are talking about the possibility of you going back to  
22 Eastland.

23 A. Yes.

24 **Q.** And I just want to bring up a couple of those pages from your Police statement which is  
25 attached to that, it's sent to CYFS and at the top there it shows that you've done the  
26 statement while you're in Opotiki Hospital in May 1999.

27 A. Yeah.

28 **Q.** We're just going to go through to the second page there, I'm just going to take out bits that  
29 you've talked about just so that people can see what you told the Police at the time. So you  
30 talked about there that you were at the camp, your bag got stolen, it had all your clothes in  
31 it, all the manager did was tell the boys to give you your clothes back, but they didn't?

32 A. Yeah, that's --

33 **Q.** And it says there, "I ended up with no undies, no pants, no shirts, no shoes." Can we go to  
34 the next part of the Police statement please. And then you've said there, you're talking

1 about the manager had told you that if anyone ran away he'd give them a hiding, and you  
2 didn't believe him because you thought they would get in trouble with CYFS. So when you  
3 first got to Eastland you thought that that wasn't going to happen, that wasn't something that  
4 might happen to you?

5 A. Yes. I was told that I would get a chance to talk to my social worker every two weeks, and  
6 when I asked to talk to my social worker, they refused and said no.

7 Q. I'm going to bring up the next part of your Police statement. I'm not going to read that out  
8 because the language, but it confirms what you've said around the racist language that the  
9 manager was using there and the fact that he was firing shots from the gun.

10 A. Yes.

11 Q. You told the Police all of this. And the next part of your statement you came out of the  
12 bush, you didn't know what to do and you thought he was going to kill you. You  
13 mentioned earlier that he was, I think you said from the SAS or the Army; is that what you  
14 understood?

15 A. Yes, that's correct. I was told from the other guys at the camp that he will find me and kill  
16 me because he's a SAS.

17 Q. And we'll just keep going through that Police statement. And obviously it's much longer  
18 than the parts I'm pulling out, but that one we've already addressed so we'll just go to the  
19 next one. This talks about what happened when you came out of the bush, and you've  
20 described this to us already, so I just want to show that this is what you told the Police  
21 about being hit with the gun around your head.

22 A. Yeah.

23 Q. And being kicked and punched by the manager. So you gave the Police quite a lot of detail  
24 in that statement, didn't you?

25 A. Yes, I did.

26 Q. If we can go to the next part. Here you've described something that you talked a little about  
27 earlier about being told, the manager holding a knife to your throat and that you could feel  
28 it, that it was hurting, that he spat in the your face. So that's part of your --

29 A. Yes.

30 Q. That's part of your statement as well?

31 A. Yes, I just barely remember that. There was a lot going on at the time, the firing of the gun,  
32 getting kicked in the ribs, someone yelling out to get the butcher knife and -- yeah.

33 Q. And then again you're telling the Police about getting back to camp, just being in your  
34 boxes in the rain, and getting beaten by the other boys.

- 1 A. Yes.
- 2 Q. If we go to the next part please. In this part you've told the Police about having the chains  
3 around your neck, being dragged and urinated on.
- 4 A. Yes.
- 5 Q. And you've also talked about one of the other staff members there who had a gun as well.
- 6 A. Yeah.
- 7 Q. And you've talked about escaping, so like you said earlier, you were caught, and you ran  
8 off, slept in the bush?
- 9 A. Yes.
- 10 Q. And there's other parts of your statement to the Police there about being tied up, which you  
11 talked about earlier. And we won't go over that again, because that is quite distressing  
12 material. But I just -- I wanted to show people what you had said to the Police because  
13 what happened next was quite important. So that statement was sent to your social worker,  
14 it was faxed to them while you were still in hospital. Was there any later Police interview,  
15 did they ever come back and see you?
- 16 A. No, no one came back.
- 17 Q. Were there any court cases, anything like that?
- 18 A. No, no court cases.
- 19 Q. And in your statement you've said that the Police only ever investigated the allegations  
20 about the sexual assaults from other residents and not anything to do with the manager. Is  
21 that still your understanding now?
- 22 A. Yes, that's still my understanding. The Police kind of flogged it off because obviously it's a  
23 small town and he actually knew the person in question, so I thought to myself well, it's a  
24 bit of a conflict of interest there, and nothing will come of it. And that's what I thought, it  
25 will just get swept under the carpet like everything else.
- 26 Q. And you went back to Christchurch after you were discharged from hospital and you saw  
27 your social worker?
- 28 A. Yes.
- 29 Q. And she wrote quite a long document after seeing you and I'm going to bring part of that  
30 up, because sometimes when we talk about injuries it's hard to think about what that looks  
31 like.
- 32 A. Okay.
- 33 Q. Your social worker, she wrote that you had two black eyes, a big bump and a cut on your  
34 head, bruised ribs and you were limping because your feet were sore. You had scabs on the

1 side of your face from having cigarettes stubbed out on you, you had knife cuts in your arm  
2 and the Police had taken photographs of this. And that you told your social worker about  
3 the other assaults from the boys. So CYFS had a really vivid record of your injuries. I'm  
4 going to read this next bit out. I know that you didn't see any of this at the time. So your  
5 social worker said that she had seen you herself and was appalled to see how bruised and  
6 battered you were, and the main thing that concerned her was that your injuries were four  
7 days old. The fact that you were hospitalised in Opotiki from Sunday to Tuesday indicates  
8 that your injuries were very severe.

9 And the next thing that she writes, "I have told Mr VT that he has the chance to  
10 tell the truth if there are any lies in his statement. I explained that if he was lying about  
11 anything at all, then we are never going to be able to resolve the situation." And then she  
12 writes that you were adamant that everything that you said in this programme is true and  
13 stated that you had two witnesses who were still on the programme.

14 What do you think about her writing that, that after talking about all your injuries  
15 then saying to you, you know, you've got the chance to tell your truth, tell the truth if you  
16 were lying. How did that make you feel?

17 A. Unheard, thoroughly sad that after going through that at the time and at that age trying to  
18 articulate, you know, what happened to me and for her to reply in that way was very sad,  
19 shocking to me now and appalling really, that these professionals who are supposed to look  
20 after you is actually putting you in places they know of that were supposed to, which ended  
21 up in being physically violence upon, pissed on and badly treated, and the end of that was  
22 rape at the same time. I think it's very appalling.

23 Q. And one of the other things that she says in that report was that she'd been told the manager  
24 of Eastland was involved in another programme before that, called Moerangi Treks?

25 A. Yes, absolutely.

26 Q. Which had been shut down.

27 A. That was swept under the carpet, it got shut down then it was run by him again under  
28 another name.

29 Q. So at the end of that document --

30 A. Yeah.

31 Q. If we could bring that back up again. At the end of the second page of that document, "I  
32 am deeply concerned that this programme is still running, even if only half of your story is  
33 true, it is still disgusting that a programme such as this has been approved by the  
34 Department and this sort of inhumane treatment goes on." What she's saying there, even if

- 1           only half of your story is true. That must be hard to read.
- 2    **A.**    Yeah, it's very hard to read. I'm quite speechless and it's disgusting. Another human being  
3           to a child saying these things and thinking these and believing these things. It's disgusting.
- 4    **Q.**    Do you think social workers had a view around what kids told them? Do you think that  
5           they believe what they heard all the time?
- 6    **A.**    No. They just believe that kids will try to manipulate them to get out of a placement and to  
7           put them back home or whatever. I mean it's sad.
- 8    **Q.**    The next document I want to show you from your file is a case note that that same social  
9           worker wrote after speaking to the Police Officer in Opotiki. So she was speaking to the  
10          sergeant of the Opotiki Police and she records here -- she asked about the investigation, the  
11          Police investigation and the Police Officer said that because of your history the court would  
12          not be interested in your allegations of abuse. He then said that he had heard that you and a  
13          couple of other boys on the programme were planning on robbing the local store. And your  
14          social worker asked him where he'd heard that and he said from the boys on the  
15          programme, but he later said he hadn't yet spoken to any of the boys on the programme.  
16          Do you think the Police believed your allegations?
- 17   **A.**    Absolutely not. He hasn't even -- he suggests one thing but he hasn't even spoken to the  
18          boys, really contradicts himself doing that. It just shows the lack of, you know,  
19          professionalism to do his job, you know, to protect the community. What he's doing is the  
20          total opposite. He's turning a blind eye to abuse. Fuck it's disgusting.
- 21   **Q.**    On the second page of that note by the social worker, your social worker clearly says, and  
22          we'll just bring up page 2 of that document, so she's still talking to the Police Officer in  
23          Opotiki. This is her response, that you had a bad history of dishonest crimes and  
24          absconding, but even if a quarter of your statement was true, the abuse alleged was  
25          inappropriate and should not be happening. So she says that in response. So the first  
26          statement was a half of what you said, now she's down to a quarter.
- 27                    If we can go to the next highlighted part please. So she's told the Police that you  
28          and your family want to press charges, that you were very clear about wanting to press  
29          charges and it was her that advised the Police about your disclosures of sexual abuse as  
30          well. So the Police now know everything and CYFS now know everything as well, don't  
31          they?
- 32   **A.**    Yes.
- 33   **Q.**    In your statement you've said that you're aware that the staff from Eastland did some  
34          statements in response to you, although I'm not sure you ever saw them when you were a

- 1 young person, did you?
- 2 A. No, I never saw any of them.
- 3 Q. People from Eastland denied a lot of what you said, but the manager agreed that he'd fired a  
4 gun into the bush and that he had tackled you to take the gun from you. They said that you  
5 were possibly hit with the gun during a tussle causing a wound on your head and they also  
6 said that you were thrown in the river by the boys because you were a constant bed wetter.  
7 So those were the things that they agreed had happened. What do you think about that  
8 response?
- 9 A. It's a lot of cover up, a lot of lies, to cover up their disgusting actions and regardless, if I  
10 was a bed wetter why would you throw a kid in the river? You know what I mean?  
11 It's -- how they dealt with that and what they're saying just shows that what they did was  
12 absolutely the truth of what I'm saying. It shows that they're not denying it, but they're  
13 making excuses, they're bubble wrapping it, you know?
- 14 Q. I know that you didn't know a lot of what happened at the time, but since then and since  
15 you took a civil claim, and we'll come to that later and a lot more information about  
16 Eastland came out, it shows that actually those allegations were substantiated and it was  
17 your experiences that brought an end to Eastland.
- 18 A. Yes.
- 19 Q. Did anyone tell you that at the time?
- 20 A. No, no one told me at the time. And I guess what was already shown on media by Paul  
21 Holmes at that time was kind of like all I knew, and the other boys that were taken out from  
22 the course.
- 23 Q. And so you've mentioned in your statement because of that other information that the  
24 Eastland programme only lasted a year between opening and having all the boys removed.
- 25 A. Yes, that's correct, yeah.
- 26 Q. I want to move on from Eastland because you went back to Kingslea in Christchurch.
- 27 A. Yes.
- 28 Q. And you stayed in Kingslea between August 1999 and April 2000 and your records say that  
29 this was because CYFS wanted to send you back to Samoa.
- 30 A. Yes.
- 31 Q. What were you --
- 32 A. Without -- so without the knowledge of my family back in Samoa, CYFS suggested that  
33 I go back to Samoa. I agreed, but then it returned back that my family in Samoa didn't want  
34 to take me. But they were never asked beforehand, they just gone ahead and assumed that

1 my family will take me and put that plan into play. It just -- it just shows desperation for  
2 them, you know, because of course no other home will take me because of my record of  
3 running away. And so what come from that was okay, we'll just put him back home that  
4 we -- put him back home from where we first took him out of. I just -- I don't see any sense  
5 in that.

6 **Q.** While you were in Kingslea you had another medical examination. This is at paragraph 91  
7 of your statement. And that report showed a lot of scars on your body and a four-  
8 centimeter scar on your scalp as well as --

9 **A.** Yes.

10 **Q.** -- some other scarring which suggested sexual assaults.

11 **A.** Yes.

12 **Q.** But later on the Police told you that no charges could be laid because there was no medical  
13 evidence to support your allegations, because they hadn't done it soon enough. What do  
14 you think about that?

15 **A.** Once again, I'm really speechless, you know, like this town, it was almost like everyone  
16 was making excuse and backing each other up to try and cover this mess. It's appalling. It  
17 makes me mad every time I think about it. Makes me upset. Yeah.

18 **Q.** When you got back to Kingslea from Eastland, what was it like for you?

19 **A.** A lot of flashbacks, when I was confronted by staff, especially when I wouldn't go into the  
20 time-out room, there were a lot of times I would lash out at other kids. I was experiencing  
21 a lot of trauma and I didn't really know at that time that I was experiencing PTSD, and  
22 I acted out and from there I was still getting restrained, overly restrained with knees in the  
23 back, as you already know and I think it was then that I was placed up in Palmerston North  
24 I believe.

25 **Q.** Before we talk about going to Palmerston North, in your statement you talked at paragraph  
26 98 about being strip searched at Kingslea.

27 **A.** Yeah.

28 **Q.** Some people don't quite know what that entails. Can you describe what happens when  
29 you're strip searched in a residence?

30 **A.** Well, when you're strip searched you go behind this wall and you undress yourself, you  
31 pass the clothes to the staff members and they will search through the clothes, they will  
32 give you a towel, you will come out into the open with that towel on around your waist,  
33 then you'll take the towel off facing the wall and then they will grab on to the towel  
34 obviously and then you turn around, you lift up your testicles and then made to put the

- 1 towel back on and then get dressed and have a shower.
- 2 **Q.** How did the strip searches make you feel?
- 3 **A.** Really invasive, really embarrassing, angry. There were times where I would get restrained  
4 because I wouldn't want to get strip searched, and, yeah-, I would spend long hours in  
5 timeout because I wouldn't want to get strip- searched -and - yeah-.
- 6 **Q.** So would you be held in time-out until you agreed, or just --
- 7 **A.** Until I agreed to get strip searched, yes. So I would sit there in the dark with a concrete  
8 slab and made to wait there until I agreed to get strip searched.
- 9 **Q.** How long would you stay there, do you remember?
- 10 **A.** One time I slept in there and with no blankets, mattresses, and, yeah, I kind of just agreed  
11 the next day so I can get out of that cell. I was spending at least 23 hours in that cell.
- 12 **Q.** Because sometimes there was time-out and sometimes there was the secure unit, right?
- 13 **A.** Yeah, so secure unit is where they do the strip search. Every strip search was done in  
14 secure. There's a timeout room in secure and also in Scotford House.
- 15 **Q.** So in your statement you talked a bit about what being in secure was like day to day, like  
16 did you go to school, what did you do during the day?
- 17 **A.** A bit of drawing and make paper trains to get cigarettes from the neighbour or something.  
18 Yeah, no education, yeah.
- 19 **Q.** In your statement at paragraph 100 it says in February 2000 your proposed placement in  
20 Samoa fell through and you stayed in Kingslea. And you were still having problems with  
21 your social worker because they didn't know where to put you?
- 22 **A.** Yes.
- 23 **Q.** And you wrote a letter, didn't you, while you were in Kingslea to the Chief Executive of  
24 CYFS?
- 25 **A.** Yes, I did.
- 26 **Q.** I'm just going to bring that up so we can see it. So this is the letter you wrote. So the Chief  
27 Executive was Jacqui, her first name was Jacqui at that time. This is March 2000 and  
28 you've said, "I just want to know how long I'm in this place. Every time I ring my social  
29 worker he's always not there, I'm just confused. I don't know when I'm getting out. I do  
30 want to make some changes in my life, I just want to go home."
- 31 And another part of that letter, "I just need some support from people and I want to  
32 start back on rugby instead of stealing cars but I just can't get hold of my social worker."  
33 We've taken their name out. So you were feeling so desperate you went straight to the  
34 Chief Executive of CYFS.



- 1 A. Yes. I felt alone.
- 2 Q. And after that you had a Family Group Conference and you went back to your parents,  
3 didn't you?
- 4 A. Yes.
- 5 Q. I know that you went in and out of Kingslea and you talked earlier about going to  
6 Palmerston North, so that's the Lower North Youth Justice Centre, is that right?
- 7 A. Yes, I was sent there because I would run away constantly from Kingslea, and so they  
8 moved me out of Christchurch to Palmerston North residence.
- 9 Q. And your records say that that was in late September 2002, you were remanded there.
- 10 A. Yes.
- 11 Q. And then you did a three month supervision with residence order.
- 12 A. Yes, that's correct.
- 13 Q. That's from February 2003.
- 14 A. Yeah.
- 15 Q. What was Lower North like?
- 16 A. A lot of isolation, not much time-out and yeah, some people, some of the boys will try  
17 bullying me because I was the quiet one. I was quite reserved, didn't trust anyone, so I  
18 would get into a lot of issues and troubles because of that, and fights which would lead me  
19 to being in secure unit, which I found very isolated as well, 23 hours in your room and  
20 you're only getting one hour out. So majority of the time I will just zone out and look out  
21 the window, and -- yeah.
- 22 Q. You talked about showing a lot of symptoms of trauma earlier while you were at Kingslea.  
23 What sort of help did you get?
- 24 A. Nothing.
- 25 Q. In your statement you talk about -- this is paragraph 108 -- in July 2003 you were remanded  
26 to Christchurch Men's Prison and you ended up in the District Court. You said --
- 27 A. Yes.
- 28 Q. So you shifted from one State institution to another.
- 29 A. Yes. It was the first time in jail, youth prison. I played up there and then ended up into the  
30 mainstream jail and that's when my jail started from 2004. And I'm still coming in and out  
31 of this place.
- 32 Q. How long do you think you've been out of jail since 2004?
- 33 A. I said this in my last lag, that I was -- I've only been out in the community two years, that  
34 was written in my report, on my last sentence from a probation officer. So this time around

1 I believe it's roughly about just under three years, yeah, that I've been out in the community.  
2 All the rest of it's been in jail.

3 **Q.** What's it like for you being in the community?

4 **A.** It's scary. I don't know -- I don't know how to live out there, you know, and it's sad. As  
5 much as I try my hardest to stay out, I always end up back here. I just don't know how to  
6 live out there and I've had no help along the way with a lot of things. So I've had to survive  
7 on my own.

8 **Q.** And drugs and alcohol have played a part in your life, haven't they?

9 **A.** Hugely. Just to numb everything that's going on.

10 **Q.** And it's probably a good time to say that you've just completed --

11 **A.** Yeah.

12 **Q.** -- your drug treatment?

13 **A.** I have completed a drug treatment programme, six months, and I come away with  
14 a -- I graduated with distinction and I'm now mentoring another group going through who  
15 have just started at level 1 all the way through until they graduate. I've made a lot of  
16 changes in the last six months to maybe even the last two years. I planned this with my  
17 partner and I'm sticking to it and I don't want to come back to jail, I've had enough. I've got  
18 a grandchild, I've got a grandchild now, so, yeah, I really want to make a go of it and  
19 learning how to live out there.

20 **Q.** It sounds like you've made some pretty important steps.

21 **A.** Yes, I have, I have.

22 **Q.** And -- sorry go on.

23 **A.** And it hasn't been easy without, you know, mistakes, but I'm learning from it. For the first  
24 time I'm putting these things into practice and it's hugely impacted my life in a good way,  
25 and my relationships. But, yeah, it's come with hard work, a lot of tears, a lot of  
26 determination and sacrifices, yeah.

27 **Q.** What about the role of Samoan culture in your life now, what role do the values that you  
28 talked about, the church, the language, where do they fit?

29 **A.** Right now, unless there's someone in my unit that speaks Samoan I would speak Samoan to  
30 them, other than that I'm kind of really trying to still work through that resentment I have  
31 for my culture because of the values that were instilled in me to respect our elders, to not  
32 speak out of place, you know, so I was more or less keeping secrets. But what I do take on  
33 is the respect I have for others in serving the people that I talk about and serving the  
34 community in some way, you know? But at the same time I'm just trying to heal me first

1 for once, and so that I'm able to help my family.

2 **Q.** You're doing so well.

3 **A.** But I believe more people need to speak out, you know, especially for our Island,  
4 Pacific Island people, you know, because it's always tied into a church somehow. And it's  
5 not that I have anything against church, but what I do have something against is that we're  
6 believed growing up to not speak out of place, which in return tells us as kids not to speak  
7 how we feel, to hide the hurt.

8 **Q.** And I think one of the things that you're doing through drug treatment is changing that, isn't  
9 it, one of the things that you've had to do is talk about how you feel and you've done that  
10 today.

11 **A.** Thank you.

12 **Q.** You talked in your statement about how you felt you had to create a mask to survive and  
13 that's --

14 **A.** Yeah.

15 **Q.** -- created some identity issues for you.

16 **A.** I still struggle from time to time with who I am and who I want to be. I've had so many  
17 masks along my travels in jail to keep me safe, so I'm struggling to tell which is the real me  
18 and which is the me that's just wearing a mask holding the hurt down. And it's used and  
19 these masks are made because it's to survive. I had to survive through a lot of stuff. If it  
20 wasn't for those masks, I don't think I'd be here. Because a lot of the time through my life  
21 I wanted to take my life, but God kept me here for a reason.

22 **Q.** The last thing that I wanted to talk to you about was how you tried to seek redress from the  
23 Ministry of Social Development, and in your statement it's got some details around settling  
24 your claim with the ministry and the years that that took. But one of the things you talked  
25 about was how you felt that the process was hollow and that the apology letter didn't help  
26 you. I was wondering if you could talk about what would be proper redress, what would  
27 making it right look like for you?

28 **A.** Yeah, as I said in my statement that it was very hollow, it kind of just really looked like it  
29 was copied and paste, and that's why I felt it was really hollow for me personally. But it  
30 would be really good for someone to front up even in person or like this from the Ministry  
31 or whoever to explain, or to shed light or apologise, you know, of course it wasn't them  
32 personally, but also at the same time I feel like these people who are supposed to look after  
33 us need to be held accountable for their actions, because they passed the buck to someone  
34 up higher, but at the end of the day, it's those people down below who are stuffing it up and

1 they need to be held accountable for that. And I don't see any accountability, nothing at all.  
2 I mean you can pay as much money as they want, but it's not going to take away what  
3 happened, you know?

4 **Q.** What would have been, what should have been done differently for you? What should they  
5 have done for you back then?

6 **A.** Personally I believe that, you know, for people in the Pacific coming from another country,  
7 having to adjust to even live and to even speak another language is very difficult. I believe  
8 what they need is some more wraparound support with these PI people and families to  
9 guide them through New Zealand policies or New Zealand law, or just to help them guide  
10 along in that, because for them that's all they know, you know? If that's all they know and  
11 no- one else has shown them any different then that's all they know. You know-? So I  
12 believe that there'll be Pacific Island people here in New Zealand to be like "Hey we  
13 understand, but you can't do that here, you know?" I believe there needs to be a bit more  
14 wraparound support, especially from the Government. I mean I can go on for days about  
15 housing, -but - yeah-.

16 **Q.** What about support for people like you who are in prison, what sort of culturally  
17 appropriate support do you have?

18 **A.** Look I don't have any cultural support apart from the Samoan chaplain, but I believe there  
19 are a lot of Māori focused tikanga in jails all around New Zealand, but I also believe that  
20 there- needs to be something for the PI, Pacific Island people as well, or just as much as the  
21 Tikanga Māori that they have. But the thing I have is that can we just have a PI cultural  
22 stance without the church, can that be happened, you know what I mean? Because if you  
23 speak about PI, somehow they're always tied to a church or have a certain belief of a  
24 church, and it's that what - that's what I disagree with. Because growing up there were a lot  
25 of financial struggles because of church, a lot of values and beliefs instilled in me that  
26 I know was wrong-.

27 So I believe that we can have a direction with PI groups in the jail, supported from  
28 the outside, funded by the Government, then I believe that would go a long way in helping  
29 PIs identify who they are, where they belong, you know? So for myself now, I have to  
30 make myself belong because otherwise I will be chasing my tail all the time, to find out  
31 who I am as a person and who I identify. So right now I am making a belonging, I'm not  
32 searching for it anymore, and that's what a lot of PI people that come to jail are looking for.

33 **Q.** And do you think sometimes if there's no natural cultural home they might be finding that  
34 belonging in the wrong places?

- 1 A. They're finding them in gangs, that's what I've noticed, they're finding them in gangs or,  
2 you know, anything other than positive stuff. They're finding where the next grind is,  
3 they're finding how to make money quicker, you know? That's where they're finding their  
4 belonging is jail, gangs and violence.
- 5 **Q.** The last thing you said in your written statement was that you knew the history of Pacific  
6 people in New Zealand and you know the sacrifices that were made to bring you here,  
7 which has made you reluctant to talk about some things, but that you don't want that to  
8 happen with your kids and you want them to be able to speak up. Is there anything you  
9 want to add to that?
- 10 A. I just believe that the more we raise awareness around the cultural sensitive stuff, especially  
11 around religion, and especially around customs and be able to maybe improve that area,  
12 then I'll find it will go a long way for the PI people, you know, and I definitely understand  
13 because coming from a country, my parents had to sacrifice as well, and I also believe that  
14 they only know what they know because of what they've been taught from their parents. So  
15 I believe if we can identify what that is and help in that area for our PI people, would be  
16 really important.
- 17 **Q.** I think that's the point where we will stop and I'll ask the Commissioners to -- if they have  
18 any questions or comments for you. But thank you so much, thank you so much, fa'afetai  
19 lava.
- 20 A. Fa'afetai lava.
- 21 **CHAIR:** Would you like the Commissioners to ask you some questions? It's entirely up to you  
22 whether you would like to or not.
- 23 A. Do I want any questions, that's up to you, yeah, I'm open for questions.
- 24 **Q.** All right, we'll keep them short because you've had a pretty tough time here, so we'll just go  
25 down the line and we'll start with Commissioner Gibson. No questions?
- 26 **COMMISSIONER GIBSON:** No questions, just a very big thanks for your testimony, it's been  
27 hard I know, it's really appreciated.
- 28 **CHAIR:** No questions from this side, so you're getting off lightly here.
- 29 **COMMISSIONER STEENSON:** Tena koe Mr VT. Tenei te mihi mahana ki a koe. Thank you  
30 for your -- for sharing your account today.
- 31 A. Sure.
- 32 **Q.** If you don't mind I do just want to ask you a couple of things that I think hearing from you  
33 on would be really helpful. So you talked about the barriers and the difficulties for you  
34 when you are out of prison and, you know, trying -- you've tried to -- very hard to live

1 outside but these barriers create, you know, obviously make it very difficult. So  
2 I wondered what are the sort of things -- what sort of support would help you to live outside  
3 of prison do you think? What would make the difference?

4 A. That's a good question. I think what would make a difference is the people that you ask for  
5 support they follow through; you know. I was out there asking for support and I jumped  
6 through so many hurdles because of either Probation or Corrections. By the end of that line  
7 I was not receiving any help whatsoever. I could go on about all the systemic failures, but  
8 I'd be here all day. For me personally, I just want them to hold their side of the bargain.  
9 They say they're going to help, then prove it.

10 **Q.** Action.

11 A. But I also know, I also know within myself now doing the programme that I'm doing is that  
12 I also have to hold myself accountable, because at the end of the day I'm not going to rely  
13 on anyone else but myself. So right now I'm building that up to be able to rely on myself,  
14 to be able to think clearly, to be able to make the right choices, to be able to stay off drugs  
15 and alcohol.

16 **Q.** Ka rawe, that's awesome. Just one other question. As a child you were clearly  
17 experiencing violence at home, I just wonder on reflection, what do you think could have  
18 been done to help, you know, something that they took you away from your whānau, but  
19 could there have been something that could have helped you that kept you there but in a  
20 safer way?

21 A. Like I said earlier, you know, I think a more understanding and someone that has  
22 experience that could be helpful to help PI families or PI parents to be able to cope with  
23 kids, especially in this country. We come from a country where like all you do is play  
24 around at the beach and run through the bush and now we have these more opportunities  
25 coming here, it becomes so much, it's like a kid in a candy store. So if we're able to help  
26 our PI people give these kids more things to do, more proactive places they can go as  
27 support then I believe that will go a long way.

28 **Q.** That's great, ngā mihi nui.

29 A. Thank you.

30 **CHAIR:** I've just got one question for you and it's about accountability which you've just been  
31 talking about.

32 A. Yeah.

33 **Q.** And I hear what you say when you're talking about people, agencies who need to be  
34 accountable, you accept that you need to be accountable. But there's one area where you

1 talked about the staff, you know you complained about what was happening to you to the  
2 Chief Executive, you got a settlement eventually from the people at the top. But you said  
3 the people down below aren't accountable. Were you talking there about the ground  
4 workers in Social Welfare and CYFS and the like, is that what you were talking about?

5 A. Yes, absolutely. Absolutely. I believe -- I believe from the very top they make specific  
6 rules and these people at the bottom aren't following through with that.

7 Q. Yeah.

8 A. You know what I mean?

9 Q. Yes.

10 A. So they sugar coat and wrap it with bubble wrap but they're not being upfront. So what  
11 they're doing is it's hidden behind closed doors, as you can see with e-mails. They knew  
12 exactly not to put me there, yet they still decide to put me there, after concerns from the  
13 actual people that was at that programme about it, they still decided to put me there. What  
14 was even more confusing is that they put me back in a place where they took me out of in  
15 the first place. So to me it seems like when you're out of options, you chuck them back into  
16 the place where he was abused. That is wrong.

17 Q. And the question you raised in my mind when you were talking about that is that if these  
18 people aren't made accountable, are you worried that they might still be in the system, still  
19 working in the same way?

20 A. Absolutely, 100%. You know what I mean? Absolutely, because, yeah, they need to be  
21 held accountable.

22 Q. Otherwise the system will just be perpetuated.

23 A. They need to be reprimanded for this, because they broke their own protocol by the sounds  
24 of things. But yet they sweep it under the carpet, same with the Police, you know, the  
25 Police, they're in a small country and I understand that. But yet they're teaming up with the  
26 perpetrator. They seen me clearly injured by getting a rifle smashed over my head, but yet  
27 their concern was more that they found me or whether I ran off or not.

28 Q. Yeah. Yes that message --

29 A. Their priorities -- sorry, their priorities needs to be straightened out. Sorry.

30 Q. No, don't be sorry, I just wanted to say that your message has come through very loud and  
31 clear and I want to thank you for that. And now I'm going to hand you over to Ali'imua  
32 Sandra Alofivae to speak to you hopefully in Samoan.

33 A. Thank you.

34 **COMMISSIONER ALOFIVAE:** Malo le soifua maua ma le lagi e mama Mr VT. Faatalofa atu

- 1           ia oe faatasi ma si ou toalua. Can you hear me?
- 2   A.       Yes, it's quite a bit loud and staticy, but yes, I can hear you.
- 3   **Q.**     Malo le loto toa. Malo lava le faasoa. Faafetai mo lou lagolago mai i le matou mataupu o  
4           lenei le aoauli.
- 5   A.       E le afaina.
- 6   **Q.**     Mr VT, I just want to ask you a couple of questions. The first is, when the Ministry or  
7           when CYFS were looking to place you back with your family in Samoa, was there  
8           any - I- heard you say that there was no discussion obviously with your family, they just  
9           made a decision, right, to place you?
- 10   A.      So there was a discussion with my family here in New Zealand, but there was no discussion  
11          with my extended family back in Samoa.
- 12   **Q.**     And therein lies the problem, because your family, because the Ministry didn't take the time  
13          to invest in actually understanding that bigger picture, there might have been a real missed  
14          opportunity there, do you think?
- 15   A.      Yes, I believe there was a definitely missed opportunity, that I could have been back in  
16          Samoa and not be in jail to be perfectly honest.
- 17   **Q.**     Because had your family understood what was going on with you here in New Zealand,  
18          they probably would have taken you, they probably would have flown over to New Zealand  
19          to pick you up and take you back, yeah?
- 20   A.      Yes. Yes.
- 21   **Q.**     And I really appreciated your comments around the culture, the religion, the supports that  
22          young people need in jail, but also in community. And I think you'll find that many young  
23          Pacific probably agree with you along those lines, that there's a generational transfer of  
24          knowledge that is important from one generation to the next.
- 25   A.      Yes, absolutely.
- 26   **Q.**     But when we live in a new country and we adopt it as our home there's also some big  
27          adjustments that have to happen, and we're really, really grateful for your input about that,  
28          because it sends an important message that Palagi can't just assume things on our behalf.
- 29   A.      Mmm.
- 30   **Q.**     Thank you for the wave, for the confirmation of that from your partner. Because what that  
31          means is that they're always going to get it wrong, because they're not asking us directly,  
32          they're not asking you directly --
- 33   A.      No.
- 34   **Q.**     -- who are experiencing the system about what is it that would really make a difference.



- 1 And there was one other thing I wanted to ask you, and in your statement you said that you  
2 came across at a very young age, you were only 7 or 8 years old, came with your family,  
3 went straight to Blenheim, which is a very Palagi part of the South Island, right?
- 4 A. Yes, yes.
- 5 Q. Were there many Pacific communities down there at all?
- 6 A. Apart from my aunty on my mum's side who we were staying with, no, just myself and my  
7 younger brother and maybe a couple of Asian kids.
- 8 Q. So people tend to close in, right, because they get scared of what's happening around them.
- 9 A. Mmm-hmm.
- 10 Q. Did you have any family in other parts of New Zealand, like maybe in Auckland?
- 11 A. No. Wellington I believe had my aunty on my mum's side, and that's all I really knew at  
12 that time, because she would come from Wellington to visit my mum.
- 13 Q. Do you know if any effort was ever made to contact your aunty about you when things  
14 started to go wrong?
- 15 A. No.
- 16 Q. No attempt at all?
- 17 A. No, no contact at all, or any attempt.
- 18 Q. Do you think that might have made a difference to you if they'd actually tried to find other  
19 family to step in and help?
- 20 A. I'm not too sure, I really believe, I wouldn't be too sure, because I didn't really know my  
21 aunty, like really well. Obviously she had been living in New Zealand a lot longer than us.  
22 Yeah, I wouldn't know to be perfectly honest, yeah.
- 23 Q. But we'll never know because they never tried, right?
- 24 A. Yes.
- 25 Q. That's all I wanted to say, and just to thank you just for your incredible bravery to talk  
26 about things that were so personal to your heart, for sharing it for the encouragement to our  
27 other Pacific survivors, our team will tell you they fully understand the shame and  
28 everything that's associated with it. So, you know, our hearing is called Tatala e Pulonga  
29 which is to pull back the dark cloud.
- 30 A. Yes.
- 31 Q. You've done that, you have done that today and I hope that this brings you some measure of  
32 healing as you continue. Ia, malo ma manuia mea uma mo si ou olaga. Faafetai lava.
- 33 A. Ia, faafetai lava.
- 34 **MR VT'S PARTNER:** Thank you.

1 A. Thank you Commissioners.

2 **COMMISSIONER ERUETI:** I'll just say fa'afetai and ka nui te nui ki a kōrua. It's been such  
3 a -- I know it's been very tough for the both of you have and I just want to express my  
4 gratitude. It's so important in particular that we hear from survivors Pasifika and Māori and  
5 others, but we know there's largely Māori and Pasifika who are incarcerated and it's  
6 difficult for them to have their voices heard as part of this process. So it's important for this  
7 Inquiry that we hear your voice through this public hearing process and through our going  
8 into prisons for private sessions with survivors. But I just wanted to mihi you, to mihi you  
9 both and thank you for sharing and articulating in such an exhaustive and comprehensive  
10 way today your experiences. Kia ora.

11 A. Kia ora, thank you.

12 **MR VT'S PARTNER:** Thank you.

13 **CHAIR:** Thank you.

14 **[Samoan song]**

15 **CHAIR:** Thank you.

16 A. Thank you.

17 **CHAIR:** I'm now going to invite our Reverend from Tuvalu to come forward to close our prayers,  
18 Reverend Suamalie. We're just bringing you the microphone now.

19 **REV NAISALI:** Thank you, Commissioners, for your patience today. I was just asking my  
20 daughter to come and support me and sing with me and she said "I don't know any song."  
21 But for today, just before I say the prayer, I'm a survivor of the Kaipara Harbour. I was  
22 hanging to the chilly bin during the storm and it took me 11 hours to drift in the Kaipara  
23 Harbour. How can you drift? And the answer is, just hang on to the chilly bin. And it took  
24 me 11 hours to drift through the night just hanging on to the chilly bin. It's a challenge for  
25 us. **[Tuvaluan song]**

26 Thank you. Prayer. **[Prayer in English / Samoan]**

27 **CHAIR:** Reverend, you could have sung "Wide Wide is the Ocean" with your chilly bin. Thank  
28 you very much for blessing us today. So we will resume tomorrow at I think 10 o'clock is  
29 our time when we begin with the talanoa? Okay, 10 o'clock tomorrow morning, thank you.

30 **Hearing adjourned at 4.29 pm to Thursday, 29 July 2021 at 10 am**

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