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'Muamua Sandra Alofivae
Counsel:	Ms Anne Toohey, Mr Simon Mount QC, Ms Kerryn Beaton, Mr Kingi Snelgar, Mr Simon Waalkens and Ms Julia Spelman for the Royal Commission Ms Rachael Schmidt-McCleave and Ms Juliet 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
Date:	3-11 May 2021

TRANSCRIPT OF PROCEEDINGS

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[10.00 am]

CHAIR: Tēnā koutou katoa. Nau mai haere mai, whakatau mai ki tēnei whare, ki tēnei hui tūmatanui. Papa Tem, tēnā koe e te rangatira koutou ko Ngāti Whātua Orakei. E kaha pupuri i te mauri o enei hui, ka nui te mihi, ka nui te mihi ki a kōrua, ki a koutou katoa. Koutou ngā mōrehu kei konei ā tinana ma te ipurangi hoki, tēnei te mihi.

Welcome, greetings to you all. Te mana whenua, thank you for coming and blessing us every day with your presence. I want to acknowledge all of the survivors who are here either in person or who are watching online. I also wish to acknowledge their representative groups, one of whom is appearing today, the New Zealand Collective of Abused in State Care Charitable Trust, to our members of the Royal Commission Survivor Advisory Group at least one of whose members is in the room today, welcome to you.

I want to welcome the core participants today. We have the Crown, we have Toni Jarvis as one of our core participants who is present today as well. And of course to our stakeholders who I know are watching us anxiously, the Royal Commission forum and I know there are representatives of you in the room today, thank you for coming and showing your interest and you are most welcome as well.

And finally may I just welcome the general public, whether you are here today just as an onlooker or whether you are watching online. This week's hearings for me and for the Commissioners is very important because it is a chance where we hear only survivor voices and only about the residences. When I say "only", I don't diminish it. This is a time for us to concentrate on the experience of survivors who endured abuse in care through their lives and to learn of the impacts that that abuse had. So it's a very important hearing from the point of view of educating and revealing and shining light on what has happened in our past.

Nō reira, hurinoa i to tātou nei whare ara tēnā koutou, tēnā koutou, tēnā ra tātou katoa. May I introduce my fellow Commissioners today. First of all Dr Andrew Erueti.

COMMISSIONER ERUETI: Tēnā koe. Tēnā koutou katoa. Tēnei te mihi nui ki a koutou. Mauria mai o koutou mana, o koutou tikanga, o koutou whakapono ki waenganui i a mātou hei maramatanga mo te ao. E ngā kaiwhakahaere o tēnei hui, ka nui te mihi ki a koutou katoa. E te iwi a huihui nei ki te manaaki, te karanga o te ra, tēnā hoki koutou. Kia ora

CHAIR: And Ali'imuamua Sandra Alofivae.

COMMISSIONER ALOFIVAE: Good morning. Fa'atalofa atu i le pa'ia ma le mamalu o le

aofia. Malo lava. Fa'afetai lava mo le omai e lagolago mai mo le galuega mo lenei vaiaso atoa.

CHAIR: Thank you. I will now take appearances.

MS TOOHEY: Ata mārie e te tiamana. Tēnā koutou e ngā Kōmihana, tēnā koutou katoa. May it please you Commissioners. I appear ko Anne Toohey ahau. With me, as part of the Counsel Assist team for the week is Simon Mount QC, Kerryn Beaton, Kingi Snelgar, Simon Waalkens and later in the week will be Julia Spelman from the Counsel Assist team. Also joined with me are members of the in-house team, Gina De Graaff, our senior solicitor, Nicky Wynne and Rachel Opie.

CHAIR: Thank you Ms Toohey.

MS SCHMIDT-McCLEAVE: Tēnā koutou, Madam Chair, ngā Kōmihana.

COMMISSIONER ERUETI: Tēnā koe.

MS SCHMIDT-McCLEAVE: Ko Ms Schmidt-McCleave ahau, kei konei mātou ko Ms White mo te Karauna.

CHAIR: Kia ora, thank you.

MS LANE: Good morning Commissioners, counsel's name is Katie Lane, I appear as an independent counsel for survivor Toni Jarvis.

COMMISSIONER ERUETI: Tēnā koe.

CHAIR: Kia ora Ms Lane.

MR STONE: E te tēpu tēnā koutou katoa. Ko David Stone tōku ingoa. I appear today with my learned friend Ms Watene. We appear today on behalf of Michael Rowley, Alfred Coster and I acknowledge his older brother who's here today as well and the New Zealand Collective of Abused in State Care Charitable Trust. I te tepu tōku tuakana i te takuta Dr Erueti kaiwhakawa te koka a tēnā koutou ki a rātou hoki koutou Ngāti Whātua koutou e huakina te harinei tēnei ata. Tēnā koutou te Papa Ngāti Whātua te whare, tēnā tatou.

COMMISSIONER ERUETI: Tēnā koe, tēnā korua.

CHAIR: Tēnā korua. Thank you Ms Toohey.

OPENING STATEMENT BY MS TOOHEY

MS TOOHEY: E ngā rangatira o te pae, o te tepu, tēnā koutou katoa. Ka huri noa ki te hau kainga Ngāti Whātua ki Orakei tēnā koutou. E ngā mōrehu, tēnei te mihi ki a koutou. E ngā kaitautoko i tēnei kaupapa whakahirahira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

Greetings to you Commissioners, to all of those here today, to the mana whenua, very importantly to the survivors and survivor groups and to supporters of this very important kaupapa issue, greetings to us all.

The Inquiry's residences team has been investigating abuse in care in children's homes, family homes, which are foster homes run in State-owned houses, and institutions operated by third party providers to the State. There are over 800 settings in this aspect of the inquiry.

During this hearing, survivors from nine key settings will give evidence to you in person. At a later hearing there will be evidence of the State response to the evidence of abuse that we will hear. The interim report notes that a cohort study commissioned by the Inquiry estimates that there were 655,000 people in certain types of care settings in New Zealand since 1950, and that up to 256,000 may have been abused. We are establishing figures for those in the residences settings of which there is no current total.

A significant challenge for the Inquiry is determining the extent of abuse that occurred in State care during the period 1950 to 1999. We aim to provide that evidence both in written statements and in the oral evidence in this hearing in a cross-section of settings to illustrate the breadth of abuse across gender, ethnicity, geography and time.

The evidence in this hearing ranges from the 1960s right up until 1999, although our settings do go to 2004 in this hearing. There was much social change in New Zealand over this time, which I will explain shortly, which resulted in very large numbers of children in care. The evidence reflects that while the trend to place children in homes diminished after the 1989 change to legislation, the broader experience of abuse in care did not change and some issues remain current.

The nine settings focused on for this hearing are family homes throughout New Zealand, Kingslea Girls' Home in Christchurch, Epuni in Wellington, Kohitere and Hokio Beach School in the Horowhenua, Ōwairaka Boys' Home in Auckland and Bollard Girls' Home in Auckland.

The last two settings are third party providers known as Whakapakari on Great Barrier Island and Moerangi Treks in the Uruweras. Survivors were generally sent to a large number of institutions, not just one, and they will speak to all of their experiences.

In this opening I will first acknowledge some contributions to the Inquiry, I will then provide some brief social context and then explain the nature of abuse that has been disclosed to this Inquiry and that will be heard in this hearing.

I begin today by acknowledging mana whenua, Ngāti Whātua. Importantly, all of the survivors, including those who have engaged with the Inquiry. For most survivors, choosing to register with the Commission and sharing their deeply personal accounts with you, Commissioners, in private sessions, with the Inquiry teams and here, has been

extremely challenging. Without these accounts there is scant available evidence of abuse in care.

I wish to acknowledge the evidence of the following witnesses noting that we, in the broader Inquiry, have interviewed and spoken to so many more. These are the ones we could reach in time to obtain consent to be named. Brent Mitchell, Sally Rillstone, Kevin England, Cheryl Menzies, Peter Brooker, Rawiri Geddes, Robert Carson, Bobby O'Connor, Pete Rose, Daniel Stretch, Melissa H, Susan Kenny, Graeme McCullough, Stephen Humphreys, Craig Wiari, Michael Rush, Goldie Clare, Nopera Pikari, Sharyn Shepherd, Terence McClure, George Trounson, Raewyn Davies, Wayne Keen, David Bagley, Lena Walker, Raewyn Lockhart, Gavin Heka, Michael Robb, John Wakefield, Toni Lewis, Mark Gould, Shane Tibbotts, Dallas Williams and Lindsay Eddy.

I also acknowledge members of the Survivors Advisory Group and those who have contributed significantly to a body of work, research and literature in this area. These include Oliver Sutherland, who is here today, who's been a witness to this Inquiry. He is author of Justice and Race and he has featured, as I'll outline in a moment, in ACORD; Moana Jackson, tireless researcher and academic and Dr Elizabeth Stanley who wrote The Road to Hell.

The core participants and participants granted leave to appear. Cooper Legal, Sonja Cooper and Amanda Hill who have worked with survivors over the past 20 years have been working hard to provide a large number of witness statements for this Inquiry, and have provided consultation on an ongoing basis. They will be here later in the week to lead some of the witnesses.

There is also a large body of lawyers on the legal assistance panel, some of whom are here, who have provided legal assistance to those wanting to participate in the work of the Inquiry.

Finally, the residences investigation multidisciplinary team of the Inquiry who have each worked phenomenally hard to connect with as many people as possible throughout Aotearoa to obtain records of survivors and witnesses. We have 125,000 documents received for this aspect of the Inquiry alone. I also acknowledge the Crown Secretariat in responding under urgency to meet those requests to provide those documents. We have today interviewed a large number of witnesses and we intend to continue this process throughout the life of the inquiry.

Briefly, the Inquiry's terms of reference require it to consider these matters which are relevant to this particular hearing; the processes available to raise complaints or

concerns - that is still a relevant factor today, the process for handling and responding to concerns or complaints, the impact of abuse on individuals and their families, whanau, hapū, iwi and communities, including intergenerational impacts, the circumstances that led to individuals being placed in care are a highly relevant factor in evidence that will be heard during this hearing. The nature of the evidence that will be heard over the next seven hearing days, which will be challenging, requires some context to understand, how did this happen?

So, I'll briefly outline how this did happen in New Zealand. In 1954 two events occurred in New Zealand that prompted a major inquiry and brought about social change that would see the numbers in care double over the next 20 years. The first was the Parker-Hulme murder in Christchurch involving two teenage girls. The second was an adolescent, what was referred to as a sex ring in the Hutt Valley. The Government intervened and held a special committee on moral delinquency which resulted in the Mazengarb Report. This report drew attention to high rates of offending among young Māori which they regarded as a Māori failure to adjust to modern urban life.

On the report's recommendation, and what must be a legislative record, ten days later critical changes were enacted to the Child Welfare Act to expand the definition of delinquency to sexual promiscuity. Public concerns fixated on the supposed increase of sexual misbehaviour among young girls. I mention that in particular because in the evidence over the next week you will hear evidence of female survivors as young as 9 who experienced compulsory internal vaginal examinations on entry into the homes. The purpose of these was to check for sexually transmitted diseases.

In 1958 the Police established a juvenile crime prevention division later called Youth Aid, which was introduced to keep children out of court by way of a warning or by a period of oversight by Social Welfare. Ultimately, though, it had the opposite effect. Much of the evidence received by the Inquiry reflects that children were committing minor offences prior to going into care. However, as you will hear, they were doing so against backgrounds of extreme poverty, traumatic family events, family violence and in some cases sexual abuse. The evidence will reflect that no inquiry was made as to the cause of these offences. The emphasis from the Mazengarb Report was on correction of the child.

So right up until the 1989 changes to the legislation, children could be sent to the residences for an array of reasons; committing an offence, persistent truancy, being - this- was the main one --- being out of control of his or her parent or not under proper control, being neglected or ill-treated-, or sometimes as a result of an agreement between

Social Welfare and parents. This resulted in children with care and protection needs, perceived social delinquency and some who had committed criminal offences being cared for all together in the State residences. There was no difference in where a child was sent based on reason.

There are issues of discriminatory practices in relation to how powers to send children to homes were exercised to the disadvantage of Māori and, as we will hear, Pacific Island children.

I come now to the disproportionate number of tamariki Māori in care. In order to understand the disproportionate numbers of Māori in State care that continue today it is important to understand again how that happened. I note here that the Inquiry's terms of reference also recognise there is a disproportionate representation of Pacific children in care.

However, as we will hear in this hearing, there was inadequate inquiry and recording of Pacific ethnicity in the homes. It is very difficult to establish the number of children of Pacific descent in care and this will be examined in depth in the Inquiry's Pacific hearing in July this year. So, forgive me for not speaking to those figures now.

Few tamariki Māori lived in any sort of institution prior to the Second World War. Of 2,500 children in church run facilities, which were the main kind of facilities prior to the war in 1940, none were Māori. Tamariki and rangatahi were raised by extended whānau, whāngai adoptions were common. Another statistic in 1945, 21% of our prison population were Māori.

However, post-World War II, two things happened. Māori moved to urban areas, they were 75% living rurally. That changed to 60% living in urban areas by 1965 and that meant they came under increasing Police focus.

The other thing that happened was that there was a baby boom after the war and the number of children and young people in Aotearoa New Zealand doubled between the end of the war and the early 1970s. By 1966 Māori children under 15 were half the population and higher numbers of Māori children appeared in the children's court.

In 1960 the Hunn Report was issued authored by the acting head of Māori Affairs. It found Māori suffered significant disadvantage against almost every social and economic measure. The Hunn Report reconfirmed the existing racial policy of Māori integration, recommending that the Government act quickly to speed up Māori integration to Pākehā society. Pressure intensified on Māori to assimilate into Pākehā ways of living. Māori patterns of child rearing came under strain. Māori were encouraged to turn to mainstream

State agencies for welfare assistance.

At about the same time another racial issue arose. From the 1960s and 1970s there was migration of Pacific Island workers to fill shortages in manufacturing sector. Economic downturn in the mid-1970s led to racist anti-Pacific sentiment throughout society. Overstayers, particularly Samoans and Tongans, were later targeted in Police dawn raids that began in 1974. You'll hear from the first hearing witness today accounts of abuse on racial grounds by staff in the residences from the early 1970s.

Against this background of social hysteria over juvenile delinquency, rates of court appearances by children rose dramatically from the late 1940s to the 1970s but at rates far higher than the population growth. This drove a significant increase in the numbers of children who became State wards. Between 1948 and 1972 the total number of children in Child Welfare supervision or care doubled to 16,356. There was most definitely pressure on the system.

Last Friday the Waitangi Tribunal issued findings in He Paharakeke in relation to claims concerning the disproportionate number of tamariki Māori taken into State care by Oranga Tamariki. That's a current statistic going back I think until 2012. However, in our scope, by the mid to late 1970s in most of our settings evidence shows that 70 to 80% of the residences were Māori children and at that time they made up just 8.6% of the population and that's from the 1976 census.

The Waitangi Tribunal last Friday reported that in 2017 Maori were 61.2% of children in care. While the total number of children entering State care has decreased since 2000, this is from the evidence of former Government statistician Len Cook, the proportion of tamariki Māori in State care has actually increased. Between 2000 and 2018 the incidents of tamariki Māori aged 16 and under in State care rose for every 125 Māori children to 1 in every 64. By 2012, tamariki Māori were five times more likely than their non-Maori counterparts to enter State care.

In the He Paharakeke report issued last Friday, the Tribunal noted that the Crown rightly accepted that colonisation, structural racism and the ongoing effect of historical injustices have been significant contributing factors to these statistics to the overrepresentation of tamariki Māori in care. That too, you will recall, was the evidence of Moana Jackson, lawyer and researcher, Ngāti Porou, who presented in the contextual hearing to the Commission in late 2019.

Mr Jackson's evidence was that the overrepresentation of Māori in negative social and economic spheres is inextricably linked to the failure of successive Governments to

honour Te Tiriti o Waitangi. He referred to, among other reasons, the closed adoptions arising from the Hunn Report and the banning of Te Reo Māori in schools.

By the late 1970s, the State residential system was widely accepted to be in a state of crisis. In 1978, the Auckland Committee on Racism and Discrimination, ACORD, Ngā Tamatoa and Arohanui Incorporated launched an inquiry into cruel and inhumane treatment that was alleged to be happening with young people in Auckland in Social Welfare homes. The Commission heard evidence about this from Oliver Sutherland, a member of ACORD, at the contextual hearing. These investigations were focused most closely on Ōwairaka but also considered Bollard and Wesleydale Boys' Home. ACORD's report uncovered a range of human rights breaches.

Soon after this the newly established Human Rights Commission investigated the alleged human rights abuses described in ACORD's report and issued its own report in 1982 which confirmed some of those findings.

In 1988 a Ministerial Advisory Committee report was released, Puao Te Atatu (Daybreak). It found a culture of institutional racism in the Care and Protection system. The Crown acknowledged to the Waitangi Tribunal, as reported last Friday, that it has failed to fully implement the recommendations of Puao Te Atatu.

The Government passed new Child Welfare legislation in the form of the Children and Young Persons and Their Families Act 1989. This represented a shift back to family-based decision making and Family Group Conferences. However, significant issues of abuse in care arose after that legislation, well after. Our two later settings, Whakapakari closed in 2004 and Moerangi Treks in 1999, are examples of some of the worst abuse that have been reported to this aspect of the Inquiry.

We come now to the themes for this hearing that emerge from the evidence. The terms of reference define abuse as meaning physical, sexual and emotional or psychological abuse and neglect. It includes inadequate or improper treatment or care that resulted in serious physical or mental harm. Under the terms of reference, abuse may have been carried out by anyone involved in the provision of care, including associates, contractors and abuse by other children in care, and as you will hear, that is what occurred.

Evidence that the Commission will hear over the next seven hearing days is emblematic of the evidence gathered by the Commission to date as to the nature of the abuse in the residence settings. Physical, sexual, emotional abuse and neglect was most highly prevalent at the settings we have identified for this hearing. However, those themes are common to most of the residences that we are considering.

The nature of the evidence over the course of the hearing will be challenging and it is disturbing. As I said, some of the worst examples of abuse occurred more recently at Moerangi Treks and Whakapakari. These are remote and isolated locations. The evidence includes serious and repeated rape, forcing children to dig their own graves and shooting over their heads.

In almost every setting there was a kingpin system where the kingpin boy, the head boy would mete out punishments to other children. That was a system encouraged by the staff of the residences to enforce discipline. There was also an initiation into the homes in almost every setting known as stompings or blanketings where children were covered in blankets and kicked or stomped.

The evidence will be that staff used unreasonable forms of physical training as a disciplinary measure, very strenuous physical exercise for many hours. There were forced participation and fights by staff, and there were some concerning chores such as cleaning that you will hear about.

As I alluded to earlier in the 1960s and 1970s there were routine internal vaginal examinations on girls as young as 9 at Bollard and Kingslea. They were at most of our female children's homes for venereal disease testing. The examinations were conducted each time girls were admitted to the homes but also each time after they had absconded. They were conducted often in a rough manner, often without explanation or warning, and with restraint by staff or the use of physical restraints. The evidence from our hearing witnesses will be that these vaginal examinations stopped them from having regular smear tests for cervical cancer later in life.

At this hearing there will be evidence from witnesses that shows the degree to which children were referred to psychiatric care for behavioural issues. The Department of Social Welfare was specifically empowered under the Act to send children to other institutions. One of our witnesses will give evidence of being put on a trial of amphetamines in the home. Some of our witnesses were sent to psychiatric hospitals, prescribed psychiatric drugs as children.

A major theme for our part of the Inquiry is the use of solitary confinement. This is referred to then and now in children's homes as the use of "secure". The secure unit at Kohitere, for example, was modelled on the unit from Arohata Prison. At most of the institutions every child was placed into solitary confinement, which is what "secure" was, automatically on admission; sometimes for an extended period, or for behavioural correction or after absconding. The use of solitary confinement in the residences was not

regulated until 1986, but these practises amounted to a consistent breach of internal guidelines that existed before that. The current Oranga Tamariki Act legislates for this practice to continue.

In 2017 Dr Sharon Shalev issued a report for our Human Rights Commissioner called "Thinking outside the box". In this report Dr Shalev noted the current practice in Care and Protection units for children to be held in secure care units which are identical to prison segregation units. So these are locked cells with a toilet, with no access to, at least in the 1970s, no access to education and no access to other people.

As Dr Shalev noted, international human rights law and principles of good practice call for a complete prohibition on the use of solitary confinement for children. There is good reason for this. As Dr Shalev noted, the reported psychological effects of solitary confinement range from acute to chronic. They include anxiety, panic, chronic depression, rage, poor impulse control, cognitive disturbances, perceptual distortions including hallucinations and psychosis. You will hear from our witnesses of experiencing those very things.

Emerging research shows that solitary confinement disrupts brain activity, potentially leading to changes in the structure of the brain. Three years later in 2020 Dr Shalev issued a follow-up report to the Human Rights Commission called seclusion and restraint time for a paradigm shift. Dr Shalev noted that not a lot had changed in the intervening three years. In one facility children were held in a secure room for over a week on 22 occasions in a six month period. Dr Shalev recommended to Oranga Tamariki that secure care rooms were inappropriate and their use should stop.

The Inquiry has received a large number of witness statements from people serving prison terms for very serious offences. We have noticed a trend that those people who committed more serious offences have often had extensive periods of secure in children's homes in their childhood. One witness, in prison for very serious offences, experienced 320 days of solitary confinement over a 563 day period when he was 13. The trajectory from solitary confinement to serious offending is one that we intend to continue to investigate.

In this hearing you will hear that almost all of our witnesses, regardless of age, gender or race, experienced the use of secure. The consistent theme across the evidence is the lack of education. This is probably the greatest consistent complaint of all of our witnesses. There was no education provided while a child was in secure. The education experiences in the homes generally varied but were generally substandard.

Some of our witnesses are documented to have been intelligent and a good student but in some cases they were discharged from school early on the application of the Social Welfare Department. This was despite the fact that truancy was one basis upon which children could be admitted into the homes.

Finally, I wish to speak to complaints. Much of the evidence in the hearing relates to attempts to complain or a lack of an ability to complain about abuse that was happening in care. Some of the later examples relate to Whakapakari and Moerangi in later settings. It was most definitely a no narking culture in all of the residences which was enforced by assaults by or on behalf of the staff. You'll hear some stark examples of those from our later hearing witnesses.

On 14 August 2020 the Inquiry issued a section 20 notice to Oranga Tamariki requesting information in relation to children and vulnerable adults who made allegations of abuse in care in residences. Oranga Tamariki advised they were unable to comply with this request because complaints and allegations of abuse were not recorded centrally. An expert advisory panel report in 2015 resulted in a 2017 amendment to the Oranga Tamariki Act which requires it to establish, amend or replace one of the complaints mechanisms to allow children in care to complain.

The Inquiry then required Oranga Tamariki to produce a statement as to the background of taking complaints, both historically and currently. Oranga Tamariki advised firstly for the period 1950 to 2010 information about allegations of abuse, where recorded, were only held in individual case files. To clarify what that means, that means that if person A made a complaint about adult A, the complaint is only held on person A's file. So if a subsequent person makes a complaint about adult A, there is no record on the adult's file of a previous complaint having been made.

In 2011, Child Youth and Family established a manual review to report of numbers of children and young people with findings of abuse which is different, of course, to a complaint of abuse. They found that the annual reports were produced with a flawed process and undercounted the incidents of abuse. It was acknowledged that the reports of 2010 to 2015 do not measure abuse that occurred in the residences and that that is a flaw.

Following an expert measurement group's input, a new measurement approach was adopted by Oranga Tamariki on 1 July 2019. Our understanding of the statement from Oranga Tamariki is this only reports on substantiated findings of harm, physical, sexual, emotional harm and neglect.

Steven Groom of Oranga Tamariki gave evidence to the Commission in the redress

hearing. He advised that Oranga Tamariki has an 0800 number to receive complaints and there is a website option. He acknowledged that children who don't have access to a computer or who have disabilities may find it difficult to access the information online.

You will hear evidence in this hearing of prolific paedophiles, including a cook at Hokio home called Ansell, a housemaster Alan Moncrief-Wright who was at Epuni and other homes. There are others you will hear about in this hearing. There was no centralised register of complaints then, and on our understanding of what's been provided by Oranga Tamariki there appears not to be now.

That means that if various children at different times are raising complaints about the same person, unless there is a substantiated finding, there may not be a centralised register of those complaints. The Commission may wish to consider whether this represents an ongoing serious risk to the safety of children and vulnerable adults in care.

The evidence in this hearing will also consider the impact of abuse. Many of our witnesses have Post Traumatic Stress Disorder. They have difficulty remaining in relationships and employment. Some have physical disabilities and health issues from their abuse in care. Some witnesses went on to become gang members. You will hear from one of those during the hearing. There are a very large number of witnesses who went to prison and that trajectory to prison is something that we are continuing to investigate.

Māori and Pacific survivors also experience cultural abuse in care. Tamariki Māori were alienated from their whānau and cultural identity. Some tamariki Māori in care lost connection to their whakapapa and tribal affiliations as well as Te Reo Māori. The same occurred for Pacific Island survivors.

Given the limited public hearing time we have 16 witnesses and survivors who will give their evidence orally in this hearing. But public hearings are only one way of receiving evidence. We emphasise we will continue to gather written witness statements as evidence to the Inquiry and that the opportunity for participation for survivors for staff at the residences settings is not over. We encourage all survivors and witnesses to contact us and come forward to give their account to the Royal Commission. The only way of obtaining abuse in care is from survivors.

All of the witnesses will describe their experiences of abuse and their thoughts about an appropriate state response to this. Most seek an unqualified apology from the state.

The Chair granted leave to counsel for core participants to provide an opening statement introducing themselves and those they are representing at this redress hearing. I

understand Ms Schmidt -McCleave will open for the Crown and Mr Stone will have a brief opening. Mr Jarvis is also here but I understand he will not be providing an opening.

Finally, the experiences of those in care powerfully portray that what happens in childhood, matters to the way each person's life unfolds. He tamaiti he taonga. Every child is precious. In the words of Dame Whina Cooper, take care of our children, take care of what they hear, take care of what they see, take care of what they feel, for how the children grow so will the shape of Aotearoa.

The evidence in this hearing will outline how abuse in State care had a profound impact on each survivor's life and many instances offering insight as to how they can be prevented. No reira, tēnā koutou.

CHAIR: Tēnā koe Ms Toohey. Thank you. I'll now call upon the Crown to provide their opening. Thank you Ms Schmidt -McCleave.

OPENING STATEMENT BY THE CROWN

MS SCHMIDT-McCLEAVE: Morena koutou katoa. The Crown thanks the Commissioners for this opportunity to present this brief opening statement for this phase of the public State residences hearing.

I wish to begin by acknowledging, on behalf of the Crown, the survivors, the survivors' groups, whānau, supporters of survivors and all the members of the public who are watching and following this hearing. I particularly wish to acknowledge the māia, the kaha, the strength and courage of those who have come forward to give their kōrero to this Commission.

The importance of these voices is recognised by the Crown. Their contribution to the important work of this Commission cannot be overstated. The Crown agencies engaged in responding to the Royal Commission, and whom I represent, are listening carefully to the evidence in this hearing. Some will be represented here in person this week and we have people from different agencies through the week, and some are listening remotely.

For clarity, the agencies listening particularly closely this week are the Ministry of Social Development, Oranga Tamariki, the Ministry of Health, the Ministry of Education, New Zealand Police, and the Crown Law Office.

The principles that Cabinet approved for the Crown's engagement with this Royal Commission indicated that the various agencies should be joined up, so when I refer this week to the Crown and today I'm referring to all the Crown agencies who have had a role in State care.

As in previous hearings of this Commission, the Crown welcomes the opportunity

to hear first-hand from survivors and to learn from what they say about their experiences in State residences. The Crown will not be seeking to question any survivor witness, nor to have any question put to survivor witness through Counsel Assisting. Rather, the Crown's objective in this phase of the hearing is to actively listen and supply information to assist this Inquiry to fulfil its terms of reference.

In the second phase of this hearing the Commission will hear from Crown witnesses who are best placed to assist the Commission in relation to the evidence given at this first phase.

Tēnā koutou katoa.

CHAIR: Kia ora Ms Schmidt-McCleave. Ms Lane, Mr Jarvis is with you, does he wish to make any submission?

MS LANE: No submission thanks ma'am.

CHAIR: Thank you very much, welcome to Mr Jarvis for being here today. And finally, Mr Stone.

MR STONE: Ma'am, I have copies of my opening statement which I could hand to the Registrar.

CHAIR: That would be helpful, thank you.

OPENING STATEMENT BY MR STONE

MR STONE: Last week I was asked by Mr Thomas Powell if I'd like to give an opening statement to which I said obviously said yes, I would. I went on the Facebook page of the Trust that I act for letting them know I'd be giving an opening statement today asking those affected for their thoughts on what it is they would want said if they were here today and they did that. And this opening statement is a collection of their respective posts, minus quite a few adjectives.

Two years ago I started researching into why my late grandfather's eldest brother never received his World War II medals. I never knew that along the way I would uncover 133 other soldiers from C company of the 28th Māori Battalion who also never received their medals. Just over two weeks ago that research led to the New Zealand Defence Force presenting in person to the descendants of those soldiers, the original World War II medals belonging to them. It didn't matter that the war had finished 75 years ago. Those families wanted those medals presented to them and there were three main reasons for it.

Firstly, it was about recognition. Recognition of what their tīpuna had endured and had done for our country. Secondly it was about mana and honouring those soldiers according to our tikanga. And thirdly, because it was the right thing to do. It mattered not that 75 years had passed. The passage of time had not ameliorated the need to be

recognised, nor the need for the restoration of mana. Nor did it remove from the Crown the need to do the right thing.

The same can be said here. It doesn't matter that decades have passed for some survivors, which in some instances is over 50 plus years. The survivors who elect to come forward do so for the same reason as the families of those soldiers. The recognition of what happened, the restoration of mana and because it's the right thing to do.

Recognition. They need the same thing; recognition. Recognition that what happened to them was wrong. Recognition that what happened to them should never have happened. Recognition that they have been let down by those who were meant to be there to care for them.

Mana. They came forward in the hope that their mana will be restored and, to be clear, they had it ripped from them in the most horrible of ways, as described by my learned friend just now. This includes not only their mana but their dignity and their self-respect.

But the truth is very few will come forward. That is because many of them don't trust this Inquiry and view it as a waste of time. They know too that this Inquiry can't give back that which was taken from them. It can't give back their childhood, it can't give back their innocence, nor can it repair the hate, the trauma, the pain, the drugs, the domestic violence, the broken relationships and all the downstream prejudice that comes with being a victim of State abuse. It can't do any of that.

So what can this Inquiry give the survivors? It can give them a voice and this is important because many feel that they have no voice. With that voice they want to be heard. This too is important because they've never had that. But they don't want to just tell their story, they want something tangible to come from the telling of their story.

From telling their story they want follow up. They want to know that as a result of coming forward, things will change. In particular, they want justice. They want those responsible for their abuse to be held to account. And they want more than just an apology. They want that apology from the people who harmed them. They want it from the perpetrators.

They want the way in which the historical claims process is administered completely changed. They want it to be more mana enhancing. They want to bring their whānau with them, those who supported them when the Crown didn't. It has to be more than just a ticking of the box exercise. They want tikanga to be part of the process, just as the Army did for the first time in its history when they incorporated tikanga Māori when they presented those medals, survivors of Māori descent want tikanga involved in how their

cases are managed.

When we had our medals presentation in Gisborne, we didn't get every family come forward. We had exactly half come forward. But after the presentation when all Māoridom found out about the kaupapa, many more came forward because they too wanted the same thing, to honour and recognise their tīpuna.

And the New Zealand Collective of Abused in State Care Charitable Trust hopes the same thing will happen here. It is genuinely hoped that with the formation of the trust more and more survivors will come forward and more and more survivors will use this process, which is only the beginning of what the Trust will implement in respect of priorities, policy design and leading survivors forward.

In particular is after care, which is sorely needed. Just like the soldiers who didn't get the rehabilitation they needed upon returning from war, the survivors too didn't get the help they needed. And this Inquiry is part of that rehabilitation.

It is hoped that the common cause of wanting recognition and restoration of mana will be enough to bind the thousands of survivors together. It is hoped that this process may be the beginning of that process. And that perhaps is the greatest gift this process can give survivors; hope. Hope that people will come together, hope that they will get the recognition they need. Hope that their mana will be restored. Hope that they will get a voice and be listened to. Hope that they will get justice. And that's why they will now join this process.

Ma'am that is my opening statement.

CHAIR: Tēnā koe Mr Stone. Tēnei te mihi ki a koe.

COMMISSIONER ERUETI: Mr Stone, tēnā koe. I saw on the news a few weeks ago the medal ceremony and acknowledged all the mahi you're doing in getting recognition of the mana and the status of our Māori war veterans, it was very moving. And I recognise what you say in the statement about the suspicion and lack of trust of yet another authority figure wanting to engage with survivors to talk about their experience, so acknowledge the mahi that you're doing with the charitable Trust to assist us and bringing more Māori forward to participate in this process so ka nui te mihi ki a koe. Tēnā koe, thank you.

MR STONE: Dr Erueti, thank you. I should also acknowledge; my learned friend made a reference to the Waitangi Tribunal's findings on Friday. That came as a direct result of the application for urgency which my team submitted, and it must be acknowledged that you were there from the very beginning. Thank you.

CHAIR: Kia ora. So that brings our opening submissions to an end. Is there anything else that

anybody else would like to contribute before we take our break and before we call the first witness? Is there anything else required? We are a handsome 15 minutes early and I think it's appropriate that we take the morning adjournment. Thank you.

Adjournment from 10.59 am to 11.18 am

CHAIR: Yes Ms Toohey.

MS TOOHEY: Good morning Commissioners. We have with us Mr X, the first witness for this hearing.

CHAIR: Thank you, I'm going to ask Sandra Alofivae to greet you.

MR X

COMMISSIONER ALOFIVAE: Good morning Mr X.

A. Good morning.

Q. Fa'atalofa atu i le pa'ia ma le mamalu o lau susuga, fa'atasi ma lou…e ua lagolago mai malosi atu ia te oe mo lenei aso. Fa'afetai fo'i mo lou aiga ma nisi o mafai ona omai e fesoasoani ia oe i lenei itula. Nofo ma lou iloa o lea fo'i matou te au malosi ia te oe.

CHAIR: Before we start, I'm going to ask you if you'd take the affirmation. Are you ready for that?

A. Yes.

Q. Mr X, do you solemnly, truly, declare and affirm the evidence that you'll give to the Commission will be the truth, the whole truth and nothing but the truth?

A. I do.

CHAIR: Thank you Ms Toohey.

QUESTIONING BY MS TOOHEY: Good morning. You are going by a different name in this hearing, Mr X. Can you tell us when abouts you were born Mr X?

A. Can you repeat that?

Q. When were you born?

A. 1958.

Q. And you currently live in Christchurch?

A. Yes, I do.

Q. I want to ask you first about your early life. You've put in your statement about growing up with your grandparents here in Auckland.

A. Yes.

Q. Can you tell us about that?

A. Yes, being in a Samoan family of course, you know, it's pretty strict back in the day. Yeah, everything was strict, but for myself and my brother it was sexual abuse and the violence

was concentrated just on me and my brother and no one else in the family. So we don't have a very good memory of growing up in our family home. The hidings we used to get, my brother remembers me, he remembers when my grandfather had me up by the neck in the middle of the room like a rag doll and my aunty had to come and grab me off him. Our hidings, our beatings were fists and boots, it wasn't slap, it wasn't a strap, this is what it was like, it was fists and boots.

And when my grandfather got a bit old, then the hidings come from my uncle and my father, so-called father. I remember one time my uncle gave me a hiding, he broke my jaw and everything, he took me to GRO-B Intermediate School to see the headmaster at that time was Mr GRO-B and at that time we had a very racist, a very racist headmaster at GRO-B Intermediate. When you got sent there he had three different straps and three different canes; one for Pākehās, one for the Māoris and one for the Islanders.

So yeah, so that was it, but when my uncle took me there to see there, I was blamed for being a leader of a gang. I just couldn't believe it. And this was what GRO-B told this uncle of mine.

Q. How old were you then?

A. I think I would have been about 11 and my uncle punched me over to the ground in front of Mr GRO-B and kicked me, and what did GRO-B do? Nothing. What did he do? Expelled me. This is white people back in the day and you can see I am angry.

The other thing is Islanders lose their way, I lost my way because even at school you were not permitted to speak your language. If you spoke your language, you know, you would get punished. Out come the canes or whatever. So that was my life growing up.

Q. Did you speak or understand Samoan when you were growing up?

A. I did when I was younger. I don't now.

Q. Why is that?

A. Throughout my child life and in institution it's been -- I'm not a racist person but it's been a parade of white people, and back there you get taken, what you believe in and your language and your knowledge of where you come from is all gone, it's taken, because you're not permitted, you weren't allowed to have those things.

Q. You mentioned before about violence in your home. In your statement you talk about an incident with your grandfather with a machete?

A. Yeah, that's right, he wanted to kill me, chased me up the road with a machete, he wanted to chop my head off.

Q. Did the Police come on that occasion?

A. I think they did because they took me away.

Q. Where did they take you?

A. To the Police Station.

Q. What happened at the Police Station, do you remember?

A. I was locked up in the cell for the night.

Q. Do you remember how old you would have been then?

A. About 12, no older.

Q. Was the church part of your home life with your grandparents?

A. Yes, it was. We used to go to church every Sunday, my brother and I were known as what you call altar boys and, you know, what I couldn't fathom back then is how can families drink, swear, beat up their kids, send them up the road, my grandparents used to send me and my brother up the road to find people to buy beer for my grandfather, go to a TAB, try and find somebody off the street to take bets for him, you know, and then going to church on a Sunday and saying oh, you know, we're all good. I could never ever fathom that, because of my childhood, because of what was actually there. For me and my brother, we don't understand why our family picked me and my brother out. My brother's sitting in the back there now. He won't come out here because he went through the same shit as I did.

CHAIR: Are you all right to go on Mr X?

A. Yeah.

Q. Thank you.

QUESTIONING BY MS TOOHEY CONTINUED: I think something else happened that you've talked about in your statement not related to your family, the kidnapping incident when you were 11 or 12?

A. Yeah, yes, I think I had a Star run, on Saturdays we used to go around and collect the money.

Q. Is that a newspaper?

A. Yeah, used to be the Auckland Star back in the days when they used to have the old Star run. And I went to this place and knocked on the door and said "your bill is so and so" and he offered me $20, he said "Can you give me a hand to lift this?" And like a kid, $20, stupid, I went and done it. So he grabbed me, gagged me, tied me, raped me and on the TV I was on the TV, the Police were looking for me and everything. If it wasn't for the next door neighbour that saw me and recognised me, I don't know what would have happened.

When they took me home I didn't say anything because I believed this fella when he said that "I know where you live and I will come and kill all your family if you say

anything." So being Samoan and the family name, always the goddamn family name, so this was swept underneath the carpet as one would say. There was no counselling, there was nothing. But I ran away from home, I ran away again from that that night.

And, you know, what gets me is at the age 9, you know, I was in a boys' home on and off until - I was in there for a long time, but what gets me is nobody ever, ever asked me why I kept running away. No social worker, no-one, because as far as they were concerned I was a ward of the State and the Government owned us and that's what we always used to say, oh the Government owns you now. How true that was. A lot of people, believe me, yeah.

Q. On one of those times when you were running away from home --

A. Yeah.

Q. -- was there a time when you were charged with some kind of offence by the Police, do you recall?

A. Yeah. Oh, when you got known to the Police you were charged with a lot of offences, just to clean up their backlog. My record, I look at my record and I say, and honestly, maybe 10, 15% out of 100% is accurate, the rest is bullshit because that's what the cops did to you. They picked you up and they charged you with other crimes that you didn't even do, I weren't even there, but who am I? I'm a 12, 13 year old kid, what the hell do I know? I'm not even a goddamn human being.

Q. Do you think that happened from when you were 12, 13 or was that later?

A. That was later but it was earlier too, I mean you've got to remember that back in the day you used to get picked up for stupid things like being a vagabond. As long as you were black you were picked up. Islander, Māori, you were picked up. It's such a short time in my life. I'm 63, I've been through so much through my childhood, through my teenage and part of my adult life, you know. I've been, you know, the racism just, oh, it's just outrageous, you know, dawn raids.

Q. So let's come back to that soon, but after one of the times that you were charged with an offence, was that what first led you into care, Mr X?

A. No, I think when I was about 9 I remember going into the boys' home but that's because I kept running away from home. And then, yeah, from there on it was running home and then, yeah, getting into trouble, that led to me being made a ward of the State.

Q. We know your records show that you were admitted to Ōwairaka Boys' Home on 8 December 1971.

A. Yeah.

Q. I know that you think that you were there prior to that.

A. Yeah.

Q. But just thinking about when you first went into Ōwairaka, I want to ask you some questions and this is at the top of page 6 of your statement, about what happened when you got into Ōwairaka?

A. Sorry, can you?

Q. Just at the top of page 6. I just want to ask you a few questions about that. First of all, when you arrived at Ōwairaka, did anyone ask you officially what ethnicity you are?

A. No, I assumed that they knew, nobody asked me whether I was a Māori or Pacific Islander or what, nothing.

Q. And you've talked about secure. How long after you arrived did you go to the secure unit?

A. All new arrivals go straight to secure. I want to make one thing clear here, one thing clear here. The secure wing, they call a secure wing, is a prison block. So don't tell me they never ever locked children in prison. These were cells, the same as Mt Eden, the same as any other prison. Solitary, it's a prison, it's not a secure wing. It's only the name that makes people think. But it's a prison.

Q. So can you describe what it was like, what the door was like, what the walls were like?

A. In the cell, you had a steel bed, of course, the walls were concrete block, same as the floor, floor was concrete, you had a sink and a toilet that's it, and a window that faces into the yard, a window that you were never ever allowed to stand by and look out or anything.

Q. What happened to your clothes when you arrived?

A. They were – you come in through the door, now let me make – let me explain the process here. When the cops bring you to Ōwairaka Boys' Home they take you straight to the secure block. Then I called them guards because as far as I'm concerned that's what they were, they came out, they got you, then you have to strip. Now even before you put on your clothes, we had a little fella called Waetford we used to call – Wakefield whatever, used to call Hitler. Now when on your first arrival you would get beaten, you would get the strap around your legs, your arse, until you nearly start – until you welted and was nearly bleeding. And the reason was for that was to teach us to tell us to keep us in line. This is what's going to happen to you.

Q. Can you tell us what would happen each day in the secure unit? Was there any times that you could leave?

A. No. You were locked up 24 – well you were locked up 24/7 as I says, there were rules, they would bring you out for PT.

Q. What was PT?

A. Physical training, and the yards – and inside the compound is asphalt, so they would make you run around, do press-ups, and they would run you, I mean run you ragged and they – boys used to fall of exhaustion. There was no water, there was nothing. And me at one time, stupid for me, I picked this kid up and I got taken to the shower block and got beaten.

Q. Who by?

A. By the – by one of the guards, I just can't recall. Now the other thing is back in that – those days with the secure wing, is you were lucky to even get a shower once a week, a shower. And as far as getting fed, if they didn't like you, you might get two meals or maybe three meals a week. But in saying that, I spent a little time in the secure wing and at my age I really thought I was going mad. At times I wanted to die because your mind, you don't talk to no-one, you're by yourself, you sit on your bed. You know what that does to a child?

Q. Was there anything to do in the cell?

A. No, no. There was no books, there was no writing pads, there was nothing. This was punishment, this was you. That's a prison, that's not a secure block, that's a prison. And this is what they did to us. And besides that, there was all the abuse.

Q. What about – when you said there were no books, what about access to education, was there any schooling?

A. No, you're locked up in there, there's no schooling, there's nothing.

Q. Now you've mentioned in your statement about being made to clean the toilet. Can you tell us about that and the toothbrush?

A. There was a couple of white guards that didn't like me, so they brought a toothbrush in and I was made to clean the toilet with it. Then they made me brush my teeth with it.

Q. You talked about abuse, physical, I just want to ask you first about physical abuse.

A. Yeah, physical abuse.

Q. From secure, can you tell us about that?

A. Physical abuse is rampant. I had a cell in the corner next to the shower block and when they used to take the boys in there you could – I'd sit on my bed, you imagine that, you're a kid and you're sitting on the cell bed and all you can hear is screams from the boys being sexual abused, being beaten. That's what I heard from my cells.

Q. Was this a shower block that was particularly for the secure unit?

A. Yes. The only shower block there. It's – I mean I was like any one of those boys. Being in a place like that if you were anything other than white, the physical, the mental, the sexual

abuse, you would get, like if you were Māori it wasn't too bad, but let's not downplay that, because the Māoris got treated really bad. But in there, if you were Islander or anything else, you were dog shit. They would step over you. They don't even give a shit about you. And the mental abuse what I'm saying is when you get told day after day that you're just a piece of shit, that your family doesn't want you, that society doesn't want you, that you should kill yourself, right? You know, "You little black arsehole, you bloody nigger, you bloody coconut, you bunga." That's what I had to endure in Ōwairaka.

Q. You've mentioned about the classroom, the set-up of the classroom. Can you tell us about that?

A. There was a classroom there for school. And on occasions, very odd occasions the Māoris and Pacific Islanders were allowed to go to class. But once again it was segregated, you had the Pākehā front, the Māoris and then the Islanders or whatever at the back.

Q. And who arranged it in that way?

A. School teacher, as far as I know.

Q. And what was your experience of the schooling at Ōwairaka?

A. My experience of school at Ōwairaka is I didn't – weren't allowed to go to school very often and when I did I was sat at the back.

Q. Could you hear what was happening from the back?

A. A lot of times you didn't, and when you put up your hand and asked, you know, to repeat it, he would come up and abuse you and, you know, say "That's your problem, you know, you should have been listening", you know. But not in such nice words, of course.

Q. And what was the classroom arrangement like – a range of ages of children there at Ōwairaka?

A. Yeah, could have been anything from 8 upwards I suppose.

Q. And how many different classes or teachers did they have?

A. Well, I only saw the one teacher, for me personally, because as I says, most of the time we weren't allowed to go to school, we were made to work, to work in the gardens, to clean the place, sweep concrete, and that's the same, as I said, you know, if you weren't white, that's what happened. And the abuse in there, and I want people to know what the sexual abuse was actually for me. The sexual abuse, the mental abuse, the physical abuse, hidings most days, getting told that you're worthless, you're a piece of shit, but the sexual abuse, when I was sodomised, when they stuck bottles up my arse, and made me use my mouth, I mean --

Q. Do you need a break. Do you want a take a little break?

A. Yeah.

CHAIR: Let's take a break.

Adjournment from 11.49 am to 11.57 am

CHAIR: Just to say Mr X, we are in admiration of your bravery and we thank you so much for the pain that you're going through for a greater cause. So thank you very much.

A. Thank you.

CHAIR: Yes Ms Toohey.

QUESTIONING MS TOOHEY CONTINUED: Just before we had a break you were telling us about the incident with the bottle.

A. Yes.

Q. And you've talked about this in your statement that this is something that happened in the shower block in secure at Ōwairaka. Without telling us the name of the staff member you do remember, can you tell us who was there when this happened without giving the names?

A. Yeah, umm --

Q. Was it staff or --

A. Oh no, staff, sorry.

Q. How many were there?

A. I think at that time there were three I think.

Q. And can you tell us what happened?

A. As I explained down there, boys used to get taken out of their cells to have what we called rotating turns.

Q. Sorry, what was that?

A. A rotating turn of being abused. But what happened on that day with me was I was sexually abused, I was raped, sodomised, got a bottle shoved up my backside and made to walk around for their amusement, so they can laugh at me.

Q. Is that what happened?

A. Yeah.

Q. How many staff were there on that occasion?

A. I think there were three. Sorry, I can't be accurate, my brain's just --

CHAIR: It was more than one?

A. Yeah.

QUESTIONING BY MS TOOHEY CONTINUED: You've talked about another time, I think your last time in secure at Ōwairaka, this is at paragraph 53, where you were there for three weeks and you've told us about a disease that you contracted while in secure.

A. Yes.

Q. Can you tell us how you got that?

A. I got that through the sexual abuse, through not being able to shower or clean. I was in pain for about two or three weeks, they wouldn't let me see a doctor because otherwise, as an adult thinking about it, because they would have to do a lot of explaining what had happened to me. So I was left there for nearly three weeks before it cleared up. And how I knew it was a sexual disease is it hurt so much so pee, it hurt so much, I've never experienced pain like that in my life. Yeah, yeah, it's -- so I was left there for three weeks, no shower, nothing.

Q. Any medical treatment?

A. No medical treatment, nothing.

Q. And what was the impact of having that sexual disease in secure?

A. The impact for me was I can't father children and that saddens me when I look at the rest of my family and they've got children of their own. And that's a big loss because I can't father children, I never could, relationships have broken up because I can't have children and because I couldn't adopt either because of my record.

Q. You mentioned a moment ago about other children, I think you said rotating for sexual abuse in the secure block?

A. Yeah, the thing is you got to understand about this, I call it the prison, the prison, is you were numbered. You were down there and they were going to teach you a lesson and – but it went by numbers, and what I mean by numbers, everybody had a number and that was because if you had the number, I don't know – oh sorry, yes, if you had the number 1, if two or three of you were number 1, you were the most hated ones by these guards and the most hated ones were always, always myself and Māoris and any other Islanders. So we were done by numbers, we were raped, we were physically abused, we were mentally abused by numbers because they didn't like us, they didn't like our colour. Sorry.

Q. I'm going to ask you now about some of the other things that happened at Ōwairaka. You've mentioned about boxing on the weekends. Can you tell us about that?

A. They had a gym there and they would put up the boxing ring and in the weekends you would have to box. Now the thing is, it wasn't your regular boxing match. The guards would line you up, they put the bigger boy with the smaller boy and they would stand there and laugh while you were beating up the smaller boy. And if you didn't do that, then you can guarantee you're going to get a couple of them, they're going to come and kick the shit out of you.

Q. Who would?

A. The guards.

Q. What about at other times, was there any other times when boys were asked to hit other children?

A. Yes, the bigger ones were told, told to go and smash up other boys. And I'm a culprit to that. And the thing is, we knew what our punishment was if we didn't follow orders. We would get beaten up. But it came to a stage when I was there I looked around and I had enough, I had enough. Why am I beating these small boys up for? So ever since then I refused to and ever since then I just got the beating of my life.

Q. Who from?

A. From the guards for refusing to follow their orders. You know, at this stage, you know, if any of those survivors are watching, I want to say sorry, because you fellas were small boys and you shouldn't have ever had to go through that, and I apologise for my part in it.

Q. In terms of the other forms of punishment from the staff, you've talked about a wooden bucket that was used to stand on.

A. Yeah.

Q. Tell us how that was used, this is paragraph 62.

A. The buckets, yeah. You were made to stand on buckets as punishment and we're not just talking about it now, we're talking about all day. Most of the day, all day. And if you fell off, you would start again, but you would get a hiding first, then you'd have to – but I felt sorry for some of the boys because they weren't as strong as some of us others and, you know, when you watch these fellas get a hiding all the time and made to stand back up on there, it's unbelievable. Yeah, that all was done by the guards, housemasters, screws, whatever you like to call them, but I call them guards because no such thing as a housemaster, not in my day.

Q. Did you run away from Ōwairaka while this was happening?

A. Yes, I did, two or three times. I didn't want to be there. I had enough. I ran away two or three times.

Q. Where did you go?

A. Anywhere, anywhere, we used to run away just to get away from the place.

Q. What happened when you got caught?

A. Cops pick you up, take you straight to secure wing and it all starts over again. But I think for a lot of boys that kept running away from that place, it was – for me it was – I was away from there in that short time doesn't matter, I wasn't being abused, I wasn't being raped, I wasn't being beaten up. For a runaway like me and many boys, that time was bliss to us.

Q. Was there another punishment when you got back to the home apart from being put in secure, from any particular individual?

A. Where are we, sorry?

Q. Paragraph 68, 67, 68 of the statement.

A. Oh yeah, yes, Wakefield, every time you used to get put in secure or get brought back by the Police they used to call him, this is the one we call Hitler. He's the one that used to dish out the majority of punishment which was the strap or what we called the paddle, and a paddle is a handle and it's got a – it's a piece of wood with a handle and, yeah, so the paddle sort of hits every part of your backside including your scrotum, so -- but he was the main man they would call and say yeah, so and so's back, so and so's back. Didn't matter what time of night or day, he'd be there.

Q. He'd come in?

A. Yeah, it's something that he loved.

Q. Is he the one I think you said before might have been called Mr Waetford?

A. Yeah, yeah.

Q. Was there any social workers who worked with you during your time at Ōwairaka?

A. No, I never saw a social worker in my life there, no, never. I mean when I got my – through the historic claims, when I got my files and I read them and when my brother got his, you know, I cried because those files are lies. Who are these social workers? I've never met them, I've never talked to them, you know? And yet they're writing all this bullshit about me. You know, how are they?

Q. Do you recall seeing any of them?

A. Pardon?

Q. Did you see them, do you recall any of them?

A. No, no.

Q. I want to talk to you now, I'll just show you a document that's on your file that's referred to at paragraph 77. It will come up on the screen in just a moment. While we're getting that up, can you tell us whether there was any talk of foster home or family home placements for you?

A. No, not that I know of. The only time I knew about that was, as I says, on the files. Because when you're put in those places like Ōwairaka, Epuni, Hokio, Kohitere, there is no contact, you don't get told anything.

Q. So have you got in front of you on the screen a document, the text that's been brought out, it's a letter dated 11 April 1972 to the Acting Assistant Director of Social Work for

Auckland.

A. Yeah.

Q. And it's from Mr Waetford, the Assistant Manager who you've referred to before.

A. Yeah.

Q. Just looking at that first paragraph, "Mr X – as we've called you – is a sly and cunning individual and could be for some time yet." What is your reaction to seeing those words written about you now?

A. I mean when I first saw it and those words written about me I just couldn't believe it. I just couldn't believe that a human being could write lies about a child. I can't fathom why adults do this to children. That there "sly and cunning", they covered their arses because they made us do things, so out comes a report like this which is total shit. They covered themselves. They made us do things and they covered their arses.

Q. You'd been in the home then for around four and a half months on the records?

A. Yes.

Q. Had there been any opportunity for you to complain about what had been happening to you?

A. Oh no, no, no, no. The thing is in there we tell one another, we tell the boys do not complain, because, you know, at the end of the day who are they going to believe? But not only that, it's what punishment you would get, you know, if you try to open your mouth. You know, you daren't open your mouth and that's what we would tell, even I, I told young fellas, shut up, say nothing, back off.

Q. He's noted at the bottom of that letter that you may well succeed in a foster home or family home and he recommended you be given another trial in the community, or if that failed, proposals for long-term training could be reconsidered. So there was no foster home or family home arrangement for you, was there?

A. No, no.

Q. And Mr Waetford himself, do you recall what ethnicity he was?

A. I thought he was a Māori but we called him, as I says, we called him Hitler and my opinion back then was that he thought he was a white man, let's put it that way, because I couldn't understand as a kid why do you do it to your people? Why are you like this? You know?

Q. Do you recall an occasion when you had to go to hospital for a problem with your hip when you were at Ōwairaka?

A. Yeah.

Q. And what was happening with your hip?

A. They called it an irritable hip, if I remember.

Q. We're going to bring up on the screen a letter from Middlemore Hospital. This is 19 September 1972. I think you'd gone into hospital on 1 August?

A. Yes.

Q. I just want to bring up a particular paragraph there you can see, it's going to come up on the screen. This is coming from the orthopaedic registrar going to the home. You'll see it says, "His general behaviour in the ward was cooperative but at times rather bizarre. His signs did not change despite the continued use of skin traction in hospital and he was observed secretly getting around with quite some facility after he was eventually allowed up, but this disappeared when he was aware of medical observation." What was happening there for you?

A. For me I played on it quite a bit because that was a place where I felt safe, that was a place where nobody abused me or anything.

Q. What were the nurses like?

A. They were – they were good.

Q. Did you think about telling anyone what had been happening at Ōwairaka when you were in the better environment in hospital?

A. I had thoughts of it but then I thought better of it because, as I said, I still had to go back there. So you daren't, you know, so the code of silence, as we know.

Q. What do you think would have happened if you had?

A. I would have been shoved straight back down to the prison and gone through all that abuse again and would have been locked up longer.

Q. One of the other things you've talked about in your statement from paragraph 80, two boys who went missing at different times at Ōwairaka?

A. Yes.

Q. Can you tell us a bit about that?

A. Well, we would wake up in the morning, you generally wake up to everybody being there, but we noticed one of our mates were missing. So we thought, when we talked to the guards and asked them, and they would say that the social worker came and picked him up, came and got them, or otherwise they would be in secure and that, we would know. But the funny thing about it is was we didn't say much, we just look at each other and say yeah right, because when we go to bed they're there, when we get up they're gone.

Q. What time would you get up?

A. Oh, was it 6 or something or -- yeah, lights used to come on at -- yeah, 6 I think it was,

yeah. But the thing is you go to bed, they're there, you wake up, they're not.

Q. What about on other occasions, would you actually see social workers or anybody else come to take – transfer children?

A. No, well at 10 or 11 o'clock at night.

Q. But on other occasions did that actually happen during the day?

A. Oh yeah, yeah, during the day only, in between certain hours. But not at night, you never see a social worker at night, no way in hell.

Q. Now in about, I think in about August 1972 you got transferred to Hokio Beach School in the Horowhenua. Can you tell us about what happened when you were transferred? Did you get any warning that that was happening?

A. No, no, there was no warning. The night before I got sent they came and dragged me out of my bed and locked me up in secure.

Q. Did they say why?

A. Not really, just – I knew something was going on, I mean to be dragged out like that, you obviously done something or they think you've done something or whatever. But I –

Q. Then what happened the next morning?

A. The next morning I was handcuffed.

Q. How old were you then?

A. I must have been about 12 or 13, 13 I think. I was handcuffed, put in a car, taken to an airport, walked on the plane with handcuffs, a 13 year old, flown to I think it was Levin and then escorted off the plane and put into the hands of a new bunch of guards from Hokio Beach School.

Q. I just want to bring up a document around your transfer. This is a letter, this is the second page of a letter, I just want to highlight paragraph 5 first. So this letter is dated 18 August 1972, so shortly after you were in hospital for your hip. This boy appears to be bent on leading an antisocial life and in my opinion would benefit from a period of training at Hokio Beach School." So again that's not something that was discussed with you or a social worker with you?

A. No, no.

Q. And then there's a note, a handwritten note under this. It's a little bit hard to read, but it's a note to the Director-General noting that "the Boys' Home considers the admission to Hokio merits priority over some of those already approved. He has leadership ability and is a bad influence in the institution." What's your reaction to reading that now?

A. Well, no, I'm disgusted in these reports because the thing is you know they're writing about

being a bully or whatever, it's because they made us do it, you know? They've made us do this and now they're writing saying that I'm a bully, I was never a bully. You know, as I said to Anne, you have a look at my record, right through to adult, there's no violence, I wasn't a violent man, you know? And this is what I say, that when I read these files it's just another path of abuse to us survivors, because it's lies, it's bullshit.

Q. At Hokio Beach School, when you got there, do you recall what happened when you first arrived?

A. Where are we?

Q. This is around 87, around paragraph 87.

A. Oh.

Q. Perhaps just generally talking about was there any differences that you noticed with Ōwairaka when you got there?

A. No, it was just the same, I mean as I said, you know, just the bullying and everything else, the sexual assault, you know, it was nothing different, nothing new. You just – they've just sent me from one place to another place.

Q. Did they also have a secure unit?

A. Yes. They had two cells there, which you – the window was very small, but it was right up over there and steel door and mattress on the floor.

Q. Could you see out the window?

A. No, and no toilet either in the cells. No sink, no toilet.

Q. Did you say there was a mattress on the floor?

A. Yes, that was where you slept.

Q. Once again, was the door locked?

A. Yes, definitely.

Q. Was there anything to do while you were in the secure unit?

A. No, nothing at all.

Q. In terms of the general layout of the home, did some of the staff live nearby?

A. Yes. I think most of the staff lived, because Hokio Beach School was by the beach itself and that little community and most of the staff lived around there.

Q. Now in terms of school, were you able to attend school at Hokio?

A. Yes, at –

Q. This is about paragraph 93.

A. My head's going around.

Q. I think you've said in your statement that school was a privilege?

A. Yeah, it was, yeah. For me there was nothing different between Ōwairaka and Hokio. You had to be like a privileged kid really, or change the colour of your skin, either one.

Q. I want to bring up on the screen the next document. If you have a look at the paragraph 2 there, which we're going to highlight, this is a report, a school report about you in 19 March 73, sorry, May – no, March 1973, "oral and written expression, probably the best in the class. Oral expression in particular is very good. Articulate and well conversant with language." Is that what you recall while you were at school? Were you good at school?

A. I've never seen it so I didn't really know. I mean, but like most things in life, throughout my life I mean I've taught myself and I consider myself a good speaker, good writer, I'm good at maths and things like that, but –

Q. Just in the last – sorry to interrupt.

A. But at times I went to school they allowed us to go to school, maybe that's what the teacher thought what I was, I don't know, because as I say, until I got the files from the historical claims people I've never ever seen any of this, so – yeah.

Q. There's another paragraph there noting that you'd made amazing progress, that you had a good attitude to schoolwork.

A. Yeah, I think there was a time where I wanted, well in my own mind, wanted to do something worthwhile for myself and – but when I was at school it takes like – I used to get in the zone and it just blocks out anything else.

Q. So just moving through this to the next document, because I just want you to explain what happened with your schooling at Hokio. So, if we look at the next document and these two paragraphs here, so they're again referring to that school report that you'd made amazing progress, and then they refer there having moods of moroseness and cheekiness, we'll come to that shortly. That was in March 1973. Then I want to come to the next document, 11 and if you have a look here they've recorded, this is in July 1973, so a few months later, it's recorded here that you wanted to go and live with your paternal grandparents and it was felt that a school exemption which was required due to your age was fully warranted. And then further down at the foot of the page is a recommendation and it notes that you do not wish to continue with your schooling beyond your 15th birthday. Did anyone ask you whether you wanted to continue with your schooling?

A. No. Nobody ever asked me if I wanted to continue or not continue with my schooling. All I know is when I was discharged from there that I didn't have to go to school.

Q. We'll come to that, let's go to that document just to finish this subject. The next document, this is a letter from Mr Doolan, the principal –

A. Yeah.

Q. – of Hokio Beach School, noting that he wanted to apply for school exemption because you were 14 and otherwise would have had to have attended school and to return to Auckland, and it notes at the bottom that you're well developed physically and you aspired to labouring work. Did you aspire to labouring work?

A. Well, I mean you could say that, I suppose, because we did a lot of labouring work for these fellas, you know, cleaning, mopping, gardening, sweeping, so you know, to say that I'm thing to labouring, I most probably was, but that's what they made me do, that's not what I wanted to do. Nobody ever asked me if I wanted to carry on with schooling.

CHAIR: Ms Toohey, before you carry on, I'm aware there's an order in place relating to anonymity in relation to –

MS TOOHEY: That's in relation to a slightly different issue.

CHAIR: Not related to this, I was just double checking. Thank you.

QUESTIONING BY MS TOOHEY CONTINUED: Did you ever have any schooling later on after you were discharged as a State ward?

A. No.

Q. How do you feel now about not having had an education beyond this period?

A. I feel very disappointed, I feel angry, I feel a lot of hate because you've got to remember, you know, 47 years I've had this in my life and I've just had so much hate and anger towards these people.

Q. Just on the screen there is that final exemption where you were exempted by the District Senior Inspector of secondary schools in July 1973.

A. Yes.

Q. Can we turn now to a different subject, this is at paragraph 102. This is in relation to Mr Ansell, or in relation at least to a cook.

A. Yes, yes.

Q. You've talked in your statement about sexual abuse from the cook at Hokio. Do you want to tell the Inquiry about what happened?

A. Yeah, the sexual abuse was prevalent in these places, but this cook used to take you in and he used to do things to you, but he used to make you do things to him. The thing is, what I can't understand is they used to reward us for this bullshit, they used to take us out the back and give us smokes. I wasn't a smoker, but that's what they did from Ōwairaka, they turned me into a goddamn smoker. And they did the same again at Ōwairaka – I mean at Hokio Beach School. Your reward, it doesn't matter, you know, and let me make it quite plain and

clear. I was never a willing participant, nor did I ever want this shit in my life. But that's what the cook was like. And –

Q. Whereabouts did this take place at the home or outside the home?

A. Used to see him take a boy outside the home sometimes or within the kitchen area, because he could lock all the doors and, you know, nobody could get in, nobody can see, and the thing is, you know, your life is always threatened because they threaten you, you know, as a child you look up to these fellas and say oh, yes, you know, 20 sizes bigger than me, there's nothing I can do. So you've got to go along with it. To survive, for survivors like me and other survivors, you had to learn how to survive in there. And that's what we did. You had to learn how to, let's put it this way, they taught you how to be a better criminal so you can survive out on the streets and that's what they gave me. They didn't give me anything else.

Q. Is there anything else you want to say about that cook?

A. Let me see.

Q. This is at paragraph 104. The Commissioners have your written statement. So if you don't want to say it during the hearing you don't have to.

A. Oh, yeah. At one time when he took me in there he took his pants – he took his pants off more or less, he knelt down and gave me a strap to smack him around his arse while playing with himself. Sick.

Q. Was there ever any comments to you along racial grounds when you were being abused at Hokio or Ōwairaka?

A. Yeah, yeah. Yeah, they used to call you a "little nigger boy" or a "little black bastard", "this is all you're worth, this is all you're good for", you know, "you're just a piece of shit, you don't belong on this earth, this is your punishment for being the colour that you are, because nobody wants you, not even your family wants you." So you – for me personally, that's how I felt.

Q. I want to now ask you about hospital at Hokio. That problem with your hip, did you end up going to a hospital in Palmerston North in relation to that hip injury?

A. Yes.

Q. And I think that was for quite a long time, for six to eight weeks I think between mid-September 1972 and the end of October 1972. Do you remember being there for quite a long time?

A. Yes.

Q. And did the same thing happen at Palmerston North Hospital in terms of what you told us before about playing on the injury --

A. Yes.

Q. – to stay in hospital?

A. Yes. That was my safe place.

Q. I just want to show you a document. This is a letter you'll see from Dr Leeks, a child – oh you can't see it? I'll give you a copy of the document. **[Copy provided]**

CHAIR: Yes, give him a copy of the document. Mr X, it's also up on the big screen there too. You can't see that. Cling to the bit of paper then, it's probably best.

QUESTIONING BY MS TOOHEY CONTINUED: This is a letter to the Hokio Beach residents from Dr Leeks, a child psychiatrist who is connected with Lake Alice Hospital. Do you recall seeing him when you were at Palmerston North?

A. Yeah, yeah, I did. I didn't realise it was Dr Leeks, I knew it was a –

Q. He talks in this letter about, in about the middle of the page, that he painted a whitewash story of why he was at Hokio, spoke of his dislike of both Hokio and hospital, although rather less of hospital. What was your experience in the hospital?

A. My experience, it was good. You just had people that actually cared about you.

Q. He then goes on that you "wish to be back home where he could do as he liked, the large family from which he comes and the elderly indulging grandparents have not been an ideal background for Mr X and I would feel he has overcome the unpleasant aspects of his stay at Hokio with physical symptomology." Is that how you'd describe your grandparents?

A. Indulging, my grandparents? One, I just say this now, that there's no way in hell I would have gone back to that hell-hole. There is no way. So I don't know where he's getting this from. At any time I did not want to go back there. Because I knew what it was like, I knew what it was going to be.

Q. He says that he told you that this may be the last time he gets to hospital with this type of illness, especially as it would seem it is a response to discomfort and anxiety. Did anyone – was there any change between the previous physician, was there any opportunity in hospital, or did you feel that you could talk to anyone about what was happening to you at Hokio?

A. There was Sister Sales there and –

Q. At the hospital?

A. Yeah, at the hospital, and she become a, well, a very good friend or even a mother figure, if you like, and she was really kind and that, but I mean I wanted to tell, but, you know, but the thing is once again, just got to think of the consequences of telling someone, because I still had to go back to that place.

Q. Did you ask her to keep you in the hospital for longer?

A. I think I did at some stage. Where are we?

Q. The letter ends, "I will see him – you – when next I am there at Hokio." Do you recall seeing Dr Leeks again or not?

A. Not that I recall. The only thing I recall is the guards used to say there was a rumour about me being transferred to Lake Alice. Because at the time I didn't know who this Dr Leeks actually was, so, yeah, I mean the rumours was – yeah, but I never ever got transferred there, but that was the rumours that I was going to get transferred to Lake Alice from there.

Q. I want to take you to just a final letter which you might need a copy of that. This is a letter to the school from a person who – called David who had written to the principal of Hokio, he'd met you in the hospital and he was trying to take you out. You can see there he notes – he says he met you in the pharmacy there and he said that you had asked if he could possibly come down sometime and see you before the holidays. Do you remember that person?

A. Yes, I do, he was – yeah, he worked in the hospital but he had a couple of friends that were actually in hospital who I met and I spent a lot of time with them.

Q. Was he someone you would have liked to have seen?

A. Yes, yes.

Q. Did that happen, were you able to see him?

A. No, I didn't even know about these letters, I didn't know about them, I mean the first time I saw them really was when you showed them to me. They're not even – I don't know whether I even got them in my files that I received. So no, I've never seen these letters before and I didn't know that he was writing.

Q. Okay. I want to take you now to another letter on your file, this one – moving away from the hospital, this time a letter that you wrote?

A. Right.

Q. So this is a letter that you were writing to Miss Jenkins in March 1973?

A. Yeah.

Q. It seems from this letter that you were asking for the welfare officer's name and address of his department. Do you recall what you were trying to contact the welfare officer about?

A. Yes.

Q. What was that?

A. At the time when I wrote the letter I was – I wanted to tell somebody, I was in that part of my life where I'd just had enough, I just wanted to die, so I wrote this letter.

Q. And I think Mr Abolins, the social worker, wrote back to you and invited you to go and see him in Auckland when you were due to go and stay with him in the holidays with your grandparents. But I think your leave was cancelled?

A. Yeah.

Q. Because of the truck incident?

A. Yeah.

Q. Do you want to tell us about that, what happened with the truck?

A. Yeah, a few of us, we just want to get away, had had enough, so we took off one night and come across this farm and unfortunately it had a truck on there, and I've never driven a vehicle in my life, anyway I managed to drive the truck so we stole the truck, yeah.

CHAIR: Were you about 15 at this time? Is that how old you were?

A. Yes, I think I was, yes.

QUESTIONING BY MS TOOHEY CONTINUED: I think you appeared in court on 31 May 1973?

A. Yes.

Q. And what happened when you got – I think you were charged with that, with unlawful taking of a motor vehicle?

A. Yeah.

Q. And what happened when you got back to Hokio after that incident?

A. Oh, got –

Q. Was that what made the transfer to Kohitere happen?

A. Yeah, I was – yeah, we were – I was locked up in the cell at Hokio until a room became available at Kohitere, then once again this is where I have a problem, they call it secure wing, I call it a prison because that's what it is.

Q. Was there a physical punishment?

A. Yeah.

Q. What was that?

A. It was always physical. You get a hiding, you know, you were left in the cell for days without a shower. Before I got transferred to Kohitere, because you've got to remember those cells at Hokio Beach School had no sink, no water, no toilet.

Q. I want to ask you now about going to Kohitere. Do you remember when you got there, did you have to go to the secure unit there?

A. Oh yeah, yeah, straight, yeah.

Q. We're up to the top of page 19 of your statement. Can you tell us what the secure block

was like at Kohitere?

A. Yeah, it was all single cells, of course. But everything was running, running, running, you had to run to get your meals, you had to run to your showers and you did PT as well, so you were on – there was no stopping.

Q. Now in terms of how long you were at Kohitere, do you remember roughly how long you were there?

A. I think I was locked up for about three weeks.

Q. And then after that was there a further period at Hokio?

A. Yeah, yes, yes.

Q. At some stage I think you went back up to Auckland, is that right?

A. Yes.

Q. And were you back with your family for a while or were you living on the streets?

A. No, on the streets.

Q. This is at page 20, the bottom of page 20. I think at some stage you actually ended up in Nelson, do you recall that?

A. Yes, yes, let me just come back to where Auckland is where the reason that I wasn't taken back to my grandparents was because they dropped me at the airport and sent me on my way, okay? And that's how I become a street kid because I had nowhere to go, I had no money.

Q. So was that at the airport after coming back to Auckland from Hokio?

A. Yes. And then the street kids become my family, we looked after one another, because most of them been the same and yes, I admit, I've done some skullduggery stuff, I've done things to survive, I've stolen for food. We used to sleep in Myers Park in Auckland or in toilets when it rains, because we have no family. Social Welfare didn't give a shit or they wouldn't have dumped me at the airport. You know, at the age of 15 you dump a kid at Auckland Airport, send him on his way, no money, nowhere to go, what do you expect that person to do? You know, it's –

Q. I think you talked earlier in your evidence about your experiences when you were living on the street with the Police.

A. Yeah.

Q. Do you want to tell us a bit about that vagabond issue that you referred to earlier?

A. Oh, I don't know how many times they picked me up for vagabond, that was back in the day. But there was no reason. All I had to do was walk down the road and they would pick you up for vagabond.

Q. What would they say to you?

A. Oh they'd come up and ask me my name, "What the hell are you doing?" And then, you know, these – and it's always, always white cops, okay? Let's make this quite plain and clear, always white cops. And they would call me all kinds of names like "Get in the" – you know, like they would twist your arm and "Put the cuffs on you little black bastard, you know, we're taking you in." And that's how my record started to get big, because they say "Right, you were there, you done this, you done this", and when you go to court, who's going to believe me? Who's going to believe me over a cop?

So unfortunately that's what these cops are like back then, you know, like they were saying like "Listen you're worth nothing, you should be dead, you should be, you know, you should be 6 foot under", you know, all kinds of things. But back in the day there, there was so much racism and not only that, you could see, what really upset me, it wasn't bad enough, they're doing to a child that's barely just coming out of childhood, myself, they were picking on kids in school uniforms. Picking on kids in school uniforms because of their colour.

Q. I think at the end of this period of being on the street in November 1973 there was an offence that happened in Nelson and you ended up back in Ōwairaka. Do you remember that?

A. Yes.

Q. So this is at the bottom of page 21.

A. Oh yeah.

Q. And when you were at Ōwairaka do you recall whether you were in secure again?

A. Yes, I think I – yes, well, yeah, as a general ward you go straight to secure.

Q. By this stage you were obviously older. Did you experience any sexual abuse when you returned to Ōwairaka?

A. God, I can't – sorry.

Q. I think you've told us in your statement that you didn't?

A. No.

Q. That you were older. Your file, this is the final document I want to refer you to, shows that you were – this is the final document on your file, that recommends on 30 April 1974 that you be discharged as a State ward.

A. Where was that?

Q. It's just in that final paragraph. Sorry, you can't see it?

A. No.

Q. **[Copy provided]**. So you were, I believe, 15 when you were discharged as a State ward, do you recall that?

A. Yes.

Q. Do you recall what happened to you? You've talked about an incident where you were dropped off at a Railway Station when you were 15?

A. Yeah.

Q. Can you tell us what happened when you ended, when you were discharged from the Department's care?

A. I was just left there once again, told that I'm no longer, you know, a ward of State.

Q. Was there any plan about where you would live or how you would get money?

A. No, that I remember. Sorry, my mind –

Q. No, that's all right.

A. I'm all jumbled.

Q. That's all right.

MS TOOHEY: It's probably a good time.

CHAIR: I think it's a good time, I think everybody, particularly you, need a break. We're going to take lunch now, is that all right with you?

A. Thank you.

Q. Thank you.

Adjournment from 1.00 pm to 2.02 pm

CHAIR: Welcome back Mr X.

QUESTIONING BY MS TOOHEY CONTINUED: Mr X, we're just going to go to the impacts of abuse. The Commissioners have your written statement where you talk about your time in borstal. So we're going to go to paragraph 178. You mentioned in your evidence this morning that having a criminal record had an impact on you. Can you tell us the ways that that's affected you?

A. Having a criminal record affects a person from getting a job a lot of times, when the Police stop you, you know, straight away you're under suspicion. I recently, I think it was last year when I got pulled up at a traffic because they wanted to check my rego and licence. One minute there was two cops, next one there were six. Things like that, that's what happens when you've got a criminal record.

Q. When was your last offence, Mr X?

A. Last time I was in jail? About 30 years ago, but the effects 30 years later, doesn't matter, it's there.

Q. Is it something you've had to disclose when you apply for jobs?

A. Yes.

Q. What do you think has been the result of that?

A. On the odd occasion I've got it, but most of the time they look at you and it doesn't matter how much qualifications I've got, you know, you've got a criminal record, they're not going to look at you. It's just black and white, it's just what it is. And for people survivors like us, this is what happens to us. This is the carry-on effect from the childhood.

Q. You've talked a bit at paragraph 183 about what you have achieved. Can you tell us a bit about that, about your trade and the qualifications you've got?

A. What I've achieved in my lifetime is I am a qualified painter, advanced qualified painter, I done a full year carpentry course, I had my MPI, my TFO, I'm a health and safety officer, I have my first aid. So these are things that I done but like with the support of my family and that, but not any help from the Government or anything, me as a survivor.

Q. I want to ask you now about the impact on your mental health and you've talked about this at the top of page 26 paragraph 189. I think you had a recent experience at work. Can you tell us about that?

A. Yes. I had a near death accident at work in 2017 and I thought it was the end for me and out of that I had four containers that come down and crushed my forklift, and out of that I was diagnosed with depression and PTSD, and my psychologist said that's what opened the floodgates because I thought I was going to die and it opened up the floodgates and brought this all to the forefront. And this is the main reason I'm sitting here is because of what that accident done to me.

Q. And do you want to tell us about what happened to you a few years ago when you were at Sunnyside? Paragraph 190?

A. What one?

Q. 190 just at the top page 26.

A. Sorry, yes, at some stage I, in my earlier years, I couldn't cope with life anymore, I couldn't cope with the disappointments, the turndowns, so I tried to commit suicide because I wanted out of this world because I had enough of the abuse. So yeah, many times in my life when I was in borstals, even the boys' home I wanted to end. I just wanted some peace and clarity in my life. Yeah.

Q. We talked this morning about the fact that you don't understand Samoan as well as you did when you were a child. Can you tell us what other impacts you had in relation to your Samoan culture from being in care?

A. Yeah, the system takes that away from you, it takes your culture and everything away from you, so you become a nobody, so you don't have a sense of belonging. For years and years I used to travel around New Zealand, I'd pick up my bags and go because I had no sense of belonging. They've taken my family away, they've taken my identity away, you know? And what are you left with? Nothing. That's why I wandered this country. I wandered all the way from the top down to the bottom of the South Island because I had no sense of belonging, I belonged nowhere. This is what the system has impounded into my head, this is what the system has done to survivors. Thank you Anne.

Q. You've also talked about feeling a sense of shame, this is at paragraph 200. Can you tell us about that?

A. For many years I carried this shame, I carried this embarrassment. You know, when you go to the pub with your mates back then and they talk about their wives and their children and their mums and dads, I used to make up stories about my parents, I used to make up stories because how embarrassing and how ashamed am I to say to them oh, you know, went through the boys' home, this and that. That's what the system has done to us, not only taken away our dignity, but made people like me at times to make up stories, you know?

Q. Do you think that this has affected you in terms of your relationships with partners?

A. Yes. Yes, because I had trust issues and I couldn't trust people, I couldn't trust women, I couldn't trust men. I've had relationships break up because we couldn't have children and that was because of the system. There's such a – so much that really, really needs to be said here today to everyone and everyone in New Zealand but this is what's happened, this is the penalty that as a survivor I have to pay every day of my goddamn life. You don't know what it's like to wake up now and jump out of bed sweating, tears in your eyes and think that you're still in that shithole. I still get that. I damn well still get that. And I'm angry and I'm pissed off.

Q. Shall we talk about the historic claims process that you've undertaken?

A. Yes.

Q. That's at paragraph 214. You've said that you contacted the process when you found out –

A. Yes.

Q. about it at first?

A. Yes.

Q. Do you want to tell us about your experience from that first phone call?

A. That first phone call is I just couldn't believe my ears. They told me the process and everything and – but the lady on the phone, how callous is this, that all they're interested is

what happened in those places, not the effect on your life. Come on people. It's all one. How it affected my goddamn life is because of that place. So why are you saying to me that it doesn't matter. Why? Why? That's what I'd like to know, but nobody can give me answers, nobody. And nobody gives a damn to give me an answer.

Q. I think your experience in terms of making a claim has also been in relation to the Ministry of Education and Ministry of Corrections?

A. Yes.

Q. Has there been an ability to make one claim or do you have to make several?

A. I've got to make several claims, but then again we've tried to find out the process in the Ministry of Corrections and we're getting stone-walled. I don't know how this works. The historical claims from them, because Social Welfare are saying that because I was in borstal I've got to go through the Corrections. And, you know, so these processes, what needs to be done is these three processes need to be all in one and it makes it easier for the survivors, otherwise you've got to go through one, two, three. You know, I've even rung up Corrections and asked them about the historical claims, "Oh we have to get back, oh we don't think there's such a thing now." Why not? You know, why not? Does this country really want to abuse children for the rest of its natural life or whatever? Why aren't we getting answers? You know, it's not fair. It's just total and utter abuse and that's all we get all our lives. It has to stop people, it's got to stop.

Q. Apart from the claims process, what would you like to see happen from here?

A. What I'd like to see is a complete overhaul, of course of State here, faith, it doesn't matter, across the board, because they're all getting abused across the board. All it is, you have a look at State care, you've just changed the name of CYFS, that's all you've done, you haven't changed anything else, you've changed nothing, you're still abusing those kids today. So all – so the complete overhaul of that. You have to overhaul the historical claims because look, I appreciate they put me in front of the line because of my health reasons. If it wasn't for that survivors have to wait four to six years. But the other thing they're waiting for in that time is my God, really? 1,500, 5,000, 8,000, 10,000. So what's this country saying? Is that what children are worth, is that all children's lives are worth? Is that what they're saying? Because that's what us survivors are getting.

Q. I think you've also talked in your statement about wanting an apology from the Government.

A. Yes. For me for survivors to start healing properly, listen, for any healing of this country and survivors and to move on I addressed the Labour Party and I addressed Jacinda Ardern.

You need to put your hand up, take responsibility and be accountable for your past predecessors. You need to do this and this needs to come down the line for this country and for survivors to truly start healing and move on. Without this, it doesn't matter what the Commissioners recommend and that, it's not going to do anything because the Government's not doing – not taking responsibility or being accountable. State care is Government-owned and that's what I was. You own me, so does that give you the right to treat me the way you did and hundreds of thousands of us? So this is what needs to change. This is what the Government needs to do. And especially needs to do because not only for the survivors' healing, so the Royal Commission can do their job properly and have real, real effect and change.

Q. You've also talked in your statement about wanting the opportunity to have restorative justice with the people who abused you in the homes?

A. Yes, I think this goes to a long way of healing anybody we name that is still alive, I want to front my abusers. I want to sit down and ask them why. But not only that, I want to sit down and say to them, "I've got the last word now, because your name is out there. So now you take the shame, you take the embarrassment. You've lived your life under the shadows so nobody knows; not anymore."

Q. The final thing I want to ask you about, Mr X, is your ACC claim. You've said that you made a sensitive claim to ACC in relation to the sexual abuse that you've told the Commissioners about today that happened at Ōwairaka and Hokio. I think you underwent that process just a few years ago –

A. Yes.

Q. – in 2018. Do you want to tell us how that process went for you with ACC?

A. The process is, what they do is they – 2017 they allocated a psychologist for me, so that's fine. But 2018 I had to go see a psychologist of their picking again. But what I'm saying here is, I'm not going to open up to seeing her once. It took me all this time just to trust my psychologist. I'm not going to open up over one meeting. So you get tested on a percentage, okay?

Q. So just to go back a step here, so we all understand. So they provided a psychologist who you saw for treatment?

A. Yeah.

Q. Is that right?

A. Yeah.

Q. Then what was the purpose of the other psychologist they wanted you to see?

A. To assess my – what I will get paid for the sensitive claim. And –

Q. Did you do that, did you talk to that person?

A. Yes, I did, but I didn't fully talk to her because for people like us we're not going to open up, one meeting, there's no way. I'm not going to tell a complete stranger what happened to me. I mean I've kept this to me for 47 goddamn years, what makes them think I'm going to open up to a total stranger. So they need to re-think that again.

Q. What did they end up doing with your claim, apart from paying for the psychologist for treatment, did they end up paying you any compensation?

A. The compensation is this, I wasn't eligible for the lump sum, but I am eligible to collect $387 every three months. So that's what my abuse is worth, is $100 and something a month. Whoopie. I may sound ungrateful, but what's 387 to a survivor, nothing.

Q. What if there was an opportunity for the psychologist who's been treating you to do the assessment?

A. It will never happen because that's ACC. You've got to go to a separate person. But if they had – if they had done that, it would be totally different, because she knows me, she knows my story, she's been there since 2017 and I see her every week, every week and I still see, as I said, I still see her every week.

Q. Would that be someone who would have the full picture of the abuse?

A. Yes. I mean, you know, in my statement I gave, I give to my psychologist because I trust her totally, she's been there for me, she's helped me. So this other psychiatrist you've got to see once, what's she going to do to you? Oh no, he only comes in the 6% or whatever. How the hell would you know?

Q. Mr X, that's the questions that I wanted to ask you about your statement. The Commissioners may have some questions and I think you also wanted potentially to say something to the Commissioners.

A. Yes.

CHAIR: What would you like to say?

A. If you can just bear with me for a few minutes I've just got a few notes here that I want to, where are we. First and foremost, I would like to thank my family, I'd like to thank my ex-partner who has stood by me all these years and supported me. I'd like to thank my children which biologically they're not mine but they consider me their father. I'd like to thank my grandchildren and great grandchildren for all the love and support they've given me unconditionally.

I'd like to especially thank my sister who has been on this journey and will be on

this journey with me and my brother right to the very end. I love you sis, you're our rock. I'd like to thank the Royal Commission for allowing me, for allowing me to speak my mind here today. And a special thanks to Anaru because you're part of the reason I'm here. If you remember me I asked you a certain question. I looked at you and I saw your truth and I believed you and you're part of the reason I'm here and thank you, Anaru, I appreciate that.

Secondly, I'd like to thank the well-being team, what a wonderful bunch of people. I mean they just look after you so well. I've rung up them and I've been – I've gone off them a couple of times but they listen, you know, and they supported and anything I wanted. Next lot of people I'd like to thank is Anne and her investigation team. How supportive and caring are they. And my personal thanks to you, Anne, for your support and care and for letting me do this, for allowing me to do this my way and in my time. Thank you.

Just two things from survivors' side of things here. One is the importance of changing the system, the importance to us that children are not treated like this anymore. They're our future for crying out loud. So that for one thing is the forefront of us survivors.

The second thing at the forefront is okay, the claims, they call it they're not -- it's not compensation. The problem is there. There is no redress, no recourse, because they can't take us back to those days. But what I'm saying to them is, you know, don't pay 10,000, 8,000, you know, these survivors deserve better than that. Comparison here. You take the Treaty of Waitangi. The Government done wrong, they paid in billions. You take a person who gets locked up and found innocent, they paid them millions. And hello, abused children? 5,000. Hello. So what makes sense to you people? How is that fair?

So I'd just – I won't go on much longer, I just want to read you something. This is what I wrote after I talked to Anaru. "To my younger self. I am sorry I was not there to protect you from all harm you had to go through, all that pain of not being loved, being sexually, physically and mentally abused, the racism caused by our family, the Governments, the system, and all who works within that system that includes the cops, it's time now to stop hiding, to let go of the shame and embarrassment for that all belongs to the people within the system, Governments, cops, that has done this to you. It is now time to catch up to your adult self, because now you have brothers and sisters, nieces and nephews, cousins that love and care and support you. And whatever you do, you have children, grandchildren and great grandchildren who love you and support you unconditionally, and most importantly you have me who will always love, care and support

and protect my younger self no matter what. For now our truth has been told, now we can both start to heal and I make this promise to my younger self and to everyone here. I will carry on the fight for all our brothers and sisters who are survivors, past, present, and the future."

Shame has fallen on this country we call New Zealand and home and I thank the Commissioners for allowing me this time to speak. Thank you very much.

CHAIR: Thank you.

COMMISSIONER ERUETI: I don't have any questions, I just want to say thank you, to mihi you, ka nui te mihi ki a koe, ki a korua. It's so important in particular to have the Pasifika voice and experience in the homes and it's very brave of you to come and have the courage to come and speak with us, so I want to acknowledge that and acknowledge you and thank you for your time, and it's awesome you've got your sister here too, tautoko you too, kia ora.

A. Thank you Anaru, just one thing, I just want to people to know and the Prime Minister. For me, it's not bravery, it's the right thing to do. So Jacinda Ardern, do the right thing. Thank you. **[Applause]**.

CHAIR: Mr X, I've little to say other than to add to what has been said but to acknowledge you have set us a challenge. It's a huge challenge. We don't underestimate the difficulty of it. But it's only through people like you coming forward and having the courage, I know you say it's not bravery but I'm sorry, I think it is bravery to come forward in public, not just saying it in private, but for you who are able to speak in public you are going to assist us to reach that challenge, to meet the challenge. My grateful thanks to you and the family that surround you and support you. Thank you. I'll leave the last word to –

A. Thank you, I do believe in this Royal Commission. I do believe in you.

Q. Thank you for your confidence.

COMMISSIONER ALOFIVAE: Mr X, can I just ask you a question. You were born in New Zealand?

A. Yes.

Q. So you're New Zealand-born?

A. Yes.

Q. Do you recall when your parents, as you've described them, when they migrated to New Zealand?

A. You've got me there. I'm not too sure.

Q. So you're born in 58, so maybe –

A. Yeah.

Q. – they might have come across – are you the eldest in your family?

A. Yes, I'm the eldest boy, yeah.

Q. So maybe in the 50s or something like that?

A. It might have been earlier because I remember my grandfather being in the war, New Zealand war, for New Zealand, yeah.

Q. Yeah, was in the Māori Battalion or the Pacific?

A. I'm not too sure, all I see is this photo and written down below, but I'm not too sure which one he was in. But I know he was here, so I would imagine we would have, well, the family would have been here before then, I wouldn't even have been thought of then.

Q. Thank you so much. Mr X the final word has fallen to me. I couldn't help but feel a real sense of sadness that you lost your language. So you might have heard it and understood it and it wasn't always in a favourable context, but you knew what it sounded like. And so to have something like that stripped away from you and then made to be seen as a very ugly thing over your formative years is incredibly -- there's almost not even a word for it when you're stripped of your cultural identity like that.

But I want to say to you in Samoan -- Fa'afetai mo le loto toa., thank you for your indomitable spirit to speak up. Fa'afetai mo lou loto fa'amalosi., thank you for the strength of the warrior that you bring today. And we often say at the Commission that N doesn't equal one. In other words, you are one person but you've told a story that is probably reflective of a number of other young people who were in those residences. So I really want to thank you for answering the call and coming forward and being our first witness. And we know this is a tough week for us as a Commission because of all of the other survivors that will follow after you, but we say but for your courage our work becomes almost impossible.

We have to rely on secondary evidence, on people's past research, but this is directly from lived experiences. So I really want to salute you for that courage and thank you – there are many survivors that are here in the room and who are watching on screen, and no doubt they're championing you as well. But I also thank you for the example that you are for our Pacific survivors. Where the courage is not as strong as yours to come forward. So thank you very, very much for that.

A. I thank you for that. I think just to survivors, it's time to stand tall and arm in arm and take this by the throat for those survivors that haven't yet picked up that phone, find the courage, find your rock, pick it up because you have the whole bunch of good people here that are

looking – that will look after you. So for my brothers and sisters, kia kaha, be strong and let's stand tall. Thank you.

CHAIR: A fine note to end on. We'll take the adjournment. Thank you very much Mr X and to you your loyal supporter.

Adjournment from 2.37 pm to 2.50 pm

TONI LEE JAMES JARVIS

CHAIR: Good afternoon Ms Lane. Before we start I'll just ask Mr Jarvis will you take the affirmation Mr Jarvis, or can I call you Toni?

A. Yes you can.

Q. Thank you. Toni do you solemnly, sincerely and truly declare and affirm that the evidence you give before the Commission will be the truth, the whole truth and nothing but the truth?

A. I do.

Q. Thank you. I'll leave you with Ms Lane.

QUESTIONING BY MS LANE: Toni, you want to give a voice to your statement and read that out for the Commission, but there are some matters that you want to highlight before you do that. The first thing you have asked is to be able to acknowledge some people today.

A. Yes, I'd just firstly like to acknowledge all my brothers and sister survivors who have passed on that never got this opportunity to have questions, answers or even see a hint of justice. But I particularly want to point out two who are very close to me. One was my stepdaughter who died 11 years ago, her name was, GRO-B and to my daughter-in-law who passed away just over a year ago, GRO-B

Now just before GRO-B passed she came to me and said "Toni, I rang the Royal Commission of Inquiry and I've taken my details and I'm going to come forward and tell my story", but unfortunately she passed away. So I just want to acknowledge those two. Also the families of the deceased brothers and sisters, because they have the ongoing legacy of carrying what their family members are not here to do so.

Q. Up on the screen there's a picture of a little boy, can you tell me about him?

A. I refer to him as little Lee and little Lee's story is, without undermining the abuse of any survivors in State care, but his story is from the bottom of what you call the pecking order. There was no bigger boys, he was at the very bottom. And this is the reality. I'm here as a man today turning 60 years old, but this is the story of this little boy and I've asked for this photograph because, as you hear evidence it's hard to connect with the stories and I thought this is reality. This is what we were when the State took us and took us into these places and, although I'm a grown man, this is his story that I tell today.

Q. And little Lee is you, isn't it?

A. Yes, it is.

Q. How come you call him little Lee?

A. Because he was the littlest in State care and he was at the bottom of the pecking order. And when I say that, as Mr X, brother Mr X gave evidence, you got hidings and it got meted out. But when it got to little Lee at the bottom of that pecking order you took the lot, because there was nobody below you to pass that on, whack at, throw your fists at, and get your frustrations, so although as I said, I don't undermine any abuse in State care but it was a unique story for little children in state care, and it was a different story to the others I believe.

Q. Your legal name is Lee but it's Toni now?

A. Yes, it is.

Q. Why is that?

A. 2002 I won a case in the Invercargill Family Court because Judge Noel Walsh where he discharged my legal adoption that was made through the Māori Land Court of New Zealand. I'd just like to point out on that note, I am the last child adopted through the Māori Land Court before they rescinded the power for them to adopt children and it was placed in the hands of the Family Court.

CHAIR: Toni, I don't want to curb new anyway but remember we've got signers.

A. Sorry.

Q. And our stenographer and we must record it. So if you can just keep an eye. If I just do that, it's not to stop you just to slow you down, is that all right?

A. That's fine.

QUESTIONING BY MS LANE CONTINUED: How old were you when this photo was taken?

A. I estimate around somewhere around 8 to 9 years old.

Q. Do you have any many other photos of your childhood?

A. No, none at all.

Q. And where did you go after this photo was taken?

A. Well, I went to a lot of places and I believe this is what I looked like, 9 years old when I was placed in Cherry Farm, adult psychiatric asylum.

Q. When you spoke to me about this photo you told me as a survivor you carry something around inside of you. Can you explain what that is?

A. Yes, I can't speak on behalf of all survivors, but personally I've carried little Lee around with me all my life screaming out inside, crying out for answers, crying out for justice,

crying out to be heard. Yelling out the question; why?

Q. Since you swore your statement, there's been a development for you through the Waitangi Tribunal. Can you update the Commissioners on this?

A. Yes, I gave evidence at the urgent inquiry of the Waitangi Tribunal in Hastings last year about being stolen through the Māori Land Court, but also giving evidence how I've raised two little girls as an extended great uncle, adopted great uncle. But also I've just received an e-mail yesterday from my lawyers for the Royal Commission Inquiry and I've been extended an offer from the Waitangi Tribunal to help establish the Māori Transition Authority that they've recommended come in place. To me it's a great blessing and an honour.

And I'm actually quite blown away, to be honest, because it gives me an opportunity to effect change for the future of children in care, in this platform, particularly tamariki Māori, but it also, for me as an adult, in a way I cannot get my childhood back and what happened. But it certainly leads the way to me opening the door to make change today. I gave evidence in a video – I mean I did for the Royal Commission of Inquiry some two years ago about making sure that no other child went through the horrific abuse that we did in State care. So to have this invitation extended by the Waitangi Tribunal to participate in this new Māori Transition Authority is huge, it's huge for me and it's – how would you put it, sort of in a way vindicates my past and makes me feel like I truly do actually have something to offer.

CHAIR: Congratulations.

A. Thank you.

QUESTIONING BY MS LANE CONTINUED: You have before you your statement. Can you read that slowly to the Commission please?

A. My name is Toni Lee James Jarvis. I was born at Queen Victoria Maternity Home Invercargill. I am now 59 years old. I was known as – I won't repeat my name if that's okay, my former identity – up until 2003 when my adoption order was overturned as it was illegal and my former identity was removed from the records. I am of Māori and Pakeha descent.

My evidence is about the abuse I experienced in my adopted home, Cherry Farm Hospital, Hokio Beach, Holdsworth and Invercargill Borstal. My birth parents had a casual relationship. My mother was Pakeha and my father was Māori. His iwi is Ngāti Toa Rangatira and my paternal grandmother's is Ngā Puhi. My birth mother asked my grandmother for support to help raise me but she did not assist my mother. My adoption

was arranged prior to my birth by a social worker involved. My mother was not even aware this was happening prior to my birth. And the wheels were in motion without my mother's knowledge.

The adoption officer was my birth mother's teacher at school. Her name was Mavis Betty Evelyn Treloar. She badgered my mother, my birth mother to give me up for adoption and set my adopted parents up to meet the standard required for my adoption prior to my birth. Under the current law at the time my mother could not be approached for consent to adoption until at least ten days after I was born. Mavis influenced my mother towards adoption while she was still pregnant telling her she could not keep me. This continued when I was born. The adoption initially occurred through the Department of Education Child Welfare division. It was then moved to the Māori Land Court on 8 August 1961. I do not know why or how the adoption was moved to the Land Court.

The adoption process did not legally recognise my birth father. My mother's ethnicity was changed so I was legally three quarter cast Māori of Ngāi Tahu descent. At that time there were still rules around who could be Māori. The consent that my mother signed was later ruled by the Family Court to be fraudulent as details within the documents were changed after my mother signed it.

It was changed after my mother signed it to change and remove the denomination clause which prevented me being placed with carers who had been selected prior to my birth as they were Mormon, my mother was Presbyterian.

Q. Thank you Toni. There's a Family Court decision that's attached to your statement by His Honour Judge Walsh and it's dated 17 January 2003. Can you please turn to paragraph 22 and read that out please?

A. These are the words of Judge Noel Walsh in my ruling. "It would be trite to say that T's life during the period of time that he was cared for by his adopted parents and by relevant agencies of the state has scarred his life significantly. But as I said at the start of this judgment, T is a remarkable man and at the age of 41 chose wonderful attributes of insight, forbearance, forgiveness and understanding. In my view, T has a lot to offer the world, and particularly those less fortunate than himself."

Q. Continue reading your statement please.

A. Back to where I was?

Q. Yes, paragraph 12.

A. Sorry, I've lost where I –

CHAIR: I think if you start from 14 because you've covered the Family Court decision.

A. I was placed with my adopted parents ten days after my birth. They initially lived in Invercargill. I will refer to them as my parents. I grew up calling them mum and dad and still do to this day. My adopted family had one child, my older brother who's two years older than me. My parents were told due to my mother's health problems they would struggle to have more children. My adopted father was Ngāti Kahungungu and my adopted mother was Ngāi Tahu. My earliest memories were when I lived at Invercargill. My parents were able to purchase this property as their first home as, by adopting me due to my mother's health issues preventing further biological children, they were able to meet the State requirement of having two children to be able to use their benefit for a deposit for the home.

My father worked at Ocean Beach freezing works. He was also a bushman and would fell trees around Southland. He was a violent and abusive man. This violence progressed as further biological children were born in my family.

Once my youngest brother was born, 18 months after I was born, I felt rejected by my family. It was not expected that my mother would have more children. My father told me that he only adopted me so my older brother would have a playmate. I remember him bouncing the other children on his knee and feeling left out and unloved.

I remember one of my earliest memories at one point being forced to eat my own faeces as a small child by my father. I think I was about one and a half years old. We were at a place called Kapuka South and we were in buses that were decked out as accommodation. I got up one morning. I vividly remember my uncle sitting in the driver's seat of the bus, dad realised I had poohed my nappy. Dad yelled and screamed at me and he made me eat my pooh.

Even at the young age something told me that was not right. There was a large man screaming at me to eat it, so I did. Recalling this incident the trauma wasn't actually eating the faeces, but the look on my uncle's face watching what his older brother did to me and being helpless to stop the abuse. Jake the Muss had nothing on my father.

My parents did end up – and conceiving, my younger brother was born. I was sent to Bluff to live with my mother's extended family, to one aunty and uncle to another aunty and uncle to another aunty and uncle. They all lived in Bluff. It was a couple of years before I returned home and my father never gave my aunties and uncles money to look after or support me.

When I returned home my older brother finished kindergarten and started school. My younger brother was at kindergarten. I was never afforded the opportunity to attend

kindergarten, and could not understand why my brothers got to attend and I couldn't.

We had no toys, only a swing. I used to wander the streets while I was pre-school age looking for toys and stimulation. I didn't get fed very much so I would steal food. Physically my father would beat me black and blue to the point where I couldn't – wouldn't be able to walk for weeks. He would pick me up and throw me like a missile at the walls. One of the worst memories is the leather barber's strop my father would keep in the warming drawer of the oven. He called it the "strop". When he wanted to beat me with it he would make me go get it for him and beat me with it. It was like a double whammy. The physical abuse of being beaten with it was just as bad as the psychological abuse of having to go fetch it and anticipating what was going to happen.

My father would get into a frenzy when he was beating me. The beating would increase in intensity. After years of getting the strop, often daily, I eventually cut it into pieces so he could no longer swing it and hurt me with it. The worst thing was my father then used a Hoover cord, which was more painful and all I could think of while I was being beaten with it, why did I cut the strop.

The welts and the pain was incredible. The Hoover cord would give me lumps all over my body. I regret cutting up the strop. All the while my father never laid a hand on my siblings. If I could just add a wee bit in here it's not actually in my statement, but as I grew older, a poem popped into my head and I'd like to share this if I may. It goes something like this. "I remember a day when I was a boy my dad threw me around like I was a toy. Bounced me off walls, thrashed me near dead, forced me to vomit and sent me to bed." And that's just something that popped into my head as I got older.

All the while I just wanted to be like my siblings and not to have to hide in a corner. I wanted the love and affection that they received. It had to go to the stage where I would pee myself, it got to the stage I would pee myself when dad walked in the door and then I'd get a hiding for peeing myself. I am lucky to be alive.

After one beating I was so – it was so bad I could only turn my head and it took three to four weeks for the bruises to go away. My father would also grab me by my clothes and he would choke me. My mother started to try and stop my father beating me when I was older. But this never happened when I was a small child.

My first social worker was called Ms Betts, I know it's Mrs Betts here but I think she was a spinster. She documented incidents of visiting my household and finding me on the bottom bunk of a set of bunks beaten black and blue. She noted that she could not tell whether the severe bruising on my body was from a previous beating or from a new one.

I did not think that this violence was abnormal. Our neighbours were also violent. I didn't know anything different. I started at Kew School in Invercargill. Never fitted in. In my view it's due to the abuse I suffered from my father. The headmaster, Mr Bun, made the first notification to the Social Welfare because I started to run away from home. One night I ran away from home and slept rough for the night. My mother called the school the next morning to ask if I was there. The headmaster asked if she had called the Police and he made the notification at that point. He noticed I'd been sleeping rough, stealing lunches and eating out of bins at school. Social Welfare started to visit my home in an official capacity, but nothing happened. Ms Betts, the social worker, spoke to my mother but not to me. I do not recall ever being spoken to about the abuse.

My best recollection is that I went to Trent Street Family Home after I started school. I also recall going to a farm with a family called—redacted—were lovely, no abuse happened there. Then I thought I went from the family home to Cherry Farm, but the file documentation says I went to the family farm, to Trent Street to Cherry Farm. I think I was in Trent Street in various other placements when I was about 7 or 8, so in 1968 and 1969. I went to Cherry Farm five days after I turned 9 years old in 1970.

I was also abused by my adopted father's family home by my grandfather. They lived in Whakakī near Wairoa. My adopted father had — they put 15 siblings, but there was 13 actually, I correct that. I was about 8 years at the time — old at the time. My grandparents would argue, and my grandfather would get kicked out of their bedroom. He would come to sleep in the spare bedroom that I stayed in. He molested me three or four times and sodomised me twice.

I packed a bag and I ran away. I stole his 22 gun, as a result of that — as a result of one of the instances of abuse. My grandfather caught me and put a dog collar around my neck and dragged me back to his house. He beat me the once on this occasion.

I felt so ashamed by the abuse I didn't understand what had really happened or how to tell anybody about it. I remember I used to go on the tractor with my granddad and he made me sit on the frame between the tractor and the disks. I believe it was so if I fell off it would be an accident and his secret would be safe.

My grandfather then phoned the social worker and said I could no longer live there and that I needed another placement. But that it could not be with my father. I was sent back to my father regardless.

It states in my file that Social Welfare wanted to send me to Cherry Farm Hospital. There is obviously notes attached from the hospital file. The doctors were Dr Franklin and

Dr Moore. Dr Franklin advised Social Welfare that they did not have the facilities for a 9-year-old boy and that I would be placed and locked with the adult patients. The doctor advised that the adult patients would corrupt me and the facility was not made for children, because it was an adult psychiatric asylum.

Social Welfare sent me anyway. I remember being take then by a lady and a man in a white car. For as long as I remember, Social Welfare had little attitude of doing—had the attitude of doing what they wanted and not what was best throughout my childhood. I did not have any understanding of why I was taken to Cherry Farm. I was not told where I was going other than the name of the institution. I did not know what it was. When we drove there I noticed it was a massive complex but being the 9-year-old that I was I was looking for a farm with cherries.

I was excited to go to Cherry Farm, all I could think about was the tins of fruit salad where there would be one cherry. Growing up with my siblings we always fought for the cherry. I was excited that I was going to a farm of them. I now know Cherry Farm was a transit place for me until there was a spot for me at Hokio Beach.

To this day I cannot understand how the State could expect for me to go to Cherry Farm and then at a later stage to manage to fit back into the community. When I arrived at Cherry Farm I remember being spoken to by a doctor. I cannot remember if it was Dr Fraser or Dr Franklin. Dr Franklin was the head of the hospital. The doctor wore a white coat and I asked him where the cherries were. A mean male nurse then took me away from that room. He grabbed me by my arm and forcibly took me out of the door. When he said, "Come with me", fear went straight through me and I couldn't understand why he was hurting me.

I cannot remember his name, but I could easily identify his photo. He had blond hair, was about 20 or 30 years old, he wore all white, white top, white pants, white sneakers. I couldn't understand what was happening and kept thinking where are the cherries? What is this place?

He told me to take my clothes off which I didn't do quickly enough, so he tore the remainder of my clothes off me. I was given a set of blue and white striped pyjamas that were too big for me. The top hung to my ankles and the bottoms went up under my arms. I had to roll the arms and legs up and pull the draw string real tight. Adult institution, adult pyjamas.

When I was in my 20s, I watched a documentary about the holocaust, the world at war. I had my first flashback of this memory when I was watching it as the pyjamas

reminded me of the holocaust survivors. The Jews that wore the striped blue things, very, very similar to the pyjamas they gave me at Cherry Farm.

The door was then unlocked, and I was taken through another door into the main area and locked in. When I entered the locked main area, it was like welcome to the horror show for a 9-year-old boy. All the adult patients stopped and gave me sickening looks. I was placed in a room with about 20 adult psychiatric patients. To me they were about my parents' age. The patients were very disturbed and mentally unwell. They were making noises, wailing, and such and making unusual movements with their bodies and faces.

I remember thinking to myself, what the hell is this? And I was still wondering where the cherries were. I went into a corner, into a foetal position. The patients started coming at me from every direction. To the left the door opened and an old Māori man came in. He reminded me of my grandfather. He shuffled towards me, he had his pyjamas around his ankles. He also had a handful of shit and he was eating it. I was freaking out. The man offered me some of his poo in his hands. As I was so small, I drew all the patients' attention, the man rubbed the poo in my face and head. I was screaming. Nobody came.

While I was screaming one of the other patients was masturbating and he ejaculated all over me in the corner. And being backed into a corner there was no escape, there was nowhere to go but just pull your knees up to my chest and try to cover myself up. I was covered in shit and semen. All the while thinking where is the farm, where are the cherries? This retraumatised me. I was there because my father had made me eat shit.

I can't remember where my bedroom was, but it was a cell with a slot where they could look in. When I was first put in there I screamed, so they sedated me with Mellaril. I had no mental health diagnosis, no assessment and no understanding of why I was at Cherry Farm.

Some of the patients were normal and could have a conversation. I was initially drawn to one of them as he played Ten Guitars on his guitar. It was the first piece of normality that I'd experienced there. It was the first connection to the outside world that I experienced. I felt at ease with this particular patient. He asked me to sit on his knee. I sat on his knee as I felt comfortable with him and he did not seem as disturbed as the others. He was a bit more normal. He bounced me around on his knee and put his hands down my pants and his fingers up my anus.

Afterwards I threw billiard balls at him. I can specifically remember throwing them but it's in my file, I can't specifically—throwing them, but it's in my file. I do

remember ripping the pockets off the billiard table though. I was disciplined for this. I was locked in a room for one or two days for throwing the billiard balls. It was the size of a small bedroom and only had a bed in it. There were no windows, it was more like a cell than a bedroom. I don't remember what the toilet situation was when I first went into that room. I screamed constantly to try and get out of there. I started to lose the plot and my own sense of sanity.

They then regularly medicated me, and I became quite docile. I later found out the drug was Mellaril. I also took an orange-coloured drink for bed wetting. I was then constantly medicated. There was a hole in the wall with a shutter that I could open. I would have to line up for medication and was given yellow-coloured pills, 25 milligram Mellaril in a wee white cup. We'd have to show a hand, pop the pills in our mouth, re-show a hand and they would watch me swallow, then I had to open my mouth to show it was clear.

After they started the medication I don't recall a lot, including leaving there. Before being medicated, I remember the blond nurse would hit patients. He also violently body slammed a patient on the floor. It was the look on the nurse's face that scared me the most. The patient had what I now know to be cerebral palsy and had made a noise. The nurse then beat him for it, even though the patient did nothing wrong. What was worse it looked like the nurse was having fun while he was beating him. This particular nurse was ruthless with everyone but then I was drugged and don't remember much.

I do have one positive memory before being medicated. I was taken out of the unit and went to a place where with a record player. There were two female nurses who made me milos, played music and games and hugged and kissed me. These two nurses were the only good thing that happened to me at that place. After I left Cherry Farm later I later asked to go back, and it was because of these two nurses, as they had given me the only love and affection I had ever experienced. I never received hugs and kisses from my parents, they never nurtured me. When I got the physical affection, it was everything.

If I can just add a wee bit to my parents never gave me love and kisses or hugs, as a little boy music played a big role in my life, a place I could escape to. I just want to share a couple of words of a song, because this as a wee boy at that age reflect today me. "I'm nobody's child, I'm nobody's child, no mummy's kisses, no daddy's smiles, nobody wants me, I'm nobody's child."

I do remember I was always on edge and wary about being assaulted while locked up with adult patients. I wasn't given any toys or books when I was there, and also didn't

receive any schooling. Being medicated, the patients had free reign on me. I was sexually abused at least six times when I went to the toilets to urinate. Groups of men would insert their fingers in my anus and grab my penis. I would scream and protest violently in response. I don't recall receiving any protection from the staff members. I did not know who I could tell or trust. It got to the stage I would urinate in my pyjamas so I did not have to go to the toilet.

I can't recall the general sleeping situation in the villa. Some parts of my time there are almost total blanks. We received our medication at night and I believe this is why I don't remember much about the evenings.

I remember the staff were very abusive to the patients. Violence was more severe when the patients were more disabled or impaired. At one point I ran away from staff members there. I managed to dive between a male nurse's legs while he was standing at a door they had locked. I ended up in a room where patients were recovering from ECT treatment. I had no idea what it was. One patient was lying there with his tongue hanging out and a hard thing in his mouth. A staff member caught up with me and told me, "I've got you. This is what will happen to you if you don't take your medication." He wasn't violent towards me, but he was never nice.

I remember him being more violent to the other patients. This happened about two years before Dr Selwyn Leeks started practising ECT at Cherry Farm before moving on to Lake Alice. I was tested a lot at Cherry Farm but they never found anything wrong with me. The problem came down to my father and the State. The State kept sending me back to him.

While at Cherry Farm I went through various medical examinations. They put things all over my head, at the time I thought they could read my thoughts. They completed EEG testing to test electrical activity in my brain and a chromosomal testing via blood test. All tests came back as being normal, so the medical staff were aware I was just acting out rather than medically unwell.

I was discharged from Cherry Farm after about six weeks. After a discharge I stayed with a doctor in Invercargill for one or two nights. He was the doctor at Tiwai Aluminium Smelter. No-one told me I was leaving Cherry Farm or where I'd be going.

CHAIR: Ms Lane, I'm just wondering, we're going to move on to residential care, would you like to take a break now or keep going for a while? It's up to you.

MS LANE: A break now thanks, ma'am, it would be a good time.

CHAIR: All right then. Toni, how do you feel, if we take 15 minutes to take a deep breath and let

you recover for a while?

A. Yes.

Q. We'll take 15 minutes, thank you.

Adjournment from 3.31 pm to 3.52 pm

QUESTIONING BY MS LANE CONTINUED: Thank you, Toni, if you can continue to read your statement please.

A. I was put on a plane and flown to Wellington on my own. I went to Epuni Boys' Home and once again no-one told me where I was going or what I was doing there. No abuse happened at Epuni.

On arrival I had to have a shower and brush my teeth with salt. They gave me pyjamas and put me in a room by myself. I don't know if it was an isolation room or not. I don't remember much about the room other than it had racing cars on the wallpaper. I spent one night at Epuni and was transferred to Hokio Beach. No-one told me I was going to Hokio.

We were transferred to Hokio in a small black van with wooden seats on either side and small window slots. There were two boys with me. Their names are redacted. They were dropped at Kohitere Training Centre and I went to Hokio. I think I was 9 when I arrived at Hokio in 1970. I believe the next youngest boy there was 12 years old. I was the youngest and the smallest.

On arrival I was taken to a building with pigeon holes in the wall that had clothing in them. I was told "You're a number 15 or 30, don't forget it." I was also given a number at another institution and today as an adult I can't say which number was which, but one was 15 I know and one was 30. This was the number of the pigeon hole my clothes were in. I cannot remember if it was 15 or 30, I was given both those numbers at Holdsworth and Hokio. I was given institutional clothes rather than my own clothes.

These were the first steps to dehumanising me. I was given a medical check and taken to my room. My time at Hokio seemed like an eternity. A pākehā lady walked through to the institution and left me in my room. The rooms were individual rooms rather than dormitories. I remember meeting—redacted—after just having met his two older brothers. He approached me and said he was from Invercargill.

All the boys came out and checked me out as the new boy. They put me on a grey blanket and pulled me along the polished wooden floor. I thought it was fun until I got to the end of the hall. Just before the right turn they swung me into the wall and pulled the blanket over my head, then they just started booting me. I couldn't see and was crying.

I went from being okay being there to complete fear. This was my welcome to Hokio Beach, after what I learned later was the initiation. I had a lump and then I started to fit in.

Redacted—was the next youngest boy to me, he was two years older and about 11 years old. We were three younger boys. The other two were at least two years older and we hung out together and spent a lot of time at the creek but that didn't last long.

I was first sodomised by an older pākehā boy. He groomed me with lollies. He had paid for the lollies using pocket money we could earn as part of the rewards system. He got me to walk away from making tracks at the creek with the other boys with him to make a hut and then he sodomised me. I remember the exact location of where it happened. There is now a tree. He told me to lie down so the other boys wouldn't see the location of the tree hut, secret hut we were going to build.

When we were both lying down he got up, pulled my pants down and I felt something big and hard shoved up my rectum. I cried out, it was incredibly painful. He put his hand over my mouth. At the time I didn't know anything about what was happening and kept wondering why he was hurting me. Afterwards he told me not to tell anyone and if I did they would think I'm homo. He gave me a raspberry drop lollies.

After this I started doing chores for money and could buy my own lollies so I actively avoided him. This then opened the door for others to rape me. I believe being told on more than one occasion that people would think I'm a homo led to promiscuity in me as an adult with various women. I have five children to four different women.

The same boy abused me a second time on one occasion when he came into my room. By that time, however, I was getting regularly abused by another bigger boy called—redacted—who was the kingpin at Hokio. He gave the pākehā boy a hiding when he caught me in my room. It made me feel comfortable with him, but reality was he was annoyed that the pākehā boy was taking away what he wanted.

He would come into my room after the night watchman had been through and he would rape me regularly. It was not only him that would abuse me. Some nights when the night watchman left my room I could count the seconds before three or four boys would come and rape me.

Any time that I could be isolated by the older boys, I would be abused. During the day the abuse was opportunistic, but it was very regular at night. I don't recall any of the names except—I can't say it, its redacted. But to this day I would recognise the faces of those that sodomised me.

At nights the night watchman would do two to three checks a night. After the first

check I would wait for my door to open and the first boy would come in and rape me. I was often raped four to five times a night by different boys. They told me not to tell anyone or people would think I'm a homo. I usually used to fight and squeeze my buttocks tight, then just became a rag doll. And what I mean by that is when you fight and you're tense, the pain is exponentially sorer, so you learn to try and relax and make it easier for your perpetrators to rape you just to save the sheer pain of it.

As soon as the night watchman did his check, I used to spit on my hand and wet my anus and lie with my pants down as that way it hurt less. I was participating in my own rape and I felt like I was allowing them to do it. At Hokio there was an art and music room. It had a colourful red light. There was a boiler room there. Most days I would be dragged into the boiler room, other boys would watch me get dragged in there. I was sodomised and forced to give oral sex. I was not sexually assaulted by any of the staff at Hokio.

I didn't feel I could talk to anyone about the abuse. I felt I was homosexual because of what they were telling me. My life up until that point had been full of pain and suffering and this felt like a continuation of that. No-one amongst the staff spoke to us to ask how we were getting on. They also used older boys as disciplinarians.

I was also physically abused at Hokio. If I ever opened my mouth to speak to someone bigger than me and they didn't like what I had to say, then I would get hit. Lots of the older boys at Hokio were also survivors of abuse and so they were angry. They would just line up someone else to take out their anger on and the abuse was often just passed down the pecking order, food chain. The older boys used to call me a wop. I don't understand what that means but it was just a derogatory name I'll never forget.

The assaults were often random and executed so I did not get hit on the face or nose where it could be obvious. Often I would get hit on the side of the head where it could not be seen. I got a lot of hidings while at Hokio from older boys, but it was nothing compared to the rape. I had already been conditioned by my father for hidings.

Sometimes the boys would rip my clothes off and throw me in the deep end of the pool. They would then throw rocks at me and taunt me "swim little fish". I soon learned to swim the whole length of the pool underwater without taking a breath so the rocks wouldn't hit me.

The culture at Hokio was to shut your mouth and not complain. Most of the time staff were not around. They did a roll call and the various bell times during the day, but we had a lot of free time.

In terms of physical abuse from staff, when me and two other boys got caught

running away we were strapped in front of the whole school. I don't remember being subjected to abuse by staff but do recall them directing other boys to do it. I was also subject to physical punishment. I had to dig a hole in the sand dunes, fill a wheelbarrow with sand, take the wheelbarrow a short distance, tip the sand out and repeat for around three hours. Also when you'd done that for three hours they would make you fill that wheelbarrow up with that sand, wheel it back to the hole and fill the hole in again.

There were about 60 boys at Hokio when I was there, ranging from me at age 9—12 up to about age 15 and then they went to Kohitere. It was the wrong placement for me given my age and diminutive size.

The boys were mostly Māori. I didn't know Islanders or Asians at Hokio. There were no cultural practices at all. I don't recall anyone in there with obvious disabilities.

There was quite a strict daily routine at Hokio. We would get up, have breakfast and go out for an inspection and a parade every morning. We were issued with a black comb, a hanky and Brylcreem for our hair. The hanky had to be wrapped around the comb in a particular way. We had a comb like this and we'd fold our handkerchief around it, hold it between our thumbs and have our nails extended like that, parade every morning, they'd walk past and look at your nail inspection.

The hanky had to be wrapped around the comb in a particular way and if our fingernails were dirty or the hanky was wrapped incorrectly we would get a whack from the staff. We had to groom ourselves to look a certain way in a military fashion. I don't recall when we showered but I know that we did.

After the morning routine we would go to school. I don't remember learning anything. We had an hour siesta after lunch where we were locked in our rooms to rest for our lunch to go down. I was safe from abuse during this time.

We ate our meals in a large dining room and around tables. I remember sometimes they would put movies on in there. I don't recall what we ate or the social environment around meals. After dinner we were allowed a bit of leisure time. I would listen to music in the music and art room. I don't recall what time we went to bed, but it wasn't late.

The night watchman would check on us two or three times a night but always followed a routine. I remember being raped by a boy and then the night watchman coming in shortly after. I remember thinking that my abuser must have been very close to being caught.

My bed-wetting continued at Hokio. I was picked on for it and called names by

the older boys and staff. I got no help for the issue. I remember having lots of free time in the weekend. I also recall occasionally playing games with the kids from Kimberley Hospital.

I had one significant illness at Hokio where I got sick with a gastric bug. I was put in the sick bay with the matron for a week. I was also sent to Kohitere to the dentist. I wasn't on any medications at Hokio.

We had regular chores to do like cleaning. The chores were reasonable. When I realised I would be rewarded for doing chores I would choose to do extra. There was some tattooing but this resulted in very strong discipline. I recall one boy being given coarse sandpaper by a staff member telling him to sand the tattoo off his skin.

I remember this boy crying his eyes out and I couldn't understand why he was doing this to himself, crying and it was hurting and the sandpaper you used, it wasn't fine, it was wood sandpaper, coarse that you would—rough, and he's crying and he's doing this and he's bleeding and for the life of me I couldn't understand, why are you doing that to yourself? Until I found out later what was the reason why.

Smoking was also common. I remember one staff member coming around with an industrial sized can that we all had to spit in. He then added water and cigarette butts to it and told some boys he had caught smoking to drink the water as a punishment for smoking.

I don't recall getting any visitors. I may have had one home visit while I was there. If I can just briefly come back to smoking. I suffer from chronic obstructive pulmonary disease today and I directly attribute that back to Hokio Beach. The big boys would get butts, make me smoke them, do the draw back, turn green, vomit everywhere and laughed at me. That led to a lifetime addiction of nicotine that I only managed to give up 14 years ago, but the damage had been done to my lungs, so that's where I learned to smoke cigarettes.

When it came to time to leave Hokio Beach I was just told I was going somewhere that day, but I didn't know where to. I believe I was in Hokio for just under a year. I was still 9 years old when I left. I can't exactly say how many times I was raped while I was there, but my guess is 200 times.

Last year when I gave evidence to your investigators I was asked this question directly, how many times I was raped at Hokio Beach. It was the first time in my life I'd ever contemplated that question or even had to think about it and it caught me off guard that day. But instantly in my little mind that's the sum that came up to, based on my experience of being raped every day and every night for the amount of boys that were doing

it. And, you know, I stand here today, how would anybody like to be raped 200 times in just one place?

Awatea Street Family Home. After Hokio I went to the Awatea Street Family Home in Levin. I was there for around a year. It was run by Mr and Mrs Pratt. I remember meeting Mrs Pratt for the first time, she gave me a big hug. Moving to the family home was a good experience for me. Mrs Pratt was the first person who ever gave me what I needed. To me she was like the mother I never had. There was another boy there that I knew there—redacted—as we'd been in Trent Street Family Home in Invercargill together.

The Pratts treated me with respect. We did baking. I baked my first cake and it felt more like a home. Mrs Pratt taught me things and gave me cuddles and kisses. She even took me ballroom dancing while I was there—dancing. While I was there I went to Taitoko School. My abuser, one of my abusers, then arrived at the family home after I'd been there for about six months. He had been my main abuser at Hokio and my life turned to hell again. And I was scared again. The shivers and fear set in. He was only there two days before the abuse started.

When he arrived, I ran out of the home because I was so scared. After getting back I went to my room and he followed me in there. He threatened me and told me that I had to shut my mouth and not tell anyone what had happened at Hokio. I did not tell anyone what had happened.

He continued to abuse me at the family home. The first rape happened when I came out of the room and I walked past the bathroom. The door was open, and my abuser dragged me in and shut the door. He put me on my knees and made me give him oral sex. He told me I had to swallow what came out of his penis. He would push me into the toilet or onto the floor of the shower and force me to perform oral sex on him or sodomise me. I felt like he was lying in wait for me when he knew the Pratts would be out. He abused me at least 30 times over the five or six months I was there with him.

I didn't tell anybody about the abuse. I felt threatened and scared. Things went downhill again and my usual feeling of my 10 years of mistrust set in. I had to scope hallways, sprint to the kitchen so I didn't pass him and stay in the living areas as I was safe there. But there were still many times he got me.

About five or six months after my abuser arrived at the family home, I stole my best friend's bike from school and went to his house, then proceeded to smash it up when I knew the family was all out. I did this because I knew they would take me away from the

family home for my behaviour. Mrs Pratt begged Social Welfare to let me stay with her. It was really difficult for me because I wanted to stay with her, but I also wanted to get away from my perpetrator.

I went back to Levin and met up with the Pratts about ten years ago. I was truly blessed to meet them. They were in their 90s. I told them about the abuse and they felt very guilty about what happened. As a child they showed me love which was very different to what I experienced in my lifetime of abuse. I was taken from Awatea Street Family Home to Holdsworth Boys' Home in Whanganui. I was transported in the same black van that had taken me to Hokio.

On arrival I was taken to a room where I met Mr Smith who was my housemaster. At Holdsworth, I was identified as either number 15 or 30 as stated earlier, I can't remember which number I had at each. I was assigned to Weka dorm which was for the youngest boys. I was 10 years old when I arrived and I think the other boys in my dorm were probably around my age. This time I realised I wasn't outnumbered by my size or age. The other dorms were called Tui and Kiwi dorms.

The other boys I remember from Weka dorm are Tyrone Marks, who I'm blessed to know today after many years of being in care, and a boy called—redacted. I met some of these men as adults. I was later transferred to Kiwi dorm but I can't remember how much later this happened.

I was initiated at Holdsworth. A group of boys made me lie in the middle of a paddock at the back and jumped all over me after covering me with grass so I couldn't see and so I couldn't see who they were. As a result of the attack my ankle was injured and I had to get treatment for it.

I started to develop a taste for music which I really enjoyed. We would play songs in our dorm at night. John Drake was the Deputy Principal at Holdsworth. He would play music and had a lot of musical technology and would play it over the dorm speakers at night. He would also play the guitar. If I can, just add a wee bit about John Drake. When I first met him, he reminded me of Buddy Holly, same haircut, glasses and everything, so to me he was Buddy Holly because he played guitar. He would come around Kiwi dorm and kiss us on the lips full and sloppy. He would then fondle us, including putting his finger in our anuses. He would do the same thing to everyone as far as I was aware.

This would happen every night in Kiwi dorm. He would only ever say good night to us, never anything else. At this stage I had been raped so many times I was conditioned to being raped and fondled so it was like—so it was the kiss that disturbed me the most. It

was the part I found the most disgusting. And what I mean about the kiss, he tried to stick his tongue in your mouth the same time and it wasn't a peck on the cheek good night, it was a full kiss on your lips, like this. I'd never been kissed in that manner by anybody, so I found that quite traumatising. As I said, I'd been raped and abused so much that just didn't seem so disgusting to me anymore.

The night watchman, Mr Mercer, who was a big man, he would come and get us up in the middle of the night to take us to the toilet. This was to break the bed-wetting habit. He would give us cakes after getting us up and he was never abusive. Out at Holdsworth I remember Mr Mercer very fondly, because he would get us out of bed at night, take us to the toilet and on the way back he'd go, and you'd turn and here was a cake or a biscuit or something like that. And it was a special treatment in the face of such bad abuse going on. So that's why I have fond memories. He never hurt us in any way and his name was Mr Mercer.

John Drake lived on site near the kitchen area. He would play his guitar with the door open and we would all hang around near his doorway to listen to him and gradually we crept in. I didn't stay in the room but I know that one of the boys that did stay was raped by John Drake. John Drake was unmarried. I recall he showed us videos of Papua New Guineans when he went on holiday over there. I found it fascinating because the culture was so different.

Mr Powierza was the principal of Holdsworth then when I was there. He was not abusive. I recall him, he had a big Tom Selleck moustache and, like I said, he was very easy to get along with. Mr Smith, my housemaster, never really provided any pastoral care. The cook at Holdsworth was nice. She was a Māori lady. I remember working in the kitchen and doing the dishes. We had to wipe down the industrial stainless-steel kitchen. I remember she gave us chocolate ice cream one night.

Two other staff members were abusive when I was there. One was—redacted. He was pākehā, tall and skinny with a bald patch and clean shaven. He took me fishing twice in his car. He touched and fondled me on both occasions. On one occasion I hooked a trout and the rod snapped in half. He then took me to a hill where I could see the sea and no-one else was around. He fondled me in my pants both times. I remember thinking, "Not you too".

It was mentally degrading and I remember thinking all I'm good for is being badly hurt all the time, you know, and understand I'm 10 years old and that's all my life had ever been. There was no sense of nothing, normality. So every time I went to a different place

and these things it was just exasperated more.

After these two times I didn't want to go anymore and then he turned his attention to someone else. The other staff member was Mr—redacted. He would physically beat us. He enjoyed making us stand on the tennis court line in one spot at attention for hours. As soon as he[sic] faltered he would beat us really bad, often with his gym shoe. He would continue to hit us every time we faltered. This mainly happened redacted and myself.

One day—redacted—and I ran away from Mr—redacted—and climbed a tree after—redacted—told him to fuck off. While we were in the tree the matron pulled up in a taxi by the tree and—redacted—threw a seed pod and it hit her in the glasses. I recalled it was quite funny it hit her there and her glasses fell off and on to the asphalt below, and we were laughing up the tree thinking it was a great joke.

Redacted—went to throw another one at her and fell out of the tree and hit his head with blood pouring around him, suffering a significant brain injury, facial injury and limb damage. If Mr—redacted—hadn't been trying to physically abuse us, we wouldn't have been in that tree in the first place. We were trying to protect ourselves and would often climb trees to get away from the abuse. The bigger abusive boys also couldn't get up the tree.

And around the perimeter of Holdsworth were old man pines and they were huge. And me and a few other little boys, we'd climb right to the very top and they'd be swaying around in the wind and yet it was a way that none of the others could climb that high, they were too big. And in a sense for me it was empowering: "See look, I'm tougher than you, I can climb to the top of this tree", so we'd sit up there swaying around in the breeze. Anyway.

There's attached a thing for this picture of Holdsworth. The tree to the right of the top building is the tree he fell out of. After it occurred I complained about the incident to Mr Powierza at his house which was off site. Mr—redacted—followed me there and denied the issues. On the trip back to Holdsworth Mr—redacted—apologised profusely to me, but after the complaint calmed down it started over again.

Mr—redacted—went on to abuse—redacted—who was in my dorm and had smacked him around the ear. Redacted—too said "fuck off" and about nine of us ran through Victoria Park then stole some bikes and rode south across the Whanganui River on the highway. A car hit Tyrone Marks and dragged him with him being stuck under the car. I remember him with the bike handle coming out of his head. There was brain matter and the dragging had stripped all the flesh off his back, I could see his spine.

We were picked up by John Drake and returned to Holdsworth. We had to stand above Weka dorm at attention and got physically belted by John Drake for the entire night. We did not get any sleep. John Drake then took us to see Tyrone Marks in hospital. He was in a whole-body cast, I mean from here his whole thing, his arms from his neck down was one big cast of plaster. I could smell rotting flesh. It's the first thing I noticed when he took us in there, what's the smell it's so horrid, and I later learned it was the rotting flesh and dead flesh on Tyrone, he was covered up with this cast so he was sweating underneath which was giving off a disgusting smell. Anyway.

I ran away—sorry, I never saw Tyrone again and thought he had died until I saw him at Parliament on 6 July 2017 through Dame Susan Devoy. I ran away from Holdsworth a second time but got caught not too far down the road.

Daily life involved getting up, going down to breakfast, going to school from Monday to Friday. We were given a proper education at school and I say that because I had nothing before that. So I didn't have any sense of normality what a classroom or a school was. So when we got there it was the most structured of the places that I'd been in for a school. That's why I said that, you know, it was better than the other places. There was a swimming pool with a taniwha painted on the bottom of it.

Apart from school we were left to our own devices. There was an old car with no engine that we used to push around. I don't remember doing any chores outside of the kitchen or physical training. There was no morning line up like at Hokio. Once we went to a dance with the girls from Sacred Heart School.

There were two kingpins at Holdsworth. Their names were—redacted—and—redacted. I recall they fought once to determine who was the stronger and they both ended up severely injured. The day that happened they had hunks of 4 x 2 they were bashing each other out trying to be the top dog. They injured each other, they were bleeding, swollen, and they were boys quite a lot older than me. I found that very traumatising watching them do that. You know, I'd never seen people bashing around with hunks of wood hitting each other like that. They were both crying. It was a traumatic experience for me.

We were physically beaten by the big boys every time we got smashed or talked back. This was just normal. Two boys would take me down to the basement and sodomise me. I don't remember the names. I think it happened about four times. Two different boys on two different occasions. The older boys would tell horror stories about the basement to keep people away. I was dragged down there. The horror story was along the lines of the Hounds of Baskerville. They said that the dogs, their ghosts were living in that cell, so

nobody went near it. But that's where they would take me down, the big boys, and rape me. I think personally it was a place there they felt comfortable nobody was going to come looking or any of the other boys.

This was the only sexual abuse I received from the older boys at Holdsworth. I believe it was because the dorms were open plan. I didn't tell anybody about the physical or sexual abuse from the older boys. It was well ingrained in me by that stage to shut my mouth and not to speak. I don't remember there being a solitary confinement or secure unit at Holdsworth. Holdsworth was for younger boys. It was a boarding school under education legislation and an alternative to sending boys to Hokio.

From my understanding, Holdsworth was created for the little boys like me because they were taking us out, these big boys, because our size and age, and I was led to believe that Hokio was come about for us younger boys. I think there were between 30 and 40 boys at Holdsworth aged from 10 to 14 or 15.

I remember there being a lot of Māori faces but there was no cultural education. There wasn't any tattooing at Holdsworth. Some of the boys smoked but not very much. When I arrived at Holdsworth it was still fairly new. There were a lot of other boys like me there and I had friends whereas at Hokio I only had associations with the two other younger boys. The vibe of the institution was different to Hokio.

I didn't have any visitors while I was at Holdsworth but think I went home a couple of times while I was there. When I was home during the holidays my father wasn't so aggressive as he knew the rest of the family was happy to see me and probably also knew that I was going away again. After two years of institutional care and at the age of 11 years of age the State did the thing they always did, they sent me back to my dad.

I left Holdsworth after I had been there about 12 months and went back to my adopted family. By then they had left Invercargill and moved to Dipton. I didn't realise they had moved before I went back. If I can just add, I went to school with Bill English the former Prime Minister at Dipton Primary School.

My dad was a shearing contractor in Dipton. The violence from him started again pretty much immediately. My mother had health issues. He would also physically abuse her because she was too sick to get up and cook him breakfast. My family was blamed for anything that went wrong in Dipton and my father would immediately blame me. There was one incident where all the kids were left at home together and two of my siblings burnt out our mother's car. My father beat me as a result even though I was not involved. When I say beat me, I just remember this day he's picking me up and throwing me into pine trees

that line the entranceway to the house, the pathway. That day was the first day he went from hitting me with open hands to closing his fist.

My dad's friend—redacted—stepped in during this incident to stop my father from beating me. He had me on the couch and was punching me in the head with closed fists. He was knocking me senseless. Redacted—got in between us and got my dad into the kitchen.

When I made the statement before, Jake the Muss had nothing on my father, I don't say that lightly. My father was a big man, even today in his 80s this is the size of one of his fists. That was the first time I met her. I went into care in her home in Alexandra about 12 months later.

I stayed with my adopted family for about 12 months after Holdsworth. I kept getting into trouble in Dipton but I also think -- redacted -- said something to Social Welfare about my treatment. I would get into trouble with Bob Gibson who was the Lumsden Police Officer. Often it was my *brother* who did the offending. Dr Fraser records in my file that I was a scapegoat for my family's frustration. My life ended up when -- redacted -- was born. It wasn't his fault and I love all my siblings.

One time my dad held me up by the front of my shirt and he continuously backhanded my face like this. My cheeks swelled and were blistered. What made him stop was those blisters were – this [gesture] – on my face and they burst and all the fluid come out and it must have touched his hand and -- but also my mother jumped on his back. Mum then jumped on his back and I got outside and was so dazed I fell down the bank that bordered the back of our property – it's a bank that went down to the creek below – and I was so dazed from that beating and senseless that I was stumbling around and I fell over the edge and rolled down the bank. Both my checks were blistered, they burst and peeled red and I wasn't able to go to school.

39 years ago my paternal grandmother died. My dad got drunk and slapped my cousin in the face in front of me. I grabbed my father and pushed him into a wall and my uncle told my father he wasn't going to hit anyone anymore. My father then told me "I never wanted you, you were just a playmate for your older brother." I'll never forget those words because it's the first time he actually openly admitted – I knew all the time he never liked me, it was pretty obvious – but to hear that this day it was still traumatising to hear it come straight out, the admission. But he did.

I was taken to court and asked whether I would prefer to go to my aunt's place on the Chatham Islands or to -- redacted -- in Alexandra. I chose -- redacted. I'm not sure of

the details of the court order that was granted for me to go live with her. I believe Social Welfare were involved because my mother had requested that all of us go into care because she couldn't look after us anymore, physically or financially. My father had gone to live with a rousie from his shearing gang by this point. Through all my life that's one thing I always remembered, my mother stuck beside my father thick and thin, through everything, but even through his infidelity, I guess.

Redacted -- also received regular clothing grants and we would go to Hallensteins to get the clothes. Redacted -- was a solo mum with two of her own kids. She also looked after her niece and two nephews as her brother-in-law had strangled his wife, the mother of these children, and killed her. I moved into the house and went to school in Alexandra. I was the new kid in town and the only Māori at school. I was 12 at the time.

Redacted -- looked after me and cared for me. She was fair but firm and I remember her saving me from my father. She bought me a Raleigh Chopper bike and for the first time people were envious of me. Redacted -- also supported my rugby. Now when we talk about a Raleigh Chopper, it had ape hangers, banana seat, and it's the first bike that had gear shift. And when I got that I never felt so high in my life and "Yeah, look at this", everybody wanted that bike, "Gosh you're lucky", I just beamed "Yeah, it's me, I've got it." And it was the only one in Alexandra.

She also supported my rugby and I did things for the first time and all with her encouragement and support. Redacted -- made me feel pleased and blessed. It wasn't something I had felt before and I opened my heart and had the desire to please her. I did not know it at the time but she was romantically involved with my father. And if I can just add to that, in my file there is a statement by the Department of Social Welfare and it reads "We are aware that my father and -- redacted -- share a continual relationship." And they were aware of this before they placed me with her, without any regard to what would happen if that came out.

We lived at several different properties with -- redacted -- when I first moved with her we lived in a house on -- redacted -- Street in Alexandra. The house had a fire so we then moved to a large station where her brother and sister-in-law lived. The house was like a castle. After that we went to -- redacted -- with her brother and then to Omakau into a converted shearers' quarters.

I found my father and -- redacted -- in bed together when I was taking a cup of tea and toast to her. We made -- she did preserves with a lot of fruit in Alexandra and we made apricot jam and I decided I'm going to make you some toast and cup of tea and we're going

to take it to you in bed. So I made it that morning, put it on the tray, and walked into bed to find my father in bed with her.

I felt betrayed as she had ended up treating me like everyone else. I even asked her to adopt me. I then took an overdose of Coldrex tablets. Redacted -- found out and filled a glass with salt and water and made me drink it to force me to vomit. Redacted -- told people I was attention seeking. Now I'll say attention seeking? No, it was betrayal. It was betrayal of what I walked in and found. Conveniently even in my file it states that I only took a few. No, I took a whole box of them. At that age I thought I'd die if I took them all. So I took them all and I think she had an understanding what was going on, but rather than admit the truth, said I was just attention seeking.

I went berserk after finding them together. I didn't tell anyone about the incident but I acted out. I started fighting people, particularly when they were being racist. I felt like everyone was going to betray me and I was angry about it.

I stayed with -- redacted -- until the end of the 3rd form. I was 14 at the end of that year while I was at Dunstan High School. While I was at Dunstan High School I was once again the only Māori there. In fact I was so -- stuck out so much that Bill Rowling, the Prime Minister, who took over from Norman Kirk when he passed away, he came to the school and opened the hostel, the new hostel for out-of-town students. He spied me in assembly and I got to meet him at lunchtime. And he asked me some questions about what it was like for me. The principal didn't like my response so he was pretty quick to get the Prime Minister away from me, about my response as being the only Māori in school.

The high school refused to have me back the next year. I acted out at school and was not doing well. I lost sight of my education and was no longer motivated with rugby. The year before I caught them in bed together I played for the Otago rugby team and I excelled and I enjoyed it. In fact I had aspirations of being an All Black and Sid Going was my idol, I wanted to be like him. And I had the skills and I tell you I gained skills when I lived with my grandparents in the North Island. He had a horse, a big black stallion, he had it in a five-acre paddock and he'd say to me, "Kid, go and get the horse down the other end." So I'd go and get this horse and bring it up to granddad with the halter at the other end. This horse would bolt, then it would change direction. So I'd be learning to cut it off, running one way then stepping off, and that's how I learned to side-step. When I started to play rugby it became quite apparent I learned that skill because I'd step and run rings around them. And like I said, I played for Otago the first year but everything, all that enthusiasm for it, went out the window with that.

I have now apologised to some of my old teachers as an adult. I went to a school reunion at Dunstan High School, and – I was out of control there – and I went and apologised to some of my teachers because I was horrific to them for the anger, the betrayal that I carried, and being isolated once again as the only Māori.

And they copped the brunt of my frustrations. But as an adult I went to the school reunion and lucky enough to meet some of them. I apologised for my behaviour but it also gave me the opportunity to tell that I wasn't a normal kid and that I just didn't know how to tell anybody what was going around in here [gestures to head].

I still wonder how the State thought a 14-year-old boy could fit into a normal school and live in a community after being in State care. I was angry, bitter and twisted. I lost the plot and all feelings for -- redacted. Yet again, I returned to my adopted family who had moved to Lumsden for a fourth and fifth form at, no – fourth form and I wasn't at the fifth form at Northern Southland College – I only did the fourth form, in my last year I turned 15, I completed that year and I left school.

In 1976 I left immediately after getting my leaving certificate and took off to Invercargill. Freedom. I hooked up with a lot of other boys like me who were also trouble. Three of them were ex-State wards.

After leaving school and going to Invercargill I ended up in Invercargill Borstal pretty quickly. I was living pretty rough in Invercargill and had no involvement with Social Welfare. I spent a lot of time with the other bad boys. I never tried to get close to anyone because I was never in one place for long enough. I went to Invercargill because I didn't want to continue to slave for my adopted father in one of his shearing gangs.

We would steal cars and I would end up taking the rap. We would also break into rugby clubs and steal their alcohol. I'd become conscious of alcohol around my adopted father at shearing parties and shearing contractors' parties. One night we broke into a rugby club between Invercargill and Winton to steal the alcohol. We took it around to one of the guy's places. I got drunk, then set the fire to the car in Queens Park before falling asleep next to the car.

While I was in Police custody, Police Officer -- I would love to mention this name's man (sic) but it's redacted, and he's a very prominent Police Officer that's been very prominent in the public eyes over the years for his involvement in a certain thing. But this prominent Police Officer, he was a detective in the Invercargill CIB. He would handcuff my hands behind a chair like this and so that I couldn't move my arms -- I had my arms like this. He would get the Yellow Pages and when you're handcuffed like that he'd say, "You

did it, own up." "I didn't do it." Wham around your head with this telephone book. You couldn't go anywhere. In fact, there's a couple of times he hit me so bad I went over the chair, handcuffed to the chair, on the floor – they had to pick me up again.

While he was hitting me with the phone book I could see stars. He kept doing it until I admitted and confessed to the crime. Sometimes – that crime I didn't even commit. But because of his treatment, I didn't think he was going to stop unless I said I did it.

I agreed with him to make him stop. I was only 15 years old at the time. I have recently seen -- redacted -- presenting on -- redacted. After that incident Judge Anderson remanded me to the borstal basement until I was 16 years old – so for four months – and then committed me at 16 years as I was old enough to go into the main area.

When I say that, I was held in the Invercargill Borstal, it was separated by two -- there were two parts to it. There was one which was called NAs, or New Arrivals, and they were down one end of the institution and then down the other end it was called -- it was another wing where you had more opportunities. Now I was locked in that basement for four months, in a cell, no contact with anybody else apart from the screws that would come around and until I turned 16 so Judge Joe Anderson could put me in borstal. I remember him telling me "You're not going back to State care this time Mr" -- redacted.

The custody area was known as the pound. So there were two layers to the New Arrival, there was upstairs where the new arrivals come, and then down the stairs was the pound area where other cells were where the *bad* young people were taken and punished. I was locked down in that same area on remand while waiting for my sentence.

It was segregated from the other parts of the borstal and it was at least partially underground. I learned how to fold my mattress, blankets, polish my boots and march every day. We had to prove we could follow the rules.

My cell had a hole in the door and it wasn't very big. It also didn't get any natural daylight. There was a pot or a bucket in there for me to go to the toilet, so we didn't have flush toilets. The pot I'm referring to is potties, like you would train a baby to go to the toilet on. That's what they supplied us with for our toiletries in our cells. One day I was taken to the ablution block, I would empty my pot and then was taken back to my cell.

I wasn't allowed any exercise time for those four months. So referring back to the previous witness, yeah, we were just locked in, there was no nothing. And you were left with this [gestures to head] wondering like him, going mad with no stimulation. But a very small cell to walk to that end and walk back to the cell door and back again.

We were given three meals a day but I was always hungry. I'm not sure why, I

don't think the portion's that big, but I used to lie on my bed at night and think come on breakfast and dream of *food*, dream of just food. I was given books to read but no formal education. There was also no interaction with other people until I was old enough to be sentenced to borstal training.

I remember the staff member in the pound was a Māori warden with my adopted father. My adopted mother came to visit me in the pound a couple of times. She was my lifeline at that time even though she hadn't always been there for me in my life.
I feel -- I just want to mention my mum, she also had the care of her other siblings with a husband that was very dominant and, you know, today it says she wasn't there all the time but she did her best, she did the best for my other siblings and the best she could do with me with the hand that she was being dealt before her.

She would also bring me bags of fruit. I used to give it away for protection. And she would also bring me two pouches of Port Royal, I can say this now, that I would trade for favours. It was illegal, I used to take my sock off and put the tobacco under my foot and slip it back on and put the thermal back into the thing. But anyway, such as we did in the days. Once I turned 16 I was sentenced to nought to two years borstal training and sent to the south wing. From there I had the opportunity to get some work experience on a farm and other places.

Now I was lucky enough to get out to the borstal farm because I come from a shearing background and that was part -- they had their own dairy, their own sheep and they did their own shearing and they milked their own cows. I ended up, so as I said, I ended up on the farm pretty quickly because I knew how to shear a sheep. I really enjoyed being out on the farms with some sense of normality.

I was in borstal for 10 months the first time. While in borstal I'd get the odd punch in the head by other boys, saw other boys being raped and heard the boys crying when this happened. But it didn't happen to me. I still live with the guilt and trauma knowing it was happening but not having a voice to say anything about it. And I found that very hard for me that I had no voice when I was being raped in care.

And I walked past a cell one day in south wing and watched them drag in a younger boy into that cell, slam that door shut and I heard him screaming. And when I did, I heard the screams of my own little boy in myself. I so desperately wanted to go in there and try and stop it. But the conditioning of shut your mouth, nark culture, don't do anything, I drop my head in shame I left that young boy to this. I'll never forget it, because I know I should have said something. I know I should have been the one to stay stop and

take a hiding for it, particularly with my previous history of abuse, but I didn't. It's one of my shames I live with today, I can't seem to shake.

I still live with the guilt and trauma of knowing this having -- I did not know at the time I had been released from Social Welfare care as no-one had told me anything. I only found out about it in my file later. When I left Invercargill Borstal, I hooked up with the same people I was with before borstal. We stole cars and during a joyride to Riverton this resulted in a second term in borstal. I was now a second lagger and what I mean by that is, it was a slang for when you did -- first went to incarceration, your first time you were called a first lagger, then subsequent incarcerations afterwards you become second, third, fourth laggers.

I was now a second lagger and received respect for that. And that was sort of like the culture too was that you've been in once, you've done your time as the new recruit, now you're back a second time. So, you know, you sort of stepped up that chain, if you like, of command. For the first time I went up in the hierarchy.

I was no longer under Social Welfare and the institution I was in was a Ministry of Justice one. It was horrible, you were locked in a cell. At least in the Boys' Homes you could move around, climb trees. But not there, you were locked up, that was it.

During my second lag I became secretary of the Tigers Club. It was run by the Lions Club and it says in the statement it was the only one like it in New Zealand. Well I have to reiterate, it was the only one in the world of anything where inmates went out of an institution that young and did like community work as part of an extension of the Lions Club, that's why they called us the Tigers Club. It allowed me to do work in the community.

I also did kapa haka, worked on the borstal farm, shore sheep and taught others to do it. I got involved with the church at that stage. It wasn't that I'd found God or anything, it was just another avenue to get out of the place and get some sense of freedom and normality. So I went to church and got chosen for what they call church parole, and Christians would come and pick you up on a Sunday night, take you to a church service and deliver you back some two hours later. So that was great because you got out for another two hours.

I played rugby and softball for the borstal teams. I kept so busy I was not alone with my thoughts. My girlfriend -- redacted -- visited me every weekend. She is the mother of my two older children. Redacted's mum offered for me to live in her home so I could leave borstal which I did in 1979. I didn't witness the rapes in the second lag, only

the first.

There were standard beatings but you never say anything about abuse or then you're a nark or dobbing in. "Nark" was the new "homo" name-calling that I had experienced at Hokio Beach. So "homo" was a way to shut me up when I was a little boy and progressing up to a young teenager in borstal, it was replaced with "nark" was the termination (sic), that was one thing *nobody* wanted to be branded with. Because once you're branded a nark you were alienated from everyone else and you were the subject for people to bash you and get you. So that was the new bad name.

Redacted -- became pregnant with my oldest child. I didn't have a job. I stole a chequebook and paid for things my unborn daughter needed. I did it fraudulently. I ended up back in court and was sentenced to borstal for a third time.

When I was released from my second lag, and the process which you might be aware of, you had to appear before a Parole Board at least every six months. And so I appeared before the Parole Board and I was released on my second lag, but I was given a clear direction if I didn't take opportunity of this stage and I came back to borstal, my stay would be lengthy and I took that meaning to be the full two-year, nought to two-year term.

So I was sent back to borstal for a third time. My sentence was changed, as I appealed it. The sentence of borstal training and it was changed to six months prison at Paparua Prison. This is one of my sad regrets. Three days after I was incarcerated my first child was born. I wasn't there to see her come into this world to comfort her mother and reassure her as we brought life into this world. It's a burden that I cannot shake. It's a guilt I cannot shake, no matter what my adult daughter, who's 40 now, tells me. I will always carry that sadness and that failure deep within my heart, my wairua.

I was in Paparua Prison for four months. It was not the abuse I had previously experienced. A lot of borstal and State care boys were also in prison. I did see a paedophile being severely beaten. Men were jumping on his head. I could hear his skull cracking. The beating had been set up and condoned by officers.

When you first arrive to the west wing after the shower unit and through the entrance to the yards there's -- in Paparua Prison when I was there, there were three wings: west wing, centre wing and east wing. And like borstal, when you first went there, you went to New Arrivals. When you were committed to Paparua Prison you went to west wing first, and progressed.

In the wing – here's the west wing – there is an archway, probably about from where I am to that wall that leads, covered archway, stone archway out to the yards towards

the centre wing. And this incident – about the watching this man being beaten – they were walking in from the yard from exercise about six or seven men, they were on protection, in the protection unit. They had an officer at the front of that line and one at the back, and the new guy conveniently was put on the back of that line.

When they come through that archway coming back into the wing, I watched that officer walk away from the back of that line, and who were waiting there? – these male men and they were smashing his head into the concrete wall, beat him unconscious and jumping all over his skull on that concrete floor. I watched that screw walk away from the back of the line and walk up the front and keep his back to them. He could hear it, he knew what they were doing. It was part and parcel of, well, you know, the worst thing you can go to jail for is paedophilia. Even the prison wardens, a lot of them actively participated in prison justice against paedophiles. The prison officer left the back of the line --

CHAIR: Sorry, can I just stop you there for a moment. We're just approaching 5 o'clock, I'm conscious of the time. I'm just wondering what we should do at this point, whether we should continue on. About how much longer do you think we're going to be?

MS LANE: I would estimate about half an hour.

CHAIR: I'm very conscious of our signers and our stenographer. I don't want to interrupt you but I think you might understand, Toni, that there is a lot of effort going on here to record your evidence well and I wouldn't want our people to be exhausted. Would you -- do we have time tomorrow to come back?

MS LANE: We both have accommodation and flights tomorrow so there's no issue.

CHAIR: We do have other people scheduled however. What's the story?

MS TOOHEY: Tomorrow is a very full day, we actually are starting half an hour early and we have to accommodate three witnesses with substantial briefs.

CHAIR: I think we might do it this way. Ms Lane and Toni, I'm reluctant to shorten your evidence, but I can say that we have got your full brief here and we have read it. It's going on the website for people to read.

I'm wondering, Ms Lane, if you wouldn't mind directing Toni just to the most important parts now. If we can get that done in the next 10, no more than 15 minutes, I think that would be helpful. Otherwise we're going to intrude on tomorrow. Toni, do you understand what I'm saying here?

A. Yes, I do.

Q. I apologise for having to truncate things a bit, but we've got other survivors to be concerned about too. Is that all right with you?

A. Yes.

Q. I'm going to ask Ms Lane if she can just lead you now through the critical parts.

MS LANE: I'm aware you've got a copy of the statement for Mr Jarvis, I think for him he wanted to end his evidence with a song. If you're happy to rely on the rest of the statement, I think it would be more important for Mr Jarvis to sing his song as opposed to directing him through the evidence.

CHAIR: What do you think Toni?

A. I'm okay with that, that's fine.

Q. You're happy with that?

A. I know, like I said, you've got my full brief of evidence.

Q. We have it in front of us with everything?

A. And I do understand time constraints and everybody else that works together for this, so –

Q. That's much appreciated and thank you for your tolerance. Is there just one last thing you want to say before you close off before you sing your song?

A. Yes, from a personal point of view. I met Jacinda Ardern on 6 July. The picture that you had up there of me, she came down the steps behind me that day and I turned and she seen that picture, and she made a promise to me and survivors that if she became Prime Minister she would hear our cry and give us our inquiry.

And I want to acknowledge that because I started asking questions when I was 16 years old, I'm turning 60, it's been some 44 years. Over the decades not one politician in this country wanted to acknowledge us. So when she did that she gave us hope.

Now I would just like to say I appreciate the opportunity to stand here and give my evidence. And, I've been a bit caught out because I was expecting something else. But, you know, under the Inquiries Act, I'll be a bit prudent here. I am aware the Royal Commission of Inquiry have the mandate to make recommendations before the end of this Inquiry. I'd just like to highlight the report of the Waitangi Tribunal, their findings. I say they're in line with the first hearings we had here with all the experts and that, they said pretty much the same thing.

We have two more years of this Inquiry to go through and, you know, to the average person it's not long. But to survivors, that is another life time. And, you know, I would just like to say that, you know, I think it would be in the best interests if you's were able to make a recommendation to Cabinet now regarding the same things, contents of the care of children, because why am I here today? The main reason, yeah, a bit about this, but it's about what's happening today, it *has* to stop. And, you know, two years is a long time

to wait for some child that's in care being abused right now. There are other children being conditioned to be like me growing into adults.

So, you know, I would like you to consider the report of the Waitangi Tribunal and in fact to come up with an interim recommendation back to Cabinet that this work starts as of now. You know, it's very important for the well-being of our children in the future.

Also I would like to recognise the older survivors, older than myself. A lot are waiting in the wings, some are very ill, and, you know, I believe it's – with enough evidence, that it would be right to look at these older survivors, to have a chance of redress and apology. Because I'll be straight up, I believe some of these older survivors won't be here in 2023 but they're watching these proceedings go on, they've been re-traumatised, it brings it all up; to die carrying this without an answer. So if there's a way that the Royal Commission can make interim recommendations back to Government to certainly look at these, particularly the unwell survivors.

But, you know, I just want to say that it's going to -- I've got a song I want to sing, some people will understand where I come from, it's in my evidence, I use music as an escape goat, a way to get away from things to cope with my abuse. And over the years I find myself singing, my past would come into it and the lyrics would change into telling the story about my past.

So I've chosen a song today, I've changed the lyrics. The song is actually New Zealand's first overseas number one hit, but I've changed the lyrics so it's no breach because it's a parody. The original song was a song called "If I Only Had Time" by Sir John Rowles. But my version of this and my lyrics, the song is called "There's a Mountain to Climb".

Just before I sing this song, I hope my lungs will help me get through it. There is a big mountain to climb and it's going to take honesty from the Commission, strength and courage to climb that mountain, to be honest enough what you find when you get to the top of that mountain and be courageous enough to put the right recommendations before Cabinet. And as the former witness expressed, your powers are to make recommendations; upholding those recommendations, well that's another story down the track, but -- so if I can just try my song today. Excuse me if I -- like I said, I suffer COPD, I live with it and some days my lungs play up, but it's my way of sending a message.

COMMISSIONER ERUETI: Ka pai.

CHAIR: Thank you and we'll treat that as part of your evidence.

A. **[Sung]** -- "Now is the time that we must climb this mountain so high and change what we find. There's a mountain to climb if we've time. So much to do if we only have time, there's a mountain to climb and things we must do, there's a mountain to climb if we've time.

Time like the wind it is hurrying by and the decades they fly, where to begin, there's a mountain to climb if we've time. And when you climb and see the truth you'll know how it should be. Time to change, the care for our kids you must rearrange. A whole century is where you must look if you are to see. So much to do, if you only had time there's a mountain to climb, and things you have to do, there's a mountain to climb if you have time.

Mmm, mmm, mmm, there's a mountain to climb, can you find the time. Mmm, mmm, mmm there's a mountain to climb you must find time. Now is the time that you must climb your mountain so high, and change what you find. The truth is revealed you're no longer blind." **[Applause]**

COMMISSIONER ERUETI: Tēnā koe Toni. E tū ana ki te tuku kōrero ki tō waiata ki mua i te Kōmihana anei mātou te Kōmihana, tēnei te mihi nui ki a koe e hoa. On behalf of the Inquiry I'd like to thank you for your time here, for your – you spoke of honesty and strength and courage, and we pay our respects to you for your strength and courage and honesty in coming and speaking your experience of the time that you were in care.

Listening to you today by the time you're in your early teens you've lived many, many lives, the experiences that you've had. And despite all those horrors, I've known you for some time now, and I recognise your resilience and strength and your persistence. Not only for your quest for justice but also for other survivors, and that you've been a long-standing and articulate advocate for survivors before this Inquiry was established and you continue to be so. So on behalf of us I want to thank you.

We did deliberate before we came out here about whether we should reciprocate with a waiata and I think actually we should, if only we had time. And we have Ngāti Whātua here, so I think together we'll stand and we'll do a waiata to mihi you for your kupu. Kia ora e hoa.

A. Thank you.

CHAIR: Thank you. And thank you, Kath, for being in support of Toni, I'm sure it's been a great strength to him.

Hearing closes with karakia mutunga and waiata by Ngāti Whātua Ōrākei

CHAIR: Just a reminder we return at 9.30 in the morning. Thank you.

Hearing adjourns at 5.17 pm to Tuesday, 4 May 2021 at 9.30 am