1 from the 80s to the 90s, why do you think it took nearly
2 25 years before we start seeing the Pasifika culture
3 actually identified as an important part to be
4 incorporated into prison programs?
5 A. Why do I see it as important?
6 Q. No, why did it happen? Are you able to help me
7 understand why it suddenly starts happening in the 90s?
8 What happened then?
9 A. Oh, because I think a lot of our people were coming in.
16.11 10 Q. So, you go from being not many of you at Owairaka to
11 significant numbers in the '90s?
12 A. Yes. So, in 1980 when I was doing my Springbok Tour and
13 GBH, my lag there, out of 420 inmates in the yard, I
14 think there was only 14 of us Pacific Islanders or
15 Pacific Island descent. By 1990 when I was doing my lag
16 in 1990, there was like, gees, there was 14 in one unit.
17 So, yeah, a significant increase.
18 Q. And you said in your evidence, one of the things we have
19 to look very carefully for in here is the poverty and the
16.12 20 loan sharks and all of those matters?
21 A. Yes.
22 Q. And that happens in the 80s and 90s period especially,
23 does it?
24 A. Yes.
25 Q. Following privatisation and liberalism?
26 A. I don't know about liberalism, yeah, absolutely.
27 Q. And we're talking about loss of jobs and a whole lot of
28 things that we've heard in the State sector in the 1980s,
29 as well. From your own personal experience, did that
16.13 30 impact on your family?
31 A. Yeah, it did impact on my family.
32 Q. How?
33 A. Loss of jobs, my sister had to move to Australia to try
34 and, you know, better herself. Yeah, things like that

1 were happening. Lots of my family went to look for
2 better opportunities elsewhere.
3 Q. The last section that I want is racism. You talk about
4 the racism between the State care, those in
5 responsibility. Was there racism between Maori and
6 Pasifika communities inside these institutions? And how
7 was that dealt with?
8 A. Yeah, there was.
9 Q. Can you give me some examples?
16.13 10 A. Of?
11 Q. Racism.
12 A. Between each other?
13 Q. Yes.
14 A. Okay. So, in Waikeria, the first guy I was bunked up
15 with was a Maori guy and he said to me, oh bro, you're
16 Maori? And I said nah, nah, nah I'm Samoan. He said oh
17 there's a few of you bongas up there in Auckland now.
18 Bro, what the hell is bongas? It was those sort of
19 korero going on in jail.
16.14 20 And also, a lot of our island boys in the 90s were a
21 little bit jealous, if you like, of what the Maori
22 programs were getting and they wanted more for
23 themselves. So, yeah, that sort of thing was happening
24 in there.
25 Q. More recently, there's been a suggestion that there were
26 fights encouraged between and amongst Maori and Pacific
27 Islanders. Did you see any of that? When I say
28 encouraged, encouraged by prison staff.
29 A. Yeah, let me say with the increase of Pacific Island
16.15 30 inmates, this is my own observation, this is my own
31 opinion, in the 90s, was because it also increased in
32 Pacific Island and Maori staff, especially Pacific Island
33 staff. There was a level of, if you like, jealousy
34 amongst a lot of Samoans about what Maoris were getting.

1 And so, Pacific Islands would go to their own officers
2 and complain to them and moan to them about what was
3 going on in there. And also, you know, our people, we're
4 very, we didn't have a pathway like the Maoris, you know,
5 like that pathway into that world. And a lot of our
6 people are very religious people, even in jail. So, if
7 they see things being done wrong in jail, as far as
8 they're concerned, they felt the need to tell officers
9 about it and that was some of the dramas that were
16.16 10 happening in jail at the time.
11 Q. Going forward, I think the last question, in terms of
12 this racism, what kind of strategy should we be doing,
13 firstly to educate the values between and amongst
14 prisoners but structurally within the prisons as well to
15 change that?
16 A. Oh, like I could introduce programs in jail that - yeah,
17 I'm not sure about that really. I have my own ideas of
18 what we should be doing to change the system, the way
19 they operate in jail but yeah, nah, I have to think about
16.17 20 that some more actually, yeah.
21 Q. Thank you, I don't have any more questions but thank you.
22 A. Kia ora.
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2 **FA'AFETE TAITO**
3 **QUESTIONED BY COMMISSIONERS**
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7 **CHAIR:** I will now ask my colleagues if they have any
8 questions of you, Mr Taito?
9 **COMMISSIONER ALOFIVAE:** (Speaks in Samoan). Thank you
16.18 10 for the courage and the honesty in which you shared
11 your story this afternoon. Taito, you're going to
12 be the first of hopefully many Pasifika witnesses,
13 we hear your cry, that our people Pasifika in
14 general may not come forward for a forum like this
15 but there will be other ways in which we can meet
16 and talk. I hear your message really loud and
17 clear about not demonising our parents, the faith
18 and the culture which are really like the strong
19 holds of the triangle that led to the migration of
16.19 20 our people to New Zealand from the Pacific back
21 from the 50s onwards.
22 One of the - there are lots of questions I want to
23 ask you but I want to limit them really to what I believe
24 I think you could have a lot of input for us. And I
25 wanted to start really with the comments you made around
26 your parents, the sacrifice that they made and you not
27 understanding that until many, many years later because I
28 think that's the experience of many of our young
29 New Zealand born Pacific children today; would you agree?
16.19 30 A. Yes, I agree.
31 **COMMISSIONER ALOFIVAE:** Not actually knowing the journey
32 and the impact may be of colonisation on our
33 parents. Do you have a perspective on that, of the
34 migration of Pacific to New Zealand back in the 70s

1 and the 80s? Your parents were part of that first
2 wave that came across.
3 A. Yep.
4 **COMMISSIONER ALOFIVAE:** Do you have a perspective on
5 colonisation on the Pacific on us or maybe just the
6 Samoans?
7 A. So, yeah, I think, I personally, my opinion about why our
8 people came, is because Samoans had a history with
9 New Zealand Governments and one of the things I really
16.20 10 believe, is that our people really feel a benevolence to
11 the New Zealand Government and in that context, if you
12 think about the way they colonised our country right up
13 until they gave us back our independence and then they
14 offered us jobs during post-war and then my parents were
15 on the first wave that came here. I think all that,
16 getting a job, being able to send money back, I think
17 that showed, you know, a real respect towards the
18 New Zealand Government. So, therefore, for me, it would
19 be hard to get our people up here, especially in that
16.21 20 area 1950-1999, to speak against the New Zealand state
21 and the government. And I think rather than it being
22 about the experiences they've had, I think it's about
23 their respect for their parents, you know, and not
24 wanting to cross that line, if you like.
25 **COMMISSIONER ALOFIVAE:** Because one of the things that
26 comes out really clearly in your narrative was the
27 impact of shame. And I dare say that probably
28 intuitively one of the things we kind of understand
29 in Pacific circles, is that it's probably more
16.22 30 heavier than, say, with Maori or with Palangi
31 people; do you have a comment on that? The way we
32 carry shame?
33 A. Yeah, I think we, for me, my opinion of that is that I
34 think Maori have a different relationship with Pakeha,

1 Crown in this country and it's based on that and,
2 therefore, they are always going to be pushed up against,
3 pushing against them all the time. But I think we're
4 different. We have a different relationship and
5 therefore, yeah, our approach will be different. But
6 nevertheless, I feel as though, you know, I don't believe
7 this, the New Zealand Government has been good to us.
8 You know, our parents came over here and they worked hard
9 too, they worked hard for the economy of this country.
16.23 10 So, to say that - to try and get our people out of that
11 head space about don't feel as though we owe this
12 government anything, you know, we should come out and
13 tell our stories and say it like it is.
14 **COMMISSIONER ALOFIVAE:** Because the thing that's coming
15 out of your story, and we've heard this early on
16 last week in the evidence that was given as well
17 around the poverty cycle, was that New Zealand was
18 considered as a land of milk and hundred for many
19 of the Pasifika families. We had economic policies
16.23 20 here that invited our parents, our forefathers, to
21 come to work for the goodness of the land here.
22 But the policies in New Zealand didn't support our
23 mindsets and our structures and our value system. And
24 so, I think that's what you talk about in your evidence
25 where you say we didn't make the transition because the
26 culture shock was so big?
27 A. Yeah, and I think - sorry, I can't hear. I tried to read
28 your question. I guess for me, yeah, I was talking to
29 you when I said in my evidence about we didn't come to
16.24 30 grips with the value of money, we didn't come to grips
31 with how we should treat money or finances because, you
32 know, as a people that are a collective, we worry about
33 everybody around us. And I guess, you know, we send back
34 money to Samoa, we feed our families, you know. Yeah, we

1 struggle.
2 **COMMISSIONER ALOFIVAE:** And the breadth of our families,
3 I just want to come back to the evidence you gave
4 when you first had to appear before the Children's
5 Board and you said there were lots of people at the
6 table, Judge, lawyers, social workers and you were
7 sitting down the back with your social worker at
8 the end of the table. Was there any of your family
9 invited? Had any thought been given to that, in
16.25 10 terms of supporting you, knowing that you were an
11 Island boy?
12 A. I don't know if they were invited or not but they weren't
13 there, yeah, nah.
14 **COMMISSIONER ALOFIVAE:** And did you have lots of family
15 in New Zealand at the time?
16 A. Yep.
17 **COMMISSIONER ALOFIVAE:** In Grey Lynn?
18 A. Yeah.
19 **COMMISSIONER ALOFIVAE:** When you were in Owairaka, was
16.25 20 there any encouragement from the staff for you to
21 be in contact with your family?
22 A. No.
23 **COMMISSIONER ALOFIVAE:** Did you want to contact them?
24 A. Yeah, yeah, I did but I didn't ask them but, yeah,
25 actually yeah, I remember thinking, actually did I say it
26 to the House Master, you know could they ring my parents,
27 they kept saying I was a State Ward. Yeah, they said
28 you're a State Ward, I think he said that actually.
29 Yeah, nah, I didn't. Yeah, I just, yeah, as a kid, you
16.26 30 didn't know whether you can ask them that or not, if you
31 can ring your mother.
32 **COMMISSIONER ALOFIVAE:** So, you go in feeling like a
33 young Samoan boy?
34 A. In there?

1 **COMMISSIONER ALOFIVAE:** Yes.
2 A. Yes.
3 **COMMISSIONER ALOFIVAE:** When you first went in, you knew
4 your family, you knew your values that you were
5 raised in the home. Can you remember at what point
6 on your journey that you started to lose your
7 identity, who you were as a Samoan?
8 A. Yeah, I'm not sure about that. I remember that screw
9 asking me if I was a New Zealander and I said "No, I'm
16.27 10 Samoan" and he said, "Are you a New Zealand citizen?"
11 and I said, "Yeah". He said, "So you're a New
12 Zealander". I don't recall being, you know, yeah, nah,
13 to be honest with you, that far, I can't even - but I do
14 remember, you know, I didn't want to keep calling myself
15 a Samoan because of that coconut, you know, people, yeah,
16 so you really want to be quiet in those places.
17 **COMMISSIONER ALOFIVAE:** Is it some point that you were
18 there at Owairaka?
19 A. Sorry?
16.28 20 **COMMISSIONER ALOFIVAE:** Was it at some point while you
21 were there at Owairaka?
22 A. Yeah, yeah. I think you just have a feeling of not
23 wanting to say you're Samoan too much.
24 **COMMISSIONER ALOFIVAE:** Was it easier to just be in the
25 "other" category?
26 A. Yeah, just go along with everybody else, what they're
27 doing.
28 **COMMISSIONER ALOFIVAE:** So, it was about survival?
29 A. Yeah. Yeah, it's a funny thing that survival but you've
16.28 30 got to do it, yeah.
31 **COMMISSIONER ALOFIVAE:** Thank you.
32 A. Thanks Sandra.
33 **CHAIR:** Thank you.
34 **COMMISSIONER GIBSON:** Nothing.

1 **COMMISSIONER SHAW:** Thank you, Mr Taito, I have no
2 further questions for you. Thank you for your
3 evidence.
4 **COMMISSIONER ERUETI:** Mr Taito, I just have a question
5 about, first of all I want to thank you for coming
6 along and giving evidence and congratulations on
7 your degree and all the mahi that you've done to
8 come on this powerful journey. I wanted to ask
9 about, you said with your P addiction, what type of
16.29 10 rehabilitative counselling, drug and rehabilitation
11 services were available to you when you were trying
12 to kick the addiction?
13 A. Yeah, when I did it, when I did it myself, I looked for
14 no help anywhere, just from my partner. And I thought
15 the best way to get off it, and I knew the only way to
16 get off it, was to cut contact with that other world
17 completely and wholly, and so I did that. Also, my
18 sister was sick at the time, so I went and it was a good
19 opportunity to move myself away from that world, go in
16.30 20 there and look after her and just concentrate on getting
21 off. In respect to how I did it, yeah, I just went for
22 walks each day, yeah, it's a hard thing. This is not the
23 forum to talk about P addiction and that but I have my
24 own views on that and how we can get off it but I was a
25 heroin junkie in the 80s and I tell you, P was the worse,
26 P was 10 times worse coming off and I think strength of
27 mind is a biggie. And I wasn't sure if there was
28 counselling out there for the P addiction and quite
29 frankly, I didn't want to tell anybody that I was doing
16.31 30 that, I was leaving the world and going to the
31 mainstream, yeah. To answer your question, Andrew, it's
32 a big, it's a big move, I tell you, mindset move, to
33 leave that world and go into the mainstream world,
34 especially when you don't know anything about the

1 mainstream world really, yeah. People can talk about our
2 experiences, people can, academics can prove logic to it,
3 but you can never feel the pain in that world, you know.
4 It's a different experience, yeah.
5 **CHAIR:** Mr Taito, I don't have any questions of you
6 myself. I want you to know, and I think all of my
7 colleagues understand how difficult it is to talk
8 about these things and you're very greatly
9 respected for what you've said. Thank you.
16.33 10 **MS SPELMAN:** Thank you, Mr Chair, there is one more
11 witness for today. That's Professor Elizabeth
12 Stanley. I just wonder, Sir, whether we might take
13 a very short, perhaps just a 5 minute break for
14 everyone but it would be good to start back soon
15 after that.
16 **CHAIR:** Thank you.
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18 **Hearing adjourned from 4.33 p.m. until 4.45 p.m.**
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2 **PROFESSOR ELIZABETH STANLEY - AFFIRMED**
3 **EXAMINED BY MS SPELMAN**
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5
6 **MS SPELMAN:** Our next witness is Professor Elizabeth
7 Stanley.
8 **CHAIR:** Good afternoon. (Witness affirmed).
9 **MS SPELMAN:**
16.48 10 Q. Professor Stanley, if I could ask you just to check on
11 the document in front of you, that's your brief that's
12 signed on the last page, on page 20?
13 A. Yes.
14 Q. And for you to confirm that that statement is correct to
15 the best of your knowledge and belief?
16 A. Yes.
17 Q. Before we begin, just to thank you for your patience
18 today with our somewhat changing timetable, we are very
19 appreciative that you are here to give evidence.
16.49 20 A. Thank you.
21 Q. If you could, for those who won't be familiar, just tell
22 us a little about your background, and in particular the
23 book that you wrote on this topic, just to provide some
24 context?
25 A. About 10 years ago, I started work on examining abuse in
26 State care, particularly Social Welfare Institutions.
27 And my background, I am a criminologist and I'm
28 interested in state crimes generally and I'm always
29 interested in how we might deal with mass human rights
16.49 30 violations and I saw this is an ultimate example of mass
31 human rights violations and a State that was at the time
32 in almost total denial, that these things were happening,
33 had happened, the impacts on people's lives and
34 everything. So, I started working in the area and I took

1 my time, it took me about 7 years to produce the book
2 which is called The Road to Hell.
3 Q. The book you wrote, The Road to Hell, I understand it
4 tells a story of 105 New Zealanders?
5 A. That's right.
6 Q. And it's focus and what they experienced in State care?
7 A. Yeah, how they got into State care, what they experienced
8 while in State care, the legacies of abuse on their
9 lives, their revictimisation as they tried to come
16.50 10 forward with claims.
11 Q. We will get into details of that book but I wanted to ask
12 you at the outset how you use names in the book, just to
13 be clear who are listening?
14 A. I got consent from all 105 and I asked what name they
15 would like in the book, some of them chose their own name
16 and others chose pseudonyms.
17 Q. So, when we're referring to names today, it will be a
18 mixture of made up names and real names to protect the
19 identity of those who don't want to be publically
16.51 20 identified?
21 A. Yes.
22 Q. I want to begin by asking you about the topic in your
23 brief is overview of abuse and neglect. Firstly, just to
24 touch on the prevalence of physical and sexual abuse that
25 you encountered, in terms of the people that you
26 interviewed?
27 A. Yes. So, about 105 New Zealanders in the book, 91
28 suffered serious physical violence at the hands of staff
29 in institutional care. All, everybody in the book
16.52 30 witnessed that kind of violence and I think that's
31 something we all need to be mindful of as well, in terms
32 of witnessing physical violence can be seen to be even
33 more impactful sometimes on individuals than experiencing
34 it. Yeah, so, I think, you know, over the last week and

1 today people have spoken quite a bit about physical
2 violence and I think that systemic violence within the
3 institutions emerged from a few things. It emerged from
4 a reliance on staff to use violence as a means of
5 asserting control, trying to build compliance. Actually,
6 trying to toughen children up. Some of the violence
7 within the workforce of Kohitere, for example, it was
8 undertaken to try and toughen children up and prepare
9 them for the real world. As punishments and a form of
16.53 10 deterrents as well, to try and indicate to children why
11 they shouldn't return to the institutions. Of course
12 they had no choice really. I think they were the
13 fundamental things why staff used violence so readily and
14 why violence wasn't necessarily challenged by bystander
15 staff as well.
16 Physical violence was endemic. It merged through
17 cruel or unusual punishments. So, 70 people in the book
18 talked about cruel or unusual punishments that really
19 went beyond policy for the time. They were really, it
16.54 20 wasn't just this is what happened in those days, it was
21 progressing beyond that and, again, issues like standing
22 on the line in Otago, in the middle of winter, in singlet
23 and shorts and those things were pretty common.
24 Moving wheelbarrows of sand from one part of Hokio
25 Beach to another and having locals watch children and
26 shame them even further was another.
27 **CHAIR:** Dr Stanley, Judge Shaw and I both conferred
28 saying the same thing. We're having a little bit
29 of difficulty hearing you. Perhaps with the
16.55 30 assistance of our technical staff we could adjust
31 the microphone.
32 A. I can talk up.
33 **CHAIR:** Thank you. They are already saying it's better,
34 so thank you.

1 A. I will do my lecturer head. People talked about those
2 cruel or unusual punishments. Obviously the use of ECT
3 as a form of punishment for individuals, discussed how
4 they were taken for ECT and that wasn't as a result of a
5 mental health diagnosis, it emerged as a form of
6 punishment because people were running away or they were
7 acting up. Not doing their homework was one reason.
8 Actually, you can track some of those things through the
9 files.
16.55 10 In terms of the kingpin hierarchy, again that's been
11 well discussed today, so I don't really want to talk
12 about that very much. It was clear that staff used the
13 kingpin hierarchy as a means to control the institutions.
14 In many ways, left unprotected, children had no
15 choice but to harden up and to use violence themselves,
16 so victims became bullies and on it progressed.
17 In terms of sexual violence, 57 of the 105 people in
18 my study were sexually assaulted by adults. And there
19 are a number of those individuals who were repeatedly
16.56 20 victimised by those adults.
21 Children were also sexually assaulted by other
22 children, 48 of the 105 were sexually assaulted by
23 another child.
24 I think one of the things that Sonja Cooper and
25 Amanda Hill touched on this morning, was we do often look
26 at those, the acts of physical and sexual violence and
27 see those as being indicative of abuse. But I also think
28 that one of the main things that came out of my research
29 has been more around the neglect and the psychological
16.57 30 violence directed towards children.
31 And I talk in the book about the daily denigrations
32 basically that children endured that were part of the
33 every day administration of the care system. The things
34 that weren't necessarily headline news, they were just

1 the drip, drip, drip of abuse that led people to lose a
2 sense of themselves, led people to lose all self-esteem.
3 And actually in the long-term, for many people these have
4 been the things that have been the most difficult things
5 to shift and have been experienced as the most harmful.
6 Often people talk about these things as the most harmful
7 things because they're really hard to get past.
8 So, in my statement I highlight a few intangible
9 harms that were done to children.
16.58 10 So, the first one I talk about isolation. Isolation
11 techniques were used extensively in the institutions. We
12 can see it very clearly in terms of the use of secure,
13 the use of secure cells. In my study, 86 respondents
14 spent more than three days in secure cells. And a
15 significant number spent weeks, months at a time, in
16 secure cells.
17 Obviously, these were small sparten dehumanising
18 places, there was no comfort, bedding and mattresses were
19 removed during the day, excessive physical training
16.59 20 dominated, mind games dominated, children in secure
21 didn't have any access to visitors, they often didn't
22 have any access to things to read, things to do, no
23 hobbies. So, being in secure was basically an exercise
24 in coping with isolation and it was something that caused
25 a great deal of fear. When people talk about it, often I
26 saw people just go right back to that point in their
27 lives.
28 In some Secure Units, like Owairaka in the 1970s,
29 they have the nodding system. Children were not allowed
17.00 30 to speak, they couldn't look out the window, they
31 couldn't keep a clock, they couldn't sing, and every
32 communication was through nodding.
33 Q. In terms of the social isolation, I wanted to ask you
34 about the experience for Maori children in particular

1 that you have touched on in your brief, in terms of what
2 that meant being kept away from family, whanau and
3 everything that comes with that?
4 A. Yeah.
5 Q. What was the experience of those in your study?
6 A. Yeah, it was massive, it was unbearable for people.
7 Maori all took - I think everybody talked about the
8 dehumanising effects and how they, from these isolation
9 techniques like secure but people shutdown, they were
17.01 10 afraid, all of those things.
11 Beyond that, the isolation also emerged because
12 social connections were regarded as a privilege and
13 children had to earn their right to a human need.
14 Obviously, for Maori, Maori children who were in
15 monocultural institutions and then utter isolation from
16 whanau, hapu, iwi marae, every cultural mooring taken
17 away, it was just another layer on top and of course the
18 impacts of this has been intergenerational. The loss has
19 been intergenerational. And it's impacted across every
17.02 20 aspect of life, across health, across criminal justice,
21 education. Of course, as Mr Taito pointed out, it wasn't
22 just Maori as well, it was Pacific children had that same
23 loss, similar loss.
24 Q. We've heard about the lack of keeping in contact with
25 family and I just note one example from your brief in
26 terms of children not being notified of significant
27 events, including the death of a parent. Was that one of
28 the examples of someone in your study?
29 A. Yeah, that was Tate. Basically Tate had gone from an
17.03 30 institution to a family home for a bit of a holiday. On
31 his way there, he was told by a social worker who met him
32 from the bus that his mother had died and that was some
33 time before. That was the first he'd heard of it. It
34 was just a devastating experience.

1 Q. Another aspect of the daily denigrations, as you put
2 them, was what amounted to emotional neglect. Can you
3 tell us a bit about that?
4 A. Yeah, it really stems from verbal abuse largely and the
5 use of horrendous labels, names, being placed on children
6 by staff, how children were treated with contempt, Maori
7 and Pasifika children in particular. And children, one
8 time as criminologists we know in terms of how labels are
9 internalised, children did internalise those labels, they
17.04 10 lost self-esteem and respect. They began to think of
11 themselves as trouble. They were told - children would
12 be sat down to watch a video of a person and told this is
13 where you're going when you grow up and they began to
14 believe that narrative of their lives, this is what I
15 have to prepare for.
16 And beyond that, the emotional neglect was also
17 exacerbated by public stigma towards children in care.
18 I've met a lot of people since who have talked about
19 living near Epuni and saying I could never, we were never
17.05 20 allowed to even look at the children who were in Epuni,
21 you know. This is where all the bad kids were. And you
22 can see that replicated around the country and ideas of
23 who State care kids are and what they are, and they are
24 stigmatised, and that's also part of the reason why it's
25 often so difficult for people to come forward because
26 survivors say when you tell someone that I was in State
27 care, people, I mean, in the book, people do a 360 and
28 they begin to see you in a totally different light, they
29 begin to wonder what it she do? Those things are very
17.06 30 difficult to shake.
31 Q. How about the educational neglect that you've described?
32 A. Yeah. I mean, for the most part the institutions failed
33 to provide children with even a basic education. There
34 were low expectations about children's academic

1 abilities. They were seen as not really deserving of an
2 education. 1982, the Department provided approximately
3 three to five books per institution.
4 In Hokio between 1972-1977, 22 teachers arrived and
5 left. For long periods there were no teachers. That
6 kind of experience, I mean that was maybe a bit extreme
7 but that thing of having institutions that had no schools
8 was quite common.
9 Of course, the State was removing children from
17.07 10 families because children had truanted or were seen to be
11 at risk of truanting.
12 So, Lynette, for example, she was picked up and
13 placed into care because she hadn't attended school for a
14 little while and then she got into the institutions and
15 there was no education. And of course again that has
16 such a significant long-term impact. It impacts on
17 everything, people's opportunities for employment,
18 absolutely everything across every aspect of life, yeah.
19 Q. And we might come back to that point, in terms of the
17.08 20 long-term legacies. In terms of the next point in your
21 brief, controlling bodies, we have heard some evidence
22 last week about the checks that were done in the Girls'
23 Home on admission. Are there some other points in terms
24 of controlling bodies that you'd like to highlight?
25 A. Yeah. I suppose, the main thing would be around how
26 children were continually humiliated. So, the control of
27 bodies, whether that was about children having to be
28 submissive, sitting at tables prim\and proper, hands on
29 lips, that bodily submission. How girls endured very
17.09 30 damaging gynecological examinations on arrival. How
31 children would be inducted into the institutions and
32 stripped and deloused and placed in communal clothing or
33 placed into pyjamas because, you know, they were at risk
34 of absconding. So, if you put them in pyjamas, they're

1 less likely to abscond.
2 How staff controlled access to toilets, controlled
3 access to toilet paper, controlled access to sanitary
4 pads, the use of medication, again not necessarily for
5 medical needs but to quell children who might be acting
6 up, yeah.
7 So, I suppose, in terms of those daily denigrations,
8 what might research really showed was that there are
9 these mundane legacies of institutional life, as I've
17.10 10 said, that have massively negative impacts.
11 The use of medications, for example, set some people
12 up for raging drug habits, for example. So, they have
13 overwhelmingly negative impacts and respondents
14 constantly talked about the stress of being continually
15 belittled by the adults around them, frustration at not
16 receiving a proper education, their struggle to gain
17 friends outside the institution, the despair in not
18 having unconditional love, their loss of autonomy,
19 continual feelings of insecurity, never knowing if
17.11 20 they'll ever see their family again because some staff
21 would say, you know, this is it now, you're in here,
22 you'll go to another institution, then you're in prison,
23 yeah.
24 So, all of those things have had extraordinary
25 impacts on so many New Zealanders. And I think part of
26 the emphasis that I wanted to make to give in writing
27 about those things, was to detail to remember a lot of
28 these things are still very much part of our care system,
29 they're still part of our justice system. They're the
17.11 30 things that may be a bit more difficult to shift, yeah,
31 but they're very much alive.
32 Q. Thank you, Professor. The next point really, as you
33 know, we've heard some evidence already in terms of the
34 types of abuse and neglect and it's been very helpful to

1 hear your evidence on that today.
2 The next part, I suppose, is the question of how
3 this happened and how it was allowed to happen for such a
4 long time. And I know in terms of your research you've
5 looked at the bigger picture, in terms of the framework
6 and the structures that allow such things to go on.
7 Could you talk us through that?
8 A. Yeah. So, the research really demonstrates that, you
9 know, the often used arguments about apples or
17.12 10 individuals that sustain abuse of environments is kind of
11 out the window. Yeah, we can't take those kind of
12 arguments at all.
13 And I think one of the questions has been around how
14 this abuse came to be so tridently normalised, in terms
15 of the cultures of the places and how individuals might
16 come in and see something being wrong but nothing shifts
17 essentially.
18 So, the structural frameworks are really important
19 to identify.
17.13 20 Obviously, there were institutional cultures that
21 allowed domination and violence to occur but there was
22 also a real culture of impunity. And so, what my work
23 really shows is just how institutions, I mean some
24 institutions responded at times to complaints, and
25 certain people might be moved to another institution,
26 certain staff members might be moved to another
27 institution or they'd be let go but often there wasn't
28 anything on their records.
29 Some people would be - the Police might be called
17.14 30 occasionally and some people were convicted at the time.
31 But essentially, institutions generally ignored
32 complaints. There was a real focus on ensuring
33 legitimacy for institutions and maintaining the
34 marketing, I suppose.

1 So, what my work identifies were a few factors that
2 really acted as barriers to abuse being detected or
3 stopped.
4 So, the first one was at the level of the
5 perpetrators, of adult perpetrators and how they operated
6 effectively, so sexual offenders would groom children and
7 give children lollies, allow children to have holiday
8 leave and kind of protected them a little bit, and
9 gaining their trust as a means to then abuse them and to
17.15 10 try and ensure that they wouldn't tell.
11 And, of course, beyond that kind of grooming, there
12 were also threats. So, some children were told if you
13 don't do what I want you to do, then you're never getting
14 out of here and you will not see your parents again. So,
15 you have that level of the adult perpetrators and their
16 techniques.
17 And then, of course, a lot of children, having been
18 denigrated for so long within institutions, they thought
19 well I'm not going to be believed, I'm a State Ward, who
17.16 20 am I going to tell? Who's going to believe me? You're
21 made out to be the troublemaker, so you're on the back
22 foot. So, children felt, and often would self-censor as
23 a consequence of that.
24 A lot of children also felt quite ashamed of their
25 victimisation. They internalised their abuse. They
26 worried about their complicity. They began to fret about
27 their sexuality and they feared retributions, they feared
28 punishments if they spoke. Some children, having come
29 from families that had been violent, wouldn't necessarily
17.17 30 even recognise the violence that they'd been subjected to
31 in State care. It's just this is normal, a normal
32 victimisation.
33 Beyond that, so they kind of level out from those
34 individuals, you obviously have the issue of the narking

1 culture. Really, institutions didn't tolerate narks,
2 they didn't tolerate complainants. Staff would sometimes
3 point out children who would complain about minor matters
4 and they would see that child then get beaten. So, narks
5 could be punished by staff and other residents, so there
6 was that culture aspect.
7 There was also the issue that bystander staff often
8 didn't intervene in the face of - even in the face of
9 clear evidence of assaults. I think 45 children in the
17.18 10 book tried to complain at the time. It's not that
11 children were told to be silent, there were a lot of
12 attempts to tell. Workers often told them they were
13 lying, they didn't necessarily believe them, they blamed
14 the child for the beating or the assault. People talked
15 about, well, you're here because you're bad and you've
16 got to expect a bit of a beating. What did you think
17 this is going to be like? It was kind of that response.
18 And then on top of that, you've got the
19 institutional protection, you know how institutions tried
17.18 20 to stage-manage themselves as reasonable places.
21 So, people talked about how, after having received
22 quite significant beating, that they then were taken on
23 this odd day out and they had a lovely time outside the
24 institution fishing, and then they kind of returned back
25 to the institution and they've realised, oh, there was a
26 monitoring group coming through, so they were taken off
27 the premises, removed from the premises.
28 Other people spoke about how they knew when a group
29 was coming through because all their t-shirts would be
17.19 30 changed and all of a sudden they'd get lollies for the
31 day. That kind of institutional marketing was very much
32 in operation.
33 I suppose, all of those things, they compounded to
34 teach children that there was no safety, there was no

1 protection for them.
2 And added to that, that institutional impunity was
3 upheld through the files as well. Like, one of the -
4 certainly the worse aspect of writing the book was going
5 through case files. They are pretty much uniformly
6 negative, they focus on children's delinquencies, their
7 deficits, their inability to do things, the problems with
8 their families, their psychological troubles. There's
9 next to nothing in case files about children's good
17.20 10 points, about how they might be kind, how they might try
11 and do well in their education, how they might have
12 particular strengths or any aspect of their being that is
13 positive is not recorded.
14 So, within that, when you have this whole system
15 that's magnifying unruly behaviours, personal deficits,
16 these things confirm the stereotypes of the risky
17 children in care.
18 Added to that, of course, files rarely mentioned
19 abuse or ill-treatment against children. Even when
17.21 20 people were convicted there's often no record of it in
21 children's files. So, all of these things are
22 legitimised over decades, they legitimise the
23 institutions.
24 And I thought one thing that was really clear from
25 my work, was about how people become mechanical to their
26 files. Once those Social Welfare files were in
27 operation, you can basically track how the same language
28 and the same stories about children are replicated from
29 Social Welfare into Justice, Corrections, Health, you
17.22 30 know because there's a lot of cutting and pasting that
31 goes on across these agencies. And these stories are
32 just built up and up and up, and sometimes you can see
33 exactly where a narrative about an individual and their
34 psychological deficit emerges 20, 30 years later, you can

1 kind of track back to see whether they emerge in the
2 Social Welfare system.
3 Of course, all those things ensure impunity because
4 the target and the focus is on the children and what we
5 should do to control this child, to treat them, to
6 intervene in their families, all of those things.
7 Q. Just on record-keeping, we had an acknowledgment from the
8 Crown at the beginning of this hearing, that the Crown
9 hasn't always been the best record-keeper and their
17.23 10 record-keeping was patchy. I just wondered if you have a
11 comment in terms of whether that is or can be seen in
12 terms of poor practice perhaps or something more systemic
13 and deliberate in terms of the impunity that you've
14 spoken about?
15 A. Yeah, I think certainly some institutions were better
16 than others, I could say that. I think every institution
17 has gaps in their registers and in their record-keeping.
18 Some institutions basically fell off the map in terms of
19 record keeping. You'd have kind of the Head Office
17.24 20 saying we don't actually know what's going on at
21 Weymouth. Like, we have not heard from them in ages,
22 they don't file anything, apparently there's nothing
23 going on there, they're not having anyone punished. It's
24 just totally fallen off the map.
25 So, I think in that respect, there was at times a
26 systemic lack of record keeping.
27 And, of course, since that time, as Cooper Legal
28 team pointed out earlier, there's been an absolute loss
29 in records as well. So, I think a lot of records were
17.24 30 quickly removed, destroyed, yeah, left on sites to
31 flutter in the wind, yeah.
32 Q. Another aspect of your evidence, and we've also heard
33 about this from several witnesses already, is this idea
34 of a care to custody pipeline or trajectory.

1 A. Yeah, yeah.
2 Q. And I know that it's an important point in your book to
3 acknowledge that obviously this is not all people that
4 were in care and that many people in care went on to live
5 law abiding lives.
6 A. Yeah.
7 Q. But could you talk us through what your research showed,
8 in terms of the factors that compounded that trajectory?
9 A. Yeah. I think the book was really clear in this aspect
17.25 10 and actually, when I went to look at the international
11 literature later actually because I developed the book
12 just really out of a lot of New Zealand material, when I
13 went to look at the international literature later a lot
14 of it is really resonate in that international literature
15 too. There are several factors that underpin this care
16 to custody trajectory. And what became really clear
17 again, is that it wasn't about necessarily the actions of
18 individual children, adolescents, adults, care leavers.
19 A lot of these things really emerged out of the system.
17.26 20 So, the first one was around histories of
21 maltreatment. And clearly, previously maltreatment
22 within families or State care settings increased the
23 likelihood of a person then progressing through to
24 criminal justice attention.
25 The second aspect was around multiple placements.
26 This was really significant. In my research, 71 of the
27 105 spent time in both community and institutional
28 placements. 42 experienced more than three placements.
29 Some children experienced dozens of placements. And
17.27 30 that, when we kind of think about moving house, what that
31 entails and the stress of that, of moving and maybe
32 making new friends in your new neighbourhood or meeting
33 new colleagues, and then you multiply it. As a child as
34 well, to be moved in those conditions. So, transfers

1 remove emotional stability. Transfers meant that
2 children felt they didn't fit anywhere, that they were
3 unlovable, that there was nowhere where they could
4 settle. Placement changes meant that children were
5 continually disconnected from family, whanau, former
6 carers, from social workers who might have been fighting
7 their corner at a particular point in time. It meant
8 that they could never have that educational aspect, you
9 know, they were constantly on the move, never settling
17.28 10 for education.
11 They stressed about fitting in, in their new home,
12 about learning new placement rules. All of those aspects
13 of multiple placements increases a sense of isolation for
14 children. It increases their alienation, their
15 insecurity, and it had all kinds of knock on effects,
16 particularly in terms of how children then progressed.
17 You know, they had no attachment to anything. So, you
18 didn't have anyone to look out for you. You didn't have
19 anyone to live a different life for as well, yeah.
17.29 20 Added to that, of course, you have institutional
21 cultures and conditions. So, children who were in
22 institutional care are subject to the most peer pressure
23 of any of the group in society probably. That kind of -
24 the level of peer pressure is so significant. And, of
25 course, within these institutions you had a whole mix of
26 children who were placed there, very small children mixed
27 in with older children, children who had been removed for
28 Care and Protection being placed alongside children who
29 had already started to offend, you had all of that
17.29 30 immeshed.
31 Added to that within the institutions, we often talk
32 now about care criminalisation and how children in care
33 are quickly criminalised for things that in normal family
34 life they wouldn't have to deal with. Of course, within

1 the institutions, there's a lot of surveillance, there's
2 a lot of monitoring. What you are doing is being written
3 down, is being recorded and is being built up as well, so
4 there's this kind of idea every little delinquents act
5 that you do or you're not following the rules, that will
6 be noted and recorded. And at times you have situations
7 where children might abscond for the day, turn up late,
8 they weren't there at lunchtime but would turn up later
9 at dinner time because they'd been kicking about outside
17.30 10 but the Police had been called. So, they are an
11 absconder, given that label of absconder, which you don't
12 get when you're in your family home, you don't get that
13 at all, so you become, you know, that is a delinquent act
14 and the Police are called and then they are further
15 marked. That criminalisation is very significant.
16 Of course, given the issues of how the institutions
17 were criminogenic places, given the peer pressure and the
18 use of violence and everything else, those things very
19 much, kind of, lead children onto that offending path
17.31 20 which is why we're seeing it so clearly in the evidence.
21 So, added to that, I think the fourth, is it fourth,
22 issue on the care to custody trajectory is of course
23 around social disadvantages and also psychological harm
24 because on leaving care, children encountered and still
25 encounter endemic disadvantages within society. As
26 abused care leavers, the people in the book often talked
27 about how they lacked an attachment to friends, family,
28 whanau. These feelings coalesced with psychological
29 harms, that responds kind of left care with long-term
17.32 30 problems, a whole host of long-term problems from things
31 like poor sleep and intimacy problems to being
32 hypervigilant, not being able to be at peace in
33 relationships, not trusting other people, using
34 substances to self-medicate to try and block out bad

1 memories. There's a whole host of psychological impacts.
2 And, of course, as they were transitioning out of
3 care, as the narrative goes, you're transitioning out of
4 care, they weren't merely transitioning, they were thrown
5 the door and off they were, they obviously lacked the
6 financial ability to live. They didn't have the know
7 how. They were largely uneducated and so the story goes.
8 And so, all of the respondents talked about those
9 long-term multiple disadvantages.
17.33 10 Children, as a consequence, often sought protection
11 from gangs, it gave them some material comfort. 33
12 children in the book turned to gang life aftercare, and
13 only a handful had gone into care with gang associations.
14 And, of course, those burdens of disadvantages have
15 been exacerbated for Maori, they have been exacerbated
16 for Pasifika people. How those children were made to
17 feel that Maori identify, Pasifika identities, were
18 something to shun. All of those. They produced
19 immeasurable intergenerational harms.
17.34 20 So, on top of that, on top of those disadvantages
21 and harms, we've also got this idea that I pulled out in
22 terms of how children became imprisonable. I talk about
23 two issues here. The first one is in terms of
24 differential all justice responses because once a child
25 has been institutionalised, then officials are more
26 likely to regard that child as being worthy of further
27 incarceration. Once you have that record of being in an
28 institution, it's seemingly more easier for people to
29 send people to prison, and we can see this replicated in
17.35 30 international research.
31 But obviously, if a child came before a Court as an
32 adult, child as an adult, but if they came to the Court
33 as an adult, they would obviously arrive in Court with
34 very lengthy case records, again very negative files.

1 They would arrive with this whole list of things that
2 they were - why they were bad. So, their problems were
3 magnified. And so, children could be given custodial
4 sentences on that basis because of their "risk". You
5 know, they have long histories of record, of
6 delinquencies and criminal acts, so they're seen as a
7 risk.
8 But they could also be given prison sentences as a
9 consequence of it being seen it was good for their
17.36 10 welfare because they might be struggling on the outside,
11 they might be sleeping on the street. And actually, then
12 it becomes a case of we'll give you a short sentence and
13 you can have some respite in a cell, yeah.
14 So, I think those things were really clear, in terms
15 of how that differential criminal justice responses was
16 directed to care leavers.
17 And, of course, within the work, it became clear
18 that previously institutionalised girls and Maori
19 children were especially disadvantaged in those Court
17.36 20 decision-making processes because they were more likely
21 to be viewed as being risky and in need of further
22 containment.
23 So, there was that differential criminal justice
24 response. And also how children/adults became to
25 normalise their incarceration because children also knew
26 that they could do the time.
27 Q. Just in terms of your last point about previously
28 institutionalised girls and Maori children, was that also
29 seen within whanau in terms of if an older sibling had a
17.37 30 history and that was transferred, was that something you
31 came across in the research?
32 A. Yes, for sure. Now if we look at the risk factors our
33 criminal justice and welfare agencies are revolving
34 around, a lot of these things are around past sentences,

1 previous incarceration and family connection, kind of
2 family involvement with agencies, poverty, lack of
3 education, like all the crucial risk factors that allow
4 decisions, whether you're going to get community sentence
5 or custody, you're going to have custody if you have
6 those things ticked off. You can see those things really
7 very, very clearly, yeah.
8 Q. And then you were going on to talk about the
9 normalisation of incarceration as well?
17.38 10 A. Yeah because on leaving State care children felt like
11 they could do the time. They knew what it was to be in a
12 cell. Often children, when they got out of care life was
13 hard, you know, a lot of people went onto the streets,
14 they struggled. Some people preferred a cell. A few
15 boys in the book had spent a long time in secure and they
16 struggled to be outside, so they became really
17 institutionalised pretty quickly. And we can see that
18 generally, you know, in terms of how institutionalisation
19 operates and how it develops quite quickly, even in
17.39 20 remand prisoners actually who were on a fairly short
21 period, it can be up to a year but who will be on a more
22 limited time. We can see that very clearly.
23 So, I think that normalisation also propels that
24 care to custody trajectory.
25 And, as I said, these explanations are kind of found
26 in international studies. And what's also important, is
27 that these aspects are also, again, reiterated in our
28 current system, in our current welfare and criminal
29 justice systems. Like, everything I've just been talking
17.40 30 about are still very much alive and well in our welfare
31 and justice systems.
32 Q. And so, what you've been talking about in terms of those
33 risks and the way that those risks are framed and used, I
34 know you wanted to discuss a little more about risk in

1 terms of the way that it's framed currently and how that
2 might need to shift. Could you talk us through that?
3 A. Yeah. I think this really has kind of emerged out of how
4 my research has really shown that we need to be far more
5 attentive to the risks of intervention and the risks of
6 criminalisation and the risks of incarceration, the risks
7 of removal, even that initial act of removal, the risk of
8 that. Because obviously, a lot of our risk narrative, in
9 contemporary terms, is directed towards individuals.
17.41 10 It's directed towards family and whanau. That is the
11 whole structure of our risk assessment processes within
12 welfare and criminal justice spheres.
13 And what this work really demonstrated, was that the
14 risks were not really individual risks or family risks,
15 whanau risks. They were really directed to the risks of
16 State action. Even State action that's seen to be
17 benign. So, now we have, kind of, we can see within our
18 welfare and criminal justice agencies how risks are re
19 articulated and they can be seen as being, well, we need
17.42 20 to do this for a child's wellbeing, we need to do this
21 for a child's best interests, we need to do this because
22 a child is vulnerable. Like, there's kind of sometimes
23 quite progressive language that's wrapped over risk.
24 But what you can effectively see in the current
25 strategies, are elements of risk across welfare and
26 criminal justice that are essentially the same. So, if
27 you're a vulnerable child, then you are at risk but you
28 can also be very quickly labelled at "the risk" because
29 your risk factors are the same.
17.42 30 So, what we can see, is that once you have those
31 risk factors in place, the pre-emptive interventions, you
32 know which we're kind of moving towards so clearly now in
33 our current systems, pre-emptive interventions will be
34 very quickly directed to certain populations. And we

1 know exactly who they are. And that's kind of one of the
2 reasons why we're seeing - we've seen an increase in
3 uplifts from Oranga Tamariki that are obviously directed
4 to Maori families. We can see them in terms of, kind of,
5 the ways which our Criminal Justice System is being
6 directed to pre-emptive interventions towards families on
7 the basis that a child might offend in the future. You
8 know, and what a lot of international research is telling
9 us now, McCarra & McVee in Edinborough, they are really
17.44 10 demonstrating to us there are significant risk even of
11 benign interventions within families, particularly when
12 children are younger. So, what a lot of this research is
13 now showing us is we should move away from this kind of
14 targeted pre-emptive interventions and be really focusing
15 on universal, developmental programs because, you know,
16 we talk about risks and the risks of poverty but then we
17 have this situation in New Zealand where, well, 12% of
18 children lack seven attributes of daily life, like not
19 having two pairs of shoes, not having a warm coat, not
17.44 20 being able to do sports or external activities, 7% of
21 children are in severe poverty. You know, we have those
22 and I know our current government is attempting to deal
23 with those things but we're also still propelling this
24 very clear risk pre-emptive targeted approach towards
25 particular children and particular families.
26 We can see how that's going to play out effectively
27 in sustaining the contact between Maori and Pasifika
28 children and families and State care.
29 Q. Thank you. I'm conscious of the time and I know that
17.45 30 there's a final section in terms of legacies of care
31 abuse and long-term impacts and I just wondered if you
32 might share a couple of points from that but in
33 particular perhaps the quote that you have at
34 paragraph 47 of the brief question encapsulates that?

1 A. I think the main, some of the material in that section is
2 really detailing the psychological impacts and the stress
3 and the lack of self esteem and all of the anger and lack
4 of trust and everything else that care leavers emerge
5 with. And all of that really feeds into the difficulties
6 of disclosure. The difficulties of disclosure in just
7 getting up here and telling people of what's happened.
8 Also difficulties of disclosure for family and friends.
9 There's kind of whether or not you can disclose is
17.46 10 an issue but beyond that, victims often talked about how
11 trying to really articulate what has happened to them is
12 almost impossible and how the language that you need to
13 say what's happened to you, well we just don't have the
14 language for it either.
15 So, Peter explained it very well to me. He said,
16 "You can't get the impact of years and years of abuse,
17 isolation, solitary confinement, stigma, degradation,
18 self-loathing, you know, everything. You can't get that.
19 All those hours and days and weeks of sitting there
17.47 20 looking at walls, wondering when you're a child what you
21 did so wrong. Wondering why people don't care about you.
22 How you did something for the world in general to loathe
23 you so much, you know. The nights of crying yourself to
24 sleep and missing your family, the pain and the
25 separation, just everything. And then on top of that,
26 the abuse from the people that were living with you and
27 were supposed to be looking after you. And for that to
28 go on for years and years and years."
29 Q. Professor Stanley, there are many more questions I would
17.48 30 like to ask but it's only proper that I bring this to an
31 end at this stage to allow the Commissioner to ask you
32 some questions if they have some as well but can you
33 thank you for your evidence today.
34 **MS SPELMAN:** I should note that counsel have indicated

1 they don't have questions for this particular
2 witness, Chair.
3 **CHAIR:** Thank you, Ms Spelman.
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2 **PROFESSOR ELIZABETH STANLEY**

3 **QUESTIONED BY COMMISSIONERS**

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6 **CHAIR:** It is then a matter of asking colleagues if they
7 wish to ask Professor Stanley any questions. Can I
8 commence by asking you, Dr Erueti?
9 **COMMISSIONER ERUETI:** We are under pressure of time, I
17.49 10 will keep this brief. It could be a comment
11 actually that I'm interested in the current work,
12 it's astonishing that even benign intervention
13 would put children at risk. By that, include
14 wraparound intensive services and still have this
15 negative outcome?
16 A. Yeah, I think what the evidence is showing, is that
17 there's - what is tending to be working best are
18 universal support mechanisms. So, where children are not
19 in poverty, for a start but where, if interventions are
17.49 20 made, it's at the family's request or it's been done in
21 terms of a very - basically, it's not - there isn't an
22 ounce of coercion in there because I think even a lot of
23 our benign interventions are built on coercion and are
24 built on a focus of, well, this is in your best interests
25 and this is going to be good for you and you're going to
26 thank us for it in the end.
27 **COMMISSIONER ERUETI:** Thank you very much.
28 **COMMISSIONER SHAW:** Thank you. That last question and
29 answer resonates with me because it goes back to
17.50 30 the beginning of your evidence when you
31 characterise the treatment of children in these
32 institutions in a way that I confess I hadn't
33 thought of before, and that was you said that they
34 were trying to make these children something. In

1 other words, from your account or from your
2 interpretation, it seems that you think that
3 however horrific we feel they were doing, they were
4 doing it to make them harden up?
5 A. Mm-Mmm.
6 **COMMISSIONER SHAW:** Deter them, stop them offending.
7 So, in a way, that was coercive intervention as
8 well; is that right?
9 A. Mm-Mmm, yeah, yeah. I mean, the reason why these
17.51 10 institutions were allowed to continue as they did, was
11 that we had narratives to explain away and to give us
12 some comfort so we can talk about treatment or we can
13 talk about, you know, we need you to harden up for the
14 real world or we need to discipline you because we can't
15 have you like this. You know, there's all these kind of
16 different narratives that get layered over to allow us to
17 legitimise these activities.
18 **COMMISSIONER SHAW:** So, do you think that these were
19 like almost excuses for the way, the barbaric
17.52 20 behaviour metered out, we did it for their own
21 good?
22 A. Yeah, yeah. If you move away from that, then where are
23 you going to be?
24 **COMMISSIONER SHAW:** You're completely complicit, yes.
25 It is a very interesting aspect which I'm going to
26 think about long and hard. Thank you very much for
27 your evidence, Dr Stanley.
28 **COMMISSIONER ALOFIVAE:** Thank you, Dr Stanley. I was
29 really grateful for your evidence and I was
17.52 30 interested also around your comments around
31 universalism. When you talk about universal
32 programs, Plunket comes to mind as a national
33 universal programme and I think about the lack of
34 accessibility by certain population groups. So,

1 when you talk about in this context I guess it's a
2 point of clarity, when we talk about Kaupapa Maori
3 programs and Pasifika programme that has a focus on
4 cultural framework, would you consider those
5 universal programs?
6 A. Of course, yeah. When I talk about universal, I'm not
7 saying a Pakeha model, like it's universally applied.
8 It's about more there were equitable services that are
9 resonate and useful and all those things.
17.53 10 **COMMISSIONER ALOFIVAE:** Thank you for clarifying that,
11 otherwise we'd just be doing what we're currently
12 doing.
13 **COMMISSIONER GIBSON:** A couple of questions. Just
14 following up again on the universalism, is there
15 something about progressive universalism and is
16 there something about opting in verses opting out
17 that you are alluding to in terms of collusion?
18 A. I am not quite sure I get your question.
19 **COMMISSIONER GIBSON:** I suppose, are there degrees of
17.53 20 universalism for different populations? And is the
21 way we avoid coercion, some services are bordering
22 on compulsory and some where you do have an opt-out
23 option, as opposed to a sense of coercion?
24 A. Yeah. I think it's about a the whole culture of
25 interventions that I'm thriving to drive at. At the
26 moment, we are kind of moving into this new world of
27 preemption, so we're identifying families, we're
28 identifying children, on account of what they may do at
29 some point in the future, and that is - that's seen to be
17.54 30 the future of our interventions and seen often to be kind
31 of this is a benign place to start. But that effectively
32 relabels everybody and we can see how the cards will fall
33 on those things and we will see, you know, once you have
34 - because these things are kind of tied to knowledge

1 systems, monitoring systems, knowledge sharing systems
2 and so, those things are very difficult to move away
3 from.
4 So, I think that's kind of the point that I'm trying
5 to get at, that we're moving, even though we're moving
6 away from a language of targeted and social investment
7 approaches, we're still replicating a very similar type
8 of model. And I think that's a real worry.
9 **COMMISSIONER GIBSON:** A last question, you talked about
17.55 10 a culture of impunity mostly at an institutional
11 level but you gave a system wide picture and talked
12 at times about some institutions not reporting up
13 even. Is there a wider cultural impunity beyond
14 the institutional level or how would you describe
15 it?
16 A. Yeah, of course because that wider cultural impunity, you
17 weren't having institutions that were giving information
18 upwards but also, we had very little in the way of
19 oversight and monitoring bodies as well. So, you might
17.56 20 have situations where there were kind of three people
21 running around all the kind of care institutions and
22 community care to try and monitor them. That's kind of
23 impossible, isn't it? There was also that kind of
24 happening at the state level.
25 **COMMISSIONER GIBSON:** Thank you.
26 **CHAIR:** That leaves me, Professor Stanley, I have one
27 question which is partly addressed to Ms Spelman.
28 Paragraph 1 and footnote 1 refer to Professor
29 Stanley's book The Road to Hell: State Violence
17.57 30 against Children in Post War New Zealand. Is it
31 the intention that the book be produced by her as
32 an exhibit?
33 **MS SPELMAN:** No, Sir, it's not, although I have
34 discussed that with Professor Stanley but her

1 publisher pointed out that would not be something
2 he would agree to. That's why we've referred to
3 passages from the book within the brief.
4 **COMMISSIONER SHAW:** Wouldn't be agreeable to selling it
5 to us?
6 A. I am happy to give you some copies.
7 **MS SPELMAN:** I am sure we can make some copies available
8 to you.
9 **CHAIR:** You can rest assured that for the Commissioners
17.57 10 your book has been a required piece of reading
11 before our public hearings and it will remain until
12 the last day a central document so far as our
13 deliberations are concerned and thanks from the
14 Royal Commission are due to you in that regard.
15 Thank you, that brings us to the end of today.
16 Madam Registrar, can you invite Ngati Whatua to
17 close off our day.
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20 (Closing Waiata and karakia)
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23 **Hearing adjourned at 6.00 p.m.**
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