

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
DISABILITY, DEAF AND MENTAL HEALTH INSTITUTION 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)
Paul Gibson
Julia Steenson

Counsel: Mr Simon Mount QC, Ms Kerryn Beaton QC, Ms Ruth Thomas, Ms Lucy Leadbetter, Mr Michael Thomas and Ms Kathy Basire for the Royal Commission
Mr Gregor Allan, Ms Sandra Moore and Mr Vaughan Dodd for the Crown

Venue: Level 2
Abuse in Care Royal Commission of Inquiry
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AUCKLAND

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TRANSCRIPT OF PROCEEDINGS

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Hearing opens with waiata He Hōnore and karakia by Ngāti Whātua Ōrākei

[10.03 am]

COMMISSIONER GIBSON: Nau mai piki mai ngā purapura ora, ngā tāngata katoa. Greetings, welcome everybody here to the fourth day of the hearing. Ms Basire.

MS BASIRE: Thank you. Mr Allan, counsel for the Crown, just wants to address you on a matter.

MR ALLAN: Morning Madam Chair, Commissioners. I just wanted to introduce to you Mr Brian Coffey who's seated to my far left. He is the Director of the Office For Disability Issues and he'll be in attendance during the day.

COMMISSIONER GIBSON: Kia ora Brian, kia ora everyone.

MR EY

MS BASIRE: The first witness this morning is Mr EY. Mr EY did want to be here in person today to give his evidence. Unfortunately, due to Covid related reasons he's unable to make it today. Fortunately, counsel had recorded part of his story in a prior run through of his evidence, and so what we have done is we have compiled a video from portions of this and his written statement.

As the recording was not planned to be his evidence, unfortunately his pepeha was not voiced, so today it will be shown in written form only in the recording as it is not appropriate for somebody else to voice it. I apologise for the sound quality of this recording, it is not up to the normal standard, but it's what we could do in a very short time. The recording is 37 minutes long and it will be followed by us doing a waiata in support of Mr EY.

[Video played]

"Mr EY is of Moriori, Te Āti Awa, Rangitāne and Ngāi Tahu descent. [Ko Taranaki te maunga, Ko Ngāti Te Whiti te Hapū, ko Te Āti Awa te iwi, ko Parihaka te marae, ko Mr EY tāku ingoa].

His evidence relates to the experiences of his younger brother Jimmy. Jimmy was disabled and admitted to Tokanui Hospital where he died two years later. This video shows a silhouetted male witness from the shoulders up. His head occasionally moves as he talks and he is wearing a cap. The face of the man is completely in shadow, so you cannot see any of his features. Interspersed throughout this video are slides that feature written words on a background. These are quotes from Mr EY's statement to the Royal Commission."

1 **SPEAKER: [Karakia timataka]** Tēnā koe, tēnā koutou katoa. Inoi tātou e te Atua. Āe. Mānawa
2 mai te mauri nuku, mānawa mai te mauri rangi. Ko te mauri te hau [kai a au] he mauri tipua
3 ka pakaru mai te pō. Tau mai te mauri. Hui e tāiki e. Kia ora.

4 **QUESTIONING BY MS BASIRE:** Mr EY, I understand that you were born in 1949; is that
5 correct?

6 A. Yes, that's right.

7 **Q.** Yeah, and you were born in Taranaki?

8 A. Yes.

9 **Q.** And you're currently 72 years old?

10 A. Yes.

11 **Q.** Your parents, you refer to them as mum and pops; is that right?

12 A. Yeah, yes.

13 **Q.** What is your iwi, Mr EY?

14 A. Well, I never knew, I never had any information right through when I was young and to
15 growing up where pop's whakapapa came from, I didn't realise he's actually from the South
16 Island, top end of the South Island, the Wairau River in Nelson, yeah, and he whakapapas
17 to the chiefs of the Wairau River at the time of the troubles that were going on down there,
18 and I mean I never ever knew any of that stuff.

19 **Q.** What about mum, Mr EY?

20 A. Well, I don't know, mum never shared any information about where she was at all until I
21 was watching the TV and I said "mum, look at those funny Morioris", and I was getting
22 cheeky about the Moriori, I said "look at that Moriori, mum, look at them" and she got the
23 newspaper and donged me on the head. "Don't you dare talk about your whānau like that,
24 your tūpuna like that." And I never knew, mum never shared that with us. Her father is
25 from the Chatham Islands, was from, is -[GRO-B]-. And I cried when mum told me,
26 explained that to me and I just quietly thought to myself gee mum, I wish I had known
27 when I was younger.

28 **Q.** I understand that the evidence that you want to give today is about your upbringing and
29 about your brother Jimmy. So mum and pops had four children, didn't they. So Jimmy was
30 about 13 months younger than you, is that right?

31 A. Yes, that would be about right, Miss, yeah, yes.

32 **Q.** Yeah. And this was a second family for your dad, wasn't it?

33 A. Yes.

34 **Q.** So your dad was a lot older than you, a lot older than your mum?

- 1 A. Yes, yes, he was, yeah.
- 2 Q. Yeah.
- 3 A. Very old.
- 4 Q. Yeah.
- 5 A. Much older.
- 6 Q. Yeah. And when you think back to your childhood, you've told us that pop didn't really
7 spend a lot of time with you kids, did he?
- 8 A. No.
- 9 Q. No, you've said that there was no in-depth conversations?
- 10 A. No.
- 11 Q. He would just sort of sit outside his house smoking his pipe?
- 12 A. Smoking his pipe, yes.
- 13 Q. Yeah.
- 14 A. And we were frightened to interchange with him or to talk with him or anything like that.
- 15 Q. And why was it that you were frightened of pops? What did pops do to you and the other
16 members of the family?
- 17 A. Because he bashed mum.
- 18 Q. Yeah.
- 19 A. And he bashed mum and I was -- the ones who suffered physically by pops was my mother
20 and me. And mum always screamed, because I was closest to the action, right up by the
21 action because I thought I'm not leaving mum and when the fighting the went down, and
22 that's when I had to be there to jump on mum to stop him from hitting her with a pipe or
23 anything like that, any weapon. And I took the -- yeah, I just covered her.
- 24 Q. Yeah, I'm really sorry to hear that. And I understand that he would often use weapons,
25 wouldn't he?
- 26 A. Yes, whatever he had in his hands.
- 27 "(Narrator) Pops was a very violent man towards mum and me. I used to get bad
28 knocks to the head from his boots, from pieces of four by two, you name it. I was punched
29 heavily in anger. The violence at home, what happened there broke us all."
- 30 Q. When you talked to us originally you had remembered a time where mum had got some
31 family photos taken of you?
- 32 A. That's right.
- 33 Q. And -- yeah, but she knew that dad wouldn't want her spending money on the family
34 photos, that was right, wasn't it?

- 1 A. That's right, yes.
- 2 Q. And that's what, that's what set off the worst incident, wasn't it?
- 3 A. Yeah, well, that was one of the worst hidings I've ever -- well, it struck me as -- it was
4 horrific, that time when pops spotted that letter because he tore up all mum's earlier photos
5 that mum got done from the photographer earlier and however, that's why mum said "don't
6 let pop know about this one", because -- and we said to mum "how are you going to deal
7 with how much it costs?" And the photographer fulla said to mum, well we'll make a down
8 payment, sort of easy down payment stuff like that.
- 9 Q. Right.
- 10 A. You know, we'll work out the costs and all that, and mum walked out and us kids were
11 looking and were like "that might be easy eh mum, but we've got to keep this from pops,
12 though, does pop know about this?" Oh gee, and I was a bit frightened, but then I said
13 okay.
- 14 "(Narrator) Mum was a very gentle person, she always rallied around with aroha
15 and connected to us all."
- 16 Q. You've told us that mum was a really gentle person, wasn't she?
- 17 A. Yeah.
- 18 Q. And she tried to protect you from all this, didn't she?
- 19 A. Yes.
- 20 Q. Yeah, yeah.
- 21 A. Mum was a very, very gentle person, lovely person, yeah.
- 22 Q. And she loved you kids and she didn't --
- 23 A. Yeah.
- 24 Q. -- she didn't want this happening, but she was in difficulties because she was a victim
25 herself, wasn't she?
- 26 A. Yes, that's right, yes.
- 27 Q. Yeah.
- 28 A. That's right, that's right Miss. And with these, with, got - because- if pops spots that letter.
29 And we didn't -- everyone forgot, even I forgot that she'd given -- I said "where's Jimmy?"
30 "He's gone to get the mail." "Oh". So I didn't think nothing much of it, but he wasn't
31 included in our secrecy sort of thing, you know what I mean?
- 32 Q. Yeah.

- 1 A. So he was happy to grab the mail for us. And what he did was that the letter from -[GRO-
2 B] -he- plonked it straight in front of pops sitting on the table. And oh gee, we were
3 horrified, and pops looked down and that was one of the heaviest hidings mum ever got.
- 4 Q. Yeah.
- 5 A. "(Narrator) Everything on the dinner table went flying, food and drinks. Jimmy either
6 jumped on top of mum to try and protect her, or fell off his stool. I remember he hit his
7 head pretty hard on the floor. Mum was being bashed, she was on the floor. Then her body
8 was covering Jimmy's, trying to protect him, all while she's being kicked. I could hear the
9 thuds of the kicks. She was screaming 'help, help'. I dived on top of her to try and protect
10 her from the blows. The dining room was in tatters, broken glass, plates, spilt food and
11 drink everywhere. Everyone was screaming. I don't know how anyone could have
12 survived that treatment, it really disturbed me. Poor Jimmy, he was caught in the eye of the
13 storm, completely oblivious."
- 14 He destroyed it all, destroyed all of our beautiful photos.
- 15 Q. Yeah.
- 16 A. He destroyed the last lot of photos.
- 17 Q. Yeah.
- 18 A. We had no photos when we were young because pops anger just destroyed them all because
19 he was conscious of the costs and all that.
- 20 Q. I just want to talk now about Jimmy.
- 21 A. Yes.
- 22 Q. So you said that Jimmy was 13 months younger than you. So you two were quite close,
23 weren't you?
- 24 A. Yeah, yes.
- 25 Q. And you were the only boys in the family so he was your brother?
- 26 A. Yes.
- 27 Q. Yeah?
- 28 A. Yeah, yeah.
- 29 Q. And you were the big brother?
- 30 A. Yeah.
- 31 Q. Yeah. And you were really close to him, weren't you?
- 32 A. Yeah, we'd go down by the river, I'd take him down by the river, we went down by the river
33 swimming and that stuff, you know?
- 34 Q. Yeah.

- 1 A. As kids, all together, all together, yes.
- 2 Q. But after a while you realised that there was something that was not quite right with Jimmy.
3 What can you remember observing of Jimmy that was different to you?
- 4 A. He was slow in his reaction to things, I guess, as well, because I'd always say Jimmy "are
5 you all right Jimmy, are you all right? Can you remember this and that?" And he'll sort
6 of -- he'll stall then he'll probably have a think about it, "yeah, yeah, yeah, I'm all right,
7 yeah." And then I sort of think mmm, okay, so just carried on. But there was a bit of --
- 8 Q. When he was little he could talk? Yeah.
- 9 A. Yeah.
- 10 Q. But his responses seemed a bit slow. Physically what did you notice about his body that
11 was different to yours?
- 12 A. He was able to walk around, we used to go walk along the railway line getting some
13 watercress and some coal, put the coal in the bag, and Jimmy was always there helping us
14 and having fun and that, doing the normal things. He might have been a bit slow but we
15 didn't notice that, you know, just helping each other, and just doing these things as best he
16 could at that time.
- 17 Q. Yeah.
- 18 A. Yeah.
- 19 Q. And did he start to have trouble with his legs?
- 20 A. Yes, I think so. Yeah, because he had a bit of a limp. I think if I can remember, he walked
21 slowly but we were all walking along the railway line anyhow, but Jimmy was happy just
22 plodding along as slow as he was, and we just helped him along as best we could.
- 23 Q. Yeah. I understand that for at least four years or so, Jimmy went to the same small school
24 that you did?
- 25 A. Yes.
- 26 Q. And so --
- 27 A. Yeah.
- 28 Q. So he went to school and he was talking and he could walk?
- 29 A. Yes.
- 30 Q. But he didn't have many friends at school, did he?
- 31 A. No.
- 32 Q. And that made you, that made you sad, didn't it? -

- 1 A. Yeah, I said to- [-GRO-B],-- we'll take turns to look after Jimmy, yeah, and have my turn
2 and you guys go and play, or whatever it was and I'll be Jimmy all the time, you know, we
3 used to alternate, you know.
- 4 Q. Yeah.
- 5 A. Yeah, but he was never, ever left alone, there was either one of us or two of us there with
6 him.
- 7 Q. Just a little question about school. This is something that you told us in your statement. At
8 home, did mum teach you some Māori? Did you speak Māori at home?
- 9 A. Mum was help us our Māori, teaching us this and that, haere mai and simple words. And
10 we carried it on until the nun came up and I got the strap for talking Māori. And I'd just say
11 "haere mai, haere mai, haere mai" to a friend or whatever it was, just simple, you know?
- 12 Q. Yeah.
- 13 A. Then the nun came out and said "I told you, no speaking Māori" and she whacked me hard.
- 14 Q. Yeah.
- 15 A. I didn't like that.
- 16 Q. Yeah. So you were disciplined because you dared to speak some Māori words at school,
17 yeah?
- 18 A. Yeah.
- 19 Q. And you went home and told mum that and then --
- 20 A. Yeah.
- 21 Q. -- mum stopped teaching you after that, didn't she?
- 22 A. Yeah, because -- mum didn't want me to get the, get that strap again for speaking Māori, so
23 she stopped altogether sort of thing.
- 24 Q. Yeah.
- 25 A. Make sure that, you know, I didn't like that, but however, it was one way of -- to keep me
26 safe from the nuns.
- 27 Q. Yeah, but that was sad, because then you didn't learn your language until a lot later in life,
28 that's right, isn't it?
- 29 A. That's right.
- 30 Q. Yeah.
- 31 A. That's right, yeah.
- 32 Q. Yeah.
- 33 A. And like so it was taken, taken completely away, just disappeared, like for our own safety,
34 I suppose, for my own safety.

1 "(Narrator) Jimmy's pathway to Tokanui."

- 2 **Q.** Because you were only a little bit older than him, you didn't really ask mum and dad what
3 was wrong with Jimmy, did you, and they didn't tell you?
- 4 **A.** No, they didn't, no. Nothing was shared in that sense.
- 5 **Q.** Yeah. Now as part of your journey with the Royal Commission, we've managed to get
6 some documents from Jimmy's time at Tokanui, and that was the first time you were able to
7 get the authorities to give you the documents. That's right, isn't it?
- 8 **A.** Yes, I think so, yes.
- 9 **Q.** Yeah, yeah. So what the documents show is that Jimmy, before he went into Tokanui, was
10 using a wheelchair. Can you remember him in the wheelchair?
- 11 **A.** Not before he went away, I'm pretty sure, I'm pretty sure not before he went away in the
12 car. I don't recall him having that wheelchair then at home, a wheelchair at home.
- 13 **Q.** And what we know from some of the records, I'll read out a home visit in 1962 from the
14 social worker, okay?
- 15 **A.** Yes, yes.
- 16 **Q.** So we know that when he went into Tokanui he was eight stone, okay, and --
- 17 **A.** Yes.
- 18 **Q.** -- there's a note here from the social worker that says Jimmy's heavy for your mum to lift
19 and pops wasn't able to lift him because he's much older than your mum. The social worker
20 thought that mum was feeling the strain of Jimmy's care because he had -- they recorded he
21 had no wheelchair because he'd grown out of the old one.
- 22 **A.** Yeah.
- 23 **Q.** And Jimmy spent a lot of time sitting on his bed playing with plasticine. Do you remember
24 Jimmy sitting on his bed playing with plasticine?
- 25 **A.** I remember that really clearly.
- 26 **Q.** Yeah.
- 27 **A.** We'd always make these war things, tanks and aeroplanes with plasticine.
- 28 **Q.** Yeah.
- 29 **A.** Do cars, do these cars things and that.
- 30 **Q.** So what we know from the records that we have been able to get, is that they thought when
31 Jimmy was admitted to Tokanui, that he was what they called an imbecile, that he was
32 mentally handicapped, and he had this physical, progressive physical atrophy of his limbs.
33 Today we would say that he's got a learning disability and he had a physical disability. But
34 he still had a real good quality of life when he lived with your family, didn't he?

- 1 A. Yes.
- 2 Q. Yeah.
- 3 A. Absolutely, yeah.
- 4 Q. Yeah. We know from the records also that the doctors that your mum was seeing thought
5 that Jimmy didn't have a lot of potential, but that was what they thought. But that's not the
6 Jimmy that you knew, was it?
- 7 A. No, that's for sure.
- 8 Q. Yeah.
- 9 A. Yeah.
- 10 Q. All you know is that one day Jimmy's taken out of your life. Can you remember that day,
11 the day that Jimmy was taken away from home?
- 12 A. It happened so quickly. One minute he's here and it's more or less on the day that a
13 decision is made suddenly, and then next minute before we can gather our thoughts and
14 that, and mum says that they're taking Jimmy up to a hospital somewhere. I don't recall
15 ever any preparedness, or why, or any reason, or a proper reason, or how long is he going to
16 be up there, or how long is he going to be away, or why does he need to go to this hospital
17 or whatever this place is. We didn't have any of that information. We just knew all was
18 said, they're taking Jimmy up to Tokanui, to a place called Tokanui. That's just more or
19 less, just bang and that's all. And then next minute he's gone, he's gone.
- 20 Q. Yeah. And do you feel that you had the opportunity to even say goodbye to him?
- 21 A. Yes, we said our goodbyes to Jimmy, but it was like so suddenly that the decision was
22 made.
- 23 "(Narrator) I'd ask mum 'how's Jimmy getting on?' But it seemed to me that we lost
24 contact with him for a year or at least I didn't know about any contact. I asked mum a lot if
25 we could visit. Then one day mum said 'we're going to visit Jimmy'."
- 26 Q. I understand that there was one time that you got to go and visit him, and I want you to tell
27 me everything you remember about that time that you went to visit him in Tokanui?
- 28 A. When they went inside and then they spent time inside and then they pulled Jimmy out into
29 the open, mum was pushing the wheelchair and I looked down and I thought God, look at
30 this, Jimmy's gone huge.
- 31 Q. Yeah.
- 32 A. He's blown out like a balloon.
- 33 Q. So his weight was really dramatically more than when you'd last seen him, wasn't it?

1 A. Exactly, exactly, I just couldn't believe it, and I thought hey look at this, look. And even as
2 mum was wheeling the chair out, mum had tears in her eyes, I could see she was sad and
3 that, and I was shocked with what have they done, you know, to our brother?

4 "(Narrator) He was squashed in, his stomach was bulging all over, it was huge, he
5 was about 20 stone. He would have been over three times the size he should have been.
6 He couldn't acknowledge us, he couldn't even say anything. He was sitting there in a state
7 of obvious anguish, in physical and mental pain."

8 Q. And so he didn't look like the Jimmy that you knew, did he?

9 A. No. He was -- he was just -- he was sitting there, he was in his wheelchair in a daze, in a
10 doze, what do you call it, he wasn't --

11 Q. He wasn't connecting with you the way he used to, was he?

12 A. No, no, not at all.

13 Q. And you thought he must have been on some sort of drugs because the way his head was
14 hanging and he was --

15 A. Yeah.

16 Q. -- he was making moaning noises?

17 A. Exactly, yes, exactly Miss. He couldn't speak to us, he couldn't speak. All he could do was
18 grown "aah, aah, aah, aah" and he's rocking in his wheelchair, and I spotted it. I thought
19 hang on a minute, I spotted what Jimmy seemed like -- it seems like he's trying to tilt in his
20 big wheelchair. I took the weight, put my hand underneath his leg and bang, just to have a
21 look. And when I pulled my hand out, my hand was covered in blood.

22 Q. Ooh.

23 A. My hand was covered in blood, I was holding on to his raw injuries underneath his bum,
24 underneath his leg there and in his weight, the weight was all on that. And I screamed,
25 I said "hey look at this, what have they done? What have they done?" Or what haven't they
26 done?

27 Q. Because what you were seeing was that Jimmy had just been sitting in urine and that his
28 whole backside was red raw, wasn't it?

29 A. That's right.

30 Q. Yeah.

31 A. Yes, and both his thighs and all around his bottom end raw, was absolutely raw, and to me
32 that looked like -- and then I screamed, I said "mum, mum, look at this, this is bullshit, this
33 is -- this is not right." I could see something's wrong here and that for Jimmy to be left in
34 this agony, agony.

- 1 **Q.** Yeah. And you knew what it was because you could smell it, couldn't you?
- 2 **A.** Yeah.
- 3 **Q.** Yeah.
- 4 **A.** Yeah. Yeah, the smell of it all too, and then of course with how he was -- he couldn't, he
5 couldn't, he couldn't cry to me really, but he'd just go "aah, aah, aah, aah, aah." I was
6 devastated, I was shocked.
- 7 **Q.** Yeah, and you think he couldn't tell people what pain he was in because he was so drugged
8 up, that's right?
- 9 **A.** Yes.
- 10 **Q.** Yeah. Because the Jimmy you knew could tell you things, couldn't he?
- 11 **A.** Exactly, he could tell us everything. If he was in pain, or see stuff that was, you know,
12 when I think about it the drugs that they -- yeah, he'd been drugged up to just sit there and
13 probably just sit in, yeah.
- 14 **Q.** Yeah.
- 15 **A.** "(Narrator) Mum came along and looked. She used her hands and lifted his skin up to see.
16 She looked on the other side of Jimmy's body too. There was no bringing the doctors and
17 nurses out and bringing Jimmy to a table to have a look, which is what I thought would
18 have happened. Mum did a kōrero with a nurse and I didn't know what was said."
- 19 And then I realised, Jimmy is lost to us.
- 20 **Q.** Yeah.
- 21 **A.** It wasn't his problem, and when we left there, when we left with Jimmy like that in his time
22 of need and his time of all that, how's he going to survive? How's he going to survive? It's
23 taken me a long, long time to get to this point for Jimmy and I haven't stopped. I haven't
24 stopped because they -- we -- I knew, I sensed that there's a problem here, but how can I -- I
25 was only young, only young anyhow, but I never gave up.
- 26 **Q.** Now I just want to talk about that day a little bit more, and I know it's painful talking about
27 that day.
- 28 **A.** "(Narrator) Pop said all right, that it was time to go. When we left Jimmy there was no
29 smile, no reaction from him. There was darkness in his eyes. In the car, we were still
30 crying, we were all saying 'mum tell pops to stop'."
- 31 **Q.** Even if mum had wanted to pick him up and take him home, pops wouldn't have let her,
32 would he?

- 1 A. No, he definitely wouldn't let mum. Mum was frightened of pops anyhow. She knew that
2 we were urging mum, come on mum, quietly, you know, come on mum, mum, talk to pops,
3 talk to pops before we leave. We want him to come back home. Nah. It's like -- yeah.
- 4 **Q.** Yeah.
- 5 A. And sure enough, we come back home and sure enough, 12 months later, mmm. A death.
6 "(Narrator) We desperately wanted Jimmy to come home, but when he did come
7 back to Taranaki it was in a box. It must have been around 12 months after our visit when
8 we got news Jimmy had died. I think mum must have been contacted by someone. She
9 said to me "Jimmy's passed away." On Jimmy's notice of death it said that he became
10 unwell on 10 July 1965 and developed broncho pneumonia. He passed away at 11.20 pm
11 on [-GRO-C] --July 1965. The documents say the primary cause of his death was broncho
12 pneumonia and with the second cause listed as progressive muscular atrophy."
- 13 **Q.** And you feel it was neglect, because --
- 14 A. Exactly.
- 15 **Q.** -- what you saw, Jimmy had been grossly neglected at Tokanui, hadn't he?
- 16 A. Exactly. Grossly ignored, totally. And his physical condition that for us, what we saw with
17 our eyes.
- 18 **Q.** That last time you saw him, you knew from the look in his eye that something was really
19 wrong.
- 20 A. Absolutely Miss.
- 21 **Q.** Yeah. And so looking at his records. At the time, we can see that he's admitted into
22 Tokanui in 1963, it was April 1963, and then he died in July 1965. So he was at Tokanui
23 just over two years and in that time, he only had the one visit from you.
- 24 A. Yes.
25 "(Narrator) I think Jimmy would have been so lonely. We would have been his
26 only visitors in the whole time he was there."
27 He died alone.
- 28 **Q.** Yeah.
- 29 A. He was totally left alone. And that's the fact that when we left Tokanui and I saw the
30 darkness in Jimmy's eyes as we turned to leave. Nothing I can do boy. Waving goodbye.
31 But he couldn't wave because there was just no emotion, no movement, just darkness, yeah,
32 yeah.

1 "(Narrator) One thing I hold on to is that once during our visit I know that Jimmy
2 recognised us and there was a very slight smile on his face. It was a distant smile, but it
3 was there."

4 **Q.** And one of the things that you have found really hard, is that you tried to find out when you
5 were an adult what happened to your Jimmy.

6 **A.** Yeah.

7 **Q.** And every time you approached the agency or government department for help, nobody
8 was interested in helping you, were they?

9 **A.** They didn't want to hear about it or know about it.

10 **Q.** Yeah.

11 **A.** "(Narrator) Every time I have approached an agency or department for help, I have been
12 blocked. I have written so many letters. You can't just say there is no evidence that
13 someone existed. Whānau deserve answers. I tried requesting Jimmy's personal file
14 through the Waikato District Health Board, through Archives New Zealand, through a
15 historic claims process. At one point I had over six sessions with some health worker
16 sharing information and details to try and get some answers. I felt like I was being put
17 through the wringer. I was providing the same information over and over and then being
18 asked for it again. I got a really shocking letter from the Waikato District Health Board in
19 response to my request to them. I felt like I was treated in a really bad manner. The letter
20 was really depressing. But I didn't let it be."

21 **Q.** What you're wanting to tell the Commissioners is that roadblocks were put in the way to
22 you to find your brother's story and you don't think that should have happened, do you?

23 **A.** It should never have happened.

24 **Q.** Yeah.

25 **A.** It's like -the- State was part of that hush hush, effectively, I suppose, hush hush, keep that
26 information internal or whatever it is. I'm surmising now, but something was going on in
27 that vein, in that -- something was going on.

28 **Q.** And so that's part of the message that you want to give, is that Jimmy died in care and then
29 you feel that the State tried to stop you finding out what happened to him?

30 **A.** That's dead right. That is dead right Miss, yeah.

31 "(Narrator) It should not be this way for whānau trying to find out what happened to
32 their family member. My brother died in care. Jimmy didn't have a voice to express his
33 pain and suffering, so I must carry his voice from beyond the grave to ensure justice."

1 **Q.** Is there any other message that you want to send to the Government or to the
2 Commissioners about Jimmy's story?

3 **A.** It was abuse. It was direct abuse of his condition. He was abused in such a way and it
4 costed him his life because of what had happened, and the struggles that he had gone
5 through covers all these departments. Abuse in care, that's what it is.

6 **Q.** Yeah.

7 **A.** (Inaudible) And that's why I've been here for for this particular day, to say something, you
8 know, to share this.

9 "(Narrator) It was only when Jimmy was dead that pops finally made arrangements
10 to bring him back to -[GRO-B]. There was an argument about where he could be buried.
11 He's buried in -the -[GRO-B] --public cemetery, not in the family urupā. As we were
12 pops' second family, there was a stigma there. He didn't even get a headstone or a cross
13 marking his grave. His mana needs to be restored but I feel that this cannot happen until
14 his resting place is marked."

15 **MS BASIRE:** That brings us to the end of the pre-record.

16 **COMMISSIONER GIBSON:** Thank you, Ms Basire, and thank you Mr EY. I'll now hand over
17 to Commissioner Steenson to do a formal thanks. Or a waiata first is it?

18 **COMMISSIONER STEENSON:** I'll give a mihi first and then we'll waiata. Tēnā koe Matua.
19 Ngā mihi nui ki a koe tō kōrero nui i tēnei wā. Ka aroha. Tēnā koe, tēnā koe.

20 While we understand that you're not able to attend today, and may not be watching
21 live, nonetheless we must acknowledge you for speaking on behalf of your whānau and in
22 particular your brother Jimmy today. The experiences for tāngata whaikaha Māori must be
23 known and we're so grateful for you representing your whānau. You've carried his voice
24 from beyond the grave today and you've done an honour for your whānau. Nō reira, tēnei
25 te mihi, tēnei te mihi, tēnei te mihi ki a koe. Kia kaha, kia māia, kia manawanui. Tihei
26 mauri ora.

27 **[Waiata Parea Nei]**

28 **COMMISSIONER GIBSON:** We'll now take the morning tea break for 15 minutes.

29 **MS BASIRE:** Yes thanks, that's suitable.

30 **Adjournment from 10.46 am to 11.04 am**