

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY  
FOSTER CARE INQUIRY 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)  
Ali'imua Sandra Alofivae  
Dr Anaru Erueti

**Counsel:** Mr Simon Mount QC, Ms Kerryn Beaton QC, Dr Allan Cooke  
and Ms Aroha Fletcher for the Royal Commission  
Ms Rachael Schmidt-McCleave, Ms Julia White and  
Mr Max Clarke-Parker for the Crown

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

**Date:** 17 June 2022

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**TRANSCRIPT OF PROCEEDINGS**

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30 **CLOSING SUBMISSIONS BY THE ROYAL COMMISSION**

31 **DR COOKE:** Tēnā koutou ngā rangatira o te pae, o te tēpu, tēnā koutou katoa, huri noa ki te  
32 haukainga, e ngā morehurehu, tēnei te mihi ki a koutou. At the end of these four days of  
33 hearing and at the end of today's hui I thank the Commissioners for the opportunity to have  
34 this week of hearing and today.

1           But more particularly I should thank, on behalf of the foster team and those who  
2 have worked so hard to get this hearing where we are today, I thank the survivors of the  
3 foster care system who have been present here physically today, who have presented their  
4 narratives to us, even though some of them are not here today, and I also acknowledge  
5 those who hopefully have been able to watch the livestream from places across the motu,  
6 and I also acknowledge those who have been in the foster care system but are not here  
7 today.

8           I thank Ngāti Whātua Ōrākei as the people of this land upon which we stand as  
9 well. And thank you for that. Over the course of the last four days, we have had the  
10 opportunity to hear compelling evidence from the survivors of the foster care system. I'm  
11 not going to single any out. But it's note -- I note that we've heard from 13 survivors who  
12 have each brought their personal narrative, their kōrero to us both in person and at times  
13 across the video screen, and through statements being read by members of their whānau.

14           Not only have we heard about the foster care system itself, we've also heard briefly  
15 of experiences in other care domains and on one occasion as well, and I think it's from our  
16 oldest survivor who appeared, of his time as a nine-year-old in the Ōwairaka residential  
17 centre. So, they were powerful and compelling narratives that we've heard and with stories  
18 to tell and which will be heard.

19           We've also had the opportunity to have that evidence placed into context in a  
20 broader sense by, I was going to use the pracademic phrase that we've now picked up, and  
21 also from those who are not pracademics but come at it from either a more practice  
22 orientated place or indeed just the academic pathway, and again we're grateful to the work  
23 that they have done and the assistance that they've provided to us.

24           What we do know is, some of you may not know, that they've all provided us with  
25 papers as well which probably will go beyond, in part at least, the evidence that -- and the  
26 statements they've made when they gave their evidence and at today's panel.

27           What we have also heard hopefully will enable the Commissioners to address the  
28 eight questions that I posed in my opening, which I was going to go through, but I don't  
29 think I will now because they're in the opening and some of you who were here would have  
30 heard those. But they raised some significant questions around what has happened over the  
31 course of the years from 1950 to 1999 and will also inform the Commissioners in being  
32 able to ask the question, and possibly answer it, and the answer may well be yes, that there  
33 were from the findings that they're able to make as to the period between 1950 and 1999,

1 did things continue after 1999 to date. So, I think that's another aspect of the mahi that we  
2 will look forward to.

3 Finally, I shall also add that we also had some more direct concerns coming out of  
4 the survivors' evidence, and I just want to refer to briefly to some of those, because they  
5 were pretty profound. And that includes abrupt removals from where they were being  
6 raised. In one or two instances we heard of abrupt removals from placements where they  
7 thought they were safe and we heard particularly of the story of Erica and Daryl where  
8 Daryl went to school on his first day of school, he said goodbye to Erica, she to him and  
9 when he came home, she had gone. And again, that's one of those very powerful and  
10 compelling stories about what happened to these kids who were in State care and who were  
11 reliant on the State for their safety and their well-being.

12 We also heard again in one or two instances that children who were in the care of  
13 the State were returned home to places that were not safe. And we heard there was a  
14 powerful story of that from Elison in that regard.

15 Again, we also heard from a number of survivors that they were no longer in State  
16 care, and they found out by getting a perfunctory letter or, as we've heard again, having a  
17 dentist bill sent back to them which they had sent to DSW for payment thinking they were  
18 in State care and DSW had the responsibility for that, but when it returned, they realised the  
19 situation had changed.

20 So, at the end of the day, we've come to the end of this hui, I express my gratitude  
21 to everyone here today as lead counsel, to my colleague Aroha Fletcher who has performed  
22 with, I was going to say certain magnificence and stature today, and throughout the week.  
23 And again, to the team, thank you. So nō reira, tēnā koutou, tēnā koutou, tēnā koutou  
24 katoa.

25 **CHAIR:** Kia ora. Now you've heard quite enough from me through the week and today, I'm just  
26 going to invite my colleagues if they want to say anything in closing before we have our  
27 final karakia waiata.

28 **COMMISSIONER ALOFIVAE:** I le ava ma le faaloalo lava, out faatalofa atu I le paia ma le  
29 mamalu laufie, faafetai le o'o mai, faafetai ua tatou tutu faatasi i lenei avega mamafa. I want  
30 to greet you in my own language because in a way it grounds me, and it's about my own  
31 identity and it's to remind me that I'm to have two solid feet on the ground. It's been a  
32 tremendous week, and Allan has used the words "profound" and "compelling". And those  
33 are words that are very apt for the evidence, for the stories, for all that we've heard from our  
34 panellists.

1 We don't have enough words as a Commission to what we would say in Samoan e  
2 me mole atu le fa'afetai. How do we thank you for the gift that you have brought to us, the  
3 taonga. In Pasifika we have a saying that we are your hands and your feet, and so I want to  
4 say that to our ngā mōrehu community, to our purapura ora community who are listening  
5 online and who have been here all week. The enormity of the work is not lost on us.

6 So we have come, so I have come and I've listened and I've heard and learned and  
7 my brain's going all over the place, because the sense that I feel as a Commission, and  
8 I know it's shared by my fellow Commissioners, how do we do justice back to you, to the  
9 stories, to the courage that you've taken to share, to the courage where you've spoken us to  
10 tell us how we can make things better, how we can use our position to influence.

11 And so, I want to say that our kete is overflowing this week from everything that  
12 you have brought and gifted to us, and I want to be able to assure you, because our Chair,  
13 and I say it confidently because our Chair has said it before me, that we're not doing this  
14 without you, we're doing this with you.

15 So, our prayer is that you will see that reflected in the work that we undertake and  
16 how we continue to hold and conduct the rest of our journey over the next 12 months.  
17 Thank you for standing in the trenches with us. We want to be on the hills and in the  
18 valleys with you all, and may it be a safe journey for each and every one of us as we  
19 continue to do this mahi. Malie lava. **[Applause]**

20 **COMMISSIONER ERUETI:** Tēnā koutou e ngā purapura ora, ngā mōrehu, ngā kaimahi o te  
21 Kōmihana, e ngā roia mō te Kōmihana me ngā roia o te Karauna, e ngā tangata e mātakitaki  
22 ana i te pouaka, ki a koutou katoa, kei te mihi atu ki a koutou me ō koutou whakaurunga ki  
23 tēnei wānanga. I want to thank everyone who's - Cookie and the team for putting this  
24 hearing together and in particular looking- after the welfare and well-being of our  
25 survivors.

26 I thought for this hearing it's a unique hearing where we had a mix of survivor  
27 testimony and testimony from pukenga and experts and researchers and kaimahi in the  
28 community, and I thought there was a really great combination that we got to learn about  
29 the reality of the experiences of survivors in care, but also to pull back and think about  
30 problem solving and solutions.

31 And I think our heads are fizzing with ideas, we're very excited, we're very lifted by  
32 the kōrero, our whakaaro this week, and we're looking forward to justifying your  
33 participation and support for the mahi we're doing by producing good works. So, I want to

1 thank you all for your participation, ngā mihi mahana ki a koutou katoa. Kia ora.

2 **[Applause]**

3 **CHAIR:** Ko tēnei te wā mutunga, ko tēnei te wā mō te karakia, kei a koe te karakia e Pā. Over to  
4 you.

5 **KAUMĀTUA:** Kia ora mai anō tātou. He aha te hau e wawana mai, e wawana mai. He tio he  
6 raki, he tio he raki, nāna ia mai i te pūpū tarakihi ki uta. I tikina e te Atua te kotiu, ko ia te  
7 pou, nā te pou whakairo, ka tū ki te Waitematā, ka tū ki te Waitematā i uku a rangi tū nei  
8 tihei mauri ora. Ko timatanga o tātou tēnei hui i tēnei wiki, e ngā mana, e ngā reo, tēnei te  
9 mihi atu ki a koe tae mai i tēnei wā. Tēnā koutou te kōrero, te tika, te ora, te mamae, te  
10 ngākau ki a koutou, āe, tēnei te mihi, tēnei te mihi, tēnei te mihi, ā hurinoa tātou tēnei  
11 whare, tēnei marae, o te paepae tapu ā tēnā koutou, i kōrero ahau anō hoki tēnei wiki, ka pai  
12 tikatika te mana, te mahi, ngā te tautoko mai ki a koutou whānau, ki te haere mai te kōrero  
13 tikatika tēnei te kaupapa. Purapura ora, purapura pae, ngā arawhata hīkoi, me te  
14 kotahitanga ki a koe te kōrero, ki a koutou, āe kia kaha, kia māia, kia manawanui ki a  
15 koutou, te ngākau, te tangata ngākau Ngāti Whātua, tautoko mai, tautoko mai, anō hoki ki  
16 tō marae. Nau mai, āe, haere mai, haere mai, haere mai. Ki a koe ko tātou mai awhi me  
17 koe hoki tēnei roia ki a koutou o mahitahi, tō mirimiri aroha, ko te mirimiri mai ko te mahi,  
18 nō reira, ki a koutou, tēnā koutou, tēnā koutou. Ki a koe o koutou whānau te mahi pai  
19 whatu tēnei whare, ka kōrero ahau, haere mai ki te marae me te kotahitangi, te awhi mai, te  
20 waiata, awhi mai te hītori o te kōrero o Ngāti Whātua, tū mai tēnei wā o tēnei marae.

21 Nō reira ki a koutou, tēnei te mihi, tēnei te mihi, tēnei te mihi, ki a koe e tō whaea,  
22 Māmā, anō haere mai ki te awhi mai ki a koe terā tau, terā tau o Ngāti Whātua ki a koe te  
23 hoki mai te kōrero, nā reira tēnei te mihi ana ki a koe. Ki a koutou katoa, aroha mai  
24 waenganui i a tātou i te mamae te ngākau, tangi te ngākau ki ahau, hei aha āpōpō hoki, terā  
25 tau, terā tau, kōrero ana ki te Kōmihana, te kōrero, te kāwanatanga, pai ki te tautoko mai  
26 tēnei whaea i konei, ka puta mai te kaha, te kaha o tātou mahi. Nō reira, tēnā koutou.

27 Perhaps just to say to us all, thank you for allowing me in this space on behalf of  
28 Ngāti Whātua to be here and to have your feelings heard, and I tell you certainly I felt them,  
29 even though I was only here for a short time. But it's so powerful and I just wanted to  
30 express to our Commissioners at the table, that their role that they play for us and the words  
31 that have been passed through to them, and hopefully we will endure for the future of all of  
32 us to go forward, ake tonu ake.

33 And as I've just mentioned, Ngāti Whātua will stand behind and support as best as  
34 we can. And you know where to find me, hiding away up in Ngāti Whātua. But hei aha,

1 nau mai haere mai, haere mai, haere mai. Like I said earlier on, this is about a love session.  
2 So, we're doing to sing our waiata himene, Te Aroha.

3 **[Waiata Te Aroha]**

4 **Hearing concluded at 4.43 pm**

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