Abuse in Care Royal Commission of Inquiry
Contextual Hearing on Tuesday,
5 November 2019 at the Rydges Hotel, Auckland

Commission Members:
Sir Anand Satyanand - Chair
Commissioner S Alofivae
Commissioner A Erueti
Commissioner P Gibson
Commissioner C Shaw

TRANSCRIPT OF PROCEEDINGS

OPENING ADDRESSES

CHAIR: Thank you, Madam Registrar. Mr Mount.

MR MOUNT: Morena. Some changes in personnel, Mr Chair, the front table today, Ms Beaton and I are joint by Ruth Thomas who will lead today's witnesses. Mr Stone is here today in place of Annette Skyes who has been called to other matters today. It is also a pleasure to welcome Paula Tesoriero, the Disability Rights Commissioner from the Human Rights Commission and in a moment we will invite Ms Tesoriero to give a short statement on behalf of the Human Rights Commission.

Following that, we have three witnesses scheduled for today, they are Robert Martin, Anne Else and Dallas Pickering. As I said a moment ago, Ruth Thomas will lead their evidence.

As I say, the first order of the day is for a statement from the Human Rights Commission and Disability Rights Commissioner.

CHAIR: Thank you. Ms Tesoriero, my colleagues and I have been made aware of the statement to be made for and on behalf of the Human Rights Commission with you as the Disability Rights Commissioner and I would invite you now to make that statement.

***

STATEMENT OF PAULA TESORIERO, DISABILITY RIGHTS COMMISSIONER

MS TESORIERO: E nga mana, e nga reo, raurangatira ma, tena koutou katoa. Ko Paula Tesoriero ahau. Ko au te Kaihautu Tika Hauatanga, mo te Kahui Tika Tangata ki Aotearoa.No reira, tena koutou, tena Koutou, tena koutou kato. Mauri tangata, mauri ora
10.03 Thank you, Mr Chair. I would first like to acknowledge those who have fought so hard for this Inquiry to take place. It is because of the courage and persistence of many people over many decades that I have the opportunity to address you today.

And equally, I acknowledge all survivors - you were failed by the very system that claimed to protect you. We owe it to you to get this Inquiry right. I acknowledge you all - who helped raise awareness of the wrongs that were inflicted on you, those of you who
10.04 suffered in silence and those who are no longer with us.

I also wish to acknowledge those who have gone before me at the Human Rights Commission. Later in the week you will hear from the former Chief Human Rights Commissioner, Rosslyn Noonan, about the important work that the Commission did in this area during her tenure as the chief. I also acknowledge the clarity, commitment and tenacity of both Paul Gibson, my predecessor, and the former Race Relations Commissioner Dame Susan Devoy. They and their teams were instrumental in building the
10.05 momentum leading to this Inquiry and I thank them for their mahi.

In particular, the E Kore Ano / Never Again campaign launched in 2017 contributed to greater public awareness about the nature and extent of the abuse that occurred in

places under the control of the State. Many New Zealanders signed the Human Rights Commission's open letter to the then Prime Minister demanding justice for survivors of state abuse and calling for an independent Inquiry.

The present government made a commitment during the last election to establish an Inquiry into the abuse of children in State care within its first 100 days in office. This promise formed the basis of the Inquiry
10.06 that we have today.

Why is this a human rights issue? The Human Rights Commission retains a strong interest in these matters and in the work of this Inquiry. Abuse of citizens at the hand of the State constitutes a grave human rights violation. Indeed, the Universal Declaration of Human Rights was developed in response to the atrocities that occurred during World War 2 and the fatal consequences of a State devaluing its citizens based on certain characteristics.

10.06 This Inquiry has already heard powerful words about colonisation, about breaches of Te Tiriti o Waitangi, New Zealand's own human rights document. New Zealand was a significant architect of the Universal Declaration of Human Rights and obligations under Te Tiriti are echoed in the Universal Declaration. Both documents call for equality.

Since the Universal Declaration 71 years ago, New Zealand has signed up to several other major human rights treaties, including the United Nations Convention
10.07 Against Torture, the Convention on the Rights of the Child, the Convention on the Rights of Persons With Disabilities, and the International Covenant on Civil and Political Rights. We have also endorsed the declaration of the Rights of Indigenous Peoples. These international

commitments all detail how New Zealand will promote the human rights of particular groups of people. They also reinforce the New Zealand Government's obligation to honour Te Tiriti. We like to think of ourselves as human rights leaders, a great place to bring up children, and a fair and just society.

But this is not true for everyone. Our institutions and systems have failed many of those whose rights we were meant to uphold. These victims include children and
10.08 young people, and those who have experience of mental, intellectual and physical impairment. We recognise the burden of abuse has fallen disproportionately on Maori. The Inquiry will assist in exploring the true department and magnitude of that burden, one that has not been out in the open or acknowledged for Maori and for disabled people and for many others. We know from the stories we have already heard that the physical, sexual and emotional abuse inflicted on thousands of people have had horrific long-term often intergenerational impacts.

10.08 I would like to focus specifically on the impact of state abuse on disabled people. You have heard and will continue to hear from many during this Contextual Hearing, and throughout the Inquiry, about the experiences of disabled people in the care of the State. Anyone who has experienced abuse in the care of the State can face personal, structural and environmental obstacles when they come forward and seek acknowledgment of their experiences and answers to their questions.

But disabled people may be further hindered by
10.09 additional social, physical and emotional barriers. These make it even harder for them to tell their stories, to be taken seriously and to access and participate in accountability processes. Systems that are already convoluted, unwelcoming and obscure can become

effectively impregnable. The system can take advantage of this silence.

In 2017 the Human Rights Commission engaged the Donald Beasley Institute to undertake some research to find out what was known about the abuse of people with learning disabilities and other types of impairments in the State care. You have already heard from Dr Brigit Mirfin-Veitch about the outcome of that project. Her findings provided a small glimpse into the experiences of
10.10 a group that have been effectively invisible from the community, both because of the manner in which they were historically detained by the State but also in the public consciousness.

In 2008 New Zealand ratified the UN Convention on the Rights of Persons with Disabilities. The Convention does not accord new or additional rights to disabled people. It articulates the measures needed to overcome the structural discrimination that has prevented disabled people from enjoying universal human rights on an equal
10.10 basis with others. It is therefore totally applicable to the early period of focus of this Inquiry, as well as in the present.

New Zealand made a commitment to uphold the rights in that Convention. I want to highlight just a few that are relevant to this Inquiry.

The right to equal recognition of the law.

The right to access to justice.

The right to liberty and security of the person.

The right to freedom from torture and cruel, inhuman
10.11 and degrading treatment or punishment.

The right to freedom from exploitation, violence and abuse.

The right to live independently -

CHAIR: Can you moderate your speed because the

stenotyper is operating at extremely high speed.

MS TESORIERO: The ones relevant to the context in this Inquiry are the right to equal recognition before the law, the right to access to justice. The right to liberty and security of the person. The right to freedom from torture and cruel, inhuman and degrading treatment or punishment.

The right to freedom from exploitation, violence and abuse.

10.12 The right to live independently and be included in the community.

The right to respect for home and family - the Convention states that in no case shall a child be separated from parents on the basis of a disability of either the child, or one or both of the parents.

I urge you to actively uphold these commitments during the course of this Inquiry and particularly as you shape a vision for the future. To assist you in doing so, I direct your attention to relevant jurisprudence of 10.12 the Committee on the Rights of Persons With Disabilities with regard to legal agency and supported decision-making. I refer you to general comment number 1 on Article 12, Equal Recognition before the law and the associated March 2018 Report of the Special Rapporteur on the Rights of Persons With Disabilities; and her 2019 report to the Human Rights Council on Ending the Deprivation of Liberty on the basis of disability.

Commissioners, I acknowledge the considerable work that you have put in to date. You have a complex task 10.13 and hold a huge amount of hope in your hands. I wish you well in your endeavours. I also want to make clear my expectation as a Disability Rights Commissioner for this process.

In my view, the Inquiry must model a human rights

approach, consistent with Te Tiriti o Waitangi. This means tino rangatiratanga, full participation by affected people, meaningful accountability, equality and transparency. It means looking beyond detention or protection, beyond inclusion, to agency.

I want to see an Inquiry that places the survivors at the centre - an Inquiry that is truly and genuinely concerned with the wellbeing of those who have been affected. An Inquiry that will do whatever it takes to be accessible and inclusive, and to promote, encourage and enable all people to participate.

I hope it will be founded on principles of non-discrimination and empowerment. It will be consistent with the State's obligations and commitments under the Te Tiriti o Waitangi - it will give meaningful effect to those duties and responsibilities.

It must acknowledge the many losses suffered, losses of whakapapa, identity, educational opportunity, income and wellbeing, and losses of life. It must lead to accountability and mechanisms for tailored redress and rehabilitation and it must help make good the wrongs that have occurred and the injustices done.

I want to see the Inquiry carefully consider whether New Zealand has complied with its domestic and international obligations. Have we fulfilled the commitments made on the international stage. Are we the human rights leaders we want to be.

I would like to see an apology, a meaningful genuine apology for what happened, one that will mean something to those who survived the abuse that was inflicted on them, that will acknowledge the enduring hurt and trauma and assist individuals to find a pathway forward.

It must consider contemporary experiences because disabled people continue to experience abuse within state

funded services and continue to be neglected, bullied, abused and silenced as we do in wider society.

We must ensure that the lessons are learnt from the past to deal effectively with the present and the future. And I know you will act with urgency when existing abuse is brought to your attention.

Finally, most of all, I want this Inquiry to build towards a future where no-one is detained solely because they are disabled, or Maori, or impoverished. I want to see courageous honesty about the structures that continue to perpetuate abuse. We must dismantle not only the physical but also the conceptual walls that work to separate us and which devalue diversity and difference. These continue to create fertile ground for abuse. Fulfilling our human rights obligations by ensuring truly equitable access to adequate resources; by upholding the right to support to exercise legal agency; and by ensuring all voices are heard; is the best way to ensure that these things cease and will no longer again be part of our future.

CHAIR: Thank you Ms Tesoriero. Please convey the compliments of the Royal Commission and its members to your colleagues, Professor Paul Hunt, Mr Meng Foon and Ms Karanina Sumeo. Thank you.

MS THOMAS: I would now like to call the first witness for this morning, Robert Martin.

CHAIR: Thank you, Ms Thomas.

***

ROBERT MARTIN - AFFIRMED

EXAMINED BY MS THOMAS

CHAIR: Mr Martin, once you are comfortable, I need to undertake the procedure required by the Inquiries Act 2013 to have you say in answer to my question - (Witness affirmed). Thank you.

MS THOMAS:

Q. I would ask for the Registrar to please place this binder with Robert's brief of evidence before him.

Robert, if you have a pen in front of you, would you be able to sign, that's the last page of your brief of evidence, if you could sign that confirming that is your statement with today's date, thank you. (Witness signs and dates brief of evidence).

Just by way of introduction, Robert, I would just like to confirm that you are an independent expert member
10.20 of the United Nations Committee for the Convention on the Rights of Persons with Disabilities?

A. Yes, I am.

Q. And you are a disability rights activist?

A. Yes, I am.

Q. You have promoted the self-advocacy movement internationally?

A. Yes, I have.

Q. And has John McCray written a biography about your life called “Becoming a person”?

10.21 A. Yes, he has.

Q. Do you have that book in front of you today?

A. Yes, I do.

Q. Would you like to hold that book up and I'd ask for that to be presented to the Commissioners today.

Robert, do you have your statement in front of you?
A. Yes, I do.
Q. You have come to the Commission today to tell us your story?
A. Yes, I have.
Q. Would you like to read that statement starting at paragraph 1?
A. Yes, I will.
Q. Thank you.
10.22 A. My name is Robert Martin.First, I am a person with a powerful story to tell. Second, I am a person with a learning disability. People first, disability second. Today, I am going to share my story with the Royal Commission of Inquiry.I hope that all New Zealanders will listen.

It is time to challenge New Zealanders. The phrase "out of sight, out of mind" is no longer acceptable. I am going to talk to you about my life in institutions, foster homes, care services and I am in your sight today.
10.23 And I hope my story will remain within your mind.

The early years of my life. I was born in 1957. The doctor damaged my brain during birth with the use of forceps.

Just because I was born with a disability, I was being punished for being who I was. Kimberley -
Q. If I could pause you there, Robert. We are up to paragraph 4.
A. Oh yep. Sorry about that.A doctor told my mother that I was mentally retarded. He told her that there are
10.24 places where there are other people know how to look after people like me. He told my mother to send me away and forget about me.

So, at 18 months old I was sent away to an institution called Kimberley.

I was put away in an institution. I was locked away from the community. I wanted to be with my family. I wanted to grow up with my sister - I missed my family, I cried for them. I wanted them to come and take me home but they did not come. So in the end I gave up crying for them.

As a toddler in Kimberley, I was fed and changed and taken care of, but I do not remember being picked up, loved or cuddled because there were so many of us and we
10.25 were just a number.

I didn't experience what other kids did. I didn't go to birthday parties, feed the ducks or visit the zoo. We were locked away from the community. It was lonely. There were hundreds of people around me but as a little boy I didn't know another human being. Not properly anyway.

When I was seven, I was returned to my family. Things did not work out so well at home. I was told I was mentally handicapped; I was dumb, thick as a plank of
10.26 wood and would always need other people to do things for me. That hurt because I really wanted to be like other kids.

I was sent to a school. It was hard. I would leave my classroom and knock on the window of my sister's classroom calling out to her, "come and play with me". I would be picked on by other kids and my sister tried to protect me.

My parents were not given any support or counselling. Things just did not work out. I was made a
10.27 ward of the State.

Foster homes. As a ward of the State, I was placed in a foster home on a farm. I thought the other kids in the family would play with me but they didn't want to. At school I wanted to join in the games with other kids

but they did not let me in their team. They thought I would be useless. I got into trouble at school for raiding the staffroom biscuit tin, only because I was hungry.

At my foster home I worked like a slave. If I didn't do all the jobs on the farm, I would get the jug cord. At night I was wetting the bed. To punish me they made me kneel on the wood pile for hours. That was torture. I ran away but the welfare just brought me back.

I ran away from the place again and again until the welfare eventually took me away.

I was put into another foster home but then I stole a chocolate bar from a shop, so I was sent back to the institution, Kimberley.

Institutions again. From my own experience, I know that institutions were a place of neglect and abuse. They also mean people were denied their human rights and basically denied a proper life.

The right to education, the right to participate, the right to live free of violence, the right to life are all things at risk in an institution.

I personally had nothing and no-one. I learnt that I was nobody and my life didn't really matter.

Just because I was born with a disability, I was being punished for being who I was.

Kimberley. I was 9 years old when I was put back in Kimberley but this time in a different ward called Monowai. It was like the first time I was there. The conditions at Monowai were horrible. There were 40 kids in a dormitory.

When you are shut away from the world, you are not treated as a real person with a life that actually matters.

You were not given your own clothes. We had to share a pool of clothes and grab what we could get. We never had our own underwear. They didn't let us just be a kid. We were colour coded into groups and we had stars and labels and categories.

We all had the same bowl haircuts on the same day. We were not treated as individuals. In fact, people said we all looked the same!

We were neglected. One time I had boils and it took
10.30 them a whole day to notice I was sick.

There was no privacy. The dayroom opened into a toilet block. There were no doors or partitions.

There was nothing to do. Some people stayed on the floor all day rocking back and forth. Especially people with the highest needs. There were so many of them, they were just left on the ground. If someone had an accident and soiled themselves, they were just left in their dirty clothes.

You always had to eat your food fast because if you
10.31 weren't fast enough, your food went.

They would let us do crafting. I never liked it. I would rather kick a ball around and I used to wander around the grounds alone with a ball and a stick and I would kick the ball up onto the roof.I realised that if I kicked the ball on the roof, someone else would get it down. Then I became known as the "problem kid".

At Kimberley, I experienced the abuse, I witnessed abuse. I saw staff upset people. One memory is of staff taking smokes off people. Smokes were given out for a
10.32 reward and taken away as punishment. If you had any possessions, they would be taken off you. I treasured my great grandfather's watch but it was taken away from me.

Punishment was severe and out of proportion to the behaviour.

I learnt not to trust people. I learnt to survive as best I could. I became defensive and on guard all the time, just to keep away from violence and abuse.

If you were taken to Villa 5 at Kimberley, you knew you were in real trouble. The staff there were just evil. I saw this completely naked boy who had an accident being hosed down by a staff using a fire hydrant hose. He would try to stand up and be knocked over again. I've seen many terrible things but what I saw
10.33 that day has stayed with me and still frightens me. It was a warning if you misbehave this will happen to you.

The staff would tease people. It was a mean thing for staff to do. Some of the people would shout, "I'll get high, I'll get high", meaning they will get upset and do something like hurt themselves or someone else.

But the staff didn't stop and would carry on teasing them, then watch the people lose control and flip out. Often this happened just before the staff went off duty.

It was at Kimberley I was first sexually abused by a
10.34 male staff nurse. I was so young I did not know what was happening.

People who have power over people were easily corrupted. Behind closed doors human rights of others were often violated. This should not be allowed, but it was allowed.

Q. I will pause you there, Robert.

A. Campbell park. The first time I was sent to Campbell Park I was about 11. When I got there, I was assaulted by the other boys. I got my beans, that is the
10.34 initiation test. I was put into a pit where the trampoline was, they all branded me with tennis balls. There were fights there every day. After a while, I started to fight back. I would throw stones. I was then sent home again for a few years. It was not good. I

didn't really know my family. People thought I was too dumb to go to secondary school.The doctor said I was upsetting my Mum, so he was going to send me to a mental hospital, called Lake Alice.

Lake Alice. I was about 13 years old. I was put into a villa near the front of Lake Alice with much older people. I hated it. They wanted me to do crafts. I found a golf club and some balls, so I hit the balls around the grounds and then when that got boring I started smashing them through the windows.

One day I went to the shop just outside the gates and took some comics and ice creams, then I got moved into Villa 8 where the staff lock you up. I was locked up there for a few months.

Campbell Park. One day I was transported back to Campbell Park. This time I was put into a cottage for older boys. It was different from last time. Some mean stuff went on there. I was sexually abused by the older boys there. I couldn't understand how people could be so cruel. If you got into trouble there, you had to work it off, clean windows or shift stones. If one person misbehaved, we all suffered the consequences. Someone stole money off the matron and as our punishment we had to march around the grounds all day.

CHAIR: Could I intervene a moment to ask you to keep mindful of the stenotyper and the signers and speak at a pace that will enable them to keep up with you? Thank you.

MR THOMAS:

Q. Robert, if you could continue on with paragraph 38.

A. Yes. Another example of what we lose in an institution is something you may all take for granted: having a pet.

Many children have a cat to cuddle and call their own. Children in institutions do not. I adopted cats

and made them my friends but when I was moved I lost that friend.

My attachments meant nothing to others.

Children raised in institutions learn that good times don't last, and people and pets come and go.

As a result of this very negative, we struggled with how to relate to people. We were always different and somehow catching up.

Nowadays, I have pets of my own and I no longer fear
10.38 I will lose my pets, my home, my friends.

These are things, these things you may take for granted but I do not.

Back to the world. When I was released from the institutions at age 15, I had to learn to survive and to survive all over again. I had to learn to live and survive all over again. And this was very hard to do. I realised I didn't know the things that other New Zealanders did. It was like I wasn't a citizen.

There was a massive gap between me and everyone
10.40 else in my community.

I didn't know about the All Blacks - New Zealand's world famous rugby team. But like thousands of other boys, my greatest pleasure was kicking my rugby ball. Little did I know that my passion was matched by millions all around the world.

I had never heard of any radical music of the 60s. I didn't know about the Vietnam War, the assassinations of the Kennedys and those things everybody else knew about. It was like I was brought up on a different
10.40 planet with different rules.

Once I got out of institutions, I was in the care of services.

I did not like being treated like a child. I had been abused my whole life, so I took exception being

treated like a child. At IHC a lot of people with learning disabilities called staff Mum and the male staff Dad. There was one staff member who told me to call her Mum one day and I told her, "No, you're not my Mum", so she slapped my face, so I told her to "F off". She kicked me, so I kicked her back. I had been abused for years and I'd had a gutsful.

I ended up by living and working on a farm which was under the umbrella of IHC. I witnessed abuse of others
10.42 by staff members while I was there.

There were not enough staff. One of my best friends had a seizure and cut his head open. I saw him and helped him. I got a towel around him and then I had to climb through another boy's window to get to the bottom unit to wake up the only staff member because the place was all locked up. My friend was never the same after that. There was just not enough staff.

Another time, there was a staff member and a guy with cerebral palsy who did not get on. The staff member
10.42 was really cruel to that guy, so he started a fire. When the staff member got to him they hit him and smacked him around the head so hard it really damaged him. It was shocking to witness this. Another staff member was there and just watched, he didn't do anything to stop the assault.

I became active in trying to make the people with the learning disabilities have a voice within IHC. When you were taken out of your workplace or on trips, the side of the buses had IHC in big letters and a stick
10.43 figure person with a star on the forehead. People would see us on the bus and they would make faces at us. It made us feel like sub-human. So, we decided to protest. We made signs and protested in the street. In the end, the management removed those labels from the buses.

I do not want disabled people to have the same childhood I did.

My hope is that there is an end to segregation, institutionalisation and discrimination.

I remember the Springbok Tour of New Zealand in 1981. The protests about rights and freedom for people in South Africa. I remember thinking about the rights and freedoms of all people in New Zealand locked away in institutions. I remember feeling like I hardly had any
10.44 human rights. Nobody was marching for me or anyone else with a disability.

My hope is that all the children of tomorrow grow up in caring, well supported families and communities and societies shift to be inclusive of all people.

I believe that every person can live in the community with the right support - no ifs, no butts, no maybes.

When assisting people to move from institutions into the community we need to remember whose life it is.
10.45 Don't just make decisions for people. Don't just assume you know best. Include the person in all decisions that affect their life.

Lifelong impact of abuse in care. I often wondered why I ended up in the places I did, just because I was born with a disability. I now live a proper life but I could have had this as a child.

The abuse I experienced and the abuse I saw has had a lifelong impact on me. Even today, I get scared of people who are yelling and screaming. It makes me feel
10.46 anxious.

In 2016, I was appointed to the United Nations Committee on the Rights of Persons With Disabilities. It was an honour to have this role. I do find it challenging to meet so many people. I find it difficult

to trust people and it is hard work to socialise.

I have had counselling in the past and still do.

Civil claim. I have never made a civil claim. I did participate in the Confidential Listening and Assistance Service.

I know other people who have made claims. I know there was a class action for some people that lived in Lake Alice. Some years ago I was told about some lawyers I could go to but I didn't as I thought this would be too
10.48 hard. I think it is difficult for people with disabilities to know how to make a claim.

If I was going to make a claim, there would be two main things I would claim for.

The medication. At one stage when I was at Kimberley, I was given some medication that wasn't even meant for me. Whatever it was, it had a terrible effect on me. It made me lean on my side. The effects last for a long time. I was sent home. My family thought I was playing up, so I got into trouble but it was the
10.48 medication. I should never have endured that.

The sexual abuse, from the staff member at Kimberley, and all those boys at Campbell Park, it should never have been allowed to happen. At that time in my life, I was displaying many signs of abuse but nobody picked up on these signs or if they were, they were ignored

Nobody helped me. Instead I was punished for the behaviour I was displaying. I would claim for those things. They should never have happened.

10.49 Hopes for the future. My life in institutions meant I personally had nothing, no-one to call my own and I learnt how I was a nobody, that my life didn't really matter. I also learnt that I was somehow actually being punished for who I was.

I was one of the lucky ones, I got out.

I went on to build a good life for myself.

Now I have a life packed full of books, music, sports and I have a person to call my own, my wife Lynda.

Sorry. But I really had to work to create a life for myself because I didn't know what a life was actually made up of.

I would like to see a citizen ceremony for all people who have been institutionalised in New Zealand. We were shut away from New Zealand society and culture and people were shut away - when people are shut away in an institution, they don't feel like a citizen. This can even feel as bad as the abuse we experienced and witnessed.

When I got out of the institutions, I felt like a non-citizen. I think a citizen ceremony is one thing the government could do for us.

I also believe families are the foundation of any community and society and play an important role. It is by being part of a family we learn about the world around us while being provided with safety and security.

Children are innocent and it is too risky to leave it to the State to look after children. They need to be part of a family, they need love, opportunities and individual care.

We need to do more to make sure that children are safe, loved and cared for, wherever they live. It is everyone's duty to make sure this happens.

Disabled children should be able to join in and be part of all the things that happen in their community. They should be able to go to their own local school so they can learn from their friends in their neighbourhood and be the best they can be and enjoy life like everyone else.

They should be allowed to become adults and not treated as children forever.

They can be included in everything and not excluded from everything.

Give families adequate support. Make families the only acceptable place for children to grow up. All children belong with families and that includes all disabled children.

I feel in lots of ways we have just swapped large
10.54 institutions for smaller ones.Residential group homes have different bricks but it is the thoughts, feelings and actions of others that make a place an institution. Everyone has a right to life instead of wasting away in institutions waiting to die. That is not a life.

I strongly urge New Zealand to make the rights in the united nation Convention on the Rights of Persons with Disabilities real. All the rights are very important but I want to highlight Article 19 which talks about disabled people have the right to choose where they
10.55 live and with whom.

I want disabled people to live the life they choose free from violence and abuse. Violence and abuse is not okay. We already have this campaign in New Zealand but we need to make sure that all New Zealanders, that means disabled people too.

My dream is that all disabled people have their rights and are treated as citizens of New Zealand.

Thank you.

Q. Thank you, Robert. I will now hand over to the Chair.

10.56 **CHAIR:** Thank you, Ms Thomas. I first of all wish to ask, does anyone counsel wish to ask Mr Martin questions? No.

So far as the Commissioners are concerned, any questions?

ROBERT MARTIN

QUESTIONED BY COMMISSIONERS

COMMISSIONER GIBSON: Kia ora, Robert, thanks for the power and emotion of your story. I'd like to acknowledge you and a couple of other acknowledgments first. We have a strong lineup of witnesses from Aotearoa New Zealand but I know that the global mana, the esteem, which you bring and help the UN, it's almost unique, and acknowledging things like a nomination for a Noble Peace Prize and your story Uniquely Yours is a story of thousands of people in Aotearoa New Zealand and around the world and you are a hero to many of us to bring that out.

Also, acknowledging Paula, thank you for your powerful introduction as well and the strength that it gives to the rights that Robert talks about and acknowledging today being Parihaka Day and the role of the Taranaki children and the invasion and impact on them as well.

The title of the Human Rights Commission Donald Beasley Research: Institutions of Places of Abuse, what makes you say that Institutions are places of abuse?

A. Yes. I believe they are places of abuse. I experienced it, I've seen it on others. Institutions are often away from towns and cities, out of sight, out of mind, so things happen to people and no-one notices what's going on.

They are virtually a law unto themselves. Anything and everything could go on and usually did and I have travelled around the world and seen lots of institutions

where people with disabilities still are and institutions are the same around the world. If you've been in one, you've been in them all.

COMMISSIONER GIBSON: Do you feel that institutions are gone in New Zealand?

A. No, I just say no because we might have closed the big ones but we still have institutionalisation as such. Institutions are not just about bricks and mortar, it's the thoughts and feelings that make institutions. I said this statement many times at the UN, it's still just as prevalent as it was way back in the dark old days to what it is today. You know, people don't have choices, where or with whom they live.If you go out, you all go out together, so that to me is still a form of institutionalisation. No-one is allowed to be an individual and that's what we all are, we are all unique, we all bring different things to this world we live in.

COMMISSIONER GIBSON: How do you group homes?

A. Well, to me, group homes are like mini-institutions. They're not quite as bad but there needs to be big changes in the future. Services take away people's choice its and control and are still institutions. Services that support people rather than individuals are still institutions. I believe we need to look at making the rights in Article 19 of the CRPD real; things like being able to choose where and with whom we live with; being able to choose if we want to go out or not; not having to go out altogether all the time; we need to really start listening to disabled people, including people with learning disabilities about what they want and how they want to live their lives.

COMMISSIONER GIBSON: Did you see bullying in services?

A. Yes. As I read out in my statement, yes, I did see bullying in many ways in institutions and services. I

lived in that and I saw, and it was not good. I thought, how could this be happening to my friends? And it was some of the most abusive things I've ever seen.

COMMISSIONER GIBSON: And did you organise a strike?

A. Yes, I helped organise a strike when I was part of services and worked on a farm, services ran in Wanganui, it wasn't a real job, we didn't get any pay or holidays. We had to work hard. My friend, a person with a learning disability, wasn't getting a fair deal. He asked me what
11.02 we could do. I said we could have a strike.

COMMISSIONER GIBSON: Did you observe abuse and neglect happening to others?

A. Yes, I did. And again I thought how could this be happening? The way other people treated human beings like this, I just thought it was terrible, how could other people with power and control treat people like this? But, I mean, like I said before, institutions were, you know, out of sight, out of mind, and, you know, people didn't come in to make sure that these things
11.03 weren't going on. You know, I know Kimberley in the 60s was a place that I'd have to say that the powers that be thought it was a really great place. Well, the thing is, it might have been a great place from their perspective but when you actually have to endure what we endured, it was not a great place. And what I saw happen to people with the most highest needs, it was just terrible. I mean, it was just shocking to see other human beings treat other human beings in this way.

COMMISSIONER GIBSON: When you talk about abuse and
11.04 neglect, how common was it?

A. Well, I saw this every day. It was common in institutions to see many forms of abuse. Some staff would tease people and then go off. And I'm sure they were laughing from one side of their face to other. You

know, when the night staff come on, they would have to deal with the situation of one of them. The neglect was everywhere. For example, people with toileting accidents were left and not cleaned up. Being sick and not being nourished. People being left to walk and bang their heads on the wall and for so long they made holes in the walls. I did not understand how people could be so cruel. Staff would use smokes as an Award and punishment. In services, I did see a bit but not as much. It was much more subtle.For example, staff going into people's rooms and taking their possessions, talking to people in a real derogatory way. We had to treat staff with dignity and respect but they did not treat us in this way.

COMMISSIONER GIBSON: And finally, what can we do to keep people safe?

A. Well, this is a big question I think. There are lots of things and they all need to happen together to stop abuse. First, implement the rights in the CRPD. More individualisation in services. Let people decide how they want to live. More options for things to do during the day where people can live. I think people need to have choice of who they live with and choose the staff. More independent monitoring of services. More advocacy for people who do not speak. Oh, more advocacy for when people do speak up. Having the opportunities to do more things in their community and having more people in their lives. Having friends visit. Teach people about violence and abuse and what to do if it happens to them. For example, I know that People First, a Disabled Persons Organisation, I am a life member of, has a course called Keeping Safe, Feeling Safe. This course is written for people with learning disabilities to learn about violence and abuse and what to do if it happens to them. But we

have no money to deliver the course. And of course we know we have this in New Zealand, you know, for families, and I think we need to include people with disabilities as well because it does happen to people with disabilities. Make sure the helping services, including the Police, are trained and accessible for people with disabilities. End segregation. Instead of being invisible, become visible.

COMMISSIONER GIBSON: Thanks Robert, it's been a
11.08 privilege and we will take lessons from today and from your book and perhaps further questions in the future, somehow tapping into your UN expert experience as well. Kia ora, thank you.

CHAIR: Thank you.

COMMISSIONER ALOFIVAE: No questions from me, Robert, just to say, to echo the thoughts of Commissioner Gibson, it has been a real honour and privilege to hear your story this morning and all power to you as you continue at the highest level globally to
11.08 keep bringing light to the issues in the disability community. Thank you very much.

COMMISSIONER SHAW: Just to offer my sincere thanks for the work you've done and I think we can all sense the cost that giving evidence has been to you today and it has not gone unnoticed. And so, very real thanks for putting in that hard work and enduring this public spectacle, it will not go wasted. Thank you.

COMMISSIONER ERUETI: Thank you for your evidence today,
11.09 compelling, much appreciated, kia ora.

CHAIR: For myself, Mr Martin, I echo the words of my colleagues, thank you for your evidence for the Royal Commission. It is a treasure for us to have your testimony and your insights. Thank you.

MS THOMAS: Thank you, Robert. I am just wondering -
CHAIR: Would it be helpful for us to take the morning adjournment now, so as to rearrange things?
MR THOMAS: Yes, thank you.

Hearing adjourned from 11.10 a.m. until 11.35 a.m.

MS THOMAS: Just before I formally call Dr Else as a witness, I would like to take this opportunity to produce two exhibits, and they are from Dr Maria Haenga-Collins, who would dearly loved to be able to present today but was unable to. I will produce as an exhibit her Masters and PhD for the Commission to have available to consider and peruse for the future. So, I produce now the Masters thesis titled "Belonging in whakapapa, the closed adoption of Maori children into Pakeha families" by Dr Maria Haenga-Collins as Exhibit 12.
CHAIR: Does any counsel wish to raise an objection to that course being adopted? No. Thank you.
MS THOMAS: And I will produced PhD thesis titled "Closed Stranger Adoption - Maori and Race Relations in Aotearoa New Zealand 1955-1985" by Dr Maria Haenga-Collins as Exhibit 13.
CHAIR: Same position? Thank you.

***

DR ANNE ELSE - AFFIRMED

EXAMINED BY MS THOMAS

MS THOMAS: Thank you, Chair. Commissioners and Chair, just before we start, I would just like to alert everyone that Dr Anne Else does at times have a hearing difficulty, so we will all need to speak carefully into our microphones.

11.37

CHAIR: Dr Else, can I begin your evidence by asking you as follows - (witness affirmed).

MS THOMAS:

Q. Good morning, Dr Else. Just to confirm, do you have in that folder before you the signed brief of evidence with today's date which is your brief of evidence?

A. Yes.

Q. Thank you. Do you also have in front of you your book titled, "A Question of Adoption: Closed stranger adoption in New Zealand 1944-1974"?

11.38

A. I do.

Q. I would ask you now to present that book to the Commissioners.

Can you please introduce yourself with your name and area of expertise?

A. My name is Dr Anne Else. I have a number of areas of research interest but adoption has always been a major part of that, and that is partly because I am myself adopted. I was adopted in 1945, so I wrote the book that I needed to have for myself, knowing that or thinking that it would be helpful to other people in my position. But since that book, of course, I have gone on and written a number of other articles and chapters in books and so on, also dealing with adoption in New Zealand.

11.38

Q. Thank you. If we could start with your brief of evidence looking initially at the situation in New Zealand before 1945, in terms of adoption. If you could tell us about that, please.

A. Well, it was not common to adopt children before 1945 and in particular adoptions of babies were very uncommon. Adoption was seen initially as something that you acquired a child of use for years, it would help you on a farm or something like that, and secrecy wasn't initially involved at all. We were the first country in the British Empire to introduce legal adoption.

But the other issue, the most useful solution to pre-nuptial pregnancy from at least 1920 and so on was hasty marriage and that ensured the child was born legitimate.

It should be noted, however, that there were different procedures for recording Maori births and so, it's not possible to talk about Maori legitimacy in the same field.

Q. I will just remind you that we are typing everything here, so we need to speak more slowly, thank you.

A. So, the other factor was if you did not marry, and of course there were many women who became pregnant and could not do that, keeping an illegitimate child was seen as a fitting punishment for sin for the mother and for the child.

So, in fact, anybody who found themselves unable to carry the dual roles of parenting and financial support, including of course a number of single mothers, were liable to see their children end up in institutions. They were charged for keeping their children there because the thinking was, okay, we've put your child in an institution, now that leaves you the time to earn the money to support it.

Q. So, they were charged by the State?
A. Yes. So, for example, in 1939, the Society For the Protection of Women and Children protested about Police prosecuting unmarried mothers because they'd fallen behind in the maintenance payments for their children. So, it was a completely different attitude.
Q. Can you tell us how things changed in the post-1945 era?
A. Yes. Well, in the first place, there was World War 2 which meant that marriages were delayed, many came home
11.42 from war with their fertility impaired, so the number of people unable to have children actually increased a great deal. Plus the number of children born ex-nuptially, for example to women whose husbands were away on service also increased.

The institution of adoption was still not under complete control of the State. Adoptions were usually privately arranged but we did have the law to take care of them, and so the numbers began to rise from that time onwards.

11.42 However, by 1955, the increase in adoptions had prompted the State to look at changing the law with the object of having the State have much more complete control of adoptions and regulating the way in which they took place, and so that was done in 1955 and that Act is still in force today.
Q. And in your brief of evidence, looking at paras 6 and 7, is also a table on that page?
A. Yes.
Q. If I could ask for that table to be put up on the slide
11.43 now. Could you take us through that table with some points that you'd like to highlight?
A. Well, you can see that in 1943, for example, there were only 577 adoptions in total.At that period, a low percentage of live births. But by 1960, they were still

only around 3% of annual live births. But you can see from this table, that adoption is not a simple matter. There were total adoptions, then percent of live births, then adoptions known to the Child Welfare Division. Some adoptions took place at that early period before Child Welfare had any involvement at all.

Then after that, the figures changed, so that by 1979 every single adoption is known to the Child Welfare Division, Social Welfare by then, because they were in charge of them.

11.44

Now, the adoptions involving ex-nuptial births were only a portion, there were also step-parent adoptions and inter-family adoptions and things like that. But they were the substantial, they were still the most substantial category of adoptions in this period.

Adoptions by strangers almost match adoptions involving ex-nuptial births but not quite because there were still inter-family adoptions, mothers for example adopting their daughter's child and so on.

11.45

Adoptions of children under 1 year old is an indication of the normalisation of very early adoptions which took place through this period. But even then, from the early 1970s, the figures begin to fall away, so that by 1979 we're down to 2,200 a year and only 845 of those are adoptions by strangers. So, the heyday of closed stranger adoption, which means adoptions by strangers to the family, which was closed in the sense the birth parent did not know who the adoptive parents were, actually occupy a relatively short but very influential period of time in our history.

11.45

Q. Just to highlight, what years were the times where adoptions by strangers were the greatest?

A. Well, the greatest number of adoptions was 1971 but the greatest number of adoptions by strangers was in 1970

when 2286 took place. And then they begin to decline after that.

In percentage terms, it was actually 1962 because it was almost 78% of total adoptions.

The last year in which adoptions by strangers made up more than half, was in 1974. So, by the mid 1970s that form of adoptions was rapidly declining.

Q. You've told us that things had changed in the post-war era in New Zealand. Can you tell us why was adoption the
11.47 answer to the changes?

A. Well, State had always been concerned about single women having babies. This was thought to indicate immorality and sinfulness and so on. The sinfulness fell away. The immorality to some extent fell away and people began to see it as a mistake, this was an otherwise good person who had simply made a mistake. Given the rise in the number of people wanting to adopt a child because they couldn't have one, this was seen as the perfect solution,
11.47 not least because it came at virtually no cost to the State. And the 50s in particular and onto the 60s, there was a very strong normalisation, the normal family was a mother who probably stayed home, a father who went out to work and children.

So, the transfer of an out of place legitimate baby born to a single mother into a family of a married couple to become their child, was seen as both kind and sensible. It was the perfect solution to this perennial problem of what to do with these children.

Q. And also, what were the thoughts around what was for the
11.48 baby itself?

A. It was seen that this gave the baby (a) legitimacy which was extremely important. It gave it a normal pair of parents. It gave it security apparently, although the stories allege that one parent died soon after the birth

wasn't always the case. But it placed the baby on an equal footing with other children, so it could grow up with a completely lifelong secure new identity. And for the birth mother, it enabled her to start again as if she had never had the baby and marry and have other children. That was the thinking.

Q. So, that was the thinking of the time?

A. Yes.

Q. Did these unmarried mothers have other options at that time?

11.49

A. Surprisingly when you look at the figures, a percentage always did manage to keep their children but to do that, a number of things had to exist. They had to usually have family help. They had to not be cast out of the family certainly. They had to have some means of earning a living because somebody else could take care of the baby or they could take up a position as a housekeeper or something that they could manage. Some women pretended they were married and carried on as if their husbands were away or something. People sometimes manage to keep their children but many did not. The people who did not manage tended to be better educated, from middle classed families and to have been sent away. Those were the groups which were most likely to adopt out their child. And it was extremely difficult not to be caught up in that system, given the pressure, the main pressure was that you were told you must not be selfish, we understand you want to keep the baby but that is selfish, the right thing to do for the child is to give it up to a proper family.

11.49

11.50

Q. And that pressure that was, those words that were spoken to these unmarried women, who would be telling them that?

A. The people in charge of the homes where they went certainly were doing that, the social workers were doing

that because once a single pregnant woman got into a home, the social workers had to be informed of all ex-nuptial pregnancies or births. And in the case once you were in the home, they would get to you early, as it were.

On the other hand, if you didn't do that or you were just staying with friends or clergymen or something, at some point it would probably come up. So, there were numerous sources of pressure. It was not supposed to be
11.51 pressure, it was supposed to be information and making sure the best thing happened for the baby but that was how it was done.

Q. Turning now to the 1955 Adoption Act, can you tell us what was the purpose of that Act being introduced?

A. It was definitely part of the expansion of State control over social life and there were, it's true that there were some cases of abuse and malpractice in the private homes who were mainly in charge of unmarried mothers and there were some difficult cases where adoptions went
11.52 wrong and so on. And so, the State had a vested interest in controlling adoptions. It was done supposedly for the good of all concerned and this is why the Adoption Act was such a major piece of legislation.

And the discussions in the House, which are covered in my book, about the Act, show exactly how and why it took the shape that it did. And of course you must remember that in those discussions at that time, it was virtually entirely Pakeha men deciding on what should be in the Act and shaping it.

11.53 Q. As a result of that Act, there was much more comprehensive State involvement in the process of adoption?

A. Yes. Well, it mandated - the social workers were already involved in the hearing. When the couple came to Court

to get the first, the interim Adoption Order for the baby, with the baby, social workers would have already done a report on the applicants saying they were suitable to adopt but often they would do that very late in the piece. However, after the Act they were responsible - they became increasingly responsible for matching the applicants and the children, and that was the major shift that occurred. So that, the private homes, doctors etc., who had done that before, as in my house it was an
11.54 arrangement between the doctor and family, that was handed over to the State and that was partly because of the growth in adoptions and in ex-nuptial pregnancies. It became beyond what private institutions could manage. So, the State became the comprehensive arranger of adoptions over this period.

Q. At paragraph 12 of your brief of evidence, you've talked there about the adoption by unrelated strangers ensuring a "complete break". Can you please talk to us some more about that term and what this means?

11.55 A. This was the theory which governed thinking about the adoption of ex-nuptial children at this time. And it was seen as both essential and beneficial for those involved. As I said before, it meant that the adoptive couple gained a child in complete security, nobody could upset that. The child gained this new family and the birth mother gained the ability to carry on with her life as if nothing had happened. But essential to all of that, was seen the principle that the two should not have anything to do with each other.

11.55 The birth mother, in particular, was never to know where the child had gone because there seemed to be a kind of buried recognition that she might at some point want to know what had become of it and she was not permitted to do that.

There is nothing in the Act which forbids her to look for her child but everything else to do with adoption, starting with the covering up of the adopters' names on the paper she signed and later on the replacement of that by a form which did not show their names at all, everything was designed to ensure that she knew as little as possible about them and would not be able to find the child afterwards.

She was given very little information, for example,
11.56 very general information about who was adopting her child.

She did, however, have to consent to a particular couple, not to adoption in general. That was the legal transaction, consenting to that particular couple. It was thought much better for the child, of course, that it should not have the confusion of more than one set of parents. Adoptive parents were taught to tell the child that it was adopted and that they had chosen them as their child but that did not extend to the child growing
11.57 up wondering why it was adopted in the first place, of course.

So, the whole thinking was that this was an end to the relationship and legally the Adoption Act completely severs all legal relationships between the adoptive person and its entire birth family. They are replaced by the relationships of the adoptive family.

Q. You've mentioned content, can you take us through how it would work, in terms of a mother placing her baby for adoption, the process of that?

11.57 A. Well, at some point in her pregnancy, the mother would agree that she would want to have the child adopted. And from that point on, there wasn't much that could happen until the baby was born, in terms of placing it. But Social Welfare kept a file of applicants for adoption

whom they had inspected and decided were suitable.

So, once the child was born, they would set about matching that baby. And then the mother would consent.

Now, in our law, she consents 10 days after the birth which had, of course, the effect that it gave her no time whatsoever to see if she could make any alternative arrangements and keep the child.

It was one of the shortest periods in adoption legislation around the world and it is still the period
11.58 in law that you can consent in.

Part of wanting that short time was it enabled the adopters to take the child home from hospital at about the same time as if it had been born to them. At that stage, they did not have an interim order because she hadn't yet consented but there was an arrangement in the law that the social workers could place the child with them on a temporary basis and then they would get the order once she had consented to the adoption. She did not, of course, appear in Court. They were the only
11.59 people who did.

Q. So, the adoptive parents were the only people who appeared in Court?

A. Yes, and the social worker.

Q. What was the father's involvement, if any, in this process?

A. The birth father's consent was not required, unless there were particular circumstances which the Court would judge that it would be pertinent. In other words, if he had supported the child, if his name was on the birth
11.59 certificate, but mostly that was not the case. If there was some reason, they would seek his consent but generally, in law, his consent was not required at all.

The key legal difference between legitimate and illegitimate children, is illegitimate children have no

legal father and in law they are filius nullius, the child of no-one. The father had no legal standing. The mother on the other hand was the natural mother and she became the child's guardian by default because for married couples of this period the father was the legal guardian and not the mother.

Q. That rule around guardianship, how is this significant for cases where the birth mother was Pakeha and the father was Maori?

12.00 A. The majority of Maori babies who came into the formal Pakeha adoption system were the children of Pakeha mothers and Maori fathers. In many cases of adoption, ex-nuptial pregnancy, the girl's parents would not want her to have anything to do with the father but that was doubly so where the father was Maori and she was Pakeha.

So, the young woman was liable to know very little about the father, she would know his name but she didn't know, for example, what iwi he was or anything like that. As I say, the fathers were generally kept out of the

12.01 process but Maori fathers were particularly kept out of the process because of the - well, racist assumptions of the people concerned really.

Q. And how did that impact in particular in relation to Maori families where grandparents potentially would have liked to have adopted the baby or had the baby in their care?

A. There were also Maori social workers and when it was a Maori mother, they would usually deal with her and urge her to inform the family. So, most children born to

12.02 Maori mothers would in fact be taken into the family in some way, not all but many were.

Where the mother was Pakeha and the father was Maori, in some cases a Maori social worker would find out and in some cases the parents would find out themselves,

and frequently the Maori grandparents were extremely keen to have the baby and not to have it alienated from them. But where the Pakeha social workers were concerned, this was very strongly discouraged. There is no doubt that it was seen as a step up for the child to be adopted into a Pakeha family. And the way the adoption system worked, even if the Maori grandparents managed to go to Court or make some claim, they were grandparents, they were seen as too old, too poor and less good for the baby because
12.03 they were Maori after all.

So, once a young woman who was pregnant was entirely within the Pakeha system, it was very, very difficult for Maori grandparents to have a say about the baby, let alone to actually have it, be allowed to have it.

Q. You've talked to us about the timing around the consent, the time to sign the consent was 10 days. Can you tell us about the timing of the adoption process up until the final order?

A. The law makes it quite clear who had the options. It was
12.04 the adoptive parents who had choice, not the birth mother. She signed the consent and that was that, although the law purports to offer withdrawal, in practice it doesn't, and very few women succeeded in overturning a consent.

On the other hand, the adoptive parents first managed to get the baby before any order was in place. Then they would get an interim order and they did not have to apply for a final order for up to 12 months. Many applied sooner but they had that long which actually
12.04 gave them time to change their minds and social workers did tell them that they had time to change their minds if they decided that this baby was not right for them or any other reason, they could do that. And a number did do that.

So, all the choice was in the hands of the adoptive parents and not the birth mother at all.

Q. If the adoptive parents did change their minds in that period, was the baby given back to the birth mother?

A. Not usually. In law, although very few birth mothers knew this, she remained the child's legal guardian until the final order went through but very few knew that. If an adoption broke down at any stage before the final order, occasionally the child was adopted by somebody else and the birth mother would in that case have to give a new consent to a new set of parents but that would be pretty much the only case.

12.05

If the adoption broke down and, as we'll talk about later, the child entered State care for some reason, it was very rare for the birth mother to be consulted. Birth mothers would not usually know that there had been a problem with the adoption unless a new concept was required.

Q. Can you talk to us a little bit about the birth certificate of an adopted baby? What did that show or not show?

12.06

A. This is another thing that happened in 1955. The baby had its original birth certificate and the mother actually had the right to name the baby and to sign that original certificate. In my own case, it didn't always happen, in my own case I was not named, my mother was never legally asked to do that as she should have been.

When the adopters adopted the baby, they would almost always, would get a new surname of course and mostly it would get new Christian names as well, confirmed by them, and a new birth certificate would then be issued which made it appear that the baby had been born to the adopters, even if the baby was like, you know, a few months old. So, the new birth certificate

12.06

was the only one officially available to anybody and only under extremely narrow and unusual circumstances would anyone have a right to see the original birth certificate. It was, to all intents and purposes, locked away. It wasn't destroyed but it was locked away. That was because in law, as I said before, the adoptive family became the child's only legal relatives.

Q. What was recorded by social workers, especially with regard to mixed race children at that time?

12.07 A. Social workers didn't record a great deal at all about the babies. What they did record was not always shared with adopters. They were circumspect about how much they told them.

With mixed race children, sometimes all that was known was they were mixed race. They would guess. And parents, the wrong information would be entered, they could be entered as Maori when they were Pacific, or Greek when they were Maori. You know, it's not entirely reliable. They didn't always know, partly because the

12.08 mother herself, the only person with information, didn't always know what race the father had been.

So, in terms of what was significant to Maori about the child's connections, its whakapapa, Turangawaewae, its entire heritage, that appeared to be completely neglected if it was Pakeha social workers. I have never seen information about that and it seemed that they were completely unaware of the significance of that for Maori. They would have had to go back to the father to find it out anyway in most cases and they didn't do that. And

12.09 so, their main interest was in getting the baby adopted and they knew that any degree of mixed race of any kind, but in some ways particularly Maori, was automatically going to make that child more difficult to find adoptive applicants for.

Their main concern, therefore, after the child was born, was what it looked like. The files are full of comments on how dark or not children were. For example, you know, would possibly do for such-and-such a couple if not too dark.

Q. If we turn now in your brief of evidence to the topic "Too many babies", paragraph 18. Can you tell us what happened first in terms of demographics in New Zealand in the 1960s?

12.10 A. There was not a sudden shortage of adoptive parents, if anything that increased the percentage of children adopted went up to between 5 and 6% of annual births. It was high. So, people were still adopting children but the demographics meant that the baby boom, that was a large increase in the population of the age which was probably going to get pregnant, either married or unmarried, there were a lot of women who were going to get pregnant, and that was increased partly by the aftermath of the Mazengarb report which saw - believed it
12.11 was all a question of fighting immorality and passed a law that children under 16 were not permitted to have access to contraceptives or information about contraceptives, so they were completely cutoff from birth control knowledge which naturally increased the number of ex-nuptial pregnancies.

So, for the first time the supply of babies that went for adoption, and we're talking younger, the ages of the mothers got younger on the whole, so that meant they were even less able to look after a baby on their own,
12.11 that increased exponentially and that was what caused the problem. Both private homes and hospitals had a flood of babies who were supposed to be available for adoption but not enough people to take them.

Q. As a result of this, did market forces have a part to

play?
A. Yes. Market forces were in adoption from the beginning. The people with the most status in the Pakeha world had their pick of the children. And, as I said, mixed race children were always difficult to place but in this period, market forces really took over. Obviously, money wasn't involved but both adopters and children were ranked, not formally but informally ranked. So, the best children went to the best adopters who could literally
12.12 pick and choose. They could be offered several different children. Whereas, you go down to the other end and the least desirable the child was, this was not only race but also things like any disability, red hair, simply being male children were less popular or any difficult family background.All of those things combined to push certain children down to the bottom of the hierarchy.And it was inevitable that some of those children would not then be adopted.
Q. Were those less desirable children referred to as hard to
12.13 place?
A. Yes.
Q. Have you got a quote in your book at page 81 I think of your book in relation to a comment made by a social worker on this sort of topic?
A. Yes.
Q. The rankings.
A. One social worker wrote on the file, this is about, as I say, the adopters were ranked and this is about ranking the adopters, she said that "they were a very ordinary
12.13 couple but okay for a C baby". In other words, if the couple was not particularly highly ranked, then they would still get a baby, everyone would virtually get a baby, but they would get one of the less well ranked babies.

Q. In terms of the choice of who would get which baby, who was in charge of that decision?
A. The social workers were in charge of that decision and they were worked off their feet. They were making the decisions sometimes quite quickly. There was one case in my book where because, you know, New Zealanders are spread out in a rural area, they actually took to flying babies to adopters sight unseen. And in one case, a woman, a couple got a mixed race child to adopt and they
12.15 discovered that that child had twice previously been flown to adopters sight unseen and both of them had sent it back because it was too dark.
Q. If you could turn now to your brief in terms of a snapshot of what happened to ex-nuptial children. I think you've talked about a report that was published in 1976 by the Department of Social Welfare which gave a snapshot of what happened to ex-nuptial children who were born in 1970?
A. That's correct. Although social workers had a duty to
12.15 visit all ex-nuptial children and find out what circumstances they were living in, they didn't always get round to all of them. So, it was decided that there would be an in-depth study done. At this point, Social Welfare had recently embarked on doing more research and they decided that they would make a point of visiting approximately half of all the ex-nuptial children born in 1970. They almost achieved that but not quite. And they recorded the situations of the mothers and children. They interviewed the mothers, so that year that was a far
12.16 better picture of what happens happening to the children.
Q. Did that survey adequately cover the experience of Maori children?
A. No. It was noted from the beginning, you have to remember that the statistics for illegitimacy among Maori

were much higher than for Pakeha but that was partly because a much higher number of Maori couples were in de facto relationships. So, many of the children who on paper were classified as ex-nuptial were actually born into perfectly stable family unions. Plus the fact that Maori, single women who became pregnant were much more likely to be helped and supported by their families, so they were in a much better situation.

So, those high illegitimacy figures, they were an
12.17 artefact, in some ways.

However, they did, it was true that they did not reach a number of - the percentage of Maori mothers of ex-nuptial children born that year, there was a lower percentage of them were actually reached by the social workers, probably because they had no need of the social workers, so they had not actually come into contact with them at all.

However, there were some Maori mothers and children included in that survey.

12.17 Q. If I could now ask for the next slide to be placed up there. If I could ask you to take us through some of that?

A. This is the only close up snapshot we have of a large population of ex-nuptial mothers and children, and it lists the placement situation at the end of the Inquiry which could be a bit after 1970. It took them time to find some mothers.

So, at the end of the Inquiry, the two most common situations were placed for adoption not with relatives,
12.18 in other words stranger adoptions. And with the mother not cohabiting. Interestingly, by 1970 almost as many children, well actually slightly more children were with the mother and with strangers but some were also adopted by relatives.

So, the numbers were roughly equal.

Then some of them, the mother had married the child's father after the birth. Quite a substantial proportion were living with the father. Some mothers, a very small number, were living with another man. And in 100 cases the children were with other relatives, that was a cluster of Maori children mainly who were with other relatives.

Right at the bottom, you've got the small group who
12.19 were effectively in State care, in foster homes, in a hospital or institution, or committed to the care of the Superintendent at Child Welfare. It is a small group but that is the only clear evidence we have of that group of children because of the vagaries of adoption, some children would end up in State care, rather than adopted.

Q. That was when they were aged between 1 and 24 months?

A. Yes, pretty much so.

Q. Just in terms of this topic of State care and how ex-nuptial children enter State care, from paragraph 26
12.20 onwards of your brief you talk about four different pathways -

A. Yes.

Q. - into State care. Could you talk to us about those?

A. Yep. We don't know how exactly, I worked this out for this Inquiry. I looked at it again and worked out the possible pathways that this could happen.

So, some of them had nothing to do with adoption and some of them did. So, the death of the mother. Now,
12.20 this is interesting. 15% of births were to single mothers but a third of all the deaths of mothers giving birth were single mothers. It was a far higher percentage than it should have been. And we can only assume that in many cases it was neglect or - it just was quite striking.

So, if that happened and there was no family to take over, the child would enter State care.

Occasionally, we had the phenomenon of so-called abandoned children where the mother would leave the hospital. In most cases, this was not abandonment, the mother had already agreed to adoption but not signed a consent. She was probably desperate to get away because she was in the hospital with her child whom she had quite possibly not been permitted to have anything to do with. She might have seen it once, she might have held it once, that would be it, otherwise the child was kept away from her. And that was a ghastly situation. So, the mothers were not abandoning their children, as simply under intolerable distress and they took off. In some cases if they couldn't find them and she didn't consent formally to adoption, the child would enter State care for that reason. But the State used the word abandoned.

Sometimes the child was placed in State care, and this could be the case I would imagine thinking of Robert this morning, of disabled children in some cases which would have been extremely difficult for a single mother to care for, but there would have been reasons, we don't know what those were but there could have been reasons why that was the case, and she consented to it.

On the other hand, they could be taken into care by Child Welfare and she might or might not consent to that, just as they can be today if Child Welfare found that they did not approve of the environment they found the child in for any reason, then the child could be taken into care.

And then you could enter State care, as I explained before, as a result of adoption failure at any stage of the adoption process, including after the final order. If the adoption broke down at that point, the child was

unlikely to be readopted, it would be too old, sometimes it was but it could also enter State care at that point.

Q. In terms of adoption failure per se, how common was that?

A. We don't know because Child Welfare did not keep any statistics or records overall of the instances of adoption failure. Concern mounted about it happening. The social workers would know that it had happened usually and they became quite concerned about it. And that resulted in a small study of 44 such cases in the 12.23 60s and then a private research project by Dame Zwimpfer looked at 80 cases of adoption breakdown and that was very informative.

In some cases social workers had tried to prevent the Courts approving the placement or the interim order or even the final order because they had seen, in their opinion, factors which made it unwise for the adoption to proceed but they were very, very rarely entered. Judges preferred their own on the spot opinion of the couple with the child. The social workers recommended against 12.24 an order only if they had really concrete grounds or very strong feelings but even so, they were mainly disregarded and the adoption would proceed. And those would be, of course, at high risk of breaking down.

Overall, the number that broke down was probably not very high but of course it was pretty disastrous for the child.

Q. As you said earlier, if a breakdown did happen, the child was not returned to the birth mother?

A. No, it was not returned to the birth mother. After the 12.25 final order, of course, she was no longer her mother but even before that it would probably not be returned to the birth mother, no, unless she somehow found out and got it back which occasionally happened but very rarely.

Q. You've mentioned this briefly already in your evidence

but just turning to paragraph 31 of your brief, you've talked there about the 1950s and the 60s, the degree of Maoriness?

A. Yes. It was interesting, I didn't know this until I did this research for this, the only statistic officially recorded regarding the race of all children in New Zealand was degree of Maoriness. A quarter or less was considered to be European. But because the social workers created their own records and because mixed race
12.25 they knew was such a salient factor likely to make children difficult to adopt, they did keep records on it but it was all about - it was an entirely Pakeha perspective and circled around what was likely to be acceptable or less acceptable to prospective adopters.

They just did not understand anything about the significance of Maori heritage at all. And the difficulties, you know, are well recorded in the archives right back into the 50s and this was well before that so-called surplus of babies developed. For example, in
12.26 1956, one Child Welfare district officer explained that there was a shortage of babies of the right kind but the wrong kind wrote, "Our waiting list of those wanting to adopt is nearly 500 strong and we have only about 80 babies a year to place", so at that period it was hard to get a child. "This includes all the part Maori ones, of which sort we have had and can expect to have far too many".

So, many mothers of mixed-race children, including of Maori children, knew adoption would be more difficult
12.27 to achieve for their own. They were explicitly told that in many cases but, as Maria Haenga-Collins research has shown, it was shows with Pakeha mothers of Maori children who were more likely to be in that position. Sometimes Maori mothers were also in that position but it was less

common. So, that was awful, they were told or believed they had to have the child adopted but knew it would be difficult to find parents for it.

Q. And we've heard earlier in this Inquiry from Alison Green and part of her evidence was that she was referred to as having a touch of Spanish in her, is that something that you've seen in your research?

A. Yes. It was, in some cases, the social workers did not actually tell the adopters that the child was part Maori. They said it had a touch of Spanish. In other cases, and more commonly, they would tell the adopters to say it had a touch of Spanish and not that it was Maori, which they knew that it was. And this is just one of the strongest indications you could have of the attitudes towards Maori among Pakeha of that period, that it was something to be concealed.

Sometimes they could find a Maori couple to adopt an unrelated child. I gather that at Waiouru for example there were a number of Maori soldiers and their wives who adopted unrelated Maori children but this was not very common.

And, in any case, they did believe that a Pakeha family were better for the Maori child, if they could be found.

Q. If we turn now to the post-1972 environment. What was changing in New Zealand at that point?

A. Well, it was becoming evident that the treatment of single mothers was extremely unjust. And it also applied to divorced mothers too, women parenting alone, mainly women of course but in some cases men as well, parenting alone were in an extremely difficult position and there was growing pressure on the government to make some provision for them. Widows were already provided for because they were the deserving single parents but the

others at that point were not.

And so, a lot of pressure for that came from social workers who saw how difficult it was for women to either give up their children or to keep them, so they too were pressing and they knew the mothers wanted to keep them and they also knew that they needed to keep them, there weren't enough adoptive parents, so they were pressing very hard for some sort of official allowance for single mothers.

12.30 And in 1973, the Domestic Purposes Benefit was introduced.However, it was already clear from the statistics that more and more mothers, either in de facto relationships or on their own, were keeping their children. That the DPB itself was not responsible for that trend.And so, it was, of course, however, extremely welcomed, except that quite a large number of single mothers still didn't know about it. It was still possible not to know about it.

And when it once again began to become apparent in
12.31 the 70s that there were more couples wanting to adopt than there were babies available, this was blamed on the DPB which was said to encourage immorality and single pregnancy and at the same time it would be denying adoptive couples the child that they should have had a right to have. But that was completely untrue.

Q. Just looking at that trend that you've mentioned in the time prior to 1973 with the introduction of the DPB, if I could ask for the third slide to be put up on the screen please?

12.31 Can you -

A. Now, this graph shows you very clearly the trends in what happened to the children of - technically illegitimate children. You can see the top line is adopted by strangers and that started with around 40%. If you

remember, I said 1962, the year of the start, was the highest percentage of adoption of babies born that year. And then it starts to trend down from about 1967, and this is the percentage of all the children. So, you've got rising numbers of children but the percentage of them being adopted by strangers goes down. And by 1972, there are more babies remaining with mothers on their own, not cohabiting, than there are being placed with strangers. It crosses just at that point. And that was of course
12.33 before the DPB.

And then the cohabiting mothers actually goes down as a percentage but it was of an increasing number of children. And so, then it rises again and of course cohabiting gradually becomes so common that it's touching on half by the time you get to our time, so there's no point in counting who's married and who's not anymore.

And then the other situations at the bottom, there is the line at the bottom, those are the ones who got married. And then the other situations, that meant the
12.33 ones the Social Welfare didn't know what happened to them. That's why in 1970 that drops away to nothing because that year they did know what had happened to them.

Q. That's the year they'd done a survey?

A. That's right, yes. But it's very clear what those trends are. Women do not give up their children unless they've got no other option, on the whole.

Q. Moving now to your concluding remarks. Before I get to your comments about the adoption system in New Zealand
12.34 and looking towards the future, can I just ask you, in your opinion, was the act of adoption itself, in your opinion, an abuse?

A. It's a very difficult question to answer but the best I can do, is to say that because the focus here too is on the children, I am setting aside for the moment the

affect on the family as the birth family and so on. But focusing solely on the children, adoption in itself in its most basic form is simply a legal process for transferring legal parenthood but the nature of our Adoption Act makes it much more than that.

In the post-war era, it became a process for cutting off the entire family of the ex-nuptial child and replacing it with the adoptive family. This, I believe, can be seen as a state backed form of deprivation because
12.35 it did deprive and was intended to, and until the Adult Information Act did deprive the adoptive person of any knowledge or experience with their entire birth families.

This could happen because the birth connections of an ex-nuptial child were seen as no value and that seemed to hold good no matter what status those connections had. Indeed, the higher the status of the birth family, the more important they seemed to think it was to get rid of the ex-nuptial child. So, there was no value attached to a child being connected with its birth family if it had
12.36 the misfortune to be born ex-nuptial.

So, that position was held by I would say probably the majority of Pakeha families, and particularly middle class Pakeha families. The women most likely to give up their children for adoption were a bit better educated, a little bit better off families and placed in an institution, cutoff from other help.

So, this kind of deprivation has consequences. And Dr Alison Green yesterday very eloquently spoke of the consequences of the loss of those connections. Now, they
12.37 particularly, they have wider and different consequences for people of Maori heritage, given the way in which your birth connections and history are such a crucial part of who you are in the Maori world.

But they have consequences for all adopted children

and they were only partly mitigated by the Adult Adoption Act which often proved very little use to Maori because if their father was Maori and not recorded they had great difficulty finding out anything further.

The State codified that and sort of mandated it really because a large number of adoptive parents have written various submissions on the Adult Adoption Act, saying that they would have really liked to know who the birth mother was and share their child's upbringing with
12.38 her but there was no room for these sentiments in the Act. So that, once children are cutoff from their birth families, I believe they are put at risk. Adoption was at least probably the most secure form of transfer but it was also the most complete form of cutting off. So, it was, at the very least, a deprivation and it could put them at risk later on. And the more at risk they were in our society to start with, simply by being Maori, disabled, whatever, the more likely getting into the adoption system was to put them at risk, either at risk
12.38 of adoption breakdown, not being adopted, entering State care, with all the consequences that followed that. So, in that respect, it was based, it was simply based on completely wrong and misguided premises and it still is. That Act is the oldest statute in regular use and while practice has been reformed, the fact is that is still the law.

Q. Just on that note, Dr Else, what, if anything, would you like to tell the Commissioners in terms of that Act and the future of that 1955 Act?

12.39 A. The Act has been severely criticised both nationally and internationally. It does not comply in any respect with the Conventions on the Rights of the Child. It does not comply with the Human Rights Act or the Bill of Rights Act. It does not comply with informed consent even, the

consent process is in no way fully informed. And it does not comply with the child's right to understand its identity and be with the family. It calls for its complete reform, it has been going on for at least 20 years, longer, and at no point has any government heeded that, to the point of setting up a comprehensive reform process. So, that is extremely long overdue and it is of particular importance to Maori, Puao-te-Ata-Tu too had a great deal to say about the inequities of
12.40 Adoption Act for Maori. My own book there's a whole chapter on that. It is crucially important that we see the reform of that Act as part of our complete system of Child Welfare which puts the interests, the wellbeing and best interests of the child paramount. None of the adoption Acts do that.

MS THOMAS: Thank you for your evidence today, I will handover the Chair.

CHAIR: Thank you, Ms Thomas. Counsel, are there any of you who wish to address questions to Dr Else?

12.41

***

DR ANNE ELSE

QUESTIONED BY MR STONE

Q. Thank you for your evidence. In your evidence, you spoke about grandparents wanting to adopt and how the Pakeha social workers at the time said no.

A. And so did the Courts if it ever got that far, yes.

12.42 Q. This, of course, would have led to a loss of whakapapa and identity and all that entails. So, the whakapapa of the child wasn't really the focus of the whole process, was it?

A. No, it was completely ignored in the Pakeha system. It was not ignored by Maori social workers but it was by Pakeha social workers and everyone else in the system.

Q. You used the word "alienation" and ordinarily we use the word "alienation" in respect of Maori and their land being alienated. I was pleased you used that word in

12.43 respect of the Maori children being alienated from their culture, their whakapapa, their hapu, their whanau, their iwi, their language, all that sort of stuff. And you mentioned as well, or you used the word "market forces" and you said the best children went to the best adopters. Now, I am assuming that the best children, they weren't the Maori children, were they?

A. No, the best children were the little white blonde Pakeha girls.

Q. I would have been sitting on a shelf for a while then if

12.43 I'd been there. And the best adopters, they came from money?

A. Yes, they had more money and education and standing in the community.

Q. And were they more likely to be Pakeha?

A. They were almost invariably Pakeha because very few Maori families entered that system to adopt unrelated children. That was not common at all. It did sometimes happen that Pakeha families, especially as we got on towards the 1970s, some Pakeha families with strong social consciences believed that adopt was helping a child and they would deliberately seek to adopt mixed race children, thinking that they were doing a good thing by doing that. So, that did also happen.

12.44 Q. What degree or would you agree with this comment, the whole process was controlled by Pakeha for Pakeha?

A. Yes, the law was entirely Pakeha constructed. The only mitigating factor was the Maori social workers who did sometimes manage to work in the Maori way with mothers of Maori children and fathers of Maori children but, apart from that, the whole process was thoroughly Pakeha.

Q. And there must be Maori people today walking around who have no idea who they are?

A. Exactly, and Maria's MA and PhD thesis is focussed very,

12.45 very informatively, she interviewed people in that position and I really commend her thesis to you. She takes it much further than I can, these aspects that we are talking about now.

MR STONE: Dr Else, thank you. Thank you, Sir.

CHAIR: Thank you, Mr Stone.

***

DR ANNE ELSE

QUESTIONED BY MS GUY KIDD

Q. My name is Fiona Guy Kidd and I am appearing for the General Synod of the Anglican Church of Aotearoa New Zealand and Polynesia.

I'd just like to ask a question which relates to the
12.46 impact on the mothers at the time of the adoption. You've spoken about the impact for the children. So, looking at it from the mother's perspective, and it seems that the peak times were 1970 in sheer numbers and 1972 -

A. The 60s. Well, no, sorry, if you're talking about adoptions, children available for adoption, it was the 60s. But, yes, the number of mothers was certainly driven right through the 70s.

Q. In the 70s, what was the impact for the mothers, both then and subsequently, of adoption, if you're able to
12.47 speak to that?

A. Well, I think the impact of adoption on mothers remains throughout the entire period. To have your child permanently removed and above all never to know what became of it, whether it is happy, whether it is well. Any mothers desperately wanted to know their child was all right, that they'd done the right thing by giving it up and that it had attained the happy life they had been promised it would have. But of course it was very, most of them went through their whole lives not knowing that,
12.47 until we got the Adult Information Act and then people were able to contact their birth mothers. It was an extremely severe impact. I mean, it's such a double standard. We have on the one hand, mother is held up as women's supreme, which is why married women who couldn't

have children felt so compelled. And I think still do in many ways, to have a child and that was the way you did it then, you adopted one. And, on the other hand, if you had the misfortune to become pregnant and be unable to marry out of wedlock suddenly the mother was the worse thing for the child and it was her duty to give it up.

But given that we must, you know, we have a great deal of evidence that mothers do care deeply about their children, it was evident that this was an extraordinarily
12.48 difficult period in their lives. And we have ample evidence of that which came to light through the campaign which took 7 years to get the Adult Adoption Information Act through Parliament. Birth mothers spoke out en masse pretty much for the first time about what it had been like for them to lose their childhood in that way.

MS GUY KIDD: Thank you.

***

DR ANNE ELSE

QUESTIONED BY COMMISSIONERS

COMMISSIONER ERUETI: Kia ora. Thank you for your evidence. I have a question about whangai, about Maori customary adoptions. Because this practice has been going on for many, many generations but
12.49 the Adoption Act doesn't allow for it or recognise it, about the risks that that might cause for children and whangai parents for their child not having a formal legal status. Is there, for example, a risk that that child could be taken out of a whangai placement?

A. I haven't seen any evidence of children being more likely to be taken out of a placement if it was whangai. I am not sure that would be the case. I think the main consequences for whangai children and their parents, well
12.50 their caregivers, were that they were - because it was not a legally recognised arrangement, and that need not be adoption. For example, the grandparents could have legal guardianship. But if they didn't, if there was no legal arrangement in place, it cut them off from everything, such as the family benefit, any financial help of that kind. And as we know, the number of grandparents caring for children is rapidly racing and they're still in a similar situation. The rules when they can get help and when they can't are very
12.50 unrealistic. That I think is probably the major consequence. Social workers were not rushing in to take whangai children, that I know of. In fact, in many cases I think probably the whangai arrangement had put the child in a better situation, as far as they were

concerned. So, I don't think that was necessarily the case.

COMMISSIONER ERUETI: Kia ora.

COMMISSIONER SHAW: Thank you for your evidence, Dr Else. I just have a short question, you stated in I think it was - thank you for your evidence, Dr Else. A question about your paragraph 14 in your brief -

A. I am sorry, I didn't catch that?

12.51 **COMMISSIONER SHAW:** It's paragraph 14 in your brief.

A. Yep.

COMMISSIONER SHAW: This is the lawyer in me speaking, so I apologise.

A. Yes.

COMMISSIONER SHAW: You say that where the birth father's family, especially the grandparents, wanted to adopt the child but had no standing. Could you tell me what you mean by the word "standing"?

12.52 A. Well, no grandparents had any standing legally. The decision to sign the consent was entirely the birth mother's. In fact, it's one of the few occasions when, I mean birth mothers as young as child could sign that consent without any oversight or anything. There was no requirement to consult anybody else in the family. And, as I explained, even the father was not normally required to consent or be involved in the decision at all.

COMMISSIONER SHAW: So, when you say "standing", you mean standing to give consent?

12.52 A. Well no, standing to have any say.

COMMISSIONER SHAW: Or any say?

A. In the matter of the adoption, yes. And they certainly had no higher right to have the child, to adopt the child. In fact the opposite really.

COMMISSIONER SHAW: That was what I was going to ask. They had no say in whether or not the child was to be adopted?

A. Mm.

COMMISSIONER SHAW: What right, if any, do you think they had to be potential adoptive parents?

A. It seems that in the case of Maori parents, they would often be put off by the social worker very early on, fobbed off, you know they would be told no, no, that's
12.53 not a good idea and so on. But just on the grounds of how adopters, you see some adoptive applicants were turned down in general because they were too old or too poor or something like that.And Maori grandparents could very easily be judged on those grounds. So, there were cases where the grandparents went to Court to try and get the child and were turned down by the Judge. Unless they had a Maori social worker who was facilitating this arrangement, they were in a very, very - they were very unlikely to be able to get the child,
12.54 either to adopt or whangai or anything, they just were not going to get it.

COMMISSIONER SHAW: So, these Maori families were effective disempowered from the whole process?

A. Yes, that would be correct.

COMMISSIONER SHAW: Thank you for your answers. I'll pass you on to the next Commissioner.

COMMISSIONER ALOFIVAE: Dr Else, thank you very much for your evidence. When I was listening, there was something that was troubling me. I've heard some
12.54 other narratives in some of the private sessions that I've had the privilege of listening to and a recurring insight or a theme that's coming through, is that kids who were put in foster care, and they are now like in their late teens, mid to late

teens -

A. I am sorry, I am having trouble hearing you.

COMMISSIONER ALOFIVAE: Kids in their mid to late teens in foster care, there was pressure put on them by social workers to be adopted by their caregivers. Are you familiar with that?

A. Yes. Well, the thing is, when children did not, for some reason, were not placed in adoption or adoption broke down in some way, then they would end up in foster care
12.55 while they were young. The hierarchy was in foster care as well. Again, the better foster parents probably got the better babies. And foster care parents did sometimes choose, you know, want to adopt a child and sometimes they were pressured to adopt a child. And how that went, sometimes it was good but I know personally of one case among my friends, her mother had desperately tried to keep her in the hope that she would be able to marry the father but she couldn't, and the child was placed with a fairly elderly foster couple from birth. And at about 18
12.56 months, she finally gave up and agreed that it could be adopted. And the foster couple who had had it from birth wanted to adopt it very much but Social Welfare decided that, it was I might say a Pakeha baby girl, decided that no it should go to a better family, a clergyman in fact and his wife, so the baby was taken away from the foster parents and I gather this was quite an occasion and Police had to be called because they did not want to give up the child. And that child was her and she had a relatively unhappy childhood and a relatively troubled
12.57 life after that.

COMMISSIONER ALOFIVAE: Thank you for that, Dr Else.

COMMISSIONER GIBSON: Thank you, Dr Else, and thanks for bringing to our attention to the various UN bodies have recommended an update of the Adoption Act.

One specific aspect I am aware of, is that disabled mothers do not have to consent to have a child adopted?

A. That's correct. Well no, it's not that - their consent can be set aside, it is not required. The children of disabled parents can be adopted regardless without requiring their consent. That was one of the points that Adoption Action, the group I belong to pushing for adoptive reform, brought before the Human Rights Tribunal and they found in our favour, that that was indeed a breach of the Human Rights Act and the Bill of Rights Act.

COMMISSIONER GIBSON: Were you aware of any of the stories of the birth mothers of the children in the circumstances?

A. No, I am not aware of those. I haven't come across any cases in which that took place, no.

COMMISSIONER GIBSON: Thanks.

A. I mean, I'm sure they did happen. I am aware of cases where the mother was in an institution, for example a mentally handicapped institution, and became pregnant with one of the other patients, and certainly in those cases there was no consent involved whatsoever.

COMMISSIONER GIBSON: Thank you.

CHAIR: Dr Else, finally myself, the Royal Commission has had evidence about people named social workers, people named Child Welfare Officers, people known as Department of Social Welfare Officers. We know that post-1972, the Department of Social Welfare and its officers developed responsibility for this area. What I'm interested to ask you is, the proper nomenclature, the proper name for those people responsible for adoption before 1972 and following the coming into force of the Adoption Act

1955?

A. They were always called - sorry. We have to go back and remember that there was no - the Child Welfare Division was a division of the Education Department. And the people who initially acted as social workers in regard to adoption were Child Welfare Officers, and that remained the case up until the formation of the Department of Social Welfare. I just don't have the date to hand but once that happened, they became social workers. And
13.00 thereafter too, there was a little more attention paid to their training because when they were Child Welfare Officers quite a number were really not trained at all.

So, then the nomenclature changes in that way and then of course it changes again. A special division was set up to deal with adoption within Social Welfare and it was in the early 1970s that within that division they began to introduce, or suggest at least. The practice of the prospective adopters and the birth mothers meeting each other, and that took place around that time.

13.01 **CHAIR:** Thank you, your answer clarifies an area that was certainly grey in my mind. May I join my colleagues in thanking you for your evidence and its clarity. And, in addition, may I make reference to your book which will be a valuable source of reference for the Royal Commission as it effects its consideration of this important sub-topic. Thank you very much.

Madam Registrar, this brings us fortuitously to the luncheon adjournment. Could you please adjourn?

13.02

Hearing adjourned from 1.02 p.m. until 2.15 p.m.

***

DALLAS PICKERING - AFFIRMED

EXAMINED BY MS THOMAS

MS THOMAS: I call the witness Dallas Pickering.

CHAIR: Ms Pickering, good afternoon. Just as we start, can I ask you of you in terms of the Inquiries Act 2013 - witness affirmed.

MS THOMAS:

Q. Can you please tell us your full name?

A. Dallas Marie Pickering.

Q. You are currently employed as a senior practitioner social worker?

A. Yes, that's correct.

Q. And you reside in Auckland?

A. Yes.

Q. You are a survivor of abuse in State care?

A. Yes, I am.

14.18 Q. Can you please tell us why you have come here to speak today?

A. I believe that the story of children in care needs to be heard and that the voice of children that have been through State care over the period of time outlined needs to be heard.

Q. We will start with going through your evidence right at the beginning. When were you born, what year?

A. I was born in 1970. My Mum was 16 at the time that she had me. She was living up here in Auckland and she was

14.19 encouraged to have me adopted out. She went down to Rotorua and have me and I was adopted out down in Rotorua.

Q. So, she left Auckland to have you down in Rotorua?

A. Yes. So, no family knew that I, I guess, existed. My

birth father didn't know that I was around at the time and so she went down on her own and had me down there.

Q. So, her family didn't know that she was pregnant?

A. No, she had really limited family support with her situation. My understanding now is that her mother had passed away a few years earlier and she was the youngest of three siblings and she was at home living with her father at the time.

Q. You've mentioned your birth father didn't know at that point that you existed.

14.20

A. Mm-Mmm.

Q. What have you since come to know about your birth certificate and what was recorded on that with relation to your birth father?

A. Yep. So, the previous speaker spoke about the adoption certificate and on the adoption certificate I was named Selena Hughson, that was the name my birth mother gave me. And on there, it had information about my birth father, that he was of brown eyes and light olive complexion. There was no indication that he was Maori but I have later found out that he is Maori. And so, I guess, my whole identity, you know, was lost in that process. So, when I was adopted, my name was changed from Selena to what it is now, Dallas Pickering.

14.21

Q. You've told us you were adopted and placed with a family in Rotorua?

A. Yep.

Q. And that adoption took place, the State social worker placed you with that family?

A. Yes. From my understanding, and I've had a look at some of the documents, there was a matching process, you know. I was a Pakeha, I guess, looking child with blonde hair. On the birth certificate, it said that my father was a mechanic and my adopted father was a mechanic as well.

14.22

So, you know, the family that I was placed with was a white European middle class family. So, I guess in the State's eyes, they had matched me up with, I guess, the perfect family. Yeah.

Q. And the family that you were placed with already had one child who is a few years older than yourself?

A. Yep, so they had an older boy who was three years older and they wanted a girl. Also, the neighbour had just adopted a little girl and so, they thought it would, you know, be great to have a little girl as well.

14.23

Looking at the documents, the references in the documents showed that they'd only known this family for 6 months, the adopted family, and the family had shifted up from Wellington. So, in looking at it now, there was minimal assessment done on the adopted family.

Q. And so, the people that provided references to the Social Welfare Department had actually only known your adopted family for 6 months?

A. That's correct.

14.23 Q. From your reading of your file and the documents, was there anything else noted in terms of the adoption placement or any concerns raised by the Department before you were placed with them?

A. There was a statement from one of the social workers unsure whether that was a good placement. There was also documentation about the house being cold and not fully furnished. And, yeah, that's kind of all that was on the file.

Q. So, as an adult, you have sought and obtained your

14.24 records in relation to your adoption and other records in relation to your life?

A. Yes.

Q. At the time that you were adopted as you were a young child, were you told that you were adopted?

A. I wasn't told until I was about 7 or 8 years of age. At the time, and I guess I'll talk about it a bit later, the social workers told the adopted parents to tell me that I was adopted. They didn't want to tell me that I was adopted. And so, there was a bit of pressure on them to do that.

Q. In the documents that you have obtained, there are notes of concern about your care and they start even at a time when you were just 5 months old?

14.25 A. Yes.

Q. Where were those notes of concern from? Who made a note of concern?

A. Those notes of concern didn't actually come out until later on but there were notes along the way from Plunket, from doctors, doctor specialist, from the kindergarten, there was also concerns raised from neighbours and a friend of the family as well who had visited the family but none of this was linked together and it was all found out later on that there were concerns.

14.26 Q. At what time did something get done about these concerns? How old were you then?

A. I was nearly 5 years of age and I was hospitalised at the time. I was in hospital for 6 weeks. I was malnourished, I had broken bones and it was reported that although I was nearly 5 years of age, I was actually the size of a 12 month old baby. I have photos which I'd like to give to the Commissioners that show the reality of how I presented at hospital. I remember this being a really scary dark time of being separated from my adopted

14.27 parents. They were the only parents that I knew, the only parents that I knew, and yeah.

Q. I'd ask Madam Registrar to provide you with - show the witness those, just to confirm are those two pages the photos that you've talked about?

A. Yes, they are.

MS THOMAS: Madam Registrar, I have copies for each of the Commissioners. (Copies of photographs distributed to Commissioners). I would ask for those photos to be produced as Exhibit 14. However, I am seeking a section 15 Order under the Inquiries Act in relation to those photos, given their personal nature.

CHAIR: Yes, they are photographs of a very personal
14.28 kind and they seem to be of a sort that call for an Order under section 15(2) of the Inquiries Act forbidding publication of them because they are photographs of a personal nature. Does any counsel wish to make any submission regarding that, in particular if there is any objection to the Royal Commission undertaking this course?There isn't, I'll therefore make the Order. The Inquiry having considered the matters it ought to take into account under section 15(2) of the Inquiries Act,
14.29 makes an order forbidding publication of Exhibit 14 produced on today's date, the 5th of November 2019, being photographs of a personal nature.

MS THOMAS:

Q. Dallas, can you tell us why it was that you did want the Commissioners to see those personal photographs?

A. I guess, when often we talk about abuse, you know, people in the public often just think about a child being hit but actually, I don't think that people actually see the reality of the care that has happened or not happened for
14.30 children in New Zealand. This does happen in New Zealand and so, that's the reason why, that I think that people need to see the full extent of some of the experiences that the children of New Zealand have been through.

Q. And those photos that the Commissioners have were taken

when you were in hospital aged almost 5 years old?
A. Yes.
Q. But you weighed the weight of what a 12 month baby would weigh?
A. Yes. I was labelled, I guess, in that, that I looked like a Biafran baby, that I was insidiously neglected and -
Q. Those words were used by the doctor to the senior social worker, stating that you had been insidiously neglected?
14.31 A. That's correct.
Q. You've said you were in hospital for 6 weeks. What happened at the end of those 6 weeks?
A. I was placed back with my adoptive family. The reason that I understand is that the Social Welfare filed a complaint against my adoptive parents and the people, the professionals involved all agreed that I should not go back to the care of my adoptive parents but on the day of the Court case, and I don't remember this, but it was recorded that I was crying to go back to my adoptive
14.32 parents, and I guess they were the only parents I knew, and I was screaming in the Court and had to be removed, and so the Judge decided that instead of removing me, that they would place me under a Supervision Order for 3 years and I was placed back in the care of my adoptive parents and to have regular medical assessments and for them to receive counselling. Counsellors at the time were the social workers, so they were considered counsellors, and also the psychologist also recommended that I shouldn't be placed back into my adoptive parents'
14.33 care but I was.
Q. Within a few months of being placed back in your adoptive parents' care, were there some further complaints made by the school?
A. Yes, there were complaints made by the school, and this

was the first school that I had been to. And kind of from the time of August to December that year, there were complaints from the school about bruising that they'd seen on my body, there was stick marks on my back from being hit. I was treated differently from my adopted brother, I was not allowed to wear shoes to school, had really minimal lunches, wasn't allowed to attend - this is the reports from the school - I wasn't allowed to attend school trips but my brother was. So, it was very
14.34 clear that I was being treated differently from my adopted brother.

Q. And as a result of a further complaint by the Social Welfare Department being made, were you then placed in a foster home?

A. Yes, I was then placed in a foster home in Taupo. What's really interesting, is that I went to another school, so this is my second school in 3 months.I don't remember the home, I don't remember the family, I don't remember the school. I know that within that time I was in two
14.34 foster care placements. And the first one, the caregivers were new caregivers and they asked for me to be removed because of my behaviour. Yeah.

Q. We'll get into that in some more detail shortly.

A. Sure.

Q. But you said within that time, so within an 18 month period you were a 5 year old child and you were placed into two different foster homes?

A. Yes, that's correct.

Q. And at the end of that 18 month period, you were then put
14.35 back in your adoptive family home?

A. Yes, I was placed back into my adoptive family home.

Q. In your brief, you've told us in there a few things about what it was like to live in that adoptive family home. Can you please take us through those headings that you've

got there?
A. Sure. So, the first one that I've got is I was malnourished and it was evident that I was different to the other family members. I wasn't allowed to eat with the family. I'd have a certain amount of time to eat and then if I wasn't fast enough, I'd lose my food. That I'd have to go to my room for the rest of the night. Sometimes food was thrown out to me if I wasn't fast enough to get it. Yeah, I'd steal lunches at school and
14.36 I guess I was just, in that respect, trying to get my needs met.

There were times where I survived by drinking hose water. There would be times where I was left home alone for long periods of time. There was fruit that I'd eat and neighbours would pass me food sometimes under the hedge as well.

In regards to the physical abuse, that was ongoing. It just seemed that nothing I could do was right. I was hit with the jug cord, beaten with a broom. I remember
14.37 being burnt with an iron. In regards to, you know, having sores all the time and these not being attended to. I became fearful and started bed wetting and soiled myself. There was one occasion in particular where I had soiled and the consequences of that, was that the things that I did have were burnt by my adoptive mother.
Q. You've said you were isolated from the family?
A. Yeah, I was isolated. So, I wasn't able to play with my adoptive mother, play at the neighbours. Her, I guess, opinion was that I was naughty, that I didn't deserve to
14.38 be around other people.You know, I was isolated. I had no-one to talk to, no-one to, yeah, converse with and I could hear the neighbour's kids playing and having fun and, you know, there was a time where, you know, they had a pool and, you know, I had one swim in the pool and

because, you know, I had an accident and hit my nose, that was it, that was the last time I could play in the pool.

There was a swing out the back and, you know, at the beginning I was allowed to play on the swing but then I made grooves in the ground, so that was it, I was banned from playing on the play equipment. Yeah but it always was put back that it was my fault.

Q. You mentioned earlier that the school had commented that you weren't wearing shoes at school.

A. Mm.

Q. Did you have shoes in your wardrobe that you could wear?

A. Yes, I did but I wasn't allowed to wear them.

Q. Why was that?

A. Um, I think because I lost them. You know, and so, you know, but then I had others but it was just the consequence, you know, harsh punishment, you know, on every level. You know, I was, I guess, told that I was dirty, I was disgusting and, you know, I had to hand wash my own washing, you know, for long periods of time. There was one report from a family friend that recorded that I was in the washhouse kind of from 11.00 in the morning to 3.00 in the afternoon and only allowed to come out to have some lunch and then back in the washhouse doing the washing. So, yeah, there was just so much that went on within that home.

Q. And also in that home, is the heading in your brief in relation to sexual abuse?

A. Yep. I was abused by a family member, sexually abused by a family member. This family member would come into my room often and when I did speak about it, I was given a hiding.

Q. These matters that you've just talked to us about in relation to living in your home, these took place over

roughly two and a half years?
A. Yes, it happened over around a two and a half years and there were social workers visiting at the time. I don't remember social workers asking me how I was doing. I do remember the visiting social worker coming round and hearing some of the conversations. And the conversations were that, in particular with the adopted mother, that my behaviour was because I was taken off them at the beginning and that it was the Department's fault why my
14.42 behaviour was bad and that I was a constant liar and a thief and that I bullied other children, which was true in regards to the behaviours. Yeah but nothing was done about or asking me what was going on for me, so I had no voice, yep.
Q. Was it around about this time that there was another complaint raised, so a neighbour complained to a social worker about what they were observing?
A. Yeah, yes, there was a complaint on my files from the neighbours about my treatment. And I think there were
14.43 complaints coming in from the school as well but it took a while, you know. To me, that two and a half years was hell.
Q. As a result of a complaint being discussed with the social worker, did your parents then voluntarily place you under the care of the State?
A. Yes, they did. I remember the agreement being signed and that was so that they didn't have to go back to Court. So, there's been no justice, no accountability, for anything that happened.
14.43 Q. At that time, you were then placed in a family group home?
A. Yes, I was, yep.
Q. Can you just tell us a little bit about what is a family group home in comparison to a foster home?

A. A family group home is a big home with usually around about 8 bedrooms and you had two children in each room. It's supposed to only be a temporary placement and children come and go. And children of all ages, you know, Criminal Justice children, children that have been through abuse, so we were all joined into this one home with two house parents.
Q. At the time that you were put into this family group home, you were around about 9 years old?
14.44 A. Yes, that's correct.
Q. Can you tell us what happened to you within a few days of arriving at that home?
A. Within a few days, I was abused, sexually abused by a 13 year old boy and was found in a compromising situation under a bed. To me, you know, because of what had happened in my adopted home, I thought it was normal. We were caught by the foster parent. The foster parent was a respite carer on that weekend looking after us. And the week after I met with the social workers and I
14.45 actually disclosed about the family member in my adoptive parents' home abusing me as well at the time, and that's, you know, well this just happens, I guess that was my thinking, yeah.
Q. So, you told the foster parent who was in charge of you at that home about what had just happened with this 13 year old?
A. Yes.
Q. And you had also told the foster parent and the social worker about what had happened to you in your family
14.46 home?
A. Yes, I did.
Q. And as an adult, you've seen your entire file now and you've seen a report that records those two disclosure?
A. Yes, there is, there's a report, yeah.

Q. What action, if any, was taken by the social workers after you disclosed that abuse?
A. No action was taken. And, in fact, what happened is that I think about 9 months I was actually placed back in the adoptive family home again, even though that disclosure had happened. The family because it was a voluntary agreement, they could have me back at any time. And, at the time, they were paying $13 maintenance and didn't want to pay it anymore. And the Department put me back
14.47 in that home where the abuse continued.
Q. Dallas, if you look at paragraph 12 of your statement there, did you want to read that paragraph?
A. Yep. In it, I did not have anyone that I could talk to. And nobody asked how I was and I had no trust towards adults anyway because I wasn't believed. None of the trauma that I went through was addressed. I was actually labelled in the files as a disturbed child. That I was naughty and that I had a chip on my shoulder. Wouldn't you have one too? Yeah.
14.48 Q. Talking about being placed in foster homes and family group homes, do you know how many times you were shifted around various homes when you were a child or a teenager?
A. 12 times by the age of 15 I was shifted. And in regards to primary schools, there was 11 moves of primary schools in that time and, you know, shifted from foster homes to family group homes, and then also back with my adoptive parents four times.
Q. So, throughout that period, you were placed in foster homes, family group homes and intermittently be placed
14.49 back with your adoptive family?
A. Yes.
Q. Do you have any memories of being placed in a foster home that was a good environment?
A. Yes, probably the second one where I was placed in a home

in Murupara. You know, it was - they had their own, I think three children of their own and it was on a farm and, you know, there was some really good experiences there, you know, going to I guess farm shows and having a pet lamb and things like that. But unfortunately that didn't last long because that was the next time I was placed back with my adoptive family.

And then there was another foster home that actually I was there for 18 months and that was when I was around
14.51 11-12. They were an amazing family and, as I said, I was only there for about 18 months but what made it really, I guess, a new experience for me, is that I was included in the family. They included me in family outings or holidays. I wasn't just, in other foster homes when the family went on holiday I was placed in respite care because the family wanted to have a break but with this family I was taken on the holidays with them. You know, birthdays and Christmas were a positive experience and I think for me this particular Christmas when I was with
14.51 this family was probably the best Christmas that I had, you know, in regards to understanding what Christmas is all about. Because Christmas and birthdays in my adoptive family I was left out of. And so, you know, this was a really special time for me.

Q. I think you've said you even, in terms of photographs in this family, was another thing?

A. Yeah. I mean, you know, when it came to family photos, I was included in the family photos as well and not put aside as the "foster child". You know, so, that was
14.52 really important to not feel like I was outside of the family, yeah.

Q. So, that was a positive environment but what happened to you in that family?

A. So, I mean, you know, I wasn't the best behaved child. I

had a lot of trauma and a lot of behaviours. The foster parent was asking for support, for some counselling. I remember going to one counselling session and because I didn't engage in that counselling session, that was it, that was the last counselling session that I went to. And I guess we all know now that, you know even back then, that takes a while to build up rapport and trust with a counsellor, so that was I guess a prime opportunity or a chance to get some counselling support. That never happened.

14.53

So, it got to a point where I had an explosion and so the foster parent asked for a month's break, and it was, you know - and I think we both needed a break as well. So, yeah, I was placed in a family group home. And I guess because I also had been rejected, you know, or pushed away so many times, I guess in my inner thoughts I felt I was being rejected again, and so you know I was saying that I didn't want to go back but deep down I did.

14.54

The foster parent was saying that she wanted me back but that was closed down and I was not returned to this foster home. I ended up staying in the family group home and I think the really horrible thing was, was that I was told that I wasn't allowed any more contact at all with that foster parent. So, you know, this relationship that I'd built, you know, a fairly good relationship over that period of time, had broken down and it wasn't encouraged to have that resolved or have any issues resolved. I even had to - because it was on the way to home, I had to

14.55

walk past her house every day and I wasn't allowed to, you know, say hello. She was given the same direction and told that I would not be coming back to her care.

Many years later, we've talked about it and, you know, for her, you know, it broke her heart and I guess

for me as well, in regards to attachment. You know, it was an opportunity for me to have a safe and secure home and that was taken away by decisions made by the social workers because they felt it was in my best interests not to go back, and it's recorded in the files as well.

Q. At that time in your life, what was your feeling about your situation, where things were heading for you?

A. I didn't know what was going to happen to me, you know. Because it was a closed adoption, and I didn't understand
14.56 that back then, I couldn't go back to my birth family. There was no opportunity for that, for my birth family. And one of the things, I've met my birth father and he said to me that he wasn't given a choice whether he could be a parent or not. It took away my identity, you know. And I don't know whether my birth family could have had me back then but they were never given a chance or given a choice to have that opportunity. And so, in regards to my future, I don't know, I didn't know what it would be. I actually felt, to be honest, like nobody's child.
14.57 That's how it felt, that I was nobody's child because I couldn't go back to my adoptive family and the foster homes weren't working out.

Q. So, where did you end up then at that point?

A. I ended up staying in the family homes until - I went to actually one other foster home. In my thinking, before I read the files, I thought I was there for 18 months but when I look at the files it was only a month. So, that was, I guess, my thinking around the timeframe around that and what was happening in that home. That placement
14.58 only lasted a month but I ended up staying in the family group homes, which was supposed to be a temporary placement, until the age of 16.

Q. So, they were supposed to be a temporary placement but you were there for a number of years?

A. Yeah, I was there for probably another two and a half/three years.
Q. At paragraph 20 of your statement, you talk about the caregiver at this family group home?
A. Yep. There were two caregivers in the family group home and the first one was, you know, firm but fair and I kind of knew my place there in a good way. There was some really good boundaries. But the next caregiver that came into that family group home, she ruled by fear, she ruled
14.59 by violence. There was a segregation between the children in care and her family. In fact, there was a separate living area, you know, so the adults had their living area and her and her family had their living area and we had our living area. And, you know, it's supposed to be a family group home, there wasn't a family, it didn't feel like family. We knew that we weren't family. We knew that that wasn't a home. And I guess for me, there was only two of us that were long-term care and, as you can imagine, there were children coming in and out,
14.59 so I could wake up in the morning, have a new child in the room next to me. I didn't know how they were going to respond. I never had safety around my possessions. Things were taken, broken, stolen, so nothing was safe, nothing was mine.

I didn't feel safe in this home. There was little supervision in this home as well. Sexual abuse became the norm from older children. And I didn't have any boundaries. There were also times where the caregiver, you know, if you had pissed the caregiver off, you'd have
15.00 the silent treatment for days. So, I couldn't get my needs met. So, if I wanted something, I knew I couldn't approach her because, you know, don't talk to me until I'm over your whatever you've done.So, you know, I couldn't get my basic needs met.

Q. You've said there was no supervision, you were not supervised, what about supervision in terms of the caregiver and the running of the home?

A. One of the things that I noticed when I looked at my files, is there was hardly anything written in my files in that time from social workers from that home and particularly around that caregiver. And I kind of felt like I was just in a state of sitting in care, you know. Every 6 months I'd have a review meeting, and it was a
15.01 long time between those 6 months of not seeing social workers or knowing what was going to happen, so there was a lack of social work support as well around that time. And there's no way that I would have told the social worker what was happening because I didn't trust the social workers.

I guess in regards to the supervision, you know, I didn't have boundaries and I was told that I could smoke as long as I bought my own cigarettes. I started using drugs. You know, there would be times where I'd go
15.02 roaming and meet up with older men to have sex with them. And so, yeah, I was at risk there in that situation as well.

Q. If we turn to paragraph 23, you've talked in that paragraph about this caregiver's brother, so the caregiver you've just described, what happened in relation to the caregiver's brother?

A. Yeah. At the time, it was over usually around Christmas/New Year's or any holiday period, I'd either be kind of shipped off to another family home because all
15.02 the other homes would close down or I'd stay. And in this particular time, this was the family time that was open. There was only me and another young lady in the home at the time and the caregiver had gone out and on new years day her brother came over and he was drunk. He

came into my bedroom. I remember it quite clearly because I didn't realise it at the time but he had a bowl of cannabis in his hand and that was put on the bed. He asked me if he could have sex with me and he raped me.

I couldn't say no, even if I tried. I was too scared. And there was no way that I would tell the caregiver that happened. So, guess, yeah, this place was supposed to be a place of safety but it was the complete opposite.

15.04 Q. And then a year on from that event, on New Year's Eve the following year, can you tell us what happened then?

A. So, this year, that year, I went to another family home with respite caregivers and I was the only one left in the home, the rest of the kids had gone back to their families for the holidays. I was brought up to Auckland to a family get together up here and on that evening the caregiver got drunk and he abused me. I told his wife because she came into the room and she just told me to because I was sleeping on the couch and he was on - him

15.05 and his wife were on mattresses on the floor, and I was told to go to a different side of the room, and so I did, I went and slept on the floor that night away from them.

Q. So, at that time, nowhere felt safe for you?

A. No.

Q. I would like to talk to you about transitioning out of care. How did that work and how old were you?

A. At the time, the transitioning out of care, the age was 16. Earlier that year, I was, I guess, either told to leave school or be kicked out of school because I'd

15.06 actually assaulted three children or three people at school, and so I chose to leave school and I got a job at a sewing factory. I don't even know how I got that. Oh yeah, it was through a youth programme, so I was supported to go into a youth programme and then got a job

at a sewing factory.

And then I was given a room at the YMCA at the time and I left care, I think it was practically on my 16th birthday, with the blankets and the clothes that I had and went to live in this residence.

Yeah, I soon lost my job soon afterwards because I bullied someone at the job. And then a few months later I became pregnant and had my son, a bit later.

Q. What supports, if any, did you have at that time in terms of raising your son?

15.07

A. I had friends, yeah. I didn't have any family support, so yeah. And I guess I had some options, you know, I could have an abortion, which I didn't agree with. I could have my child adopted out, and I guess with my own experience it was like a definite no way. So, I chose to have my child. The Department were considering taking my child off me but I fought that and I said, no, I'm going to do this and I'm going to do the best that I can with my children, yeah, with my son. And then a few years later I did have another child as well.

15.08

Q. At this time in your life, at around this time, who else entered your life at that stage?

A. When I was pregnant with my son, my birth mother contacted the Department and she wanted to know me. Well, she actually didn't want to know me but when she heard of what I'd been through, she wanted to meet with me. And I met her soon after I had my child. I just really feel for my birth mother and what she went through and, you know, I know that it's been a continued struggle and we've struggled in our relationship, yeah.

15.09

Q. Can you tell us about your birth father and how you found out that you were Maori?

A. I found when I met him. I met him when I was about 22 years of age and he let me know then that he was Maori.

His father was Maori. And I guess, in a sense, I kind of knew in myself, it's just something you know, it's a sense of who you are and I kind of felt that and knew that as I was growing up. I'm not sure how I knew that, you just know.

Yeah, he wasn't connected strongly to his Maori side of the family but to me that was really important. You know, we did spend some time together then, and then we lost contact but over the last 10 years we've had a
15.10 really good relationship and things are going really well there and I have contact with his family.

Q. In terms of parenting your own children, how is that?

A. I mean, I know that I did the best that I could with the knowledge that I had but I also know that I made some huge mistakes, and a lot of that is because of the lack of role modelling that I had growing up. You know, I brought both of my children up on my own. There was some real challenges. You know, the past doesn't go away, you know, it impacts on every relationship and it impacted on
15.11 my children's relationship. And, you know, in some sense there's still some of those struggles today but my children too are both doing really well, you know, and they've got children of their own now and so, you know, yeah, they're amazing, my children, and they're a real blessing.

Q. Can you tell us about what changes you made in your life and where you went to after having your children?

A. Yeah. I think there was some critical things that were happening for me when I made some changes. I had my
15.12 daughter and, you know, I guess the past was catching up with me, you know. I was using drugs quite a bit, I had postnatal depression and I knew I had to make some changes in my life, otherwise my children would end up in the same system that I did. You know, one of the key

things is that I started going to a church and made some changes. Later on, I studied and completed a Bachelor of Social Work and also a Post Grad Diploma and I have been working in the social work field now for the last 20 years supporting families.

Q. I'd like to ask you about the Confidential Listening and Assistance Service. How did you find participating in that?

A. I felt like I had a voice but I also felt, you know, and
15.13 I guess it's the wondering around this process too, you know, there's so many voices and, you know, will the survivors' voice be lost in all of this? I also went through the Ministry of Social Development around my adoption and this as well, so I've been through both processes and I found both really difficult, just sharing and the real shame about, you know, I never wanted to tell anybody that I'd been through care. You know, one of the questions that is a normal question that people ask you is where are you from, who are your family, and I
15.14 really struggled to answer that. So, this gave me a bit of a voice around that, to be able to address some of that. But, yeah, but it's not easy, yeah.

Q. So, by having access to your files to be able to read that, you gained a bit more understanding of what had happened in your early childhood?

A. Yeah, it did and I guess getting the counselling and support that I actually needed, you know, through that process. You know, I actually sought that out for myself before this process as well and I don't think I would
15.15 have been able to do that without that. And I guess getting an understanding that actually you can't just forgive and move on, that actually you do have to process that and work through it and kind of, you know, because this impacted on all relationships. So, you know, yeah,

you just have to go through that process. You can't just leave it there and let it sit. Yeah, it's an ongoing journey.

Q. As part of that, did you go through the claims process?

A. Yes, I did go through the claims process.

Q. How did you find that?

A. I actually found that - there was one thing that really stood out to me that really distressed me. You know, nobody has been held to account and I asked MSD at the 15.16 time, would these caregivers be held to account, you know, considering that they're your employees? You know, you've employed these caregivers.And they said that nobody will be held to account. That shocked me, you know, and I'm thinking of the many other children that there's been no justice for. And these caregivers, particularly the family home caregivers that were employed by the Department, have not been held to account and still to this day are not.So, that was really difficult to hear that.

15.17 Yes, I was offered compensation and I was given an apology and I was advised to accept the apology and take the offer because that was all that would happen.

Q. How did you feel about that aspect of that process, the advice that you received?

A. I felt that it wasn't valued, what I went through wasn't valued for what it was. I guess that's how I look at that. I guess for me too, the enormity of the institution or the Department was a big thing. It was like, you know, to fight the organisation or an 15.17 organisation that's a government department, you know, you can't do it on your own and it's huge, you know, and the enormity of that, yeah, it doesn't give you a choice around that and there's no structure within New Zealand to be able to deal with that.

Q. If we turn now to the paragraphs in your brief under the heading "Future", what would you like to tell the Commissioners about your hopes for the future in terms of parenting, caregivers, social workers, those types of things?

A. I could be here forever. I guess just working in the field but, you know, what happened to me shouldn't happen to children today, especially with what we know around, you know, experiences of children, around trauma, around
15.18 attachment. You know, I know of, you know, cases now where decisions are made out of people being reactive and not responsive, and that transitions are being made for children that are not in the child's best interests but it's about the Department's timeframes or the social workers' timeframes but actually not about the child.

I believe that intergenerational abuse needs to be addressed and looking at wraparound services for families within the home and not having the removal of children. I know this is not my experience with adoption but, you
15.19 know, with children that are in homes where there's generational abuse, that actually, you know, teaching these children how to parent because they haven't had that or they've been through their own trauma.

Accountability for caregivers. I think that's huge.

And in regards to that, training around trauma and that the focus needs to be on the child and the trauma, not the child's behaviour.

You know, many children, and I still hear it now, is that children in care are labelled as naughty but
15.20 actually, it's the trauma that's speaking and it's not the behaviour. I mean, it's the trauma coming through the behaviour.

You know, that caregivers need mandatory training before they take on children in care.

And, yeah, also working with the caregivers because when something happens with the home, and from my own experience, is that caregivers don't actually want the children to be moved, they actually want the support in order to keep that placement secure. And I think if that would have happened, the outcome for me a bit later on may have been better. And often we move children without putting the right supports in place for the caregivers and the children.

15.21 Social workers, you know, there was one social worker that I remember that did build a relationship with me but other than that, you know, how can you build a relationship with a child when you visit them every 8 weeks? How can you build that rapport and how can that child feel confident to be able to share what's going on for them when you only visit every 8 weeks? These children have enough problems trusting as to go.

And for many, I've seen it, when they've done the 8 weeks visit, it's a tick box, I've done the visit. Okay,

15.22 when's the next one? And I guess that comes down to funding and, you know, resources and things like that.

Q. Would you like to, just before we conclude, would you like to read paragraphs 38 and 39 of your brief to us and then you wanted to finish with a quote that you've got with you today?

A. Mm-Mmm. I guess, you know, the lifelong impact that this abuse has had on me, you know, I'll carry for a lifetime, it's continuous and it's something that I need to continue to address. You know, I've got really good

15.23 support around me now but there's a lot of people that haven't. But, you know, the stigma of being a foster child or the stigma of abuse, you know, can't be shaken off.

Yeah, and I've come just to share my story with the

Commission to help other children not to have a childhood like mine. And I guess as a nation, our children, our tamariki, are crying out for something to change because the change isn't happening and children are still being put in these situations that are unsafe and are not getting the support, and then we're dealing with, you know, adult trauma and then parenting, you know, the adults that become parents and then it continues as a generational. And there's layers of trauma around that
15.24 which I see in the work, where I'm working. And I guess just encouraging us to be responsive, rather than reactive, to situations of care.

I guess the quote I want to finish with, which I think is by Dr Bruce Perry, is "you can take the child out of the trauma but it takes generations to take the trauma out of a child." And child trauma is complex and it turns into adult trauma and then parental trauma.

So, I think that's kind of my end statement, yeah.

MS THOMAS: Thank you, Dallas, for your evidence today.
15.25 Chair, I have not had any notice of any questions from counsel, to I'll hand over to you.

CHAIR: Thank you. I take it from that, counsel, that there's no wish for any of you to ask - oh, Mr Stone.
There's just a slight procedural problem, two counsel have intimated they wish to ask a question but there's a process which you usually go through. I think the way in which it can perhaps be resolved is for my colleagues and I now to take the afternoon adjournment and if you,
15.26 Mr Stone, and you, Ms Thomas, can speak about this with your counterparts and we will approach the matter afresh in 15 minutes' time.

Hearing adjourned from 3.26 p.m. until 3.45 p.m.

DALLAS PICKERING

QUESTIONED BY MR STONE

CHAIR: The Commissioners have been assured that the protocol in relation to questioning of witnesses has been followed. There are obvious matters of sensitivity that need attention. We are satisfied
15.46 that it is appropriate for permission to be granted in the following terms: permission is granted to Mr Stone to ask questions of this witness regarding Maori identity. And permission is also granted to Mrs Guy Kidd to ask questions regarding the way in which a social worker can create a relationship with a child.

As you are in the position, Mr Stone, I will invite you to go first.

MR STONE:

15.46 Q. (Talks in Te Reo Maori). In English that means I acknowledge everything you said today and the kaha and strength it would have taken to say it and I give you nothing but my support.

Did you have the benefit of listening to the previous witness, Dr Else?

A. Yes, I did, yes.

Q. That's good because everything that she spoke about, you're the living embodiment of everything that she was speaking about. You pretty much tick all those boxes
15.47 that she was referring to, the severance of the whakapapa, the fear of babies being the preferred babies and all that sort of stuff. And the last question I asked of the previous witness was, that there must be people out there who don't know who they are.

A. Mm-Mmm.
Q. And you touched on that but I ask the question of you again, in light of everything that you've said, do you know who you are?
A. In light of what you said, I guess it has to go back a couple of generations for me because my father's father was adopted. So, if you go back earlier, his mother was European and his father was Maori. And when he was born he was adopted to a Pakeha family as well. And that's
15.48 where we have been able to link back to our iwi to know, you know, all that we know is that he was born in Te Poi and that, you know, he was removed from his mother and placed with a Pakeha family as well.

So, we still, in regards to that, still don't have strong links back to our whakapapa, to our marae, to our hapu, to our iwi, and that's something that - it's a real blockage because we can't, you know, we're struggling to find those links.

Q. One of my other questions I was going to ask you is
15.49 whether the prejudice in terms of severing your whakapapa link was intergenerational. And I was going to ask that with reference to your children and mokopuna but it appears that you've suffered that as well because you're a second generation that's been disconnected to your whakapapa. Was it your grandfather that was also adopted out?
A. Yes, yep. It wasn't my father, it was my grandfather, but yes, it impacted on my father's generation as well because I found out later on that he actually had some
15.49 time in foster care as well, so we're going back now three, four, generations of this that impact. And I think that, you know, in relation to the previous speaker, you know, I agree that if I had been identified as Maori back then, that maybe I would not have been put

back into this adopted family so many times. And I also kind of reflect on that and think would decisions have been made differently because of that?

Q. And in your evidence, you spoke about being ashamed of being a foster child. Do you feel a level of whakama or shame in terms of not knowing your identity?

A. Absolutely. You know, I don't get to know some of the stories, the history, the values and beliefs that could have come through those generations. I have, you know, a good relationship with my Dad but I'm still, you know, in a sense, that relationship is still forming. And so, I'm still on the outer and yet, I think if I had grown up within the family, that would have been different. Because that history, that story, those unspoken things, you know, that becomes who you are and that was disjointed for me in many ways through being a child in care and a foster child.

MR STONE: Thank you.

CHAIR: Thank you, Mr Stone.

15.51

***

DALLAS PICKERING

QUESTIONED BY MS GUY KIDD

Q. My name is Fiona Guy Kidd and I represent the General Synod Whanui of the Anglican Church of Aotearoa New Zealand and Polynesia. One of the focuses of this Commission is how to prevent abuse in care in the future. And you are a senior social worker, do you work with children regularly?

A. Yes, I do and, yeah, I guess, I don't want to disclose in this forum where I work but, yes, I do.

Q. And you've told us that, from your own experiences as a child, you said you couldn't trust the social workers and that there was only one social worker with whom you were able to build a relationship.

From your experiences in your current work, can you tell us how does a social worker build a relationship with a child? What's necessary to do that?

A. I guess, it is about that connection, finding a point of connection with that child, finding out who they are, where they're from, coming down to their level, spending time with them, you know, is really, really important. You can't build a relationship if you don't see them, you know, every 8 weeks you can't build that relationship with them. And that's not just done through talking. You know, there's other avenues that this could be done, through play, through interaction, through activities. And also, actually helping them with their connection with whanau as well. You know, that's going to help them, you know, open up and actually valuing their family, even though there's stuff that happened in their whanau, valuing their family and those family

relationships as well.

Q. Related to that, you spoke of your own brief experience of counselling. As I understood you to say, you didn't convey your true feelings. What are your thoughts about how we can find out children's real feelings and thoughts about what's happened to them?

A. Allowing time for those relationships, trusting relationships to form. You know, it's not, you know, I often hear social workers putting a timeframe, we'll give
15.54 you six sessions or we'll give you 12 sessions. You know, not putting a timeframe on the counselling, you know. Allowing that time. Yeah, that's probably what I can -

Q. And part of that, I imagine, is children at different ages, different stages, take their own time?

A. Absolutely. And it's also their own processing, how they understand. You know, a lot of children that have been through trauma, you know, have issues around their own learning difficulties, so we've got to bring it down to
15.55 the level that they can manage, and that can't happen overnight.

MS GUY KIDD: Thank you.

CHAIR: Thank you, Ms Guy Kidd.

***

DALLAS PICKERING

QUESTIONED BY COMMISSIONERS

CHAIR: I will now ask my colleagues if there are any questions they may each have of Ms Pickering. May I start with you, Commissioner Gibson?

COMMISSIONER GIBSON: No further questions. Thank you for your great testimony.

15.55

COMMISSIONER ALOFIVAE: Thank you, Ms Pickering. I just want to express my deepest gratitude for the courage that you've really shown in sharing your story with us this afternoon, thank you so much.

COMMISSIONER SHAW: Again, my thanks but no questions, thank you very much. Just one thing, just to say, congratulations on making a real life out of a very unreal life. I think that's really that we all admire very deeply.

15.56

COMMISSIONER ERUETI: I just want to say thank you having the courage and fortitude to come to speak with us. I found your evidence very compelling and I have taken on board your aspirations and recommendations to the Inquiry and I hope we can do it justice. Kia ora.

A. Kia ora.

CHAIR: Ms Pickering, there is an old saying, sometimes less is more. I adopt that and echo what's been said by my colleagues. Thank you for your valuable evidence.

15.57

A. Thank you.

CHAIR: Madam Registrar, can you proceed to bring today's sitting to an end?

(Closing karakia and waiata)

Hearing adjourned at 4.00 p.m.