STATEMENT OF KEITH WIFFIN

DATED: 12 FEBRUARY 2020

Introduction

[1] My name is Keith Vernon Wiffin. I live in Wellington. I was born on GRO-C 1959.

[2] I have previously given evidence to the Commission regarding abuse I suffered at Epuni Boys' Home and in "family homes" after I was taken into State care 1970.[1]

[3] The purpose of this evidence is to detail my experiences of seeking redress for those abuses, the fundamental flaws in the process I experienced, and the way I believe things should be done in the future.

Background: my experience of state care[2]

[4] My father died suddenly on his 39th birthday, when I was 8 years old, leaving my mother trying to care for 4 children with very little income or support. The loss of my father had a huge impact on me and I carried a lot of grief. My mother found it very difficult to cope, and when I was 10 years old, she approached Child Welfare to ask for help looking after me.

[5] In November 1970, I was admitted to state care at Epuni Boys' Home. I was 11 years old. I didn't have frequent contact with my mother after that.

[6] The culture at Epuni Boys' Home was violent and abusive. Fights and bullying were routine. I personally had broken bones and required medical treatment including stitches as a result of fights. The records of this are in Hutt Hospital. In many cases

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1 I was uplifted under a Warrant on 12 November 1970: see Department of Education – Child Welfare Division Case Report, Keith Vernon Wiffin, 18 November 1970.

2 More detail is contained in my statement for the Contextual Hearing of this Royal Commission of Inquiry, dated 23 October 2019.

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fights were overseen by staff, and staff also perpetuated violence: many of the housemasters were violent themselves.

[7] At Epuni I was also sexually abused by one of the housemasters, Alan David Moncreif-Wright. I was 10 or 11 the first time, when he found an excuse to send me to my room and then later followed me in and abused me. He abused me on a number of occasions. I didn't tell anyone about it at the time because I was terrified of Mr Moncreif-Wright.

[8] I kept quiet about the sexual abuse that I suffered for most of my life. Many decades later I made a police statement about what Mr Moncreif-Wright did. He pleaded guilty in 2011 and was convicted of 8 sexual offences in Wellington District Court, including 5 against me.[3] The complainants were me and two other boys at Epuni in the 1970s.

[9] It turns out that Mr Moncreif-Wright had previously been convicted of three charges of indecent assault on boys under the age of 16 and two charges of attempted indecent assault in 1972 – just over 6 months after I was discharged from Epuni, and while I was still in state care.[4] I now know that this offending was against boys who were also at Epuni, and that Mr Moncreif-Wright left Epuni around the time of these convictions. As far as I know, there was no attempt to find out whether any others of us had been abused by him at that time: certainly I was never asked. In 1988 Mr Moncreif-Wright was also convicted of serious sexual offending, and he was sentenced to 4 years' jail.

[10] I was at Epuni for about 7 ½ months before moving to a Family Home. The Family Home was also violent, and I was physically abused by the carers. Later when I was 14, I did a second period at Epuni of about 3-4 months. I distinctly remember feeling relieved once I found out that Mr Moncreif-Wright was no longer there. But the culture was still the same. I wasn't sexually abused in that second stay, but I was aware that there were other kids that were being sexually abused by staff.

[11] State care, and the abuse by Moncreif-Wright, had a devastating effect on me. The impact has continued through my life. I dealt with things in different ways. At times

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3 Criminal and Traffic History for Alan David Moncreif-Wright, 23 October 2019; and *The Queen v Moncreif-Wright* CRI-2010-085-007307, Notes of Judge M J Behrens QC on Sentencing, Wellington DC, 7 July 2011.

4 Criminal and Traffic History for Alan David Moncreif-Wright, 23 October 2019.

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alcohol abuse was a problem. I was in denial for much of the time, as a form of self-defence and protection. As I got older, it started to become a real problem for me. Depression and nightmares (often featuring Alan Moncreif-Wright and being back in Epuni Boys' Home), were part of my life. It was enough for me to try and get through life and pay the bills day by day. As it got worse, I realised I had to do something to address the past.

[12] Some time around 2000 I toyed with the idea of making an approach to MSD, but I decided against it because I didn't have trust that they would treat me reasonably, or that they would listen to me or believe me. This was the same department that had been responsible for my care when I was abused at Epuni and the family homes, and who had employed Mr Moncreif-Wright.

Seeking redress – the civil process

Making a claim

[13] In around 2003, I remember seeing media coverage about a case that Sonja Cooper argued on behalf of an abuse survivor. I decided Sonja might be someone I could trust. I contacted her and met with her in November 2003.

[14] After I first went to Ms Cooper, there was a long process to establish whether I had a claim. I had interviews with lawyers from Ms Cooper's office and with psychologists. As I have said before, it was a robust, rigorous and searching process to determine whether I had a meritorious claim. I doubt any false claim would make it through the process.

[15] We made requests to the government for my records, and we had to go through all the documents, and apply for legal aid. I found the whole process difficult. Even after my lawyer received my records, it took me some time before I was up to looking at them.

[16] My claim was filed in the High Court in April 2006.[5] I didn't see a Court case as the best option or my first preference, but I don't think I had any choice. There was nowhere

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5 *Wiffin v Attorney General* Statement of Claim, 6 April 2006.

else to go except directly to MSD and the Crown – the very people who were representing the perpetrators.

[17] In September 2006 I attended a meeting with managers from MSD at Sonja Cooper's office. I understand they were trying to get feedback from claimants in order to develop an alternative process to respond to claims. As I recall, there was no discussion about MSD taking responsibility for what happened to me – the suggestions seemed to be just to make token services available – for example the removal of tattoos, which was a service already open to many people at that time. They sent me some general reading material after the meeting, but did not suggest any concrete way to resolve my claim.[6] My overall feeling about the meeting was that this was the Crown trying to find ways to make claims go away with services that were already available. This was in keeping with what seemed to be the Crown's general approach of trying to avoid paying any monetary compensation and minimise its civil liability at all costs. In layman's terms, it felt like they were trying to buy us off with muskets and blankets.

[18] In late 2006 I made an Official Information Act request to MSD.[7] In response, the Chief Executive Peter Hughes wrote to me and assured me that MSD "treats any allegation of abuse or neglect seriously," and works to "investigate all claims lodged by former wards of the State." He said MSD was bound to "deal fairly with every claim" and to seek to settle with claimants where it was fair to do so, and that he would "investigate the issues people raise around their past care and seek to respond fairly, regardless of the forum people choose to raise the issues they have with the care they received."[8] In reality, the way things played out, these statements proved to be pure rhetoric and hollow in the extreme.

The White case

[19] Through most of 2007, there was no progress with my case. However, the *White* case of two brothers who had spent time at Epuni was going to trial in 2007. I understood

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6 See Letter from MSD (Garth Young, Manager, Claims) to Keith Wiffin, 11 September 2006.

7 Letter from Keith Wiffin to MSD (Garth Young) regarding an Official Information request, 15 November 2006.

8 Letter from MSD (Peter Hughes, Chief Executive) to Keith Wiffin regarding Offical Information request, 31 January 2007.

from my lawyers that it was the first case bringing complaints about a residence and that the result might impact all our cases, so I agreed to give evidence about my experience at Epuni for that trial. We prepared a brief, but in the end I didn't give evidence as I was having a really difficult time at that point of my life. Revisiting the details of my time at Epuni and the stress of the up-coming trial triggered an episode where I became very depressed and agitated. I felt suicidal and was unable to get out of bed. I was referred to a therapist through ACC who gradually helped me improve, however due to this ill-health, together with the death of my mother, I was unable to give evidence in the trial.

[20] The *White* decision came out in late November 2007. Although the Court found that there had been some abuses, including sexual abuse by a staff member at a residence, the case was dismissed on the grounds of the Limitation Act and the ACC Bar. This was really disappointing to me, as it seemed to me that the Crown were relying on technical defences to avoid taking responsibility for what had happened. The Crown's approach that brought an end to the *White* case may well have applied equally to me and many others, which is no doubt why the Crown spent so much time and money on the case.

My case drawn from the ballot

[21] Towards the end of 2007, I was told my case was going to be one of the next ones to go to trial. My lawyers started doing some more preparation for my case, including tracking down information about Mr Moncreif-Wright. For example, in November 2007, they wrote to Crown Law seeking "staff records and any other information" MSD held about Alan Moncreif-Wright.[9] In February 2008, Garth Young replied, noting that "there is nothing contained in [Mr Moncreif-Wright's staff file] that relates to Mr…Wiffin. Nor is there any information relating to any allegations of physical or sexual abuse against Mr Moncrieff-Wright".[10] There was no mention of Mr Moncreif-Wright's prior criminal convictions for sexual abuse during the time he was at Epuni.

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9 Letter from Sonja Cooper to Crown Law (Una Jagose) regarding staff information, 8 November 2007. The letter requested information about "Alan David Wright" which was one of the names by which Mr Moncreif-Wright was known. The Crown's response identified him as Alan David Moncrieff-Wright.

10 Letter from MSD (Garth Young, National Manager Historic Claims), 20 February 2008.

[22] At that time, the result of the *White* case weighed heavily with me. I did not want my case to be thrown out on the Limitation Act point like the *White* case. The preparation for the *White* case had taken a serious toll on me, and I was worried about facing a trial, particularly if the Crown would not be held accountable because of the Limitation Act.

[23] In May 2008, I asked if I could meet with MSD to try and resolve the claim before trial.[11]

Attempts to resolve my claim

[24] I had a meeting with MSD on 24 July 2008. At the meeting there were three people in the room – one from MSD and two from Crown law. Of the two people from Crown Law, one started the meeting by saying "I am only here because [so-and-so] is sick", and didn't say anything else in the whole meeting. The other person didn't say anything at all. The MSD representative, Garth Young, was the only one that spoke to me. I was sceptical, but I had some hope that he was genuine. In hindsight, the meeting lacked substance although at the time I was optimistic and the meeting raised my hopes.

[25] The following day, I received a letter from Mr Young.[12] It acknowledged that it would not have been easy to talk about the personal and hurtful matters I told them about. Mr Young offered to help arrange a visit to Epuni, which I had requested. The letter said that MSD would get back to me with a response as soon as soon as they had further considered my claim. The letter gave me some grounds for optimism that MSD had listened to me and that I might get a fair response. I wrote a letter in response[13] and tried to be positive with a view to getting an outcome to settle my claim and a visit to Epuni Boys' Home, even though I thought the process was fundamentally flawed. With my hopes raised by the meeting, I tried to remain positive and I had expectations that the claim would be settled and I could visit Epuni.

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11 Email from Sonja Cooper Law (Sarah Mitchell) to MSD (Garth Young) regarding proposed ADR meeting, 14 May 2008.

12 Letter from MSD (Garth Young, National Manager Historic Claims) to Keith Wiffin, 25 July 2008.

13 Letter from Keith Wiffin to MSD (Garth Young, National Manager Historic Claims), 4 August 2008.

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[26] However, I didn't hear anything else from MSD for many months after that letter. The inordinate amount of time that passed by caused me a lot of anxiety. As we got closer to going to trial, my mental health again began to deteriorate. I had difficulty sleeping, was distracted at work, and had flashbacks of specific events and nightmares centred around my time at Epuni.

[27] Over the next 10 months there were exchanges between my lawyer and the Crown about things like expert psychological reports on me, and my complaint to the Police about Mr Moncreif-Wright. As part of that, the Crown said that if I proceeded with the criminal process, they might be unable to speak to Mr Moncreif-Wright or otherwise investigate the allegation against him.[14] This led me to believe that the Crown wanted to speak with Mr Moncreif-Wright and would do that as part of their investigation, unless I proceeded with a criminal complaint. My lawyer responded a week later and said I would not be proceeding with a criminal complaint at that stage.[15] From my perspective, this cleared the way for Crown Law to speak to Mr Moncreif-Wright. I fully expected them to do that.

[28] In March 2009, I had still not had a response to my meeting with MSD, and so my lawyers made an offer in an attempt to settle the claim before my case went to trial.[16] My lawyers pointed out that much of my claim related to the period before the ACC Act, and that the main perpetrator Mr Moncreif-Wright had convictions for sexually abusing boys during the relevant timeframe. In addition, the staff members who physically abused me at Epuni had been the subject of negative findings in the High Court in the *White* trial.

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14 Letter from Crown Law (Sally McKechnie) to Sonja Cooper Law (Sarah Mitchell) regarding criminal complaint against Mr Wright, 10 September 2008.

15 Letter from Sonja Cooper Law (Sarah Mitchell) to Crown Law (Sally McKechnie) regarding criminal complaint and discovered documents, 17 September 2008.

16 Letter from Sonja Cooper to Crown Law (Una Jagose) regarding Keith Wiffin - open offer for settlement, 12 March 2009.

[29] Crown Law responded saying they were still investigating.[17] Garth Young also emailed to say that "a considerable amount of work has been done on [my file since the meeting] and Crown Law should be in touch very soon on the settlement offer."[18]

[30] On 1 April 2009, Crown Law sent my lawyer a copy of Mr Moncreif-Wright's previous criminal convictions.[19] The letter said the Crown was not required to provide these to me, but MSD was "happy to provide" the information.[20] The conviction list showed Mr Moncreif-Wright's convictions for sexually abusing young boys around the time he abused me, as described above. Victims of those offences had been at Epuni at the time. I still do not know why the Crown had not provided Moncreif's previous convictions to my lawyer earlier, for example when she asked for any information held about Mr Moncreif-Wright in November 2007.

[31] The following week, on 9 April 2009, almost 9 months after my meeting with MSD, I received a letter from the Crown.[21] It said that the Ministry didn't believe my account of the physical assaults I received and would deny and defend them. It said that the Ministry acted responsibly, and that it gave my case "close and diligent attention over many years." They made an 'offer' to acknowledge that my time in care was difficult, and to contribute to counselling costs not covered by ACC. There was no explanation for their conclusion that my account was false, and there was no acknowledgement of the sexual abuse I suffered – only a statement that even if it did occur as I said it did, I would face "considerable legal hurdles" in the form of the ACC bar and the Limitation Act. In essence, it was a rejection of my claim.

[32] For me, the most appalling thing about the rejection of the claim was the clear implication in the Crown's response that in all likelihood I was abused by Alan Moncreif-Wright, who they knew had committed offences against boys at Epuni, but legal hurdles such as the ACC bar and/or Limitation Act would be used to deny me

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17 Letter from Crown Law (Una Jagose) to Sonja Cooper regarding Keith Wiffin settlement offer, 16 March 2009.

18 Email from MSD (Garth Young) to Sonja Cooper Law (Sarah Mitchell) regarding ADR meetings - responses, 1 April 2009.

19 Letter from Crown Law (Una Jagose) to Sonja Cooper Law (Sarah Mitchell) regarding Wiffin discovery, 1 April 2009.

20 At paragraph [9].

21 Letter from Crown Law (Una Jagose) to Sonja Cooper regarding Wiffin settlement offer, 9 April 2009 (**Without Prejudice save as to costs**).

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justice. This must have been about making sure that I, and others like me, would not receive any meaningful compensation not about ascertaining the merits of the claim. This is clearly reflected in the exchange of letters between my then lawyer Sonja Cooper and the Crown lawyer Una Jagose, now Solicitor-General.[22]

[33] I don't remember another point in my entire life when I have been that angry. I was so angry I couldn't respond for some time. It felt like the whole process was a waste of time, and completely justified my suspicion of MSD. I rejected the 'offer', which in essence was no offer at all – in substance no more than a dismissal of the claim. I decided to withdraw my case and wait for a day where something would be put in place to hear my claim in a just and fair manner.[23]

60 Minutes Documentary

[34] About a month later, I was asked to participate in a 60 minutes documentary.[24] The interviewer interviewed myself and Mr Moncreif-Wright, as well as Garth Young, who had been responsible for my claim at MSD. Through that process I learned that MSD had not even interviewed Mr Moncreif-Wright in its investigation into my claim.

[35] I was shattered to learn that MSD's investigation of my case had been so incomplete. The Crown's letter in September 2008 had led me to believe they would be interviewing Moncreif-Wright, and I could only speculate as to MSD's motives for failing to speak to Mr Moncreif-Wright, particularly when they knew he had convictions for sexually abusing young boys from the same period as the abuse against me. I had made serious claims against Mr Moncreif-Wright. Why did the Crown not speak to him? MSD and Crown Law gave me the clear impression that they had done a thorough investigation of my claim. As it turns out, the 'investigation' was anything but thorough because they had failed to ask questions of Alan Moncreif-Wright, my principal perpetrator.

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22 See in particular, Letter from Sonja Cooper to Crown Law (Una Jagose) regarding Keith Wiffin - open offer for settlement, 12 March 2009; Letter from Crown Law (Una Jagose) to Sonja Cooper regarding Wiffin settlement offer, 9 April 2009 (**Without Prejudice save as to costs**); Letter from Sonja Cooper to Crown Law (Una Jagose) regarding response to settlement offer, 13 May 2009.

23 Letter from Sonja Cooper to Crown Law (Una Jagose) regarding Keith Wiffin response to settlement offer, 13 May 2009.

24 <https://www.newshub.co.nz/nznews/govt-sued-over-allegations-of-violence-sexual-abuse-in-childrens-homes-2009072017>

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[36] I spoke to Moncrief-Wright in a 3-hour restorative justice meeting around 2011. At that meeting the facilitator produced a 30-page document, signed by Mr Moncreif-Wright. It is clear to me that no one from MSD or relevant government agencies ever interviewed Alan Moncreif-Wright to find out the full extent of what he did and to whom, or to understand the systemic nature of the abuse at Epuni.

[37] Mr Moncreif-Wright died in June 2014, after being charged with further sexual abuse offences against children.

CLAS

[38] In around May 2010 I met with the Confidential Listening and Assistance Service (CLAS). I had initially been sceptical of CLAS because of its limited terms of reference, but I heard feedback from participants who had found the process respectful and beneficial.

[39] I found the process much more respectful than the meeting I had with MSD. I felt that Judge Henwood and the Panel cared about what I had gone through, and wanted to help.

[40] Judge Henwood asked for copies of the correspondence with MSD, and said that she would write to the Ministry about my case.

A change in approach and a crown offer

[41] In 2010, I got a letter from Garth Young from MSD saying that they were reviewing some files, and making some further enquiries into my case.[25] They wanted my permission to access some of my files held by a school I went to. I refused. I was still furious about the dismissal of my claim and I had no confidence in the integrity of the MSD process. I did not think the Ministry was capable of conducting a fair, impartial or reasonable investigation of any kind.

[42] Then in August that year, out of the blue I received another letter from MSD through my lawyers, containing an apology and a cheque for an "ex gratia" payment of

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25 Letter from MSD (Garth Young, National Manager Care, Claims and Resolution) to Keith Wiffin regarding Mana College records, 27 January 2010.

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$20,000.[26] There was no explanation given for what had changed. I had not provided any further information or evidence, but the Ministry had "reassessed" my claim. There was no explanation for how the Crown had calculated the amount of payment offered, or what part of my claim they now believed. I suspected then, and I still suspect now, that the change of heart was driven by increased pressure on MSD as a result of the 60 Minutes documentary, the letters from Judge Henwood, recent attention on the matter in the UN, and the efforts of my lawyer Sonja Cooper.

[43] The letters included apologies for "what happened to you while you were in care",[27] "for the abuse you suffered",[28] and for the handling of my claim. Despite my suspicions about the motives for the letter, at the time I appreciated the apologies, which had a measure of sincerity about them. The apologies quelled some of the rage I had been feeling. My sleep improved, and I felt less of the sadness that had dominated my life for so long.

[44] However, the letters still fell short of directly acknowledging what Mr Moncreif-Wright and the other Epuni staff members did to me, they did not take overall responsibility, and the amount I received was much lower than the amount my lawyers had assessed as reasonable in the offer we made.

[45] I would not have accepted this offer at all if I had known what I have since heard about the extent of Mr Moncreif-Wright's offending. I have strong suspicions that Mr Moncreif-Wright offended at a boys home in Hamilton, and that managers allowed him to leave the Hamilton home and work at Epuni, in full knowledge of his offending, in order to move him on quietly and without due care for the actual and potential victims of his offending.

[46] In my mind today, I have still not received full and final settlement.

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26 Letter from MSD (Garth Young, National Manager Care, Claims and Resolution) to Sonja Cooper regarding Keith Wiffin, 6 August 2010; Letter Garth Young to Keith Wiffin, 6 August 2010; Letter MSD (Peter Hughes, Chief Executive) to Keith Wiffin, 4 August 2010.

27 Letter MSD (Garth Young) to Keith Wiffin, 6 August 2010.

28 Letter MSD (Peter Hughes, Chief Executive) to Keith Wiffin, 4 August 2010.

Police complaint

[47] I had been considering making a police complaint for many years, and initially spoke to the police in 2008. I had an interview at that stage, but didn't make a formal complaint as I wasn't sure that I could secure a conviction. I had some lack of trust in the police, and I knew that the criminal process can be difficult and unpredictable for sexual complaints. I didn't want to go through a police process unless there was a good prospect of a conviction.

[48] I was then approached by police in 2010 as a potential witness after complaints were made by other people. The detective put no pressure on me, but wanted me to participate. Initially I was reluctant but eventually I gave a statement.

[49] In contrast to MSD the police were compassionate and respectful, and believed me. I felt supported by police at every stage of the process. In the MSD process, I felt on the back foot from the beginning. I was looked at in a disbelieving manner from the start. In the criminal process, the police wanted Mr Moncreif-Wright brought before the courts. That was reflected in the diligent and determined way they set about finding him.

[50] In 2011, Mr Moncreif-Wright pleaded guilty to sexually abusing me. He was convicted and sentenced. Unfortunately, the original intention of a court-ordered restorative justice process did not occur. But the police helped me to arrange a private restorative justice process, which worked well for me. The police deserve credit for helping to arrange that and the way they handled the case in general.

[51] My experience did not reflect well on the Crown Solicitor's office in my view. There is more I could say on that topic, but it is not directly relevant to the present statement. Unfortunately it is consistent with my overall experience of the Crown.

Overall comments on the redress process

[52] I really felt like the whole process lacked integrity and objectivity because of its lack of independence. MSD's starting point was to be suspicious and disbelieving of the

claimants. It felt like we had a very high threshold put in place to prove our claims. At the same time, MSD seemed to be protective of its own staff, even those with criminal convictions for abusing children.

[53] I tried to give the MSD process the benefit of the doubt, but my distrust was justified. While I was told that my claim was being investigated, I saw nothing of the 'investigation', only the result that they would "deny and defend" the allegations I made. There was nothing I could do to dispute their findings, except to go through with a trial.

[54] I still struggle to believe that in the whole 'investigation' no one spoke to Mr Moncreif-Wright. Crown Law and MSD knew that Mr Moncreif-Wright was a convicted paedophile. I believe that this was because they were worried about what else they might find out if they did talk to him, in particular whether he would corroborate my claim.

[55] The way the Crown relied on the Limitation Act to win these cases, even against deserving claimants, seems to be a way of dodging responsibility. The idea behind the Limitation Act defence is that child abuse claimants should be expected to sue by the age of 22, or 26 years with leave from the Court.

[56] In my case that would have meant filing a law suit by 1981, when I turned 22 years old. That idea, to me, is completely unreasonable. There is no way I could have considered bringing a claim at that time. At that age I didn't recognise the damage those actions had on me – ironically, largely because of the effects of the abuse itself. It took me until I was in my 40s before I could begin to process the effects of the abuse I suffered. Even then, there were times when I struggled to follow through on the claim, even though I really strongly believed that the Ministry should be held accountable for what happened to me.

[57] What shone through in all my dealings with the Crown over redress was their focus on protecting perceived Crown liability, and their resistance to giving meaningful compensation to the victims. For me, the Crown reduced this issue to one of money, paying very little or no consideration to morality, ethics and humanity and without any

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real compassion for the victims. Anything that was given by the Crown was given begrudgingly, and had to be prised out of them, even when there was compelling evidence to support the claim.

[58] One of the great and sad ironies of all this is that in the pursuit of that objective, not only was the Crown's conduct thoroughly disrespectful and contemptuous of the victims, it also needlessly cost the taxpayers a fortune. If it had been dealt with constructively from the beginning it would have cost a lot less and would've shown compassion and respect for the victims, something they thoroughly deserve. Today, because of the Crown's approach, we still substantially don't have resolution. There may well have been no need for this Royal Commission of Inquiry, for example, had the Crown approached this in a different way that acknowledged and respected the victims.

The way forward

[59] There needs to be a different approach to this from now on if there is to be resolution. This requires officials in the relevant government agencies to engage with us constructively to put things in place that will deal with the historical element, while also giving those in care now better options for the future than we had.

[60] It is clear to me that the government now wants a different approach and wants much better outcomes for those affected. The recent Cabinet paper released by the Minister for State Services, Hon Chris Hipkins, indicates that.[29] The general tenor of that document is to put forward different ways of seeking resolution. There seems to be a desire to take claims out of the courts and put in a fair and just claims process that victims can have faith in, and to substantially speed the process up.

[61] What is now needed is for officials in the relevant agencies to adopt a new attitude and embrace a new approach, reflecting the sentiments expressed in the Cabinet paper and the will of government.

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29 Cabinet Social Wellbeing Committee *Review of Strategy for the Resolution of Historic Claims*, released by Hon Chris Hipkins, Minister of State Services, 17 December 2019.

[62] There are some key points that I think need to be taken into account in developing a system that survivors can have faith in.

[63] The starting point has to be proper and full acknowledgment of the abuse that has occurred. It is very important that this happens because it would indicate a change of attitude on behalf of the relevant agencies and would make dialogue possible.

[64] Secondly, and very importantly for me personally, any claims process must be independent of the ministries and agencies who represent the perpetrators and who themselves are liable for the abuse. Otherwise the agencies are effectively investigating themselves, and I believe my experience shows that agencies cannot be trusted to do so objectively.

[65] The independent claims process should have a victims' representative. It needs to have a mandate to fully investigate claims, and make findings about what happened so that instances of abuse can be properly acknowledged and addressed. The government agencies must be involved, but the final arbiters of what abuse we suffered and what the agencies should be liable for must be from outside the agencies.

[66] Thirdly, redress should not be reduced solely to the issue of monetary compensation. Redress means many different things to different people. For me, redress is about restoring the wellbeing of those people affected. This means their health and their broader needs: things like counselling, education, housing etc. An overall package needs to be developed to look at the wellbeing of those historical victims. The package could include mechanisms for accessing personal records, and access to restorative justice-type processes.

[67] Fourthly, there should be serious consideration of the redress models adopted in other similar countries in particular, Australia, Northern Ireland, Scotland and Canada. For example, Scotland has enacted what they call the advance payment scheme. It is for survivors of abuse in care who are over 70 or who have a terminal illness. This is something that needs to be instituted here, but the starting age should be 60 or 65 in my strongly-held view. Many redress schemes in other countries also consider the wellbeing of survivors in a broader sense than just money, as referred to above.

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[68] Finally, a very important part of restoring some peace of mind and closure to victims of historical offending is having things put in place for those in care today, to see them have different outcomes to what we did. That, once again, means having effective dialogue between those affected and the relevant government agencies. Up until this point, it has been difficult to have meaningful dialogue because of the lack of trust, due to the approach that has been taken by the agencies so far.

Signed: GRO-C

Date: 12-2-2020