

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
STATE REDRESS INQUIRY HEARING**

Under The Inquiries Act 2013

In the matter of The Royal Commission of Inquiry into Historical Abuse in
State Care and in the Care of Faith-based Institutions

Royal Commission: Judge Coral Shaw (Chair)
Dr Andrew Erueti
Ms Sandra Alofivae

Counsel: Mr Simon Mount, Ms Hanne Janes and Ms Danielle Kelly
for the Royal Commission

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

Date: 24 September 2020

TRANSCRIPT OF PROCEEDINGS

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1 **Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei**

2 (8.48 am)

3 **REGISTRAR:** This sitting of the Royal Commission is now in session.

4 **CHAIR:** Ata mārie koutou, tēnei te mihi ki a koutou katoa. Ms Janes.

5 **MS JANES:** Tēnā koutou Commissioners. Our first witness for today is Earl White. He will be
6 giving evidence from the witness room 4 because he has permanent court name
7 suppression. He will be visible only to the Commissioners and to myself. I will be leading
8 evidence from the witness box. But he will be able to be heard by everyone in the room
9 and over live stream. So if I may, I will "call" Earl White.

10 **EARL WHITE**

11 **CHAIR:** Thank you Ms Janes. Good morning Mr White.

12 A. Good morning.

13 Q. Good to see you there. Can you see us?

14 A. Yes.

15 Q. I'm going to ask you to take the affirmation before we begin your evidence. Is that all right
16 with you?

17 A. Yes.

18 Q. Thank you. Do you solemnly, sincerely and truly affirm that the evidence that you will
19 give before this Commission will be the truth, the whole truth and nothing but the truth?

20 A. Yes, I do.

21 Q. Thank you very much. Now I'm going to leave it to Ms Janes to ask you some questions.

22 **QUESTIONING BY MS JANES:**

23 Q. Good morning Earl.

24 A. Good morning.

25 Q. You're going to be giving evidence under the name Earl White and you prepared a
26 statement dated 15 July 2020. Can you confirm please that that is true and correct?

27 A. Yes.

28 Q. Thank you. And could you start reading your evidence from paragraph 2 which explains
29 why you're not using your name giving evidence to the Inquiry?

30 A. "I am one of the plaintiffs in what has become known as the *White* litigation. As I was
31 granted permanent name suppression I will myself (sic) in this evidence by the—this
32 evidence by the—

33 Q. Pseudonym.

34 A. —pseudonym the judge used in those proceedings, Earl White. The names of my family

1 members and witnesses granted name suppression are also the pseudonyms used in the
2 public court decisions".

3 **Q.** And can you confirm that you were born in 1961 and that you're the eighth of ten children
4 born to your parents?

5 **A.** Yes.

6 **Q.** And can you tell us about your brother who is called Paul in the judgment?

7 **A.** He was a couple—two years older than me. He was the one I was closest to over the time
8 when all this, and my father—

9 **Q.** And he was also a plaintiff in the *White* proceedings?

10 **A.** Yes, yes.

11 **Q.** What are the other memories you have of the brothers and sisters?

12 **A.** My brother and sisters, I have a few memories from before my family was separated in
13 1965. But one of my earliest memories of my father was chasing one of my sisters with a
14 knife down the hallway and calling her a black bastard. She was part Asian and was dark
15 skinned. And my older sisters and that looked after me. And one of them shot me into the
16 fireplace playing Robin Hood when I was about—must have been about four because it was
17 before I went to the Presbyterian home. And one of my older sisters drove me down to
18 Canon Creeks to the doctor and on the way back it started thunder and lightning. I
19 remember her pushing me out to the path in the pram and telling me not to worry, that it
20 was only the elephants dancing around in the sky.

21 **Q.** And Earl, you talked about going to the Presbyterian Boys' Home. Can you outline how
22 that happened and that was around 1965, wasn't it?

23 **A.** Yes, my mother left the family in early 1965 to go and live with another man. Before that
24 my family had come to the attention of Child Welfare and was being monitored.

25 **Q.** And the reason it had come to the attention of the Child Welfare and was being monitored?

26 **A.** Yes, there was violence around the home.

27 **Q.** So you were born into that atmosphere and there was a supervised—a preventative
28 supervision order in place when you were born?

29 **A.** Yes, it was already in place I think in 1959, two years before I was born.

30 **Q.** And at paragraph 7 you talk about going to the Presbyterian Boys' Home and the people
31 who ran the home, and then you talk at paragraph 8 about your earliest memories of your
32 mother. Can you go through that for us please?

33 **A.** Earliest memory of my mother is of her visiting me and Paul when we were taken to a
34 Presbyterian home. She came to visit in a blue and white car. They never got out of the car

1 and did not stay for long. My mother said she would come back and get us and take us to
2 live with her. But she never came back.

3 **CHAIR:** Earl, just take a moment.

4 **QUESTIONING BY MS JANES CONTINUED:**

5 **Q.** Yes. Earl, are you comfortable to carry on or would you like to take a—

6 **A.** I'll carry on.

7 **Q.** Thank you. And you've talked about how frightening the Presbyterian Home was. Can you
8 talk about what happened to you there?

9 **A.** The staff slapped me around the face, I was pulled by my ears. If you swore they put a
10 cake of soap in your mouth. I saw Mr Gallagher ramming a cake of soap into Paul's mouth.

11 **Q.** How long were you at the Presbyterian Home at that stage?

12 **A.** I actually don't know exactly how long, but it was far too long in my mind anyway.

13 **Q.** So when you got your records at paragraph 11, did it show you at that time that you were
14 there until September 1965?

15 **A.** Yes. My father was able to get us back to live with him. When we came home there were
16 a number of housekeepers who looked after us.

17 **Q.** Was there a particular housekeeper that you recall at paragraph 12?

18 **A.** Yes, her name was Lillian Barrett who threw me across the room into a wall. I remember
19 her slapping Paul and pulling him by his hair.

20 **Q.** Did you have any relationship with your mother from that stage onwards?

21 **A.** Only when she sneaked out every now and then on a Sunday, she'd meet us down the road
22 and give us a couple of little plastic toys or some lollies and that. And when we used to
23 take them home dad used to get all upset and angry and smash the toys and throw the lollies
24 in the rubbish. And he told us not to meet her again, but she kept coming out every couple
25 of weeks and found us playing down the road.

26 **Q.** You've talked a little bit about your father, but can you tell us what it was like living with
27 your father, that's from paragraph 14?

28 **A.** "My father was often angry. He was violent towards me and Paul. We would get regular
29 beatings—

30 **Q.** Take a moment, Earl.

31 **A.** —with a strap and the jug cord. On one occasion he hit me with a 4 x 2 piece of wood with
32 wire from the chicken coop when I was there collecting eggs and dropped some. It was
33 really anything he could get his hands on. Those beatings would happen on a weekly basis.
34 I remember he gave Paul a beating and was laying into him on the floor. He started booting

1 him in the head and my oldest sister had to drag him off Paul".

2 **Q.** What is the thing you most remember that your father taught you and Paul?

3 **A.** "My father taught Paul and me how to steal from shops. We would not go to school very
4 often. He would take us out instead of going to school and would show us how to shoplift.
5 The first time he done it was in Woolworths Porirua on the Friday night when it was late
6 night. He had a little bag and we went into Woolworths, went around to the jean
7 department. He grabbed himself a pair of jeans, put them in his bag and walked out and
8 then when we got outside he took his jeans out of his bag, passed the bag over to us and
9 told us to go and get our own and from there he would praise us for stealing things and say
10 well done and stealing them was all right as long as you didn't get caught. This would be a
11 regular experience. I started smoking cigarettes around the same time. When I went out
12 with my father shopping he always used to get me to steal things like black pudding, baked
13 beans, tobacco and a number of other items".

14 **Q.** Earl, what age would you have been when you started smoking, can you remember?

15 **A.** I believe around five or six.

16 **Q.** And that would be a regular occurrence?

17 **A.** Yes. I smoked every day.

18 **Q.** And you talk at paragraph 16 about your older brother, Donald. Can you just tell us briefly
19 about what you recall?

20 **A.** "He had—my father had done exactly the same thing with Donald, he apparently got
21 Donald to rip off a safe at my father's work at the bus depot in Porirua. When Donald got
22 caught he told my mum dad had put him up to it".

23 **Q.** I know it's a very tough conversation about your relationship with your mother, but can you
24 at paragraph 17 talk about what you felt and whether that changed?

25 **A.** "I blamed my mother for many years for leaving us with dad, but when I got my records
26 from CYFS [Department of Child, Youth and Family Services] she had written a number of
27 letters to Child Welfare explaining to them what was going on with my father teaching us
28 bad habits and that he was abusive and that we shouldn't be left there. Many of those letters
29 hadn't even been opened".

30 **Q.** And what did you think and feel when you saw those letters hadn't been opened?

31 **A.** I was angry, disappointed because had they opened one and seen what it was saying in
32 there about what was going on, they should have taken action then instead of just ignoring
33 the rest of the letters to see if the situation was getting worse.

34 **Q.** And apart from what was in those letters, were there other occasions where Child and

1 Welfare officers could have been aware of what was going on, and that's at paragraph 18?

2 A. "All this was witnessed on a number of occasions by Child Welfare officers. And they just
3 let us stay there with dad and did nothing. They witnessed him a couple of times
4 themselves laying into us. And they just did nothing".

5 Q. And there's a very specific example that you remember at paragraph 19. Can you go
6 through that for us please?

7 A. "Around 1967 or 68 a Child Welfare officer came to see me. I know from records her
8 name was such and such. Prior to that, other Child Welfare officers came a couple of times
9 because our father gave us hidings. I remember this lady asked us if we wanted to live with
10 our father. I remember sitting on the bed and crying and saying no. It was because he was
11 hitting us all the time and they knew he was hitting us, but they didn't do anything about it
12 and things were always the same".

13 Q. And what happened after you told them that you didn't want to stay at home with your
14 father?

15 A. They took us back to the Presbyterian Home. "I know from records we went there in
16 January 1969 until September 1969. Everything was the same, we still got slapped around
17 the ears and our mouths washed out with soap.

18 We went back to live with our father. He had a lady there that looked after us. It
19 didn't take long before the hidings started again".

20 Q. Then what happened in 1972?

21 A. In 1972 my father was going to go back to England and that and suddenly it was all right
22 for Welfare to decide that now we can go and live with our mother after all the damage was
23 done. And the person, the partner she was with was violent, not quite as violent as our
24 father, but he was still violent, he slapped us around. And my mother would tell him to
25 stop but she had no control of him.

26 Q. Can you tell us about, because at this stage you would have been at school, can you tell us
27 about what education you recall having?

28 A. When we were with dad we hardly ever went to school and when I went to mum I used to
29 go to school and that, but I'd wag a lot and we'd go around the shops shoplifting and
30 stealing stuff, getting into trouble. I got caught stealing bikes and came to the attention of
31 Youth Aid in the police. I was committing burglaries and got caught by police. I also got
32 in trouble at school for stealing.

33 Q. So this went on for a couple of years and at paragraph 25 you talk about what happened in
34 1974 and we go to the Epuni Boys' Home. How did that come about?

1 A. I was at school one day and this stepfather came along and picked me up early from school.
2 He didn't say anything, he just said going into town. And next thing I found myself at the
3 courthouse in Wellington and then I was taken down, out to the carpark, put in the car and
4 taken out to Epuni Boys' Home. I was given no warning or any explanation. I know now I
5 was committed to the care of the Director General of Child Welfare. I was 12 or 13 years
6 old. It's something that should have happened right at the start of my life.

7 "When I first got to Epuni they put me in what was called secure. It was like a
8 police cell. Every new arrival went there for two or three days. You were pretty much
9 locked up all 23 hours of the day. For one hour you got taken out for physical exercise.
10 I remember sitting there crying, wondering what was going on, frightened at being locked
11 in a cell. I went back to secure on many occasions during my stay at Epuni for punishment.
12 I recall going in for three days after"—I didn't try to escape from Epuni, I actually escaped
13 from Epuni, I was away for about 24 hours.

14 Q. Once you were out of secure and into the mainstream of the Epuni Boys' Home, what was
15 your experience like from then on?

16 A. "Once I got out of secure and in the mainstream it wasn't long before the violence started
17 happening. Staff used to give the 15 year old boys cigarettes, they got a certain number
18 each day. I can recall one of the boys who was allowed to smoke was a friend of my older
19 brother. He gave me a puff of his cigarette. A couple of the other boys in the home didn't
20 like seeing a new boy having a smoke. Someone said something to me and I told them to
21 get f'd. After that everyone went to the gymnasium and I got beaten up on an older Maori
22 boy who tried to take the cigarette from me. I apologised, but I called him a black cunt and
23 he gave me a beating in the corner of the gym. There were about four or five who all
24 joined in giving me a beating. I remember one of the boys climbed a rack in the gym and
25 from there dropped a medicine ball on my face. A medicine ball that is full of sand. One
26 of the staff members watched this whole incident. He came and told them to clear off when
27 the medicine ball was dropped on my face. It was left all swollen like a beach ball and I
28 was taken to the infirmary for a few hours before being returned to my room.

29 I would be beaten quite often by the other boys in the home. Kicked and punched.
30 The housemaster and staff were aware of all the fights and would let them happen".

31 Q. In terms of your approach to life and what you thought was reasonable, at paragraph 29 you
32 talk about your formative experiences about language. Can you go through that?

33 A. "My father used the term 'black bastard' in every day speak. He raised us to speak like that
34 and we didn't know any different. On one occasion I got into an argument with some

1 Maori boys in the recreation room. I called one of the boys a black bastard and I remember
2 being slapped in the face by a staff member. I told him to get fucked and he karate chopped
3 me in the throat which knocked me off my feet. Nothing was done about that. I also seen
4 him punch another boy in the face.

5 There was another staff member who backhanded me and punched me in the side
6 of the head for back chatting.

7 Another time a staff member was carrying a clipboard and was doing a roll call
8 while we were all sitting down having dinner the dining room. One of the boys didn't
9 answer his name straight away and the staff member cracked him across the head with a
10 clipboard. I said to the boy 'Don't worry about it', in which the staff member heard. He
11 then grabbed me by the top of my hair, lifted me from the chair I was sitting in and punched
12 me around the head on at least two or three occasions with a closed fist. One of the other
13 staff members had to come and get him off me. I ended up with a graze on my face and my
14 eye was black. There was no action taken against him for this incident.

15 There was another incident with the night watchman. I woke up one night to see
16 him rifling through my comics and lollies. I asked him what he was doing and he cracked
17 me on the knee and elbow with the torch he was carrying and told me to shut up and get
18 back to sleep. I remember I pretty much cried myself to sleep every night after that because
19 I was so scared he was coming back".

20 **Q.** And Earl, just because we've not mentioned staff names, can we clarify please whether all
21 of these incidents was the same staff member or involved different staff members?

22 **A.** Different staff members.

23 **Q.** And at paragraph 33 you talk about the kingpin culture. Can you explain what that is and
24 how it worked?

25 **A.** "It was very violent at Epuni. You would be bullied by kingpins who were the older boys
26 favoured by staff to control the younger boys. Other boys would bully you too. And the
27 staff would regularly assault us. If you got smart to a staff member and that, they didn't hit
28 you yourselves, they'd get the kingpin or bigger boy to come and give you a hiding.

29 They would also call me all sorts of names like 'loser', 'useless cunt', 'no hoper',
30 'arrogant prick' and 'little bastard'. There was one housemaster who always called me 'sad
31 sack' because I was always sad. I was actually terrified the whole time I was there".

32 **Q.** And, Earl, you've talked at paragraph 35 again about schooling and what do you recall
33 about how much schooling you received at Epuni?

34 **A.** I don't remember receiving much schooling at all. They had a couple of classrooms, but

1 you didn't go in there and do maths or English or anything like that, it's pretty much go in
2 there and muck around. Most of the schooling was sweeping leaves off the driveway while
3 the wind was blowing so you'd have to go back and do it over and over again. And just
4 jobs that they knew that if you done it you'd have to do it again because, like I said, the
5 wind would blow the leaves all black over the drive and you'd have to go and keep going
6 until the leaves were gone. But for education I didn't receive any education, apart from
7 learning how to steal cars and break into houses and shops.

8 **Q.** And you learned when you got your official records that there had been a psychological
9 service report in 1974. Can you describe what that said, paragraph 36?

10 **A.** "There was a report done on 21 June 74 which recommended I be placed in a family type-
11 home. That didn't happen. Instead I was taken to Hokio Beach School".

12 **Q.** And with hindsight, what do you feel about that psychological report and what was the next
13 step in your life?

14 **A.** I don't know if that was the actual report that I did get in my files and that, but the
15 first words in one of the reports that this lad has had a pathetic life. That's—them words
16 still affect me today, because they were right, my life had been pathetic.

17 **Q.** Earl, you then moved from Epuni to Hokio Beach School. Was that any different from
18 your experiences previously? And you're at paragraph 37. Do you want to just take a
19 quick—are you fine to carry on?

20 **A.** I'm all right.

21 **Q.** Thank you. So we're at paragraph 37.

22 **A.** "Hokio was no different from Epuni with lots more violence. Being one of the only Pakeha
23 kids there I received a whole lot of bullying by other boys. The kingpin system was
24 well-established. The kingpins were able to roam around and do as they pleased to the
25 younger boys. I was beaten up by the kingpin on at least two occasions and bullied a lot. I
26 was called honkie and beaten around, punched in the head and kicked, mainly for
27 cigarettes. There was obviously anger from being in a place like that which got the better
28 of a lot of people who took it out on those who were weaker. There was no protection
29 offered to anyone on the receiving end. Staff would watch the fights and do nothing".

30 **Q.** Just before we move on, you've talked about being addicted to cigarettes from the age of 5
31 or 6 and cigarettes feature quite a lot in Epuni and Hokio. Were they a form of currency
32 amongst everybody, highly desired?

33 **A.** Yeah, they were. The main place to get them was when you went home for the holidays,
34 people used to bring them back or like I'd be picking up butts, staff members' butts. When

1 I couldn't get any tobacco I actually smoked dried up pine needles just to get some sort of
2 smoke down into my lungs I suppose. But—

3 **Q.** And then at paragraph 38 you talk about staff members. Again, we won't name them, but
4 you talk about two particular staff members. Can you just go through the experiences with
5 them?

6 **A.** Yeah, "I saw these two staff members slap the boys around or cuff them around the ears for
7 back chatting and smoking. They would take boys for exercise in the gym if you were on
8 penalty, which happened when you committed a misdemeanor. This would consist of
9 doing sit-ups, press-ups and running around the concrete yard until they'd tell you to stop.
10 If we stopped too soon they would hit us with a stick or give us a kick up the backside and
11 tell us to get moving again. Because I was a skinny boy I had trouble doing press-ups and
12 sit-ups and when I didn't do these properly Hoko Gardiner would"—sorry.

13 **Q.** Can we stop?

14 **CHAIR:** Just pause for a moment.

15 **A.** Sorry.

16 **Q.** That's all right, it can be managed.

17 **QUESTIONING BY MS JANES CONTINUED:**

18 **Q.** No, we're okay, that was a name that was all right to say. Thank you. So we were at the
19 end of paragraph 38?

20 **A.** He would throw a medicine ball at my stomach.

21 "There was also verbal abuse, being called a loser and being sworn at constantly. I
22 was always in fear of the violence and of being hurt".

23 **Q.** And you had talked about being in secure at Epuni. Was the same experience of
24 punishment using secure also at Hokio, or did they treat it differently?

25 **A.** They had two cells like police cells over in one of the wings that you got put into. It had
26 the mattress taken out during the day and—

27 **Q.** And you talk about getting tattoos while you were at Hokio. How did that happen and
28 where were they?

29 **A.** Just, yeah, just like a cotton and needle and ink and got dots across my hand and ankle, and
30 because at daily inspections we had to hold your hands out to make sure you had no
31 nicotine and that, and like we got caught for the tattoos and that, got put on penalty again.

32 **Q.** And you talk about the abuse at paragraph 41. There was a new type of abuse that you
33 experienced. I know this is hard, so take it slowly and at your own pace.

34 **A.** "I also experienced sexual abuse while at Hokio. At some stage I was put into the kitchen

1 to do dishes. One day when I was in the storeroom and the cook, Mr Ansell, offered me a
2 cigarette. I had been working—I had been smoking since I was five, six or seven years old,
3 very addicted, so I jumped at the chance to have one".

4 **Q.** There was an occasion when you were in the storeroom smoking a cigarette at paragraph
5 41.

6 **A.** "As I sat in the storeroom smoking a cigarette Mr Ansell pulled my pants down and started
7 masturbating me. He then removed his own pants and grabbed my hand and put it on his
8 penis and told me to do what he had done to me. After it was over he gave me three
9 cigarettes and told me not to tell anyone. He used cigarettes as a form of payment".

10 **Q.** And Earl, what happened after that first incident, were there other occasions?

11 **A.** Yes, there were. "Following the first incident the abuse by Mr Ansell occurred on trips
12 away from Hokio on another nine occasions at least. I know from records that I was taken
13 off the Hokio school premises on 13 separate occasions. This would often be with other
14 boys. We would go to Mr Ansell's house or for a drive to the beach or to Levin. When we
15 went to his house he would take boys into his room. When I would be taken into
16 Mr Ansell's room it was always the same thing, masturbating me and I would be made to
17 do the same to him.

18 It also happened in the storeroom and kitchen. I would always get cigarettes as a
19 reward. I was aged between 13 and 15 years at the time".

20 **Q.** Did you feel there was anyone you could talk to or tell about what was happening?

21 **A.** No, there was no-one, because when you first got to the home the first things you were told
22 is you don't inform on the boys and you definitely don't lay any complaints about staff
23 members because it would only cause you trouble. If someone did inform they just ended
24 up getting beaten up.

25 **Q.** And eventually you were discharged from Hokio in 1977. Where did you go then?

26 **A.** Actually I was discharged in the May holidays in 1976, a couple of months after I turned
27 15. I went to live with my mother and stepfather again.

28 **Q.** And you were 15 years old at that time?

29 **A.** Yes, I got out on the Friday and on the Monday morning about 6 o'clock in the morning the
30 stepfather started screaming at the top of his voice, "Get out of bed you lazy little bastard,
31 get out and get a job". And from then on, I never got on with him, but I couldn't trust even
32 the welfare officers and that, because they knew what he was like before I went, I had to
33 pretend that I liked him and wanted to go and live with him and mum because if I didn't
34 I was told that I'd probably end up going down further to Kohitere which is a home for

1 15 year-olds and over, so I went to live with him.

2 **Q.** At paragraph 46 you talk about your feelings about those events and who you could or
3 couldn't trust and the impact on you. Can you go through that please?

4 **A.** "Throughout all these events there was nobody I could trust, not even the Social Welfare
5 officers. I feel their failure to protect me meant I never had a chance to make anything of
6 myself and this has had a huge negative impact on my life, and still does because I can't
7 afford the things I would want to give my grandchildren—I've already failed my children—
8 like proper housing and nutritious food. At the end of the day my children and
9 grandchildren are everything to me. My main focus in life is on my family and my need to
10 ensure a better life".

11 **Q.** And, Earl, was that a major part of why you ended up later seeking redress because of the
12 importance of your family and your children and your grandchildren, because we'll hear
13 what a very long journey it was for you shortly. Tell us about your children and your
14 grandchildren.

15 **A.** I've got a 36 year old daughter, a 29 year old son—who—my son's got five children aged
16 down from 9 to 13 months, and my daughter has one 17 year old boy in December. She's
17 just found out that she's going to be having another baby as well, so—but I'm not able to do
18 anything like—the only time my children or grandkids have slept in anything new was
19 when they got their cot. I can't even get my children beds. I had to go and shoplift to get
20 them shoes, underwear, socks.

21 **Q.** Do you want to take a break?

22 **CHAIR:** Yes, Ms Janes, I think this might be a good time to take a break. Mr White, we're going
23 to take a break just to let you have a break. You might even feel like a cigarette and if you
24 do that's perfectly fine. So just take as long as you need and we'll come back when you're
25 ready.

26 **A.** No problem.

27 **Adjournment from 10.46 am to 11.14 am**

28 **CHAIR:** Yes, Ms Janes. Do we have Mr White back again?

29 **MS JANES:** We do have Mr White back and we're ready to proceed if you are.

30 **CHAIR:** Yes.

31 **MS JANES:** Earl, can you hear me?

32 **A.** Yes.

33 **CHAIR:** Hello, welcome back.

34 **QUESTIONING BY MS JANES CONTINUED:**

1 **Q.** Earl, we left you, you had just been discharged from Hokio. We're at paragraph 47 of your
2 evidence where you talk about what happened after you were discharged.

3 **A.** "After being discharged from Social Welfare care I worked in a delicatessen in Cuba Street
4 for around nine months. When I turned 16 I tried to join the Armed Forces but was turned
5 down because I didn't have an education. And from there I was unable to find any kind of
6 stable employment and straight back into stealing cars, from cars and doing burglaries.
7 I ended up being kicked out of my mother's address and ended up living in shop doorways
8 on Cuba Street. I became addicted to alcohol and cannabis and would steel to feed my
9 addiction.

10 I ended up in a Youth Detention Centre. My main memory of that was drinking
11 two cups of disinfectant to get out of the place in hope of being taken to the hospital. So I
12 had plans of escaping from the hospital. It didn't work and I was just made to vomit it up".

13 **Q.** What was your life like after that?

14 **A.** When I was released from the detention centre I pretty much got straight back into crime
15 and ended up going to Mount Crawford prison a couple of times for burglaries and I was
16 suffering from insomnia and was prescribed sleeping pills when I was at Mount Crawford
17 prison.

18 **Q.** At paragraph 50 you make a comparison between prison and the residences.

19 **A.** "It might be hard to understand but I found it very nice being in prison, easier than the time
20 in the welfare homes. The prison guards were doing their jobs and they were more caring
21 and I felt safer at night".

22 **Q.** What happened in 1987?

23 **A.** In 1987 I got three months prison for driving while disqualified and breach of PD and after
24 I was in there for about a week my partner found out that her mother was dying, so I ended
25 up getting leave to attend the funeral. When I went back to prison I was—felt so low in my
26 life that I let everybody down, my daughter was only three years old and poured turps all
27 down my legs and set fire to myself. I felt so guilty that I wasn't there for my family. And
28 I just wanted to hurt myself.

29 **Q.** A very difficult period in your life, Earl, and you then go on to talk about how you tried to
30 turn your life around. So at paragraph 52?

31 **A.** Yeah. "Over the years I did try to obtain and keep employment but I was trapped in a cycle
32 of crime and drugs. I ended up being out of employment for so long I have been unable to
33 re-enter for some years. I haven't—the last job I had, a proper job was in 1987 when I was
34 in prison I got work parole and that was the last time I worked a proper job. And my ability

1 to concentrate is difficult. At that stage it was 45 years of smoking, but now it's 54, and all
2 the drugs and alcohol have also severely affected my health.

3 **Q.** And Earl you don't have to answer this question if you're not comfortable to, but in terms of
4 the effect on your health of the smoking and the drugs and the alcohol, do you feel
5 comfortable to share what that effect has been on you and your health status?

6 **A.** About seven years ago I went to the doctor and I done that test where you blow into that
7 thing where the ball goes forward. I couldn't even move it. They'd done an estimation that
8 my lungs were at the age of 95. I've got emphysema, high cholesterol. My blood's not
9 circulating properly through my legs.

10 **Q.** What concerns do you have for the length of your life as a result of the consequences of
11 those?

12 **A.** My only concern is the time to try to do something for my children and grandchildren
13 before I die, because as it is at the moment, if I die I'm just a burden on them. They can't
14 afford to pay for any funeral or anything like that, and—

15 **Q.** Thank you for being willing to share that with us, Earl, I know it's very personal. We'll
16 now go on to another difficult topic, at paragraph 53. It comes to the point where you
17 disclose the abuse that you suffered. Can you tell us about how that happened and came
18 about?

19 **A.** "At the time it was happening and for many years afterwards I just thought what happened
20 to me was normal and that the staff in the welfare homes and that were allowed to beat you
21 around or whatever.

22 And it wasn't until later in life when I was watching TV one night and I saw a
23 thing about neglect about when a child had been killed and something snapped inside me
24 and I suddenly realised that something was wrong, so I started trying to sort it out. I started
25 to experience flashbacks about my past.

26 So in April 99 I went to see the CYFS office and asked for my file under the
27 Official Information Act to see what they had. I already knew in my mind that Child
28 Welfare officers had been witness to me being beaten by my father. I got mucked around,
29 eventually I got to see some of the things which were recorded".

30 **Q.** When you picked up your records from the CYFS office, can you talk to us about what you
31 had to do and the impact that had on you, and that's at paragraph 56.

32 **A.** "It may seem a small thing to others, when I picked up my CYFS files they were all mixed
33 together in no chronological or placement order, so I had to spend hours going through and
34 trying to get them into the right order to make sense of what happened. I found it very

1 distressing and a very difficult exercise to go through".

2 **Q.** Can I just divert briefly. What would have made that an easier process for you in terms of
3 accessing your records and understanding and going through them?

4 **A.** It would have been a lot easier had they been in order and that of the times of when what
5 happened and that, but in my mind they deliberately done that so I could have—I'd have
6 trouble going through it, because my concentration level is very low. It was quite hard and
7 then when I started reading some of the things it just made matters worse, especially when
8 I found out that they already knew and had noted down a lot of the abuse that I'd suffered.

9 And when I finally received and looked through the file, I was shocked to see
10 exactly what they had known about the abuse and the comments they had made. They
11 pretty much blacklisted my mother and put all their effort into having my brother and me
12 sent to live with my father, despite the fact that it had been clearly written in my file how
13 violent my father was, how he taught my brothers and me how to steal, and it was also
14 despite the letters my mother had written warning that we shouldn't be left with my father".

15 **Q.** And it came to a point where you went to a lawyer. Can you describe the circumstances of
16 that and where you went?

17 **A.** A young guy that I was helping out told me to get him out of trouble and he had a friend
18 that was a hairdresser that knew of a lawyer called Sonja Cooper in Wellington, and I went
19 to see—I'd never told anybody about the sexual abuse until I met Sonja Cooper, mainly
20 because I didn't want to be landed with the name faggot or gay or queer, and it was
21 embarrassing and I didn't really understand at the time what was happening when
22 Mr Ansell was doing it to me. I always had problems talking about things and getting help.
23 I could never talk to my partner or family about it because I was too ashamed to explain
24 what happened.

25 **Q.** And Earl, as part of that process after seeing Sonja Cooper, you visited and had an
26 assessment with a psychiatrist, Dr John Crawshaw?

27 **A.** Yes.

28 **Q.** Can you describe how much time you spent with him and what his views were?

29 **A.** I went to see him, I think I was with him for a couple of hours and I talked all about the
30 abuse which occurred in my childhood and about the sexual abuse by Mr Ansell. And done
31 a report and said that I was suffering from severe anxiety, Post Traumatic Stress Disorder
32 and a number of other disorders.

33 **Q.** And then you started embarking on the litigation process and at paragraph 61 you talk
34 about a claim being filed in the High Court on behalf of you and your brother in December

1 1999. How old were you at that stage? We're at paragraph 61.

2 A. I was 38 years old at the time. It took eight years before the case got to court in 2007. And
3 I'm 59 now, I'm still waiting for justice.

4 Q. And at paragraph 61 you talk about 2001 the claim was settled. Can you read from the
5 third sentence, so "finally in 2011"?

6 A. Finally in 2011, after 12 long years, they gave me an ex gratia payment from MSD. I don't
7 feel my claim has settled because the Crown, they haven't taken responsibility for what
8 happened to me. And when I looked up the words ex gratia because I didn't know what that
9 meant and it turned out that the ex gratia payment is as a favour or a gift without taking any
10 legal responsibility for what happened. And to me it was an insult and—

11 Q. If you had to describe the experience in hindsight of those 12 long years, how would you
12 capture that?

13 A. It was a nightmare, it was just—it was unbelievable, bizarre. I felt like the Crown treated
14 me like being in a criminal trial rather than a victim of abuse. The whole process about me
15 made me feeling re-traumatised and abused all over again.

16 Q. As part of the legal proceedings, what's happened to you in terms of remembering the
17 experiences? We're at paragraph 62.

18 A. "After starting the legal proceedings and the interview with Dr Crawshaw, the memories of
19 my childhood came back even more. Almost every day I would remember something new.
20 I started drinking more heavily and using drugs to block it out".

21 Q. And were you able to seek any help as that started to occur or were you offered any help?

22 A. No, I actually—a few months after I saw Dr Crawshaw, I went to see a doctor in
23 Paraparaumu who I'd been to for—when the police broke my arm back in the year 2000 I
24 think it was, and I went to see him and I asked him to—for help and that was a huge step
25 for me to finally talk about the abuse and try and get help. But it was only during the trial
26 preparation process that I became aware that Mr Ansell had been convicted in 1976 of
27 sexually abusing other boys at Hokio.

28 Q. And when were you discharged from Hokio relative to the conviction of Mr Ansell in
29 1976?

30 A. I was released at the beginning of the May school holidays, but I don't know what month he
31 went to court.

32 Q. So his conviction was at the same time that you were transitioning out of Hokio?

33 A. Yes, something like that.

34 Q. And just to check, were you ever contacted by anybody to talk about whether you had

1 experienced any abuse by Mr Ansell?

2 A. No, I wasn't.

3 Q. And at paragraph 65 can we pick it up and have you read from there please?

4 A. "I believe the Crown knew the abuse happened to me from everything they knew about
5 events at Epuni and Hokio, but during the trial they made it look like it was all my fault
6 why the abuse had happened and they used every available excuse and technicality in court
7 to win.

8 If the Crown had immediately fact-checked what was in my claim then told us that
9 they knew Mr Ansell had been convicted of abuse in 1976, which was while I was there,
10 and acknowledged that the events I told them were accepted and offered a genuine apology,
11 I would have accepted any amount of money they offered. Instead I was put through 12
12 years of what felt like torture and in some ways was worse than the abuse I suffered. Every
13 time I saw a Cooper letter, legal letter in the letterbox I thought maybe it was over and
14 I could move on with my life, but it just kept going on and on and on. It was hugely
15 stressful and the depression and anxiety was inevitable".

16 Q. Before moving on, has there ever been an offer of support or assistance from the Ministry
17 of Social Welfare as you went through this claim process?

18 A. No, there was none.

19 Q. And at paragraph 67, you've described what impact it is. Can you read paragraph 67?

20 A. "I feel if it had been over earlier I may have had the chance for my life to take a different
21 direction but I wasn't given that chance. To be honest, I am pissed off I had to wait so long.
22 Justice is supposed to be swift, but it certainly wasn't for me".

23 Q. Can I have you keep reading through to paragraph 70 please?

24 A. "I didn't feel justice was done then and I still feel that way. I don't call myself a survivor
25 because I am still waiting to be rescued and that can't happen until I receive justice. For me
26 that would be a proper, genuine apology from the Prime Minister or the Governor--General
27 on behalf of the Queen to all the thousands of children who have been harmed, including
28 me and my brother. Not to forget all my sisters that were abused as well".

29 Q. What did you feel about the apology letter that you got?

30 A. It was an insult to me when—because to me somebody in a temporary job at the head of
31 CYFS is not a genuine official and the Governments over the years have apologised to a
32 number of other people for things that have happened 150 years ago before, they have no
33 problem apologising to other people, but for the people that their State abused they seem to
34 have a problem, just even to say the word "sorry".

1 And it's an injustice that's an insult to all of us, because they actually had blood on
2 their hands, because a number of the people that were abused in these State care homes
3 have gone on to rape, murder and the blood is on the Government's hands because of what
4 happened to those boys in their homes. I'm not saying it's an excuse, just because we got
5 hidings and whatever in welfare homes that you go and do that sort of thing because that's
6 not the way it is. If it happened to you, you shouldn't want to do it to anybody else.

7 **Q.** And Earl, at paragraph 69 it talks about the claim being on the basis that the Social Welfare
8 agencies owed what in law we called a duty of care to you and Paul for the decisions that
9 they made.

10 **A.** The basis of welfare is to owe duty of care to Paul and me, but they didn't, they put social
11 workers concerning my family after we first came to their attention two years before I was
12 born in 1959, and the treatment we suffered in the various Social Welfare institutions meant
13 pretty much my whole family, apart from my older sister and that, all suffered abuse in
14 welfare institutions, and—

15 **Q.** And are you comfortable to share, we've talked about, you and I, about intergenerational
16 abuse, is there anything you want to say about your family in that context?

17 **A.** Yes, when I was going through the trial, they seemed to take pleasure in telling me, that my
18 mother and father were in welfare homes as well when they were children and they had no
19 problem trying to blame my father for everything that happened to me and using that as an
20 excuse for saying that what happened to me further down the line made no difference to my
21 life.

22 But if my parents were in welfare homes, I wouldn't even want to imagine what
23 happened to them in the days they would have been in there because the abuse has been
24 going on for a long time, probably from when welfare homes first existed, and the
25 Governments over the years, there would have been complaints and nothing was ever done
26 to redress it, to help other children following in the footsteps. And to me if they want to
27 blame my father, they want to take a look in the mirror themselves because they're the ones
28 that raised my father obviously in the welfare homes as well and they obviously feel like
29 they failed me.

30 **Q.** And so Earl, at 70 you talk about the reason that you decided to take a claim to the High
31 Court, and what you hope to get from it.

32 **A.** "While I think victims of abuse in care should receive compensation to acknowledge the
33 harm caused to them, my objective in taking the case to court is not about the money but
34 the desire to receive a proper apology which I still haven't received after putting my case to

1 court". And it's a disgrace that the Government can't get up and apologise to their own
2 people for something that's been proven.

3 **Q.** And we're now going to start the journey of trying to settle the claim before it went to court,
4 so at paragraph 71, so we've talked about the claim being filed in December 1999, and as
5 early as 14 June 2001 through your lawyer, Cooper Legal, you attempted to settle the case
6 out of court. Just before we go through that, at paragraph 74, can you just read that so that
7 we set the scene about the information and your knowledge of it as we go through it.

8 **A.** "I don't have any specific recall of the settlement discussions apart from generally, and
9 I relied heavily on and took the advice of Sonja Cooper who was the expert in this area, so
10 these events are taken from the correspondence between her and the Crown".

11 **Q.** And so having set that scene that this is very much reliant on the correspondence, can we
12 go back to paragraph 71 and that first settlement discussion, if you could start reading from
13 the second sentence, "Sonja Cooper wrote to Crown Law"?

14 **A.** "Sonja Cooper wrote to Crown Law on behalf of me and my brother to seek alternative
15 dispute resolution and to request an informal discovery process. She made it clear that both
16 Paul and Earl have a strong desire to resolve these proceedings as quickly as possible. We
17 did not want to go through the trauma of an adversarial court process. Sonja Cooper never
18 got a response to this initial letter.

19 She followed up on July 12, 2001 in relation to my brother's claim. Sonja Cooper
20 followed up a third time by letter dated 23 August 2001 again requesting alternative dispute
21 resolution. We finally heard back on 27 August 2001 with a long list of detailed questions.

22 I found the uncertainty of how my claim was going to be resolved distressing.
23 Even as late as August 2003, nearly two years later, we were still requesting alternative
24 dispute resolution without any firm commitment from the Crown to explore that option
25 seriously".

26 **Q.** Then if we can jump to paragraph 75?

27 **A.** "On 15 November 2002 Sonja Cooper advised the Crown I was prepared to settle for
28 compensation of \$35,000, payment of my legal costs, which at that stage were \$10,000, and
29 a contribution to my counselling. The Crown asked for an extension of that offer until
30 12 December 2002 which was agreed.

31 Ultimately the Crown did not accept that offer saying MSD wouldn't be in a
32 position to consider settling my case until they knew the outcome of two other court cases
33 about ACC cover.

34 Sonja Cooper provided the Crown with a lot of information they had asked for or

1 which she thought may help get my claim resolved out of court. This included a draft
2 statement outlining the abuse I had suffered and a draft report following a psychiatric
3 assessment by Dr Crawshaw.

4 Given that I understand the Crown eventually spent well over \$1 million and
5 closer to \$2 million defending this case, it is unbelievable that they didn't accept the offer to
6 settle my claim for a total of \$45,000, particularly given what they already knew about
7 abuse at Epuni and Hokio. In the end I took their gift in 2011 of \$35,000. I received
8 \$25,000 and Sonja Cooper got \$10,000. I say 'gift' because that is what an ex gratia means.
9 I looked it up when I received their letter".

10 **Q.** And Earl, as part of the progress to trial, the Crown required you to undertake a psychiatric
11 assessment. Can you talk about that? It's at paragraph 79.

12 **A.** "In February 2004 the Crown asked me to agree to an assessment by another psychiatrist,
13 someone they chose, a Dr Chaplow. I agreed because I thought it may help settle my case.
14 I found this really traumatic as I had to tell another stranger all about what happened to me.
15 I didn't feel comfortable talking to Dr Chaplow. It seemed to me that he was blaming me
16 for everything that happened to me, especially the sexual abuse. He asked me why I had let
17 it happen so many times. I kept thinking I was only a boy and Mr Ansell was an adult in a
18 position of power. I was really upset and distressed and it made me more depressed for
19 many months afterwards.

20 Dr Chaplow's report was very different to Dr Crawshaw's and minimised the
21 effects the abuse had on my life.

22 I have had to speak to so many psychiatrists in relation to my court case. I was
23 and am not happy about that. It is not a process that helps victims of abuse. Instead,
24 re-traumatising them every single time. But I went along with it because I didn't think I
25 had any choice if I wanted my claim settled".

26 **Q.** And Earl, in April 2005 the Crown made an offer to settle. Can you go through paragraph
27 82 outlining what that offer was?

28 **A.** "On 26 April 2005 the Crown offered to settle for \$20,000 including legal costs. Sonja
29 Cooper believed there were strong legal arguments that I should be entitled to a higher
30 settlement and on her advice a counter-offer was made to settle for \$100,000 including
31 legal costs.

32 The Crown offered to settle my case in July 2005 for \$30,000 including legal
33 costs.

34 Sonja Cooper"—

1 Q. So just, you've told us that you settled in 2011 for 35,000 in total, and at this point there
2 was an offer for 30,000 including legal costs. So what was your understanding of how far
3 apart you were and what could happen next?

4 A. In 2011 when I took their ex gratia payment, I've never and I still don't today consider that a
5 settlement. A settlement is when both sides agree that it's all over. They didn't take
6 responsibility for what happened to me through their decisions in my life, which they
7 totally destroyed.

8 Q. And one of the reasons was that there was correspondence describing your claim as a weak
9 one. At paragraph 84 can you go through the response that Sonja Cooper made on your
10 behalf in July 2005?

11 A. "In July 2005 she challenged the Crown's position of something that my claim related to
12 one incident of sexual abuse which they described as being relatively minor sexual abuse.
13 On Sonja Cooper's advice she told the Crown that I would accept \$30,000 in full and final
14 settlement but would also need another \$21,500 to settle my legal costs. She also said that
15 if this was rejected we would take my case to trial. She told the Crown that what her firm
16 now knew from other clients in the same institutions at the same times there was a lot of
17 corroborative evidence of sexual abuse by Mr Ansell and the physical abuse I suffered at
18 Epuni and Hokio.

19 Sonja Cooper wrote to the Crown again in March 2006. I had instructed her to
20 make a settlement offer. It repeated my earlier offer to settle for \$30,000 plus payment of
21 my legal costs. She said they would exceed the \$21,000 she had mentioned to them a year
22 before and reminded the Crown that a nine-week trial would likely exceed \$500,000.

23 A further letter was sent on 6 April 2006. Sonja Cooper had filed amended
24 pleadings and discussed those with me. On her advice the settlement offered now was
25 \$60,000 compensation and payment of my legal costs. I don't think Sonja ever got an
26 answer to that letter.

27 There were further letters between the Crown and Sonja Cooper in September
28 2006. The Crown had asked the Court in June 2006 that we include even more specific
29 information, but the judge had said Crown Law was never going to get the specifics they
30 were asking for because it would be an impossible task for us and he didn't see what more
31 we could be asked to do in terms of our pleadings. Sonja Cooper said we were still willing
32 to settle if the Crown changed its mind and stressed it was not our actions that were
33 unnecessarily adding to the costs.

34 On September 25, 2006 the Crown wrote back saying it would be

1 counter-productive for us to incur further costs in lengthy correspondence over these
2 matters when we plainly do not agree and said they did not accept Paul and I had made
3 reasonable offers to settle. The Crown said"—

4 **Q.** Can you read that quote from the Crown letter?

5 A. "You are well aware that by pursuing very broad and in some cases novel claims in the
6 *White* proceedings and putting the Crown on notice that you will be taking the same
7 approach using largely generic pleadings in hundreds of similar claims, you have to a very
8 large extent tied the Crown's hands on settlement. If the Crown settles on the basis of the
9 claims as pleaded in the *White* proceedings, you will undoubtedly look to the Crown to do
10 the same for your hundreds of other clients".

11 **Q.** How did you feel, you've set out at paragraph 89?

12 A. "Unfortunately because Paul and my case was the first major one about abuse in Social
13 Welfare homes to go to trial, I feel we got caught in the legal crossfire. Having thought
14 about it over the years I feel we were dragged through the courts so the Crown could use
15 our case to test things like the Limitation Act and the ACC bar so they could stop future
16 claims being made and limit what they paid other victims of abuse who came forward".

17 I would have thought that because my case started in 1999 that it comes under
18 1999 law and like ACC changed their law in 2003, 2004 because in my belief it's because
19 they knew what sort of claims are going to be coming, because they already knew about all
20 the victims coming forward and they deliberately set out to make sure that they didn't have
21 to pay the proper compensation that the victims deserved.

22 **Q.** And Earl, in October 2006 Sonja Cooper wrote to the Crown again, and this was well
23 before your trial in 2007. Can you read paragraph 90 and the basis on which there was
24 another communication?

25 A. "Sonja Cooper wrote again on 27 October 2006. She mentioned the possibility of the
26 Government looking at options to settle these types of claims through an out of court
27 process with a recommendation expected by April 2007. She said:

28 "Within that context it is difficult to understand what is hoped to be achieved by
29 forcing Earl and Paul White to litigate their cases. If Government is intending on
30 embarking on an out of court process for resolving claims of this client group, the relevance
31 of establishing some legal precedent appears to be fairly limited'."

32 **Q.** So was your understanding at that time that the Government was looking at alternative
33 processes to settle claims like yours and was there any consideration given to stopping your
34 claim to see what those processes might be?

1 A. I can't really, I don't really know. With all this out of court thing and that I left that to Sonja
2 to do.

3 Q. And then turning—sorry, carry on.

4 A. Yeah, I didn't—yeah, I was so stressed out and just depressed and that about the whole
5 thing taking so long I told my story and after that I left it in her court to sort that out.

6 Q. And going to paragraph 91 it talks about Sonja Cooper emphasising that there was now
7 very little time to settle the claim and how expensive it was. Can you just pick that up from
8 the second line, the costs of preparing for trial would get very expensive, and she estimates
9 the costs?

10 A. "The costs of preparing for trial got very expensive estimating her costs to be paid by the
11 Legal Services Agency and a debt owed by Paul and me would conservatively be \$550,000
12 to \$720,000. She also estimated the Crown's costs at being between \$1 and \$1.6 million.
13 She stressed that the settlement offers made by Paul and me were not excessive but also
14 said:

15 'Certainly they have escalated because of the sense of frustration and on-going
16 trauma of being dragged through the litigation process, without realistic settlement offers
17 being made. Earl and Paul White have always been prepared to settle their claims and have
18 made numerous attempts to do so. This was referred to in my letter of 22 September 2006'.

19 I can say without any doubt that I was frustrated and traumatised by the litigation
20 process. I had been prepared to settle for \$35,000 in 2002 and would have settled for that
21 now just to get it over and done with. And this was before I had any idea of how much
22 longer it would take for my case to be heard and how brutal the trial was going to be".

23 Q. And then, Earl, your trial was in mid-2007 and on 22 March Sonja Cooper wrote to the
24 Crown making a last settlement offer. Can you just describe what that offer was?

25 A. "On 22 March 2007 Sonja Cooper wrote to the Crown making a last settlement offer before
26 trial which was \$110,000 compensation and \$100,000 for my legal costs.

27 In their reply dated 23 April 2007 the Crown said:

28 'Contrary to the view expressed in your letter, our assessment is that Mr Earl
29 White has a very weak claim. This assessment takes into account our review of the
30 plaintiff's evidence, the evidence to be called on behalf of the defendant and the legal
31 defences open to the defendant. So far as the Ansell incident is concerned, it is alleged to
32 have occurred after the commencement of the ACC scheme on April 1, 1974 and
33 accordingly, even if it did occur (which is denied), the claim for general damages is statute
34 barred. The facts do not support an award of exemplary damages. For these reasons the

1 offer contained in your letter is rejected".

2 **Q.** And, Earl, going to your personal experience of the litigation and the Crown conduct of the
3 litigation, at paragraph 95, what would you say?

4 **A.** "Throughout the years leading up to my case going to court, it seemed to me the Crown
5 was quite aggressive in the tactics they used. Some of the defences they argued which
6 seemed to change repeatedly over the top(sic), initially they didn't put forward any
7 defences. Then about six years later after I amended my Statement of Claim, they said it
8 was barred by ACC and the Limitation Act. Before the trial, they added further defences
9 saying that for me to continue to seek redress was an abuse of process. The only abuse that
10 took place was the abuse that happened in the State welfare homes, because people had
11 died or couldn't remember or recollect what I was talking about. I thought describing it as
12 an abusive process was unfair. They also argued that I failed to mitigate what has
13 happened to me, which had contributed to my own loss and damage, and then at a later
14 stage withdrew contributory negligence as an affirmative defence".

15 **Q.** Can you continue reading from paragraph 96 please?

16 **A.** "There were also times when I felt the Crown was being uncooperative and strategic. I felt
17 they wanted to win at all costs despite the harm I had experienced and the trauma the legal
18 proceedings were causing".

19 **Q.** You've talked about trying to seek name suppression. Would you like to just go through
20 why that was important to you and what happened?

21 **A.** "My brother and I wanted permanent name suppression before any trial happened. This
22 was critical in order to protect my privacy and that of my family and to avoid being
23 victimised. To me the reasons were obvious. We were victims of sexual abuse and did not
24 want our true names to be published. On 19 March 2007 the High Court decided only to
25 grant interim name suppression and then subsequently said that all witnesses, both ours and
26 the Crown's, would only have name suppression until 25 June when we were set for a
27 hearing.

28 For me this created a great deal of anxiety and uncertainty. Having certainty that
29 my privacy would be protected throughout the whole process was absolutely critical. Sonja
30 Cooper filed an appeal in May 2007. I was disappointed that the Crown contested this
31 appeal and did not understand where I as a victim of sexual abuse was coming from. They
32 said that permanent name suppression should be dealt with at the trial and that the High
33 Court was not wrong to give only interim name suppression as this was highly
34 discretionary. To me this was disappointing, created a great deal of uncertainty and stress

1 in the process, was unnecessarily technical and caused increased costs for us and didn't
2 show any compassion or understanding or recognition of the particular vulnerability of
3 sexual abuse victims".

4 **Q.** Earl, you then became aware that there was a private investigator involved. Can you go
5 through how you discovered that?

6 **A.** "I was stunned to learn that the Crown had hired a private investigator. I found out because
7 a man approached my older sister. She later told me about it and said he was trying to see
8 if she had anything bad and was prepared to say about me. She wasn't prepared to talk to
9 him but she felt very unsettled by this and wondered why they were trying to find dirt on
10 me and Paul when we were victims of abuse. A man also went to the house of my daughter
11 and her boyfriend. He didn't say who he was or what he was doing, but asked for my
12 daughter. Her boyfriend said she wasn't home. My daughter's boyfriend said he had also
13 seen this man up the road watching them and their house.

14 I am not sure why they hired a private investigator to find dirt on me. They
15 already had all my records, my criminal convictions, medical records, benefit history and so
16 forth. I would have thought that was sufficient intrusion into a person's inner life in the
17 context of a case involving abuse of a child who had been in care when it was the State's
18 duty to protect me from harm without also sending out private investigators to dig up dirt
19 on the victim. For me, amongst all the terrible things I was put through, the use of the
20 private investigator was disgusting and unforgivable.

21 The Crown also threw barriers in the way when we were genuinely trying to meet
22 timeframes. They opposed the introduction of late briefs of evidence when our lawyers
23 who had very limited resources were doing their best to bring the claim.

24 The case was heard in the High Court in 2007 before Miller J. I gave evidence of
25 all the things which happened to me both at home and while I was in Social Welfare
26 institutions".

27 **Q.** And Earl, as we go through the High Court trial, we're going to show some of the
28 documents, so just bear with me as I highlight those. We'll call up Exhibit 16 page 10.
29 Earl, you've talked about the need to prove your case in the High Court trial, and if we can
30 call out the highlighted paragraph. This is paragraph 27 which you will have a paper copy
31 of in the room with you?

32 **A.** Yes.

33 **Q.** Would you like to read that or would you like me to read it on your behalf?

34 **A.** I'll read it. "Very little about the plaintiff's claims is formally admitted, somewhat

1 surprisingly since much of their case is squarely based on the contemporary records of the
2 Child Welfare branch. So far as the period before Paul and Earl were placed in Epuni is
3 concerned, the defendant blandly admits that there were many expressions of concern in the
4 superintendent's contemporary records and he admits that the Child Welfare officers and
5 the Court intervened from time to time. But he denies the allegations of grossly inadequate
6 parental care and further denies that the superintendent knew of the plaintiff's neglect and
7 abuse at the hands of their parents".

8 **Q.** Thank you, that can come down. And then Earl at paragraph 103 you talk about cross
9 examination- by the Crown's counsel and how you found that experience. Can you just
10 outline that?

11 **A.** "I was cross examined by the Crown lawyer, Ms McDonald QC, for two days. It was a
12 very difficult experience and Ms McDonald was very aggressive at times. She took me
13 back through each of the incidents of violence and sexual abuse in great detail-. A lot was
14 made of the fact that my memory was patchy about certain things and that I had a criminal
15 history for dishonesty and stealing.

16 The Crown's psychiatrist evidence suggested that the circumstances of Paul's and
17 my life were more likely to be a genetic predisposition from our parents and the events of
18 our early childhood rather than because of the effects of the abuse. I found that really
19 insulting. In any case, I should never have been allowed to live with my parents at all,
20 given the order for preventative supervision that I was under when I was born. So I feel
21 that everything that happened in my parents' homes and in welfare homes was the
22 responsibility of the State.

23 I openly accepted my criminal history and didn't hide from the fact that I lied on
24 occasion previously in the course of theft and stealing. I also made it clear that while my
25 memory was not perfect, I could remember the painful incidents of violence and sexual
26 abuse because they stuck out. This theme of not reporting to people was returned to again
27 and again over the two days of cross examination-. It was very persistent.

28 The Crown's lawyer made a lot of the fact I had not complained to anyone of the
29 abuse at the time or over the years which followed. I had to explain on more than one
30 occasion during the cross examination that there was a culture of not narking- or saying
31 what was happening. Similarly, I had to explain over several occasions how difficult it was
32 to talk to anybody about the sexual abuse".

33 **Q.** And if we can go to Exhibit 15, firstly we'll look at pages 1 to 3 and so Earl, for your
34 reference, that's the transcript pages that you've got. The first references highlighted are

1 about the failure to complain and the judge wanting to be fair to you as the witness. Can
2 we call out firstly the first highlighted?

3 A. Yeah. "And you never made any complaint, did you, at the time about your time in
4 Presbyterian social services, you never told your father?"

5 Answer: I never told anybody anywhere where I was being beaten because in my
6 mind I thought that anyone that hit us like that had the right to hit us.

7 Question: So this was in 1969 when you were in the Presbyterian Home"?

8 Q. And then further down that page there's further questioning about why you didn't complain.
9 Actually can we zoom in on that lower half and, Earl, you'll see there's a reference 494.
10 Can you see the 494?

11 A. Yes.

12 Q. And there is a question why was that that you didn't complain, and you then answer. Can
13 you just read to the end of that page?

14 A. "And why was that?"

15 Answer: Pardon?

16 Question: Why was that you didn't complain?

17 Answer: Well, I didn't know at the time. Like I said I have always believed that
18 in the institutions they were allowed to whack us around as they pleased. I realised what
19 they were doing was assaulting, I didn't realise what they were doing was assaulting us and
20 it's the same as my father. I thought the way he treated us that he had every right to do it
21 but I have realised since I have, you know"—

22 Q. Been older?

23 A. —been older that they had no right to do what they done to me.

24 "Question: But when you were a young child, you have just been telling me about
25 this, you were complaining to the Welfare you say about your father hitting you?"

26 Answer: Yes, we told the Welfare our father hit us, but also from what I have seen
27 in the documents the welfare came and witnessed the beatings anyway, so they already
28 knew".

29 Q. And then if we can carry on scrolling down that page and call out the next highlighted
30 passages?

31 A. "But you clearly knew you had a right to complain about your father hitting you?"

32 Answer: No, I think I just followed Paul's path on that".

33 Q. And then you'll see down there it says "the Court". Can you read from there to—

34 A. "I think, Ms McDonald, in fairness to the witness, isn't the position in 1969 that they left

1 their father and went to their sister and it's as that that the Welfare became involved and
2 asked them about these complaints, isn't that the position on the record, or is the defendant's
3 case that they actually went to Welfare and volunteered a complaint".

4 **Q.** And then scrolling down you'll see under 495, part way down that page, and then there is
5 further highlighted, it says Ms McDonald QC. Can you just read the highlighted lines
6 there? Can you call those out, thank you.

7 **A.** "The Court: I am simply wanting to be fair to the witness what the position is, if Welfare
8 asked them who they want to live with because the Welfare knew there were problems
9 when this issue about complaining wouldn't arise. But it is your case that indeed they did
10 initiate the complaint then of course it's entirely right. I didn't understand that to be the
11 position as you took us through the documents".

12 **Q.** And then at the very bottom, Ms McDonald was then going to go away during the break
13 and have a look at the documents to check what the actual facts were, and at the very
14 bottom of that page after the break can you call out that in the next page, thank you. And,
15 Earl, can you read from Ms McDonald on the point?

16 **A.** "On the point we were discussing before we broke, I think the position is that the
17 documents on their face don't make it clear whether the comments about hitting were
18 volunteered by the boys or whether they were elicited. Our case is certainly that we don't
19 necessarily accept that complaints of hitting were made all the time in the way that's being
20 suggested".

21 **Q.** Thank you. And those are references back to your brief of evidence. We've gone through
22 paragraph 106 and we've just covered paragraph 107 where the judge queried Crown
23 counsel about what she was directing that questioning on. So, can we then go to paragraph
24 108?

25 **A.** Yeah. "On another occasion the Crown's lawyer was asking a lot of detailed questions
26 about the sexual abuse by Mr Ansell. The judge interrupted and asked where the questions
27 were going because it appeared that she was suggesting that I had consented to the sexual
28 assault as a child".

29 **Q.** And, Earl, we'll go to Exhibit 15 pages five to six. They will come up on your screen. But
30 for your reference you'll see a page with 555 at the top. If we can call out the top page
31 highlights and it starts with "the position". Just above 555, can we start at—there's a
32 question you'll see the highlight "The position is that there was a lot of talk about what
33 Mr Ansell is doing" and you answer?

34 **A.** "The position is that there was a lot of talk about Mr Ansell, what he was doing.

1 Answer was: Not while I was in there there wasn't.

2 Question: And how many times do you say he did this to you?

3 Answer: At least 8 or 9 occasions.

4 Question: And each time up got cigarettes, did you?

5 Answer: Yes.

6 Question: And you wanted to get those cigarettes because you were pretty
7 addicted to smoking weren't you?

8 Answer: I was heavily addicted to smoke and Mr Ansell took advantage of me".

9 **Q.** And then we've got the next highlighted passage, "you must have known", could we call
10 that out. No, don't worry, we'll go back to your brief of evidence at paragraph 109. So
11 there was quite a lot of questioning following on in that transcript about the abuse from
12 Mr Ansell and whether you should have not agreed to go with him. So can you go please to
13 paragraph 109 and we'll start reading from there?

14 **A.** Yeah. "All of the specific incidents of violence I described by staff members were
15 challenged. I was told they were all denied and that I had made them up as fabrications.
16 I kept responding that I stood by what I had said and continue to do so today. It was quite
17 traumatising to be called a liar and being challenged every time I answered with what
18 I knew to be true.

19 Some of the cross examination- questions suggested that my childhood had not
20 been that bad at all. Reference was made to specific notes where I went to a movie or a trip
21 which sounded fun. Notes about my school performance being below average was referred
22 to as suggesting it wasn't that bad was it, and there were some good things. My response
23 was always the same. There was the odd moment of happiness, but on the whole my
24 childhood and experience of care in Social Welfare institutions was frightening, violent and
25 traumatic.

26 A lot was also made of my ability to instruct lawyers in relation to my criminal
27 cases and obtaining my CYFS file. I wasn't actually ashamed, I'm still not ashamed, of my
28 criminal cases. The police were doing their job and it was a fair cop when I got caught. So
29 I didn't have difficulty instructing a lawyer for them. I went to great pains to explain in
30 court that there was a psychological difference between giving details to a staff member to
31 obtain my records versus having to talk about painful and shameful memories.

32 In the High Court the judge accepted that I had been physically abused at both
33 Epuni and Hokio and also that I had been sexually abused by Mr Ansell as I described on at
34 least 13 occasions when I was taken to his home".

1 **Q.** And, Earl, in the High Court decision which is Exhibit 16 on page 108, the judge talks
2 about accepting the findings of abuse. And he accepted that it occurred on 13 occasions.
3 How did you feel when the Court accepted the findings?

4 **A.** I thought I finally got there and that justice was going to be done, and that it was going to
5 be all over. But once they used their technical decisions and that to—the Statute of
6 Limitations Act and barring from ACC and that, it turned out that I was wrong and I've just
7 been suffering ever since.

8 **Q.** And so despite finding that the abuse had occurred, at paragraph 113 you talk about the
9 basis for the case actually failing. Can you read 113 and following, paragraph 113 and
10 following?

11 **A.** "Despite this, the judge accepted the evidence of the Crown's psychiatrist experts and also
12 that I had not proved on the balance of probabilities that it had a material impact and that
13 my early childhood experiences are dominant, if not the overwhelming cause of my
14 difficulties. To me it was extraordinary for the judge to accept I had been physically and
15 sexually abused repeatedly over a number of years but that it hadn't had any effect on my
16 life. I could not believe that finding then and still can't today.

17 The judge found that our claim was barred under both the Limitation Act and the
18 ACC legislation, so we were not entitled to any damages. Our notice of appeal challenged
19 all of the judge's findings on these defences.

20 On the question of us continuing to bring the claim, the judge said that our claim
21 was far from an abuse of process". It was an abuse of children, that's what it was.

22 "The Crown tried to get a costs order against my brother Paul for \$42,917 which
23 was opposed by our lawyer. The Crown said that this was because of his failure to discover
24 documents relating to his claim against Presbyterian Support Services and which caused the
25 defendant additional costs. This caused considerable alarm. We had no money and
26 understood that although we were funded by legal aid, technically Paul could be asked to
27 pay these costs. The judge refused to award costs personally against Paul.

28 Unfortunately, because our case failed due to the Limitation Act and ACC
29 defences, the legal aid we had been granted when we filed our claim in 1999 was
30 withdrawn.

31 Legal aid asked me to repay just under \$3,000 which I did with WINZ deducting
32 \$5 a week from my benefit until the full amount was repaid.

33 We didn't have access to legal aid for our Court of Appeal case and Sonja Cooper
34 did this for us without payment.

1 I can't understand why legal aid was withdrawn. The physical and sexual abuse
2 I claimed had occurred was found by the judge to have happened. It seems unjust for legal
3 aid to abandon us at that stage. I accept not all people whose claims are honest, but we had
4 gone through the process, proven the facts, but we were still stopped from getting
5 compensation and now we couldn't even carry on challenging the Crown to see if the High
6 Court decision was right or not.

7 In 2011 when I accepted the payment offered by MSD, I received \$25,000.
8 Payment came with a letter stating it was an ex gratia payment and I felt it didn't accept any
9 responsibility for what happened to me".

10 **Q.** Earl, just before we leave the court case, can we go to Exhibit 16 page 64. Do you recall in
11 the trial that also the Crown raised an issue about collusion of—there were a number of
12 witnesses who gave evidence in your case who had also been at Epuni and Hokio and there
13 was a suggestion that you had all colluded. Do you recall that and what the judge said?
14 And we can go to the paragraphs highlighted on this exhibit. Can we call out that
15 highlighted—the whole paragraph if that will fit.

16 **A.** "It is a feature of the evidence that many of the witnesses did not know one another at all or
17 had not seen one another for many years. They gave evidence because they found their
18 way to Ms Cooper, who acts for most of them in similar proceedings. This case is said to
19 be the first of more than 230 that her firm has brought. Some read publicity about claims in
20 which she is acting, while others learned from fellow prison inmates who have instructed
21 her.

22 Thus there has been some discussion about claims in the circles in which some of
23 the witnesses move. But there was no real suggestion that they concocted their accounts
24 which were very similar in certain aspects, or that they were suggestible. Ms McDonald
25 contended that only that there was a risk of contamination.

26 It seems to me that there is indeed a risk of contamination in that social
27 discussions or the process of briefing by counsel might inadvertently lead witnesses to, for
28 example, identify staff accused by the plaintiffs. There are indications that they may have
29 happened in one instance where a witness named a staff member who is not in fact at the
30 institution at the time.

31 Ms Cooper inadvertently highlighted the concern when she sought to give
32 evidence from the bar by reassuring me that her firm had scrupulously put procedures in
33 place to prevent such contamination. The issue is of concern for, in the absence of
34 collusion or contamination, the similar fact evidence is logically, indeed strongly, probative

1 of the plaintiff's claims in material respects.

2 But I must take the evidence as I find it, establishes on the balance of probabilities
3 that the witnesses had not colluded, and it would be speculative to find that the evidence
4 had been otherwise contaminated".

5 **Q.** Just before we leave that topic, if we can stay on Exhibit 16 but go to page 76. And, Earl,
6 I'll just ask you to read only the highlighted parts of paragraph 218.

7 **A.** "I have come to accept much of the evidence of the former residents about practices at
8 Epuni. I have found that they did not collude to make up their evidence. I also found a
9 number of them impressive witnesses, their subsequent criminal histories notwithstanding.
10 I preferred their evidence in many respects"—

11 **Q.** We won't mention those names that come up.

12 **A.** No. "In many respects"—

13 **Q.** "To the staff members at the institutions".

14 **A.** Yeah.

15 **Q.** And then if you start from "apart from"?

16 **A.** "Apart from the striking similarities in their accounts, there were details of the evidence of
17 the defence witnesses that tended to corroborate the former residents' accounts".

18 **Q.** And we don't need to go to them, but also on this page further down it talks at paragraph
19 219 and 220 about the kingpins and the no narking culture which you've already talked
20 about and that was accepted by the Court. So Earl, going back to your brief of evidence, at
21 paragraph 123?

22 **A.** "It is hard to reconcile when compared with the huge cost to the Crown, not only the cost of
23 the Crown lawyers, but also my legal aid and the cost of the judge and other department
24 and court staff.

25 I never felt the apology I received was genuine or appropriate. As I have already
26 said, I will not find any peace until I receive a proper, genuine apology from a person in
27 authority such as the Prime Minister, Governor-General-, and not from some official in the
28 Ministry of Social Development. Because I can't get past this, I find counselling has little
29 benefit in helping me get past these events and doesn't provide me much help in dealing
30 with depression and anxiety. I am stuck and need a proper apology to be able to move
31 forward. I am now 59 and not in good health, so time is running out.

32 When the Court said my claim was barred by ACC I thought that meant I wasn't
33 able to get any compensation from ACC, so I didn't make an ACC claim until nine years
34 later after the High Court hearing. At that stage a cousin told me that I should make a

1 claim, which I then did.

2 That was also a difficult and unsatisfactory process. I had to see a psychiatrist or
3 psychologist, I don't recall which, and then information was sent to someone else who rated
4 my case on an American system which came out at around 16 or 17% impairment. I felt
5 really cheated as that rating didn't seem to relate at all to what the psychiatrist or
6 psychologist report said and what actually happened to me. I felt it totally minimised what
7 I had gone through and made me feel victimised all over again. I felt the same way I did
8 when I got the court judgment and suffered further depression for several months".

9 **Q.** And, Earl, you've thought about what might be—what the Inquiry could possibly
10 recommend for change. Can you go through those from paragraph 127 to the end of your
11 evidence?

12 **A.** "While it was never really about the money for me, I do feel it is unfair that other victims,
13 both during and after my court case, could get significantly more money without having to
14 prove the events and go through what I went through over 12 very long and traumatic
15 years". It's actually been 21 years since I started my claim.

16 "The Crown need to take a serious look at what went on in those welfare homes
17 and sort out a solution that is good for the victims, not just lawyers and psychiatrists and all
18 these other people who are making thousands of dollars off other people's misery. When
19 we prove our misery, we receive a payment that is a joke. The lawyers are still sitting there
20 making thousands of dollars and some of these victims who suffered abuse have received
21 sums as low as \$4,000 or \$6,000. That is a cop out on the Government's behalf because
22 they know all the abuse happened. They have documents that prove it. If the Government
23 wants this country to move forward with young people, they need to take a hard look at
24 what the Government did to the young people's fathers. You will probably find there are a
25 number of fathers and sons, and probably grandfathers too, sitting in jail now that are
26 second or third generation welfare children like me. I found out my parents and
27 grandparents were welfare children and after the abuse I went through I don't want to
28 imagine what they went through.

29 For me, improvements in the claims process would be that no one- was forced to
30 take civil proceedings and go through the experience my brother and I had to go through.
31 Instead, there should be an independent process not controlled by the State departments and
32 once the abuse has been fact-checked, then there should be a genuine apology and a fair
33 compensation for the abuse that happened. A victim should not have to go through all the
34 hurdles I did.

1 The one thing in my life which brings me some peace is that I have made sure my
2 kids and grandkids haven't gone through what I went through when I was a child. I am
3 involved in the lives of my grandchildren and they are my reason for living. I take my
4 grandchildren to school every day and pick them up".

5 **Q.** Earl, thank you very much for giving your evidence. The Commissioners may have some
6 questions for you, so if you can just answer them to the best of your ability.

7 **CHAIR:** Yes, Commissioner Alofivae is going to ask you a question, Mr White.

8 **COMMISSIONER ALOFIVAE:** Thank you, Mr White, for the courage that you've spoken with
9 this morning. I just want to ask you about your education. Do you remember when you
10 last went to school?

11 **A.** I went to a classroom in Hokio Boys' Home, but all I done there was trace a weather map
12 on The Dominion every morning and I didn't even really know how to read properly until I
13 was—I learned to read, reading Beagle Boy comics and, yeah, I had no secondary
14 education and that's one of the main reasons why I couldn't get into the army, because
15 I believed if I'd have got into the army, if I'd had a proper education and brought up,
16 I would have made a success of my life. But I can't remember any decent education
17 through my whole time.

18 **Q.** Thank you very much, Mr White.

19 **CHAIR:** Dr Erueti would like to ask you some questions as well.

20 **COMMISSIONER ERUETI:** Kia ora Earl. My name is Anaru Erueti. Thank you for your
21 evidence today, I know it's been a very long day, so I'll be very brief. You mentioned in
22 your evidence about your time at Hokio Residential Boys' Home and that you were one of
23 the very—there were only a few Pakeha kids there at the time.

24 **A.** Yeah.

25 **Q.** I wondered if you had a sense of the numbers of Maori kids that were there at Hokio
26 relative to the number of Pakeha kids who were there at the time that you were there in the
27 early 70s?

28 **A.** From what I found out in the trial from one of the staff members that Hokio Boys' Home
29 was specifically designed to cater for Māori youth and I wouldn't be able to give you the
30 exact figures on how many Pakeha and Maoris(sic) were there, but I know that—I still can't
31 figure out why they sent me to a facility when I was meant to go to a family-like- home and
32 they sent me to a place that was designed for, you know, different culture sort of thing.

33 **Q.** Yes, thank you. I wanted to ask about the lawyers and the process, this civil claims
34 process. The lawyers have been necessary to make that claim, right, and to seek justice and

1 accountability for what happened to you while you were in care. But you do note that they
2 are a part of the problem as part of this process. I wonder if you could elaborate more
3 about the role of lawyers in this claims process?

4 A. Well, it is my belief that there are a lot of lawyers and that that don't want settlements and
5 things, and that's not just on one side, it's on both sides. Because they're receiving the legal
6 aid and whatever, it's like the golden goose that keeps laying the golden egg and it's the
7 victims of the abuse that have been given peanuts. And it's a disgrace that it's like how
8 much money they spent on my case trying to defend it when they already knew, they had
9 enough proof there before it went to court.

10 They were just being ignorant because they knew if they had to pay out that they
11 were going to have a big follow on and they had to stop that at all costs. And I can't see
12 why the Statute of Limitations Act applies to me and my brother, a couple of years after my
13 case the CYFS decided they were not longer going to use the Statute of Limitations Act to
14 stop getting people compensation.

15 But now the Statute of Limitations Act for some reason is still held on my brother
16 and myself so we cannot go and apply for further compensation. And it's the same as the
17 apology. They've apologised to a number of different cultures over the years, but they
18 seem to have trouble apologising to their own culture for some reason. And I'm not being
19 racist, my family, my children, my grandchildren, my partner they're Maori, my best
20 friends are Maoris(sic), and I agree that the Maoris(sic) and that should have given
21 compensation for what the white man done to them over the years.

22 But I think it's very unfair that there is no Statute of Limitations Act to stop them
23 from any compensation for something that happened over 150 years ago to their ancestors
24 and yet there's a Statute of Limitations Act that stops me for something that happened to me
25 personally that's affected my whole life from the day I was born and now, just like I said,
26 I've failed my children, I'm failing my grandchildren. I'm going to die. You know, it's not
27 right.

28 The Government should get up and tell me why, why did the statute of Limitation
29 Act, why am I barred from getting any more legal aid when there's groups that have been
30 getting legal aid for 50 years or more since the 70s or whatever to go back on claims 100
31 and something years ago. Like I said, they deserve their claim, I believe I deserve and my
32 brother and all my sisters that were abused and beaten, raped, they owe everybody an
33 apology and I don't want to wait until I die to get it. It's not fair. I proved my case in court,
34 I done everything and they use technicalities that I knew nothing about.

