

**Witness Name:** Dannor Andre Akula

**Statement No.:** [WITN0745001]

**Exhibits:** [WITN0745002] – [WITN0745030]

**Dated:** 13 October 2021

## ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

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### WITNESS STATEMENT OF DANNOR ANDRE AKULA

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I, Dannor Andre Akula, state: -

#### INTRODUCTION

1. My full name is Dannor Andre Akula, which is my birth name. I have also been known as Danny Andre Ambrose Winter Mathieson. GRO-B  
GRO-B I was born in Auckland on GRO-C 1952. My ethnicity is Pākehā.
2. My mother's name was GRO-B. She was married 3 times. Her maiden name was GRO-B, which is how I got my surname. My father's name was GRO-B  
GRO-B My father was English. He was a seaman. I never really knew my father as a dad.
3. I was born out of wedlock. I have 2 half-sisters and a half-brother. I have no relationship with my siblings.

4. I have done years of counselling to help me with the long-term issues that have been the outcome of my experiences in care. My most recent diagnoses are Post Traumatic Stress Disorder, Major Depressive Disorder, and Generalised Anxiety Disorder, all of which have been directly linked to the sexual abuse I suffered as a child in care. I have also suffered at least 12 head injuries where I have been knocked out. Some of the physical abuse occurred as a child and is also linked to my diagnosis of PTSD.
5. I have also been described as never having felt safe or secure as a child and teenager which has led to the development of psychological defences including dissociation, distraction, mistrust/abuse, failure, and over-vigilance. Before counselling particularly, I had a 'confused and fragmented sense of self and a lack of self-esteem and value to self and others'.

### **Background**

6. I was not from a happy home. In 1955, when I was 2 years old, Child Welfare became involved with the family because there was a complaint I was being beaten by my grandmother. My grandmother used to whip me with a heavy strap. She did this whenever I went outside the gate at home and whenever I wet myself.
7. On 10 February 1955 someone from Child Welfare visited the home. I was described as "very difficult". I was said to be running out on the road, burning holes in the bed clothes, and having bowel motions all over the flat. My grandmother was not coping with me.

### **Mrs** GRO-B-1

8. By 7 July 1955 I was placed with someone called Mrs GRO-B-1 I have no recollection of this placement.
9. A record dated 7 September 1955 stated I had improved tremendously in appearance after being placed with Mrs GRO-B-1 who wanted to adopt me. My mother, according to the records, was very interested and immediately wanted to place me up for adoption. However, my father was not so ready to agree with

this. He wanted me to be brought up with my two sisters, and in my own family environment. My mother then decided that she would probably stay at home and look after us children herself.

10. On 27 August 1957, I was referred to the Society for Protection of Home and Family after I had been noticed crying, out on the street. I was placed in in Duncan's Cottage Children's Home in Karori by my father, until my father married. My father then applied to adopt me.

### ***Living with father***

11. Unfortunately, my placement with my father was not successful. By 16 September 1957, my stepmother had called Child Welfare. She and my father were finding me a real handful. I was said to have a temper and was throwing tantrums and screaming without reason. I was unable to concentrate and was not interesting in the toys my parents gave me.
12. Child Welfare advised my stepmother to contact a doctor to get some expert advice about me. That still makes me angry, today, the way Child Welfare wrote about me. It certainly seems to me that my behaviour was not beyond the realm of typical behaviour for a child.
13. On 21 October 1957, a Child Welfare Officer called on the family. I was described as looking well cared for and happy. The doctor at the Child Health Clinic had assessed me and did not consider me a case that was necessary for them to take on.
14. By 11 November 1957, when a Child Welfare Officer visited again, I was still playing up. I was said to be roaming the street all the time and being mischievous.
15. On 7 January 1958 my stepmother called at the Child Welfare Office and said she and my father no longer wanted to adopt me, as I had been very difficult and unmanageable. My father wanted me to be adopted elsewhere. My mother

did not agree so I was placed with a foster parent. This lasted 10 days. I was then admitted to the Berhampore Family Home.

***Berhampore Family Home and Home of Compassion***

16. I was just 4 years old when I was placed in the Berhampore Family Home by Child Welfare. My recollection is that the Berhampore Family Home is a place where mothers in the 1950s and the 1960s had their children sent to, when they were not taking care of them properly.
17. I was physically and verbally abused, and generally mistreated at this Home.
18. I recall that we children were fed malt or molasses, which was horrible. We were often given cold vegetables and soup for meals. I do not remember being fed any meat. I also do not remember any treats like desserts or cake.
19. Almost the entire time I was in this Children's Home, I was locked alone in a wardrobe, where I was also made to sleep. All I had was a blanket.
20. I was frequently hit around the head and ears by staff members. This was to move me on if I was in the wrong place or to get me into line.
21. I recall that my mother only visited me once.
22. On 17 March 1958, Child Welfare called on my parents. By then my father was quite keen to have me back home but my stepmother did not want me.
23. On 12 April 1958, I was placed in the Home of Compassion. On 16 April 1958, when Child Welfare contacted the Home of Compassion, one of the nuns described me as an "extremely disturbed child", and said I was aggressive and did not get on with the other children. The nuns had a very poor opinion of my mother, who by that stage had never been to see me. **[WITN0745002]**
24. My memories of this time are extremely vague, but I do remember that this was not a place where I experienced any compassion. Instead, I was frequently given the strap by the nuns for misbehaving. One nun threw a piece of wood at me, which caused me to fall over. I was smacked for falling over.

25. I remember that I never felt safe at the Home of Compassion. I was always afraid of what might happen because of the frequent punishments. I lived in my 'afraid bubble' and tried to do what I was told to avoid any trouble.
26. On 22 July 1958, a paediatrician at the Child Health Clinic in Wellington prepared a report on me. By then I was back at the Berhampore Family Home. The paediatrician said that by the time I was 5 years old I had been deprived of the security of a father, a mother, and a home. He stated I had been moved from place to place, first with one mother substitute, then with another. **[WITN0745003]**
27. My parents' attitude to life, and the circumstances of my birth, were described as meaning I had not been provided with the basic necessities of life. Because of that I had problems with my behaviour. I did not fit in with the other boys in the Home and I was not able to play with them. I was said to be aggressive and not amenable to discipline.
28. The paediatrician described me as a well-groomed, normally proportioned boy, well-nourished and clear skinned. I was said to be of normal intelligence. The paediatrician said there was evidence that I was capable of forming warm relationships and was hungry for affection. The paediatrician thought I would remain a problem child for a long time and stated I required care and a home where I would be accepted and secure, and where the mother had training and knowledge of problem children. For this reason, the paediatrician recommended that I be placed in a cottage home.
29. On 13 June 1960, the Presbyterian Social Services Association wrote to Maryland Boys' Home in Christchurch about me. The Association wanted me to be admitted to Marylands. I was described as the Service's most difficult case, with a lack of discipline and screaming fits if I was at all disciplined. I was also described as an attractive, likable child who required understanding. While I craved affection, I would only give it to people who showed it to me first. I was also inclined to be a bully. **[WITN0745004]**

***Marylands School***

30. On 25 June 1960, I was admitted to Marylands in Christchurch.
31. Marylands was operated by the Brothers of St John of God. I recall that when I first arrived there, I went into an office with my mother. I spoke briefly to one of the Brothers and then another Brother took me outside of the office. I was told to sit and wait.
32. When I arrived, it was the school holidays. There were only about four to six other boys at the school. I was taken to a dormitory.
33. My memory is that there were three dormitories. The main dormitory held about 60 beds. You then walked into a corridor through another dormitory which held perhaps 25 beds. To the right, there was a smaller dormitory. Just above that was a loft where I think the janitor stayed.
34. There was one Brother who stands out to me as being the best. His name was Brother Sebastian. All of the boys went to him for help. I remember that we called him "the angel". This is because he looked like an angel that was in some of the murals in the church. He was the only Brother who did not kick or hit the boys and did not sexually assault us. He also taught us in a way that helped us to learn.
35. The rest of the Brothers were violent and abusive.

***The abuse***

36. I have particularly bad memories of Brother Thaddeus, who I remember was the Head Brother.
37. Brother Thaddeus sexually abused me for a few years. The sexual abuse by Brother Thaddeus happened mainly in two places. A lot of the sexual abuse was in his office. There, Brother Thaddeus would make me do sexual acts on him, including oral sex. Brother Thaddeus also tried to get his penis into my backside. This happened quite a bit. I would always struggle when he tried to do this, and he did come pretty close to penetrating me sometimes.

38. Other sexual abuse took place at the changing rooms at the back of the swimming pool. Brother Thaddeus would often take me to the pool because I swam for Marylands. He would watch me change and then fondle my penis. I would swim for hours and hours to make sure he did not stay around to abuse me more.
39. Brother Thaddeus also sexually abused me so that I could go to the bach owned by the Brothers at Waikuku Beach. Those of us who had no homes to go to would be taken there by two Brothers in the summer. Brother Thaddeus would make me get down on my knees and masturbate him, telling me that if I did not do what I was told, I would not be allowed to go to the bach.
40. On one occasion at the bach, Brother Thaddeus tried to grab me when I was getting out of the shower. Another boy came into the shower room, so Brother Thaddeus sent everyone out of the showers to cover up what he had been about to do to me.
41. Brother Thaddeus could also be physically abusive. A couple of weeks after I arrived at Marylands, Brother Thaddeus told me to strip, which I did. He then smacked me on the bottom with a cane. This left marks.
42. Another Brother who I have bad memories of is Brother Ignatius. He was really hard on me. He would kick my knees out from underneath me so I would fall over. He would clip me around the ear. He made me do chores for hours on end, including window cleaning and maintenance around the Marylands property.
43. Brother Ignatius also sexually abused me. His sexual abuse went on for two or three years. He liked to fondle my genitals. He would also get really close with his face to my stomach and penis while he had his hand around my bottom. Twice, Brother Ignatius performed oral sex on me. This happened in the school office.
44. Another Brother who I have really bad memories of is Brother Damien. We called him the right-hand of the devil. He always had a cane which we called the "slasher" in his right hand which he kept under his habit. If boys did not avoid

Brother Damien, he would whack us on the calf or bottom as we walked past. This was often when we were coming back from the showers.

45. The last Brother I specifically remember is Brother Killian. No one liked him. He had a punishment for everything. I think punishment was his domain. He often spanked me on the bottom. He was also there when I would come out of the shower. He would grab me so that my towel would fall off. He would shake me and try to touch me.
46. In class, I remember he would throw the duster at me. He sometimes hit me in the head. He was someone you could never do anything right for.

*Other memories*

47. On Saturday nights at Marylands, we would have movie nights. We would be given popcorn, which would be demolished. Thinking back, the movies were not appropriate for vulnerable young boys. I remember watching one movie about a hospital where a person was cutting up nurses and putting them in the fridge. It turned out that the person was a matron. A lot of the boys were scared and cried during that movie and other movies. I also remember that boys would eat salt to make them vomit so they would miss movie night.
48. It was at Marylands that I became a bully. For each meal, there would be a captain of the table. The tidiest table at the end of dinner would win. The prize was a rubber kiwi that was about the size of a teapot. When I was captain of the table, the boys knew they had better do their best because if they did not, I would come around at night-time and break a boy's pinkie or a toe. Because of the culture at Marylands, I knew no one would tell on me for what I had done.
49. On the other hand, because I was a lot bigger than other boys, other boys would come up to me for comfort. I remember boys who would come and cry to me. I would cuddle them and cry with them.
50. Twice I tried to kill myself at Marylands. I remember GRO-C  
GRO-C Obviously, I am still here, so this did not work.



51. In my last three years at Marylands, my grandmother or great-grandmother passed away. She was someone I had been close with. I was really upset about her death. I remember I cried for two weeks after getting the letter. The other boys told me they were sorry for my loss. The Brothers said nothing. They gave me no comfort and did not care.
52. At some point in my six years at Marylands, I got a robot for a birthday present. Eventually, parts started to fall off. I ended up using the body as a football.
53. As I have already mentioned, I played sports at Marylands. I was one of the fastest swimmers and often competed for Marylands. I also competed in running. I remember that we went to a nunnery for sports on at least one occasion. I got into trouble because when it was my turn to swim in a race, I was off wandering around the school. I understand this is likely to have been St Joseph's.
54. I think my mother came to see me only once the whole time I was at Marylands. I do not remember her writing to me at all. I had no contact from anyone else. I was pretty isolated at Marylands.
55. At some point during my stay at Marylands, I started to get taken on holiday by the [GRO-B-3] family. [GRO-B-3] worked at the St John of God Hospital. In my first week with the [GRO-B-3]s, I was given a bike to ride. I remember I was showing off to one of the [GRO-B-3] girls and fell off my bike. I grazed the skin off my hands and knees. Contrary to treatment I had received just about everywhere else, the [GRO-B-3]s looked after me. I remember crying for days because they were giving me affection I had never received from anyone else.
56. I was really surprised to find out about ten years ago that Dr [GRO-B-3] had been accused of sexually abusing other children and was found guilty. This never happened to me. He was always kind and good to me.
57. I was discharged from Marylands because my mother did not pay any maintenance for me the whole time I was there. [WITN0745005]

58. My overwhelming memory of Marylands is that it was like living in an Oliver Twist orphanage. We boys were given food, clothing, and a bed to sleep in. There were times we had fun. However, all the time I remember feeling afraid and anxious because of the abuse I suffered there, particularly in my first few years. This was made worse because we were isolated from everyone and lived in a very closed environment where no one seemed to know, or care, what was happening to us.

***Return to mother***

59. On 1 July 1966, I was returned to my mother. My mother objected strongly to having me back. There is a record on my file stating that my mother had rejected me "totally".
60. My memory is that by the time I left Marylands, I did not know how to function. I had become a tough guy and did not know how to associate with other children who had not lived in the same environment I had. I was put straight into a public school and my mother took no time whatsoever to get to know me.
61. The school my mother put me into was too far away for me to walk. I started stealing a bike to get to school. I would then hide the bike and stash it. I ended up stealing lots of bikes and stashing them on our property. I was also taking the milk at school because I was not given enough to eat or drink. All my mother gave me, occasionally, was a couple of pieces of bread to take to school.
62. By 13 July 1966, my mother was said to be experiencing difficulties with me at home. Child Welfare recorded that my difficulties largely stemmed from my mother's treatment of me. I definitely agree.
63. By 18 July 1966, less than three weeks after I had been placed back home, my mother asked Child Welfare if they could locate my father, so I could be placed with him. My behaviour was described as being of a "disturbed nature" since my return home. A Child Welfare Officer wrote that he was not at all surprised by this.

64. On 12 August 1966, the Child Welfare Officer commented on my progress since my return home. He stated that it was "quite obvious" that my mother was not prepared to make a go of things. There was some suggestion that Child Welfare would enquire at Marylands to see whether or not the Brothers would have me back there.
65. On the same day, Psychological Services completed a report on me. **[WITN0745006]** The report said my intellectual ability was average, but my verbal development was grossly retarded. This was stated to be due to a lack of adequate environmental stimulation and an excessive preoccupation with personal and emotional problems. My personality was described as shy and timid; I was careless of social rules, and easily affected by my feelings. I also had aggressive and rebellious feelings and attitudes. The report stated that I was a seriously disturbed boy who had a diminished sense of personal worth, and I lacked a sense of belonging and a sense of personal freedom.
66. The psychologist stated I was in urgent need of a carefully constructed and administered programme of language remediation and, more importantly, in need of a warm, supportive, and accepting environment, in order to provide me with the experience of relating intimately with other people. The report placed doubts as to whether a placement at Campbell Park or Marylands was the appropriate arrangement, with the stated preference being of a warm, supportive foster home as a short-term answer.
67. On 19 August 1966, Reverend Brother Killian from Marylands told my Child Welfare Officer that under no circumstances would he have me back at Marylands. This was because I had been at Marylands for just over five years and he believed there was little point in bringing me back, although I had not given any trouble there. He also recommended against further institutional care for me. **[WITN0745007]**
68. On 22 August 1966, my mother showed up at the Child Welfare Office with me and my baggage. She said she was no longer prepared to care for me. **[WITN0745008]**
69. On 31 August 1966, I was made a State Ward.

70. I remember feeling that this was my punishment because I had been stealing pushbikes. I was placed back at Berhampore Children's Home awaiting placement.

***Placement back at Berhampore Children's Home***

71. I only vaguely remember being back at Berhampore. By then, I was older and tougher. I do not recall anything bad happening.

***Stanmore Road Boys' Home ("Stanmore Road")***

72. On 5 September 1966 I was placed at Stanmore Road Boys' Home in Christchurch. This was not a good placement for me.
73. While I was at Stanmore Road, I was locked in the Secure Unit as punishment for misbehaving.
74. I was also severely beaten, with smacks to my head and blows to my body by staff members, also as punishment for misbehaviour. The man who ran Stanmore Road was really violent. He would whack boys, including me, on the shoulder with a stick.
75. I remember the gym teacher. He was another person who was really strict. He was verbally and psychologically abusive, telling me that I was no good to anyone and that was the reason why I was there. He made me feel like I was nothing.
76. Over the course of my time there, I had bikes thrown at me. I was given the strap reasonably often, which left me with welts and bruising.
77. Stanmore Road was run like an army camp. We all had to be fit. If we misbehaved, we would be forced to run around the football field ten times. We would have to clean all the windows, the doors, and the bicycles.
78. I was also beaten by other boys. However, by then I had learned to stand up for myself and fought back. Because of this, staff at Stanmore Road classed me as a "bad boy". While I tried to defend myself, I still got beaten up regularly.

**GRO-B Family Home**

79. I had a short placement at the **GRO-B** Family Home between 8 September 1966 and 10 October 1966. This did not last long, although initially I settled in well and seemed very happy.

**Return to Stanmore Road**

80. From 10 October 1966, I was returned to Stanmore Road because I continued to act aggressively. By then, I did not know any other way to behave.
81. The records from this time show that I was having a difficult time at Stanmore Road. For example, a record dated 22 November 1966 described me as a "thorough nuisance". I was said to be at the bottom of the pecking order at Stanmore Road. My problems were constant. The report writer was clear that Stanmore Road was not the proper place for me. **[WITN0745009]**
82. On 24 January 1967, another progress report described me as nasty and trouble making and unpopular, stating that I was hitting others and crying "murder" when the other boys hit back.
83. I was assessed by a psychiatrist in early February 1967 because I had earlier followed a girl on her way to work and had grabbed at her leg while riding my bike alongside her. Following that incident, I was reported to have been involved in several incidents of sexual misconduct. I was charged with common assault in early February 1967 in relation to the girl.
84. The psychiatrist, Dr Zelas, reported that I had severe character disorder which she believed stemmed from the poor quality of my relationship with my mother. Of course, she knew nothing about the abuse I had suffered at Marylands because I did not tell anyone about what had happened there. She also considered that my current sexual activities were directed to physically matured girls or woman. In her view I seemed to be making a misguided attempt at finding a warm, loving mother. Her opinion was that the ideal placement for me would be a tolerant, loving, foster home in which the parents were well-

acquainted with my problems and the behaviour which they may anticipate.  
**[WITN0745010]**

85. Instead of placing me in a warm, loving foster home, I was sent to Kohitere.

***Kohitere***

86. On 10 April 1967, at age 14, I arrived at Kohitere.

87. Within 2 to 3 hours of arriving, I was the subject of a group bullying incident, in which I ended up with a leather boot lace around my neck. I was scared out of my wits.

88. The principal, Mr Atwool, intervened and I was left alone for a few days. However, after this I continued to be baited, intimidated, and bullied by the boys who, in the main, were much older than me.

89. The other boys at Kohitere regularly beat me. This included having a blanket thrown over me and being administered severe and painful blows to my body. I was certainly at the bottom of the pecking order. It seemed to me that I was always in fights.

90. Staff were aware that I was being bullied and beaten by the other boys. Mr Atwool said that I was a "natural whipping boy in this type of institution" and described me as living in fear because of "the number of elbows and knees that seemed to come into contact with tender parts of [my] body whenever [I] was in a group situation". **[WITN0745011]**

91. While I was at Kohitere, I was placed in the Secure Block, for perceived misbehaviour. While there I was beaten by staff members and made to participate in extreme PT exercises.

92. I remember that the Secure Block was pretty grim. It looked like a jail. My only memory of Secure now is that it was like being in solitary confinement in prison.

***Hokio Beach School ("Hokio")***

93. On 28 April 1967, I was transferred to Hokio. I suspect this was because I had not coped very well at Kohitere, being one of the younger boys there.
94. Hokio was no better.
95. I particularly remember being subjected to a game of "blind man's bluff". This involved me being covered in a blanket and kicked at and hit with a broom by the other boys, until my legs buckled underneath me. It was horrible having to fight off older, scarier, bigger boys.
96. I continued to suffer assaults by older and bigger boys. Staff were definitely aware. They were often around when I was being beaten up and would let the fights go on for a while. They would then pull us boys apart. I was always being sent to the principal, Mr. **GRO-B**, and then being punished.
97. As at Stanmore Road and Kohitere, I was described as being at the bottom of the pecking order. Even by the end of October 1967, staff reported that I had "been in much minor bother during the latter half of [my] residence to date, so much so that [I was] getting to be a complete nuisance around the place". A note on the file dated 29 February 1968 referred to me as being the scapegoat "often".
98. I was on the Hokio soccer team. Boys constantly fought me for my position. They would stand over me to give up my position on the team, threatening to kick me over with their mates. I was also regularly attacked by my own team members on the field, again to make me give up my place on the team.
99. At Hokio, I was physically assaulted by staff, regularly. I was kicked up the backside and given hard cuffs and slaps across the head. I was sometimes picked up by the scruff of my collar and with their hands under my genitals. I would be lifted off the ground and thrown into the side of the wall. This was to reinforce to me that staff were in charge.
100. Thinking back, the people who were supposed to look after me modelled violence. I learned how to be violent like them. I also learned that the more

violent I was, the higher up the hierarchy I would be, although this did not happen for me at Hokio.

101. The reports from Hokio were not very positive. A report dated 31 May 1967 described me possessing the behavioural symptoms of a severely disturbed boy and saying that I lacked a sense of belonging. This is hardly surprising given that I had been rejected by my family and had spent most of my childhood in institutional care, instead of in foster care as recommended.
102. A later report, dated 7 September 1967, described me as a “bit of a clot” around the place. I was said to be involved in a number of “silly incidents” which could well have been avoided if I thought first. These were described as incidents involving abuse or cheekiness to staff, often the result of clumsy attempts to impress the other boys. **[WITN0745012]**
103. On 30 October 1967, a further report stated I was not doing well in the Boys’ Home situation, and it was important that I establish some contact outside the Boys’ Home. Those working with me were hoping to have me ready for placement by mid-1968. **[WITN0745013]**
104. My behaviour deteriorated again. In a report by a housemaster dated 15 November 1967, it was recorded I had been observed masturbating around the place a lot. The principal of Hokio thought my behaviour raised the question of possible psychiatric treatment.
105. A further Psychological Services report was written about me on 15 November 1967. Once again, I was described as a “very seriously disturbed boy” who showed signs of deep-seated and intense personality problems. Again, much of this was centred around my relationship with my mother. According to the report, my mother stated quite openly that she hated me and found it impossible to pretend to like me, or even be civil to me. It was recommended I be placed in a psychiatric hospital as urgently as possible and given intense therapeutic treatment.
106. On Boxing Day 1967, I spent 2 days with Mr and Mrs **[GRO-B]** who were the foster parents of my half-sister. After that, I spent time with Dr and Mrs **[GRO-B-4]**



before returning to Hokio on 4 January 1968. I remember the GRO-B-4s. They were a lovely family with whom I enjoyed several holidays and grew to know well. I relished the family environment. I felt they actually cared for me.

107. On 29 February 1968 another Hokio report said my behaviour had again deteriorated. There had been further incidents of masturbating in public.
108. Because of my behaviour, on 11 March 1968, staff applied to have me admitted to Porirua Hospital as a minor patient. The application said I required care, treatment, training, and occupation at Porirua Hospital. The reasons were that I had become of increasing concern because of my sexual expressionism. On several occasions I had exposed myself to young girls and had become sexually aroused in the presence of young woman. I was also said to be unable to control my excessive masturbation. **[WITN0745014]**

### ***Porirua Hospital***

109. On 11 March 1958, I was admitted to Porirua Hospital as an informal minor patient.
110. I was placed in M9, the adult male ward.
111. I was diagnosed with epilepsy, subnormal intelligence, and behavioural problems. This was in the face of previous reports stating that my intelligence was about average.
112. The admission document described me as a well-built 15-year-old schoolboy. I was said to have presented as a "slow-witted" boy who had difficulties marshalling the facts of my life and was a poor historian.

### ***Sexual abuse***

113. My recollection is that three days after I got to Porirua Hospital, I was made to perform oral sex on two male nurses. This happened at night, in a dormitory where there were 20 to 30 other men.
114. The two nurses would pick me up and take me into another room where I was raped.

115. I was fully aware that there were many sexual assaults happening at night, both by staff and patients. I remember that if I thought I heard a door open or shut, I would automatically move into a foetal position, to protect myself.
116. By 28 November 1968, I was in M5. I was then transferred to M8, the equivalent of the forensic ward, on 10 December 1968.
117. There were other children and teens in M8, including **GRO-B**, **GRO-B**, **GRO-B**, **GRO-B** and **GRO-B**.
118. My time at Porirua Hospital was initially intended to be a temporary emergency measure. On 3 April 1968, when I had been there about three weeks, a Child Welfare Officer visited Porirua Hospital and had a discussion with the psychiatric social worker there, regarding my proposed transfer to the Adolescent Rehabilitation Clinic at Kingseat Psychiatric Hospital.
119. The decision was made to keep me at Porirua Hospital because my mother had visited me. I had been so pleased about this that psychiatrist Dr Clouston was of the opinion that I should remain at Porirua for treatment.

*The gunpowder incident*

120. On 4 April 1968, there was an incident which ended up with me sustaining extensive burns to the front of my body. According to my records, I threw a cigarette end onto blasting powder in a shed, behind a cottage. The blasting powder ended up exploding, causing my injuries. **[WITN0745015]**
121. My recollection of the incident is a bit different. I was part of the Coke Gang at the hospital. We had to work in all conditions. I remember it was a really cold day, so I was wearing two pairs of pants, two pairs of socks, two T-shirts, a jumper, and a jacket. I was also wearing a hat and gloves and had borrowed extra clothes from a patient who was sick. I recall that I was sent to the shed to make tea for the gang. I remember that I had a cigarette in my mouth, got the cups together for the tea and then stubbed out my cigarette butt on the ground. Unbeknown to me, someone had broken the box that the gunpowder was stored in, and some gunpowder was on the floor of the shed.

122. What followed was like a magician's act. The first thing I saw was a puff of smoke and then there was a huge bang. The bang blew the roof off the shed and I was blown up through the roof where I landed 30 metres away. I was on fire until someone threw a blanket over me to put out the flames. All my clothes were burned so that all I had left on was a pair of boots and my socks. I ended up in a coma and everybody thought I was going to die. I was in Wellington Public Hospital for months. I remained in Wellington Hospital until 12 October 1968 at which time I was returned to Porirua Hospital. **[WITN0745016]**
123. I remember that when I went back to Porirua Hospital, I was put in a special room outside the main office. In this room was a bed and a potty. Staff kept an eye on me for a couple of weeks. One of the psychiatrists, Dr Ponnappa, would check on me. I was given calamine lotion and washed down. My bandages were changed. That was it.
124. Only three days after my return to Porirua Hospital, I was placed back in the mainstream dormitory with about 30 or 40 other patients. I had to worry again about the "midnight rapists" assaulting me, stealing my shoes, and taking my cigarettes. Because I still could not walk properly, I was in constant fear.
125. In July 1969, the Public Trustee, who managed my affairs, was in contact with Porirua Hospital about the gunpowder incident. A civil claim was taken against the Department of Health for \$9,000 in general damages and hospital and medical expenses in relation to my injuries. On 24 June 1971, a settlement was negotiated with the Crown. I was paid \$5,964.30 in relation to the injuries I had suffered after the gunpowder incident.
126. I still have scarring from the burns. My legs were severely burned, and I have scars on my inner legs. I also have scars on the tops of my hands and on my face (although that is not as visible).

*Physical abuse*

127. Two staff from M8, **GRO-B** and **GRO-B** used to give me "concrete pills". Concrete pills were where you were picked up by two to four staff, each holding a leg and arm, and then dropped onto the concrete.

128. I remember another staff member **GRO-B** who used to pull me by my hair into the wall. This was called the Harvey Wallbanger.
129. Two other staff members I remember were named **GRO-B** and **GRO-B** **GRO-B**. **GRO-B** would kick and bash me and other patients. **GRO-B** was worse. He would kick us, bang us and crash us.
130. I also remember other staff members named **GRO-B** **GRO-B** and **GRO-B**. They were the "rat pack" and would bash and kick us patients. They would also give us the concrete pill and pull our hair. I particularly remember **GRO-B** who would say "ping pong" as we were crashed against the wall.
131. I remember staff would also hit me with wet towels. This is because they did not leave marks at the time but after a couple of days would come up all red. One of the main perpetrators of this was **GRO-B**.

### *Seclusion*

132. One time, a staff member called **GRO-B** (who was more verbally abusive than physical), really set me off. I ended up kicking him in the groin. Because of that, I was injected and dragged by two or three nurses, with my head banging against the walls, all the way down to seclusion. I was in a seclusion cell for three or four days.
133. I recall that the seclusion cells had just a mattress and blanket. There was a potty that we had to wait for. All I had to wear was a T-shirt and a pair of shorts. I would get keys whacked against my head by staff and they would throw me against the walls of the cell.
134. Another thing I remember about seclusion was that there was a big door and a square window but there were no lights on in the cell. The lights only went on if staff wanted to see you.

*ECT*

135. When I was placed in M9 or M10, I was threatened with ECT frequently, as punishment for bad behaviour. I was never subjected to it, however.
136. Instead, I had to go and watch people being given ECT, all the time. I had to change the bed ECT was given on and wipe it down after each patient. I saw what it did to them. It left them traumatised for weeks and weeks afterwards. I remember that a 12-year-old girl died a few days after being given ECT. This was very traumatising.

**Leave**

137. On 14 August 1970, I went on a short-term holiday with my father and stepmother. I was returned to Porirua just a week later, as my visit had been pronounced unsuccessful. My stepmother, in particular, was not keen to have me come and stay with them because of the negative effect I was having on her own children. On 29 June 1970, I commenced a period of work trial in Elsdon.
138. On 20 August 1970, my period of work trial was extended until 29 October 1970. I continued to work until the end of 1970.
139. On 1 February 1971, I was charged in relation to obscenely exposing myself to a young woman. I denied the charges. Nevertheless, I was placed on probation for 12 months with the condition that I receive psychiatric treatment as directed. My file records that I had been on the point of discharge from Porirua Hospital before this happened, but this meant I had to stay for a longer period.

**[WITN0745017]**

140. On 11 June 1971, Dr Clouston recorded that I had written asking for discharge. He recorded that as I was an informal patient, I could discharge myself. I was clearly unaware of this as I did not leave the hospital.
141. On 5 July 1971, I commenced another period of work trial.
142. On November 1971, I was discharged from Porirua Hospital. I remember this happened to me out of the blue. I left the hospital with only the shirt on my back

(which actually belonged to the Hospital), no money, no job and no contacts. I stowed away on the ferry and headed down to the South Island.

***Discharge from guardianship***

143. On 2 February 1972, I was back in court on another charge of obscene exposure. I was released on probation for 18 months, with a condition that I undertook psychiatric treatment. By 25 February 1972, I was living in Invercargill and working at the local freezing works.
144. On 10 March 1972, I was sentenced to borstal training in relation to a number of charges, including unlawfully taking cars, driving while disqualified and possessing instruments for the unlawful taking of vehicles. The psychiatric report at that stage described me as a psychopathic character, therefore unsuited for psychiatric treatment.
145. Although my life was very unsettled, on 31 August 1972, I was discharged as a State Ward.
146. In 1973, I appeared in court for a string of offences relating to obscene exposure in a public place.
147. Undoubtedly because of this, I was seen by a psychiatrist in July 1973, who again recommended treatment in an institution for an indefinite period. The psychiatrist stated that I was aware that my exposure in this way was wrong, and I was trying to overcome my compulsion. I said that I could not understand why I was doing this. It was felt that an admission to a penal institution might aggravate my "sexual perversion" and "criminal tendencies".

***Porirua Hospital – second admission***

148. On 20 July 1973, I was admitted to Porirua Hospital for a second time, although this time I was a special patient held under the Criminal Justice Act 1954. I was placed in M9. On 24 July 1973, I was transferred to Craig Ward.

*Physical abuse*

149. In Craig Ward I was also given the concrete pill. [GRO-B-5] was one of the worst offenders.
150. I was also put in what was known as the Activation Group, which was full of the teenagers. I remember we had to run up and down a hill at 5 in the morning. If we lagged behind, [GRO-B-5] would beat us up. I certainly remember being beaten by [GRO-B-5]. I also saw him beat up one or two of the other boys as well.

*Medication*

151. I was given Largactil twice daily. Most of the time, I felt like a zombie. Largactil gave me coordination and sight problems. I felt drunk all the time and spent most of my time sleeping. This dose would be doubled when I was in seclusion.
152. On 20 August 1973, Dr Clouston provided a report to the Magistrate's Court. He said I was mentally retarded, with no idea of acceptable social behaviour. He also stated that he considered me to be emotionally out of control and unfit to be on my own in society. He stated I was unfit to plead.

*Cigarette smoking*

153. I recall that all patients were made to smoke cigarettes at Porirua Hospital. This was throughout the time I was there. I smoked cigarettes out of frustration, fear, and to calm my nerves. There was quite a bit of standing over by patients for cigarettes or for pudding.

*Tattoos*

154. I also remember receiving tattoos at Porirua Hospital. About a couple of weeks after I first arrived at Porirua, adult patients held me down while they tattooed my shoulder blades with the words "c\*\*t face". Other tattoos I did myself.

### *Marijuana*

155. I remember that we would smoke marijuana, which we got from visitors who would come in and drop it off outside. Staff did nothing at all to prevent this, even though they knew all about it.
156. I behaved quite well into 1975. I remained at Porirua Hospital for the entirety of 1975, although there were no real negative reports about me. It was recorded that I had virtually no visitors, so no one could be asked about my behaviour when I was out in society.
157. By then, I was working on a truck. Staff said I should be fit for a labouring job or any other such "menial task".

### *Discharge*

158. On 1 June 1976, I was finally discharged from Porirua Hospital.
159. Porirua Hospital provided a letter to the Public Trustee about me on 23 June 1976. By then I was 23 years old. I had been a patient at Porirua Hospital for many years, according to hospital staff, because of my anti-social and deviant sexual behaviour. During the previous two years, hospital staff said I had shown considerable improvement in my emotional maturity and had worked steadily for some time. It was felt that my rehabilitation could no longer be achieved by prolonging my institutional care.
160. By that time, I had obtained a job outside the hospital with New Zealand Railways, and I also had accommodation with one of my friends.
161. I remember that when I left Porirua Hospital I did not own so much as a suitcase. I was really left to fend for myself.
162. On 14 September 1978, I wrote to the Medical Superintendent at Porirua Hospital. By then it had been 4 years since I had left Porirua Hospital and I had learned to live by myself and the woman I loved, in my own house. I had a good job. It was only then that I learned I was not fully discharged.



***Impact of abuse***

163. As a result of the sexual abuse I suffered, both at Marylands and then at Porirua Hospital, I began to sexually abuse woman. Between 1970 and 1973, I was in court frequently for such offences. Although Porirua Hospital was aware of this offending, I was locked up. I did not receive any therapy or counselling. I was just placed into the adult criminal ward. I felt frustration, anger, torment, and fear. Basically, I was a patient who needed help which I did not receive.
164. It is very hard for a young person who has been abused to get a grip on life without any guidance or support. For me, there was no one to hold my hand. There were so many ways I could get side-tracked. When I look back, I know inside that I should have, and would have, been a different person if I had received the right help.
165. After I left Porirua Hospital, I got a few farm jobs and other odd jobs. Over a period of time, I started to feel what the other side of life could bring. I accumulated a bit of money, bought clothes and so on, and began to feel like a new person, but then the anger and frustration would come back, and I would screw it up. I just did not know how to cope with life.
166. After 10 to 15 years, I was still sexually offending to the point where I went to jail in about 1990. I was imprisoned on three separate occasions for sexual offending and use of drugs. No one seemed to come to grips with the fact that I needed proper treatment. I would be given fines or community work for my offences, rather than psychological help. Finally, about 6 or so years ago, a lady Judge I was appearing in front of, for doing an indecent act in a public place, realised that I needed help rather than just punishment. She sentenced me to home detention and got me more counselling. Because of her, I have stayed out of trouble for six or seven years now, from recall.
167. I have had a few intimate relationships. Most of them have lasted between three and five years. The last relationship I was in was about 8 or 9 years ago. Unfortunately, I offended, and the relationship ended.

168. In addition, I have been able to work, doing construction work, hotel work and social services. Unfortunately, I need surgery for damage to my knees and hip. I am unable to work until the surgery is done. Because of that I am now on superannuation. I would really like to work again so that I can have a good, normal life like others who have not been through what I have.
169. When I was released from prison on the last occasion, I decided I did not want to spend the rest of my life in prison. I got myself a therapist and saw her regularly for about four years. I still have contact with her. St John of God paid for this.
170. It was through counselling that I was able to start understanding myself, my life, right and wrong, and just how to be a better person for myself and society. Prior to that, I spent all my life angry at society. Even with that support, I am still trying to hold it altogether without going crazy.
171. I have had very little contact with my family as a result of being shunted into care. In about 2006 I went to see my father. I knocked on his door. He did not even want to come out. I have had no contact whatsoever with my mother. Neither of my parents have any idea about what I went through.
172. During my time in care, I have met some crazy, crazy people. I really believe that the pain in your mind, because of the abuse you have suffered, can drive you to madness. Sometimes it is very difficult to think back to those bad things that happened. Even thinking about it now can scare me. I have often wondered how I survived.
173. The hardest thing for me with Porirua Hospital is that I had not done anything serious enough to lock me up with adult psychiatric patients when I was first placed there. Now my criminal history is pages long. I used to wonder why I was there and why this was happening to me and not to other kids.
174. I firmly believe that it is not my nature to be violent – rather, it was taught to me during my time in care.

175. I feel that I was totally neglected in care. My education suffered. My insight is still not great. To this day I am tormented by nightmares, anxiety, flashbacks, depression and trust issues.
176. I still have difficulties with my identity. The negative feelings caused by the verbal, physical, psychological and sexual abuse I endured have an everlasting impact. The abuse was inflicted on me at such a rate and in so many different contexts that I have inflicted it on other people. It is only through counselling that I have learned that I was calling out for help and have been able to contemplate another way of 'being'.
177. What I really struggle with is that I have come through towards the end part of my life and I have nothing to show for it. I have no wife, no children, no house, and no career. I often wonder what's the point and why I am still here. I have had no contact with my siblings for years and I feel it is way too late for any relationship now.

### **Redress**

#### *Marylands*

178. I no longer remember how I came to be involved in negotiating a settlement of my claim with the Brothers of St John of God. Thinking back, I believe it must have been through my psychologist, Elaine, who somehow heard about the St John of God settlement process and helped me put together my claim and arrange to meet with the representatives.
179. I remember being at a meeting with Brother Peter and Michelle Mulvihill on 8 October 2002. I recall that the meeting was in a hotel. At that meeting, I talked about what had happened to me at Marylands. I also talked about the impact of the abuse on my life. I cannot recall if there was a discussion at that meeting about what I expected from the Brothers of St John of God to sort out my claim.
180. Following my meeting with Brother Peter and Michelle Mulvihill on 8 October 2002, I received a letter from Brother Peter. **[WITN0745018]**

181. In the letter, Brother Peter said he had been very distressed to hear my story and to know that I was so badly treated by Brothers of St John of God while I was at Marylands. The letter also said that on behalf of the entire Order, Brother Peter offered me a sincere apology for all that happened to me while I was at Marylands School. He said he was appalled that Brothers, into whose care I was placed, broke their position of trust by acting in this way towards me. He offered me a personal apology and said he was determined to set about helping any person who was injured by the Brothers, and he offered me whatever help the Brothers could give me at that time.
182. In particular, the letter enclosed a letter of authority for counselling. **[WITN0745019]** This gave the counsellor permission to send Brother Peter bills for counselling.
183. Brother Peter then said that he intended to meet with each and every victim in the coming months, including me, with the intention of trying to make some tangible offer to us. He referred to the fact that as soon as the police had finished their official investigation, he would be in touch with me again to arrange for the meeting.
184. The next letter I received was on 29 November 2002, again from Brother Peter Burke. **[WITN0745020]** The letter thanked me once again for having the courage to meet and share my experiences from Marylands with him. The letter then asked for my continuing patience. I was then offered a one-off payment, prior to the settlement of my claim early in the following year. The letter enclosed a cheque in the sum of \$1,500 to help me in the meantime. Brother Peter expected to be making a substantive offer to me in February or March 2003.
185. The letter stated that a retired High Court Judge, Sir Rodney Gallen, was going to be reviewing everything that the Brothers had been doing, to make sure that what they did offer us was in our best interests. The letter also stated that Brother Peter had to attend to some health issues of his own, requiring some time in hospital, over the next 3 months.
186. The next communication I received was a newsletter. **[WITN0745021]** The newsletter is dated February 2003, but it makes reference to the time already

being halfway through February. I assume, therefore, that I received the newsletter in mid- to late-February 2003.

187. The newsletter, also from Brother Peter, said that the Brothers had been working on a process for resolving my complaint. The newsletter referred, again, to my courage for coming forwards in the first place. The newsletter also stated that the Brothers expected to be making an offer to me very soon, certainly before the end of March 2003.
188. The last thing the newsletter said was that Brother Peter would be writing within the next few weeks with an offer to “settle the shocking situation that you brought to my attention in recent months”.
189. On 14 March 2003, I received the offer letter from Brother Peter. **[WITN0745022]** The letter stated that Brother Peter had come to a decision about the monetary value for the damage I and others had suffered. He said there were three main reasons for that, including that: (1) from the outset he had been firmly committed to trying to heal the hurt, (2) he knew we had been expecting and waiting for the Brothers to make a payment, and (3) it was very important to try and bring the “sad and sorry situation to closure”.
190. The letter stated that Brother Peter had received a lot of professional and helpful advice on the matter. He referred again, to seeking advice from Sir Rodney Gallen and a law firm called KPMG Legal.
191. The letter offered me \$65,000. I was told that a cheque in that amount would be forwarded to me once I communicated my acceptance. I was told that if I felt uncertain about accepting the cheque, I was free to take separate legal advice – although I note that no offer was made to pay for that.
192. I did not get any legal advice at that time. I had the support of my psychologist. I also did not trust those in positions of authority at that time, including lawyers.
193. My recollection is that there was a further meeting with Brother Peter and perhaps Michelle Mulvihill to discuss the offer of \$65,000. I was unhappy with that offer. I remember explaining that I was looking at 1.2 to 1.5 million dollars

to settle my claim. The people at the meeting responded to that, although to me it was just gibberish. I remember challenging them and saying to them that was all the abuse I had suffered only worth \$65,000 or whatever else they were prepared to offer me. At that meeting, Brother Peter talked about offering me \$90,000. I think it was agreed we would all go away and think about it.

194. On 9 May 2003, I received a letter from Brother Peter agreeing to pay me the sum of \$90,000 which had been promised to me. **[WITN0745023]** Brother Peter's letter stated that he hoped this would assist me in "improving [my] life and with the healing process [I] was undergoing".
195. On 19 May 2003, I sent Brother Peter a handwritten letter thanking him for the time he had taken to sort it all out. The letter accepted the offer of \$90,000 and expressed my hope that we may be able to stay in touch for the future, including any other assistance that could be provided. **[WITN0745024]** Other than receiving the money, I do not believe I had any further contact with Brother Peter or anyone else from the Brothers.
196. I have been asked whether I was involved in the 2003 police investigation into Marylands. I do not recall being contacted by the police at that time. In fact, I do not really remember knowing about the police investigation, except for the reports I heard in the media, until I started working with Cooper Legal on my statement.

*State care redress*

197. I contacted Cooper Legal on 31 May 2004. My recollection is that my psychologist put me in contact with them. She had seen a news item, which she told me to watch. She told me that I could now do something about my experiences in state care. With her encouragement, I was able to do something about what had happened in the care of the State, particularly as she told me these were people I could trust.
198. I spoke with Sonja Cooper. I said that I was a former patient at Porirua Hospital. I remembered some of the other patients there, who I had recently seen on television talking about their experiences at Porirua Hospital.

199. I said that I would like to tell my story about my own experiences in Porirua Hospital. I talked about some of my experiences at Porirua Hospital, including being blown up. I also explained that I had been in a Children's Home in Berhampore and that I had been at Marylands (run by the St John of God Order).
200. Following that conversation, Cooper Legal sent me a bundle of information, including documentation for me to review and start completing, particularly a legal aid application form. My recollection is it took me some months to complete the legal aid application. In the meantime, however, Cooper Legal set about collecting in records about me. My file shows that my Porirua Hospital records were sent to Cooper Legal on 25 June 2004.
201. I spoke with another lawyer from Cooper Legal on 15 and 29 June 2004. During those conversations, I provided more information about the abuse I had suffered at Porirua Hospital. I also referred to the fact I had been abused at Marylands, but I did not provide any details of that abuse.
202. I was interviewed by Sonja Cooper in Auckland on 14 September 2004. During that interview, I talked about my experiences in care, starting with the Berhampore Boys' Home and moving right through to release from Porirua Hospital and how that had impacted on me. During that time, I completed the paperwork to apply for legal aid.
203. It is difficult for me to talk about who I am and what has happened with me without trust. Because my psychologist said Cooper Legal were people I could trust, I opened up about my experiences in care to Sonja Cooper. After the interview, I felt physically sick. That is how I still feel every time I talk about what happened to me as a child in care.
204. I am aware that funding was granted for Cooper Legal to bring claims in relation to my time in Social Welfare care and at Porirua Hospital on 11 October 2004.
205. I understand that between 2004 and 2005, discussions were taking place between Cooper Legal and Crown Law as to how deal with the psychiatric hospital and Social Welfare claims. When it became clear that the psychiatric

hospital claims would not settle, Cooper Legal started to take steps to complete court documents to file my claim in the High Court. In preparation for this, Cooper Legal started to collect in other records about me, including records held by Corrections and the Ministry of Justice.

206. My claim was filed in the High Court at Wellington on 27 March 2006. The statement of claim related not just to me, but to three others who had been in Porirua Hospital and Social Welfare care.
207. Because I was one of the first clients of Cooper Legal to bring a claim, my claim was part of an "Initial Pool" of claims that was actively progressed towards some form of hearing. I was asked to participate in an assessment by a psychiatrist to address issues around the Limitation Act (which I understand is about when people have to bring a legal claim) and what damage had been caused to me due to my experiences in care.
208. I was assessed by a psychiatrist, Dr Sara Weeks in June 2006. I remember that Dr Weeks understood where I was coming from. I felt, very soon on in the interview, that Dr Weeks knew what she was doing. She told me that she was one of the "good guys" and that I needed to trust her to help me get where I needed to get through in the legal process.
209. In the meantime, Cooper Legal worked on a statement of evidence for me, recording in detail my experiences from Berhampore Children's Home, through to my time in Social Welfare care, and then psychiatric hospital care. This document was prepared with reference to records Cooper Legal had collected in about me.
210. I am aware that Dr Weeks completed her report in December 2006.
211. I was also asked to provide evidence about why I did not take a legal claim until I did.
212. I am aware that from the beginning of 2008, Legal Aid put in place a process to withdraw funding for those taking psychiatric hospital and Social Welfare claims,



including me. Cooper Legal regularly reported to me about this process, both through newsletters and personal correspondence.

213. On 30 October 2008, Legal Aid decided to withdraw my funding for my psychiatric hospital and Social Welfare claims. This was on the grounds that my prospects of success were not sufficient to justify my funding continuing. This was in spite of the fact that there was an expert report which Legal Aid had, which explained why I had not taken steps until I did.
214. Cooper Legal advised me to fight Legal Aid's decision to withdraw my funding. I agreed with Cooper Legal that we should fight the decision to withdraw my funding. To me, the fact that the Legal Services Agency was funded by the government said it all. I was not prepared to just abandon my claim without there being some form of settlement.
215. I am aware that Cooper Legal reviewed the decision withdrawing my funding to the Legal Aid Review Panel. On 16 September 2010, Cooper Legal wrote to me to say that the Legal Aid Review Panel had agreed with Legal Aid about withdrawing my funding. Cooper Legal recommended that I appeal that decision to the High Court.
216. Cooper Legal also telephoned me about appealing the decision, because this required me to complete yet another application for legal aid funding. I remember that I was pretty angry at this time. I felt that the government should be taking responsibility for what happened to me when I was in care. I felt really unhappy that the government was getting out of this by taking away the funding for my lawyers to continue on with my claims.
217. The argument about my funding dragged on for years. In fact, my case was one of the cases that eventually went through to the Court of Appeal and was dealt with in the decision *JMM v Legal Services Agency*.
218. In the meantime, Cooper Legal was able to persuade Legal Aid to reinstate funding that allowed them to do specific tasks, because my case was one of the first cases.

219. In early 2011, Cooper Legal wrote to me to say that the High Court at Wellington had recently decided that some psychiatric hospital claims would go through a Judicial Settlement Conference (“JSC”) process. I was told that the claim of another Cooper Legal client had been chosen for a JSC. I was asked to give my permission for Cooper Legal to draft a simple statement about my experiences at Porirua Hospital to help that person because he had been in the same institutions as me. I agreed to the lawyers preparing a statement about my experiences.
220. On 4 May 2011, I telephoned Cooper Legal to express my frustration. I asked whether we could take the government officials to court to make them answer for their crimes against children. I said that me and the others were getting so frustrated by the delays in our claims being settled. I noted that I had been physically and sexually abused from the age of four. Nobody had stood up for me and said it was wrong. I wanted to go to the papers and tell my story in the media. I also wanted to get the public involved. I felt that the abuse I had suffered could happen to any one of our children at any time, even today.
221. I quite fairly asked what we survivors needed to do to get recognition and to bring up all the things that the government had failed to protect us from. I observed that the second generation of children were now coming up and they were definitely going to have a say in the matter. Once again, I expressed my frustration about not being able to do anything to tell my story.
222. One thing that particularly frustrated me is that when I committed a crime, the courts told me to tell the truth and move on. It was frustrating to me that I was doing what I could to move on, but the government was still denying what had happened to me and others, by relying on its legal defences.
223. At the end of 2011, Cooper Legal sent out a special newsletter in relation to my psychiatric hospital claim advising me (and other Cooper Legal clients) that the Crown Health Financing Agency intended to settle all the psychiatric hospital claims. I remember feeling quite disappointed at the time that the claim was going to settle without any court hearing. I was also really disappointed that my claim was to be settled without those who were responsible for causing me harm

hearing about what had happened to me and how it had impacted on me throughout my life.

224. On 21 February 2012, Cooper Legal wrote to me, explaining to me that the Crown Health Financing Agency ("CHFA") had made an offer to settle my claim. Cooper Legal told me that I had been offered \$18,000. In addition, CHFA would write to me, acknowledging and apologising for the distress caused by my experiences in psychiatric hospital care. As part of the settlement, CHFA was to pay my legal aid debt directly to Legal Aid, so that I would receive the settlement amount in full. Cooper Legal explained to me that the terms of the settlement were to be confidential. The settlement would be a full and final settlement, which would mean I could not bring a further claim in any New Zealand court in relation to what happened to me in psychiatric care.
225. It is fair to say I was not impressed with how much I was offered by CHFA to settle my claim. I told Sonja Cooper on 12 March 2012 that I felt let down by CHFA. I also said that whenever the government makes a mistake, they can just change the law to suit them.
226. Sonja Cooper talked to me about the legal hurdles there would be if I were to progress my claim in court. She also explained to me how difficult Legal Aid had been in terms of funding. She reminded me that my Social Welfare claim was still underway and that was separate. After that conversation, I said to Sonja Cooper that I thought we had won.
227. I communicated my acceptance of the offer made by CHFA in writing.
228. On 5 April 2012, Cooper Legal sent me settlement documents to sign. I duly signed the documents and returned them to Cooper Legal. I understand that the documents were then sent to Crown Law on 18 April 2012.
229. On 2 May 2012, Cooper Legal sent me an apology letter signed by the Chair of CHFA, along with a copy of the signed memorandum of settlement and release. I was also told that the \$18,000 had been banked into my nominated account. The apology letter really meant nothing to me because it was from a government official who knew nothing about me personally.

230. I understand that my psychiatric hospital claim was discontinued in the High Court on 28 May 2012. In the meantime, however, as I have explained, my case was still before the Court of Appeal in terms of legal aid funding, although by the time the appeal came to be heard, my psychiatric hospital claim had completely settled.
231. My Social Welfare claim took much longer to settle.
232. Cooper Legal sent an offer letter to Crown Law about my experiences in Social Welfare care on 8 October 2012. I understand this was required by the Ministry of Social Development to consider my claim. **[WITN0745025]**
233. On 25 September 2013, Cooper Legal received a response to that offer letter. **[WITN0745026]** In the letter from Crown Law, I was offered a settlement payment of \$14,000, along with payment of the debt owing to Legal Aid and an apology. In that letter, I was told that the Ministry of Social Development (“MSD”) accepted, for the purposes of settlement, that Child Welfare failed to protect me from family neglect and inadequate care by failing to take action, in early 1958, when it became clear that neither of my parents were willing or able to provide care for me. MSD also accepted that when I was placed in Berhampore Children’s Home, I should have been under a formal status with Child Welfare. Having said that, MSD did not accept that I was locked in a wardrobe where I was made to sleep and that I was hit on the head and ears by the staff there.
234. In terms of my placement at Marylands, MSD said it had found no practice failures or breaches of Child Welfare’s duty of care. This was because I was not under any formal status at the time of my placement. I found this difficult to understand, given that MSD had accepted I should have been under formal status from 1958.
235. MSD accepted that my placement in Stanmore Road was a practice failure. MSD also accepted that for two to three months, I was not provided with education. MSD did not accept that I was physically assaulted by unnamed Stanmore Road staff, on the grounds that there was no evidence on file to substantiate this. MSD also did not accept any liability for the bullying and intimidation I suffered at the hands of other boys.

236. In terms of Kohitere, MSD did not accept there were any practice failures or breaches of the duty of care in relation to my placement there. MSD did not accept I was locked in the Secure Block, on the grounds that there was nothing on file to indicate I was locked in a room as punishment. MSD also did not accept liability for the physical assaults I suffered at the hands of other boys. Nor did it accept the balance of my allegations about what happened at Kohitere.
237. In terms of Hokio, MSD accepted that my placement was inappropriate and that the one-year period I spent there was too long. This is because it was clear that if I was to be placed in an institution like Hokio, I was likely to be bullied. MSD accepted that consideration should have been given to an alternative placement.
238. MSD accepted that while I was at Hokio, the principal was aware I was subjected to physical assaults and bullying by other residents. Despite that, the principal had recommended I remain at Hokio until mid-1968. MSD found this was a serious misjudgement and breach of Child Welfare's duty of care.
239. In terms of my time at Porirua Hospital, MSD said it had found no evidence of practice failures or breaches of Child Welfare's duty of care. MSD stated that it had found there was regular and adequate visiting while I was at Porirua and while I was at Wellington Hospital after being burned.
240. I was pretty angry when I was told about the offer. I felt it was unfair and based on some rules or guidelines that had nothing to do with me or what had happened to me. I gave Cooper Legal clear instructions to reject the offer and to go back with a counter-offer.
241. On 9 October 2013, Cooper Legal sent Crown Law a lengthy counter-offer. **[WITN0745027]** Cooper Legal took issue with big parts of the analysis undertaken by MSD and Crown Law. In particular, Cooper Legal took issue with MSD's refusal to accept it was a practice failure not to have followed up on three complaints in relation to neglect and ill-treatment of me in 1955, 1956 and 1957 respectively.

242. Cooper Legal also took issue with MSD's refusal to accept anything about what I said had happened at Berhampore Children's Home. Cooper Legal referred to the findings of the High Court in *White v Attorney-General*, where the Court had made findings about the Berhampore Children's Home in relation to those plaintiffs.
243. Cooper Legal also took issue with MSD's analysis of its liability in terms of my experiences at Stanmore Road and Kohitere. In particular, Cooper Legal pointed out that MSD had not agreed I was locked in the Secure Unit because, according to MSD, it had opened after I left – while at the same time stating that there was adequate supervision at Kohitere, because five extra members had been added to provide coverage for the Secure Block.
244. In particular, Cooper Legal took issue with MSD's tendency to absolve itself of any liability on the basis that during particular periods I did not have any status, and therefore Social Welfare was not required to do anything. Cooper Legal pointed out that this was a completely self-serving argument which had been run every time there had been a trial about the extent of the Department's duty of care. Cooper Legal pointed out that such arguments had failed in previous cases before the courts.
245. Cooper Legal asked for MSD to reconsider the offer to me and asked for a prompt response.
246. Cooper Legal received a response from Crown Law on 16 April 2014. **[WITN0745028]** I received a substantially higher offer of \$25,000, along with payment of my legal costs and an apology letter. Even still, MSD did not accept a lot of my allegations.
247. I no longer remember how I felt about receiving the increased offer. Thinking back, I was probably worn down by the process and wanted it over and done with. I still felt, in my heart, that the offer was unsatisfactory and in no way reflected what had happened to me.
248. As with my psychiatric hospital claim, it was a condition of the settlement that I had to sign a settlement agreement. This was sent to me by Cooper Legal. I

duly signed the documents and sent them back. The settlement was finalised in late May 2014. Some weeks later, I received a payment of \$25,000 into my account and an apology letter. [WITN0745029] At the same time, an ACC assessor completed a report on me, which set out how the abuse I suffered in care has affected me, to this day. [WITN0745030]

249. When I think, now, about redress, I think about what the average person makes by way of salary on an annual basis. Over the course of my life, I have lost hundreds of thousands of dollars in terms of my potential earnings because of the impact of the abuse in care. That is how I think redress should be calculated. It should take into account where I would have been, if the last 45 years had not followed the path they have, because of the abuse I suffered as a child in care.
250. In terms of the apologies I have received, particularly from the State, there has been no real acknowledgement about what I went through at the hands of those who were supposed to care for me and protect me. To me, the lies told by government officials are still covered up.
251. It really bothers me that the courts have repeatedly said to me that I have to own the mistakes I have made, but those who abused me, who are in positions of power, have never owned their own abuse. Hopefully this Royal Commission can change that.

### ***Telling my story to the Royal Commission***

252. I agreed to tell my story to the Royal Commission, even though it has been very hard for me to do so. I am hoping that by telling my story, I will lose my fear about people knowing what has happened to me. I also want to put the government, particularly, to shame for not stepping up earlier and acknowledging and accepting what happened to me as a vulnerable young boy in care.
253. The part of telling my story that makes me afraid is that someone will listen to my story and know who I am. Having said that, it is important for me that the Commission and members of the public understand what I went through.

254. After spending the first part of my life in care being locked in a closet, things got worse and worse for me.
255. Now, I feel I am okay. Still, I want people to see how I feel and to understand the horror of what happened to me. The importance to me of doing this is to make sure that we do not let this happen again. We should not be allowing this to continue, but children in care are still being abused. It is also important for me to tell my whole story. All the abuse, from start to finish, has brought me to where I am now.
256. Telling my story makes me think about everything I could have been and everything that I am not. It makes me sad to think that I could have been anything and done anything. I am hoping that by telling my story it will help not only me but others to talk about what has happened to them and to ensure that there are changes for those who are yet to come into care and who are in care now.
257. I have thought about what would have made a difference for me. One thing I strongly feel is that families should be kept together as much as possible, instead of being separated and/or split up. Also, if I had been treated with kindness and respect by those in whose care I was placed, then I believe I would not be such an angry, lonely, and sometimes violent person.
258. Locking up problem children and treating them badly is not the answer. This does nothing to break the cycle of terror and anger children feel trapped in. An angry child needs to be asked about what is wrong and what can be done to fix things. Real support should then be provided to restore the child into a safe and supportive family environment, where they should also be supported to learn real-life skills so they can live a productive life in the real world.



**Statement of Truth**

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed

GRO-C

Dated:

13/10/2021

**Not relevant to Natural Justice process**