

- 606 -

1 figure of persons abused in State care?

2 **MS COOPER:** Only that one I've just referred to. As I
3 say, that was based solely on the number of claims
4 that had been made to the Ministry of Social
5 Development at that point in time. Of course, it
6 only covered the Ministry of Social Development
7 too. It didn't cover the Ministry of Education, it
8 didn't cover the Ministry of Health, it didn't
9 cover Corrections, it didn't cover health camps.
10 There was a whole lot of people that were excluded
11 from those figures anyway and it's very time dated
12 now.

13 Q. You have referred to documents that have been withheld
14 from you in the course of your work. Would, for example,
15 the Time Out Register and the Secure Register, would that
16 assist in identifying the extent of the abuse?

17 **MS COOPER:** Absolutely. We know that from the trial
18 work that we do. We refer extensively to the
19 secure registers and the day books. To be blunt, a
20 lot of that - even that documentation has been
21 lost. You know, there have been fires and floods
22 and - I mean, one of the reporters found a whole
23 stream of stuff in an old, just kind of floating
24 around the premises of Hokio or Kohitere. I do
25 note with the Ministry of Social Development, just
26 as my firm was starting to embark on the work in
27 the mid-1990s, MSD ordered the destruction of a
28 whole lot of staff files in 1999. Time -
29 interesting. But we know from the trial work that
30 we do where we are required to be given that
31 material, they're extremely helpful. The day books
32 are probably even more valuable because the day
33 books are telling you hour by hour what's
34 happening. So, there will be restraints and there

- 607 -

1 will be times in Time Out and seclusion that will
2 be noted in the day books but are not noted on any
3 seclusion register or any other document that they
4 should be noted on. So, when we get to trial, we
5 get this mass of information that we have to put
6 together for an individual client to piece together
7 because we also get incident reports. We get the
8 whole raft of documentation about that client and
9 about the institution generally that will enable us
14.25 10 to put together their story. But an individual
11 claimant going to the Ministry of Social
12 Development will only get their personal file. So,
13 you will not be able to work that through. And as
14 I said, a lot of records are missing from personal
15 claims. We've been dealing with a number of claims
16 recently where clients have told us they've been in
17 multiple placements, we have records for maybe two.
18 Where have all those records gone?

19 And MSD and the Ministry of Education won't accept a
14.25 20 claim if there aren't records. So, what do you do with
21 it?

22 Q. In relation to your evidence about the initiation
23 beatings in the State care residences, would that
24 indicate that persons going into those residences, up to
25 100% of them would be subject to abuse?

26 **MS COOPER:** Yes, definitely. We knew - I can think of a
27 couple. For example, in the White trial, when Earl
28 went to Hokio, he was lucky he went there in the
29 school holidays so none of the kids were there, so
14.26 30 he missed out on his initiation beating. We've
31 done hundreds and hundreds of claims for children
32 who have been through the various residences, and
33 that includes the girls as well, and yeah, I mean,
34 it goes without saying almost. As I say, you were

1 just lucky if you missed an initiation beating.

2 Q. Can I ask you to refer to paragraph 267 of your evidence
3 where you refer there to an enormous number of your Maori
4 male clients being in prison?

5 **MS COOPER:** Yes.

6 Q. Again, this is just context. Do the offences for which
7 your male clients are in prison include offences of
8 violence? Are you able to say this?

9 **MS COOPER:** Well, for some, yes, but, you know, again, I
10 have to say for us, what they're in prison for is
11 not important to us. We accept all our clients for
12 who they are. So, as I say, we actually don't
13 collect their criminal conviction histories, we
14 don't ask them about their criminal histories
15 because for us it's not an important factor of our
16 work.

17 What we are interested in is how their time in care
18 has impacted on them. So, if violence has been an
19 impact, we are definitely interested in that and we
14.28 20 reflect that in the claim documents that we put together,
21 and there is certainly a very, very clear link.

22 Q. And when you refer in your brief of evidence right at the
23 end of it, paragraphs 277-278, to the cycle of harm and
24 breaking the cycle of harm, that would include, wouldn't
25 it, breaking the cycle of violence that we've just
26 referred to?

27 **MS HILL:** I think it's impossible to divorce what we
28 know about State care from our statistics around
29 family violence and domestic violence and sexual
14.29 30 violence. And while we can't say that every person
31 in care has been violent, we can't draw that
32 conclusion. What we know is so many of our clients
33 are angry and so many of them grew up in a culture
34 of violence that has been perpetuated. There is

1 certainly - there is a correlation there and when
2 you think about I think 82% or 87% of our prison
3 population has had some contact with welfare in
4 their lives, then you can certainly start to see a
5 pattern.

6 Q. Can I just talk about compensation that is paid and your
7 evidence which I acknowledge, that not one of your
8 clients in your view has received adequate compensation?

9 Would it be fair or is it your experience that
14.30 10 higher compensation payments generally result in bringing
11 about more positive outcomes for your clients?

12 **MS COOPER:** Again, it is a difficult question for us to
13 answer because, of course, once we settle a claim
14 our work for a client finishes, so we often don't
15 know how they've used their money, to be honest,
16 what they've done with it.

17 I think what we can say anecdotally, we know that
18 clients have used their compensation to setup businesses
19 which is a huge advance from where they have been. We
14.30 20 know that a lot of our clients use their compensation to
21 actually make better lives for their own children or
22 their own grandchildren, mokopuna, because they recognise
23 that they've probably caused harm to the next generation
24 or generations and they want to make it right, so I think
25 that's something we can say. For us, compensation is
26 about vindication. It's about an acknowledgment that
27 we've caused harm and that we're going to put that right
28 in some ways. New Zealand compensation is really poor
29 compared with our Commonwealth counterparts and that's
14.31 30 largely because of ACC, as we've explained.

31 But I think, you know, we have seen it actually
32 making quite a meaningful difference to people. We also
33 know that the apologies can make a big meaningful
34 difference to people. I mean, we know that people will

1 frame their apologies and put them on the wall. And I
2 think too, acknowledgment of harm, it's taken into
3 account in sentencing. So, for a prison inmate or
4 somebody who's facing the Criminal Courts for sentencing,
5 we are regularly writing letters to support, to say
6 they've made a claim or they are making a claim for abuse
7 they've suffered in care because it's relevant in
8 sentencing. So, there are multiple ways in which
9 acknowledgment of that abuse I think empowers and
10 enriches survivors' lives.

14.32 11 Q. Coming to the issue of costs, legal costs that were paid
12 to you for work that you did. Did you ever have access
13 to the quantum, the amount of costs that were being paid
14 to Crown counsel?

15 **MS COOPER:** Yes. With the trials, costs became quite a
16 vexed issue, I have to say. So, we were regularly
17 doing Official Information Act requests to the
18 Crown during the trial processes as to what Crown
19 Law was being paid for work that we were being paid
14.33 20 for at Legal Aid rates which for those of you who
21 do Legal Aid work will know they are considerably
22 less than commercial rates, about a quarter.

23 We know that the White trial is an example, I think
24 our costs were something like \$300,000 or \$400,000 and we
25 were acting for two plaintiffs, the Crown's costs in that
26 were over \$900,000.

27 We know that in the Whakapakari trials that we did,
28 and another trial that we did, the Crown's costs were
29 around about \$3 million or \$4 million and they settled
14.34 30 for a pittance. I guess our cynical view was we thought
31 about how many clients' claims could have been settled
32 without the dreadful litigation process that we and our
33 clients were subjected to over quite a number of years.

34 Q. And directing those funds instead to the settlement

1 process?

2 **MS COOPER:** Quite, yes.

3 Q. This is my last area of question, it's about the
4 Limitation Act.

5 **MS COOPER:** Yes.

6 Q. You will know that there have been some movements in the
7 way in which the Courts address limitation, in particular
8 where there's a fiduciary relationship, fiduciary duty.
9 I will just expand on that.

14.34 10 Some overseas jurisdictions are dealing with the
11 fiduciary duty relationship as an exception to
12 limitation. Do you know because I don't I'm asking you
13 this question, whether that argument has been developed
14 in the New Zealand Courts where children have been wards
15 of the State?

16 **MS COOPER:** So, in our earlier cases, and in fact we
17 still plead fiduciary cause of action. In
18 New Zealand, the way that fiduciary relationships
19 are interpreted under the Limitation Act is if
14.35 20 they're pleaded alongside a tort cause of action,
21 the equitable cause of action, the equitable
22 limitation period is interpreted in the same way as
23 a tort limitation period.

24 So, it means that the Limitation Act, the normal
25 rules apply, so you don't get any special treatment.

26 I think the other thing that I should say is that
27 fiduciary causes of action have been really difficult in
28 New Zealand and Australia. And England I don't even know
29 if they've pursued them, to be honest. Because although
14.36 30 you may be able to establish that there was a fiduciary
31 relationship and that there was a duty to prove breach
32 has been really difficult, when I argued S v
33 Attorney-General in the Court of Appeal back in 2002, I
34 argued quite strongly that there had been a breach of a

- 612 -

1 fiduciary relationship because in that case my client had
2 never had any formal status, even though he had been
3 fostered by the same family his entire life. He'd never
4 had any formal status with this family. He had been
5 under preventive supervision for his entire life. So, he
6 was effectively abandoned and placed into care where he
7 suffered physical and sexual abuse his whole childhood.

8 I argued that there should be a fiduciary duty and
9 it had been breached because it was clear that the reason
10 why he never had any formal status was because the State
11 was trying to save itself money which is a clear
12 fiduciary breach context but the Court of Appeal held
13 that I hadn't been able to establish a sufficient
14 evidential base for that, even though I thought it was
15 pretty clear from the records, and so we were able to
16 succeed in tort and vicarious liability but the fiduciary
17 cause of action failed. And I think the only times that
18 fiduciary causes of action have succeeded in New Zealand
19 have been where the abuser has been either a relation or
20 a close family friend, otherwise I think we could
21 probably say in New Zealand they will not succeed.

22 **MS MCCARTNEY:** Thank you very much.

23 **MS DODDS:** No questions.

24 **MS MCKECHNIE:** No questions.

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SONJA COOPER AND AMANDA HILL

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QUESTIONED BY MS GUY KIDD

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Q. Good afternoon, Ms Hill, Ms Cooper. I act for the General Synagogue of the Anglican Church and Aotearoa New Zealand and Polynesia. Just to explain further, the general synod is the governing body of the Anglican Church which is made up of three houses, the House of Bishops, the House of Clergy and the House of Laity?

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Firstly, on behalf of them I wish to sincerely thank you both for your tenacity and hard work on behalf of your client survivors.

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I just want to touch on a couple of points at a high level. The first may well be an example. Later this week we're going to have the statement read of your client Ms Wardle-Jackson and in part she deals with her contact with the Anglican Church, the abuse she suffered and then the subsequent contact which I have a letter here from you, Ms Cooper, dated 2004; would you agree that your first contact was by letter to the Bishop in Wellington, does that sound the usual approach?

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MS COOPER: Yes, and that - I've had to remind myself.

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Obviously, I did that partly when I was helping Beverley with her brief but, yeah, you can imagine it's 15 years ago. Yes, that would be the usual way we approach and we still do that now when we don't know who to contact, we would usually approach who we think might be the head of the church.

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Q. And in that letter to the Bishop, you recorded at the

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end, and I'll read to you what you said there. You asked

1 that the church seeks legal advice?

2 **MS COOPER:** Yes.

3 Q. And concluded, "I look forward to hearing from your legal
4 representative within the next two to three weeks";
5 that's what your letter says?

6 **MS COOPER:** Yes, and in those days, again, we were quite
7 cautious that people got some legal advice to kind
8 of help them understand what the legal liabilities
9 might be and also to assist them hopefully to give
10 them some guidance about how to embark on a process
11 to engage. And we would still do that now too. I
12 think we would, you know, I think people should get
13 legal advice. Defendants or claimants, I think
14 because this is a legal context within which we
15 work.

16 Q. So, you'd agree that you were expecting a response from
17 lawyers?

18 **MS COOPER:** Yep.

19 Q. My second question just relates to some terminology in
14.42 20 the brief that you've just given, Ms Cooper. For
21 instance, at para 262 where you refer to claims brought
22 against the Anglican Church and you say several parts of
23 the Anglican Church rely on the Limitation Act.

24 I just want to flesh that out. When you're talking
25 about or when you talk there about the Anglican Church, I
26 understand you're actually talking about not just the
27 parishes and the churches in the Anglican Church, but
28 also other entities that may be seen in the public as
29 affiliating with the Anglican Church?

14.43 30 **MS COOPER:** Yes, that's correct.

31 Q. And you'd agree that some of those entities are actually
32 independent, legally independent?

33 **MS COOPER:** Well, that was something, I have to say, I
34 have not been brought up Anglican, so I didn't know

- 615 -

1 that. I think at that stage we were used to the
2 Catholic process, The Path to Healing, so we were
3 used to there being a homogeneous process within a
4 church and we were also used to the Salvation Army.
5 So, we were used to dealing with a church entity
6 that even though it had its dispirit parts because
7 I mean even within the Catholic Church there are
8 numerous different orders that have different
9 processes, we were used to there being a
10 homogeneous process that we would attach to, to say
11 this is how we might expect a claim to be dealt
12 with.

13 So, we were hoping that the Anglican Church might
14 have something like that. So, I think it was a bit of a
15 surprise to us that the Anglican Church, given it is the
16 biggest church in New Zealand, had no process. That it
17 was lots of different individual bodies that all did very
18 different things. And I have to say, that was incredibly
19 frustrating for us because, you know, just knowing how an
20 individual church body was going to deal with a claim,
21 some taking a highly legal approach, others engaging in a
22 more pastoral process, others just not engaging at all,
23 was deeply frustrating and quite unsatisfactory.

24 As I say, we were hoping there might be some higher
25 level process, like The Path to Healing or like the
26 Salvation Army had in place that guided all the different
27 parts of the Anglican Church on how to deal with claims.

28 Q. And again when you say "parts of the Anglican Church",
29 you appreciate some of these technically are not parts of
30 the Anglican Church?

31 **MS COOPER:** Sure.

32 Q. As part of our learning process, you actually reached out
33 to the General Secretary of the Anglican Church by letter
34 December 2016?

1 **MS COOPER:** That's right.

2 Q. Expressing your concerns at the approach that you'd
3 encountered?

4 **MS COOPER:** Yes.

5 Q. And while the church pointed out or the General Secretary
6 pointed out the entity you were concerned about was
7 independent, there then was an expression of desire to
8 meet with you?

9 **MS COOPER:** Yes.

14.46 10 Q. And there was a meeting which was held in May 2017
11 between yourself, the Archbishop of the Anglican Church
12 and the General Secretary where you discussed your
13 concerns with the process, they explained some of these
14 issues around the structure of the church?

15 **MS COOPER:** That's correct and that was the first time
16 that I'd really understood that the Anglican Church
17 had these three different legal entities and then I
18 think in New Zealand that's divided into another
19 six or seven entities, so there is something like
14.46 20 18 different legal entities in New Zealand. And
21 that was the first time that I've really had a
22 clear understanding of that. As you say, that was
23 driven by our issues with the particular trust in
24 Auckland that we just felt we were being
25 stonewalled.

26 The other reason why we asked for that meeting, was
27 because we were aware that in Australia, the Anglican
28 Church in Australia had got together and come up with a
29 protocol for dealing with claims in Australia and we were
14.47 30 very much saying to the hierarchy in the Anglican Church
31 when are you going to do it? It's clear that it needs to
32 be done. So, we were very strongly advocating at that
33 stage that the Anglican Church, as a body, and you know
34 including its various different legal entities, get

1 together, do what the Australians had done and come up
2 with a protocol to deal with claims.

3 I have to say, I'm not sure that that's happened
4 yet. I think we are certainly seeing some shift in some
5 of the entities that we have dealt with that we would put
6 under the Anglican Church umbrella. But even as of last
7 week or the week before, we had one of the Bishops of one
8 of the Anglican Churches in the South Island basically
9 brushing us off and telling us that we had the wrong
10 defendant, even though it was an Archdeacon who had
11 sexually abused one of our clients.

12 I think we are still seeing in the Anglican Church,
13 I sue that as an umbrella, quite disparate approaches
14 between the different legal entities.

15 One thing I want to say, you know, from my
16 perspective, I've been raised Catholic so I understand
17 about church care. I think our firm is very much of the
18 view that the churches owe a pastoral obligation to those
19 who were abused in church care. They owe a moral and
20 pastoral obligation to put right abuse that has been
21 caused in whatever context. And I think, you know,
22 churches and the State should not be relying on their
23 legal defences and their legal technical ways of, you
24 know, removing themselves from liability to say no to
25 claimants.

26 Churches, as I say, have pastoral obligations and
27 they continue, particularly when often church abuse is so
28 alienating for clients, not only in terms of where they
29 feel in themselves but also where they fit within their
30 own families. It can alienate them from their families.

31 I think that's one of the things we say very
32 strongly to all of the church entities that we deal with,
33 is you've got higher than legal obligations. You've got
34 moral and pastoral obligations to remedy any harm that

1 you've caused, or those who have gone before you have
2 caused.

3 Q. This is my final point to ask you about. Would you
4 accept that at that meeting there was a genuine
5 willingness expressed to listen to you and to respond to
6 those concerns?

7 **MS COOPER:** Absolutely. I was with another lawyer of
8 the firm, Rebecca Hay, we both experienced that as
9 a very positive meeting but I think, as I say, one
14.50 10 of the things we learned for the first time was
11 just this very difficult legal structure that
12 exists within the Anglican Church. It was made
13 very clear to us that it was probably going to take
14 some years for the Anglican Church to kind of come
15 together with a cohesive church protocol and policy
16 that governs all parts of the church. I'm not - as
17 I said to you, I am not sure where that work is
18 yet. It's not evident yet, given, as I say, given
19 what we've had even within the last couple of weeks
14.51 20 it's not evident yet that there is a protocol that
21 governs the entire Anglican Church and I think
22 that's a real challenge to the Anglican Church,
23 given it is the biggest church in New Zealand.

24 Q. No doubt just on that point, it would have been explained
25 to you that part of that is because of the way that
26 there's decision-making in the Anglican Church requiring
27 agreement across the board? And probably also requiring
28 changes to Anglican law?

29 **MS COOPER:** Yes, I understand that. I guess my response
14.51 30 would be, we had that meeting at the end of 2016
31 and we're now at the end of 2019, so -

32 Q. It is not for me to give evidence but Ms Hill was on the
33 track when she said that things are in the process.

34 **MS COOPER:** That's right. And so, I think that's one of

- 619 -

1 the great things about having a Royal Commission,
2 is that there will be a lot of challenges, I think,
3 to people who do better, get protocols in place,
4 and we're certainly seeing that even with our
5 engagement with the Crown as well. So, that's all
6 positive stuff.

7 **MS GUY KIDD:** Thank you.

8 **CHAIR:** Thank you, Ms Guy Kidd. I will now ask my
9 colleagues if they have any questions of Ms Cooper
10 and Ms Hill?

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SONJA COOPER AND AMANDA HILL

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QUESTIONED BY COMMISSIONERS

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6 **CHAIR:** I propose to leave aside any questions until the
7 redress hearing occurs next March.

8 **COMMISSIONER SHAW:** Thank you both for your evidence
9 which is extensive and very interesting, and I
10 believe, without any insult to you at all,
11 preliminary. I think we have a long journey to
12 travel in this matter and for that reason, as
13 expressed by our Chair, I too will not ask any
14 questions for the moment. Thank you.

14.53

15 **COMMISSIONER ERUETI:** I too would like to thank you for
16 your evidence. I just have one quick question I
17 was curious about. When you talked about how you
18 use the new entry bodies to bring claims under the
19 Human Rights Covenants and also UNCAT about whether
20 you conferred using the UN mechanisms that are
21 there for indigenous people like the UNCAT and
22 indigenous rights, given the large number of Maori
23 clients you have?

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24 **MS COOPER:** Yes, we have. So, basically every covenant
25 that there is, so it's the same for disability as
26 well, so essentially every time New Zealand has
27 been examined and every time we've had an ability
28 to make a Shadow Report we've used it.

29 **MS HILL:** If I could just add to that. I do feel that
30 there are people with perhaps - that are better
31 placed to make those complaints and people like Ms
32 Sykes and others who are engaged with the Waitangi
33 Tribunal, that have a better knowledge about that
34 kaupapa. We certainly support that work, even if

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1 we're not doing it ourselves. We think it's a
2 really important conversation to be having.

3 **COMMISSIONER ERUETI:** Kia ora.

4 **COMMISSIONER ALOFIVAE:** Can I just thank you both also
5 for your tireless commitment in pursuit of justice
6 for your client base, it really is admirable. I
7 have two questions but actually they are better
8 suited for the redress hearing, it's around the
9 structural barriers you have raised incredibly well
10 and requires a bit of unpacking and just the
11 personal journey that your firm had and the
12 definite turning points, I am flagging that's
13 coming in in March, thank you.

14 **COMMISSIONER GIBSON:** No further questions at this stage
15 but thanks for your evidence.

16 **CHAIR:** Thank you. I want to also thank both of you for
17 your prestigious work you've done in support of so
18 many people whose plights have deserved it, thank
19 you. Might that be a suitable time to have a short
20 break while the next witness is arranged?

21 **MR MOUNT:** Just a very short break and then it's
22 Mr Taito next. Ms Spelman will make his evidence.

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24 **Hearing adjourned from 2.55 p.m. until 3.10 p.m.**

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FA'AFETE TAITO - AFFIRMED

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EXAMINED BY MS SPELMAN

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6 **MS SPELMAN:** Our next witness is already seated,

7 Mr Fa'afete Taito.

8 **CHAIR:** I will start, Mr Taito, by obtaining your

9 declaration. (Witness affirmed).

15.07 10 **MS SPELMAN:**

11 Q. Before we begin, if I could ask you to check you have
12 your estimate in a front of you, it's signed on the last
13 page, page 20?

14 A. Yes.

15 Q. Could you confirm that statement is correct, to the best
16 of your knowledge and belief?

17 A. Sorry?

18 Q. Can you confirm the statement is correct to your
19 knowledge and belief?

15.08 20 A. Yes, it is.

21 Q. Mr Taito, I wanted to start by asking a little about your
22 family background. I understand your parents moved here
23 from Samoa in the 1950s?

24 A. Yes.

25 Q. Can you tell us why it was that your parents wanted to
26 move to New Zealand?

27 A. They came here with the hope that they could earn some
28 money, find work, and I think generally to give us a
29 better, give the family a better step up in life and
15.08 30 return money back to Samoa to help the family back in
31 Samoa.

32 Q. And whereabouts were your parents living when you were
33 born?

34 A. In the city.

- 623 -

1 Q. Can you tell us a bit about what your upbringing was like
2 then?

3 A. So, I had - I was the only boy and three sisters, three
4 older sisters and one younger. I guess, pretty typical
5 of Samoan families in that era, growing up, church,
6 church was everything, and yeah, pretty much that was my
7 life growing up, just going to church and school and
8 church, just doing - yeah, pretty much everything that
9 your parents wanted to do at church. We spent most of
10 our time at church, it sort of became the central place
11 of our being really, yeah.

12 Q. And I understand you are going to give evidence today
13 about your time as a State Ward. Could you tell us a
14 little about how you first came to the notice of Social
15 Welfare?

16 A. Growing up, so my Dad was a little bit of a strict man
17 with his discipline. So, growing up I used to get
18 disciplined quite a bit. And, yeah, so it went on for a
19 few years. As you get older, you get naughty, I guess,
20 and the hidings get worse. So, by the time I got to
21 about 12/13, I knew what was coming, so I'd start running
22 away from home. Yeah, just running away and staying away
23 and I guess this is where the social workers, I came into
24 contact with Social Welfare. Yeah, they started picking
25 me up and taking me back home and, yeah, I tried to tell
26 them don't take me back home because I'll get a hiding if
27 it you take me back home, and they sort of thought, they
28 didn't believe me. So, yeah, that became quite a
29 pattern, me running away and them taking me back home.

15.11 30 Yeah, they never got that really, they never believed me.
31 Anyway, as it was, it became quite frequent, to the point
32 where I got taken to what they called the children's
33 board at the time, it was in Lambton Court, Federal St
34 here. Federal St has never been a good place for me but

- 624 -

1 anyway that's where I was. Children's Board, when you
2 got walked in there and there was Judges, Ministers,
3 social workers, everyone around a big table and you were
4 sitting at the end with a social worker, people were
5 talking about what to do with you. I didn't understand a
6 lot of it.

7 Yeah, so, that was me for a little while and then
8 they sent me to stay with a foster home and, yeah, I got
9 into a bit of trouble, serious trouble with the Police,
10 yeah, I got charges and they took me to I am not sure if
11 it was called Youth Court at the time but it was a Youth
12 Court type, where The Metropolis is now. And yeah, then
13 they made me a State Ward.

14 Q. You mentioned some trouble with the Police and I
15 understand there was a Police team called the J-team?

16 A. Yeah, they were the one, Children's Board as well. Yeah,
17 J-team, that's what they were called, the J-team. They
18 were like a Police Juvenile team that roamed the streets
19 of Auckland with cops and social workers and youth
20 workers. They used to travel round and look for run away
21 kids. Yeah, I became quite well-known to them.

22 Q. So you mentioned there was a Court case over I think
23 where The Metropolis is now, was that the case where the
24 decision was made about your future?

25 A. Yeah. I got picked up by the J-team, I can't remember
26 what night it was but I ended up at Court the next day.
27 My older sister turned up because my father forbade my
28 Mum from coming, so my elder sister was there and, yeah,
29 they started talking about me in this Courtroom about,
30 yeah I don't know, talked about ward of the state and
31 blah blah blah. And then they told them, yeah, the Judge
32 said something and the House Master that was next to me
33 said "let's go". We walked out to the van, I said "What
34 happened then?" He said "You're jumping into the van and

- 625 -

1 coming to Owairaka Boys' Home". I was like, "No, I'm
2 going home to my mother". He said, "Nah, you're going to
3 there, you're a ward of the State now" or something under
4 some Act. So, that was my introduction to the State Ward
5 Act, I guess.

6 Q. So, at the hearing itself, did anyone explain to you what
7 that meant becoming a State Ward?

8 A. The Judge said something about I'm now a ward of the
9 state under section something and said you're going to
10 Owairaka Boys' Home or something, I remember that. And
11 the House Master or social worker next to me told me,
12 yeah, we're going.

13 Q. When you were being taken to Owairaka in the van, what
14 was that experience like for you, being taken to an
15 unknown place?

16 A. Yeah, I kept telling the House Master I wanted to go back
17 to my mother's, go back home to my parent's place. And
18 he said, nah, shut up, you're a fucken ward of the state
19 now and you're coming back with us to Owairaka Boys'
20 Home. I said where's that? I didn't know where that
21 was. Yeah, being pulled up outside what I found to be
22 security, I didn't know what it was at that stage. So,
23 yeah, we jumped out and went into that dreadful secure
24 unit reception area, told me to stand on this line.
25 Yeah, just stood there and gave me my blankets and told
26 me, yeah, I was actually for a look time just standing
27 there, not sure what to do, nothing is telling me
28 anything. They're doing all this paperwork, filling
29 forms, stamping this and that. He said follow me and we
30 walked to a cell, cell door, opened it and told me to get
31 in there.

32 Q. That was your introduction to Owairaka?

33 A. Boys' home, yep, security.

34 Q. In terms of the staff that were at Owairaka at that time,

- 626 -

1 what was their make up? Were they mostly Pakeha?

2 A. They were all Pakeha, all honkys, sorry, all Pakeha, most
3 of them were House Masters mainly Pakeha, as I remember.

4 Q. When you arrived, how did you learn what the rules were
5 at Owairaka?

6 A. Yeah, they don't give you a set of rules or anything,
7 guidelines. Yeah, I'm not sure what the expectations of
8 you as a kid, what we were - we were supposed to listen,
9 you know. I actually remember one of those Pakehas
10 Masters telling me just do as you're told, yeah. I
11 remember waking up the night after I arrived, I remember
12 waking up the next day and the door was unlocked and we
13 were told to run around this little yard, just to keep
14 running around, just run. Nobody told us how long for,
15 whatever, just run. Yeah, that's what we did, we just
16 ran around this yard, ran around the yard, kept running
17 around the yard, while they were all in the office
18 drinking coffees and things like that. Yeah, we just ran
19 around and I ran around until at one stage the House
20 Master came out, he opened up this south door at the end
21 of the yard, he opened it up and just left it open as I
22 ran around I realised there was a shower block and so I
23 kept running around, there was a towel there and as he, I
24 think as you went back into the office, he said you
25 better hurry up and have a shower because the water will
26 go off any minute now. I didn't know what that meant. I
27 ran into the shower, the shower was on, so I jumped in
28 there and halfway through my shower the water went off.
29 So, you sort of just had to dry and then they don't tell
30 you what to do after that. I assumed we'd go back to our
31 cell. I was going back to my cell and I was told where
32 are you going, go back to the shower block. So I went
33 back to the shower block and waited and then they came
34 out took me out. There was a lot of that in Owairaka.

- 627 -

1 There was a lot of not telling you anything. One of the
2 things he did tell me was he pointed to this Maori boy
3 that was in the kitchen doing the food and he said he's
4 the KP of this place. You know, that's kingpin. He's
5 the KP of this place, if you don't behave yourself, we
6 will get him to give you a hiding. That became quite a
7 common feature in there because the KPs would stand over
8 you, intimidate you and the House Masters there, they
9 love that, they love putting the KP up to that sort of
10 stuff, yeah.

15.19

11 Q. I'd like to come back and ask you a bit more about the
12 kingpin culture later. I know in your brief at paragraph
13 12, you give another example about blankets and some
14 rules, can you explain what that was?

15 A. Yes, they had this way your blankets were folded. I
16 didn't know this but the red has to be in line with your
17 sheets. Yeah, so they had this special way of, like
18 almost like tucked in, you have to tuck in your blanket
19 in here and sheet has to be blanket, white sheet, then
20 blanket then at the top was the red. Yeah, I didn't know
21 any of that. I just thought you folded them up, put them
22 at the end of the bed, yeah. And the first time I did
23 it, the screw came in, the House Master, he came in and
24 said, he threw it on the ground and say do it again and I
25 said, oh, and I went to do it again but he took me
26 actually to this guy nextdoor and showed me the way it
27 was supposed to be. And I still didn't get it. So, I
28 instead folded the sheets and tried to do the sheet,
29 blanket, sheet thing and put it on and he threw it again
30 on the ground and told that boy nextdoor to show me how
31 to do it. And then he showed me how to do it and then I
32 did it right, yeah. Yeah, like I said before, these are
33 the things, they don't tell you anything like this to
34 begin with.

15.20

15.21

1 **COMMISSIONER SHAW:** I think you said what the House
2 Master called you?

3 A. Yes, he called me a coconut.

4 **COMMISSIONER SHAW:** Coconut boy?

5 A. Yeah, speed it up coconut boy. That was their favourite
6 saying in there to us.

7 **MS SPELMAN:**

8 Q. In terms of the racist name that he called you, were
9 there other experiences of racism that you had being a
10 Samoan boy at Owairaka?

11 A. Yeah. Well I guess for me, he was taking me up to the
12 top house, he asked me if I was, yeah he said to me what
13 nationality? I said Samoan. He said are you a New
14 Zealander? And I went yeah. So he said you're a New
15 Zealander now, you're not Samoan. And I went okay man,
16 you don't want to answer them back, yeah. Yeah, I
17 remember that, I was a New Zealander.

18 Q. In terms of the abuse in care that you experienced, I
19 understand you weren't sexually abused at Owairaka but
20 you did experience physical abuse?

21 A. Yeah. When they put me up the top, I was there for a few
22 weeks. Yeah, there was a lot of intimidation, there was
23 a lot of physical violence, not just to me, around, you
24 know around the other kids. One of the things I really
25 hated, if you like, was the way the screws and the House
26 Master pitted out up against each other. You know so for
27 example when I was in the recreation room and the
28 so-called KP, kingpin, I'm not sure whether that screw
29 put him up to it but, yeah, he said something, I didn't
30 quite catch it but I turned around to him and said what
31 was that, and he hit me with the table tennis bat and we
32 started fighting. I found out later that, you know, what
33 that all was about, was every time somebody new came in
34 and looked quite big or fierce the KP would try and

- 629 -

1 dominate. We had a fight and I was reluctant to fight
2 back because there was a screw sitting there and then he
3 seemed to enjoy it and then they pulled me off the KP and
4 I went back to secure after that. Which, to be honest, I
5 didn't mind it down there because now I knew what it was
6 all about and it was better to be down there than up the
7 top with all those.

8 Q. In terms of the fighting amongst residents, we heard some
9 evidence last week that the staff saw it as a form of
10 entertainment?

15.24

11 A. Yeah, well, I saw that a few times. You know, and
12 really, it wasn't like noticeable but, you know, the
13 screws, if they're standing around, they were encouraging
14 our boys to fight each other, especially over little
15 things like the table tennis table or darts or cards, you
16 know, you go and complain to them and they say do
17 something about it. For me, Owairaka Boys' Home was a
18 scary place at first but then you learn how to survive in
19 there, you have to otherwise you're going to get picked
20 on. I didn't see those House Masters, you know, helpful
21 at all in any way trying to help us. In fact, you know,
22 I think they encouraged a lot of that violence because
23 they used to have houses that backed onto to Owairaka
24 Boys' Home, so you had to go and do their gardening, fix
25 it all up. There was a lot of - I remember, I think I
26 told you this, eh, there was a lot of picking of kids to
27 go inside the house and do work inside there, you know.
28 I said to one of my mates who was a crime boy, I said how
29 come they getting to go in there, why can't we go in
30 there? He said they just pick whoever to go in there
31 but, as I learnt later on, things were going on in there.
32 You learn these things as you go through that system and
33 you end up in Waikeria Borstal and you see the same kids
34 grown up a bit and you hear what happened in those

15.25

15.25

- 630 -

1 places. And I go shit, is that what happened bro? And
2 he goes, yeah, yeah. So, I guess I'm lucky I never got
3 picked to go inside the house.

4 Q. You've told us about the staff involvement or at least
5 awareness of residents fighting. Did you experience or
6 witness any staff abuse of children while you were there?

7 A. Yep. Oh, lots of dining room incidents where they tip
8 your tray up, you know. I don't know why but the kids
9 walk past and tip your tray up and then pick it up. I
10 don't know, little niggly stuff, you know. It was just
11 uncalled for and I used to think, also you had to put
12 your cups and saucers in such a way on the table and if
13 you didn't, I've seen them flick it off the table and
14 everything goes smash and make them clean it up, yeah,
15 yeah, I remember that cup and saucer trick, go to put the
16 handles inside the cups so you couldn't see the handles
17 when they were sitting on the tabling, that sort of shit.
18 It's like little stuff but they'll flick it off the table
19 and hoary boy to a couple of my mates, you know. Yeah,
20 for me, looking back at it, it wasn't a nice experience
21 as kids, you know, in that age group. And I think what
22 it also does to you, it makes you angry, it makes you,
23 you know, you just think inside yourself, man, gees,
24 you'd like to do something to you but you can't, you
25 know, so yeah, build up a lot of anger.

26 Q. And just one other aspect while you were at Owairaka, you
27 told us you'd been picked up by Social Welfare for
28 running away?

29 A. Yes.

15.28 30 Q. And they'd sent you there. While you were there, what
31 sort of education, if any, did you receive?

32 A. While I was at Owairaka?

33 Q. Yes.

34 A. Well, I had a good little young mate there who knew how

- 631 -

1 to steal cars and taught me how to steal a car and showed
2 me. He drew it, lock and all that stuff. And then even
3 in the boys' home itself, you'd go up to these locks and
4 go bro, this is how you open, this is easy to open, and
5 show me with a screwdriver and you go yeah, yeah, good
6 one bro. Those are the sorts of things you learn in
7 there easily, you know. It becomes, yeah, a skill you
8 pick up.

9 Q. And so, after you'd been at Owairaka that first time,
15.29 10 what happened when you left the institution? Where did
11 you go after that?

12 A. I was put in a couple of foster cares, foster homes.
13 They tried to put me in a school, St Paul's wouldn't take
14 me, Mt Albert wouldn't take me, so I ended up at Seddon
15 College and a lovely Samoan woman to knew my parents as
16 well, she was a social worker. She took me in and while,
17 you know, she tried her best for me, school wasn't for me
18 or where I wanted to be. I guess for me, I had trouble
19 at school, I really hated teachers, you know, telling me
15.29 20 what to do. You know, I think for me, you know, to be
21 honest, Owairaka changed the way I thought about things,
22 you know, and just made me, if anybody tried to tell me
23 what to do, I would just hate that. Lots of fights at
24 school. In the end, I think it was my third term at
25 Seddon, yeah, I burgled the school and then, you know, it
26 just went downhill from there. And then they tried to
27 put me in other fosters homes, halfway houses around
28 Auckland, Awanui Hospital was run by Ben Hawke and they
29 had me in there with my social worker, who I hated. She
15.30 30 put me there because, yeah, foster homes didn't want to
31 take me and Betty, bless her kind heart, she took me in
32 but I was young and so she had to have me close to her by
33 her room because the house was full of gang members and
34 it was a halfway home from jail to go on the outside.

- 632 -

1 So, yeah, I did a lot of like foster homes with them and,
2 yeah, I became a intrigued by them and I really wanted to
3 be like them but I - yeah, so, that was my foster home
4 care.

5 Q. You've mentioned obviously not getting on with your
6 social worker but what involvement did the social worker
7 have with you at that time? Were there visits?

8 A. She was, yeah, she gave me my allowance and my clothing
9 chits and medical chits. She just signed all these
10 chits, so I could go and buy clothes if I needed clothes.
11 She would work with the foster home, they would give me
12 about \$8 allowance a week. So, yeah, that was me and my
13 social worker, she only saw me when - well, she went
14 through the foster parent really. She came round to see
15 me, she'd come to the house and we'd stand there and just
16 talk. She would say if you need anything just ask me and
17 we'll get the chits and then she'd come down or I'd go
18 down to Penrow St down there and go to the office or the
19 counter to sign forms. So, yeah, that was basically my
15.31 20 relationship with her, was signing forms and getting my
21 chits from her.

22 Q. And you mentioned that there was the burglary at the
23 school. What happened to you after that?

24 A. They stuck me back into Owairaka Boys' Home until they
25 could find me another foster care which was at Betty's.
26 They didn't charge me for the burglary. They arrested me
27 and I went down to the cops and then they put me back in
28 Owairaka Boys' Home and then my social worker came to see
29 me there and told me I'd be put into an Ohopu hostel. I
15.32 30 didn't go up for a Court case because nothing got taken.
31 What happened was I found a set of keys, the janitor's
32 keys and I was going around and opening the doors.
33 Nothing was taken at that stage, yeah. So yeah.

34 Q. You mentioned just briefly before, Mr Taito, about the

- 633 -

1 Borstal at Waikeria. When did that come into the story?

2 A. Waikeria, I went there I think it was 1978, I think, when
3 I was 16 or 17. Yeah, that was for - that was a Police
4 chase. I ended up in there and when I went there, I have
5 to say that was really a moment of this is my life, sort
6 of. This is where I am in life, you know. Not really
7 knowing what else to do. You know, I got that and I went
8 there and I saw a lot of the boys I was at the boys' home
9 with, a lot of them had joined the Mongrel Mob, some
10 joined the Blacks. So, you know, it was like, I guess,
11 that's what I'll do as well but I didn't, I didn't join
12 any of those two but I did join a gang after I got out
13 from there.

14 Q. Can I ask you to turn to paragraph 22 of your brief on
15 page 5.

16 A. Yep.

17 Q. Just tell us a little bit about that because I think
18 that's what you were just trying to touch on?

19 A. You know, Waikeria was 16-17 year olds trying to strut
15.35 20 their stuff but it was much, much, much more violent than
21 anything I could imagine anyway. Waikeria for me, there
22 was a whole lot of violence going on there, people
23 getting shoved and the screws beating up prisoners in
24 front of you, kicking them. So, for me, that hardened my
25 resolve to be hard, you know, to be, yeah, not to be
26 fucked around basically. And so, you have to learn that
27 in there and especially in a place called the
28 classification unit, that's where you go when you first
29 go in there, you have to polish the floor on your hands
15.36 30 and knees all day, all afternoon. They make you shave
31 when you haven't got anything to shave. It was just
32 outrageous but looking back at it, I used to think that
33 gave me, yeah, that made me really, installed in me a
34 violence that, you know, I carried for a long, long time

1 after that. And everything to me after that was just
2 about violence, yeah.

3 Q. I understand it was when you were 16 and back in
4 Ponsonby, that you started to spend time with those who
5 would eventually be called the King Cobras with?

6 A. Yes, the KCs were happening around 1978, it was towards
7 the end of that year that the local neighbourhood boys,
8 yeah, I jumped in there with them. By the time my next
9 lag came in 79, I was a patch member and fully emerged in
10 that life.

15.37

11 Q. Was that your lag at Mt Eden Corrections facility?

12 A. Sorry?

13 Q. Was the next lag the one at Mt Eden?

14 A. Mt Eden was, yeah, I was at Mt Eden by 1979-1980 and,
15 yeah, it was men's prison. Yeah, I met those boys again
16 from Waikeria, a lot of them were fully into it now.
17 They were all mates, yeah. We all made alliances and you
18 all become friends just like every day people in
19 mainstream life become friends with each other, so did
20 we. We were all young and, yeah, we were looking to make
21 a name for ourselves in that world. So, you carry along
22 in that world until, yeah, things happen.

15.38

23 By the time 1981 came around, yeah, 1981 - actually
24 1981, yep, yeah, I got myself involved with a bit of a
25 street brawl with the skinheads and, yeah, I got done for
26 that and, yeah, I got a lag for that in 1981. Also, the
27 Springbok Tour, I was involved with that, so I got that
28 on top of my time for the GBH on the skinheads. So, 1982
29 I got sentenced, yeah, I was well and truly emerged in
30 that life. And, to be fair, it was the only life I knew.

15.39

31 Q. During your time in prison, how common was it to come
32 across someone that you knew from the boys' homes?

33 A. Oh, they were everywhere, yeah. They were - mainly my
34 brothers, the Maoris. The island boys, there weren't so

1 many in the beginning in the 70s. Even 80s, late 80s
2 there weren't that many. 90s there was starting to be
3 heaps and then 2000 there was even more. For me, that
4 prison started an association with a lot of my mates from
5 the boys' homes, yeah, establishing our roots and where
6 we are in this world.

7 Q. So, during the time that you were, as you put it,
8 immersed in that lifestyle and part of the KCs, how did
9 it help you to have those connections, in terms of
10 knowing some of the boys who went on to similar
11 lifestyles?

12 A. Oh yeah, it was, yeah, it was great to have those
13 alliances, you know. Yeah, it's good because, you know,
14 then if, you know, trouble comes along, you're able to
15 talk to them and try and negotiate something. Is that
16 the sort of question?

17 Q. Yes.

18 A. Yeah, you learnt in that world that, you know, those are
19 good connections to have because we'd been through boys'
20 homes together and then onto youth prisons and now the
21 men's prison, it helps you to be more successful, if you
22 like, in that world.

23 Q. I know your life has moved on significantly from that
24 period but could you talk us through your journey in
25 terms of when you came out of prison and how you began to
26 make the changes that you have in your life?

27 A. So, my last leg I got out in 2006 for an 8 year stint for
28 manufacturing methamphetamine for supply. I got out from
29 that leg and I, to be honest, I just carried on, you
30 know, doing what I do best in that world, you know. But
31 moving on to I think 2009, by then I'd been on the meth
32 for about 10 years, yeah, and, yeah, it was affecting
33 home life and also the one thing you learn in that world,
34 for me anyway, and for a lot of the crims in that world,

- 636 -

1 one thing you have to always understand when you're in
2 the drug dealing world, is it's about the money, not the
3 drugs and when it becomes about the drugs you're losing
4 your way a bit and you should get back on track. But
5 this P rubbish it drives you nuts, yeah. I was for
6 getting about what we were in there for, for the money.
7 So, yeah, I realised I had to do something about that P,
8 I had to get off it somehow. And so, yeah, I tried to, I
9 made moves to step away from it, with the help of my
10 partner, and, yeah, I pulled out pretty much, I just
11 stepped away from it all and went through 10 months
12 withdrawal, with my partner. Yeah, and then I had to
13 look to do something with the time and it was suggested I
14 should go and study. From hating study to now going back
15 to study. So, yeah, we had a look at a bridging course
16 at university called New Start which allowed me - I
17 didn't get the grades but with the help from my mentor,
18 Tracey McIntosh, I was able to get through and do the,
19 yeah, do the BA and I majored in Sociology and Maori in
20 2014. It was a difficult time getting off that P.

21 Q. I know you've mentioned, Mr Taito, you've had the support
22 of your partner and your family.

23 A. Yeah.

24 Q. To go through that. Did you have any external support or
25 any help from the State or other agencies during that
26 period?

27 A. Nah, nah, I just had to - I mean, we're talking 2009
28 here, you know. Yeah, that P stuff was on everybody's
29 radar. You don't know who to ask. I didn't really want
30 to ask anybody. I just had to try and do it myself. I
31 used dack to help me come off it a little bit, I had
32 dack, I used dack a little bit. That helped, yeah, it
33 was a difficult time living in that world for over 38
34 years and making those changes, eh, it's gut wrenching at

- 637 -

1 times.

2 Q. And I know now, Mr Taito, having completed your Bachelor
3 of Arts at the University of Auckland with a double major
4 you just mentioned, you're now involved in some further
5 research and public speaking and that sort of thing; is
6 that right?

7 A. Yeah. I'm currently doing a university, the Crim
8 Department - doing research for the Crim Department up at
9 the University of Auckland. It's Maori and Samoan
10 collaboration of youth experiences with the Youth Justice
11 system across 10 cities, America, Australia and here, I'm
12 on the Samoan side. Yeah, I have done, I'm doing, I do
13 talking and speaking around, mainly around trying to help
14 kids stay away from that. I don't know how successful
15 I'll be but yeah.

16 Q. I wanted to turn now to ask you about the comments you
17 wanted to share about the broader Pasifika experience.
18 I'm just referring here at paragraph 37 of your brief. I
19 know you've mentioned your story is not the only story
20 like this.

21 A. No.

22 Q. I wondered if you could talk to us a little bit about
23 that time period, just at 37.

24 A. Sure. I guess for me my story is not unique. Many
25 families - if I could read from my - many families also
26 struggled with the culture clash in moving to
27 New Zealand. My parents were part of that first wave of
28 Samoan families that came to New Zealand in the 50s and
29 60s who experienced a bill culture shock. In Samoa, life
30 was organised and regulated in accordance with the
31 village structure and oversight from the village Council.
32 Everyone knew everyone in the village and there was a
33 shared understanding of the boundaries of appropriate
34 behaviour.

1 In New Zealand, there was a shift from the
2 collective to the individual. While many Samoan families
3 lives close to one another -

4 **CHAIR:** Mr Taito, could I ask you just to go a little
5 more slowly, so that our stenographer and signers
6 can keep up.

7 A. Okay. Sorry. I guess, I'll just make my point like this
8 rather than read that. My point I make is that, yeah,
9 looking back now, I know the struggles my parents went
10 through and I understand that, you know, what my parents
11 tried to do for me was for the best, you know, that they
12 could do. I understand that the church is a big part of
13 our culture and who we are. Unfortunately, for me I
14 never took that on board and I guess, you know, my
15 pathway then became different from the rest of my family.
16 Yeah, I know my parents meant well for me. My father,
17 you know, and I, we never got the opportunity, if you
18 like, to talk about what happened, he passed away before
19 I could get there with that, you know, talk to him about
15.49 20 it. My Mum passed away while I was in jail. So, you
21 know, for me I understand what they were trying to do for
22 me. And I understand a lot of our Pasifika family are
23 the same situation, where they tried to make a better
24 life for us and help us to get a better education but
25 yeah.

26 **MS SPELMAN:**

27 Q. Just speaking more generally, Mr Taito, I know you've
28 commented in terms of gentrification in the 1980s and
29 what that meant in terms of Pacific families moving
15.50 30 within Auckland?

31 A. Looking back going to and understanding more about
32 mainstream society, for me gentrification at that time, I
33 didn't know what that word was before I went to
34 university but what I saw impulsively at that time, you

- 639 -

1 know, we were pushed out of the city and into South
2 Auckland where they are marginalised areas and I say here
3 Pacific families were focused on earning money to send
4 back home and to contribute to church but were not
5 equipped to succeed in the Palangi capitalist
6 environment. What I meant by that was our people really
7 didn't understand the value or culture of money and they
8 were vulnerable to Palangi institutions offering loans
9 and high interest debt and did not have the skills to
10 navigate interest rates and investments. We did not
11 benefit from economic growth during that period but found
12 ourselves mortgaged to the hilt in South Auckland.

13 I think for me, talking today, why I want to talk
14 today. I don't want to read all that out but what I want
15 to talk today is to help in the hope that it will bring a
16 lot of our people out to talk about their experiences
17 within the Youth Justice, you know, with the Borstals and
18 that, with what happened to them in the boys' home
19 because I think, you know, personally, I think our voice
20 will not get heard and the reason why our people won't
21 come to these sort of hearings like this, because it's
22 the mana of our parents and it's the shame associated
23 with this. And I even feel bad about having to talk
24 about my parents like that but, you know, I'm hoping
25 that our voices will get heard amongst all this and will
26 do justice to our stories and it doesn't get buried in
27 the archives somewhere. And that I listen, I've listened
28 last week and this week, and I think, you know, Pasifika,
29 we won't get heard if we don't come out. It took me ages
30 to do this, you know, to be able to come here and sit
31 here because this is not particularly good forum for us
32 to do this in but I know it's the process.

33 Q. I know you've spoken, Mr Taito, in terms of losing some
34 of your Pacific or Samoan identity in terms of what the

1 impact was for you of being taken away from your family,
2 away from the church and your language?

3 A. I think that was the greatest injustice that Social
4 Welfare system did to me, was to displace me from my
5 family, especially my mother. And not only for me but
6 for them as well, you know, there was no explanation to
7 them. In fact, if I remember, they actually said to her
8 that they shouldn't have rung them to report me. I
9 couldn't be 100% but I'm sure that's what my sister said,
10 that Social Welfare said that to my mother.

11 For me, I do this because I want our people's voices
12 to be heard and there was some traumatic stuff that went
13 through our facility, the kids I know, and I remember,
14 you know, a couple of them were sexually abused at
15 Kohitere and Hokio, especially some Cook Island boys. I
16 remember when I was in Waikeria, the boys around me, you
17 know, saying see that guy there, he got thinged. You
18 know, that's 20 years later I'm doing something at Massey
19 and that same kid, he's a man now, and he's walking
20 around and people are still saying that, you know, and
21 the impact on those boys, you know. We laughed about it
22 in jail at the time because we're supposed to be staunch,
23 you know, but it's not a good thing, you know. Everybody
24 knows you're in jail and knows what happened to you by
25 those pricks down at Hokio. We all know, we all heard
26 the stories, everybody knew. All the kids at Waikeria,
27 we all knew, he's one of them, he's one of them, and they
28 carried that scar throughout all of their lags, yeah.
29 Sometimes you want to help them but you can't because of
30 the mentality, you can't, you can't, you've got to be
31 staunch. So, yeah.

32 Q. And you mentioned, Mr Taito, this is just the last point
33 I wanted to ask you about, one of the impacts you
34 mentioned being staunch and you described in your brief

- 641 -

1 an impact of being taken away from your family was losing
2 the ability to love. I wondered if you can share that
3 thought with us?

4 A. Yeah, I remember talking to you about this and I've
5 actually thought about it over all the periods or so, I
6 wouldn't mind touching on that. One of the things I have
7 to say, you know, being in that world, is that especially
8 if you want to be staunch in that world and you want to
9 be "the man", you lose your capacity to be compassionate,
10 you know. Like, everything is violent or everything is
11 like you just can't hold your girlfriend's hands, you
12 know. So, the thing is, what I'm trying to say, is that
13 over the years I was in that world I realised, you know,
14 I lost the ability to love, you know, the emotion to be
15 connected to. And, yeah, for me, yeah, it was - a lot of
16 us, a lot of the kids in that world don't know how to
17 love. They don't know what it means to be loved. They
18 don't know how to love back. And for me, even with my
19 kids, you know, I have five sons and 17 grandchildren and
15.57 20 if I didn't step out from that world, I wouldn't know how
21 to love them either, you know. I was be a absent parent,
22 father, for most of my boys' life. You know, they've all
23 been to jail too, yeah.

24 **MS SPELMAN:** Thank you, Mr Taito.

25 A. I don't mind crying because that's part of love, I guess.
26 It's good to be emotional. I tell you, it's a hard life,
27 that life but I've learnt to come to terms with, I'm at
28 peace with myself now and it's about what I'm doing now
29 for them which matters the most, yeah.

15.58 30 Q. Before we come to the end of this main part of your
31 evidence, I just wanted to give you the opportunity if
32 there was anything else you wanted to share with the
33 Commission? You've given us so much already.

34 A. I think I said before about the hope of this Inquiry, is

- 642 -

1 that it doesn't get buried like the Puao-te-Ata-Tu
2 report. But I hope, my hope lies in that we air our
3 story to yous and it actually doesn't sit somewhere
4 gathering dust and that we're able to help, especially
5 for me, for our Pacific youth, because while I've got -
6 while I'm in the mainstream world now, I've got a lens
7 into that other world and our Pacific youth are being
8 abused, you know, and I despair at what I see in that
9 other world, especially with the 501s coming over and
16.00 10 turning our kids into killers. It's not good, it's not
11 good and I hope that, you know, by doing this today, that
12 we can change things for them, I guess, eh? That's about
13 me, Julia.

14 **MS SPELMAN:** I want to thank you for not only coming
15 today and giving your evidence but for doing it in
16 such a way that honours the people that you are
17 speaking about, so thank you for that, Mr Taito.

18 A. Kia ora.

19 **CHAIR:** Thank you, Ms Spelman, thank you, Mr Taito. I
16.00 20 am now going to ask whether any other of the
21 lawyers who are present, if they wish to ask you
22 any questions?

23 **MS SPELMAN:** I will just note, Ms Sykes has spoken to me
24 about that and I understand does have some
25 questions but none of the other counsel have
26 indicated they do have questions for Mr Taito, just
27 to let you know.

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FA'AFETE TAITO

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QUESTIONED BY MS SYKES

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Q. (Talks in Te Reo Maori). I wish to acknowledge that I have known you for a long time. I was very moved, there's a saying that (speaks in Te Reo Maori). Aroha from one to the other is the foundation of all families, and I felt that inspiration in your evidence this afternoon.

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A. I am not sure, Annette. Are you asking me what happened then?

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Q. Yes.

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A. Yeah, I think, to be fair, I was entrenched in the other thinking, in that other life. Yeah, I just couldn't move away from it.

- 644 -

1 Q. So, the problem is that even with decolonisation programs
2 that you were part of, there was still a clawback to that
3 other world, that world from the boys' homes to youth
4 detention centres to prisons?

5 A. Yeah.

6 Q. You were part of the decolonisation programs during that
7 period, weren't you?

8 A. I didn't even know what that was at that stage, eh? It
9 was just - I don't know. I can't really answer. I felt
16.05 10 that that was my pathway, that was who I was and where I
11 was.

12 Q. Earlier last week, we heard evidence how the Pacific
13 identity was getting lost, both in the recording of the
14 way men and women go into the institutions and even in
15 the statistical analysis after. Can you remember when
16 you went in if there were many other Pacific Island
17 community or members of whanau in Owairaka? I want to go
18 through each of the institutions you've described, were
19 there many there?

16.05 20 A. Yeah, a sprinkling, I think, but - are you asking me
21 whether I knew they were islanders?

22 Q. Yes.

23 A. Nah, I didn't know a lot of them. I thought a lot of
24 them were Maoris but then I found out later that some
25 were, you know -

26 Q. There were no particular programs of identity and there
27 were no particular processes to secure an understanding
28 of your identity in any induction process?

29 A. No, there was definitely no - oh, are you asking how we
16.06 30 were identified?

31 Q. Yes.

32 A. Oh right, yes, no, we were just the other.

33 Q. What do you mean the other?

34 A. Yeah, if you're not a New Zealander or a Maori, you were

- 645 -

1 just the other.

2 Q. So, you were labelled as "other"?

3 A. Yeah, I was, yeah, that's what we were.

4 Q. And some of you would have been Maori/Pacific, or
5 Maori/Samoan or all three, Maori/Niuean/Samoan; how did
6 that identity be dealt with?

7 A. Yeah, no, you were "other", that's how they were put
8 under.

9 Q. Were there any courses opened for Pacific Islanders while
16.07 10 you were in Owairaka? Any courses?

11 A. Oh nah, nah, there was nothing, no courses in Owairaka or
12 Waikeria, there was nothing.

13 Q. Were there any Maori courses?

14 A. No, not that I know of.

15 Q. So, the only thing that was offered was a mana cultural
16 approach to participation in your day-to-day life?

17 A. Yeah, pretty much we just, yeah.

18 Q. Were there any wardens or caregivers for you who were
19 familiar with Samoan?

16.07 20 A. No, no.

21 Q. Are you able to tell us whether any of the - what were
22 the proportion of those working there, were of Pasifika
23 or Maori descent?

24 A. Owairaka, working there?

25 Q. Yes.

26 A. Gees, if there were any of them Maori, I never recognised
27 any of them. I never recognised any of them as Maori or
28 Pacific Islanders. They were just Pakeha, yeah.

29 Q. Can we go to Waikeria, by that stage when you'd gone into
16.08 30 that, you've talked about it, was there a different
31 emphasis, remembering that we're moving from late 70s, to
32 early 80s, things happening in the community to try and
33 understand cultural identity. Did anything trickle down
34 into the way things happened in the Waikeria institution?

- 646 -

1 A. No. Yeah, there were Maori wardens there, screws, I
2 noticed a lot of them in Waikeria. Did they have culture
3 groups? I know we had culture group up at Mt Eden run by
4 Anne Tea but not Waikeria.

5 Q. How much of a proportion of brown people at Waikeria,
6 Pacific and Maori, 80%?

7 A. Yeah.

8 Q. And no culture programs at all?

9 A. Oh, actually, nah, I don't recall any cultural practices
16.09 10 but I do remember Peter Sharples used to come down and
11 talk to us in the - yeah, yeah.

12 Q. If we come back to Mt Eden, you've said was the old
13 Auckland District Maori Council, Rangī Walker, Ani Tia
14 and the late Sir John Turei, they would have come in?

15 A. Yeah, they came in to take us for Maori culture and do
16 some culture practices.

17 Q. So, there was Maori. What about Pasifika? Given your
18 brief very much highlights the importance of the church
19 and whanau, was there opportunities at this stage we're
16.10 20 looking at about 1980s, where there now the inclusion of
21 important leaders from the church coming to visit you at
22 Mt Eden?

23 A. At Mt? Nah.

24 Q. By this stage you'd been through the system nearly
25 15 years, and no cultural support from Pasifika whanau,
26 no cultural or participation from the church?

27 A. No.

28 Q. So, we go to Paremoremo?

29 A. Now we're into the 90s.

16.10 30 Q. What happened by then, what's happening in the 90s?

31 A. Paremoremo, there's churches on Sunday and some church
32 groups coming in for Pacific Islanders and now they have
33 a few courses starting, they're starting that.

34 Q. My last question is, given all this Treaty of Waitangi