

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

Under The Inquiries Act 2013

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

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

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

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

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TRANSCRIPT OF PROCEEDINGS

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

2 (8.48 am)

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

4 **CHAIR:** My apologies to those who are coming in late. You are not late, we are early. And the
5 reason why we are early is that there are some technical issues with the internet provider in
6 the Falkland Islands and so we made an urgent decision that we would start early to try and
7 avoid those. So, Ms Aldred, do not worry, you have done nothing wrong.

8 **MS ALDRED:** Thank you very much.

9 **CHAIR:** Yes, Ms Janes.

10 **MS JANES:** Tēnā koutou Commissioners. Without further ado we will hand over to Amanda
11 Hill who will be leading our first witness, Mr Chassy Duncan.

12 **CHAIR:** Kia ora Ms Hill.

13 **MS HILL:** Kia ora, tēnā koutou katoa. Ko Amanda Hill tōku ingoa. I'll be leading evidence of
14 Chassy Duncan who is available on AVL. I understand that he will need to be sworn.

15 **CHASSY DUNCAN**

16 **CHAIR:** He will, the affirmation. Good morning from us and good afternoon to you, Chassy.
17 Can you hear me?

18 A. Good morning, yeah, I can hear you.

19 **Q.** Welcome to the hearing from such a far away place. Can I just ask you to agree to the
20 affirmation that I'm going to read to you right now?

21 A. Yeah.

22 **Q.** Thank you. Do you solemnly, sincerely and truly declare and affirm that the evidence you
23 will give before this Commission will be the truth, the whole truth and nothing but the
24 truth?

25 A. Yes.

26 **Q.** Thank you. Ms Hill, I've noticed there is obviously a lag here so there will be need for
27 some allowance for that. Thank you Ms Hill.

28 **QUESTIONING BY MS HILL:**

29 **Q.** Chassy, can I just check you can hear me all right?

30 A. Yeah, I can.

31 **Q.** Thank you. Mr Duncan, we're going to start into your evidence. Can you just confirm for
32 me that you're born in 1989?

33 A. Yes.

- 1 **Q.** How old are you now?
- 2 **A.** 31.
- 3 **Q.** Chassy, I'm just going to put a quick photo up of you from Waimokoia School so that
4 people can see a little of what you looked like while you were in care. You've seen that
5 photo before?
- 6 **A.** Yeah.
- 7 **Q.** You were about 10 when that was taken, weren't you?
- 8 **A.** Yeah.
- 9 **Q.** Chassy, tell me how you came into care, tell me about your mum?
- 10 **A.** She was struggling a little bit when I was about three and she was a little bit of an alcoholic
11 too, and one day I think the pressure just got a bit much for her and I think she smacked me
12 on the bum and it freaked her out a little bit so she thought that she needed help, so she
13 asked CYFS, she asked CYFS for help and then from what I know like just got taken off
14 her. She didn't really get any help, they just took me off her.
- 15 **Q.** And you've said at paragraph 7 of your evidence that you were put into care in about 1994
16 or so while you were living with relatives. What was life like—
- 17 **A.** Yeah.
- 18 **Q.** What was it like once you left your mum, where did you go?
- 19 **A.** To my aunty and uncle's and life was like just getting hidings, getting bashed every couple
20 of days for almost nothing.
- 21 **Q.** In your evidence you talked about after you'd left that place and you went to different
22 family homes and foster placements, what were they like?
- 23 **A.** Nah not good, they weren't good.
- 24 **Q.** You've said in your evidence around paragraphs 9 to 11 that up until May 2000 you had 17
25 placements, 17 different placements. What was that like for you?
- 26 **A.** Just unsettled, just getting—like livestock, just getting moved from paddock to paddock.
27 Didn't really belong anywhere, you know? Just—I was just a stranger in everyone's homes.
- 28 **Q.** And then you went to Waimokoia School in 1999. You've talked in your statement about
29 Waimokoia and you've talked about the time-out room there. Can you tell me about that?
- 30 **A.** Yeah, it was pretty much just a little square building and it was in the middle of a field.
31 There was no toilet, no running water, there was a camera, it was painted pink, it was pretty
32 cold, there was no bed, no blankets, nothing. Just used to get dragged there and dumped in
33 there with the door slammed shut, yeah, for hours, hours on end.

- 1 **Q.** And you talked about, in your evidence, you talked about the sorts of things that you felt
2 while you were in the time-out room. Can you describe them for me?
- 3 **A.** Just helpless, helpless, stuck, abandoned. Just yeah, like rubbish really.
- 4 **Q.** After you left Waimokoia in your evidence you talk about going to Puketai in Dunedin
5 when you were 10 and then you talked about going to Kingslea in Christchurch. What
6 were they like?
- 7 **A.** Pretty scary, pretty scary really. Just a lot of older people, violent, staff, even the staff that
8 were in charge of us couldn't even be trusted and used to—used to participate in some of
9 the violence, used to cause some of the violence.
- 10 **Q.** Is there anything in particular you remember about those residences?
- 11 **A.** I haven't really forgotten anything about it, but probably the worst part about it all was,
12 what really stands out for me is just the way that we used to be assaulted by the staff and
13 the secure units were pretty bad, the way we were treated in there. And it wasn't really—
14 like I was pretty young and it's not something I should have really been going through at
15 the time, even now when I look back I can't even believe I even went through that.
- 16 **Q.** Because in your statement you talked about going on to Epuni and Weymouth and Lower
17 North. I think you called Lower North Mohaka. What were those places like?
- 18 **A.** Yeah, they're pretty much all the same except the more north you go the more violent it is
19 and the more staff sort of looked the other way, yeah, it's pretty much—they're pretty much
20 all the same, none was really better than the other, other than the food, that's the only thing
21 that really made the places different.
- 22 **Q.** And in your evidence at paragraphs 19, you talked about going on a programme in
23 Hokianga Island. Is there anything you want to tell us about that?
- 24 **A.** Yeah, it was messed up. It is messed up. I was only 13 when I went there, and I knew soon
25 as I got there I didn't belong there. Most of the other boys that were there were already in
26 the Youth Court and they were either on remand for serious [crimes], you know, like GBH
27 [causing grievous bodily harm], wounding with intent, ag robs [aggravated robberies], or
28 they were sentenced to supervision with residents and I was just there, I was just planted
29 there because everywhere else I tried to run away from or broke out of, so they thought
30 they'll put me on this island with all these other bad buggers. And you know, for a place
31 like that, for mischief fellas that mischief, there was just as mischief a fella running it.
32 I was only there for two weeks and I remember because, I remember because at
33 about four in the morning I took off from there, I packed up my suitcase which pretty much

1 had my life in it, everything that I really owned that had been with me everywhere was in
2 the suitcase and I had to sneak out. And I had some luncheon from earlier that day and I
3 had to feed the three mongrel dogs just to shut up, and I made it down to the shore and I
4 had to drag a dinghy, I had to drag this dinghy, probably about 10, 15 metres and it was
5 quite hard for me.

6 But I got it across and as I was rowing across, it's probably about a kilometre to
7 the mainland and I was halfway across and I just heard this bang, bang, "Stop there you
8 fuck'n nigger" and I sort of freaked out and I turned around to look and I heard another
9 bang and seen like this, like flash. He was shooting at me and I managed to get away. And
10 anyway, I was just singing happy birthday to myself as I made it to the main road from
11 between Whakatāne and Ōpōtiki and ended up hitchhiking back home.

12 But that's how I remember that place so badly and it was probably, yeah, and it
13 was probably one of the worst places I went.

14 **Q.** You talked about running away before. Where would you run to?

15 **A.** Always back to my mum's every time. Didn't matter where I was.

16 **Q.** In your evidence at paragraph 20 you talked about going to Mohaka, Lower North, six
17 times in three years. What was that like for you?

18 **A.** To me it was just getting ready for jail really, it was training ground for jail. It was just,
19 you know, I was kind of used to all the unsettled stuff by then. I was already stuck in that
20 unsettled way, but it just—I guess it made me a bit more—bit institutionalised, that place,
21 in my thoughts, in my behaviours, the way I reacted to people was never really the same
22 again after that. And I don't think I was out of residence long before I went into jail. I
23 think I was in jail pretty soon after 17, yeah.

24 **Q.** Just before—

25 **A.** Made me a bit more violent too.

26 **Q.** Just before we move on to what life was like after care, you went back to your mum when
27 you—before you left care. What was it like going back to mum?

28 **A.** It was a bit weird, it was a bit different. She didn't really look at me the same and I could
29 see that she could—she could tell I was changed, she could tell I was changed and she
30 couldn't really treat me like the other kids, if you know what I mean.

31 I was never bad towards my mum or anything, but she just knew that, she just
32 knew that she'd lost her push with me and so she decided to kind of be my friend more than
33 a mum, you know? She didn't try and discipline me, she didn't try and put me in my place

1 or anything. She just tried to keep me happy and safe really and tried to help me avoid
2 being arrested and stuff like that, she really helped with my anxieties around that.

3 **Q.** Chassy, we've talked in a really broad way about your experiences because the Commission
4 has got all the details of your experiences in the documents. But one thing you talked about
5 in your affidavit at paragraph 30 was what it's like to talk about these things. I wondered if
6 you could read paragraph 30 of your affidavit for me if you've got that there.

7 **A.** Okay. "The details I have set out"—is this it?

8 **Q.** Yes, that's right?

9 **A.** "The details I have set out about my childhood above are really only a small part of my
10 experiences. It is really hard to talk about everything that happened in a way that other
11 people can understand. I had so many placements that it is hard to remember which order
12 they were in or where things happened. Because of the length of time my claim has been
13 running, I have had to talk about these experiences more than once. There were some
14 things that I felt unable to talk about the first time I was interviewed about my experiences
15 and only disclosed later when I had built up some trust with my lawyers. There were other
16 things which I had forgotten. This doesn't mean that they weren't important, it's just there
17 were so many placements and different things going on that I could not always remember
18 everything all at once".

19 **Q.** Thank you, Chassy. In your evidence at about paragraph 32 and 33 you talked about the
20 effect on you of your time in CYFS [Child, Youth and Family Services] care. Can you tell
21 us a bit about that?

22 **A.** Yeah, it's—I don't know, it's made me a bit of a mess. It hasn't really prepared me for the
23 real world, like I'm only just starting to realise that in the last few years, that the way
24 I behave in certain—under certain stresses or situations, the way I react isn't normal. And
25 even when it comes to relationships or dealing with authority figures, things like that, it's
26 not the same for me as it is for other people that I've observed, you know? Yeah, get a lot
27 of anxiety, big trust issues. Always on the defence, always on the defence about
28 everything. It's just instinct, can't even help it. Sometimes I catch myself, though, but,
29 yeah, it's—yeah, definitely have trouble sleeping. Yeah.

30 **Q.** In your evidence you talked about being made to feel unimportant as a child and feeling
31 like you deserved things. Can you talk about who was a safe person for you when you
32 were a child, when you were in care, was there anyone you could talk to or tell?

33 **A.** Just my mum really, but even then I didn't want her knowing some of the things and I didn't

1 want her worrying about me with stressing out so I couldn't really tell her certain things,
2 you know, I couldn't really tell her at all, I just had to be brave and tell her that, you know,
3 everything was all good. But other than that, who do you tell because then they just go and
4 make it an issue and then you get made out to be a liar and then something will happen,
5 you're in the deep shit, you know?

6 **Q.** When you say something—

7 **A.** Or you just get moved.

8 **Q.** When you say something will happen, what do you mean?

9 **A.** Just might get smashed up, might get beaten up, might even just get chucked in secure for
10 three days. It doesn't sound like long but it's like three years when you're down there. And
11 even just being threatened with that, some way the procedures can be just interpreted to suit
12 the situation for them at the time and you could just be a risk to the place and be put in
13 secure just for something you said. And when you're down [in] secure you might get a
14 little visit and end up not being able to breathe probably, you know? Just end up banged
15 up. Can't eat properly for a week.

16 **Q.** In your evidence at around paragraph 37 is where I'm picking up, you talked about
17 contacting Cooper Legal in October 2007 when you were 18. What was life like for you
18 when you did that? Where were you?

19 **A.** I was in maximum security at Paremoremo Prison.

20 **Q.** Did you understand what the claims process was when you made that phone call?

21 **A.** I thought I did.

22 **Q.** You talked about the beginnings of that process and meeting someone to talk about your
23 experiences the first time. Did you talk about everything that first time?

24 **A.** Nah, nah I didn't. I didn't think, well, I—to be honest when I filled out the paperwork
25 I only put the worst things that came to the top of my head. One because I thought that that
26 was all that mattered, and two, because I just couldn't really be bothered writing about my
27 whole life in that one like lot of paperwork, you know? And then when the lady came and
28 seen me, as nice as it was to have her company, I just couldn't be bothered sitting there for
29 ages just mulling through everything. And some of the things that came out in the end,
30 I just thought were normal anyway, I just thought was normal. But now I know that it
31 wasn't.

32 But that's why I didn't bring up some of it as well, because, yeah, even just simple
33 things like the way we were strip-searched and restrained and, you know, like dragged into

1 those time-out rooms, shit like that, I thought it was just procedure, so I didn't see any
2 reason to bring that sort of stuff up to be honest.

3 **Q.** And in your evidence—I'm going to jump ahead to paragraph 48—a couple of years, quite
4 a few years after you met with the Care Claims Resolution Team, they're often called the
5 CCRT, and you've talked about meeting them in September 2012. What was that like?

6 **A.** It was hard, I was nervous, I was definitely nervous. It felt a little bit like I was getting—
7 like I was finally coming to an end is what it felt like. I felt like things were moving along
8 because not really much had happened before that, so I thought oh, you know, this is a big
9 thing, all these people, all these important people are coming, and this is all about me, yeah.

10 **Q.** Chassy, I'm just going to bring up a document, that's document 11, and we'll just go to page
11 10 of that document please. So, this is a part of the transcript from your meeting with the
12 CCRT, the people from MSD and you've been talking about Hokianga Island, the
13 programme you told us about earlier.

14 If we can call up that, the first half of that page. There's someone from MSD
15 [Ministry of Social Development] there talking about how that programme was responsible
16 for employing people, but we were responsible for putting you there, so she means the
17 MSD or CYFS was responsible for putting you there. So, they can't look at how they
18 screened anyone. How did you feel when they said that they weren't really responsible for
19 that programme?

20 **A.** I just thought it was pretty funny to be honest. I thought it was pretty funny that they were
21 so quick to pass it on to someone else, so they didn't have to accept any accountability for
22 it. Just sort of, it was quite funny.

23 **Q.** I'm going to show you another part of that transcript. If we can go to page 40. I'm just
24 going to highlight a paragraph for you, Chassy, just bear with me while I bring that
25 document up. So, at the top of that page, again it's one of the people from the CCRT
26 talking, and she says "He should never ever have treated you like that. I'm sorry that you've
27 had to think about it. It's important that you know that it's serious stuff". And later in that
28 paragraph she says, "I have to say I really do believe you. It's not going to be in the record,
29 but we might find stuff about him and he was clearly a very nasty person".

30 How did that make you feel to have someone say something like that to you?

31 **A.** A little bit relieved, a bit relieved and just like, I don't know, like it was hopefully the last
32 time I even had to bring it up. It definitely wasn't, but, yeah, just like that part of it was
33 going to be kind of finished with and that things were going to happen and, I don't know,

- 1 that just—maybe just another step closer to that shit not happening again to anyone.
- 2 **Q.** During that meeting did you have any discussions with them about the claims process?
- 3 **A.** Yeah, a little bit.
- 4 **Q.** Do you remember what you talked about?
- 5 **A.** I didn't really understand, I didn't really understand most of it, but from what I got from the
6 conversation, they said within 12 months that there'll be an outcome.
- 7 **Q.** That was in 2012, and then in your evidence at around paragraph 56 and 58 you've talked
8 about working with Cooper Legal to write settlement documents to the Ministry of
9 Education about Waimokoia and to MSD as well. What was that process like for you?
- 10 **A.** It's a bit repetitive, bit repetitive, it was a bit—it was pretty draining really, this whole
11 thing's been pretty draining. It just doesn't seem to really end.
- 12 **Q.** Those documents, they had parts of your records in them and they had bits of your records
13 in them. What was it like to read those?
- 14 **A.** Oh, yeah, they made me pretty sick really, especially—I think reading it was one thing, it
15 was like I was reading about someone's else's life. But then when you see that little photo
16 of me put in with it, it was kind of heart-breaking that—yeah, it was, it was shit.
- 17 **Q.** Did it feel easier to go over all this again, does it get easier to talk about?
- 18 **A.** Nah it doesn't, nah. Not like this anyway, not like—not the way that I've had to anyway.
19 Maybe under a different setting, but not this.
- 20 **Q.** A lot of your evidence Chassy talks about the delays in resolving your claim. I'm going to
21 bring up a document, 18 please, and I'm just going to, so that the Commissioners can see
22 this, Chassy, if we just go to the first half of the page. It's saying there—this is a document
23 from September 2016—that your case is expected to be allocated for assessment within the
24 next eight months. Did you know what "allocated for assessment" meant?
- 25 **A.** Just, I don't know, like it was in someone's lap and they were going to do something about
26 it.
- 27 **Q.** In your evidence, and I'm at about paragraph 82, you've talked about the Fast Track
28 Process, which was one of the processes that was available to you. Do you remember when
29 the Fast Track Process first started, what happened with your claim against MSD?
- 30 **A.** Sorry, can you ask me that again? I didn't quite catch that.
- 31 **Q.** That's okay. So around that same time as they're saying your claim's allocated for
32 assessment, there was the Fast Track Process. Did you get an offer under the Fast Track
33 Process for your MSD claim?

- 1 A. Oh, no, not at—no, not at first, no. Not straight away.
- 2 Q. And in paragraphs—at about paragraph 80 to 82 of Mr Duncan's brief, you've talked about
3 how frustrated you were by April 2018 and asking to see that fast track offer from MSD.
4 Can you tell me a bit about what life was like for you around then?
- 5 A. I was pretty stressed out. I was pretty stressed out, I got exhausted, kind of feeling like I'd
6 just been chucked to the side and like nothing was getting done. So, I was trying to just, I
7 don't know, I was just trying to get someone to attend to it really, I was trying to look at
8 that offer and maybe just hoping to get it dealt with sooner as well.
- 9 Q. And you talked in your evidence about wanting to have two separate offers because you
10 had two claims, one against MSD and one against the Ministry of Education. Do you
11 remember what happened when you wanted two separate offers?
- 12 A. Yeah, well, the whole reason that they were saying everything was taking so long is
13 because the MSD claim was too complex and there was so much incidences and all this
14 stuff, and I thought—and the MOE one to me seemed quite clear and quite easy to sort out,
15 you know, but they just didn't want to separate them, they wanted to make an offer and just
16 get them both dealt with at the same time and dismiss quite a lot of things in the MSD
17 claim as if they never even happened.
- 18 Q. Chassy, at paragraph 87 of your evidence, you've talked about MSD and Ministry of
19 Education wanting to share information between them about your claim. Could you read
20 paragraph 87 for me?
- 21 A. "However, I really wanted all this—this all to be over and done with, so I consented to
22 MSD and MOE discussing my claims, Cooper Legal asked that the assessment included the
23 additional information from the amended statements of claim. Cooper Legal also asked
24 that the offer set out how much MSD and MOE were contributing to the offer. There was
25 no reason to keep that secret and it would make sure things were transparent".
- 26 Q. Thank you, Chassy. In your evidence, and I'm picking up at about paragraph 88, you talked
27 about being made an offer under the Fast Track Process, which would cover both of your
28 MSD and MOE claims. Can you remember how much that Fast Track offer was?
- 29 A. \$30,000.
- 30 Q. How did that make you feel?
- 31 A. Like I just got punched in the face.
- 32 Q. And in your evidence, you talked about how the Ministry of Education wasn't involved in
33 assessing your claim and how the MSD assessor hadn't looked at any of your Ministry of

- 1 Education documents. How did that make you feel?
- 2 A. Just like, just like it wasn't being taken serious, just like I didn't really matter, just like it
3 was just something that could be just dismissed.
- 4 Q. So what did you do about that Fast Track offer?
- 5 A. I turned it down.
- 6 Q. And then at paragraph 93 of your affidavit you've talked about asking for a timeframe for
7 how long the full investigation would take. I'm going to put up a document, Chassy, so the
8 Commissioners can see it, it's document 31 please. Just focusing in on the bottom half of
9 the page.
- 10 Chassy, this is a letter from late 2018—no, sorry, it's from June 2018. If we can
11 just focus in on that. It says that work's not yet begun on your claim and MSD expects that
12 an offer could be provided to you in late 2018. What did you think about that?
- 13 A. I know I wanted to be hopeful, but still not feeling like it's that important to them. Just
14 tossed to the side again, tossed to the side again until my lawyers annoy them.
- 15 Q. One of the things that you've talked about in your evidence is when the Ministry of Social
16 Development asked to give information about your claim to Oranga Tamariki or to other
17 people. Do you remember how that made you feel?
- 18 A. Yeah, a little bit freaked out, quite freaked out actually.
- 19 Q. Why is that?
- 20 A. It was just—it was just horrifying, because I knew that some of the people involved in my
21 claim were still working for those places. And the whole reason it was hard to say anything
22 when I was little was because I was scared of them. And now, you know, yeah, it just
23 doesn't go away, it doesn't matter how big and ugly you end up growing up to be, the things
24 you're scared of when you were little still sort of sticks, especially like that. And—yeah, I
25 don't know what I thought might have happened or could have happened from it, but just
26 the feeling was still there, you know?
- 27 Q. Was there any help for you to deal with that when we were dealing with that disclosure
28 issue, did MSD offer you any help?
- 29 A. Nah.
- 30 Q. Did you get an offer of settlement in late 2018?
- 31 A. Nah.
- 32 Q. You've said in your evidence at paragraph 111 that Crown Law advised in January 2019
33 that the assessment of your claim was complete, and a settlement offer was being prepared

1 and that they would respond by February 2019. What do you remember happening after
2 that?

3 A. Can you just say that again? I didn't catch all of that.

4 Q. Sorry Chassy. It's probably because I'm not—

5 A. Sorry.

6 Q. No, I don't think I'm speaking into the microphone very well. So, in your evidence you talk
7 about in January 2019 Crown Law said the assessment of your claim was complete and a
8 settlement offer was being prepared and they would respond by February 2019. What do
9 you remember happening after that?

10 A. Oh yeah, nah, nah nothing.

11 Q. I'm just going to—

12 A. Nothing.

13 Q. I'm just going to put up document 49 please and calling out the first paragraph of that
14 e-mail. I'm just showing the Commission the document, Chassy, which says that Crown
15 Law expected to complete its review of your settlement letter that week following which
16 time the draft settlement letter will be returned to MSD for sign-off and they'd get back to
17 us with a firm date for the delivery. That's in March 2019. Do you remember anything
18 happening after that?

19 A. Nah.

20 Q. So Chassy, one thing that I want to talk about was a meeting that you had about Waimokoia
21 and I'm at paragraph 118 of Mr Duncan's evidence. One thing that became available to you
22 was to meet with the assessor for the Ministry of Education about Waimokoia. His name
23 was Murray Witheford and you had that meeting?

24 A. Oh yeah, yeah, I remember that.

25 Q. Yeah, do you want to tell me about that?

26 A. Yeah, it is (laughs) —sorry. It was actually all right, it was all right, he was all right, he
27 was an all right fella. It was a bit of a roller coaster ride, that one, and I probably got a bit
28 angry at him. It wasn't really his, you know, I was sort of directing my feelings towards the
29 wrong person that time.

30 But he was pretty all good about it and it was good, yeah, he was good because he
31 knew what I was talking about, he knew what I was going on about and sometimes before
32 I'd even tell him where something was or what staff member, he sort of already knew and
33 I thought oh yeah, this is quite good, like it wasn't so hard to try and make him understand

1 or try and just put him in the place I was at at the time because he knew and he was all right
2 about it all, and, yeah, I don't think he cared too much about my attitude. But, yeah, it was
3 a weird meeting, but yeah, it was probably one of the best ones.

4 **Q.** You wrote a letter that you read out at that meeting and I'm just going to put up a little part
5 of that letter. This is document 56 and we'll just highlight or call out that bottom paragraph
6 of page 3 please. I'm just going to make that a bit bigger for you, Chassy. Could you read
7 that part out for me?

8 **A.** Do I have to?

9 **Q.** No, you don't have to, that's okay.

10 **CHAIR:** We can read it.

11 **QUESTIONING BY MS HILL CONTINUED:**

12 **Q.** Yeah, it's okay. When you wrote that letter, what were your thoughts? Like what sort of
13 head space were you in when you wrote that letter?

14 **A.** Nah I was mad, I was mad, I was pretty angry, I was pretty upset because me and, you
15 know, me and Cooper Legal, me and Toni sorry, we'd been doing a lot of work and going
16 through this stuff a lot, you know, leading up to this meeting and I just didn't feel like
17 anything was happening or anyone was listening, and I just felt pretty mad that it had
18 been—the more that me and Mrs T talked and the more we went through things, the more
19 mad I started getting that nothing was happening. And I started realising that it's, you
20 know, it's been over 10 years and I just was feeling a bit like, yeah, just like nothing. And,
21 yeah, I probably shouldn't have took it out on him, but I was in a bad place with it.

22 **Q.** Chassy, you filed an updating affidavit with the Commission after this hearing was
23 postponed and in that second affidavit you talked about getting an offer of settlement from
24 the Ministry of Social Development earlier this year. What did it feel like to get that?

25 **A.** Like it was a bit of a—like a little bit of a win, like it was progress, that's what it felt like,
26 there was progress. But it still felt like a bit of a punch in the face because, to be honest, if
27 I got told that I was going to get that amount of money to go through what I went through
28 all over again, I wouldn't take it, I wouldn't take it. So, it didn't feel like a bit like, I don't
29 know, like they just didn't really care that much, and it's not exactly a life-changing
30 settlement, you know what I mean? It didn't impact me as much as what I went through
31 impacted me.

32 **Q.** As part of that settlement you got a letter of apology from the Chief Executive of the
33 Ministry of Social Development. What did you think about that apology?

1 A. It was pretty cold. It was like a—to me it was like a template, it was like they'd just copied
2 and pasted from some sort of Google template.

3 **Q.** Have you—

4 A. Like it didn't carry any weight. Like they didn't even understand half of what it was to be
5 me in the system. Because if they did understand they would have said more than what
6 they just said in that letter.

7 **Q.** Have you heard anything from the Ministry of Education since you met with their assessor
8 last year?

9 A. No, I haven't, I haven't. And I thought he was going to be different.

10 **Q.** Chassy, we've talked a lot about the process and what you've felt over time and how your
11 experiences have affected you. If things could have been done differently, if there was a
12 way to make the process more helpful, what do you think could have been done differently?

13 A. Oh, definitely a lot faster. Things could have been really a lot faster. I don't see how—it
14 just doesn't make sense that at the time I first got in touch with you guys I was only 18 and
15 in between then and now it's been—there's been more time than what there was from when
16 I contacted you to when some of this stuff happened. It's been like four times as long, five
17 times as long as when the things actually happened to when I contacted you. So, it's like
18 I've had to sort of go through it all over again, almost every year, just going on about it.

19 **Q.** Have you had any access to counselling, Chassy, to help you with some of these things? I
20 think we might be frozen. Are you still able to hear me?

21 A. Oh yeah.

22 **Q.** I think our internet just froze a bit, Chassy. Did you hear my last question?

23 A. Counselling, something about counselling.

24 **Q.** Yeah, whether you've had any access to any help over the years?

25 A. Nah I haven't really, I haven't at all. But when I sort of realised that I needed it or that
26 I wanted to give it a try, it was quite a mission, yeah, it was quite a mission. I was in jail
27 and I had to go—first I had to try and get a trip to the Medical Unit, which was pretty hard,
28 and then once I was there they had to refer me to ACC and then I had to wait for about
29 three months just for the ACC assessor to come and see me. And then after our first
30 meeting I got released two weeks later and then moved to a different town and it was kind
31 of hard to even try and go through all that again.

32 I had other things going on, like even just trying to re-integrate back into society
33 was hard enough and trying to be a dad again and get work and stuff like that all going on,

1 probation and all that kind of stuff to even have time to think about that counselling and all
2 that. I just had to put that on the back burner a little bit.

3 And the other thing that was kind of strange was that this isn't—I thought it was
4 strange that they said that it was only for—they could only give you that counselling for
5 PTSD that was related to sexual abuse. So, any sort of physical abuse didn't count. That
6 was kind of strange just to know that, for other people and that as well.

7 But even just a mission it was to go through to get that first meeting was quite
8 hard. And I never got offered anything from MSD, MOE in any sort of way like that.
9 Yeah, with no witness.

10 **Q.** Do you think it would have made it easier to have some help?

11 **A.** Yeah, definitely, definitely, it might have even—yeah, I'd say it would have because, like
12 I said before, under the right settings, talking about all this stuff over and over again might
13 be different, but the way that I've had to go about it through this process and then putting
14 the burden of unleashing everything on to my lawyers like their counsellors was not really
15 progressive. That's not your guys' job.

16 **Q.** Chassy, I've just got one other question and I'm aware that the Commissioners or other
17 lawyers might want to ask you some questions. But you ended your second statement
18 talking about how you wanted to move on from this for the sake of you and for your kids.
19 Is there anything else that you would like to say about your time in care or the claims
20 process that we haven't talked about that you think is important?

21 **A.** I'm not too sure now.

22 **Q.** I just wanted to make sure that if there was anything else that you wanted to say that you
23 had an opportunity to say it.

24 **A.** Yeah, other than what's already all in my evidence and all in my files, there's not much else
25 that I can say other than that things need to change, and even though it's been like, what, 14
26 years since some of this stuff has happened to me, I still know people in the system that are
27 still facing the same things I did.

28 It hasn't gone away, none of it's gone away, it still exists and the people that are
29 still dealing with it now, like me, want it over with, just want it over with, want it sorted
30 faster than 12 years. It shouldn't take 12 years to get to this point. I should be well and
31 truly moving on with my life.

32 And when mum needs help, when mum needs help with the kids, I don't think
33 taking them off her and just slamming them into just whatever house until they get moved

1 away is the answer. Yeah. I think if my mum actually did get help, this stuff wouldn't even
2 happen.

3 **Q.** You think it could have been different?

4 **A.** Yeah. It was just a smack on the arse man. Just one slap on the arse just changed my
5 whole life forever.

6 **Q.** Chassy, I'm so grateful for your honesty today. Thank you for answering these questions,
7 I know it's not easy. I know that the internet in the Falklands is going to cut out in about 10
8 minutes and I wanted to give some of the lawyers here or the Commissioners a chance to
9 talk to you or ask you some questions, okay? But once again, thank you so much for—

10 **A.** Yeah.

11 **Q.** —being patient with me.

12 **CHAIR:** Are there any questions from any other counsel?

13 **MS JANES:** If I may just—

14 **CHAIR:** Yes, Ms Janes. Chassy, Ms Janes' going to ask you a couple of questions.

15 **QUESTIONING BY MS JANES:**

16 **Q.** Chassy, we want to thank you very much for taking the time to speak with us today and for
17 going through some very challenging evidence. You've talked about clearly a faster system
18 would be a very useful process. Yours started in 2007 and has only just concluded. Have
19 you got any thoughts about whether it would be useful for somebody independent of the
20 Ministry of Social Development or the Ministry of Education to have been able to look at
21 your case?

22 **A.** Yeah, that actually sounds like a pretty good idea. Yeah, that would probably be better.
23 I feel like my claim's gone through quite a lot of hands over the years, MSD and MOE, it's
24 just been [inaudible].

25 **Q.** And in terms of access to your records, what would have helped to be able to obtain them
26 and sit down and go through them, obviously some challenging things that you had to deal
27 with. Is there anything that would have helped that process?

28 **A.** Yeah, maybe sitting down with someone with like a therapeutic background or something
29 instead of, you know, sometimes breaking down in front of my lawyers or whatever.

30 **Q.** And just before we thank you and let you go, is there anything else that you could think
31 would have improved the process, made it easier, simpler and less traumatic for you?

32 **A.** The short answer to that is probably just everything opposite to what I went through.

33 **Q.** Thank you, Chassy, appreciate being able to ask you those questions.

1 **MS JANES:** Commissioners, are there any questions?

2 **CHAIR:** Ms Janes, you've asked all the questions I was interested in. Dr Erueti will address
3 Chassy.

4 **COMMISSIONER ERUETI:** Tēnā koe, tenaTēnā koe, tēnā koe, Chassy, ko Anaru Erueti tōku
5 ingoa ki te mihi ahau ki te Kōmihana tēnei te mihi nui ki ā koe. Ko te tino hua o ēnei
6 whakaaro o ēnei mea katoa ko te whakataumaha, ko te whakapouri, engari e tū e tū ana
7 koe, e kōrero ana koe mō tō whānau, mō te iwi Ngāti Kāhungungu. Nā reira, tēnei te mihi
8 nui ki ā koe.

9 I want to thank you, Chassy, on behalf of the Commission for, in difficult
10 circumstances, having the courage and commitment to come and speak with us. It's
11 essential for the Commission to understand and learn more about what is happening to
12 tamariki Māori and all tamariki who have been in the State care system, the many
13 programmes that you've been in, including the Waimokoia Residential School.

14 It's also essential that we learn more about the experience of the ones who go
15 through these claims processes with MSD and the Ministry of Education. And so, I want to
16 thank you for your kōrero today and the detail which will inform our work as we move
17 forward. Nō reira, tēnā koe, kei te mihi, kei te mihi ki a koe.

18 **CHAIR:** Thank you, Chassy. We've made it in time before the internet went out and we're
19 grateful for your really powerful presentation. Thank you very much.

20 **MS JANES:** Thank you Commissioners.

21 A. All good. Sorry for any language that might have come out.

22 **CHAIR:** No problem whatsoever. Do not worry about that at all.

23 **MS JANES:** You did well, thank you very much, Mr Duncan, appreciate it.

24 A. Thanks for listening.

25 **CHAIR:** Thank you, good bye. We will adjourn now.

26 **Adjournment from 9.53 am to 10.38 am**

27

1 **CHAIR:** Yes, Ms Janes.

2 **MS JANES:** Thank you Commissioners. We will now hear the evidence of Mr Patrick Stevens.

3 This is the witness that has deceased since the March hearing. His evidence will be read by
4 Amanda Hill and evidence will be questioned by Mr Andrew Molloy.

5 **CHAIR:** Thank you Ms Janes.

6 Morning Ms Hill.

7 A. Morning.

8 **CHAIR:** The question is do I take an affirmation or is it an affidavit?

9 **MS JANES:** It is an affidavit.

10 **CHAIR:** Yes, so we'll just take it as read. Thank you Mr Molloy.

11 **PATRICK STEVENS**

12 **QUESTIONING BY MR MOLLOY:**

13 **Q.** Ms Hill, good morning, perhaps you just give us your full name first of all?

14 A. My full name is Amanda Lee Hill.

15 **Q.** Thank you, Ms Hill, and you're here as a partner at Cooper Legal who acted for
16 Mr Stevens?

17 A. Yes, I am.

18 **Q.** I anticipate there may be a little bit of weight on your shoulders in reading this evidence?

19 A. Yes.

20 **Q.** Please take your time to do him justice. Bear in mind that the evidence is being typed and
21 interpreted. You may need to pause from time to time, I might just ask you to do so. But
22 I wonder if there's any opening words you might want to say about Mr Stevens?

23 A. Before I started reading Mr Stevens' affidavit I wanted to acknowledge his passing on
24 behalf of Cooper Legal. Mr Stevens passed away in late April 2020 during the Covid
25 lockdown. We would like to take this opportunity to acknowledge his courage in
26 confronting these issues so late in his life and to acknowledge his whānau support of him in
27 doing so.

28 We especially wanted to acknowledge his sister without whom his experience
29 would not be before this Commission because he was unable to read or write very well.
30 Together with our gratitude, we would like to acknowledge the whānau's loss of their
31 brother, uncle and father. Moe mai rā e te Rangatira.

32 **Q.** Ms Hill, thank you. I think you have Mr Stevens' affidavit in front of you?

33 A. Yes.

1 Q. I think it was affirmed back in February of this year, is that right?

2 A. Yes, that's correct.

3 Q. I'll invite you to read it at your own pace. I think at times it refers to various matters which
4 are referred to in documents that were exhibited to the affidavit. From time to time we
5 might pull some of those documents up and read some extracts from them. In your own
6 time, thank you.

7 A. "I, Patrick Stevens, solemnly and sincerely affirm: I was born in 1961. I cannot write or
8 read very well. This affidavit has been read out to me and I confirm its contents are true
9 and correct to the best of my knowledge and belief.

10 In this affidavit I will describe my experiences in psychiatric care and also my
11 involvement with Child Welfare and Social Welfare. While my memories of the
12 psychiatric hospitals have always been strong, I do not have any memories of Social
13 Welfare being involved with me. Even so, I know that my records show that social workers
14 were sometimes around.

15 In this affidavit I will also describe my experiences of getting compensation and
16 apologies for the things that happened to me.

17 Home for me has always been in the Manawatū. I come from a big whānau with
18 lots of brothers and sisters. Things were tough for my whānau when I was growing up. We
19 did not have a lot of money and it was hard for my parents to look after us.

20 I now know that child welfare was first involved with me in 1967 when I was six
21 years old. Some people in the community were worried that me and my siblings were
22 being neglected by our parents. A welfare officer visited my whānau a couple of times and
23 thought that me and my siblings looked neglected and dirty. In the end, the welfare officer
24 thought that my parents had everything under control and decided not to come and see us
25 again. As I have said, things were pretty hard for us, so I don't know why Child Welfare
26 ended up making that call.

27 My father died in 1971. Things became even harder for us and my older siblings
28 started working to help my mother out. My mother was really stressed out. She gave me
29 hidings when I played up, although this kind of thing seemed normal at the time.

30 There was a man, who I'll call TG, who used to help my whānau out who lived in
31 a bach near our home. He sexually abused me. I now know that someone told Social
32 Welfare about this in May 1973. There were also concerns that my mother was not caring
33 for me and my siblings properly.

1 Social Welfare did not do anything about this for two weeks. When Social
2 Welfare staff referred the allegations about TG to the police, a few months later the police
3 told Social Welfare that TG had been sent to prison for offences against me and some other
4 people. Social Welfare did not do anything else to help me or my whānau at this time.
5 Even though it was clear we needed some support.

6 Problems continued at home and I started getting into trouble. I was not going to
7 school and started sniffing petrol. I was pretty addicted. My mother would still give me
8 hidings when I played up. I know that my records say that one of my brothers was put
9 under legal supervision of Social Welfare in about 1975.

10 I got in trouble with the police a couple of times in early 1975. The police were
11 worried that me and my siblings were not being looked after properly by my mother.

12 I know that at first Social Welfare did not do very much to look into these
13 problems to make sure I was safe at home.

14 Later, in August 1975, I had to go to the Children's Board and then the Children
15 and Young Persons Court. I know that I was placed under legal supervision of Social
16 Welfare for a year. As I have said, I don't have memories of social workers meeting with
17 me during that year, although I know that there were some records about that happening.

18 I remember that my behaviour was not getting any better at this time. I was
19 playing up at school and sometimes was not going at all. My records say that a social
20 worker spoke with me on 12 December 1975. I told them that I was sniffing petrol and had
21 been for 18 months. I said I could not stop even if I wanted to.

22 I know that the social worker contacted Dr Mason Durie at Manawaroa Unit at
23 Palmerston North Hospital. The doctor recommended that I be taken to the casualty
24 department.

25 *Manawaroa Unit*

26 On 15 December 1975 I was admitted to Manawaroa Unit for an assessment. I
27 was just under 14 years old. I stayed at Manawaroa Unit until 22 December 1975.

28 I know that on 16 December 1975 a social worker called staff at Manawaroa. The
29 Manawaroa staff told the social worker that I was heavily sedated, was showing withdrawal
30 symptoms and could be in care for some time. I know that this was the only contact Social
31 Welfare had with Manawaroa while I was there.

32 Manawaroa was not a good place and I was mistreated by the staff there. Some of
33 the staff were really rough and more than once the staff pushed and shoved me around.
34 There was another time where I had an argument with a male nurse and pushed him. The

1 nurse held me down and restrained me. It hurt a lot when he did that.

2 There were other times when I had fights with the other patients at Manawaroa
3 Unit because the staff were not watching over us properly.

4 One time the staff locked me in a seclusion cell alone overnight. There was
5 another time where the staff locked me and some of the other patients together in a room
6 for a few hours.

7 The staff were verbally abusive. They told me off and threatened to restrain me.
8 The staff told me that I would be sent to Lake Alice Hospital where I would be sorted out.
9 I had heard stories about Lake Alice from other patients at Manawaroa and I was scared of
10 Lake Alice.

11 I often snuck out of Manawaroa Unit at night. I would meet up with other day
12 patients and go into town. Those other patients gave me alcohol, marijuana and petrol. I
13 would turn back up at Manawaroa in the morning. Usually the staff didn't even know I'd
14 left Manawaroa. The one time I was caught, all the staff did was give me a warning.

15 I remember being given a lot of medication at Manawaroa. I would sleep a lot
16 because of the medication. I didn't see my whānau at all while I was at Manawaroa.

17 *Lake Alice Hospital Child and Adolescent Unit*

18 On 22 December 1975 I left Manawaroa Unit and was admitted to Lake Alice
19 Hospital Child and Adolescent Unit. I was there informally.

20 I stayed at Lake Alice until 15 April 1976 when I went back home on trial leave. I
21 was formally discharged from Lake Alice on 10 July 1976. The staff at Lake Alice had
22 diagnosed me with behavioural disorder of childhood. I did not have any psychiatric
23 illness.

24 I know that I was referred to Lake Alice by a man called Dr Leeks. I remember
25 other staff called Dr Pugmire and two male nurses, one Māori and one Pākehā, who were
26 both violent to me.

27 I remember that a lot of the other patients were older than me, about 18 or 19 years
28 old. They seemed like men to me. We also mixed with older patients from other wards for
29 group therapy.

30 My aunty worked at Lake Alice and I sometimes went home with her for
31 weekends. My whānau visited me about two times while I was at Lake Alice and I got to
32 go home for a holiday one time too.

33 Lake Alice was freaky. It was a strange place with strange people, like a looney
34 city. There were a lot of bad things that happened to me at Lake Alice. Some of these

1 things were similar to what had happened at Manawaroa Unit, although Lake Alice was
2 another level. I believe I have suppressed a lot of my memories about Lake Alice.

3 I was seriously sexually assaulted by other patients who were about 18 or 19 years
4 old about a dozen times. Sometimes groups of patients were involved in the assaults.
5 I know that there are records about some sexual things going on between me and the other
6 boys at Lake Alice. I know that some of these records talk about staff punishing me for
7 those sexual things but not doing much else.

8 Some of the adult patients from the other wards were also inappropriate with me.
9 They exposed themselves to me when we were getting changed in the pool.

10 I was physically assaulted by nurses at Lake Alice, including the Māori and
11 Pākehā nurses I described before. The nurses pushed me, kicked me and slapped me.
12 Sometimes the nurses held me down and injected me in the bum. That was a punishment
13 for running away. The nurses then dragged me to a seclusion cell.

14 I was also physically assaulted by other patients on a weekly basis. These patients
15 strangled me, threw me on the ground and threw freezing cold water on me.

16 It wasn't just me who was being treated like this. I saw other patients being
17 sexually and physically assaulted by other patients at Lake Alice. It was pretty hard having
18 to see that kind of thing.

19 The staff were psychologically abusive at Lake Alice. They threatened to hit me
20 and spoke down to me. There were a lot of times where the staff made me stand naked
21 while lining up for the shower in front of female nurses. That always made me really
22 uncomfortable.

23 There were times at Lake Alice when the staff threatened me with ECT for playing
24 up, although from my memory they never followed through with the threats. I knew that
25 other patients, including friends of mine, were being given ECT and other medication as
26 punishment. I heard other patients screaming while they received ECT. I remember the
27 lights flickering on the walls when the staff gave the shocks.

28 I was given a lot of medication at Lake Alice, including drugs called Paraldehyde
29 and Largactil. Often this was because I had been playing up. I know that there are some
30 records about this.

31 Those drugs had terrible side effects. Sometimes I'd go numb from the waist
32 down. I remember getting sleepy from the drugs and having a bad taste in my mouth.
33 I couldn't even taste my kai because of it. If I ever got caught not taking the drugs, the staff
34 just punished me with more drugs or by putting me in seclusion.

1 There were a lot of times when I was placed in seclusion. The seclusion cell was a
2 padded room made from steel. The staff left me alone in there for hours with nothing but a
3 mattress and a chamber pot. There are records about me being put in seclusion too".

4 **Q.** Could I ask you just to pause there and we'll call up Exhibit 4 page 3 which is an extract
5 from some of the nursing notes, just to give an example of some of the records that
6 Mr Stevens has been referring to. Perhaps if we could call out the highlighted passage
7 there. Are you able to read that?

8 **A.** Yes, I can. From the second line down, it says "Given 1M Paraldehyde 5 mls and placed in
9 SLR—which I believe is seclusion room—for the day except for tea. Meals and attendance
10 at group discussion. To sleep in seclusion room from now on at night".

11 **Q.** We got up to paragraph 41 I think?

12 **A.** "I ran away from Lake Alice a few times and I was punished for it. I was also punished
13 when I got caught smoking marijuana or drinking alcohol.

14 I know that Social Welfare was in contact with Lake Alice while I was there.
15 I know that a social worker wrote to Dr Leeks and said that my mother had said she had
16 tried to give me hidings because of my petrol sniffing. Social Welfare never did anything
17 about that report to see how I was being treated at home by my mum.

18 Dr Leeks also told the social worker that Lake Alice thought I had a serious sexual
19 problem besides the petrol sniffing.

20 *After Lake Alice*

21 I went back home on 15 April 1976. A lot of the same problems started up again
22 for me. Even so, Social Welfare did not have much to do with me. I know that my Social
23 Welfare records stop on 14 July 1976.

24 I know that there is a letter in my medical records from 23 July 1976 from
25 Dr Leeks to Dr Durie. The Assistant Director of Social Welfare in Palmerston North was
26 also sent a copy of the letter. Dr Leeks wrote that a man who was using a different name
27 but was TG had come to Lake Alice two times to try to take me away. Dr Leeks thought
28 that my mother might be colluding with TG about what he was doing with me.

29 Social Welfare never did anything to follow-up about the report that TG had been
30 visiting me or the worries about my mother. I also know that there is no copy of the letter
31 from Dr Leeks in my Social Welfare file which means that Social Welfare did not file the
32 letter properly.

33 I know that Social Welfare messed up in other ways too. Social Welfare did not

1 do a proper assessment of me before legal supervision ended in August 1976. Social
2 Welfare had no further involvement with me after that, even though there were signs
3 I needed oversight and support from Social Welfare.

4 There have been a lot of ways that my experiences have affected me. I've never
5 had too many friends. I find it hard to trust males and never wanted to be sociable and get
6 too close. The only friends I had were my brothers.

7 It took me a while to have relationships with women because of the abuse. I didn't
8 want to have too many feelings and I closed myself off. When I have opened myself up to
9 relationships, I've never stuck around for long.

10 I get flashbacks about my time in care. Apart from the weather, I don't listen to
11 the news or watch TV because I know something might turn up that brings my past back. I
12 had nightmares for a long time too.

13 I've had problems with drugs and alcohol. These were the only things I could use
14 to stop the memories. When I got drunk, I'd go to sleep and forget about it. I can see now
15 that I was running away from the memories through alcohol.

16 I've never liked working inside because I feel claustrophobic and I don't like
17 having too many people around. Most of my jobs have been outdoors doing farm work.
18 That way I can be out there on my own and be my own boss.

19 *Instructing Cooper Legal*

20 I first contacted Cooper Legal in March 2017 through my health worker".

21 **Q.** Can I just ask you to pause there and I'll just get some context?

22 **A.** Mmm.

23 **Q.** So I think at paragraph 47 Mr Stevens has said that his legal supervision ended in August
24 1976. He was around 14 or 15 years old I think at that time?

25 **A.** Yes.

26 **Q.** And then as you've just read, he contacted your firm in March 2017, about 40 years later.
27 By that time he's in his mid-50s.

28 **A.** Yes, in March 2017, but his Social Welfare involvement ended in 1976, yes.

29 **Q.** '76, indeed. Just confirming that from the age of 15 when supervision ended and he
30 approached your firm about 40 odd years later?

31 **A.** 40.

32 **Q.** 40, yes.

33 **A.** Yes.

1 **Q.** Thank you.

2 **A.** "I had been working with my health worker for about 18 months. Apart from some of my
3 old friends who I had been at Lake Alice with, my health worker was the first person I had
4 told about my experiences in psychiatric care.

5 My health worker helped me fill out my Cooper Legal application. She wrote a
6 letter to Cooper Legal saying that my inability to read and write had prevented me from
7 taking the matter further in the past. She wrote that completing the application had been
8 both traumatic and therapeutic for me. It had allowed me at last to discuss my experiences
9 with my whānau, telling them about my life in psychiatric care.

10 My application was only about my experiences at Lake Alice and Manawaroa.
11 I did not know at that time that I could also bring a claim about Social Welfare's
12 involvement with me. As I have said, I did not even remember social workers being around
13 in my childhood.

14 I know that Cooper Legal requested my mental health records on 20 March 2017.
15 On 23 March 2017 MidCentral Health e-mailed Cooper Legal and advised that it had no
16 records of me being admitted to Manawaroa.

17 I know that there were also problems getting records from the Whanganui District
18 Health Board, because my name had been spelt wrong and my birth date had been recorded
19 incorrectly by the medical staff when I was a child. This was cleared up and Cooper Legal
20 received my mental health records from Whanganui DHB on 10 April 2017. These records
21 included notes from my time at Lake Alice Hospital and also Manawaroa.

22 Cooper Legal arranged to have an interview with me which took place in July
23 2017. Although I attended the interview alone, my sister helped me with sorting the
24 interview out with Cooper Legal. My sister ended up supporting me a lot through the
25 claims process.

26 My interview with Cooper Legal was pretty hard. It was tough to bring up old
27 memories. Even so, I wanted to go ahead with the interview to get it done with. I told the
28 lawyer about what had happened to me at Lake Alice and Manawaroa.

29 We also spoke about what life had been like for me growing up. I told the lawyer
30 about the struggles my whānau had faced and the trouble I was getting into as a teenager.
31 I didn't talk about what had happened with TG because at that time I didn't realise there was
32 anything that could be done about it. Based on what I told them, my lawyer suspected that
33 Social Welfare may have been involved when I was younger. I know that because of this,

1 Cooper Legal requested my Social Welfare records from the Ministry of Social
2 Development, MSD, on 26 July 2017.

3 MSD released those records to Cooper Legal in August 2017. I did not get a copy
4 of those records. I know that MSD released two files to Cooper Legal, but one of them was
5 not actually about me, but about somebody with a similar name. Cooper Legal advised
6 MSD about this later on after they had reviewed the records. MSD had no clue that the
7 wrong file had been released. In the end Cooper Legal destroyed the file on MSD's request.

8 I did not hear from Cooper Legal for a while. I know they had a lot of other
9 clients who had approached the firm before me whose claims Cooper Legal had to work
10 through first.

11 On 25 May 2018 I called Cooper Legal because I had received some bad news
12 about my health. I was having tests for prostate cancer and I was worried that I might not
13 have long to live. Cooper Legal fast-tracked work for me because of my poor health. On
14 28 May 2018 Cooper Legal wrote to the Ministry of Health, advising that I had claims
15 about both Manawaroa and Lake Alice, and requesting information about the Lake Alice
16 process. Philip Knipe, who was the Chief Legal Advisor at Ministry of Health, responded
17 to Cooper Legal the same day saying that he would have a letter sent to Cooper Legal about
18 the Lake Alice process by the office of the Director of Mental Health and Addiction
19 Services, which was also part of the Ministry of Health.

20 That same day, Cooper Legal sent to the Ministry of Health claim documents for
21 my Manawaroa claim.

22 Cooper Legal then wrote to me about opening a Lake Alice file. Cooper Legal
23 also wanted to open a Social Welfare file. The lawyers at Cooper Legal had read all of my
24 records by this time and knew about all the bad social work that had happened with me as
25 well as the sexual abuse by TG which was also in my records.

26 Everything happened quite quickly for my Manawaroa claim. On 14 June 2018,
27 Philip Knipe wrote to me through my lawyers with a settlement offer.

28 The settlement offer was for an ex gratia lump sum payment of \$6,000 which
29 could be applied to meet any wellness-related costs or for other purposes which are
30 considered appropriate. A letter of apology on behalf of the former Area Health Board and
31 payment of my legal aid debt.

32 The settlement offer said that the claim related to both Manawaroa and Lake
33 Alice, so Cooper Legal followed up with Philip Knipe on 18 June 2018 to make sure that

1 accepting the offer would not stop me taking a claim about Lake Alice. Cooper Legal also
2 asked for an update about the letter from the Office of the Director of Mental Health and
3 Addiction Services.

4 That same day, Philip Knipe confirmed that I could still take my Lake Alice claim
5 and said that he would follow-up with the Office of the Director of Mental Health and
6 Addiction Services. I know that following that e-mail exchange Cooper Legal received a
7 letter for me from the Office of the Director of Mental Health and Addiction Services about
8 the Lake Alice process on 18 June 2018. The letter enclosed an information sheet that
9 needed to be filled out with details about my claim.

10 I spoke with a lawyer from Cooper Legal on 22 June 2018. I told the lawyer that
11 I did not have my health worker anymore and could not fill out the forms to open my Lake
12 Alice or Social Welfare claims. The lawyer went through this with me on the phone to
13 make the application on my behalf. I told the lawyer that the doctors had finished their
14 tests and had not made a cancer diagnosis. The lawyer told me that Cooper Legal would
15 still do my Lake Alice and Social Welfare claims soon but that there was a long wait with
16 MSD if a claimant was not terminally ill and it could take years to resolve.

17 On 29 June 2018 I accepted the settlement offer from my—for my Manawaroa
18 claim. A letter of apology was sent to me on 2 July 2018 from Philip Knipe on behalf of
19 the Ministry of Health".

20 **Q.** I wonder if it's worth looking at that letter now Ms Hill. Have a look at Exhibit 19 which
21 will come up. That's a letter from the Ministry of Health to Mr Stevens, care of your office.
22 It's dated 2 July 2018. We can call up the three highlighted perhaps there, if perhaps you
23 could read those?

24 **A.** "I have carefully assessed the historical information available and also the information
25 supplied by you. I am now able to acknowledge the seriousness of the matters that you
26 raised. Accordingly, the Ministry expresses its genuine apology for the unreasonable
27 treatment that you had to endure at that time in those facilities. While monetary
28 compensation cannot put right what occurred, I hope that this letter of apology and the
29 compensation will enable you to bring some closure to those regrettable experiences. I also
30 hope that with this resolution process behind you, you are now able to move forward with a
31 sense of peace".

32 **Q.** Thank you. I think you stopped about one short of the end of the paragraph 73?

33 **A.** "The settlement money was sent to me just over a week later.

1 On 30 October 2018, my sister sent to Cooper Legal a medical certificate for me
2 showing that there were serious concerns for my health and I had been referred to oncology
3 for an opinion on palliative chemotherapy.

4 On 8 November 2018 I spoke with a lawyer from Cooper Legal and told them
5 more things about my time at Lake Alice and my life at home, including the abuse by TG.

6 On 9 November 2018 Cooper Legal sent claim documents to the Office of the
7 Director of Mental Health and Addiction Services about my Lake Alice claim and also to
8 MSD about my Social Welfare claim. Cooper Legal also sent copies of my medical
9 certificate and asked that my claims be prioritised.

10 I know that my lawyers were worried that things might take a while with my MSD
11 claim because of experiences they had previously had with MSD about other clients who
12 were sick. Even so, things went quite fast with MSD. On 30 November 2018, MSD made
13 a settlement offer for my Social Welfare claim".

14 **Q.** Thank you. If we have a look at that letter. It's Exhibit 22 which is just coming up now.
15 That's a letter from MSD again to your offices dated 30 November 2018. If we could flip
16 forward to the second page of that exhibit. Again, there's an extract which is highlighted,
17 perhaps we'll call that up.

18 **A.** "Although DSW did refer the sexual abuse allegations to police for follow-up, there is no
19 evidence on file of DSW undertaking any investigation or inquiries regarding Mr Stevens
20 circumstances. Given the serious nature of the allegation, it is reasonable to expect that
21 social work staff would have spoken to Mr Stevens and his mother about the allegations.
22 The Ministry accepts this allegation".

23 "The settlement offer was for \$10,000 in recognition of the poor social work in my
24 case as well as a contribution to my legal costs and a letter of apology from the Chief
25 Executive of MSD. MSD had accepted all but one of the allegations I had made".

26 **Q.** I think they refer to that in the same exhibit at page 3. Again, we've got a couple of
27 paragraphs highlighted there.

28 **A.** "As discussed with you in respect of related claims, the Ministry considers that there are a
29 number of significant difficulties in law with claims of this nature and age which claimants
30 must overcome if they are to succeed with their claim. Nonetheless, the Ministry has said
31 that it will resolve claims based on their facts rather than the age of their allegations, and
32 that it will not use the Limitation Act to avoid making a fair offer on each claim based on
33 its facts. As such, the Ministry would like to acknowledge its failings in this case".

1 **Q.** And although it's not highlighted, I think two paragraphs further down there's a reference to
2 the \$10,000?

3 **A.** Yes. "In December 2018 I accepted the offer from MSD. I signed a settlement document
4 with MSD and received a letter of apology from the Chief Executive and the settlement
5 payment".

6 **Q.** Again, we've had a look at the letter from the Ministry of Health in this context. There's an
7 equivalent letter from the Ministry of Social Development, it's Exhibit 25. We'll call that
8 up. Again, there are three paragraphs highlighted that I'll invite you to read?

9 **A.** "I was concerned to hear that there were incidents where social work staff did not
10 adequately assess your safety and that while you were under the supervision of the
11 Department of Social Welfare, that you received poor social work services. These failures
12 contributed to you experiencing further instability and abuse.

13 As a child and then young person, you had a right to be well cared for and kept
14 safe. As Chief Executive of the Ministry of Social Development, I want to sincerely
15 apologise for the social work practice failures that occurred. I trust that you will consider
16 this apology and the payment an appropriate acknowledgment of these failures".

17 **Q.** Thank you. Paragraph 80?

18 **A.** "It took a long time for the Office of the Director of Mental Health and Addiction Services
19 to get back about my Lake Alice claim compared to my Manawaroa and Social Welfare
20 claims. On 20 March 2019 Cooper Legal wrote to the office highlighting the poor state of
21 my health and seeking an update about my claim. Cooper Legal did not receive a response
22 and followed up again on 11 April 2019.

23 Philip Knipe e-mailed Cooper Legal that day saying that the assessment had been
24 completed and the Ministry was working out the amount of the settlement payment. It was
25 expected that this would be finalised in a few days.

26 Cooper Legal did not receive a response in that timeframe and on 14 May 2019
27 e-mailed Philip Knipe again asking for an update. Philip Knipe confirmed that same day
28 that everything had been finalised and that the Ministry of Health was aiming to send the
29 settlement deed to Cooper Legal by the end of the week.

30 I know that the settlement deed still did not come and that Cooper Legal followed
31 up with Philip Knipe on 29 May 2019 and 12 June 2019.

32 On 14 June 2019 Cooper Legal was e-mailed a settlement deed for my Lake Alice
33 claim with a covering letter dated 13 June 2019. The amount the Ministry of Health had

1 decided to award me was \$81,578.94.

2 **Q.** Perhaps if we could just pause there and look at the equivalent letter again, it's Exhibit 27.
3 That's a letter again from the Ministry of Health and it's dated 13 June 2019. Again, there
4 are a couple of paragraphs highlighted and I invite you just to read those?

5 A. "I am pleased to inform you that your settlement award has been determined in the amount
6 of \$81,578.94. This award is made without admission of any legal liability by the Crown
7 and is conditional on you executing the attached deed in which you agree not to sue the
8 Crown or any related parties in connection with the time you were a patient at Lake Alice".

9 **Q.** Thank you, paragraph 85?

10 A. "The settlement document did not talk about my legal costs or an apology. It was later
11 confirmed that the Ministry of Health would contribute to my legal costs separately and that
12 my legal costs would not come out of my settlement award.

13 Cooper Legal called me about the settlement award that same day. The amount of
14 the award took me completely by surprise as it was so much more than what I'd received
15 from my Manawaroa and Social Welfare claims. Cooper Legal told me that it was only
16 really Lake Alice claims that got this kind of settlement and that they were pleased for me
17 too.

18 I received the settlement deed in the post and signed it on 25 June 2019.

19 On 18 July 2019 I received an apology for my Lake Alice claim. The apology
20 came directly from the Prime Minister and the Minister of Health. I received a settlement
21 payment later that month".

22 **Q.** I wonder if we could have a look at Exhibit 29 which is that letter from the Prime Minister's
23 office, it's dated 18 July 2019. It's not highlighted but perhaps I invite you to read the
24 whole letter?

25 A. "Dear Mr Stevens

26 We are writing to you personally on behalf of the Government to apologise for the
27 treatment you received and may have witnessed in the Child and Adolescent Unit of Lake
28 Alice Hospital during the 1970s. We are apologising to all those who were mistreated. We
29 believe it is important to take this step and formally acknowledge your experiences to
30 enable us to move on from these shameful practises in the history of New Zealand's mental
31 health care.

32 You will be aware that the events at the Child and Adolescent Unit of Lake Alice
33 Hospital were the subject of investigation. We are determined to acknowledge what

1 happened and to take what steps we can to put things right. We have stated that whatever
2 the legal rights or wrongs and whatever the state of medical practice at the time, what
3 happened there was unacceptable.

4 On behalf of the Crown, we sincerely apologise to you as a person fundamentally
5 affected by what occurred in the Lake Alice Child and Adolescent Unit. We hope that this
6 apology will affirm to you that the incidents and events that you experienced and may have
7 witnessed at the Child and Adolescent Unit at Lake Alice Hospital were highly
8 inappropriate and disgraceful, even if judged by the standards of the day. They should not
9 have happened. We very much regret that they did.

10 We know that this apology cannot change the past, but we do hope it will go some
11 way towards enabling you to move on from your past experiences. In the same spirit, we
12 hope that the ex gratia payment that the Government has made to you will be of some
13 tangible help. We wish you all the very best for your future.

14 Jacinda Ardern, Dr David Clark".

15 "It took me a long time to confront what happened to me when I was in care. I
16 was pretty well mentally disturbed from what happened, and I had a lot of pride about it all
17 too. When I was finally able to speak to my whānau about it all, it felt like a weight had
18 been lifted off me that I had been carrying for so long.

19 In the end, my claims were all resolved quite quickly, although I know that things
20 may not have moved so fast if it wasn't for my health. In a way, the compensation came at
21 a good time. I was able to buy an RV so I could be closer to the hospital for my treatment.
22 I am still doing my chemotherapy now, although my health is still getting worse. Even so, I
23 am doing okay at the moment and I am spending time with my whānau who have been a
24 big support to me during all this.

25 The things that happened to me as a child were really bad. My experiences were
26 so hard to deal with that I shut myself off from a lot of things as an adult.

27 The reason I am sharing my story now is because I want to support the work being
28 done to shed light on what happened to us all in care. Hopefully this will also help others
29 in getting a fast and meaningful outcome for their claims too".

30 **Q.** Ms Hill, thank you very much.

31 **MS MOLLOY:** That's the evidence of Patrick Stevens ma'am.

32 **CHAIR:** Thank you Mr Molloy. I have a question for the witness.

33 Ms Hill, your firm, as we've heard, acts for many, many survivors of abuse in care.

1 And you will, no doubt, have seen many letters of apology that have come through to those
2 of your clients who received them. We know that redress, of course, includes apologies.

3 Mr Stevens received several letters of apology. The most fulsome, I think, is the
4 latter. But I'm just wondering to what extent, whether you've got any comment on how the
5 letters that he received compares with some of the letters of apology that other clients of
6 yours have received?

7 A. Largely the letters received for MSD claims are the same, the wording is usually the same.
8 The letters from the psychiatric process tend to have the same author and similar wording
9 as well, there may be some more variation there. Certainly, the Lake Alice apology letters,
10 as you say, are more fulsome and from the Prime Minister and Minister of Health as
11 opposed to a person from inside the Ministry or the Chief Executive in the case of MSD.

12 Q. So, the Lake Alice letters, do they always come from the Prime Minister and the Minister
13 of Health?

14 A. I understand so, yes.

15 Q. So, in summary, are the letters that Mr Stevens received typical of the letters of apology
16 that your other clients have received?

17 A. Yes.

18 Q. Thank you.

19 **COMMISSIONER ERUETI:** I did want to ask about the—to get a sense of the number who are
20 deceased before they're able to complete the process, that's the first question. Have you got
21 a sense of that, about how often that takes, and also what happens when someone does die
22 before they settle these claims?

23 A. In terms of numbers, it's impossible to tell because of course we don't represent all
24 claimants, and so I can't tell you how many people would die in the course of the process or
25 who die before ever starting the process. We certainly have had clients pass away in the
26 middle of the process, which is very challenging. And different parts of the Government
27 treat that in different ways, and they will be the subject of some evidence next week I
28 understand. I'm mindful the processes have changed over time and are different, so that
29 will be the subject of evidence next week.

30 But in some respects, Mr Stevens was quite lucky to conclude his claims while he
31 was alive, despite the fact that it happened so late. Many people do not, and sometimes
32 even when we prioritise for their illness, we're unable to conclude things in time, which is
33 incredibly sad for both the survivor and their whānau.

1 **Q.** Thank you, Ms Hill.

2 **CHAIR:** Thank you, Ms Hill.

3 **COMMISSIONER ALOFIVAE:** Ms Hill, look can I just, on behalf of the Commission as a
4 whole, thank you for just the really poignant and measured way in which you read
5 Mr Stevens' evidence and would you, on our behalf, convey to his whānau, to his sister in
6 particular, and to the health worker who was so instrumental right at the very beginning, as
7 well as to your staff, just our deepest condolence for the loss that you all carry as a group.

8 But also, our heartfelt gratitude in their generosity in continuing to share his
9 evidence to help with the wider body of our work. We very much thank them for their
10 contribution and it's important that they know that; that their brother, their father, their
11 whanaunga has contributed to the work of our Commission, so thank you very much.

12 **A.** Thank you. I understand that some of the whānau might be watching the live stream and
13 for those who are not we will certainly pass that on.

14 **Q.** Thank you very much.

15 **CHAIR:** Thank you, Ms Hill. You can stand down.

16 That concludes the evidence, Mr Molloy?

17 **MR MOLLOY:** It does ma'am, thank you.

18 **CHAIR:** Is there anything to discuss before we adjourn, Ms Janes?

19 **MS JANES:** No, that concludes the evidence for today. We'll resume tomorrow at 10 am and we
20 have two witnesses tomorrow.

21 **CHAIR:** Thank you. Then we adjourn until 10 am tomorrow morning.

22 **KAUMATUA:** Tēnā koutou katoa. Āe ka noho au i muri i tērā i te ruma or rongo au te mamae o
23 ngā tangata. E kōrerotia ana i tēnei rangi, kei te mihi ki ā kōrua. Nō reira, anei he karakia
24 he waiata.

25 This is a song that Hirini Melbourne wrote but it's actually a wairea and it's a
26 cleansing of things when things get tough. So, when you good people are in amongst it,
27 and you have been in that environment, konei he mea. Me and Tu will sing it after I say it,
28 it's a popular one.

29 Purea nei e te hau, horoia e te ua

30 Whitiwhitia e te rā, mahea ngā pōraruraru

31 Mākere ana ngā here

32 May the wind, the rain and the sun clear away one's troubles and break the shackles
33 that bind them.

(Waiata Pura Nei)

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REGISTRAR: This sitting is adjourned.

**Hearing adjourns at 11.39 am to Wednesday,
24 September 2020 at 10 am**