

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

Under The Inquiries Act 2013

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

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

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

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

Date: 23 September 2020

TRANSCRIPT OF PROCEEDINGS

INDEX

CHASSY DUNCAN	
Questioning by Ms Hill	87
PATRICK STEVENS	
Questioning by Mr Molloy	103

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