

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
TULOOU – OUR PACIFIC VOICES: TATALA E PULONGA**

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) Ali'imuamua Sandra Alofivae Mr Paul Gibson Dr Anaru Erueti Ms Julia Steenson
Counsel:	Mr Simon Mount QC, Ms Kerryn Beaton QC, Ms Tania Sharkey, Mr Semisi Pohiva, Ms Reina Va'ai, Ms Nicole Copeland, Ms Sonja Cooper, Ms Amanda Hill for the Royal Commission Ms Rachael Schmidt-McCleave, Ms Julia White and Ms Alana Ruakere for the Crown Ms Sarah Kuper for Presbyterian Support Central
Venue:	Fale o Samoa 141r Bader Drive Māngere AUCKLAND
Date:	28 July 2021

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1 **[9.43 am]**

2 **CHAIR:** Good morning everybody. Welcome back. I understand that today our lotu is being
3 taken by the Tuvalu community, Reverend Suamalie is here. Here he comes. Good
4 morning Reverend.

5 **REV NAISALI:** Kia ora tātou mō tenei ra. He honore, he kororia, maungarongo ki te whenua,
6 whakaaro pai e, ki ngā tangata katoa. Āke, āke, āke. Te Atua, te piringa, tōku oranga.
7 We're going to sing a short verse of how we are going to embrace one another this morning.
8 We need to connect and we will sing this Tuvalu chorus.

9 **[Tuvaluan song]. [Prayer in Tuvaluan / English]**

10 **CHAIR:** Amen. Thank you Reverend. Just before we commence, I believe we have a new
11 counsel or a different counsel appearing today? Ms Hill. Is there anybody else who we
12 haven't acknowledged?

13 **MS KUPER:** Ms Kuper for Presbyterian Support.

14 **CHAIR:** You're here for the Presbyterian Support, Ms Kuper, thank you. Very well. For you
15 Ms Sharkey.

16 **MS SHARKEY:** Good morning Commissioners. The first witness this morning is David James
17 Crichton. He is accompanied by his daughter Brooke. I acknowledge his partner, his two
18 other children Shannon and James, his moko Xavier and other family members present
19 today all watching the livestream. If we could start now with the affirmation.

20 **DAVID JAMES CRICHTON**

21 **CHAIR:** Very well. Morning David.

22 A. Morning.

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

25 A. I do.

26 **Q.** Thank you. Welcome Brooke. Thank you Ms Sharkey.

27 **MS SHARKEY:** Hopefully all phones are on silent.

28 **CHAIR:** All phones on silent please.

29 **MS SHARKEY:** For the benefit of those listening and watching, David's statement has been seen
30 and taken as read by the Commissioners and will be available on the website following his
31 evidence a bit later today. Briefly, David spent all but his entire childhood in care, many
32 numerous placements. David went through life believing he was Māori. His last name
33 growing up was Mohi. This name told him he was Māori, he was referred to in his records
34 and by others as Māori. He believed he was Māori. It was a part of his identity as he

1 moved through the care system and beyond. At the age of 30, David requested his care
2 files and learned he was of Samoan descent.

3 There are so many parts to David's experience in care that could be shared today but
4 for the purposes of this public hearing we are focused on the impacts of the loss of his
5 cultural identity growing up, the impacts of specific areas of abuse, the impacts of the MSD
6 historic claims process, and the impacts relating to issues around his records and the
7 numerous placements.

8 So we begin with David's daughter, Brooke, this morning. She will be reading parts
9 of an essay she wrote at university for which she received top marks. So please Brooke, if
10 you'd like to begin.

11 **BROOKE:** So this is a piece I wrote called "Plastic Samoan". Culture is the foundations and the
12 framework of life. Culture brings people together and should be used as a tool for people to
13 heal, learn and to grow. In my life, culture is baggage. Raised in State care, my father was
14 stripped of his basic human rights, culture and identity. His birth certificate falsified, his
15 surname changed and unknowingly wore a false identity for most of his life. A Samoan
16 who was told he was Māori with no documents to say otherwise.

17 This cultural rift made it especially hard growing up as we were not connected to
18 any one culture more than the other. Although I am not genetically Māori, I have strong
19 spiritual connections to what he believed to be his whakapapa and has been raised by his
20 whāngai families. However, I am just as spiritually drawn to the village that raised my
21 ancestors in Samoa and will always be proud to be the legacy of my immigrant father's
22 sacrifices. Much like me, middle ground is not just one thing, it is knowing I am made
23 from the best of both cultures, although this is something I struggled to accept throughout
24 intermediate, college and in my university years.

25 Middle ground is defined as being the area between two groups that involves things
26 that do not belong entirely to either of those groups but have elements of each. This
27 definition depicts the relationship that my father has with his Samoan heritage and Māori
28 upbringing, and in turn, the connection and disconnection I have to both.

29 Although he is the genetic product of his Samoan heritage, his mentality was shaped
30 around honouring tikanga and Māori customs. This mentality and way of life is how I was
31 raised and how my father was taught to survive. He found a home in Tikanga Māori well
32 before he knew he was Samoan and therefore has a deep rooted spiritual connection to it.

33 In a time where the State had taken everything from him, he had his mana,
34 something that was instilled in him by his ancestors and could not be broken. On his 30th

1 birthday his files were given to him which illustrated the story of a young Samoan boy who
2 was lost in the city. Mohi became Crichton, his culture led him to the people who he
3 shared the same blood with. Being Samoan gave him a family, a place to belong, and the
4 fresh start he'd always deserved. He was able to start his own family and to pass on a
5 family name that was actually his.

6 Middle ground is the grey zone. It's accepting that there isn't a tidy box that we all
7 fit into. I was raised to embrace that I was Samoan but was always taught the importance
8 that Tikanga Māori has had in our lives. Although it was taught to me, it was something
9 that took years to sink in.

10 Tattoo is sacred in many cultures as it tells the stories of our ancestors who lived
11 through traditions. Tā moko is unique to each individual and narrates the stories of lineage
12 and an iwi of a person who contains this mana as well as giving mana. My father is
13 tattooed with sacred tā moko that represents his connection with ancestors despite the
14 disconnect in this realm of life. They give him connection and anyone who saw him would
15 know he was Māori and belongs somewhere. His Māori surname, his tā moko unbeknown
16 to him was not his legacy to fill and was only the tip of the iceberg by cultural theft of the
17 State.

18 Everything that was my father's right to have including his language, knowledge
19 and family were ripped from him and consequently ripped from my siblings and myself,
20 which has caused major cultural conflicts and confusion as we've grown up. We were
21 cloaked in a false sense of cultural security that was outside of societal normalities which
22 separated us from the others.

23 Intermediate is difficult for most pre-teens. I found it especially difficult because
24 this was a time where the culture was celebrated and used as a learning tool; concepts that
25 were vague to me. Being one of the only afakasi girls in my school I was so adamant on
26 proving my Samoanness that I ignored most of what made me who I am. Parent/teacher
27 interviewers and family nights would come around and I was always so excited for people
28 to see what my dad looked like. I was so excited for people to see that he was really
29 Samoan and that I was really Samoan. The only problem being his tā moko.

30 I vividly remember asking him beforehand if he could cover up because when my
31 peers would see his distinct Māori tā moko they would question my Samoan authenticity.
32 We had this conversation many times and never saw eye to eye. Why would he be wearing
33 his pounamu for everyone to say when he knows he's not Māori anymore? Why does he
34 show case his tā moko for the world to see when he knows he's not Māori any more?

1 I remember always wondering why, why was my dad so adamant on making it harder for
2 me to fit in at school without already being the girl who was culturally confused.

3 It was an emotional battle having to constantly tell people that I was not Māori, and
4 consequently I started ignoring that part of my upbringing completely. In college I faced
5 more of the same, constantly defending my Samoan pride and having to prove my
6 authenticity. People thought my connection to my Samoan culture could be determined by
7 a percentage, or by being able to speak my mother tongue, but they never understood this
8 was a privilege that was stolen from my family long before I was even born. My father's
9 upbringing is not a story for me to share, so explaining it to my peers without context was
10 impossible, and eventually I stopped trying.

11 I was put on the school roll as a Māori student for over a year and didn't realise until
12 I started getting opportunities only available to Māori students. This had major effects on
13 my mental health and left me in a cultural downward spiral. I was constantly being told
14 what I was and no notice was taken of the internal conflict that slowly cut away at my spirit
15 from the inside out. Cultural identity is critical to the healthy development of young people
16 and is correlated to high levels of psychological health. I spent my college years
17 edge-walking between two cultures and never fully either being each which isolated me
18 from my peers.

19 I was a leader in the school poly group for my senior years and was very careful in
20 what I chose to participate in so I didn't cause confusion. To be accepted in school I could
21 only be one or the other and this did not allow me to be myself. Much like my father,
22 I wore a false identity, but in my case, to fit into the tidy boxes of societal norms and to
23 avoid cultural confrontation.

24 My father's sensitive case has been investigated over the past six years in regards to
25 historical abuse in State care and in the care of faith-based institutions and this continues.
26 This process has had an unmeasurable emotional toll on my father and on my family but
27 has also cleared a path for healing and acceptance. Growing up I struggled to fit in with my
28 peers and would often change to accommodate other people. Whereas university has
29 encouraged individuality. Majoring in public policy, education and criminology it's
30 become clear how having a cultural identity is essential in every aspect of life. Societal
31 regulations and formal institutions are all centred around meeting community needs, using
32 culture as a tool to do this.

33 The issues of historical abuse in State care and the Treaty of Waitangi are discussed
34 which I was never even aware of. This cultural rift that I felt was not a weight that I carried

1 alone, which gave me a sense of belonging that I had not had before. The theft of my
2 father's culture and childhood by the State was not his fault and was never his choice,
3 something that has taken my whole life to come to terms with. Indigenous cultures for
4 centuries have been stolen and indigenous voices ignored.

5 Middle ground for me is not being engulfed into the fa'asamoa way of life, but
6 accepting that Tikanga Māori plays a big part in who I am too, whether it is in my blood or
7 not. I am not one or the other but the best of both. Culture is a baggage that I will carry
8 and have to unpack and navigate for the rest of my life.

9 Cultural middle ground was a concept I never thought I would be able to achieve
10 until I accepted that it presents itself in many different forms. Culture is the most important
11 aspect of individual framework and without it there is room to be nothing but lost. My
12 father was a victim of cultural shift which is something that he will never recover from
13 which is not his fault. I have a responsibility to break generational cycles of cultural
14 confusion and heal the generational trauma that lives within my family. Through surviving
15 his upbringing my father has taught me more than being steadfast than any one culture
16 could ever. He is the embodiment of strength and mana from both his Samoan and Māori
17 ancestors and has taught us the best of both cultures.

18 Throughout intermediate and college I allowed other people's understandings of
19 cultural middle ground to find how I connected -- how connected I was to mine. But in
20 university I have learned that I live outside of it. I will always be proud to be the legacy of
21 my immigrant grandfather's sacrifices but am just as proud to be raised in Tikanga Māori
22 with some of the families who salvaged my father's spirit. My father was a Mohi before he
23 was a Crichton and I love him even more for allowing me to learn everything that makes us
24 who we are without boundaries or judgments. Thank you.

25 **MS SHARKEY:** Thank you Brooke. Your essay just gives a snapshot of the impacts on your
26 family, of dad's identity. I think all of us here know why you got top marks. David, we
27 come to you now.

28 A. Wow.

29 **CHAIR:** Do you want to take a big deep breathe, that was very moving. I just want to thank
30 Brooke for sharing that, very touching. Are you all right to proceed?

31 A. Yeah.

32 **Q.** Okay, thank you.

33 A. Thank you.

34 **QUESTIONING BY MS SHARKEY:** All right David. So before we start, are there any opening

- 1 comments you would like to make?
- 2 A. Just a couple. Obviously I feel quite anxious, and I'm certainly outside my comfort zone. I
3 was brought up the old school way, you know, you don't lie, you don't nark, but you say
4 your truth and stand your ground and that's what change is all about, that's why I am here
5 today. That's what we need to do on the other side as well is it needs some change, so I'm
6 here to speak my truth. It's hard conversations, well, that's why I'm here. If I can do it then
7 so can you guys. And I'm here, all the others before me and after, same scenario, I'm for
8 them. But there needs to be change. My challenge is that we leave here and we do right by
9 the kids, and all institutions or anyone dealing with these children and people, you know,
10 they recognise their past harm, own it and learn from it and never let it happen again.
11 Thank you.
- 12 Q. Thank you David. Okay, so we're going to begin with a photo montage. David, you'll give
13 a brief description of each photo. So who is this?
- 14 A. That looks like me.
- 15 Q. That looks like you, right?
- 16 A. A lot smaller though.
- 17 Q. Just a tiny bit. Right, so David, as we've spoken about before, this is the face of innocence,
18 right?
- 19 A. Ae.
- 20 Q. And at this time what you needed was for the adults involved making important decisions
21 about your life to do it in the best interests of you, yeah?
- 22 A. Correct.
- 23 Q. But unfortunately, David, it's not long after this photo that you end up going into care. Can
24 we look at the next photo. And what is this place?
- 25 A. That's the Presbyterian PSSA homes I lived at for about 10 or so years.
- 26 Q. Right, and we'll come to this place a little bit later on.
- 27 A. I used to call it the post office.
- 28 Q. Yes, the post office, which we'll come to very shortly.
- 29 A. Chur look at this dude.
- 30 Q. Who is this handsome young boy?
- 31 A. That is I, my first day of school.
- 32 Q. First day of school and during that time you were at Berhampore?
- 33 A. Correct.
- 34 Q. And so that's your bag, satchel and you're about to start school?

- 1 A. Very smart, yes.
- 2 Q. Yes. Moving forward a bit, this is you and where are you in this photo?
- 3 A. Papua New Guinea.
- 4 Q. Papua New Guinea. We'll also come to talk about the significance --
- 5 A. Yes.
- 6 Q. -- of this stage in your life and being in a country, were taken to a country?
- 7 A. Yeah.
- 8 Q. Like that. Okay, and the next one, who is that?
- 9 A. That's my father.
- 10 Q. That's your father, so that's James Crichton?
- 11 A. James William Crichton.
- 12 Q. James William Crichton. Okay. And this next one, this is a photo that you've
- 13 superimposed yourself?
- 14 A. My kids did it for me.
- 15 Q. Yes. Very smart. So this is really a photo you did so you could see what you and your dad
- 16 looked like together?
- 17 A. Correct.
- 18 Q. And we've seen, we've got the original photo and you can definitely see the resemblances
- 19 there, right?
- 20 A. Yeah.
- 21 Q. The next one please. And this is you and?
- 22 A. My Auntie Rose, my dad's sister, she was the last one living that I got to meet. But dad was
- 23 one of 19.
- 24 Q. One of 19?
- 25 A. Correct.
- 26 Q. And you get to -- this is you shortly after you find out about your Crichton family?
- 27 A. Correct.
- 28 Q. You go and visit her. Your gaze at her is you realising this is your family?
- 29 A. Mmm.
- 30 Q. And who are these awesome kids?
- 31 A. That's all my children.
- 32 Q. You look pretty proud there.
- 33 A. Of course.
- 34 Q. Okay, and then the last one is of you and your?

- 1 A. First born.
- 2 Q. First born grandson?
- 3 A. Yeah.
- 4 Q. So that was just to give everyone a kind of broad picture of David's life from the beginning
5 to where things are at now. So as we've heard, David, at birth you were named
6 James -- David James Mohi?
- 7 A. Correct.
- 8 Q. Your mother was previously married to a Māori man with that surname, she gave you that
9 surname and you thought he was your father?
- 10 A. Yes.
- 11 Q. So we're just going to have a look at some of the comments in welfare reports about your
12 mother's frame of mind at the time she was carrying you shortly after birth -- and shortly
13 after birth. So if we can look at the first document, 003. Steph is going to bring these
14 documents up on the screen so we can all have a look.
- 15 A. Okay.
- 16 Q. So this is a welfare report dated 7 March 1967. David, can you see that line there, are you
17 able to read that out, the yellow line?
- 18 A. The yellow?
- 19 Q. Yeah.
- 20 A. "Mrs Mohi is of limited intelligence and it would seem quite incapable of making realistic
21 plans for herself and the child at the moment."
- 22 Q. Okay. And then the next one Steph is going to bring up. She'll make it zoom out soon.
- 23 A. "The baby's father is an islander and this coupled with Mrs Mohi's low intelligence would
24 probably make adoptive placement for the baby rather doubtful."
- 25 Q. And then we're going to bring up the next document, which is another welfare report dated
26 13 June 1967. All good, Steph's just working her magic. Can you see that David?
- 27 A. Yeah.
- 28 Q. Could you read that out please?
- 29 A. "Mrs Mohi herself is most anxious to keep the child but is finding it extremely difficult to
30 manage."
- 31 Q. And the next one below that?
- 32 A. "The baby is dark and has distinctive island features and this has also made difficulties as
33 Mrs Mohi's relatives were not -- will not have anything to do with an island baby."
- 34 Q. Okay, and then the next welfare report is dated 10 November 1967. Can you see that

- 1 David?
- 2 A. "The medico-social workers are concerned at Mrs Mohi's apparent emotional stress and her
3 general physical condition. Her GP Dr Shirer considered Mrs Mohi to be of low
4 intelligence. She was destitute and had not made any plans for her confinement or plans for
5 the expected baby."
- 6 Q. Just coming down a bit. Just the part starting "Mrs Mohi is highly".
- 7 A. "Mrs Mohi is highly strung and nervous and when upset capable of intense emotional
8 outbursts. When under undue strain and pressure, Mrs Mohi has become very agitated and
9 incoherent and on one occasion became so belligerent that Dr Shirer advised psychiatric
10 treatment."
- 11 Q. And then just on the next page?
- 12 A. Sounds like a real nut bag doesn't she. "Mrs Mohi's feelings for Jim represent the major
13 conflict in this case. She despises him for being Samoan, in fact her attitude towards
14 Samoans is that they are all of an inferior social and intellectual level, yet she is obviously
15 strongly attached to him."
- 16 Q. Okay, okay, then the sentence beginning "she considers herself"?
- 17 A. "She considers herself to be superior in every way to him and feels that by living with a
18 Samoan she has degraded herself."
- 19 Q. Then two more paragraphs here.
- 20 A. "The child David is now nine months old. He is a healthy attractive child with distinctive
21 Samoan features and colour. Mrs Mohi's conflicting emotions over Jimmy have been
22 transferred to David. Although she loves him and cares for him well, she constantly makes
23 reference to his colour. He is not as dark as he used to be, or even though he is Samoan."
- 24 Q. Then the next one starting with "Her sister".
- 25 A. "Her sister married to a Māori has refused to have anything to do with David because he is
26 half Samoan."
- 27 Q. All right David. You and I have had a talk about this before, so in summary it's clear from
28 these documents, there are others in your records, that mum wasn't well?
- 29 A. Correct.
- 30 Q. And she had these strong negative feelings towards Samoans?
- 31 A. Correct.
- 32 Q. Your records as we've gone through together also show that mum gave conflicting
33 information to the social worker and other professionals involved?
- 34 A. Correct.

- 1 **Q.** So because she was providing inaccurate, conflicting information, her ill health and
2 negative views towards Samoans, the authorities should have been, in your view,
3 completely cautious and careful --
- 4 **A.** Correct.
- 5 **Q.** -- about relying on any information your mother gave them at the time?
- 6 **A.** Correct.
- 7 **Q.** And just for the record, if we can go back to that last exhibit, 004. This is that same report
8 that we just looked at. That's your father's name recorded here, right?
- 9 **A.** Yes.
- 10 **Q.** Although they've spelt it incorrectly.
- 11 **A.** Yes.
- 12 **Q.** And then the next we've got your dad's sister who's recorded here, so a State social worker
13 knows who your dad is and knows that you're Samoan?
- 14 **A.** Correct.
- 15 **Q.** And they had your dad's name, occupation and the name of family members?
- 16 **A.** Correct.
- 17 **Q.** And this report here is November 1967, just to refresh our memories, and you're 8 months
18 old here David, correct?
- 19 **A.** Correct.
- 20 **Q.** We're just going to bring up a visual, because no-one tries to contact your dad or his sisters
21 and within months of that report you enter the care of Presbyterian Support Services
22 Association, now known as what we're going to call today as PSC?
- 23 **A.** Yeah.
- 24 **Q.** Presbyterian Support Central. If we could bring up that visual. So David we've seen this
25 before, it's a visual timeline of your care. And just to clarify, David, these are various
26 places you lived during your time in care, that you and your partner and our team were able
27 to collate from your records and a few from what you remember, right?
- 28 **A.** Yes, correct.
- 29 **Q.** But from your understanding, David, there are still gaps, aren't there?
- 30 **A.** Correct.
- 31 **Q.** Particularly during your time in Berhampore?
- 32 **A.** Yes.
- 33 **Q.** And can I also just clarify for those looking at this document, that when a placement would
34 come to an end, you wouldn't just move on to the next one straight away?

- 1 A. Back to the post office.
- 2 Q. You would return back to the home?
- 3 A. Correct.
- 4 Q. And stay there until the next place you were moved on to?
- 5 A. Correct.
- 6 Q. And as you've just said there, you mentioned the words "post office". If you can just tell us
7 what you mean by that David?
- 8 A. I used to think I was a letter and if it didn't work out they'd send me back to the post office.
- 9 Q. And the words you've said to me it was like return to sender.
- 10 A. Return to sender.
- 11 Q. And you consider the return back to the home a separate placement because you had to go
12 back there, get settled in again and wait for the next home to go to?
- 13 A. Correct.
- 14 Q. So anyone looking at this needs to imagine that for many of these drop-downs, particularly
15 in your earlier life, that when that ends, you go back to the home and then come back out to
16 the next one?
- 17 A. Correct.
- 18 Q. And just looking at that visual, David, as we've spoken about, what are your thoughts, what
19 do you want to say about the experience of having been moved around like this throughout
20 your childhood, throughout your time in care?
- 21 A. Never should have happened.
- 22 Q. Take your time, David, we've got time. Just take a breather.
- 23 A. And I hope it never happens again. It never should have happened and no-one should be
24 put through that. I hope no-one ever is again.
- 25 Q. Okay David. And as you've come to learn later in life, for example in your 1974 foster
26 placement, where were your Samoan family living?
- 27 A. Eight houses down from me.
- 28 Q. Eight houses down from you?
- 29 A. When I showed my cousin she started crying because my father was living with her at the
30 same time.
- 31 Q. Eight houses down from you, you were going to the same corner dairy?
- 32 A. Correct.
- 33 Q. And you wouldn't have known it but you might have seen your dad?
- 34 A. I could have been standing next to him in the shop, I wouldn't have known.

- 1 **Q.** And another example in 1981 you were in Epuni, where were your Samoan family living
2 then?
- 3 **A.** Epuni, '81?
- 4 **Q.** Porirua?
- 5 **A.** In Porirua, sorry, yeah.
- 6 **Q.** And how far away is that?
- 7 **A.** 20 minutes.
- 8 **Q.** 20 minutes. So all the time you spent there your family were literally --
- 9 **A.** 20 minutes away.
- 10 **Q.** -- 20 minutes away.
- 11 **A.** Correct.
- 12 **Q.** And we'll get to talking about your Samoan family in detail a little bit later. But David, can
13 you please refer to paragraphs 24, 26 of your statement. Can you read those out David or
14 speak to them.
- 15 **A.** Read them out. "One thing I do know that PSC and the State knew from the very beginning
16 that Jim Crichton was my dad and I was of Samoan heritage. It is there in black and white.
17 When PSC and the State become responsible for my care, they should have done all they
18 could to locate my dad and my parental family directly. But they did not.
- 19 My Samoan family lives in the Wellington region and it would not have been that
20 hard to find them. The obligation on the State to establish, preserve and strengthen a
21 relationship between me and my paternal family was further heightened because they knew
22 my mother had such strong feelings against my Samoan father, family and heritage. They
23 knew she was very unwell. There was no way she was going to support and encourage any
24 relationship between me and my family, so when PSC and the State became involved in my
25 life and responsible for my care that duty fell squarely on them.
- 26 **Q.** Thank you David. And having no access to your extended family, to your aiga, you say is a
27 form of abuse, cultural neglect?
- 28 **A.** Totally.
- 29 **Q.** So can you please turn to paragraphs 139 and 140.
- 30 **A.** Yeah.
- 31 **Q.** Thank you David.
- 32 **A.** As an adult other members of the Crichton family -- 139 sorry.
- 33 **Q.** 139?
- 34 **A.** Sorry, take that back people. Ignore that. Can the jury please ignore that. Excuse me.

1 Having no access to my extended family while I was in care is a form of abuse that I went
2 through. When I was in Berhampore and Epuni during the end of the year holidays all the
3 other children would have family that(sic) would go home to. I was often the only child
4 left at Berhampore and Epuni over the holidays that had nowhere to go. While I was in
5 care I was led to believe that this was because I had no family to go to.

6 When children are in care they need to be made aware of their ethnicity, their true
7 identity and of their extended family. Because my mother was so secretive and deceptive
8 about my father and any extended family that I had, I missed out on having relationships
9 with my extended family and also because PSC and the State neglected their own duties. I
10 believe that the organisations responsible for my care had a duty to at least tell me who my
11 family was, to tell me about my ethnicity, to make genuine efforts to look for my family.
12 This responsibility increases in cases like mine where a child spends their whole upbringing
13 in care.

14 **Q.** Thank you David. And as we heard in Brooke's essay, what tattoos -- sorry, I'll give you a
15 bit of time.

16 **A.** There will be a lot of this.

17 **Q.** As often as you want.

18 **A.** It's all good.

19 **Q.** David, what tattoos did you get to express the Māori culture you believed was yours?

20 **A.** Which one didn't I get. All over my arms, all over my back, plenty.

21 **Q.** And you say at paragraph 125, you say all your best friends were Māori, every one you'd
22 ever known was Māori, you took pride in your Māori identity; correct?

23 **A.** I was a Mohi, of course I did.

24 **Q.** Yeah, yeah. And later on in life you spent some time in prison and on your release you get
25 sent to Hanmer Springs?

26 **A.** Correct.

27 **Q.** And just looking at that paragraph again, 125 of your statement, which unit did you get put
28 into?

29 **A.** The Taha Māori unit.

30 **Q.** And what roles did you take on there?

31 **A.** Leadership role, sort of like the rangatira leading all of the hakas and stuff like that.

32 **Q.** So David, at around the age of 30 in 1997 you get parts of your records. Why did you ask
33 for your records at that time?

34 **A.** Me and my partner we wanted to start a family, so for me I wanted to make sure that my

1 kids didn't go through what I went through to try and sort of find as much information as
2 I could about myself. I didn't want them not to have like a cousin and an uncle or an aunty,
3 that's what I got brought up with. So yeah, just trying to break the cycle.

4 **Q.** And so you find out that you've got the Samoan heritage and you say that you found this
5 very hard to adjust to, and life was very volatile for the family, it took about 15 years for
6 you to accept the change in your ethnicity. So please, David, can you read paragraph 123.

7 **A.** The loss of my cultural identity is the part of my experience in care that hurts me the most.
8 I spent all my childhood youth and the beginning of my adult life believing that I was
9 Māori. I was denied any knowledge of my Samoan family, culture and identity. I am
10 covered in Māori tattoos because I believed that that was who I was. If I had truly known
11 of my Samoan cultural heritage, I would likely be covered in Samoan tatau.

12 **Q.** Then just looking at paragraphs 127 to 130.

13 **A.** It took me many years and I still struggle with it to accept that I am Samoan, because
14 I wasn't raised as a Samoan, but all my family is. With my Māori family and friends I'm
15 very comfortable. They're mostly gang members and staunch people of Māori descent and
16 they would be the first to say that I'm Māori.

17 I feel like I was Māori before I was Samoan and when I'm around my friends I still
18 feel like I'm Māori. Adjusting to the Samoan culture has been challenging. The way things
19 are done is quite structured and there is a hierarchy of who can say and do different things.
20 I am quite a vocal person so I have had to adjust to that to fit into the Samoan way of doing
21 things.

22 My children very much identify with the Samoan culture. They have been around
23 their Samoan family their whole lives and have had a strong connection to being Samoan.
24 At times I feel guilty about not being able to teach them about my family and Samoan
25 culture, but it has been great to learn things together and to build bonds with our Crichton
26 whānau in the process.

27 **Q.** Take your time David, it's all good.

28 **A.** It has been a joy to see my children's desire to be connected to who they are. Seeing my
29 daughter building connections online with the extended Crichton family and hearing my
30 16 year old son's speech in the Samoan language are great successes for us in our aiga.

31 **Q.** You're doing well David. Keep going a bit?

32 **A.** Yeah, keep going.

33 **Q.** It's the magic. Okay, so on the next page we talk about the loss of your dad and again we
34 can take some time through here, David. So looking at paragraphs 131 to 135, please can

1 you take us through step-by-step what happened during that time with the loss of your dad.
2 You can either read those perhaps or speak to them, it's fine.

3 A. Yeah. My dad died while I was in the care -- my dad died while I was in care, sorry. My
4 mother knew for ages that he had been sick. He died on a Monday. I understand that the
5 previous Friday the staff at my placement became aware that my dad was in hospital, that
6 he was likely to pass away and that he had asked to see me. But the staff kept this
7 information from me until Sunday.

8 On Monday morning the staff contacted the hospital to organise a time for me to
9 visit my father, but they were told that my father had died a few hours earlier. Later that
10 week my --

11 **Q.** It's all right.

12 **CHAIR:** Do you want to take a break?

13 A. What's wrong with me?

14 **Q.** Nothing's wrong with me, everything's wrong with what happened to you, but nothing's
15 wrong with you. Do you want to take a few minutes?

16 A. I'm all good.

17 **Q.** Are you okay?

18 A. Man.

19 **Q.** Just do it your way, just take your time.

20 A. Later that week my mother and a social worker took me to my dad's funeral. I had no idea
21 what was going on. At the funeral my mother was telling my dad's family that James
22 Crichton was my father. She was introducing me to people by saying things like "This is
23 Jim's boy." I vividly remember family members staring in disbelief. Some don't know how
24 to take it, which made me feel very uncomfortable. I was only there for a very short time,
25 less than half an hour. It was so confusing to me.

26 My aunts have since said that they spoke to my mother and a social worker prior
27 to the funeral and that my aunt gave us permission to attend the funeral. One of my
28 cousins from the Crichton family who is a bit older than me also remembers that day. She
29 said that the family wanted to see me and talk to me. My mother kept me close and took
30 me away without saying anything.

31 I never had the opportunity to meet my biological father while he was still alive.
32 This is a confusing experience for me as my mother and the social worker didn't really
33 explain what was happening before we got there.

34 **Q.** Thank you David.

- 1 A. Fuck, sorry.
- 2 Q. No, that's absolutely fine. And at that funeral, how long do you think you were there for?
- 3 A. 20 minutes.
- 4 Q. 20 minutes tops, right.
- 5 A. Probably, yeah.
- 6 Q. And you were just completely confused, you don't link going to that funeral to you being
7 Samoan?
- 8 A. No.
- 9 Q. As it says --
- 10 A. Yeah, no.
- 11 Q. -- in your records?
- 12 A. Correct.
- 13 **CHAIR:** David, do you mind telling me how old were you when your dad died, roughly?
- 14 **QUESTIONING BY MS SHARKEY CONTINUED:** 1983. 15?
- 15 A. 15.
- 16 Q. Because you were in the care of that foster carer?
- 17 A. Correct.
- 18 Q. So that's about right.
- 19 A. Yeah, 15.
- 20 Q. And there are other records that say that a social worker told you you were Samoan at 8
21 years old. What is your response to that?
- 22 A. Come on, 8 years old, who would even understand what he's saying to me. I don't even
23 recall it.
- 24 Q. Because they didn't give you anything to do with that, did they?
- 25 A. It's out of the blue, 8 years old you get told that, it had no concept, no relation to anything I
26 was doing at the time, it was just said to me, so I don't even remember it.
- 27 Q. And just coming back to the funeral briefly, David, so your family were right there?
- 28 A. Correct.
- 29 Q. The State social worker was right there?
- 30 A. Correct.
- 31 Q. You were still in State care, yet no-one reaches out to your paternal family to arrange even
32 contact visits between you and your aiga after that?
- 33 A. Correct.
- 34 Q. And had those contact visits occurred as we've spoken about, it's the what if; if it could

- 1 have led to a permanent placement with your paternal family, right?
- 2 A. Correct.
- 3 **Q.** So in paragraph 137 you manage to locate some of your family, David, and your Aunty
- 4 Rose would cry and tell you that they didn't know where you were?
- 5 A. Yes.
- 6 **Q.** They didn't know how they didn't get you?
- 7 A. Correct.
- 8 **Q.** So it was really difficult for your Aunty Rose?
- 9 A. Yes.
- 10 **Q.** Yeah. And you formed quite a bond with your Samoan aunties?
- 11 A. Yes, yeah, she's beautiful.
- 12 **Q.** And you changed your last name to Crichton?
- 13 A. Correct.
- 14 **Q.** And you do that because?
- 15 A. About to have children, find out who I am, so they need to start fresh, they need to get it
- 16 right from the start.
- 17 **Q.** And you told your Samoan family you were going to do that and they were fully supportive
- 18 of that?
- 19 A. Correct.
- 20 **Q.** And you've taken a trip to Samoa?
- 21 A. Yes.
- 22 **Q.** How was that?
- 23 A. Awesome.
- 24 **Q.** And you've had a Samoan designed tattoos done?
- 25 A. Yes. How was that? Sore.
- 26 **COMMISSIONER ALOFIVAE:** Was that done the traditional way?
- 27 A. No, it wasn't. But the place where I got it done they do it the traditional way.
- 28 **QUESTIONING BY MS SHARKEY:** So those things we've just spoken about briefly there,
- 29 these are just some of the things you've done to learn about your culture and to claim --
- 30 A. Yes.
- 31 **Q.** -- your identity?
- 32 A. Especially the tattoo.
- 33 **Q.** Especially the tattoo?
- 34 A. Very visual. A lot of people look at it and go, oh that's, you know. Yeah, I'm Samoan bro.

- 1 **Q.** And it's that outward facing claim of your identity?
- 2 **A.** Correct.
- 3 **Q.** Okay, David, so we're just going to move into another part of your statement. We're not
4 going to go into all the details of the abuse you experienced in care.
- 5 **A.** Thank you.
- 6 **Q.** It's outlined in your statement, no worries.
- 7 **A.** Yeah, thank you.
- 8 **Q.** No worries. But there are some specific areas that we'll touch on and we'll begin with you
9 being taken by a foster carer who eventually takes you to Papua New Guinea and if we can
10 turn to paragraphs 96. All good, so the State place you with a foster carer, this foster carer,
11 you're 13 years old at the time?
- 12 **A.** Yes.
- 13 **Q.** And this carer was a young 26 year old single Palagi male, is that right?
- 14 **A.** Correct.
- 15 **Q.** And as you come to know later, he had already been caring for other boys and there was a
16 16 year old boy in the home at the time you went there?
- 17 **A.** Yes.
- 18 **Q.** And we're not getting into the details of all the abuse here, David, but this carer supplied
19 with you drugs and alcohol?
- 20 **A.** Correct.
- 21 **Q.** And as you say, marijuana and alcohol were available on a daily basis?
- 22 **A.** Correct.
- 23 **Q.** And LSD was available when the carer would get it?
- 24 **A.** Yes.
- 25 **Q.** Can you just tell us what that placement did to you in terms of your use of drugs and
26 alcohol?
- 27 **A.** That's when I first had drugs and basically they blocked everything out. So from that day
28 on I couldn't get enough of it, spent the rest of my life chasing them, and in copious
29 amounts, unbelievable amounts. But it just numbed the pain.
- 30 **Q.** So it's this placement here that gets you using drugs and addicted?
- 31 **A.** First time ever, yes.
- 32 **Q.** And after about two years, David, this carer goes to PNG and he takes you with him?
- 33 **A.** Correct.
- 34 **Q.** What was the significance of that trip?

- 1 A. The first State ward to ever leave the country under those circumstances. It was put in the
2 Evening Post, so it was quite a big deal.
- 3 Q. Right. And in your records there are news clippings of how big this was?
- 4 A. Correct.
- 5 Q. That a State ward was going to PNG?
- 6 A. Correct.
- 7 Q. With his foster carer. And we'll come back to the comments about those photos a bit later.
- 8 A. Yeah.
- 9 Q. But what you see and experience during your time in PNG makes you feel so unsafe that
10 you run away?
- 11 A. Correct.
- 12 Q. And live with locals for about six months?
- 13 A. That's correct.
- 14 Q. And that was the photo that we saw at the beginning?
- 15 A. Yeah, that was some of the people, yeah.
- 16 Q. Yeah, some of them. What was it like?
- 17 A. Awesome.
- 18 Q. Living with the locals?
- 19 A. Yeah, awesome. That's when I knew I was a bit different, I think, because it just seemed so
20 natural. But yeah, it was scary as well. It was quite a hard case because a few years later,
21 what's his name, Attenborough, talking about some tribe in blah blah blah, he goes it's the
22 first time people have seen this. Man I was there five years ago. But yeah, it was very
23 different, it seemed natural and yeah.
- 24 Q. And it seemed natural with those people in PNG, you felt like there was something there --
- 25 A. Correct.
- 26 Q. -- that resonated with you?
- 27 A. Correct.
- 28 Q. But then you're located by local authorities and the carer brings you back to New Zealand?
- 29 A. Yeah.
- 30 Q. And if we can bring up exhibit 005. You don't have to look at this, David, but you know as
31 part of this Inquiry process that carer has acknowledged the abuse suffered by you and
32 there will be a separate process in relation to that, but I highlight this here because we're
33 discussing this care placement at this time.
- 34 A. Yeah.

- 1 **Q.** This paragraph becomes more relevant when we look at your meeting with the MSD
2 historical claims. But just to summarise, you hold both this carer and the State who placed
3 you with him responsible?
- 4 **A.** Correct.
- 5 **Q.** Responsible for the abuse you experienced there?
- 6 **A.** Yes.
- 7 **Q.** The trauma and impacts on you?
- 8 **A.** Definitely.
- 9 **Q.** And your entire family?
- 10 **A.** Correct.
- 11 **Q.** Okay, we'll come to that a bit later. But if we can just bring up the next exhibit. And here
12 we're moving to the different kinds of reports that were done, that were done on you David.
- 13 **A.** Yeah.
- 14 **Q.** So this is exhibit 006. This is a psychologist's report, you're 13 years 11 months old and
15 you're at Epuni?
- 16 **A.** Yeah. Do you want me to read it?
- 17 **Q.** Yes, go for it.
- 18 **A.** "Although his vocabulary score was middle average for his age it was low in comparison
19 with his other sub-test scores. The obvious inference here is of a limited educational or
20 familial background. It cannot be said that David was deprived of educational
21 opportunities and the only inference is that his lack of any real ongoing, stable home life
22 has made it difficult for him to assimilate knowledge at school."
- 23 **Q.** Right, so we've had a look at this before, David, when considering all the many placements
24 you had, all the different schools you went to throughout your childhood, do you think that
25 you were deprived of educational opportunities?
- 26 **A.** Totally. Yeah, it's obvious. Not settling in at all the multi-homes and that, you can't
27 concentrate on schooling, I couldn't even be in a classroom, crazy.
- 28 **Q.** Right, so it's those kind of comments, there are so many reports that you disagree with?
- 29 **A.** Yes, totally.
- 30 **Q.** And you think someone in education should have picked up --
- 31 **A.** Totally.
- 32 **Q.** -- that you were constantly being shifted from school to school to school?
- 33 **A.** Yes.
- 34 **Q.** And asked some questions about that?

1 A. Yes.

2 **Q.** In Berhampore and Epuni, can we just look at paragraph 52 of your statement. Can you
3 please read that. We're looking at the medication that was prescribed to you, David.

4 A. While I was in care at Berhampore I was put on antipsychopathic -- antipsychotic
5 medication Mer -- that one. Yeah, that one.

6 **Q.** Yeah, that one.

7 A. Mela something. I was only 8 years old at the time. I remember this because the
8 medication made me feel sick, gave me sore guts, severe headaches, made me tired and
9 sluggish and sometimes knocked me out. I could feel that the medication wasn't good for
10 me, so I decided to test it by gumming a few of them. Once I saved a few pills and crushed
11 them up and gave them fed them to the cat -- poor cat -- which died. This confirmed in my
12 mind that the medication was bad and that I wasn't going to take anymore.

13 **Q.** Then you come to Epuni?

14 A. Yes.

15 **Q.** And you were prescribed that medication?

16 A. Yeah.

17 **Q.** Yeah, so just looking at paragraph 53.

18 A. Yeah.

19 **Q.** This is your view in relation to being prescribed these types of medication, if you can read
20 that out please.

21 A. Looking back on this now, I don't think it was right that I was prescribed this medication
22 without being thoroughly checked, spoken to and without anyone external being consulted.

23 **Q.** Yeah.

24 A. Yeah.

25 **Q.** You don't remember anyone really talking to you, David, because you had a great distrust?

26 A. Yes.

27 **Q.** And then we're just looking at the different medical diagnoses that they -- the labels they
28 put on you. If we can look at paragraph 89, starting at paragraph 89. At age of 13 you
29 were diagnosed as having hyperkinetic syndrome and a personality disorder. If I can get
30 you starting from paragraph 90 to 93.

31 A. These medical people didn't even know me. They labelled me and made assumptions about
32 me.

33 I saw many psychologists during my time in care. The process was always the
34 same. I was approached -- I always approached them with a level of distrust because of

1 what they would ask me about and because I understood that this information could be used
2 against me.

3 Looking back now, it is concerning that the only medical and personal history
4 provided to the psychologist would have come from my care file. The files contain biased
5 and inaccurate opinions about me which had to heavily influence the psychologist's
6 decision to put me on such strong medication at such a young age. They just had to label
7 me, there had to be a name as the reason I was behaving a certain way and a medication
8 that could fix me.

9 Around the same time of these diagnoses while I was at Epuni a decision was
10 going to be made about whether I went to Hokio Beach School or into another foster
11 placement. Reports and comments like this were used as part of the decision-making.

12 **Q.** And as we've discussed before, they would rely on these reports and it was important for
13 you that they get them right?

14 **A.** Yes.

15 **Q.** Because they were used to decide where you were going to go to next?

16 **A.** Correct.

17 **Q.** But in your view, David, these people didn't even know you?

18 **A.** They were all shit. Make themselves look good mate, putting labels on things. Labels are
19 them just too lazy to do the work mate, just give it a label and tuck it away.

20 **Q.** And you didn't engage with these psychologists?

21 **A.** No, same game, same -- "Look at this picture, what do you see?" I see the idiot holding it,
22 that's what I see. Sorry.

23 **Q.** No, that's fine, that's fine.

24 **COMMISSIONER ALOFIVAE:** Tell it like it is David.

25 **QUESTIONING BY MS SHARKEY:** Tell it like it is.

26 **A.** Sorry.

27 **Q.** Tell it like it is, because that's important. Because you were talking to them, or you weren't
28 talking to them, but they were using whatever they observed to write all this stuff about
29 you?

30 **A.** They're making it up half the time.

31 **Q.** Okay, then we're just moving to the next part. Are you all right David?

32 **A.** Yeah no, all good.

33 **Q.** Do you want a bit of a break?

34 **A.** Nah, nah, sweet.

- 1 **Q.** You're doing well. Okay, all right so the next exhibit we're bringing up now, we're looking
2 at you moving to making a claim or wanting to go to the State and talk to them about what's
3 been done to you?
- 4 **A.** Yes.
- 5 **Q.** Okay, and on 17 April 2001 you wrote to Child Youth and Family seeking guidance?
- 6 **A.** Correct.
- 7 **Q.** And direction on how to bring a claim for the abuse you suffered in care. So this is the
8 letter from you guys to Child Youth and Family.
- 9 **A.** "I am David James Crichton born the 1st..."
- 10 **Q.** It's all right, David, take your time.
- 11 **A.** "...born on the 1st of the 3rd '67 and was a State ward. I am drafting this letter to yourself
12 first to get direction in what I will need to do. I feel I have grounds and deserve to make a
13 monetary claim against the Department of mental and physical abuse I suffered while being
14 a State ward. Also I have been deprived of knowing my true identity in my upbringing
15 which will be detailed, which has been the root problem to a lot of my issues in my life."
- 16 **Q.** Right.
- 17 **A.** Far out. Got there.
- 18 **Q.** You sure did. And what follows that paragraph is a very detailed, thorough complaint.
- 19 **A.** Excuse me.
- 20 **Q.** No worries.
- 21 **A.** It's all good mate. "This letter brings back a lot of memories -- sure does -- I have
22 suppressed for a long time -- a hell of a long time -- I believe I have grounds to make a
23 monetary claim with the Department of Social Welfare and I would like to do this, after all
24 someone has to be answerable for what has happened to me in the time I was a State ward.
25 I do not believe any person with any sense would disagree. Please tell me what my next
26 step is. My contact number is da, da-da, da-da."
- 27 **Q.** Yes, and so you send in a very long and detailed complaint?
- 28 **A.** Yeah.
- 29 **Q.** Okay, and then we're just going to bring up the response you received.
- 30 **A.** It will be short.
- 31 **Q.** It is short.
- 32 **A.** "The Department is not in a position to respond to your concerns -- they're so busy doing
33 nothing -- until we receive a formal statement of claim from you. The statement of claim
34 can be in draft and should be sent out -- set out, sorry, the allegations in detail together with

- 1 any causes of action in tort that you -- tort, yeah -- that you believe you may have against
2 the Department."
- 3 **Q.** Right, so my question just looking at that, David, would you have known how to draft a
4 formal statement of claim?
- 5 **A.** No.
- 6 **Q.** Would you know how to set out allegations in detail together with any causes of action in
7 tort?
- 8 **A.** No.
- 9 **Q.** I don't believe many people would.
- 10 **A.** That's why they ask for it.
- 11 **Q.** And lastly, the letter tells you to consider seeking legal assistance, which you do but the fee
12 was so large it put you off?
- 13 **A.** Correct.
- 14 **Q.** So when you receive something like that back from the State, how does that make you feel?
- 15 **A.** Straight back here with dark times, just straight back where you are. They don't care.
16 Same old same old.
- 17 **Q.** So you felt lost?
- 18 **A.** Totally.
- 19 **Q.** Helpless?
- 20 **A.** Unaided, unheard. Didn't really give a stuff, correct.
- 21 **Q.** And you didn't know where to go or what to do?
- 22 **A.** Not really.
- 23 **Q.** Then we come to the claim, the MSD claim that you make and we're looking at paragraphs
24 150 to 161 and we'll go through it step-by-step, David.
- 25 **A.** Yeah. There's a lot of steps.
- 26 **Q.** There's a lot of steps.
- 27 **A.** Certainly is.
- 28 **Q.** So you lodge your claim in 2015 and you received a response following an assessment
29 which we'll come to very soon, and for reasons which we'll also come to soon, you weren't
30 happy with it and sought a review, which is still processing. So all up, David, as Brooke
31 had said in her comments earlier on, six years on and no final outcome?
- 32 **A.** Yeah, we're up to six years now, yeah.
- 33 **Q.** Six years and no final outcome?
- 34 **A.** Still waiting.

- 1 **Q.** Okay. So in your view, David, when you look at this claims process that you've been going
2 through, you feel like the -- it's been on you to follow-up with MSD each step of the way?
- 3 **A.** I don't feel it's been on me, Sharkey, it's been on me. No-one gets back to you. They even
4 tell you what day or time they'll ring you; they don't ring you. My wife's always ringing
5 them up. The date would come, and I'd say to her "Have they come back, have they come
6 back?" She said "No", I'd ask her to ring them straight away, but she'd go "Leave it for
7 another week." So we'd leave it for another week and then she'd touch base. And then
8 when they're ready to come back you get some bullshit answer, they're busy or someone
9 else is looking at it or they've given it to department X.
- 10 **Q.** So you feel, not feel, you have had to consistently chase them up?
- 11 **A.** Yes, we've done the spade work all the time.
- 12 **Q.** Right, and we're just going to go through slowly some of the impacts of those delays on
13 you and your family, David. These are some of the comments that you've said to me. They
14 say they'll get back to you on this day and they don't?
- 15 **A.** Mmm.
- 16 **Q.** "I'm an old school person, if you say you're going to do something, do it."
- 17 **A.** Correct.
- 18 **Q.** You'd say to your partner when the due date for response was approaching, "Don't forget,
19 don't forget"?
- 20 **A.** Always.
- 21 **Q.** "We haven't heard from them, what's happening?" "This is my life you're dealing with,
22 don't leave me hanging"?
- 23 **A.** Mmm.
- 24 **Q.** And just looking at paragraph 160, David, if you could please read that out.
- 25 **A.** As a survivor of abuse the current MSD claims process increases my anxiety because
26 you're constantly having to relive it. It's the worst thing that you can do to someone. I will
27 often have emotional outbursts or cry like a sook, like I am, or will be short tempered with
28 my family during the time I am expecting an update from MSD.
- 29 **Q.** Okay David. We'll come to where things are at with that process soon. But first we'll go to
30 the meeting you had with MSD historical claims unit, because that had a big impact on you,
31 right?
- 32 **A.** Correct.
- 33 **Q.** And again we'll go through it step-by-step. And you can expand and give us your thoughts
34 where you'd like to, David, because I understand there are some thoughts you'd like to give

1 us?

2 A. Thank you.

3 Q. So this meeting happens because you filed a claim, they assessed it and asked to meet with
4 you?

5 A. Correct.

6 Q. So starting with paragraph 162.

7 A. Yes.

8 Q. The unit wanted you to come to their offices but you suggested a more appropriate meeting
9 place, yeah?

10 A. Correct.

11 Q. Carry on reading.

12 A. Which one, start 162?

13 Q. 162.

14 A. In around June 2020 I was asked to meet with staff from the historic claims unit to hear the
15 outcome of my claim which I lodged in 2015. Initially they told me to come to their offices
16 for a meeting, but I wanted the meeting to be held on my terms so I told them that the
17 meeting would be held at our local marae.

18 Two members of the historic claims unit came to the meeting, both I think had
19 social work backgrounds. A taxi waited for them outside the whole time during the
20 meeting. That spoke volumes to me, they were ready to leave when they could.

21 Q. Right, so just on that, David, you seeing the taxi there sends you a signal that maybe they're
22 not thinking this is going to take long?

23 A. Correct.

24 Q. And they didn't arrange for any cultural protocols to be done?

25 A. No, they didn't ask and didn't arrange nothing.

26 Q. And from your view, because they're the State, they're the Crown, they should be
27 organising this and making sure everything is set up properly?

28 A. Correct.

29 Q. And as we've spoken about, it was two Palagi ladies that met with you?

30 A. Correct.

31 Q. And it was awkward as, that's what you've said?

32 A. Yes, very.

33 Q. And from your perspective and your experience, they would not be able to truly appreciate
34 let alone empathise with what it feels like to have your Samoan cultural identity ignored?

- 1 A. Well, they should have, they were trained social workers, weren't they?
- 2 Q. Yeah.
- 3 A. I'm being sarcastic sorry.
- 4 Q. Yeah.
- 5 A. Yeah, correct.
- 6 Q. But when you saw them you didn't feel like they would?
- 7 A. I knew straight away.
- 8 Q. And as you've described to me before, what was their attitude like? There was no empathy
9 or compassion?
- 10 A. No, no. They were there to tick boxes, that's what the system is, it's just box ticking sort of
11 episode.
- 12 Q. And you felt that they were cocky and arrogant?
- 13 A. Very much so.
- 14 Q. And you felt like just a number?
- 15 A. Back to square one.
- 16 Q. Okay, and so your partner led the way?
- 17 A. Yes.
- 18 Q. Because no-one else would, and opened with a karakia?
- 19 A. Yes.
- 20 Q. And then Brooke's essay was read out?
- 21 A. Correct.
- 22 Q. Much like it was today?
- 23 A. Correct.
- 24 Q. Just looking at paragraph 165, what was their response to Brooke's essay?
- 25 A. In the essay Brooke referred to the hurt caused by State employees falsifying documents in
26 my file. After the entire essay had been read out the very first response from one of the
27 ladies was "What documents were falsified?" Of all the things to hear in that essay, that is
28 the one thing they picked up on.
- 29 Q. Right. And when we're looking at that there's a number of things you were talking about
30 there, or could be talking about?
- 31 A. Mmm.
- 32 Q. But what were you referring to? It was dad or Crichton being used --
- 33 A. Wrong name, yeah, correct, Mohi and the Crichton, that's what we're referring to.
- 34 Q. And another example would be Epuni staff saying in your files that you were in seclusion

- 1 for two days but you were there for six weeks?
- 2 A. Correct.
- 3 Q. And so those are examples of things that you felt were false in your file?
- 4 A. Yes.
- 5 Q. And looking at paragraph 167, sorry, just to confirm David, that after they say that or make
6 those comments about Brooke's essay --
- 7 A. Yeah.
- 8 Q. -- you already knew then?
- 9 A. It's gone mate, not even interested. I knew then the whole thing was a sham.
- 10 Q. And you started to feel like you were being triggered?
- 11 A. Of course. My wife could see it too. She knows the signs, mmm.
- 12 Q. Okay. So just looking at paragraph 167?
- 13 A. Following this they explained that they believed that they were only responsible for the
14 abuse that took place from the date I was formally placed under the guardianship of the
15 DSW around 14 years of age. They had come to the meeting with a pre-written apology
16 that reflected this time period only. This made me angry.
- 17 Q. Right. And just going through this part here, so as we looked at earlier, and as we see from
18 your records, a Government social worker was involved with your mum even before you
19 were born?
- 20 A. Yes, correct.
- 21 Q. And whether that social worker was involved in assessing benefit payments or whatever?
- 22 A. Don't know.
- 23 Q. There was a social worker involved?
- 24 A. Always.
- 25 Q. Who was aware of your paternal family?
- 26 A. Correct.
- 27 Q. And how unwell your mum was?
- 28 A. Yes.
- 29 Q. And from when you were a baby, as we see in your records as well, a Child Welfare officer
30 became involved in your life, right?
- 31 A. Yes.
- 32 Q. And that Child Welfare officer, as it says in your records, visited your placements?
- 33 A. Yes.
- 34 Q. So in your view, for all intents and purposes, the State was involved in your life from the

1 beginning?

2 A. I believe so, yes.

3 Q. And it makes little difference to you the date you were made a State ward, as we've
4 discussed before, you feel it's an excuse --

5 A. Yes.

6 Q. -- used by the State to limit the period of their liability?

7 A. Correct.

8 Q. Because you don't see the distinction between you being made a State ward in 1981?

9 A. Yes.

10 Q. And those --

11 A. From the start, correct.

12 Q. Right.

13 A. There is no distinction.

14 Q. So just looking at paragraphs 168 to 171.

15 A. They went on to explain that I wasn't placed in the care of my Crichton family because
16 "they didn't want you".

17 They also claimed that my father didn't contribute to my upbringing because he
18 was paying maintenance for his other children. Both of these statements are entirely
19 untrue. My records show that is what my mother told them and they relied on it knowing
20 that she was not mentally well.

21 Firstly there are no references to my file to Social Welfare approaching the
22 Crichton family about the possibility of caring for me. Secondly, I was the only child that
23 my father had, so their belief that he couldn't provide for me because he was contributing to
24 payments to other children is incorrect.

25 Neither PSC nor the State made any direct contact with the Crichtons about caring
26 for me. Any views they had formed were made in reliance on information my mother gave
27 them.

28 Q. So during this meeting with them, they're telling you stuff about your dad that isn't true?

29 A. Correct.

30 Q. They talk about other children you had never heard of that?

31 A. Correct. I challenged that and asked them where they got that information and they said
32 from my file, and I was holding my file. I said "Supposed to have the same file, how come
33 I haven't got that in my file?" They didn't have an answer for that. We wanted to know
34 more and they said under the Privacy Act they couldn't say any more about it, they could

1 only drop the bombshell and then sit back, so yeah.

2 **Q.** And what was the tone of the meeting like at that time?

3 **A.** It was going downhill real fast, yeah, it was bad.

4 **Q.** Yeah. That's the sounds of Mangere. We'll just wait for the siren jams.

5 **MS SHARKEY:** Madam Chair, I'm about to get on to a big chunk here which is the apology
6 letter.

7 **CHAIR:** Okay, I think time for a cup of tea for everybody, including you.

8 **A.** Thank you.

9 **Q.** You can have two if you want.

10 **A.** Thank you.

11 **Q.** We'll come back in about 15 minutes.

12 **A.** Thank you.

13 **Adjournment from 11.07 am to 11.27 am**

14 **QUESTIONING BY MS SHARKEY CONTINUED:** All right David, back into it eh.

15 **A.** Yeah.

16 **Q.** Serious mode.

17 **A.** Yes.

18 **Q.** So we're now going to come to the part of that meeting where we're looking at that letter of
19 apology that was spoken about in the meeting and they pull out an envelope, yeah?

20 **A.** Yeah.

21 **Q.** They also brought a timeline to the meeting, if you remember that, a timeline of your time
22 in care, didn't they?

23 **A.** Yes.

24 **Q.** And would I be correct in saying that the timeline looked nothing close to an accurate
25 timeline?

26 **A.** Yeah, they even said it, that "We're only willing to acknowledge this part of your file,
27 which is the Epuni boys' home, as part of your abuse."

28 **Q.** Right. And during the meeting, you're offered a \$15,000 payment?

29 **A.** Yes.

30 **Q.** And a written apology?

31 **A.** Yes.

32 **Q.** And just as you said before, but only from the date you became a State ward. So if we can
33 please bring up exhibit 008. And the apology was conditional, right?

34 **A.** Yes, correct.

1 **Q.** So what was your response to that?

2 **A.** I asked for the apology letter regardless. I said if there's a section that you do admit fault
3 then surely the letter should be forthcoming regardless of what period it is. They said "No,
4 it doesn't work like that, you have to sign this off to make, you know, and accept the money
5 thing and sign off saying that you don't go to the anyone else to chase this or take it further"
6 blah blah blah sort of thing, I said well that's wrong. I thought the letter, you know, no
7 matter how big or small they admitted surely the letter would come regardless. But it was
8 only on condition of signing.

9 **CHAIR:** This was in 2020, this was just last year.

10 **A.** Yes. This is the level of manaakitanga, you know, what they say in the -- if you go online
11 about the sensitive claims "We'll treat you with love, care, respect, understanding." What a
12 load of bullshit. They couldn't be more opposite, I'm telling you, couldn't be more
13 opposite. Sorry.

14 **QUESTIONING BY MS SHARKEY CONTINUED:** No, that's fine David, this is your time to
15 talk about this. Then they offer you \$400 towards a consultation with a lawyer. What did
16 you think about that?

17 **A.** Yeah, just insulting, the whole thing was just very insulting, it really was.

18 **Q.** And then they go through some of the allegations and I'm just looking at paragraph 176.

19 **A.** Could I just touch on the --

20 **Q.** Definitely.

21 **A.** Just with those people doing that, these are qualified social workers, I just think in -- these
22 people taking care of these kids and that, the responsibility and make the calls on these
23 kids, you know, when they get employed, I'm sure the lady probably had 30 years
24 experience with kids and she'd done this and that and she's in maybe a multicultural
25 relationship, she's ticking all the boxes. Do we actually check these people? Do we sit
26 with their first one, two, three meetings with kids and actually see that they can connect
27 with kids, connect with people, do we do that? I mean in a business the way she failed, any
28 other business would fail within six months and go broke, so how do we get away with
29 doing the same thing over and over again? So I just ask the question, how much do we
30 check these people? And with the kids, it's connecting. It's not because you're brown or
31 your Māori, it's not because you had 30 years experience. My wife has got no
32 qualifications, but she can connect with any kid I give her. You know? But they don't
33 recognise that because she's Pākehā, blonde. "But you're not Māori or Pacific, how could
34 you?" It's not right. Kids are kids mate, kids don't understand colour, you know, we're too

1 complicated, we're putting too much on it, that's what I believe anyway. Thank you.
2 Thank you.

3 **CHAIR:** If I can just say, the reason I asked when was this, 2020, so these are social workers
4 currently in practice.

5 A. Mmm.

6 **Q.** With children currently in care.

7 A. Mmm.

8 **Q.** Does that concern you?

9 A. Yes. I mean it's not a job where you stack boxes and you might miss one, never mind;
10 we're dealing with people's lives here. You don't get a second chance, you don't get a little
11 bit later on we'll patch it, you don't patch up people's feelings and that affects the next
12 generation. So we're not playing around here. There's only so much, you know, these
13 people "Oh it's too hard, I can't connect with gangs", well then you're in the wrong fuck'n
14 job mate, get out, there's so many in there that shouldn't thereby, I believe, because it's all
15 about them. "Oh but, you know, I did it this way." That's not the one, you do it -- there's a
16 process, you do it this way, you don't put your own swerve on it. That's the problem. And
17 they've got to be accountable. "You're not allowed to do that because that's PC, we don't
18 say that that's bad, we might hurt their feelings." What the hell, these are tough
19 conversations that have to be said, that's why there's no change. Surround yourself with
20 like-minded people, everyone thinks the same, then there's no change, is there, because
21 we're all just doing the same thing.

22 **Q.** Perpetrating the same behaviours --

23 A. Correct, correct.

24 **Q.** -- that you experienced as kid.

25 A. Mmm, we've got to have something that we don't want to hear, somebody that you would
26 never have on your committee. That's what you need, something totally different, not
27 everyone who's similar to qualifications as such. That's what I believe.

28 **Q.** Thanks for that David.

29 A. Thank you.

30 **MS SHARKEY:** Thank you David.

31 A. Thank you. Got that off the chest.

32 **CHAIR:** I bet there's plenty more.

33 **QUESTIONING BY MS SHARKEY CONTINUED:** Yeah, I think there's bit more to get off
34 the chest.

- 1 A. Yeah.
- 2 Q. All right, so just going back to that letter.
- 3 A. Yes.
- 4 Q. At appendix A of that letter, they outlined the allegations you had made and then the ones
5 that they excluded were at appendix B, so we're just going to go through some of those and
6 we're going to put it up on the screen.
- 7 A. Yeah.
- 8 Q. So in excluding one of your claims that you grew up thinking you were Māori --
- 9 A. Yes.
- 10 Q. -- "This allegation has not been taken in account for the purposes of settlement as
11 information from the files states that David more readily identified as Māori at the time of
12 being in care."
- 13 A. Mmm.
- 14 Q. And so in our discussions you've said well it was the State who encouraged you.
- 15 A. Yes, you only know what you're told, don't you, you're a kid. How do you know any
16 different?
- 17 Q. And as we've spoken about before, you find this part of that letter quite offensive.
- 18 A. Very much so, because that's the crux of the claim.
- 19 Q. Right, okay. And the next one can you read out the lack of whānau contact. Again this is
20 them excluding parts of your claim.
- 21 A. "This allegation has not been taken into -- Lack of whānau contact. This allegation has not
22 been taken into account for the purpose of settlement as there was no indication that Social
23 Welfare were involved with Dave's care until the age of 13 -- that's incorrect -- Placements
24 with relatives were considered but none were available. Some contact with whānau was
25 made initially but Dave was not interested in pursuing this."
- 26 Q. Do you have anything you want to say about that?
- 27 A. Well, I'm a kid, I don't know, eh, shit from clay mate, you know, I mean come on, what are
28 you supposed to do? Don't even know this people, if it was made, I don't remember.
- 29 Q. Right, and part of your concern about this is because they're saying "Dave was not
30 interested in pursuing this", they've put it on you?
- 31 A. Yeah, once again, I'm the problem, I'm a kid, I don't even know, you know, what are you
32 supposed to do around family, who are they, strangers.
- 33 Q. So you feel like they've put it on you?
- 34 A. Correct.

- 1 **Q.** When you had no choice in deciding what kind of whānau contact you could have?
- 2 **A.** Yeah, definitely.
- 3 **Q.** Right, okay. Then the next one please.
- 4 **A.** "Placed in secure four weeks then six weeks on 23 hour lockdown as punishment for
5 running away. This allegation was not taken into account for the purpose of settlement as
6 there is information on file to show that David attended a camp and was attending school
7 outside of Epuni during this time."
- 8 **Q.** Right, but can I clarify that you spent lockdown, your time in lockdown at Epuni?
- 9 **A.** Correct.
- 10 **Q.** So that trip to the camp was part of your time there?
- 11 **A.** Correct.
- 12 **Q.** And then you took off, got caught?
- 13 **A.** And another set of lockdowns.
- 14 **Q.** And another set of lockdowns?
- 15 **A.** Correct.
- 16 **Q.** So their comments that you had gone to a camp is incorrect, you spent that lockdown
17 period --
- 18 **A.** Yes.
- 19 **Q.** -- at Epuni?
- 20 **A.** Yes.
- 21 **Q.** And you're in State care at that time?
- 22 **A.** Yeah, 23 hours a day at 13, 14 years old; for six weeks.
- 23 **Q.** Do you want to talk about --
- 24 **A.** Not really.
- 25 **Q.** No, that's fine, okay. And then for the next one, because this is something that you
26 remember quite vividly about your entrance into Epuni.
- 27 **A.** "Upon admission made to shower and had delousing powder thrown all over him. This
28 allegation has not been taken into account for the purpose of settlement as this was standard
29 practice for this era, there(sic) it is not a breach of practice." It's standard practice you get
30 there, you go into the cell, there's two guys there, they strip your clothes, you're 13 years
31 old, strip you naked, whack you through a shower, throw all this liceing stuff in your
32 mouth, stings your eyes and they put you into a cell with clothes that don't fit you, that
33 would fit someone ten times your size, and that's it, you're in a concrete cell with a concrete
34 bed, nothing. There's a heated floor, I remember a heated floor, there's always this buzzing

- 1 noise. Must have been the generator or something going all the time.
- 2 **Q.** And for you, David, it doesn't matter it might have been standard practice, it was wrong?
- 3 **A.** Yeah, doesn't make it right, does it.
- 4 **Q.** Okay. And then the next one at the bottom, "This allegation has not been taken in account
5 for the purpose of settlement as there is not sufficient information to include this." So
6 looking at paragraph 176. And you don't have to read it word for word, David, if you can
7 speak to parts of that paragraph.
- 8 **A.** Can you read it?
- 9 **Q.** I can read it.
- 10 **A.** Please.
- 11 **Q.** So, "During the meeting they raised my care with that person. They disputed my claims
12 that he was a child molester and that he had been convicted of child sex offending. Then
13 they quoted from the files and said there was nothing in the file that indicated I was
14 unhappy. I responded by pointing out that I had attempted to end my life twice. They
15 wouldn't have everything in the file, my files are incomplete, no-one cared what was
16 happening to me. It really angered me as they should have investigated my claims about
17 him prior to coming to the meeting rather than challenging me without any basis to
18 disprove my claim."
- 19 Right, David, so my questions are, they told you that there are photos of you on
20 the file looking happy with that carer, but that's not how it was for you, was it?
- 21 **A.** Correct.
- 22 **CHAIR:** Also I think it's important that the next paragraph says that they would investigate the
23 claim relating to the carer and his convictions and they'd have another meeting but that
24 never happened. Have you had it since you've done this?
- 25 **A.** No.
- 26 **Q.** So they haven't back to you about the child molester?
- 27 **A.** Yes, they have, sorry, they have, yeah. But they -- process they took they said they faxed
28 the police station, they didn't fax back so they assumed there was nothing. Is that how they
29 investigate? It's pretty lacklustre, wasn't it. And it was my wife that contact people and
30 actually went through the process of giving any information of how to find out. Actually
31 touched base with a friend of mine which took him right back to his abuse, who had stayed
32 with him also, and he took like three days to come back to me on e-mail, but he was a
33 broken man again, he didn't realise how much it affected him.
- 34 **Q.** Sorry to have raised that with you but --

- 1 A. It's all right.
- 2 Q. -- I think it's important.
- 3 **QUESTIONING BY MS SHARKEY CONTINUED:** David, as we touched on earlier, this carer
- 4 has come forward to say he did abuse you, so your message to the State today to is that they
- 5 are responsible for that?
- 6 A. Don't refer to him as a fuck'n carer, because he ain't.
- 7 Q. Shall we call him just "him"?
- 8 A. Yeah. Carry on.
- 9 Q. Okay.
- 10 A. Sorry, what was that question, was there a question in there?
- 11 Q. There was a question in there.
- 12 A. Sorry.
- 13 Q. That's okay, that's okay. It's just that as we'd spoken about, your message to the State is
- 14 that they are responsible?
- 15 A. Correct.
- 16 Q. And that 15,000 nowhere near cuts --
- 17 A. The mustard, it was an insult.
- 18 Q. And especially now given what's come forward?
- 19 A. Correct.
- 20 Q. Given the seriousness of the abuse you suffered there, the length of time you spent in that
- 21 placement, the substances you became addicted to?
- 22 A. Correct.
- 23 Q. Amongst other things as well?
- 24 A. Correct.
- 25 Q. And given you haven't received the final outcome, you're still waiting to hear about things
- 26 which we'll come to soon.
- 27 A. Yeah.
- 28 Q. You expect this to be taken into consideration now and your claim reviewed with this new
- 29 information?
- 30 A. Definitely.
- 31 Q. You said during the meeting you felt, or they made you feel like you were on trial?
- 32 A. They were disputing what I was saying. They're supposed to be there for me. So, yeah,
- 33 yeah.
- 34 Q. And at times there they chose to -- you said chose to argue with you or became hostile?

- 1 A. Yeah, definitely, debate the fact of the facts.
- 2 Q. And that's a concern for you for anybody else --
- 3 A. Definitely.
- 4 Q. -- that's having these meetings with them?
- 5 A. Yeah, definitely.
- 6 Q. And then you asked them for some documents to show you how they reached their
7 decisions, right?
- 8 A. Correct.
- 9 Q. And I understand that they bit back?
- 10 A. Totally.
- 11 Q. What happened?
- 12 A. They didn't want to know about it basically, we're just trying to work out how they looked
13 at all that file and came up with their amount and the way they were presenting it, and we
14 thought "Question me?" Was sort of like the attitude, you know, "I don't have to answer to
15 you mate." So yeah, on trial once again.
- 16 Q. Right. And by that time it was done?
- 17 A. Mate, long before.
- 18 Q. And so the meeting ended quickly and you made some comments to your partner when you
19 walked out of there about what a meeting like that could do to someone. Do you remember
20 what you said?
- 21 A. Yeah, I mean I've got a very strong wife, and strong support, but I know a lot of us
22 survivors don't have that. So you know, most of them, someone told me my father had
23 other kids I'd probably go and kill my fuck'n self if not O/D, you know, but I've got a strong
24 network behind me so I'm very, very lucky. I know my other survivor brothers and sisters,
25 they don't have that. Has anyone chased up on any of those people that she's dealt with?
26 Because I'd be wondering where they're at now, the way she dealt with me. Yeah.
- 27 Q. And so your comment to your partner when you guys were walking out was something
28 along the lines of "That could kill somebody"?
- 29 A. Yes, definitely.
- 30 Q. And David, after that meeting, what were the hours, the days, the weeks like after this
31 meeting?
- 32 A. Dark times, ask my family. Very dark times. She rung me back -- Is that where we're
33 going to with this?
- 34 Q. We're going there right now.

- 1 A. All right, carry on.
- 2 Q. Because after that you do request information formally on how they formed their decision
3 and then you get a phone call?
- 4 A. No, they had to authenticise that, so they went away and she rung me up asking if she could
5 have the permission to do it. I mean what the fuck is that? That's what they were going
6 away to go, so she rings me up, while she's on the phone she goes "Why are you asking for
7 the review?" Just the way she was talking to me, mate, it unleashed something in me,
8 I never cried so much in my life. I'm crying a lot now, sorry guys, but mate, I had a full on
9 break-down eh, it was unbelievable.
- 10 Q. What time did she call you? Was this --
- 11 A. 6 o'clock at night, 6, 7 o'clock at night.
- 12 Q. So you had just --
- 13 A. My daughter could hear me in the room talking to her, she come running down because my
14 voice changed. But fuck it was bad days, bad after that for a couple of good, you know,
15 months, it was terrible.
- 16 Q. Yeah. And it also affected your work?
- 17 A. I couldn't even drive to work, I was pulling over crying my eyes out, you know, in front of
18 my boss, had to smash things in the workshop to stop crying. I never cried before until
19 then, it just opened Pandora's box really.
- 20 Q. And it was because of the things she was saying to you?
- 21 A. The way she, yeah, what she said and what she asked, the whole thing, it just got too much.
22 That broke the straw, you know, sort of thing.
- 23 Q. And some of the things she was raising during that phone call was "Why are you doing the
24 review?"
- 25 A. Yeah.
- 26 Q. And did she bring up again that you looked happy --
- 27 A. Yes, yeah.
- 28 Q. -- in care?
- 29 A. Yeah, "The files say you were happy." I don't give a fuck what the files say, mate, no idea,
30 eh.
- 31 Q. And then you lodge an official complaint due to the meeting and that phone call and can we
32 look at 010. So this is the official letter of complaint dated August 13, 2020. So this is just
33 summarising the things that she was saying to you.
- 34 A. Okay.

- 1 **Q.** And now we're just going to bring up exhibit 009. That's just a summary there, David, of
2 what she was saying to you on that phone call?
- 3 **A.** Yeah.
- 4 **Q.** Now we're going to bring up the next one. This is you contacting them again and asking
5 where things are at?
- 6 **A.** Correct.
- 7 **Q.** Could you read that out?
- 8 **A.** "Just to provide some context of where things are at with Dave's claim. There have been
9 legal issues that have been identified which has impacted a number of claims, which
10 unfortunately includes Dave's claim. These legal issues are very high level -- what does
11 that mean? -- and it is important that they are sorted before we can sit down with him -- like
12 they did -- finalise those claims that have been impacted. MSD as well as other external
13 agencies are working hard to get this matter resolved."
- 14 **Q.** Right, so being told "high level legal issues", that doesn't mean anything to you?
- 15 **A.** Just excuses mate.
- 16 **Q.** And bearing in mind your meeting with MSD was in mid-2020, this e-mail is from 19 June
17 2021?
- 18 **A.** Yes.
- 19 **Q.** So over a year later and there's no end in sight?
- 20 **A.** Correct.
- 21 **Q.** Is that how you feel?
- 22 **A.** Sorry?
- 23 **Q.** That there's no end in sight?
- 24 **A.** Just bullshit eh. Why did they even start the process in the first place? Just let us suffer in
25 silence.
- 26 **Q.** And again, it's you guys chasing them up.
- 27 **A.** Always, always.
- 28 **Q.** So you were expecting to hear from them in April but you didn't, so you followed them up
29 again?
- 30 **A.** They said they would call me on a date and a time and a day, and they didn't. Correct.
- 31 **Q.** So in the beginning, David, you say that an apology, an apology, if done right way back
32 then, would have been something?
- 33 **A.** Yes.
- 34 **Q.** Would have been enough, but given how you've been treated, the delays and so forth,

- 1 compensation has become important?
- 2 A. Priority.
- 3 Q. So in terms of that experience, the meeting, the delays, are there any other comments you'd
4 like to make?
- 5 A. No, it's just you relive it all again and then they just pooh-pooh you, it's not right, you
6 know, they don't believe you or -- how is that possible? Just no words eh.
- 7 Q. And you feel like your life is hanging in limbo?
- 8 A. Yes. It's all right for them, they go back to their little office and do what they do, I'm
9 waiting with bated breath. This is about my whole life and they can't be bothered ringing
10 you back or letting you know or updating you. It's actually very sad.
- 11 Q. Thank you David. We're going to move to access to records, we're looking at paragraphs
12 190 to 192. So you first asked for information in 96 and 97. How useful was the
13 information you got back? If you think back to the times where you first got your
14 information?
- 15 A. There was none, most of it was blacked out. There was some privacy law or something, so
16 I don't even know why they bothered sending it to me, yeah, correct, there was like every
17 second -- every page was blanked out, there was probably two lines at the top of most pages
18 that you were allowed to read, correct.
- 19 Q. And when you would see that, how would it make you feel?
- 20 A. Well, what do you think? I mean eh, pretty -- yeah, dark times, very dark times.
- 21 Q. And like you say there, you found it complicated, distressing and exhaustive?
- 22 A. Yeah, definitely.
- 23 Q. And in 2002 you made another request and received a larger portion of your file?
- 24 A. Yes.
- 25 Q. But still many of those records have got the words deleted?
- 26 A. Correct.
- 27 Q. On so many pages?
- 28 A. Correct, correct.
- 29 Q. So again, not much use?
- 30 A. Yeah, not much use.
- 31 Q. And after your meeting with the MSD historical claims unit, they gave you the contact
32 details for PSC?
- 33 A. Correct, which were wrong.
- 34 Q. Yeah.

- 1 A. So they give us an e-mail address, we e-mailed it, it didn't exist. What the fuck? Sorry.
- 2 Q. That's all right.
- 3 **COMMISSIONER ALOFIVAE:** It's all good David, it's all good.
- 4 A. Sorry.
- 5 **QUESTIONING BY MS SHARKEY CONTINUED:** But then your partner also locates some
- 6 details.
- 7 A. Yes.
- 8 Q. And she contacts PSC who try to tell you that you were never in their care?
- 9 A. Yes, and the records, there was a fire, and you ring again, there was a flood; then we rung
- 10 again months later, "We moved offices and we lost them." So you know, who knows,
- 11 strike through, you're out mate, over it.
- 12 Q. But first, it was about you proving you had to prove that you were in there?
- 13 A. Yeah, yeah, what's up with that? Live in a home for ten years and I've got to prove I live
- 14 there. Are you serious?
- 15 Q. And that only added --
- 16 A. Added to the, yeah, definitely. Who's phone's that?
- 17 Q. I don't know whose phone that is.
- 18 A. I thought it was phones off. Someone's not playing the game.
- 19 Q. No, someone's not playing the game. And so as you were saying before, David.
- 20 A. Yes.
- 21 Q. You prove that you're in their care, you hear about the fire and then the flood that you've
- 22 just said --
- 23 A. Then moving buildings.
- 24 Q. Then moving buildings.
- 25 A. Yes.
- 26 Q. And then asking for information, being told there really isn't much, and then you're aware
- 27 that we did a physical search of PSC and some documents were found with your name. So
- 28 it's all these efforts --
- 29 A. Yes.
- 30 Q. -- that have you thinking there's something dodgy going on?
- 31 A. Definitely, has to be.
- 32 Q. And given your experience, as you've told me, you're afforded no confidence that even PSC
- 33 are being open and transparent?
- 34 A. I did say to you I'd be surprised if anything's true what they give you.

1 **Q.** And at paragraph 196 we see that PSC welcomed contact from you, if you wished to make
2 a complaint against PSC about what happened to you while you were in their care, and just
3 confirming you do intend to do that at some stage soon?

4 **A.** Correct. This home was on the front of the Evening Post, a picture of the home and I was
5 in that photo with those kids for a Walter Lake, most prolific paedophile in Wellington
6 running the PSSA home. Years and years of it. So hey, you can see why they didn't want
7 to give me any information on me.

8 **Q.** And we've got stuff in your statement about that period of time too, which the
9 Commissioners have. And just looking at paragraphs 200 and 201, David, could you please
10 read that out. This is the importance of records to you?

11 **A.** The records I have received through my OIA requests are very valuable to me because they
12 give me a place to start when trying to understand what happened to me in my childhood
13 and where I have been. Other children have photos, identity, culture, but I just have a file
14 number, all I have is my records.

15 I know the Royal Commission of Inquiry has requested my files and made every
16 attempt to piece together my history. There have been delays and extensions sought by
17 organisations and some places replied that they just hold no information about me.
18 Permission had to be received from some documents to be shown to me. That is unfair.
19 This is my life. Everyone else knows my life except me. Jeepers. Sorry.

20 **Q.** No need to be sorry, David. Because that's something that you have said to me quite often
21 on a number of occasions, is that "Everyone else knows my life except me."

22 **A.** Yes.

23 **Q.** And that's the importance for you for records to be kept?

24 **A.** Correct.

25 **Q.** And for accurate records to be kept?

26 **A.** Yes.

27 **Q.** And to be made available to people they're about?

28 **A.** Definitely.

29 **Q.** Thank you. And then on the next page we've got your future recommendations. Not long
30 to go now, David. Starting at paragraph 202.

31 **A.** Anymore boxes of tissues?

32 **Q.** We've got heaps of boxes.

33 **A.** Sweet as. Sorry. Where are we?

34 **Q.** No worries. We're looking at paragraphs 202 to 208. And you don't have to read them out.

1 A. Cool.

2 Q. But we are very interested in your thoughts on employees working in social services.

3 A. Yes.

4 Q. Go for it.

5 A. Recommendations. I don't have to read them eh?

6 Q. No, no, no you can just tell us your thoughts.

7 A. Yeah, what I was saying before about them, you know, they've got the qualification but it
8 doesn't make them a person that necessarily can connect is what I say. And we talk about
9 bringing kids up in a village, well then one social worker should not have a right to make a
10 call on someone, it should be overseen by a group of people, you know? That's how it's
11 done in the family, I believe the village mentality is cousins, uncles and that, they all have
12 their own experience and they bring that to the family and they all collectively make a
13 decision on how we raise our kids or what's best for nephew, niece whatever. So the fact
14 that social workers have the power to make a call like that, I don't think is right.

15 **CHAIR:** On that point can I just ask you, do you think there's a place for survivors to be in on that
16 sort of decision-making? People who have been through the experience are now
17 functioning well but have got the insights, do you think --

18 A. Yes, definitely.

19 Q. -- they should be involved in this process of overseeing the care of children?

20 A. Yes, if they want to be, yes, I think if you put it to a few of them they would be keen to be
21 able to share their experience.

22 Q. Yeah, so you need to have people who want to it, but from the point of view of the children
23 who they're overseeing, do you think it's important that a survivor perspective is brought to
24 their decisions?

25 A. Definitely. I taught my Mrs because she's sort of, you know, I says basically you've got 20
26 seconds, I call it the 20 second rule. A kid will know in 20 seconds by the way you look,
27 your tone, your walk, how you were, because we're hood mate, we're hood level, that's what
28 we survive on, on the look of people, so we don't get stabbed or we don't get beaten up. So
29 they will dice you in 20 seconds and that's your window. If you don't connect, you're out
30 mate.

31 So that's why I say people like us, we read that. So we would have that gift and
32 they would read it. But it just doesn't have to be -- just people who can connect, you know,
33 but that is -- people like us that would be good, but there are people out there that genuinely
34 can connect, you know. But it needs to be proven, we can't just expect, he's got the qualis,

1 you know, have you ever seen a bad CV? There you go, eh boss, come on.

2 **Q.** You're right.

3 **A.** So that's all I'm saying, you know, we need to -- because it's people's lives we need to look
4 at the processes, you know, processes for the sake of having processes if that makes sense.

5 **Q.** Yes, it does.

6 **A.** Yeah.

7 **Q.** Thank you.

8 **A.** Thank you.

9 **QUESTIONING BY MS SHARKEY CONTINUED:** Right, you also talk about the need for
10 more accountability for wrongdoing --

11 **A.** Yes.

12 **Q.** -- by professionals involved in care. Do you want to talk about that?

13 **A.** They need, just need to own it. They need to, you know, own it. We've always got a be
14 accountable. Here I am today being accountable, but I do it for my other survivor brothers
15 and sisters who can't be accountable, because they're too hurt or they can't speak. But
16 accountability is old school mate, you walk it, you talk it, you know, you talk it, sorry, you
17 walk it, you own it. The same goes. It's the sad thing I see it on the news, the kid on the
18 news get head tackled, you know, like I left social worker 37 years ago, nothing's fuck'n
19 changed when you see that. We're supposed to be smarter, clever society; are we? How
20 clever are we? Intelligent, we're supposed to evolve, what's going on? We've gone
21 backwards with the kids. Why are we going backwards? Has no-one asked why?

22 Chuck money at it, money ain't the answer. People who can connect, follow the
23 process where they're checked all the time. When they get employed for the first time, does
24 someone sit by them on their first meeting, like I said before, can they actually connect, got
25 great qualis. Like I said, have you ever seen a bad CV? Let's keep an eye on them. There
26 has to be a process where they've watched for the first five engagements, ten engagements.

27 Culturally are they sensitive. Unfortunately the arena of where that is, the people
28 in there have been there 10, 20, some of them 30 years. They can't change, or they find it
29 very difficult to. You know, to deal with kids you can't have -- or gangs, you can't have
30 this, as soon as someone says gangs they get this, "Oh yeah those people." You've got to be
31 unbiased mate, take all the clothes off someone, all you've got is your word. It's a person
32 regardless. Mmm.

33 **Q.** Okay. The next part that you've spoken about is your thoughts on -- your thoughts on
34 convictions. We're looking at paragraphs 209 to 216. Again, David, you don't need to --

1 A. Yeah.

2 Q. -- read that out, but you've got very clear thoughts about this. If you can please speak to
3 those paragraphs.

4 A. All my convictions were from that age, as I told you, when I started with drugs. So to feed
5 my habit, to fuel the fire I had to go criminally to get the money, it was a very expensive
6 habit. I got some deep hurt that needed a lot of drugs. But now that's held against me
7 because of that, any job you go to you've not to relive that every time, you know, there was
8 some -- I heard someone say after seven years or something, or ten years they squash your
9 convictions or something like that, but that was never true. So every interview you've got
10 to work harder than anyone else because you've got to prove, do you have any criminal
11 records? Well mate, I could tell you a story, you've got a day or two? But, you know, it's
12 reliving it, so that holds against you.

13 Finding my family and where I'm from, I'm also Scottish. So I can't chase up any
14 history, I can't go over to Scotland and see my bones and where I'm from, my bloodline
15 because I can't get out of the country because of what I've done. But I done it because of
16 the way the State taught me what the people they put me with, what they done to me. It's
17 their fault mate.

18 So I believe there should be some sort of -- everything should be on a case-by-case
19 obviously scenario, not everyone's going to get the, you know, I've been out of jail 30
20 something years, got a beautiful family, they're all doing very well. Mate, what have you
21 got to do to prove yourself around here anymore? Especially when it wasn't your fault.
22 I didn't ask for this shit. Yeah.

23 Q. Because you say it's the direct result of the abuse you suffered in care?

24 A. Of course it is, the crime comes from fuelling the drugs, money.

25 Q. And you went about sending letters to people in the Government --

26 A. Yes.

27 Q. -- about this?

28 A. Yes. The local MP, I went to him, he's all shit, mate, another one. Fuck I'm surrounded by
29 all these plastic people, I'm telling you eh, no-one's held accountable. We did a five page
30 submission, you know, "Oh, yes that looks, yeah nah I'll get right on that, oh yeah, get back
31 to you." "I'll get back to you", that beautiful line. Never did Sharkey, never did. Nothing
32 come of it, and now he's somewhere in that pecking order, so he's a somebody now. Then
33 he was a nobody, so he's just picking and choosing what's going to make him a somebody.
34 That ain't. Yeah.

1 **Q.** And then at paragraph 215 you say that the same can't be said of the professional staff that
2 abused you and the professionals who failed to carry out their duties, they haven't been
3 punished in the same way you have?

4 **A.** No. They get off scot-free. "That was bad, Harry, we don't want that to happen again
5 please, watch the next kid would you." That's about the level of -- that's what they get. It
6 ain't right mate.

7 **Q.** And their lives haven't been affected because of the wrongs they've committed to you?

8 **A.** Of course not, they go home to their family mate, new day, another chapter. We keep
9 living with ours. Doesn't just go away.

10 **Q.** And as it says at the bottom there in April 2021 you saw a photo of the carer that we've
11 been talking about today. You've gone out of your way to follow that up and stop him
12 from --

13 **A.** Yeah, he's not a carer Sharkey.

14 **Q.** Sorry, "him".

15 **A.** Yes, yes, my -- yeah, we've rung people, or e-mailed saying, you know, are you
16 aware -- there was a mayor standing next to him. "Do you know who this fucker is mate?"
17 And they had no idea, you know, and it was quite a weak sort of come back e-mail to give
18 us too, it was pretty sad, but yeah. Oh yeah, sorry, yeah, obviously when we seen it, he was
19 still working with children, that's why we were concerned. That's why we raised it, yeah.

20 **Q.** And just finally, David, I'm going to come to Brooke shortly because she's got some final
21 comments. So we'll go to Brooke first and then we'll end with you.

22 **A.** Sure. We're at the end folks.

23 **Q.** Not quite.

24 **A.** Nearly, nearly.

25 **Q.** We've got that part and then the Commissioners will ask some questions or make some
26 comments okay.

27 **A.** Yeah, for sure.

28 **Q.** But Brooke, thank you very much, and you're just going to talk about some of these
29 impacts, yeah?

30 **BROOKE:** Yeah. Okay, so the impact that being culturally stripped on my dad has been huge
31 and is something that's dramatically impacted how we grew up and how we viewed
32 ourselves. At points in my childhood when things were really tough at home it was as if
33 there was a dark cloud that covered us all. Dad would distance himself from us to try and
34 protect us from the hurt he was feeling. He would often express that he didn't know why he

1 felt the way he did, but he also didn't know how to stop feeling that way either. His actions
2 were hard to handle and would shut down. We could see a switch had happened and it was
3 hard to work -- it was hard work for that switch to turn back around again.

4 As his children, we all wanted to help carry that pain and would watch mum in how
5 she supported him and tried to do the same. There were periods that were worse than
6 others, like during Christmas where he would have flashbacks of childhood memories, yet
7 would still never tell us what they were. All we knew was that dad wasn't the same during
8 these times when other families would be happy or celebrating.

9 Culturally the impact that this has had has been devastating. If you have no idea of
10 where you come from and who your people are, it is without being said that you will be lost
11 which is exactly how we all felt. We weren't connected to who we were or where we came
12 from because we didn't know how to, or what it even was that they were connected to. For
13 us kids, this led to cycles and feelings of imposter syndrome and feel the need to prove
14 ourselves as being Samoan. For Dad it was uncomfortable to address and was ignored up
15 until the point it couldn't be anymore.

16 In 2017 my family went home to our village Sataua in Sava'ai, Samoa. Emotionally
17 and spiritually this filled a massive void in all of us and for Dad was a huge turning point.
18 It felt as if a puzzle piece had fallen into place and this was reflected in a change in Dad's
19 nature. The cries of my late grandfather, my Aunty Rosie in our village had finally been
20 heard. My dad was finally brought home to his people where he has always belonged.

21 My heart breaks thinking about how different things could have been for my dad
22 and consequently for us. This trip was a small glimpse into everything we had all missed
23 out on. The reality for my dad and my siblings and I is that we will spend the rest of our
24 lives trying to figure out our cultural identities and fixing mistakes that should not be ours
25 to fix. The impact of my dad's cultural stripping is intergenerational and is something that
26 has taken so much from my dad, my siblings and myself. Every day my dad wakes up and
27 chooses to learn about himself and to heal, not only for himself but for us kids and for my
28 nephew who is the first of our next generation of Crichtons.

29 It has been made our responsibility to ensure that our cultural identity can never be
30 taken from us again. Descending from a line of chiefs, my dad has been a pillar of strength
31 for our family and there are no words to describe how powerful his spirituality is which is a
32 legacy I am so proud to come from.

33 **QUESTIONING BY MS SHARKEY CONTINUED:** Thank you Brooke. Before we come to
34 the Commissioners, are there any final comments you would like to make?

1 A. What do you say after that eh? Far out. Yeah no look there has to be change, you know,
2 I said it before, we can't surround ourself with like-minded people, we need to go against
3 the grain and, you know, if everyone's thinking the same then someone's not thinking, eh,
4 you know, that's how it rolls. Sometimes the right thing to do is not part of the process.
5 Even though it's the process. The problem being the first process failed us, all us children,
6 because they were discarded. It does not seem fair that we have to relive our traumas all
7 over again in the name of another due process. Sometimes the right thing to do is not in the
8 process, that's correct. One of my sayings I love, I always say to the kids all my mates,
9 look if you always do what you've always done, you'll always get what you've always
10 gotten. Thank you.

11 **Q.** Thank you David. So just questions from the Commissioners now.

12 **CHAIR:** I'll just check with my fellow Commissioners. Andrew Erueti wishes to speak to you.

13 **COMMISSIONER ERUETI:** I'd love to speak with you, thank you so much, so honoured to
14 have heard both you and Brooke --

15 A. Thank you.

16 **Q.** -- talk about your shared experience and your specific experience. I wondered
17 whether -- I'm just thinking when you were a little child in the first home for small children,
18 because ideally you should have been back with your whānau.

19 A. Yes, 20 minutes away, crazy.

20 **Q.** Absolutely. And if that wasn't happening, the ideal was that you would be placed with a,
21 say, adoption or long-term foster care?

22 A. Yes.

23 **Q.** So you're not in and out of --

24 A. Correct.

25 **Q.** -- homes.

26 A. There was opportunity with one placement but my mother didn't want it.

27 **Q.** Okay.

28 A. So my half-brother stayed there, but because Mum wouldn't agree to meet, being the baby
29 of the family, I don't know, but she was sick.

30 **Q.** Yes, she was.

31 A. You know, but yet they took her influence when it suited them if that made sense.

32 **Q.** Yeah, yeah I wondered that. And we've heard also about it being hard to place --

33 A. Yes.

34 **Q.** -- little brown babies --

- 1 A. Correct.
- 2 Q. -- because they were brown, I did wonder whether that might have been part of the reason
3 why you stayed at a home and then were moved to the other Salvation Army home.
- 4 A. It was ironic, because back then as a kid I don't remember he was white or I was brown,
5 you know what I mean, growing up in those days. But as I got older there was a real hate
6 towards the Islanders, we hated coconuts, you know, I'm a Māori, we didn't like coconuts.
- 7 Q. Yeah.
- 8 A. But that's because -- and I tell all my brothers now because I was a Māori for 30 years, and
9 I tell them the reason we hated them because we identified, they still keep their language
10 and their culture, we sold out mate, we sold out to the European and that's what hurt the
11 Māori the most. That's what they saw, they'll never admit it. "No you're a Māori bro",
12 "Like fuck I am, I'm a fuck'n coconut mate, far out, and I'm proud as of it eh, man, cut it
13 out." They're always trying to claim the goods you know. Stop it.
- 14 Q. I couldn't possibly comment myself on that. But I'd like to have you in my team. The
15 other -- you mention a Child Welfare officer being there during those early years and
16 I wonder if you -- do you recall there being a social worker who was prominent, someone
17 you knew who was there on a regular basis throughout this time?
- 18 A. Through the documents there seems to be a lady that was there for quite a bit -- but as a
19 child, you know, I don't remember distinctly anyone being sort of more than someone else,
20 if that makes sense.
- 21 Q. Yeah, yeah.
- 22 A. I suppose after a while like a psychiatrist you get into the routine, so you start when they
23 come in, you're not seeing who they are male or female, you just go into this mode mate,
24 protect, preserve, cover up.
- 25 Q. Absolutely.
- 26 A. Yeah, so...
- 27 Q. And then David, just coming back to the kaupapa we just spoke about, about making a
28 claim to MSD, I don't think you had a lawyer throughout that process, yeah?
- 29 A. No.
- 30 Q. No, and --
- 31 A. My wife's like a lawyer, just so you know, hard taskmaster mate. People like me don't need
32 a hard taskmaster. Good strong woman.
- 33 Q. I wondered if you had some sort of advocacy support. I think GRO-B-5 partner was your

- 1 advocate support?
- 2 A. Yeah, her and my family, that's my strength.
- 3 Q. Yeah, yeah.
- 4 A. That's why I'm here today.
- 5 Q. Of course, of course, that's right. Kia ora, ngā mihi nui ki a koe e te rangatira. Ka nui te
6 mihi ki a koe me tō whānau. Ki a koe Brooke, ngā mihi ki a koe mō tō kōrero hoki. Tēnā
7 koutou, kia ora.
- 8 A. Kia ora.
- 9 **COMMISSIONER STEENSON:** Tena koe Dave.
- 10 A. Kia ora.
- 11 Q. I just want to acknowledge your beautiful whānau and your wahine toa clearly --
- 12 A. Thank you.
- 13 Q. -- are a pillar for you.
- 14 A. Yes.
- 15 Q. I just wanted to have you unpack a little bit more the kōrero around why initially the social
16 workers chose to -- it suited them you said to listen to your mother?
- 17 A. Well, it seems that from the theme of the documents that I read, I mean the saddest thing
18 for my life is there's bits missing that I'll never know where it was, because someone didn't
19 brother to fuck'n write something down. What's that all about? This is someone's life, you
20 know, I can go off this wad of paper like this.
- 21 Q. Yeah.
- 22 A. I don't have someone telling me what actually happened.
- 23 Q. Yeah.
- 24 A. And how true is it?
- 25 Q. So from the records that you have, it seems as though there were racist reasons why they
26 chose -- it suited them.
- 27 A. Yes.
- 28 Q. Is that a reasonable --
- 29 A. Yes, yeah.
- 30 Q. -- assumption?
- 31 A. Well, like today, they've got, you know, "I'm carrying 15 of them in my workload", well
32 whoopie, that's the workload mate, you signed up, fuck'n handle it, you know what I mean?
33 That sort of scenario. That's the job man, now you're pussy footing and crying, well piss
34 off, we'll get someone who's got some balls to get in there and do it you know?

- 1 **Q.** So you think also it might have been --
- 2 **A.** Same scenario back then.
- 3 **Q.** -- easier to just --
- 4 **A.** Correct, I think same scenario back then, got so many of these kids --
- 5 **Q.** So that lack of caring.
- 6 **A.** Yeah, tick a box.
- 7 **Q.** Okay, yeah. And the other question I had relates to foster placements.
- 8 **A.** Yes.
- 9 **Q.** Because you spoke quite well in your evidence, written evidence around how you felt that
- 10 they treated you begrudgingly.
- 11 **A.** Yes.
- 12 **Q.** So did you experience the majority of the placements in foster care were about the money
- 13 that they received for --
- 14 **A.** Some of them, yeah.
- 15 **Q.** Rather than actually caring.
- 16 **A.** Yeah, definitely, definitely. In the early stages definitely. I remember as a kid when you
- 17 go there, first thing they'd do is take you down the shops, we used to have these pink slips
- 18 or yellow slips, and you give them to the shopkeeper, and the shopkeeper "Oh yeah, here's a
- 19 kid from the State", you know, but anyway, that was what they brought you the clothes and
- 20 shoes, it was like a sort of getting you in there and, you know, bit of hush money, I don't
- 21 know, you know, it's crazy. So I believe some of them at the start, yes like that.
- 22 But a lot of it sort of afterwards was me, because. You know, I'm already -- like
- 23 I say, I've taught myself these defences as a baby, mate, I go into auto mode, like my
- 24 daughter said, I don't even know I'm doing it. That what's hurts the most, you know,
- 25 hurting my kids, that's why I'm here today to show them that you've got to front up, you've
- 26 got step up. I walk my talk mate, and that's what I've told my kids always, you've got to
- 27 walk your talk, too much of this, wa wa wa, they don't walk it mate. I show them too, they
- 28 see I'm walking my talk like I teach you.
- 29 **Q.** Ka rawe. Just wanting to know your thoughts, though, on how for foster placements it
- 30 might be less about the money and more about the care?
- 31 **A.** Hey look there might have been some genuines out there and that's what I say to you, my
- 32 automatic modes I go into, any placement I go to, this ain't going to fuck'n last, why would
- 33 it? Nothing else has. You start getting that repetitive, repetitive, you know what I'm
- 34 saying?

- 1 **Q.** Mmm.
- 2 **A.** Yeah. So there might have been genuine care there but I'd sabotage it because I'm not
3 worth the care you know?
- 4 **Q.** By then you're traumatised.
- 5 **A.** By then I'm too traumatised, I don't deserve to be cared for, it's proven that all those other
6 ones, so does that make sense?
- 7 **Q.** It does, it does, ngā mihi nui.
- 8 **A.** I don't want that, I want to be cared, I want to be loved, you know, it's the biggest question,
9 why did mum -- what did I do so fuck'n bad that mum didn't, dad didn't want me, what's
10 going on here? Yeah.
- 11 **Q.** Nga mihi nui ki a koe.
- 12 **A.** Thanks very much.
- 13 **CHAIR:** Before I ask my other two colleagues to engage with you, David, I want everybody to
14 know that I believe that you were the very first person who engaged with our private
15 sessions in the Royal Commission.
- 16 **A.** Is that right?
- 17 **Q.** The very first person. So we called for people when we first started to register to come
18 along and to share your accounts and experiences of abuse in care. And David registered
19 and he came along and that was at a time when we had our training wheels on. And we
20 wanted to try and make sure we were doing it as well as we possibly could, we knew we
21 were probably going to make some mistakes, and so to help us along, little bit like what
22 you suggested before, David.
- 23 **A.** Yes.
- 24 **Q.** We didn't have just one Commissioner speaking, we had two, we had two in the room, one
25 to do the main talking, the other to observe and to support and to learn. And the two
26 Commissioners who were in the room with you are here today of course.
- 27 **A.** Nice, yes.
- 28 **Q.** So we have Paul Gibson.
- 29 **A.** Yes.
- 30 **Q.** And Ali'imua Sandra Alofivae.
- 31 **A.** Yes.
- 32 **Q.** That's by a long way of introduction to say that we have agreed, because of the momentous
33 occasion, the very first one.
- 34 **A.** Yes.

- 1 **Q.** That they will share the opportunity to A, ask questions if they have any, but more
2 importantly to acknowledge and thank you.
- 3 **A.** Beautiful, thank you.
- 4 **Q.** I've asked all the questions I need to ask of you, so I'm now going to hand you over to Paul
5 Gibson who was in the room on that day.
- 6 **COMMISSIONER GIBSON:** Thanks, David, in being the first it's impossible to forget what was
7 shared that day, and Sandra and I have talked on occasions about some of the impact, and
8 the particular impact which I've carried for more than two years is despite all the
9 historic -- the abuse which you had experienced, the range, the horrific nature of it, the
10 thing which you talked about impacting you most was what your daughter has described as
11 cultural theft.
- 12 **A.** Definitely.
- 13 **Q.** And the impact it's had on you. That's had an impact across my thinking, across the Inquiry
14 I think. But I'll come to a question first and then give you more of thanks.
- 15 **A.** Yes.
- 16 **Q.** Your mother, right from when you were very young, seemed to be asked questions, asked
17 for information being -- given the decision-making power, being asked by the State. Was
18 she -- do you know if there was any support offered or given to her to help her, to help with
19 decisions or perhaps challenge, give some different context around some of her thinking,
20 are you aware of?
- 21 **A.** Not that I'm aware of. I mean it got to a stage because she was so poor and obviously
22 mentally challenged that's why she'd give me to the PSSA, sort of a Christian church place
23 in those days that was a very strong -- faith was strong back in the early days. So, yeah.
- 24 **Q.** Do you think more support for her could have made a difference to her and to you?
- 25 **A.** Without a doubt mate, without a doubt. You can never be enough, surely.
- 26 **Q.** I'll come to my thanks now. I heard your story in 2019 about so much horrific abuse, and
27 it's compoundingly tragic to hear that two years on the State has compounded that in the
28 way they've treated you, in the way they've dismissed your claims, your truth, what's
29 happened to you and how hard you and your beautiful family, as you say, have had to work.
30 It's -- it has been so moving to hear from you, hear from Brooke, to have heard from your
31 wife as well two years ago. You made a statement about yourself; speak your truth and
32 stand your ground. We could all learn so much from that. And for you, your ground has
33 shifted at times.
- 34 **A.** Definitely.

- 1 **Q.** But it sounds like to me you have made your ground. I know it's been a challenge, both the
2 marae of Aotearoa New Zealand and the villages of Samoa.
- 3 **A.** Correct.
- 4 **Q.** And it's been a powerful statement of you standing your ground, your grounds today and
5 really welcome the input you've given, the idea of there's too much group think, need to
6 have a different kind of thinking brought into --
- 7 **A.** Yes.
- 8 **Q.** -- transforming some of these places.
- 9 **A.** Correct.
- 10 **Q.** We really welcome what's been shared and we hope maybe some of your words and
11 Brooke's words can end up in some of the reports we write on --
- 12 **A.** I hope so.
- 13 **Q.** -- this and we hope it will transform things and that there will be no cultural theft, cultural
14 stripping --
- 15 **A.** Correct.
- 16 **Q.** -- in the future.
- 17 **A.** Definitely.
- 18 **Q.** Thanks so much David.
- 19 **A.** Thank you very much.
- 20 **Q.** Thanks so much to your family, your beautiful family.
- 21 **A.** Thank you Paul.
- 22 **CHAIR:** And the final word.
- 23 **COMMISSIONER ALOFIVAE:** Lau susuga David Crichton.
- 24 **A.** Talofa, talofa.
- 25 **Q.** Malo le soifua maua ma le lagi e mama. Ou te faatalofa atu i le paia o lou aiga, lou aigaalii
26 mai Sataua. I si ou toalua pele faatasi ma lau fanau. Viia le Atua ua taunuu lenei aso,
27 taunuu le faamoemoe. Malo le loto toa, malo tauivi, malo faamalosi, malo faasoa. Tavita o
28 aso faapenei e mauagata. O le agaga na ua iai ia oe e te faasoa mai, e fesoasoani malosi i la
29 matou galuega faatasi ma e ua faalogo mai. David, I want to address you first in Samoan
30 because you pay us great honour in being here today and, like Paul, when I sat with you in
31 that room, I noticed the big difference, you're Samoan, I'm Samoan, and I was raised in
32 such a strong Samoan family with the culture and the language, so my identity has always
33 been very much intact in who I am. So we struggle here in New Zealand because of so
34 many other different sociopolitical pressures, but I always knew who I was. And so when

1 I listen to your story I couldn't help but be so moved to the core because you were stripped
2 of that, but you grew up in such a strong loving Māori whānau, you know, you were so
3 proud. And when I heard you talk about how proud you were to be Māori and how you
4 tattooed your body up and everything, I just thought you're a Samoan, did you get any
5 Samoan tats? And then you told me about your Samoan tattoo, I thought thank goodness
6 we made it in there.

7 But, you know David, you are a proud son from Sataua, you come from rich
8 ancestral lines of musicians, of politicians, of artists, of craftsmen, of master builders, of
9 orators. That is the rich lineage that you come from, that is the inheritance also for your
10 children. And when you were speaking today I couldn't help but think back to, it's a phrase,
11 it's like a small poem that one of our former Head of States wrote, Tui Atua Tupua
12 Tamasese, and I'm just wondering if you might know it. I wanted to quote it back to you
13 today.

14 A. Please.

15 **Q.** Almost like as a gift to remind you, Brooke and to your siblings, that in Samoan we have a
16 saying e iloa a le toto le toto, the blood always knows the blood. And so although you
17 came to it in a roundabout way, your inheritance is secure in who you are in your ancestral
18 bloodlines. This is what Tupua wrote and I think it's very apt for you are. He said:

19 "I am not an individual, I am an integral part of the cosmos. I share divinity with
20 my ancestors, the land, the seas and the skies. I am not an individual because I share a tofi,
21 an inheritance with my family, my village and my nation. I belong to my family and my
22 family belongs to me. I belong to my village and my village belongs to me. I belong to my
23 nation and my nation belongs to me. This is the essence of my sense of belonging."

24 A. Nice.

25 **Q.** So I am very, very grateful for your Crichton family, for your Aunty Rosie and for all of
26 your extended aiga.

27 A. Thank you.

28 **Q.** Who claim you and who will continue to claim you. Brooke, can I thank you just for the
29 enormous depth and compassion within you when you wrote that poem, when you wrote
30 that essay. It spoke volumes and just the raw honesty of what you shared, I think many
31 young people will be able to resonate with that. Many afakasi children who struggle with
32 their identity. Many children whose parents were in care just like your dad.

33 So I want you to, you know, to leave here today proud, proud that today we say
34 tulou o tatala e pulonga. Today you have pulled back the dark cloud, you and your family

1 stepping up just like you said there, David, stepping up to tell your truth, that is exactly
2 what you've done. That is a rich contribution to our talanoa. You know, and for everything
3 else that you weren't able to talk about, we have your statement, we know it.

4 And I want the other survivors out there to know that everything David said about
5 the abuse that he suffered and all of the various placements and what happened, is literally
6 a mirror, it actually supports really strongly and in some places to the T the experiences of
7 others who have spoken before and others who can't come forward for lots of different
8 reasons. So David, you have done your family proud. You have done your community
9 proud, you have done your village proud, you have done your nation proud. And for that
10 we are very, very grateful. Malo le saunoa.

11 A. Malo.

12 [Samoan song]

13 Q. Lie. Malo le saunoa, tai lava. [Applause]

14 CHAIR: It's time for lunch. We'll resume again at?

15 MS SHARKEY: 2 o'clock.

16 CHAIR: 2 o'clock everybody, 2 o'clock if you're interested, thank you.

17 **Adjournment from 12.36 pm to 2.02 pm**

18 CHAIR: Good afternoon, welcome back everybody. And welcome to you Ms Hill.

19 MS HILL: Talofa lava.

20 CHAIR: Your first appearance in the fale, formal appearance, and do you have your client at the
21 ready?

22 MS HILL: Yes, I do. I'll be leading the evidence of Mr VT who will be appearing by AVL.

23 CHAIR: Yes.

24 MS HILL: So only the Commissioners can see Mr VT and you'll see that he has his partner with
25 him as well.

26 **MR VT**

27 CHAIR: Hello Mr VT, talofa, can you see me, or am I just a loud voice coming in from outside?

28 A. Yes, you're just another voice.

29 Q. All right. Can you see me now? Hi, I'm Coral Shaw, I'm the Chair of the Royal
30 Commission and I've got my colleagues with me, can you see them?

31 A. Yes.

32 Q. Good, okay. So Mr VT, Amanda Hill's going to be leading your evidence, but before she
33 does, I'll just ask you if you solemnly, sincerely, truly declare and affirm that the evidence
34 you'll give today to the commission will be the truth, the whole truth and nothing but the