

**IN THE ROYAL COMMISSION OF INQUIRY INTO
HISTORIAL ABUSE IN STATE CARE**

UNDER The Inquiries Act 2013

AND

IN THE MATTER OF To inquire into and report upon responses by institutions to instances and allegations of Historical Abuse in State Care between 1950 and 2000.

AFFIDAVIT OF CHASSY MCALLISTER FORD DUNCAN

Dated: *26th February* 2020

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AFFIDAVIT OF CHASSY MCALLISTER FORD DUNCAN

I, **Chassy McAllister Ford Duncan**, Nelson, solemnly and sincerely affirm:

1. I was born on GRO-C 1989.
2. I am Ngāti Kahungunu.
3. My mum was 18 when she had me. My birth father was not around when I was born, or when I was growing up.
4. In this affidavit, I will describe some of my experiences in CYFS care. I had so many different living situations when I was young that it is impossible to name them all. I suffered a lot of abuse in multiple placements.
5. I will then describe my experiences of trying to get compensation and an apology for the things that happened to me.

My experiences in State care

6. My mum didn't have much support when I was young. She was disconnected from her family and had financial and addiction issues. She contacted CYFS in 1993, because she was struggling with raising me alone and needed help. She ended up sending me to live with some of my relatives, Mr and Mrs H, who had also had me for a time when I was a baby.
7. I went back to my mum, but she continued to struggle. In January 1994, when I was four years old, my mum hit me with a stick. I do not remember her ever hitting me before that. I went back to live with Mr and Mrs H, first under an agreement with CYFS. On 28 June 1994, I was placed in the custody of CYFS and on 9 November 1994, I was placed under the additional guardianship of CYFS.
8. I lived with Mr and Mrs H for three years. Throughout that time, I was repeatedly beaten and psychologically abused. I have few happy memories of that time.
9. In January 1997, I left Mr and Mrs H's care and was placed in a Family Home. I was sexually abused by a teenage girl who lived there. I was also physically and psychologically abused by the caregivers.
10. In June 1997, I was placed with other relatives, Mr and Mrs T. I was also sexually abused there, by their teenage daughter. I was physically and psychologically abused by Mr and Mrs T. I lived mostly with them until September 1998 and went back a few times after.

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11. Between September 1998 and May 2000, I moved placements about 17 times. A lot of this time was spent at foster placements and Family Homes in Hawke's Bay. I was physically and psychologically abused and neglected at many of these placements.
12. From February 1999 to May 1999, I also lived at Waimokoia School, which was a Ministry of Education residential special school. At Waimokoia, I was physically assaulted by staff and repeatedly placed in the Time Out room. The Time Out room was a horrible place. I felt abandoned and helpless in there. It was so bad in there that one time, I tried to break my arm and punched the wall, while the staff just watched me on a camera, doing nothing.
13. In 1999 I was placed at Puketai, in Dunedin. I went back to Puketai again in 2001, when I was 12. While I was at Puketai, I was sexually abused by a male staff member, M, and by an older girl. I was also physically assaulted by staff.
14. I was sent to Kingslea in Christchurch, in December 2000. I was in the Care and Protection Unit. While at Kingslea, I was physically assaulted by other kids and by staff. I was strip-searched and placed in the Secure Unit, alongside teenagers who were at Kingslea for Youth Justice and Criminal Justice matters. I was 11.
15. In November 2001, I lived in a motel with 24-hour minders, for almost three weeks. I was physically assaulted by two of the minders.
16. In early 2002, I went to Epuni for about two weeks. There was more physical abuse there, by the staff.
17. In June 2002, I was sent to a residence in Auckland called Weymouth, where I stayed for five days. I went back there a few days later in June 2002 and stayed there until 6 September 2002. I experienced a lot of physical abuse there from staff and other residents, and sexual abuse as well. I spent a lot of time in the Secure Unit and in Time Out rooms.
18. Between September 2002 and January 2003, I was placed with CYFS caregivers in **GRO-B**, who were physically and psychologically abusive towards me. I took off from there and was missing for over a month, when CYFS found me at home with my mum. After that, I bounced between programmes, living with my mum and living at the Lower North Youth Justice Residential Centre, in Palmerston North. I always knew this residence as Mohaka, which was the name of the street it was on. I also spent time in police custody.
19. I was then placed at Hokianga Care Programme with Nga Kuri a Whareki Tihirau Trust, between February 2003 and March 2003. **GRO-B** was really physically abusive

towards me and other boys. He threatened to shoot me when I tried to run away, and then fired shots in my direction. I also had a lot of fights with other boys there. It was a really violent place. I had access to a lot of hard drugs and alcohol.

20. I was sent back to Mohaka six times between 2003 and 2006. I spent a lot of time in the Secure Unit and in Time Out rooms at Mohaka. I was also beaten up by staff members.
21. In December 2003, I was sent back to live with my mum and stepdad, under CYFS supervision. I ended up offending and was on the run from the police for a week before being sent back to Mohaka.
22. I lived with my mum again between July 2004 and August 2004. I was then sent to the START Taranaki Programme. I was stabbed in the legs by another boy there, and didn't get medical care for days. I ended up in hospital.
23. At the beginning of December 2004, I was sent to Youth Justice North, which I called "the new Weymouth", where I stayed for a few months. Like other places, I was physically abused by staff members and spent time locked up in the Secure Unit.
24. After I left the new Weymouth, I went back to live with my mum. Things went well for me for a while, but I kept on getting back into trouble and was taken into police custody twice in December 2005 and January 2006.
25. I was then sent to Te Puna Wai in Christchurch, which I called the new Kingslea. I had a sexual relationship with a female staff member while I was there.
26. I went back to live with my mum and was attending course. Things broke down with my mum and I ended up moving out.
27. I was sent to prison in 2006 and again in 2007.
28. In between all of the residential placements, I lived on different programmes and with a lot of different caregivers. I suffered abuse from quite a few of them. I did not get a lot of schooling and I had no stability.
29. Until I was nearly 17 years old, I was in CYFS custody, under Family Court orders. CYFS stayed my guardian until 9 July 2008, when I was 19.
30. The details I have set out about my childhood above, are really only a small part of my experiences. It is really hard to talk about everything that happened in a way that other people can understand. I had so

many placements that it is hard to remember which order they were in, or where things happened. Because of the length of time my claim has been running, I have had to talk about these experiences more than once. There were some things that I felt unable to talk about the first time I was interviewed about my experiences, and only disclosed later, when I had built up some trust with my lawyers. There were other things which I had forgotten. This doesn't mean that they weren't important, it's just that there were so many placements and different things going on that I could not always remember everything all at once.

31. There were also things that I didn't talk about the first few times, because I did not realise they were wrong. I only learnt later about all of the regulations for things like strip searching, Time Out and being put in the Secure Unit.

Effects

32. I continue to struggle with the effects of my time in care, even now that so many years have passed. I have had problems with alcohol and drugs. I have trouble sleeping and I get nightmares and flashbacks about the things which have happened to me. I am quite anxious, and I get quite down on myself. I don't trust people easily. The sexual abuse I suffered as a child has affected the way I look at women and my relationships with them. This is something I am still having to work through.
33. Throughout my childhood, I was also in a situation where I had to fight to protect myself. Violence was just a way of life. That carried on into my adult life, where I get angry easily.
34. I was always made to feel unimportant as a child, and that I deserved everything that happened to me. I heard that so many times that eventually, I believed what people were telling me. My only way to deal with that was to act out. This is another thing that has carried on into my adult life. I react to situations in messed up ways and sometimes, that can get me into trouble.
35. I have felt like an outsider my entire adult life. I often feel that I will never be accepted by the people on the other side of the tracks because of what I have been through, what I have done and what I appear to be. I have had to face a lot of judgement as an adult and I often feel very lonely.
36. I have had problems with crime and have ended up back in prison several times. I have paid for the mistakes I have made. I don't understand how the system has continued to get away with what it did to me, when I have always been made accountable for my actions.

Instructing Cooper Legal

37. I first called Cooper Legal in October 2007. Except for the things I say in this affidavit, I do not waive my legal privilege with Sonja Cooper or Cooper Legal.
38. I was 18 years old when I contacted Cooper Legal. I was in prison.
39. I know that Cooper Legal requested my CYFS records almost straightaway.¹ Then, I was interviewed by a lawyer from Cooper Legal. I spoke about a lot of the places I had been in, but not all of them.
40. I know that MSD provided my records to Cooper Legal over a year after they were requested.²
41. I spent a lot of time working through draft claim documents with Cooper Legal. At that point, there were still a lot of things about my time in care, which I hadn't shared with Cooper Legal, or with anybody.
42. On 1 October 2009, Cooper Legal filed my claim against MSD in the High Court.³ The details of the claim included what had happened to me at Waimokoia, because I was in CYFS care while I lived there.
43. I know that MSD filed a document in court, in defence of my claim.⁴
44. Not long after that, Legal Aid withdrew funding for work on my claim.⁵
45. I know that Cooper Legal challenged that decision⁶ and Legal Aid reinstated funding on my claim.⁷
46. In November 2011, Cooper Legal contacted me to try and arrange a meeting between me and the Care Claims Resolution Team ("CCRT"), which was part of MSD. The meeting was delayed because I kept being transferred between different prisons.

¹ Letter from Cooper Legal to MSD (12 October 2007).

² Letter from MSD to Cooper Legal (5 December 2008).

³ CIV-2009-485-1958 *Duncan v Attorney-General* Statement of Claim (1 October 2009).

⁴ CIV-2009-485-1958 *Duncan v Attorney-General* Statement of Defence (7 December 2009).

⁵ Letter from Legal Services Agency to Cooper Legal (27 May 2010).

⁶ Application for Review to Legal Aid Review Panel (4 June 2010).

⁷ As referred to in letter from Legal Services Agency to Cooper Legal (25 March 2011).

47. I was worried I might have forgotten some things that happened, because of my past drug use, but I agreed to the meeting.
48. On 21 September 2012, I met with the CCRT and a lawyer from Cooper Legal.⁸ There wasn't a lot of time at the meeting and one of the first things I said to CCRT was that there was so much stuff that had happened to me that there was no way we could get it all out of the way. CCRT told me to talk about the things I thought were the most important, or which had not been included in my court documents so far.
49. The CCRT people told me that they wanted to help me sort this out and that it was not so important if I didn't remember specific details, like the dates that things happened. They told me that if I could not name the person who did something to me, then it would be helpful if I could describe the person, so they could try to match the person up by using staff files.
50. One of the things I spoke about with CCRT was about the time I was sexually assaulted by that staff member at Puketai, M. I said that I had also caught him sexually assaulting another kid. CCRT told me they believed what I was saying and that I could be sure we were not the only two kids he had treated like that. CCRT told me it was important that I had told them about this, because the assault would not be written in my file. They said they might find other stuff about this staff member, if he was eventually caught doing it to others.
51. I also spoke about some of the abuse that happened to me at Hokianga Island. The CCRT people said that was probably an Iwi Social Service. They said that MSD was not responsible for employing people on programmes like that, but they were responsible for putting me there. The CCRT people said that some of the places MSD was sending us kids were pretty hard and that Hokianga Island might not have even been the right place for me to go, seeing as I was there under Care and Protection and a lot of the other boys there were way older than me.
52. At the end of the meeting, the CCRT people told me that there could be more things that people would ask me about later on, to see what I remembered. However, they then said that there was so much that had happened to me, they did not think every single thing needed to be discussed.
53. The CCRT people told me that the abuse I suffered was awful and wrong and that it shouldn't have happened to me. They were sorry I had to endure that sort of treatment. They also said that MSD needed

⁸ Transcript of meeting with Chassy Duncan, CCRT and Cooper Legal (21 September 2012).

to hear about the stuff that had happened to me, especially because I was so young and some of those people could still be employed by MSD.

54. We didn't talk about Waimokoia at all during the meeting.
55. I called Cooper Legal several times after that meeting. Cooper Legal could not give me any updates about my claim, because they had not heard anything back from MSD.
56. I know that in July 2013, Cooper Legal contacted MOE about my time at Waimokoia. Cooper Legal requested my records from MOE.⁹
57. I know that it took MOE ten months to provide my records.¹⁰
58. I know that on 8 September 2014, Cooper Legal sent an offer of settlement to MOE about what happened to me at Waimokoia.¹¹
59. I know from that letter that Cooper Legal made an offer of \$50,000, together with payment of my costs and an apology, to settle my claim against MOE.
60. I know that Cooper Legal got more of my CYFS records (with less material blacked out) after the letter to MOE had been sent.
61. In early 2015, Cooper Legal sent me a draft settlement offer, for my MSD claim. I went over this with Cooper Legal staff. I was quite worried about getting details mixed up. It's a really hard thing, to go through a written story of your whole childhood.
62. The final settlement offer was sent to Crown Law in early 2015.¹²
63. I know from that letter that Cooper Legal made an offer of \$140,000, together with an additional payment of \$20,000 towards drug and alcohol treatment and an apology, to settle my claim against MSD.
64. The letter set out a lot of bad things that had happened to me in CYFS care. However, there were still some things that I had not shared with Cooper Legal.
65. I know that Cooper Legal filed my claim against MOE in the High Court.¹³ I understand this was to do with MOE's position about the Limitation Act.

⁹ Email from Cooper Legal to MOE (26 July 2013).

¹⁰ Letter from MOE to Cooper Legal (16 May 2014).

¹¹ Letter from Cooper Legal to MOE, without prejudice (8 September 2014).

¹² Letter from Cooper Legal to Crown Law, without prejudice (27 February 2015).

¹³ CIV-2015-485-719 *Duncan v Attorney-General* Statement of Claim (11 September 2015).

66. After that, I know that Cooper Legal received more records from MOE about my time at Waimokoia. These had been found while MOE was looking for other records.
67. I know that I could get an offer under the Fast Track Process if I wanted one, because my claim had been going so long. Cooper Legal advised me to opt out of the Fast Track Process because it would not be good for my claim. I agreed with their advice.
68. I know that in September 2016, Cooper Legal sent a letter to Crown Law, seeking a timeframe for the assessment of my CYFS claim.¹⁴ Crown Law advised that my case would be allocated for assessment under MSD's full investigation process, within eight months.¹⁵
69. I wanted to "Fast Track" my MOE claim, but MOE did not have a Fast Track Process. I wasn't sure what MOE was doing with my claim.
70. Several months passed and there had still been no progress on my claims. On 17 March 2017, Cooper Legal told me that they wanted to put my claims on a trial track, because it seemed we were getting nowhere with settlement. I told Cooper Legal that I would do anything to speed the process up. I was willing to give evidence in Court, if that meant something would finally happen with my claims.
71. I know that in May 2017, Cooper Legal sent another letter to MOE through Crown Law, with more information to support my claim.¹⁶ This included what I had told them in November 2016 and also had more information from my records.
72. I am aware that Cooper Legal wrote to Crown Law and MOE, with concerns about the significant delays with settling claims.¹⁷ While some claims were being assessed, it was still taking a long time for people to actually be made settlement offers. Cooper Legal had sent quite a few claims to MOE about Waimokoia. Most of those people, except for me and another person, who was about my age, had met with MOE or had been offered meetings. Cooper Legal did not understand why me and that second person had not been offered a meeting.
73. I know that Crown Law responded to Cooper Legal saying that my MOE claim had not been allocated for assessment.¹⁸ Crown Law said that my claim did not meet the criteria for MOE's historic abuse claims

¹⁴ Letter from Cooper Legal to Crown Law (28 September 2016).

¹⁵ Email from Crown Law to Cooper Legal (30 September 2016).

¹⁶ Letter from Cooper Legal to Crown Law, without prejudice (1 May 2017).

¹⁷ Letter from Cooper Legal to Crown Law and MOE, without prejudice (1 June 2017).

¹⁸ Letter from Crown Law to Cooper Legal, without prejudice (26 June 2017).

process and that my claim, along with other claims like it, would be responded to "in due course."

74. I don't know why MOE didn't tell us this earlier.
75. I know that in late 2017, Cooper Legal did discovery work for my claims. This involved collecting information about me and providing it to both MSD and MOE.
76. I know that Cooper Legal received discovery from MSD and MOE, which was thousands of pages of documents.
77. I know that in the same month, Cooper Legal sent more letters to Crown Law about claims like mine, complaining they weren't being dealt with.¹⁹
78. I know that Crown Law responded, saying that claims which did not fit into MOE's historic abuse claims process, like my claim, would be dealt with on a case by case basis. It did not say anything about when that would happen.²⁰
79. I know that Cooper Legal wrote back, saying how unfair that was.²¹
80. By this stage, the delays were really getting to me. In April 2018, I instructed Cooper Legal to ask for my Fast Track offer, which had been prepared by MSD even though I had opted out of the Fast Track Process.
81. I know that most other people who opted out of the Fast Track Process, but later asked for the offer to be provided to them, got those offers quite quickly. The claims had been assessed back in 2016, and the offers had been sitting there in case people asked to see them.
82. There were some delays for me though, because of a problem about whether the offer was from MSD, or from both MSD and MOE. I know that Crown Law told Cooper Legal that MSD wanted to discuss with MOE the settlement of my MOE claim under the Fast Track Process. MSD was trying to settle both of my claims in the same offer.²²
83. I know that Cooper Legal would only agree to this if we could see two separate offers, from the two different Ministries. If they were combined, Cooper Legal would not be able to tell me whether each Ministry was contributing enough to settle my claims.²³

¹⁹ Letter from Cooper Legal to Crown Law, without prejudice (19 January 2018).

²⁰ Letter from Crown Law to Cooper Legal, without prejudice (26 January 2018).

²¹ Letter from Cooper Legal to Crown Law, without prejudice (29 March 2018).

²² Email communications between Crown Law and Cooper Legal (19 April 2018).

²³ Email communications between Crown Law and Cooper Legal (2-23 May 2018).

84. I know that at the same time this was going on, Cooper Legal had updated my Court documents, to include information that had come out of the discovery records.²⁴
85. In May 2018, MSD refused to make me an offer under the Fast Track Process unless MOE and MSD representatives could discuss my claims. They wanted me to consent to MOE providing information to MSD. This was because my claims overlapped.²⁵
86. Cooper Legal wrote back, pointing out that joint claims had been dealt with differently over time, so this wasn't right.²⁶
87. However, I really wanted this all to be over and done with, so I consented to MSD and MOE discussing my claims. Cooper Legal asked that the assessment included the additional information from the amended statements of claim. Cooper Legal also asked that the offer set out how much each MSD and MOE were contributing to the offer. There was no reason to keep that secret and it would make sure things were transparent.²⁷
88. After that, Crown Law made a settlement offer under the Fast Track Process, to cover both of my claims.²⁸ MSD had not looked at the amended court documents filed for my MSD claim. This was because they were filed after the cut-off date for information relied on by MSD, when it made Fast Track Process offers.
89. The settlement offer was for \$30,000, a contribution to legal costs and letters of apology from both MSD and MOE.
90. MOE had not been involved in assessing my claim and MSD's assessor had not looked at any of my MOE claim documents.
91. MOE had contributed to the settlement offer, but MSD and MOE refused to disclose how much money each had put into the settlement offer.
92. I wanted to get a Fast Track Process offer for just my MOE claim, not my MSD claim. Cooper Legal told me that the Fast Track Process offer covered both of my claims, and that it was not negotiable. It was a 'take it or leave it' situation.

²⁴ CIV-2009-485-1958 *Duncan v Attorney-General* Amended Statement of Claim (11 May 2018); CIV-2015-485-719 *Duncan v Attorney-General* Amended Statement of Claim (11 May 2018).

²⁵ Email communications between Crown Law and Cooper Legal (2-23 May 2018).

²⁶ Email communications between Crown Law and Cooper Legal (2-23 May 2018).

²⁷ Email communications between Crown Law and Cooper Legal (2-23 May 2018).

²⁸ Letter from Crown Law to Cooper Legal, without prejudice (8 June 2018); email communications between Crown Law and Cooper Legal, without prejudice (8 June 2018).

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93. The same day, Cooper Legal requested a timeframe for how long the full investigation process would take on my MSD claim.²⁹ Crown Law advised that MSD had not begun investigating my claim but expected that an offer could be provided by late 2018.³⁰
94. I rejected the Fast Track Process offer.³¹ It did not seem to be enough for what I had gone through.
95. I know that MSD told Cooper Legal that parts of my claim had been provided to Oranga Tamariki, because I had made allegations about a staff member who might still work for Oranga Tamariki.³² MSD asked if I had any safety concerns, which it would pass on to Oranga Tamariki to manage as part of any action Oranga Tamariki might take in relation to the referral. MSD had already made the referral by that point, which included my identity.
96. Crown Law promised that the referral would not delay progress on my claim.³³
97. Cooper Legal spoke with me about this in August 2018. At first, I told Cooper Legal I did not have any concerns about my identity being attached to the allegations. However, I called Cooper Legal back that same day, explaining I did want my identity protected because I was concerned about the safety of my kids. Cooper Legal passed this information onto MSD.³⁴ MSD responded to Cooper Legal, reiterating that my identity had already been sent along to Oranga Tamariki with the referral.³⁵
98. It seems strange to me that MSD did not ask me about safety concerns, before they made the referral. These allegations had been included in my claim, ever since it was filed in October 2009.
99. The matter did not end there. Crown Law wrote again to Cooper Legal asking if I would consent for Oranga Tamariki to disclose some of my allegations and my identity to people outside Oranga Tamariki.³⁶ Crown Law gave Cooper Legal two days to get my instructions.
100. Cooper Legal wrote to Crown Law that same day.³⁷ Cooper Legal

²⁹ Email communications between Crown Law and Cooper Legal, without prejudice (8 June 2018).

³⁰ Email communications between Crown Law and Cooper Legal, without prejudice (8-26 June 2018).

³¹ Email communications between Crown Law and Cooper Legal, without prejudice (8-26 June 2018).

³² Email from MSD to Cooper Legal (9 July 2018).

³³ Email communications between MSD and Cooper Legal (10-11 July 2018).

³⁴ Email communications between MSD and Cooper Legal (17-20 August 2018).

³⁵ Email communications between MSD and Cooper Legal (17-20 August 2018).

³⁶ Letter from Crown Law to Cooper Legal (24 August 2018).

³⁷ Email communications between Crown Law and Cooper Legal (24 August 2018).

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pointed out that, given that the predecessors of Oranga Tamariki failed to keep me and other people who had claims like me safe from harm, we had no reason to believe that either MSD or Oranga Tamariki could keep us or our families safe now.

101. I had had more time to think about this all by now. On 30 August 2018, Cooper Legal wrote to Crown Law on my behalf, saying that I consented to my information being passed on to third parties and that I had no safety concerns.³⁸
102. I know that in September 2018, MSD and MOE both filed documents in court, in defence of my claims.³⁹
103. Around then, MSD advised Cooper Legal that it had referred further allegations from my claim, to Oranga Tamariki.⁴⁰ These concerned two foster caregivers, who had physically and psychologically abused me. Again, MSD asked if I had any safety concerns that MSD could pass onto Oranga Tamariki, after MSD had already disclosed the information. These allegations had also been included in my CYFS claim, ever since it was first filed in Court.
104. I know that Cooper Legal wrote to Crown Law, complaining that the way MSD was dealing with this was causing me stress, and was unacceptable.⁴¹ Shortly after this, Cooper Legal was advised that MSD was currently assessing my claim.⁴²
105. I know that Crown Law wrote that Oranga Tamariki intended to disclose my allegations to the Police as part of the referral process and trying to decide if there would be a joint investigation.⁴³
106. I called Cooper Legal a few times in late 2018. I was angry and frustrated about the fact that there was still no settlement offer for me. All the delays and lack of information made me feel like I was being left in the dark.
107. I know that in November 2018, Crown Law asked Cooper Legal if I would consent to further disclosure of my information, by Oranga Tamariki. Crown Law again wanted my response in a really short timeframe.⁴⁴ Again, Cooper Legal asked when I might get a settlement offer.⁴⁵

³⁸ Letter from Cooper Legal to Crown Law (30 August 2018).

³⁹ CIV-2009-485-1958 *Duncan v Attorney-General* Statement of Defence to Amended Statement of Claim (10 September 2018); CIV-2015-485-719 *Duncan v Attorney-General* Statement of Defence to the Amended Statement of Claim (10 September 2018).

⁴⁰ Email communications between MSD and Cooper Legal (9 July-17 September 2018).

⁴¹ Letter from Cooper Legal to Crown Law (17 September 2018).

⁴² Email communications between Crown Law and Cooper Legal (26 September 2018).

⁴³ Email from Crown Law to Cooper Legal (26 September 2018).

⁴⁴ Letter from Crown Law to Cooper Legal (13 November 2018).

⁴⁵ Email communications between Crown Law and Cooper Legal (13 November 2018).

108. On 23 November 2018, Crown Law wrote to Cooper Legal, saying it had asked MSD about the timeframe for my settlement offer.⁴⁶ I know that there were also discussions going at this time between the lawyers at Crown Law and Cooper Legal, about just how far my allegations and my identity would go, if I consented to further disclosures of my information.⁴⁷
109. I know that Cooper Legal passed on my concerns to Crown Law about where the line would be drawn. I was fine with some, but not all of the possible disclosures proposed by Oranga Tamariki. Cooper Legal again asked for an update on the timeframe for a settlement offer.⁴⁸
110. I know that in December 2018, Crown Law emailed Cooper Legal about me and some other people with claims against MOE and MSD, who were all waiting for settlement offers. MSD and MOE wouldn't say when offers would be ready.⁴⁹
111. I know that in January 2019, Crown Law advised Cooper Legal that the assessment of my claim was complete and that a settlement offer was currently being prepared. Crown Law promised a further update by 22 February 2019.⁵⁰
112. Cooper Legal kept writing to Crown Law about the offer over the next few months.⁵¹ In March 2019, Crown Law said there was a draft settlement offer ready, but it never came.⁵²
113. I know that in April 2019, Cooper Legal wrote to Crown Law on behalf of me and the other people with MOE claims. The letter urged MOE and MSD to look at my claims as quickly as possible.⁵³ Cooper Legal later asked for a meeting with MOE.⁵⁴
114. In June 2019, Crown Law wrote that my MOE claim was under assessment.⁵⁵ MOE asked if I wanted to meet their assessor.

⁴⁶ Email from Crown Law to Cooper Legal (23 November 2018).

⁴⁷ Email from Crown Law to Cooper Legal (23 November 2018); email communications between Crown Law and Cooper Legal (13 November 2018).

⁴⁸ Letter from Cooper Legal to Crown Law (7 December 2018).

⁴⁹ Email from Crown Law to Cooper Legal (17 December 2018).

⁵⁰ Email communications between Crown Law and Cooper Legal (22 January-12 March 2019).

⁵¹ Email communications between Crown Law and Cooper Legal (22 January-12 March 2019).

⁵² Email communications between Crown Law and Cooper Legal (22 January-12 March 2019).

⁵³ Letter from Cooper Legal to Crown Law (8 April 2019).

⁵⁴ Letter from Cooper Legal to Crown Law (5 June 2019).

⁵⁵ Letter from Crown Law to Cooper Legal (14 June 2019).

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115. The delays were really getting to me. I talked to Cooper Legal about taking a Fast Track Offer again, but because my claims were going through a full assessment, that option was off the table. Crown Law kept saying my draft offer was being reviewed.⁵⁶
116. I know that Cooper Legal was concerned about the effect a meeting with MOE would have on the timeframe for me to receive a settlement offer, so further information was requested from MOE.
117. In July 2019, Crown Law confirmed that MSD and MOE were going to make one joint offer to settle my claims. Crown Law said that the assessment of my claim was progressing but that it could not provide a date for when the Ministries expected to make an offer.⁵⁷
118. The option of a meeting with the MOE assessor felt like a breakthrough to me and that something was finally happening for my claim. Cooper Legal and MOE set up a meeting for October 2019.
119. In September 2019, I spoke with Cooper Legal about some of my experiences at Mohaka. Cooper Legal had found out a lot more about what had been happening at Mohaka, and other residences, when I was there. They also knew more about Waimokoia. Cooper Legal provided this further information to MOE.⁵⁸
120. On 21 October 2019, one of the lawyers from Cooper Legal came to see me. Cooper Legal wanted to go over some of the material in my discovery records, to see what I remembered about it. Cooper Legal also had some more questions for me about my time at some of the CYFS residences.
121. There were a lot of things which, until that point, I had never felt able to speak about with anyone. I found that meeting really hard and it brought back a lot of things that I had tried to forget. I talked more about sexual abuse I had suffered when I was very young.
122. The next day, me and the lawyer from Cooper Legal met with the MOE assessor, Murray Witheford. I had prepared a letter with the things I wanted MOE to know about how my time at Waimokoia had affected me and how I was still struggling to move on from it. I read this letter out at the start of the meeting.⁵⁹ It brought up a lot of emotions for me, which was really tough. Things got easier as the meeting went on. I had expected a police interrogation, but MOE's assessor was not like that. It was good to have Cooper Legal there to support me, too.

⁵⁶ Email communications between Crown Law and Cooper Legal (18-19 June 2019).

⁵⁷ Email from Crown Law to Cooper Legal (29 July 2019).

⁵⁸ Letter from Cooper Legal to MOE, without prejudice (10 October 2019).

⁵⁹ Letter from Chassy Duncan to MOE (22 October 2019).

123. After the meeting, I wrote to Cooper Legal. I said that going forward, I didn't mind answering more questions in relation to what Cooper Legal already knew. I was not keen to drag up the other stuff, which Cooper Legal did not know. I felt like bringing up more things would cause more years of delays and that some things should stay forgotten, too.
124. Cooper Legal told Crown Law that there was more information about my claim, which had yet to be put to MSD. Cooper Legal knew that the delays were hard on me, so asked what delays sending through additional information would create.⁶⁰
125. Cooper Legal also spoke with me that day, about what would happen next with my claim. I had to make a choice between providing more information to MSD and MOE about some of the hardest experiences, which would create more delay, or leaving it out and possibly receiving less compensation.
126. It was a hard decision to make. I told Cooper Legal I was scared what it would do to me having to bring this all up. In the end though, I agreed to having more phone calls with Cooper Legal, to talk more about my time in care.
127. I worked through a lot of my claim with Cooper Legal over November 2019. I talked a lot more about my experiences in CYFS residences. This was a bit easier for me, because we did not have to talk about the sexual abuse. There were some delays because I was transferred to a prison where legal visits and phone calls were harder to arrange.
128. I know that Crown Law told Cooper Legal that MSD had said the assessment of my claim had been "substantially completed" and that it was in the final stages of finalising a response. It could not give a timeframe about what sort of delay providing additional information would create.⁶¹
129. Cooper Legal spoke with me, and we agreed to keep going talking about my time in care. Cooper Legal wrote to Crown Law, saying that the lack of a definite timeframe put me in a difficult position. Cooper Legal wrote that it was working to send through additional information as quickly as possible and that, in the meantime, the settlement offer should be sent as soon as it was finalised. If that happened before additional information was sent, then I had the option to accept or reject the offer, as I was entitled to do. If I rejected the offer, the additional information could be sent in support of a counter-offer.⁶²

⁶⁰ Email from Cooper Legal to Crown Law, without prejudice (11 November 2019).

⁶¹ Email communications between Crown Law and Cooper Legal, without prejudice (25 November-2 December 2019).

⁶² Email communications between Crown Law and Cooper Legal, without prejudice (25 November-2 December 2019).

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130. I know that Cooper Legal has not heard anything else about a settlement offer, since.

131. My claims have been going for so long that they have outlasted a few different lawyers at Cooper Legal. Because I have trouble trusting people, this makes it hard to talk about the things that happened to me.

132. Currently, there is no end in sight for my claims, even though they have been running for over a decade.

Conclusion

133. There is a photo of me in my Waimokoia records, from when I was about nine years old. This photo is included in the bundle of documents being provided with this affidavit.⁶³ I was really little in that photo and it's hard for me to think about all that I'd been through, even when I was that young. I still have a lot of emotional, as well as physical scars from my time in care.

134. I've struggled to work through this all and am finally starting to see that I'm not what those people always said I was. I'm capable of changing myself. A big part of that final process will be for MSD and MOE to finally take responsibility for what they did to me.

135. I am doing all I can to be a good father to my kids and to give them the sort of childhood I never had. I need this all to be over so that I can move onto the next chapter in my life, for the sake of me and my kids.

Affirmed at
by **Chassy McAlister Ford Duncan**
this *24th* day of February 2020)
before me:)

GRO-C

GRO-C

D Brookland
Deputy Registrar
Nelson District Court

~~A Solicitor of the High Court of New Zealand/
A Registrar of the High Court of New Zealand/
Justice of the Peace~~

⁶³ Photograph of Chassy Duncan at Waimokoia (1999).