

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

Under The Inquiries Act 2013

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

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

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

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

Date: 24 September 2020

TRANSCRIPT OF PROCEEDINGS

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LEONIE McINROE

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

2 (8.48 am)

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

4 **CHAIR:** Ata mārie koutou, tēnei te mihi ki a koutou katoa. Ms Janes.

5 **MS JANES:** Tēnā koutou Commissioners. Our first witness for today is Earl White. He will be
6 giving evidence from the witness room 4 because he has permanent court name
7 suppression. He will be visible only to the Commissioners and to myself. I will be leading
8 evidence from the witness box. But he will be able to be heard by everyone in the room
9 and over live stream. So if I may, I will "call" Earl White.

10 **EARL WHITE**

11 **CHAIR:** Thank you Ms Janes. Good morning Mr White.

12 A. Good morning.

13 **Q.** Good to see you there. Can you see us?

14 A. Yes.

15 **Q.** I'm going to ask you to take the affirmation before we begin your evidence. Is that all right
16 with you?

17 A. Yes.

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

20 A. Yes, I do.

21 **Q.** Thank you very much. Now I'm going to leave it to Ms Janes to ask you some questions.

22 **QUESTIONING BY MS JANES:**

23 **Q.** Good morning Earl.

24 A. Good morning.

25 **Q.** You're going to be giving evidence under the name Earl White and you prepared a
26 statement dated 15 July 2020. Can you confirm please that that is true and correct?

27 A. Yes.

28 **Q.** Thank you. And could you start reading your evidence from paragraph 2 which explains
29 why you're not using your name giving evidence to the Inquiry?

30 A. "I am one of the plaintiffs in what has become known as the *White* litigation. As I was
31 granted permanent name suppression I will myself (sic) in this evidence by the—this
32 evidence by the—

33 **Q.** Pseudonym.

34 A. — pseudonym the judge used in those proceedings, Earl White. The names of my family

- 1 members and witnesses granted name suppression are also the pseudonyms used in the
2 public court decisions".
- 3 **Q.** And can you confirm that you were born in 1961 and that you're the eighth of ten children
4 born to your parents?
- 5 **A.** Yes.
- 6 **Q.** And can you tell us about your brother who is called Paul in the judgment?
- 7 **A.** He was a couple—two years older than me. He was the one I was closest to over the time
8 when all this, and my father—
- 9 **Q.** And he was also a plaintiff in the *White* proceedings?
- 10 **A.** Yes, yes.
- 11 **Q.** What are the other memories you have of the brothers and sisters?
- 12 **A.** My brother and sisters, I have a few memories from before my family was separated in
13 1965. But one of my earliest memories of my father was chasing one of my sisters with a
14 knife down the hallway and calling her a black bastard. She was part Asian and was dark
15 skinned. And my older sisters and that looked after me. And one of them shot me into the
16 fireplace playing Robin Hood when I was about—must have been about four because it was
17 before I went to the Presbyterian home. And one of my older sisters drove me down to
18 Canon Creeks to the doctor and on the way back it started thunder and lightning. I
19 remember her pushing me out to the path in the pram and telling me not to worry, that it
20 was only the elephants dancing around in the sky.
- 21 **Q.** And Earl, you talked about going to the Presbyterian Boys' Home. Can you outline how
22 that happened and that was around 1965, wasn't it?
- 23 **A.** Yes, my mother left the family in early 1965 to go and live with another man. Before that
24 my family had come to the attention of Child Welfare and was being monitored.
- 25 **Q.** And the reason it had come to the attention of the Child Welfare and was being monitored?
- 26 **A.** Yes, there was violence around the home.
- 27 **Q.** So you were born into that atmosphere and there was a supervised—a preventative
28 supervision order in place when you were born?
- 29 **A.** Yes, it was already in place I think in 1959, two years before I was born.
- 30 **Q.** And at paragraph 7 you talk about going to the Presbyterian Boys' Home and the people
31 who ran the home, and then you talk at paragraph 8 about your earliest memories of your
32 mother. Can you go through that for us please?
- 33 **A.** Earliest memory of my mother is of her visiting me and Paul when we were taken to a
34 Presbyterian home. She came to visit in a blue and white car. They never got out of the car

1 and did not stay for long. My mother said she would come back and get us and take us to
2 live with her. But she never came back.

3 **CHAIR:** Earl, just take a moment.

4 **QUESTIONING BY MS JANES CONTINUED:**

5 **Q.** Yes. Earl, are you comfortable to carry on or would you like to take a—

6 **A.** I'll carry on.

7 **Q.** Thank you. And you've talked about how frightening the Presbyterian Home was. Can you
8 talk about what happened to you there?

9 **A.** The staff slapped me around the face, I was pulled by my ears. If you swore they put a
10 cake of soap in your mouth. I saw Mr Gallagher ramming a cake of soap into Paul's mouth.

11 **Q.** How long were you at the Presbyterian Home at that stage?

12 **A.** I actually don't know exactly how long, but it was far too long in my mind anyway.

13 **Q.** So when you got your records at paragraph 11, did it show you at that time that you were
14 there until September 1965?

15 **A.** Yes. My father was able to get us back to live with him. When we came home there were
16 a number of housekeepers who looked after us.

17 **Q.** Was there a particular housekeeper that you recall at paragraph 12?

18 **A.** Yes, her name was Lillian Barrett who threw me across the room into a wall. I remember
19 her slapping Paul and pulling him by his hair.

20 **Q.** Did you have any relationship with your mother from that stage onwards?

21 **A.** Only when she sneaked out every now and then on a Sunday, she'd meet us down the road
22 and give us a couple of little plastic toys or some lollies and that. And when we used to
23 take them home dad used to get all upset and angry and smash the toys and throw the lollies
24 in the rubbish. And he told us not to meet her again, but she kept coming out every couple
25 of weeks and found us playing down the road.

26 **Q.** You've talked a little bit about your father, but can you tell us what it was like living with
27 your father, that's from paragraph 14?

28 **A.** "My father was often angry. He was violent towards me and Paul. We would get regular
29 beatings—

30 **Q.** Take a moment, Earl.

31 **A.** —with a strap and the jug cord. On one occasion he hit me with a 4 x 2 piece of wood with
32 wire from the chicken coop when I was there collecting eggs and dropped some. It was
33 really anything he could get his hands on. Those beatings would happen on a weekly basis.
34 I remember he gave Paul a beating and was laying into him on the floor. He started booting

- 1 him in the head and my oldest sister had to drag him off Paul".
- 2 **Q.** What is the thing you most remember that your father taught you and Paul?
- 3 A. "My father taught Paul and me how to steal from shops. We would not go to school very
4 often. He would take us out instead of going to school and would show us how to shoplift.
5 The first time he done it was in Woolworths Porirua on the Friday night when it was late
6 night. He had a little bag and we went into Woolworths, went around to the jean
7 department. He grabbed himself a pair of jeans, put them in his bag and walked out and
8 then when we got outside he took his jeans out of his bag, passed the bag over to us and
9 told us to go and get our own and from there he would praise us for stealing things and say
10 well done and stealing them was all right as long as you didn't get caught. This would be a
11 regular experience. I started smoking cigarettes around the same time. When I went out
12 with my father shopping he always used to get me to steal things like black pudding, baked
13 beans, tobacco and a number of other items".
- 14 **Q.** Earl, what age would you have been when you started smoking, can you remember?
- 15 A. I believe around five or six.
- 16 **Q.** And that would be a regular occurrence?
- 17 A. Yes. I smoked every day.
- 18 **Q.** And you talk at paragraph 16 about your older brother, Donald. Can you just tell us briefly
19 about what you recall?
- 20 A. "He had—my father had done exactly the same thing with Donald, he apparently got
21 Donald to rip off a safe at my father's work at the bus depot in Porirua. When Donald got
22 caught he told my mum dad had put him up to it".
- 23 **Q.** I know it's a very tough conversation about your relationship with your mother, but can you
24 at paragraph 17 talk about what you felt and whether that changed?
- 25 A. "I blamed my mother for many years for leaving us with dad, but when I got my records
26 from CYFS [Department of Child, Youth and Family Services] she had written a number of
27 letters to Child Welfare explaining to them what was going on with my father teaching us
28 bad habits and that he was abusive and that we shouldn't be left there. Many of those letters
29 hadn't even been opened".
- 30 **Q.** And what did you think and feel when you saw those letters hadn't been opened?
- 31 A. I was angry, disappointed because had they opened one and seen what it was saying in
32 there about what was going on, they should have taken action then instead of just ignoring
33 the rest of the letters to see if the situation was getting worse.
- 34 **Q.** And apart from what was in those letters, were there other occasions where Child and

- 1 Welfare officers could have been aware of what was going on, and that's at paragraph 18?
- 2 A. "All this was witnessed on a number of occasions by Child Welfare officers. And they just
3 let us stay there with dad and did nothing. They witnessed him a couple of times
4 themselves laying into us. And they just did nothing".
- 5 Q. And there's a very specific example that you remember at paragraph 19. Can you go
6 through that for us please?
- 7 A. "Around 1967 or 68 a Child Welfare officer came to see me. I know from records her
8 name was such and such. Prior to that, other Child Welfare officers came a couple of times
9 because our father gave us hidings. I remember this lady asked us if we wanted to live with
10 our father. I remember sitting on the bed and crying and saying no. It was because he was
11 hitting us all the time and they knew he was hitting us, but they didn't do anything about it
12 and things were always the same".
- 13 Q. And what happened after you told them that you didn't want to stay at home with your
14 father?
- 15 A. They took us back to the Presbyterian Home. "I know from records we went there in
16 January 1969 until September 1969. Everything was the same, we still got slapped around
17 the ears and our mouths washed out with soap.
- 18 We went back to live with our father. He had a lady there that looked after us. It
19 didn't take long before the hidings started again".
- 20 Q. Then what happened in 1972?
- 21 A. In 1972 my father was going to go back to England and that and suddenly it was all right
22 for Welfare to decide that now we can go and live with our mother after all the damage was
23 done. And the person, the partner she was with was violent, not quite as violent as our
24 father, but he was still violent, he slapped us around. And my mother would tell him to
25 stop but she had no control of him.
- 26 Q. Can you tell us about, because at this stage you would have been at school, can you tell us
27 about what education you recall having?
- 28 A. When we were with dad we hardly ever went to school and when I went to mum I used to
29 go to school and that, but I'd wag a lot and we'd go around the shops shoplifting and
30 stealing stuff, getting into trouble. I got caught stealing bikes and came to the attention of
31 Youth Aid in the police. I was committing burglaries and got caught by police. I also got
32 in trouble at school for stealing.
- 33 Q. So this went on for a couple of years and at paragraph 25 you talk about what happened in
34 1974 and we go to the Epuni Boys' Home. How did that come about?

1 A. I was at school one day and this stepfather came along and picked me up early from school.
2 He didn't say anything, he just said going into town. And next thing I found myself at the
3 courthouse in Wellington and then I was taken down, out to the carpark, put in the car and
4 taken out to Epuni Boys' Home. I was given no warning or any explanation. I know now I
5 was committed to the care of the Director General of Child Welfare. I was 12 or 13 years
6 old. It's something that should have happened right at the start of my life.

7 "When I first got to Epuni they put me in what was called secure. It was like a
8 police cell. Every new arrival went there for two or three days. You were pretty much
9 locked up all 23 hours of the day. For one hour you got taken out for physical exercise.
10 I remember sitting there crying, wondering what was going on, frightened at being locked
11 in a cell. I went back to secure on many occasions during my stay at Epuni for punishment.
12 I recall going in for three days after"—I didn't try to escape from Epuni, I actually escaped
13 from Epuni, I was away for about 24 hours.

14 **Q.** Once you were out of secure and into the mainstream of the Epuni Boys' Home, what was
15 your experience like from then on?

16 A. "Once I got out of secure and in the mainstream it wasn't long before the violence started
17 happening. Staff used to give the 15 year old boys cigarettes, they got a certain number
18 each day. I can recall one of the boys who was allowed to smoke was a friend of my older
19 brother. He gave me a puff of his cigarette. A couple of the other boys in the home didn't
20 like seeing a new boy having a smoke. Someone said something to me and I told them to
21 get f'd. After that everyone went to the gymnasium and I got beaten up on an older Maori
22 boy who tried to take the cigarette from me. I apologised, but I called him a black cunt and
23 he gave me a beating in the corner of the gym. There were about four or five who all
24 joined in giving me a beating. I remember one of the boys climbed a rack in the gym and
25 from there dropped a medicine ball on my face. A medicine ball that is full of sand. One
26 of the staff members watched this whole incident. He came and told them to clear off when
27 the medicine ball was dropped on my face. It was left all swollen like a beach ball and I
28 was taken to the infirmary for a few hours before being returned to my room.

29 I would be beaten quite often by the other boys in the home. Kicked and punched.
30 The housemaster and staff were aware of all the fights and would let them happen".

31 **Q.** In terms of your approach to life and what you thought was reasonable, at paragraph 29 you
32 talk about your formative experiences about language. Can you go through that?

33 A. "My father used the term 'black bastard' in every day speak. He raised us to speak like that
34 and we didn't know any different. On one occasion I got into an argument with some

1 Maori boys in the recreation room. I called one of the boys a black bastard and I remember
2 being slapped in the face by a staff member. I told him to get fucked and he karate chopped
3 me in the throat which knocked me off my feet. Nothing was done about that. I also seen
4 him punch another boy in the face.

5 There was another staff member who backhanded me and punched me in the side
6 of the head for back chatting.

7 Another time a staff member was carrying a clipboard and was doing a roll call
8 while we were all sitting down having dinner the dining room. One of the boys didn't
9 answer his name straight away and the staff member cracked him across the head with a
10 clipboard. I said to the boy 'Don't worry about it', in which the staff member heard. He
11 then grabbed me by the top of my hair, lifted me from the chair I was sitting in and punched
12 me around the head on at least two or three occasions with a closed fist. One of the other
13 staff members had to come and get him off me. I ended up with a graze on my face and my
14 eye was black. There was no action taken against him for this incident.

15 There was another incident with the night watchman. I woke up one night to see
16 him rifling through my comics and lollies. I asked him what he was doing and he cracked
17 me on the knee and elbow with the torch he was carrying and told me to shut up and get
18 back to sleep. I remember I pretty much cried myself to sleep every night after that because
19 I was so scared he was coming back".

20 **Q.** And Earl, just because we've not mentioned staff names, can we clarify please whether all
21 of these incidents was the same staff member or involved different staff members?

22 **A.** Different staff members.

23 **Q.** And at paragraph 33 you talk about the kingpin culture. Can you explain what that is and
24 how it worked?

25 **A.** "It was very violent at Epuni. You would be bullied by kingpins who were the older boys
26 favoured by staff to control the younger boys. Other boys would bully you too. And the
27 staff would regularly assault us. If you got smart to a staff member and that, they didn't hit
28 you yourselves, they'd get the kingpin or bigger boy to come and give you a hiding.

29 They would also call me all sorts of names like 'loser', 'useless cunt', 'no hoper',
30 'arrogant prick' and 'little bastard'. There was one housemaster who always called me 'sad
31 sack' because I was always sad. I was actually terrified the whole time I was there".

32 **Q.** And, Earl, you've talked at paragraph 35 again about schooling and what do you recall
33 about how much schooling you received at Epuni?

34 **A.** I don't remember receiving much schooling at all. They had a couple of classrooms, but

1 you didn't go in there and do maths or English or anything like that, it's pretty much go in
2 there and muck around. Most of the schooling was sweeping leaves off the driveway while
3 the wind was blowing so you'd have to go back and do it over and over again. And just
4 jobs that they knew that if you done it you'd have to do it again because, like I said, the
5 wind would blow the leaves all black over the drive and you'd have to go and keep going
6 until the leaves were gone. But for education I didn't receive any education, apart from
7 learning how to steal cars and break into houses and shops.

8 **Q.** And you learned when you got your official records that there had been a psychological
9 service report in 1974. Can you describe what that said, paragraph 36?

10 **A.** "There was a report done on 21 June 74 which recommended I be placed in a family type-
11 home. That didn't happen. Instead I was taken to Hokio Beach School".

12 **Q.** And with hindsight, what do you feel about that psychological report and what was the next
13 step in your life?

14 **A.** I don't know if that was the actual report that I did get in my files and that, but the
15 first words in one of the reports that this lad has had a pathetic life. That's—they words
16 still affect me today, because they were right, my life had been pathetic.

17 **Q.** Earl, you then moved from Epuni to Hokio Beach School. Was that any different from
18 your experiences previously? And you're at paragraph 37. Do you want to just take a
19 quick—are you fine to carry on?

20 **A.** I'm all right.

21 **Q.** Thank you. So we're at paragraph 37.

22 **A.** "Hokio was no different from Epuni with lots more violence. Being one of the only Pakeha
23 kids there I received a whole lot of bullying by other boys. The kingpin system was
24 well-established. The kingpins were able to roam around and do as they pleased to the
25 younger boys. I was beaten up by the kingpin on at least two occasions and bullied a lot. I
26 was called honkie and beaten around, punched in the head and kicked, mainly for
27 cigarettes. There was obviously anger from being in a place like that which got the better
28 of a lot of people who took it out on those who were weaker. There was no protection
29 offered to anyone on the receiving end. Staff would watch the fights and do nothing".

30 **Q.** Just before we move on, you've talked about being addicted to cigarettes from the age of 5
31 or 6 and cigarettes feature quite a lot in Epuni and Hokio. Were they a form of currency
32 amongst everybody, highly desired?

33 **A.** Yeah, they were. The main place to get them was when you went home for the holidays,
34 people used to bring them back or like I'd be picking up butts, staff members' butts. When

1 I couldn't get any tobacco I actually smoked dried up pine needles just to get some sort of
2 smoke down into my lungs I suppose. But—

3 **Q.** And then at paragraph 38 you talk about staff members. Again, we won't name them, but
4 you talk about two particular staff members. Can you just go through the experiences with
5 them?

6 **A.** Yeah, "I saw these two staff members slap the boys around or cuff them around the ears for
7 back chatting and smoking. They would take boys for exercise in the gym if you were on
8 penalty, which happened when you committed a misdemeanor. This would consist of
9 doing sit-ups, press-ups and running around the concrete yard until they'd tell you to stop.
10 If we stopped too soon they would hit us with a stick or give us a kick up the backside and
11 tell us to get moving again. Because I was a skinny boy I had trouble doing press-ups and
12 sit-ups and when I didn't do these properly Hoko Gardiner would"—sorry.

13 **Q.** Can we stop?

14 **CHAIR:** Just pause for a moment.

15 **A.** Sorry.

16 **Q.** That's all right, it can be managed.

17 **QUESTIONING BY MS JANES CONTINUED:**

18 **Q.** No, we're okay, that was a name that was all right to say. Thank you. So we were at the
19 end of paragraph 38?

20 **A.** He would throw a medicine ball at my stomach.

21 "There was also verbal abuse, being called a loser and being sworn at constantly. I
22 was always in fear of the violence and of being hurt".

23 **Q.** And you had talked about being in secure at Epuni. Was the same experience of
24 punishment using secure also at Hokio, or did they treat it differently?

25 **A.** They had two cells like police cells over in one of the wings that you got put into. It had
26 the mattress taken out during the day and—

27 **Q.** And you talk about getting tattoos while you were at Hokio. How did that happen and
28 where were they?

29 **A.** Just, yeah, just like a cotton and needle and ink and got dots across my hand and ankle, and
30 because at daily inspections we had to hold your hands out to make sure you had no
31 nicotine and that, and like we got caught for the tattoos and that, got put on penalty again.

32 **Q.** And you talk about the abuse at paragraph 41. There was a new type of abuse that you
33 experienced. I know this is hard, so take it slowly and at your own pace.

34 **A.** "I also experienced sexual abuse while at Hokio. At some stage I was put into the kitchen

1 to do dishes. One day when I was in the storeroom and the cook, Mr Ansell, offered me a
2 cigarette. I had been working—I had been smoking since I was five, six or seven years old,
3 very addicted, so I jumped at the chance to have one".

4 **Q.** There was an occasion when you were in the storeroom smoking a cigarette at paragraph
5 41.

6 **A.** "As I sat in the storeroom smoking a cigarette Mr Ansell pulled my pants down and started
7 masturbating me. He then removed his own pants and grabbed my hand and put it on his
8 penis and told me to do what he had done to me. After it was over he gave me three
9 cigarettes and told me not to tell anyone. He used cigarettes as a form of payment".

10 **Q.** And Earl, what happened after that first incident, were there other occasions?

11 **A.** Yes, there were. "Following the first incident the abuse by Mr Ansell occurred on trips
12 away from Hokio on another nine occasions at least. I know from records that I was taken
13 off the Hokio school premises on 13 separate occasions. This would often be with other
14 boys. We would go to Mr Ansell's house or for a drive to the beach or to Levin. When we
15 went to his house he would take boys into his room. When I would be taken into
16 Mr Ansell's room it was always the same thing, masturbating me and I would be made to
17 do the same to him.

18 It also happened in the storeroom and kitchen. I would always get cigarettes as a
19 reward. I was aged between 13 and 15 years at the time".

20 **Q.** Did you feel there was anyone you could talk to or tell about what was happening?

21 **A.** No, there was no-one, because when you first got to the home the first things you were told
22 is you don't inform on the boys and you definitely don't lay any complaints about staff
23 members because it would only cause you trouble. If someone did inform they just ended
24 up getting beaten up.

25 **Q.** And eventually you were discharged from Hokio in 1977. Where did you go then?

26 **A.** Actually I was discharged in the May holidays in 1976, a couple of months after I turned
27 15. I went to live with my mother and stepfather again.

28 **Q.** And you were 15 years old at that time?

29 **A.** Yes, I got out on the Friday and on the Monday morning about 6 o'clock in the morning the
30 stepfather started screaming at the top of his voice, "Get out of bed you lazy little bastard,
31 get out and get a job". And from then on, I never got on with him, but I couldn't trust even
32 the welfare officers and that, because they knew what he was like before I went, I had to
33 pretend that I liked him and wanted to go and live with him and mum because if I didn't
34 I was told that I'd probably end up going down further to Kohitere which is a home for

1 15 year-olds and over, so I went to live with him.

2 **Q.** At paragraph 46 you talk about your feelings about those events and who you could or
3 couldn't trust and the impact on you. Can you go through that please?

4 **A.** "Throughout all these events there was nobody I could trust, not even the Social Welfare
5 officers. I feel their failure to protect me meant I never had a chance to make anything of
6 myself and this has had a huge negative impact on my life, and still does because I can't
7 afford the things I would want to give my grandchildren—I've already failed my children—
8 like proper housing and nutritious food. At the end of the day my children and
9 grandchildren are everything to me. My main focus in life is on my family and my need to
10 ensure a better life".

11 **Q.** And, Earl, was that a major part of why you ended up later seeking redress because of the
12 importance of your family and your children and your grandchildren, because we'll hear
13 what a very long journey it was for you shortly. Tell us about your children and your
14 grandchildren.

15 **A.** I've got a 36 year old daughter, a 29 year old son—who—my son's got five children aged
16 down from 9 to 13 months, and my daughter has one 17 year old boy in December. She's
17 just found out that she's going to be having another baby as well, so—but I'm not able to do
18 anything like—the only time my children or grandkids have slept in anything new was
19 when they got their cot. I can't even get my children beds. I had to go and shoplift to get
20 them shoes, underwear, socks.

21 **Q.** Do you want to take a break?

22 **CHAIR:** Yes, Ms Janes, I think this might be a good time to take a break. Mr White, we're going
23 to take a break just to let you have a break. You might even feel like a cigarette and if you
24 do that's perfectly fine. So just take as long as you need and we'll come back when you're
25 ready.

26 **A.** No problem.

27 **Adjournment from 10.46 am to 11.14 am**

28 **CHAIR:** Yes, Ms Janes. Do we have Mr White back again?

29 **MS JANES:** We do have Mr White back and we're ready to proceed if you are.

30 **CHAIR:** Yes.

31 **MS JANES:** Earl, can you hear me?

32 **A.** Yes.

33 **CHAIR:** Hello, welcome back.

34 **QUESTIONING BY MS JANES CONTINUED:**

1 **Q.** Earl, we left you, you had just been discharged from Hokio. We're at paragraph 47 of your
2 evidence where you talk about what happened after you were discharged.

3 **A.** "After being discharged from Social Welfare care I worked in a delicatessen in Cuba Street
4 for around nine months. When I turned 16 I tried to join the Armed Forces but was turned
5 down because I didn't have an education. And from there I was unable to find any kind of
6 stable employment and straight back into stealing cars, from cars and doing burglaries.
7 I ended up being kicked out of my mother's address and ended up living in shop doorways
8 on Cuba Street. I became addicted to alcohol and cannabis and would steel to feed my
9 addiction.

10 I ended up in a Youth Detention Centre. My main memory of that was drinking
11 two cups of disinfectant to get out of the place in hope of being taken to the hospital. So I
12 had plans of escaping from the hospital. It didn't work and I was just made to vomit it up".

13 **Q.** What was your life like after that?

14 **A.** When I was released from the detention centre I pretty much got straight back into crime
15 and ended up going to Mount Crawford prison a couple of times for burglaries and I was
16 suffering from insomnia and was prescribed sleeping pills when I was at Mount Crawford
17 prison.

18 **Q.** At paragraph 50 you make a comparison between prison and the residences.

19 **A.** "It might be hard to understand but I found it very nice being in prison, easier than the time
20 in the welfare homes. The prison guards were doing their jobs and they were more caring
21 and I felt safer at night".

22 **Q.** What happened in 1987?

23 **A.** In 1987 I got three months prison for driving while disqualified and breach of PD and after
24 I was in there for about a week my partner found out that her mother was dying, so I ended
25 up getting leave to attend the funeral. When I went back to prison I was—felt so low in my
26 life that I let everybody down, my daughter was only three years old and poured turps all
27 down my legs and set fire to myself. I felt so guilty that I wasn't there for my family. And
28 I just wanted to hurt myself.

29 **Q.** A very difficult period in your life, Earl, and you then go on to talk about how you tried to
30 turn your life around. So at paragraph 52?

31 **A.** Yeah. "Over the years I did try to obtain and keep employment but I was trapped in a cycle
32 of crime and drugs. I ended up being out of employment for so long I have been unable to
33 re-enter for some years. I haven't—the last job I had, a proper job was in 1987 when I was
34 in prison I got work parole and that was the last time I worked a proper job. And my ability

1 to concentrate is difficult. At that stage it was 45 years of smoking, but now it's 54, and all
2 the drugs and alcohol have also severely affected my health.

3 **Q.** And Earl you don't have to answer this question if you're not comfortable to, but in terms of
4 the effect on your health of the smoking and the drugs and the alcohol, do you feel
5 comfortable to share what that effect has been on you and your health status?

6 **A.** About seven years ago I went to the doctor and I done that test where you blow into that
7 thing where the ball goes forward. I couldn't even move it. They'd done an estimation that
8 my lungs were at the age of 95. I've got emphysema, high cholesterol. My blood's not
9 circulating properly through my legs.

10 **Q.** What concerns do you have for the length of your life as a result of the consequences of
11 those?

12 **A.** My only concern is the time to try to do something for my children and grandchildren
13 before I die, because as it is at the moment, if I die I'm just a burden on them. They can't
14 afford to pay for any funeral or anything like that, and—

15 **Q.** Thank you for being willing to share that with us, Earl, I know it's very personal. We'll
16 now go on to another difficult topic, at paragraph 53. It comes to the point where you
17 disclose the abuse that you suffered. Can you tell us about how that happened and came
18 about?

19 **A.** "At the time it was happening and for many years afterwards I just thought what happened
20 to me was normal and that the staff in the welfare homes and that were allowed to beat you
21 around or whatever.

22 And it wasn't until later in life when I was watching TV one night and I saw a
23 thing about neglect about when a child had been killed and something snapped inside me
24 and I suddenly realised that something was wrong, so I started trying to sort it out. I started
25 to experience flashbacks about my past.

26 So in April 99 I went to see the CYFS office and asked for my file under the
27 Official Information Act to see what they had. I already knew in my mind that Child
28 Welfare officers had been witness to me being beaten by my father. I got mucked around,
29 eventually I got to see some of the things which were recorded".

30 **Q.** When you picked up your records from the CYFS office, can you talk to us about what you
31 had to do and the impact that had on you, and that's at paragraph 56.

32 **A.** "It may seem a small thing to others, when I picked up my CYFS files they were all mixed
33 together in no chronological or placement order, so I had to spend hours going through and
34 trying to get them into the right order to make sense of what happened. I found it very

1 distressing and a very difficult exercise to go through".

2 **Q.** Can I just divert briefly. What would have made that an easier process for you in terms of
3 accessing your records and understanding and going through them?

4 **A.** It would have been a lot easier had they been in order and that of the times of when what
5 happened and that, but in my mind they deliberately done that so I could have—I'd have
6 trouble going through it, because my concentration level is very low. It was quite hard and
7 then when I started reading some of the things it just made matters worse, especially when
8 I found out that they already knew and had noted down a lot of the abuse that I'd suffered.

9 And when I finally received and looked through the file, I was shocked to see
10 exactly what they had known about the abuse and the comments they had made. They
11 pretty much blacklisted my mother and put all their effort into having my brother and me
12 sent to live with my father, despite the fact that it had been clearly written in my file how
13 violent my father was, how he taught my brothers and me how to steal, and it was also
14 despite the letters my mother had written warning that we shouldn't be left with my father".

15 **Q.** And it came to a point where you went to a lawyer. Can you describe the circumstances of
16 that and where you went?

17 **A.** A young guy that I was helping out told me to get him out of trouble and he had a friend
18 that was a hairdresser that knew of a lawyer called Sonja Cooper in Wellington, and I went
19 to see—I'd never told anybody about the sexual abuse until I met Sonja Cooper, mainly
20 because I didn't want to be landed with the name faggot or gay or queer, and it was
21 embarrassing and I didn't really understand at the time what was happening when
22 Mr Ansell was doing it to me. I always had problems talking about things and getting help.
23 I could never talk to my partner or family about it because I was too ashamed to explain
24 what happened.

25 **Q.** And Earl, as part of that process after seeing Sonja Cooper, you visited and had an
26 assessment with a psychiatrist, Dr John Crawshaw?

27 **A.** Yes.

28 **Q.** Can you describe how much time you spent with him and what his views were?

29 **A.** I went to see him, I think I was with him for a couple of hours and I talked all about the
30 abuse which occurred in my childhood and about the sexual abuse by Mr Ansell. And done
31 a report and said that I was suffering from severe anxiety, Post Traumatic Stress Disorder
32 and a number of other disorders.

33 **Q.** And then you started embarking on the litigation process and at paragraph 61 you talk
34 about a claim being filed in the High Court on behalf of you and your brother in December

- 1 1999. How old were you at that stage? We're at paragraph 61.
- 2 A. I was 38 years old at the time. It took eight years before the case got to court in 2007. And
3 I'm 59 now, I'm still waiting for justice.
- 4 Q. And at paragraph 61 you talk about 2001 the claim was settled. Can you read from the
5 third sentence, so "finally in 2011"?
- 6 A. Finally in 2011, after 12 long years, they gave me an ex gratia payment from MSD. I don't
7 feel my claim has settled because the Crown, they haven't taken responsibility for what
8 happened to me. And when I looked up the words ex gratia because I didn't know what that
9 meant and it turned out that the ex gratia payment is as a favour or a gift without taking any
10 legal responsibility for what happened. And to me it was an insult and—
- 11 Q. If you had to describe the experience in hindsight of those 12 long years, how would you
12 capture that?
- 13 A. It was a nightmare, it was just—it was unbelievable, bizarre. I felt like the Crown treated
14 me like being in a criminal trial rather than a victim of abuse. The whole process about me
15 made me feeling re-traumatised and abused all over again.
- 16 Q. As part of the legal proceedings, what's happened to you in terms of remembering the
17 experiences? We're at paragraph 62.
- 18 A. "After starting the legal proceedings and the interview with Dr Crawshaw, the memories of
19 my childhood came back even more. Almost every day I would remember something new.
20 I started drinking more heavily and using drugs to block it out".
- 21 Q. And were you able to seek any help as that started to occur or were you offered any help?
- 22 A. No, I actually—a few months after I saw Dr Crawshaw, I went to see a doctor in
23 Paraparaumu who I'd been to for—when the police broke my arm back in the year 2000 I
24 think it was, and I went to see him and I asked him to—for help and that was a huge step
25 for me to finally talk about the abuse and try and get help. But it was only during the trial
26 preparation process that I became aware that Mr Ansell had been convicted in 1976 of
27 sexually abusing other boys at Hokio.
- 28 Q. And when were you discharged from Hokio relative to the conviction of Mr Ansell in
29 1976?
- 30 A. I was released at the beginning of the May school holidays, but I don't know what month he
31 went to court.
- 32 Q. So his conviction was at the same time that you were transitioning out of Hokio?
- 33 A. Yes, something like that.
- 34 Q. And just to check, were you ever contacted by anybody to talk about whether you had

1 experienced any abuse by Mr Ansell?

2 A. No, I wasn't.

3 **Q.** And at paragraph 65 can we pick it up and have you read from there please?

4 A. "I believe the Crown knew the abuse happened to me from everything they knew about
5 events at Epuni and Hokio, but during the trial they made it look like it was all my fault
6 why the abuse had happened and they used every available excuse and technicality in court
7 to win.

8 If the Crown had immediately fact-checked what was in my claim then told us that
9 they knew Mr Ansell had been convicted of abuse in 1976, which was while I was there,
10 and acknowledged that the events I told them were accepted and offered a genuine apology,
11 I would have accepted any amount of money they offered. Instead I was put through 12
12 years of what felt like torture and in some ways was worse than the abuse I suffered. Every
13 time I saw a Cooper letter, legal letter in the letterbox I thought maybe it was over and
14 I could move on with my life, but it just kept going on and on and on. It was hugely
15 stressful and the depression and anxiety was inevitable".

16 **Q.** Before moving on, has there ever been an offer of support or assistance from the Ministry
17 of Social Welfare as you went through this claim process?

18 A. No, there was none.

19 **Q.** And at paragraph 67, you've described what impact it is. Can you read paragraph 67?

20 A. "I feel if it had been over earlier I may have had the chance for my life to take a different
21 direction but I wasn't given that chance. To be honest, I am pissed off I had to wait so long.
22 Justice is supposed to be swift, but it certainly wasn't for me".

23 **Q.** Can I have you keep reading through to paragraph 70 please?

24 A. "I didn't feel justice was done then and I still feel that way. I don't call myself a survivor
25 because I am still waiting to be rescued and that can't happen until I receive justice. For me
26 that would be a proper, genuine apology from the Prime Minister or the Governor--General
27 on behalf of the Queen to all the thousands of children who have been harmed, including
28 me and my brother. Not to forget all my sisters that were abused as well".

29 **Q.** What did you feel about the apology letter that you got?

30 A. It was an insult to me when—because to me somebody in a temporary job at the head of
31 CYFS is not a genuine official and the Governments over the years have apologised to a
32 number of other people for things that have happened 150 years ago before, they have no
33 problem apologising to other people, but for the people that their State abused they seem to
34 have a problem, just even to say the word "sorry".

1 And it's an injustice that's an insult to all of us, because they actually had blood on
2 their hands, because a number of the people that were abused in these State care homes
3 have gone on to rape, murder and the blood is on the Government's hands because of what
4 happened to those boys in their homes. I'm not saying it's an excuse, just because we got
5 hidings and whatever in welfare homes that you go and do that sort of thing because that's
6 not the way it is. If it happened to you, you shouldn't want to do it to anybody else.

7 **Q.** And Earl, at paragraph 69 it talks about the claim being on the basis that the Social Welfare
8 agencies owed what in law we called a duty of care to you and Paul for the decisions that
9 they made.

10 **A.** The basis of welfare is to owe duty of care to Paul and me, but they didn't, they put social
11 workers concerning my family after we first came to their attention two years before I was
12 born in 1959, and the treatment we suffered in the various Social Welfare institutions meant
13 pretty much my whole family, apart from my older sister and that, all suffered abuse in
14 welfare institutions, and—

15 **Q.** And are you comfortable to share, we've talked about, you and I, about intergenerational
16 abuse, is there anything you want to say about your family in that context?

17 **A.** Yes, when I was going through the trial, they seemed to take pleasure in telling me, that my
18 mother and father were in welfare homes as well when they were children and they had no
19 problem trying to blame my father for everything that happened to me and using that as an
20 excuse for saying that what happened to me further down the line made no difference to my
21 life.

22 But if my parents were in welfare homes, I wouldn't even want to imagine what
23 happened to them in the days they would have been in there because the abuse has been
24 going on for a long time, probably from when welfare homes first existed, and the
25 Governments over the years, there would have been complaints and nothing was ever done
26 to redress it, to help other children following in the footsteps. And to me if they want to
27 blame my father, they want to take a look in the mirror themselves because they're the ones
28 that raised my father obviously in the welfare homes as well and they obviously feel like
29 they failed me.

30 **Q.** And so Earl, at 70 you talk about the reason that you decided to take a claim to the High
31 Court, and what you hope to get from it.

32 **A.** "While I think victims of abuse in care should receive compensation to acknowledge the
33 harm caused to them, my objective in taking the case to court is not about the money but
34 the desire to receive a proper apology which I still haven't received after putting my case to

1 court". And it's a disgrace that the Government can't get up and apologise to their own
2 people for something that's been proven.

3 **Q.** And we're now going to start the journey of trying to settle the claim before it went to court,
4 so at paragraph 71, so we've talked about the claim being filed in December 1999, and as
5 early as 14 June 2001 through your lawyer, Cooper Legal, you attempted to settle the case
6 out of court. Just before we go through that, at paragraph 74, can you just read that so that
7 we set the scene about the information and your knowledge of it as we go through it.

8 **A.** "I don't have any specific recall of the settlement discussions apart from generally, and
9 I relied heavily on and took the advice of Sonja Cooper who was the expert in this area, so
10 these events are taken from the correspondence between her and the Crown".

11 **Q.** And so having set that scene that this is very much reliant on the correspondence, can we
12 go back to paragraph 71 and that first settlement discussion, if you could start reading from
13 the second sentence, "Sonja Cooper wrote to Crown Law"?

14 **A.** "Sonja Cooper wrote to Crown Law on behalf of me and my brother to seek alternative
15 dispute resolution and to request an informal discovery process. She made it clear that both
16 Paul and Earl have a strong desire to resolve these proceedings as quickly as possible. We
17 did not want to go through the trauma of an adversarial court process. Sonja Cooper never
18 got a response to this initial letter.

19 She followed up on July 12, 2001 in relation to my brother's claim. Sonja Cooper
20 followed up a third time by letter dated 23 August 2001 again requesting alternative dispute
21 resolution. We finally heard back on 27 August 2001 with a long list of detailed questions.

22 I found the uncertainty of how my claim was going to be resolved distressing.
23 Even as late as August 2003, nearly two years later, we were still requesting alternative
24 dispute resolution without any firm commitment from the Crown to explore that option
25 seriously".

26 **Q.** Then if we can jump to paragraph 75?

27 **A.** "On 15 November 2002 Sonja Cooper advised the Crown I was prepared to settle for
28 compensation of \$35,000, payment of my legal costs, which at that stage were \$10,000, and
29 a contribution to my counselling. The Crown asked for an extension of that offer until
30 12 December 2002 which was agreed.

31 Ultimately the Crown did not accept that offer saying MSD wouldn't be in a
32 position to consider settling my case until they knew the outcome of two other court cases
33 about ACC cover.

34 Sonja Cooper provided the Crown with a lot of information they had asked for or

1 which she thought may help get my claim resolved out of court. This included a draft
2 statement outlining the abuse I had suffered and a draft report following a psychiatric
3 assessment by Dr Crawshaw.

4 Given that I understand the Crown eventually spent well over \$1 million and
5 closer to \$2 million defending this case, it is unbelievable that they didn't accept the offer to
6 settle my claim for a total of \$45,000, particularly given what they already knew about
7 abuse at Epuni and Hokio. In the end I took their gift in 2011 of \$35,000. I received
8 \$25,000 and Sonja Cooper got \$10,000. I say 'gift' because that is what an ex gratia means.
9 I looked it up when I received their letter".

10 **Q.** And Earl, as part of the progress to trial, the Crown required you to undertake a psychiatric
11 assessment. Can you talk about that? It's at paragraph 79.

12 **A.** "In February 2004 the Crown asked me to agree to an assessment by another psychiatrist,
13 someone they chose, a Dr Chaplow. I agreed because I thought it may help settle my case.
14 I found this really traumatic as I had to tell another stranger all about what happened to me.
15 I didn't feel comfortable talking to Dr Chaplow. It seemed to me that he was blaming me
16 for everything that happened to me, especially the sexual abuse. He asked me why I had let
17 it happen so many times. I kept thinking I was only a boy and Mr Ansell was an adult in a
18 position of power. I was really upset and distressed and it made me more depressed for
19 many months afterwards.

20 Dr Chaplow's report was very different to Dr Crawshaw's and minimised the
21 effects the abuse had on my life.

22 I have had to speak to so many psychiatrists in relation to my court case. I was
23 and am not happy about that. It is not a process that helps victims of abuse. Instead,
24 re-traumatising them every single time. But I went along with it because I didn't think I
25 had any choice if I wanted my claim settled".

26 **Q.** And Earl, in April 2005 the Crown made an offer to settle. Can you go through paragraph
27 82 outlining what that offer was?

28 **A.** "On 26 April 2005 the Crown offered to settle for \$20,000 including legal costs. Sonja
29 Cooper believed there were strong legal arguments that I should be entitled to a higher
30 settlement and on her advice a counter-offer was made to settle for \$100,000 including
31 legal costs.

32 The Crown offered to settle my case in July 2005 for \$30,000 including legal
33 costs.

34 Sonja Cooper"—

- 1 **Q.** So just, you've told us that you settled in 2011 for 35,000 in total, and at this point there
2 was an offer for 30,000 including legal costs. So what was your understanding of how far
3 apart you were and what could happen next?
- 4 **A.** In 2011 when I took their ex gratia payment, I've never and I still don't today consider that a
5 settlement. A settlement is when both sides agree that it's all over. They didn't take
6 responsibility for what happened to me through their decisions in my life, which they
7 totally destroyed.
- 8 **Q.** And one of the reasons was that there was correspondence describing your claim as a weak
9 one. At paragraph 84 can you go through the response that Sonja Cooper made on your
10 behalf in July 2005?
- 11 **A.** "In July 2005 she challenged the Crown's position of something that my claim related to
12 one incident of sexual abuse which they described as being relatively minor sexual abuse.
13 On Sonja Cooper's advice she told the Crown that I would accept \$30,000 in full and final
14 settlement but would also need another \$21,500 to settle my legal costs. She also said that
15 if this was rejected we would take my case to trial. She told the Crown that what her firm
16 now knew from other clients in the same institutions at the same times there was a lot of
17 corroborative evidence of sexual abuse by Mr Ansell and the physical abuse I suffered at
18 Epuni and Hokio.
- 19 Sonja Cooper wrote to the Crown again in March 2006. I had instructed her to
20 make a settlement offer. It repeated my earlier offer to settle for \$30,000 plus payment of
21 my legal costs. She said they would exceed the \$21,000 she had mentioned to them a year
22 before and reminded the Crown that a nine-week trial would likely exceed \$500,000.
- 23 A further letter was sent on 6 April 2006. Sonja Cooper had filed amended
24 pleadings and discussed those with me. On her advice the settlement offered now was
25 \$60,000 compensation and payment of my legal costs. I don't think Sonja ever got an
26 answer to that letter.
- 27 There were further letters between the Crown and Sonja Cooper in September
28 2006. The Crown had asked the Court in June 2006 that we include even more specific
29 information, but the judge had said Crown Law was never going to get the specifics they
30 were asking for because it would be an impossible task for us and he didn't see what more
31 we could be asked to do in terms of our pleadings. Sonja Cooper said we were still willing
32 to settle if the Crown changed its mind and stressed it was not our actions that were
33 unnecessarily adding to the costs.
- 34 On September 25, 2006 the Crown wrote back saying it would be

1 counter-productive for us to incur further costs in lengthy correspondence over these
2 matters when we plainly do not agree and said they did not accept Paul and I had made
3 reasonable offers to settle. The Crown said"—

4 **Q.** Can you read that quote from the Crown letter?

5 A. "You are well aware that by pursuing very broad and in some cases novel claims in the
6 *White* proceedings and putting the Crown on notice that you will be taking the same
7 approach using largely generic pleadings in hundreds of similar claims, you have to a very
8 large extent tied the Crown's hands on settlement. If the Crown settles on the basis of the
9 claims as pleaded in the *White* proceedings, you will undoubtedly look to the Crown to do
10 the same for your hundreds of other clients".

11 **Q.** How did you feel, you've set out at paragraph 89?

12 A. "Unfortunately because Paul and my case was the first major one about abuse in Social
13 Welfare homes to go to trial, I feel we got caught in the legal crossfire. Having thought
14 about it over the years I feel we were dragged through the courts so the Crown could use
15 our case to test things like the Limitation Act and the ACC bar so they could stop future
16 claims being made and limit what they paid other victims of abuse who came forward".

17 I would have thought that because my case started in 1999 that it comes under
18 1999 law and like ACC changed their law in 2003, 2004 because in my belief it's because
19 they knew what sort of claims are going to be coming, because they already knew about all
20 the victims coming forward and they deliberately set out to make sure that they didn't have
21 to pay the proper compensation that the victims deserved.

22 **Q.** And Earl, in October 2006 Sonja Cooper wrote to the Crown again, and this was well
23 before your trial in 2007. Can you read paragraph 90 and the basis on which there was
24 another communication?

25 A. "Sonja Cooper wrote again on 27 October 2006. She mentioned the possibility of the
26 Government looking at options to settle these types of claims through an out of court
27 process with a recommendation expected by April 2007. She said:

28 'Within that context it is difficult to understand what is hoped to be achieved by
29 forcing Earl and Paul White to litigate their cases. If Government is intending on
30 embarking on an out of court process for resolving claims of this client group, the relevance
31 of establishing some legal precedent appears to be fairly limited'."

32 **Q.** So was your understanding at that time that the Government was looking at alternative
33 processes to settle claims like yours and was there any consideration given to stopping your
34 claim to see what those processes might be?

1 A. I can't really, I don't really know. With all this out of court thing and that I left that to Sonja
2 to do.

3 **Q.** And then turning—sorry, carry on.

4 A. Yeah, I didn't—yeah, I was so stressed out and just depressed and that about the whole
5 thing taking so long I told my story and after that I left it in her court to sort that out.

6 **Q.** And going to paragraph 91 it talks about Sonja Cooper emphasising that there was now
7 very little time to settle the claim and how expensive it was. Can you just pick that up from
8 the second line, the costs of preparing for trial would get very expensive, and she estimates
9 the costs?

10 A. "The costs of preparing for trial got very expensive estimating her costs to be paid by the
11 Legal Services Agency and a debt owed by Paul and me would conservatively be \$550,000
12 to \$720,000. She also estimated the Crown's costs at being between \$1 and \$1.6 million.
13 She stressed that the settlement offers made by Paul and me were not excessive but also
14 said:

15 'Certainly they have escalated because of the sense of frustration and on-going
16 trauma of being dragged through the litigation process, without realistic settlement offers
17 being made. Earl and Paul White have always been prepared to settle their claims and have
18 made numerous attempts to do so. This was referred to in my letter of 22 September 2006'.

19 I can say without any doubt that I was frustrated and traumatised by the litigation
20 process. I had been prepared to settle for \$35,000 in 2002 and would have settled for that
21 now just to get it over and done with. And this was before I had any idea of how much
22 longer it would take for my case to be heard and how brutal the trial was going to be".

23 **Q.** And then, Earl, your trial was in mid-2007 and on 22 March Sonja Cooper wrote to the
24 Crown making a last settlement offer. Can you just describe what that offer was?

25 A. "On 22 March 2007 Sonja Cooper wrote to the Crown making a last settlement offer before
26 trial which was \$110,000 compensation and \$100,000 for my legal costs.

27 In their reply dated 23 April 2007 the Crown said:

28 'Contrary to the view expressed in your letter, our assessment is that Mr Earl
29 White has a very weak claim. This assessment takes into account our review of the
30 plaintiff's evidence, the evidence to be called on behalf of the defendant and the legal
31 defences open to the defendant. So far as the Ansell incident is concerned, it is alleged to
32 have occurred after the commencement of the ACC scheme on April 1, 1974 and
33 accordingly, even if it did occur (which is denied), the claim for general damages is statute
34 barred. The facts do not support an award of exemplary damages. For these reasons the

1 offer contained in your letter is rejected".

2 **Q.** And, Earl, going to your personal experience of the litigation and the Crown conduct of the
3 litigation, at paragraph 95, what would you say?

4 **A.** "Throughout the years leading up to my case going to court, it seemed to me the Crown
5 was quite aggressive in the tactics they used. Some of the defences they argued which
6 seemed to change repeatedly over the top(sic), initially they didn't put forward any
7 defences. Then about six years later after I amended my Statement of Claim, they said it
8 was barred by ACC and the Limitation Act. Before the trial, they added further defences
9 saying that for me to continue to seek redress was an abuse of process. The only abuse that
10 took place was the abuse that happened in the State welfare homes, because people had
11 died or couldn't remember or recollect what I was talking about. I thought describing it as
12 an abusive process was unfair. They also argued that I failed to mitigate what has
13 happened to me, which had contributed to my own loss and damage, and then at a later
14 stage withdrew contributory negligence as an affirmative defence".

15 **Q.** Can you continue reading from paragraph 96 please?

16 **A.** "There were also times when I felt the Crown was being uncooperative and strategic. I felt
17 they wanted to win at all costs despite the harm I had experienced and the trauma the legal
18 proceedings were causing".

19 **Q.** You've talked about trying to seek name suppression. Would you like to just go through
20 why that was important to you and what happened?

21 **A.** "My brother and I wanted permanent name suppression before any trial happened. This
22 was critical in order to protect my privacy and that of my family and to avoid being
23 victimised. To me the reasons were obvious. We were victims of sexual abuse and did not
24 want our true names to be published. On 19 March 2007 the High Court decided only to
25 grant interim name suppression and then subsequently said that all witnesses, both ours and
26 the Crown's, would only have name suppression until 25 June when we were set for a
27 hearing.

28 For me this created a great deal of anxiety and uncertainty. Having certainty that
29 my privacy would be protected throughout the whole process was absolutely critical. Sonja
30 Cooper filed an appeal in May 2007. I was disappointed that the Crown contested this
31 appeal and did not understand where I as a victim of sexual abuse was coming from. They
32 said that permanent name suppression should be dealt with at the trial and that the High
33 Court was not wrong to give only interim name suppression as this was highly
34 discretionary. To me this was disappointing, created a great deal of uncertainty and stress

1 in the process, was unnecessarily technical and caused increased costs for us and didn't
2 show any compassion or understanding or recognition of the particular vulnerability of
3 sexual abuse victims".

4 **Q.** Earl, you then became aware that there was a private investigator involved. Can you go
5 through how you discovered that?

6 **A.** "I was stunned to learn that the Crown had hired a private investigator. I found out because
7 a man approached my older sister. She later told me about it and said he was trying to see
8 if she had anything bad and was prepared to say about me. She wasn't prepared to talk to
9 him but she felt very unsettled by this and wondered why they were trying to find dirt on
10 me and Paul when we were victims of abuse. A man also went to the house of my daughter
11 and her boyfriend. He didn't say who he was or what he was doing, but asked for my
12 daughter. Her boyfriend said she wasn't home. My daughter's boyfriend said he had also
13 seen this man up the road watching them and their house.

14 I am not sure why they hired a private investigator to find dirt on me. They
15 already had all my records, my criminal convictions, medical records, benefit history and so
16 forth. I would have thought that was sufficient intrusion into a person's inner life in the
17 context of a case involving abuse of a child who had been in care when it was the State's
18 duty to protect me from harm without also sending out private investigators to dig up dirt
19 on the victim. For me, amongst all the terrible things I was put through, the use of the
20 private investigator was disgusting and unforgivable.

21 The Crown also threw barriers in the way when we were genuinely trying to meet
22 timeframes. They opposed the introduction of late briefs of evidence when our lawyers
23 who had very limited resources were doing their best to bring the claim.

24 The case was heard in the High Court in 2007 before Miller J. I gave evidence of
25 all the things which happened to me both at home and while I was in Social Welfare
26 institutions".

27 **Q.** And Earl, as we go through the High Court trial, we're going to show some of the
28 documents, so just bear with me as I highlight those. We'll call up Exhibit 16 page 10.
29 Earl, you've talked about the need to prove your case in the High Court trial, and if we can
30 call out the highlighted paragraph. This is paragraph 27 which you will have a paper copy
31 of in the room with you?

32 **A.** Yes.

33 **Q.** Would you like to read that or would you like me to read it on your behalf?

34 **A.** I'll read it. "Very little about the plaintiff's claims is formally admitted, somewhat

1 surprisingly since much of their case is squarely based on the contemporary records of the
2 Child Welfare branch. So far as the period before Paul and Earl were placed in Epuni is
3 concerned, the defendant blandly admits that there were many expressions of concern in the
4 superintendent's contemporary records and he admits that the Child Welfare officers and
5 the Court intervened from time to time. But he denies the allegations of grossly inadequate
6 parental care and further denies that the superintendent knew of the plaintiff's neglect and
7 abuse at the hands of their parents".

8 **Q.** Thank you, that can come down. And then Earl at paragraph 103 you talk about cross
9 examination- by the Crown's counsel and how you found that experience. Can you just
10 outline that?

11 **A.** "I was cross examined by the Crown lawyer, Ms McDonald QC, for two days. It was a
12 very difficult experience and Ms McDonald was very aggressive at times. She took me
13 back through each of the incidents of violence and sexual abuse in great detail-. A lot was
14 made of the fact that my memory was patchy about certain things and that I had a criminal
15 history for dishonesty and stealing.

16 The Crown's psychiatrist evidence suggested that the circumstances of Paul's and
17 my life were more likely to be a genetic predisposition from our parents and the events of
18 our early childhood rather than because of the effects of the abuse. I found that really
19 insulting. In any case, I should never have been allowed to live with my parents at all,
20 given the order for preventative supervision that I was under when I was born. So I feel
21 that everything that happened in my parents' homes and in welfare homes was the
22 responsibility of the State.

23 I openly accepted my criminal history and didn't hide from the fact that I lied on
24 occasion previously in the course of theft and stealing. I also made it clear that while my
25 memory was not perfect, I could remember the painful incidents of violence and sexual
26 abuse because they stuck out. This theme of not reporting to people was returned to again
27 and again over the two days of cross examination-. It was very persistent.

28 The Crown's lawyer made a lot of the fact I had not complained to anyone of the
29 abuse at the time or over the years which followed. I had to explain on more than one
30 occasion during the cross examination that there was a culture of not narking- or saying
31 what was happening. Similarly, I had to explain over several occasions how difficult it was
32 to talk to anybody about the sexual abuse".

33 **Q.** And if we can go to Exhibit 15, firstly we'll look at pages 1 to 3 and so Earl, for your
34 reference, that's the transcript pages that you've got. The first references highlighted are

1 about the failure to complain and the judge wanting to be fair to you as the witness. Can
2 we call out firstly the first highlighted?

3 A. Yeah. "And you never made any complaint, did you, at the time about your time in
4 Presbyterian social services, you never told your father?"

5 Answer: I never told anybody anywhere where I was being beaten because in my
6 mind I thought that anyone that hit us like that had the right to hit us.

7 Question: So this was in 1969 when you were in the Presbyterian Home"?

8 Q. And then further down that page there's further questioning about why you didn't complain.
9 Actually can we zoom in on that lower half and, Earl, you'll see there's a reference 494.
10 Can you see the 494?

11 A. Yes.

12 Q. And there is a question why was that that you didn't complain, and you then answer. Can
13 you just read to the end of that page?

14 A. "And why was that?"

15 Answer: Pardon?

16 Question: Why was that you didn't complain?

17 Answer: Well, I didn't know at the time. Like I said I have always believed that
18 in the institutions they were allowed to whack us around as they pleased. I realised what
19 they were doing was assaulting, I didn't realise what they were doing was assaulting us and
20 it's the same as my father. I thought the way he treated us that he had every right to do it
21 but I have realised since I have, you know"—

22 Q. Been older?

23 A. —been older that they had no right to do what they done to me.

24 "Question: But when you were a young child, you have just been telling me about
25 this, you were complaining to the Welfare you say about your father hitting you?"

26 Answer: Yes, we told the Welfare our father hit us, but also from what I have seen
27 in the documents the welfare came and witnessed the beatings anyway, so they already
28 knew".

29 Q. And then if we can carry on scrolling down that page and call out the next highlighted
30 passages?

31 A. "But you clearly knew you had a right to complain about your father hitting you?"

32 Answer: No, I think I just followed Paul's path on that".

33 Q. And then you'll see down there it says "the Court". Can you read from there to—

34 A. "I think, Ms McDonald, in fairness to the witness, isn't the position in 1969 that they left

1 their father and went to their sister and it's as that that the Welfare became involved and
2 asked them about these complaints, isn't that the position on the record, or is the defendant's
3 case that they actually went to Welfare and volunteered a complaint".

4 **Q.** And then scrolling down you'll see under 495, part way down that page, and then there is
5 further highlighted, it says Ms McDonald QC. Can you just read the highlighted lines
6 there? Can you call those out, thank you.

7 **A.** "The Court: I am simply wanting to be fair to the witness what the position is, if Welfare
8 asked them who they want to live with because the Welfare knew there were problems
9 when this issue about complaining wouldn't arise. But it is your case that indeed they did
10 initiate the complaint then of course it's entirely right. I didn't understand that to be the
11 position as you took us through the documents".

12 **Q.** And then at the very bottom, Ms McDonald was then going to go away during the break
13 and have a look at the documents to check what the actual facts were, and at the very
14 bottom of that page after the break can you call out that in the next page, thank you. And,
15 Earl, can you read from Ms McDonald on the point?

16 **A.** "On the point we were discussing before we broke, I think the position is that the
17 documents on their face don't make it clear whether the comments about hitting were
18 volunteered by the boys or whether they were elicited. Our case is certainly that we don't
19 necessarily accept that complaints of hitting were made all the time in the way that's being
20 suggested".

21 **Q.** Thank you. And those are references back to your brief of evidence. We've gone through
22 paragraph 106 and we've just covered paragraph 107 where the judge queried Crown
23 counsel about what she was directing that questioning on. So, can we then go to paragraph
24 108?

25 **A.** Yeah. "On another occasion the Crown's lawyer was asking a lot of detailed questions
26 about the sexual abuse by Mr Ansell. The judge interrupted and asked where the questions
27 were going because it appeared that she was suggesting that I had consented to the sexual
28 assault as a child".

29 **Q.** And, Earl, we'll go to Exhibit 15 pages five to six. They will come up on your screen. But
30 for your reference you'll see a page with 555 at the top. If we can call out the top page
31 highlights and it starts with "the position". Just above 555, can we start at—there's a
32 question you'll see the highlight "The position is that there was a lot of talk about what
33 Mr Ansell is doing" and you answer?

34 **A.** "The position is that there was a lot of talk about Mr Ansell, what he was doing.

1 Answer was: Not while I was in there there wasn't.

2 Question: And how many times do you say he did this to you?

3 Answer: At least 8 or 9 occasions.

4 Question: And each time up got cigarettes, did you?

5 Answer: Yes.

6 Question: And you wanted to get those cigarettes because you were pretty
7 addicted to smoking weren't you?

8 Answer: I was heavily addicted to smoke and Mr Ansell took advantage of me".

9 **Q.** And then we've got the next highlighted passage, "you must have known", could we call
10 that out. No, don't worry, we'll go back to your brief of evidence at paragraph 109. So
11 there was quite a lot of questioning following on in that transcript about the abuse from
12 Mr Ansell and whether you should have not agreed to go with him. So can you go please to
13 paragraph 109 and we'll start reading from there?

14 **A.** Yeah. "All of the specific incidents of violence I described by staff members were
15 challenged. I was told they were all denied and that I had made them up as fabrications.
16 I kept responding that I stood by what I had said and continue to do so today. It was quite
17 traumatising to be called a liar and being challenged every time I answered with what
18 I knew to be true.

19 Some of the cross examination- questions suggested that my childhood had not
20 been that bad at all. Reference was made to specific notes where I went to a movie or a trip
21 which sounded fun. Notes about my school performance being below average was referred
22 to as suggesting it wasn't that bad was it, and there were some good things. My response
23 was always the same. There was the odd moment of happiness, but on the whole my
24 childhood and experience of care in Social Welfare institutions was frightening, violent and
25 traumatic.

26 A lot was also made of my ability to instruct lawyers in relation to my criminal
27 cases and obtaining my CYFS file. I wasn't actually ashamed, I'm still not ashamed, of my
28 criminal cases. The police were doing their job and it was a fair cop when I got caught. So
29 I didn't have difficulty instructing a lawyer for them. I went to great pains to explain in
30 court that there was a psychological difference between giving details to a staff member to
31 obtain my records versus having to talk about painful and shameful memories.

32 In the High Court the judge accepted that I had been physically abused at both
33 Epuni and Hokio and also that I had been sexually abused by Mr Ansell as I described on at
34 least 13 occasions when I was taken to his home".

- 1 **Q.** And, Earl, in the High Court decision which is Exhibit 16 on page 108, the judge talks
2 about accepting the findings of abuse. And he accepted that it occurred on 13 occasions.
3 How did you feel when the Court accepted the findings?
- 4 **A.** I thought I finally got there and that justice was going to be done, and that it was going to
5 be all over. But once they used their technical decisions and that to—the Statute of
6 Limitations Act and barring from ACC and that, it turned out that I was wrong and I've just
7 been suffering ever since.
- 8 **Q.** And so despite finding that the abuse had occurred, at paragraph 113 you talk about the
9 basis for the case actually failing. Can you read 113 and following, paragraph 113 and
10 following?
- 11 **A.** "Despite this, the judge accepted the evidence of the Crown's psychiatrist experts and also
12 that I had not proved on the balance of probabilities that it had a material impact and that
13 my early childhood experiences are dominant, if not the overwhelming cause of my
14 difficulties. To me it was extraordinary for the judge to accept I had been physically and
15 sexually abused repeatedly over a number of years but that it hadn't had any effect on my
16 life. I could not believe that finding then and still can't today.
- 17 The judge found that our claim was barred under both the Limitation Act and the
18 ACC legislation, so we were not entitled to any damages. Our notice of appeal challenged
19 all of the judge's findings on these defences.
- 20 On the question of us continuing to bring the claim, the judge said that our claim
21 was far from an abuse of process". It was an abuse of children, that's what it was.
- 22 "The Crown tried to get a costs order against my brother Paul for \$42,917 which
23 was opposed by our lawyer. The Crown said that this was because of his failure to discover
24 documents relating to his claim against Presbyterian Support Services and which caused the
25 defendant additional costs. This caused considerable alarm. We had no money and
26 understood that although we were funded by legal aid, technically Paul could be asked to
27 pay these costs. The judge refused to award costs personally against Paul.
- 28 Unfortunately, because our case failed due to the Limitation Act and ACC
29 defences, the legal aid we had been granted when we filed our claim in 1999 was
30 withdrawn.
- 31 Legal aid asked me to repay just under \$3,000 which I did with WINZ deducting
32 \$5 a week from my benefit until the full amount was repaid.
- 33 We didn't have access to legal aid for our Court of Appeal case and Sonja Cooper
34 did this for us without payment.

1 I can't understand why legal aid was withdrawn. The physical and sexual abuse
2 I claimed had occurred was found by the judge to have happened. It seems unjust for legal
3 aid to abandon us at that stage. I accept not all people whose claims are honest, but we had
4 gone through the process, proven the facts, but we were still stopped from getting
5 compensation and now we couldn't even carry on challenging the Crown to see if the High
6 Court decision was right or not.

7 In 2011 when I accepted the payment offered by MSD, I received \$25,000.
8 Payment came with a letter stating it was an ex gratia payment and I felt it didn't accept any
9 responsibility for what happened to me".

10 **Q.** Earl, just before we leave the court case, can we go to Exhibit 16 page 64. Do you recall in
11 the trial that also the Crown raised an issue about collusion of—there were a number of
12 witnesses who gave evidence in your case who had also been at Epuni and Hokio and there
13 was a suggestion that you had all colluded. Do you recall that and what the judge said?
14 And we can go to the paragraphs highlighted on this exhibit. Can we call out that
15 highlighted—the whole paragraph if that will fit.

16 **A.** "It is a feature of the evidence that many of the witnesses did not know one another at all or
17 had not seen one another for many years. They gave evidence because they found their
18 way to Ms Cooper, who acts for most of them in similar proceedings. This case is said to
19 be the first of more than 230 that her firm has brought. Some read publicity about claims in
20 which she is acting, while others learned from fellow prison inmates who have instructed
21 her.

22 Thus there has been some discussion about claims in the circles in which some of
23 the witnesses move. But there was no real suggestion that they concocted their accounts
24 which were very similar in certain aspects, or that they were suggestible. Ms McDonald
25 contended that only that there was a risk of contamination.

26 It seems to me that there is indeed a risk of contamination in that social
27 discussions or the process of briefing by counsel might inadvertently lead witnesses to, for
28 example, identify staff accused by the plaintiffs. There are indications that they may have
29 happened in one instance where a witness named a staff member who is not in fact at the
30 institution at the time.

31 Ms Cooper inadvertently highlighted the concern when she sought to give
32 evidence from the bar by reassuring me that her firm had scrupulously put procedures in
33 place to prevent such contamination. The issue is of concern for, in the absence of
34 collusion or contamination, the similar fact evidence is logically, indeed strongly, probative

1 of the plaintiff's claims in material respects.

2 But I must take the evidence as I find it, establishes on the balance of probabilities
3 that the witnesses had not colluded, and it would be speculative to find that the evidence
4 had been otherwise contaminated".

5 **Q.** Just before we leave that topic, if we can stay on Exhibit 16 but go to page 76. And, Earl,
6 I'll just ask you to read only the highlighted parts of paragraph 218.

7 **A.** "I have come to accept much of the evidence of the former residents about practices at
8 Epuni. I have found that they did not collude to make up their evidence. I also found a
9 number of them impressive witnesses, their subsequent criminal histories notwithstanding.
10 I preferred their evidence in many respects"—

11 **Q.** We won't mention those names that come up.

12 **A.** No. "In many respects"—

13 **Q.** "To the staff members at the institutions".

14 **A.** Yeah.

15 **Q.** And then if you start from "apart from"?

16 **A.** "Apart from the striking similarities in their accounts, there were details of the evidence of
17 the defence witnesses that tended to corroborate the former residents' accounts".

18 **Q.** And we don't need to go to them, but also on this page further down it talks at paragraph
19 219 and 220 about the kingpins and the no narking culture which you've already talked
20 about and that was accepted by the Court. So Earl, going back to your brief of evidence, at
21 paragraph 123?

22 **A.** "It is hard to reconcile when compared with the huge cost to the Crown, not only the cost of
23 the Crown lawyers, but also my legal aid and the cost of the judge and other department
24 and court staff.

25 I never felt the apology I received was genuine or appropriate. As I have already
26 said, I will not find any peace until I receive a proper, genuine apology from a person in
27 authority such as the Prime Minister, Governor-General-, and not from some official in the
28 Ministry of Social Development. Because I can't get past this, I find counselling has little
29 benefit in helping me get past these events and doesn't provide me much help in dealing
30 with depression and anxiety. I am stuck and need a proper apology to be able to move
31 forward. I am now 59 and not in good health, so time is running out.

32 When the Court said my claim was barred by ACC I thought that meant I wasn't
33 able to get any compensation from ACC, so I didn't make an ACC claim until nine years
34 later after the High Court hearing. At that stage a cousin told me that I should make a

1 claim, which I then did.

2 That was also a difficult and unsatisfactory process. I had to see a psychiatrist or
3 psychologist, I don't recall which, and then information was sent to someone else who rated
4 my case on an American system which came out at around 16 or 17% impairment. I felt
5 really cheated as that rating didn't seem to relate at all to what the psychiatrist or
6 psychologist report said and what actually happened to me. I felt it totally minimised what
7 I had gone through and made me feel victimised all over again. I felt the same way I did
8 when I got the court judgment and suffered further depression for several months".

9 **Q.** And, Earl, you've thought about what might be—what the Inquiry could possibly
10 recommend for change. Can you go through those from paragraph 127 to the end of your
11 evidence?

12 **A.** "While it was never really about the money for me, I do feel it is unfair that other victims,
13 both during and after my court case, could get significantly more money without having to
14 prove the events and go through what I went through over 12 very long and traumatic
15 years". It's actually been 21 years since I started my claim.

16 "The Crown need to take a serious look at what went on in those welfare homes
17 and sort out a solution that is good for the victims, not just lawyers and psychiatrists and all
18 these other people who are making thousands of dollars off other people's misery. When
19 we prove our misery, we receive a payment that is a joke. The lawyers are still sitting there
20 making thousands of dollars and some of these victims who suffered abuse have received
21 sums as low as \$4,000 or \$6,000. That is a cop out on the Government's behalf because
22 they know all the abuse happened. They have documents that prove it. If the Government
23 wants this country to move forward with young people, they need to take a hard look at
24 what the Government did to the young people's fathers. You will probably find there are a
25 number of fathers and sons, and probably grandfathers too, sitting in jail now that are
26 second or third generation welfare children like me. I found out my parents and
27 grandparents were welfare children and after the abuse I went through I don't want to
28 imagine what they went through.

29 For me, improvements in the claims process would be that no one- was forced to
30 take civil proceedings and go through the experience my brother and I had to go through.
31 Instead, there should be an independent process not controlled by the State departments and
32 once the abuse has been fact-checked, then there should be a genuine apology and a fair
33 compensation for the abuse that happened. A victim should not have to go through all the
34 hurdles I did.

1 The one thing in my life which brings me some peace is that I have made sure my
2 kids and grandkids haven't gone through what I went through when I was a child. I am
3 involved in the lives of my grandchildren and they are my reason for living. I take my
4 grandchildren to school every day and pick them up".

5 **Q.** Earl, thank you very much for giving your evidence. The Commissioners may have some
6 questions for you, so if you can just answer them to the best of your ability.

7 **CHAIR:** Yes, Commissioner Alofivae is going to ask you a question, Mr White.

8 **COMMISSIONER ALOFIVAE:** Thank you, Mr White, for the courage that you've spoken with
9 this morning. I just want to ask you about your education. Do you remember when you
10 last went to school?

11 **A.** I went to a classroom in Hokio Boys' Home, but all I done there was trace a weather map
12 on The Dominion every morning and I didn't even really know how to read properly until I
13 was—I learned to read, reading Beagle Boy comics and, yeah, I had no secondary
14 education and that's one of the main reasons why I couldn't get into the army, because
15 I believed if I'd have got into the army, if I'd had a proper education and brought up,
16 I would have made a success of my life. But I can't remember any decent education
17 through my whole time.

18 **Q.** Thank you very much, Mr White.

19 **CHAIR:** Dr Erueti would like to ask you some questions as well.

20 **COMMISSIONER ERUETI:** Kia ora Earl. My name is Anaru Erueti. Thank you for your
21 evidence today, I know it's been a very long day, so I'll be very brief. You mentioned in
22 your evidence about your time at Hokio Residential Boys' Home and that you were one of
23 the very—there were only a few Pakeha kids there at the time.

24 **A.** Yeah.

25 **Q.** I wondered if you had a sense of the numbers of Maori kids that were there at Hokio
26 relative to the number of Pakeha kids who were there at the time that you were there in the
27 early 70s?

28 **A.** From what I found out in the trial from one of the staff members that Hokio Boys' Home
29 was specifically designed to cater for Māori youth and I wouldn't be able to give you the
30 exact figures on how many Pakeha and Maoris(sic) were there, but I know that—I still can't
31 figure out why they sent me to a facility when I was meant to go to a family-like- home and
32 they sent me to a place that was designed for, you know, different culture sort of thing.

33 **Q.** Yes, thank you. I wanted to ask about the lawyers and the process, this civil claims
34 process. The lawyers have been necessary to make that claim, right, and to seek justice and

1 accountability for what happened to you while you were in care. But you do note that they
2 are a part of the problem as part of this process. I wonder if you could elaborate more
3 about the role of lawyers in this claims process?

4 A. Well, it is my belief that there are a lot of lawyers and that that don't want settlements and
5 things, and that's not just on one side, it's on both sides. Because they're receiving the legal
6 aid and whatever, it's like the golden goose that keeps laying the golden egg and it's the
7 victims of the abuse that have been given peanuts. And it's a disgrace that it's like how
8 much money they spent on my case trying to defend it when they already knew, they had
9 enough proof there before it went to court.

10 They were just being ignorant because they knew if they had to pay out that they
11 were going to have a big follow on and they had to stop that at all costs. And I can't see
12 why the Statute of Limitations Act applies to me and my brother, a couple of years after my
13 case the CYFS decided they were not longer going to use the Statute of Limitations Act to
14 stop getting people compensation.

15 But now the Statute of Limitations Act for some reason is still held on my brother
16 and myself so we cannot go and apply for further compensation. And it's the same as the
17 apology. They've apologised to a number of different cultures over the years, but they
18 seem to have trouble apologising to their own culture for some reason. And I'm not being
19 racist, my family, my children, my grandchildren, my partner they're Maori, my best
20 friends are Maoris(sic), and I agree that the Maoris(sic) and that should have given
21 compensation for what the white man done to them over the years.

22 But I think it's very unfair that there is no Statute of Limitations Act to stop them
23 from any compensation for something that happened over 150 years ago to their ancestors
24 and yet there's a Statute of Limitations Act that stops me for something that happened to me
25 personally that's affected my whole life from the day I was born and now, just like I said,
26 I've failed my children, I'm failing my grandchildren. I'm going to die. You know, it's not
27 right.

28 The Government should get up and tell me why, why did the statute of Limitation
29 Act, why am I barred from getting any more legal aid when there's groups that have been
30 getting legal aid for 50 years or more since the 70s or whatever to go back on claims 100
31 and something years ago. Like I said, they deserve their claim, I believe I deserve and my
32 brother and all my sisters that were abused and beaten, raped, they owe everybody an
33 apology and I don't want to wait until I die to get it. It's not fair. I proved my case in court,
34 I done everything and they use technicalities that I knew nothing about.

1 Where did I get the education about learning about the Statute of Limitations Act?
2 I didn't have one. That is a cop out because they know that they have to pay, and until they
3 do and sort out the people that they've abused themselves, they expect everyone else to get
4 up and take responsibility for child abuse in this country, but can't even get up and take
5 account of what they done and their workers done to children in their welfare homes that
6 had nobody to run, nobody to hide. I used to cry myself to sleep every night because I was
7 terrified of getting beaten up.

8 For the first 15 years of my life it was nothing but violence everywhere I went and
9 it was their fault and they know it and they won't accept it, and the Government now, not
10 tomorrow or next month, they need to step up and put their hand up for the wrongs that
11 were done to these children over the years. It's unfair, it's not right.

12 **Q.** Thank you Earl, thank you.

13 **CHAIR:** Mr White, can I thank you on behalf of the Commission of Inquiry for paying a
14 significant cost in coming today, I mean a personal cost to you. You have been well heard
15 and we deeply appreciate the fact that you have been prepared to go through yet another
16 process to tell us about what you've been through in the past. Please know that your
17 account will be an important contribution to the work of the inquiry and I want to thank you
18 very much for that.

19 **A.** Thank you very much.

20 **MS JANES:** Earl, that concludes your evidence. Commissioners, that concludes the evidence for
21 the morning. We'll take a break to allow the clean up and it's lunch adjournment so we'll be
22 back at 2.15.

23 **CHAIR:** Thank you, we're adjourned until 2.15.

24 **Lunch adjournment from 12.51 pm to 2.22 pm**

25 **Session opens with karakia**

26 **CHAIR:** Yes Ms Janes.

27 **MS JANES:** Commissioners, our witness for this afternoon is Ms Leonie McInroe and she's
28 represented by Frances Joychild QC and Tracey Hu and counsel assisting Andrew Molloy.

29 **LEONIE MCINROE**

30 **CHAIR:** Before we start, may I call you Leonie or do you like to be called Lee?

31 **A.** Leonie is fine.

32 **Q.** I'm just going to ask if you to take the affirmation is that all right?

33 **A.** Yes.

34 **Q.** Leonie, do you solemnly, sincerely and truly declare and affirm that the evidence that you

1 will give before this Commission will be the truth, the whole truth and nothing but the
2 truth?

3 A. I do.

4 Q. Thank you very much. Yes Ms Joychild.

5 **QUESTIONING BY MS JOYCHILD:**

6 Q. Kia ora Leonie.

7 A. Kia ora.

8 Q. Now your name is Leonie Frances McInroe?

9 A. Correct.

10 Q. And where do you live?

11 A. In Auckland.

12 Q. What's your occupation?

13 A. I'm an anaesthetic technician.

14 Q. And you're also a mother, aren't you?

15 A. Yes.

16 Q. How many children do you have?

17 A. I have four beautiful children.

18 Q. And is one sitting in the hearing room today?

19 A. Yes, my son's here.

20 Q. David. Leonie, if you could start your evidence at paragraph 1.

21 **CHAIR:** Just before you do, remembering we've got signers and we have a stenographer, so just
22 try not to go too fast. If you go a little bit too fast I might just put my hand up.

23 A. Yes, please do.

24 Q. Thank you.

25 A. "In this affidavit I set out my experiences in seeking justice and compensation against
26 Dr Leeks and the Government who employed him. The process of seeking justice and
27 compensation was to me an additional on-going and sustained abuse to what I had suffered
28 in Lake Alice at the hands of Dr Leeks and hospital management. This time, though, the
29 abuser was the Crown.

30 It took nine gruelling and fraught years to obtain compensation for my cruel and
31 unlawful treatment by Dr Leeks. However, even then I never received closure because
32 Dr Leeks and those who supported him were not held accountable through the criminal
33 justice system. Neither did his profession take any steps that I am aware of to hold him to
34 account for what he did to me and other vulnerable children and the young people

1 unfortunate enough to end up in Lake Alice. I believe he was fully protected by the Crown
2 and his profession. My and other survivors' voices were ignored.

3 When I decided to embark upon the litigation, I had several aims in mind.
4 I wanted justice. For me that meant a fair and just hearing into what had happened to me
5 and accountability of Dr Leeks and those in Government who allowed him to do what he
6 did to me through the criminal justice system. I assumed he would be prosecuted once it
7 became clear what he had done to me.

8 I also wanted financial compensation for the terrible effect that my years in Lake
9 Alice had had on my life and the impact on my children who had to suffer a mother who
10 was not only debilitated, under-confident, often in trauma and held a core feeling of
11 worthlessness, because of what had happened to her, but also who was then reliving the
12 trauma for another nine years in the period I was raising them. It was a huge part of their
13 childhood. They were 11, 9, 6 and 1 years old.

14 Am I able to show a photo of my whānau?

15 **Q.** Yes of course.

16 **A.** Thank you, I would like you to see that.

17 **Q.** These are your children?

18 **A.** Yes. Thank you. They are so much a part of this story, yeah.

19 "I also wanted the system to change so all vulnerable children from then on were
20 protected from the sorts of things that had happened to me ever happening to them. That
21 vulnerable children needing any care in any capacity in Aotearoa are consistently and
22 without prejudice kept safe, protected from any harm and fully supported with no
23 exceptions. That never again in our history can it be said that the Crown became the
24 abuser, the perpetrator that re-traumatises the victim in any process of seeking justice. That
25 is extremely important to me.

26 I expected compassion from those hearing my story and to be believed and
27 validated from what I had gone through. I was hoping for closure and that justice would be
28 realised. I expected my story would be treated respectfully with integrity, sensitivity and
29 care.

30 When I filed my claim, instead of compassion, justice, validation and an apology,
31 I received nine grueling years of emotional battering, abuse and bullying from the Crown.
32 Without Philippa and Robert it would have been impossible for me to withstand".

33 **MS JOYCHILD:** Can I just pause you there and ask you who Philippa and Robert are?

34 **A.** Philippa and Robert, Philippa Cunningham and Robert Chambers, the late Robert

1 Chambers were my counsel. They were my advocates in the truest sense, I feel quite
2 emotional about this. Without them I would have given up. They treated me with kindness
3 and respect and dignity and care the entire process. Who I am today, part of who I am
4 today is a reflection of how they believed in me that I can be before you. My children and
5 my children's children will always know their names.

6 **Q.** We're at paragraph 8?

7 **A.** "There were on-going prolonged intentional delays, obstruction tactics and obstruction
8 strategies and it felt like the Crown were treating me with the callous indifference and
9 cruelty that Dr Leeks had, only worse, it was worse, because I expected fairness and justice
10 from the Crown. I expected an objective, considered view of the truth as presented by
11 myself and my evidence. I expected fairness and justice. The irony that over the nine years
12 my advocate for justice, the Crown, became the perpetrator.

13 Today, 26 years after I lodged my claim and let the powers that be know that Dr
14 Leeks – know what Dr Leeks had done to me, I am still waiting for his accountability and
15 the accountability of those who let him do what he was doing. He has never been brought
16 to justice, nor have the many staff who happily carried out his instructions of abuse, and
17 this is something that angers me and disgusts me deeply. I have no closure while Dr Leeks
18 is not held to account. I want to see him brought before the criminal courts. To not do so,
19 in my opinion, is the equivalent of deliberate and complete absence of criminal justice and
20 it shows support of his unlawful, brutal treatment. I see it as staggering negligence in
21 justice.

22 It is irrelevant that Dr Leeks may now be in his 90s. He has had a free life for
23 over 50 years not being held to account. Those of us who were subjected to his unlawful,
24 brutal treatment have suffered for the 50 years he has been living freely. We carry this as
25 our life sentence. No matter what, I will always have the stigma, the shame, the trauma, the
26 battle to overcome his abuse, the following abuse from the Crown and the on-going impact
27 and lasting consequences being held unlawfully in a mental hospital. That is my reality.
28 I cannot undo that. Our children carry this intergenerational trauma inflicted by Dr Leeks
29 and his colleagues. He is lucky to have had all those years free to live his life as he's
30 wished. Now it's time for the State to hold him to account. He must be brought back to
31 New Zealand and face his accusers. Only that will bring closure to me.

32 In this affidavit I also give evidence about the experiences I had making—to make
33 a claim to ACC and the long delays and battles I had to go through to recognise as having
34 been the victim of a medical misadventure due to medical error resulting from Dr Leeks

1 treatments of me".

2 **Q.** Now if you move to paragraph 13 Leonie?

3 A. "I was adopted at seven days old by a couple who lived in Waihi. My adopted father died
4 when I was 18 months old and my adopted mother died when I was a little less than 4
5 years. I was then placed in the Methodist Mission orphanage in Auckland and after a year I
6 was placed with a foster family in Whanganui. I only learned in adult life that they had
7 never adopted me, they fostered me and were paid well to care for me out of the estate my
8 parents had left.

9 During the years I lived with the foster family, the mother was physically and
10 emotionally cruel to me. For example, I recall that she put my arm through a washing
11 machine ringer. That happened frequently. And put darning needles in my feet when she
12 thought I was asleep to see if I could feel pain. I was constantly petrified of her, her
13 unpredictable and confusing behaviour. I had experienced it from a very young age. And
14 I struggle to know how to react to her cruelty, so I screamed on the inside and showed little
15 emotion on the outside. I had to do most of the housework daily. I was too small to reach
16 the clothesline, so they built a box for me to stand on so I could do the washing.

17 My cough annoyed her greatly. I did not know until I was an adult that I had had
18 asthma attacks. She would get annoyed with my coughing and make me sleep on the lino
19 floor with the dog in the washhouse. I did all evening meal preparation. I was not allowed
20 friends or birthday parties. I was often sent directly to my room if there was no housework
21 to do or if it was takeaway dinner night straight after school and I was not fed. I was not
22 allowed out of my room. I would, however, get up in the middle of the night to look for
23 food as I was starving. This happened on frequent occasions.

24 I was never made to feel part of that family. I was made to sit alone in the kitchen
25 to eat while the family sat in the lounge. The doors were closed so they could not see me. I
26 was so afraid of the mother that I never dared complain about anything, even when I had
27 pain inflicted upon me by her. Because I did not react to pain, she decided there was
28 something wrong with me and I was constantly taken to her—taken by her to various
29 doctors in the area. I also would run out of class at primary school if I was having a
30 coughing fit and was frightened to tell the teacher why I kept going to the bathroom.

31 To this day I cannot sneeze normally because that irritated her. I clearly recall her
32 asking teachers if they thought I was odd. She actively sought out anything that supported
33 her belief that there was something wrong with me. I was completely baffled on how to
34 please her, or to be accepted or wanted by her.

1 Among others that the foster mother took me to was a Dr Leeks, a psychiatrist at
2 Palmerston North Hospital. I was 12 years old. Dr Leeks' assessment of my foster mother
3 is recorded in a report Dr Leeks prepared which is in my Lake Alice notes. Dr Leeks
4 placed me as an inpatient in the adolescent unit at Lake Alice Hospital from July 1975 until
5 October 1976 and then from December 76 through to February 1977.

6 Under his instruction I was admitted as a voluntary patient to the Lake Alice
7 Hospital adolescent unit. I remained in Lake Alice Hospital for two periods totalling 18
8 months. As I understand, this was longer than any other Lake Alice survivor. In that time,
9 I believed I was diagnosed as having borderline schizophrenia, I believed this was his
10 standard diagnosis for all the children.

11 On 19 August 1995 I swore an affidavit for the strike-out hearing. I also made
12 two statements for my lawyers. One was in 1992 and was made for my ACC claim. The
13 other is updated and was a response to Dr Leeks' letter. It would have been prepared
14 around 1993. My statements below are taken entirely from these documents.

15 My recollection of the time I spent in Lake Alice Hospital is that it was a terrible
16 experience. I received so much medication I found it difficult to function. I have
17 particularly unpleasant memory of receiving electroconvulsive therapy on three occasions".

18 **Q.** Can I pause you there. Do you want to add to that statement?

19 **A.** The first ECT treatment which I cover further on was for being smart, disrespectful,
20 cheeky, giggling and unlike the standard procedures that we were threatened with
21 frequently and constantly, that took place on Tuesdays and Thursdays. This was an
22 afternoon and Dr Leeks gave me shock treatment himself in the evening and I remained
23 conscious until I was unconscious. There was no anaesthetic. There was no muscle
24 relaxant. And I recall that vividly.

25 "I was placed in seclusion for long periods of time which I hated. I resented the
26 system of punishment handed out by staff, including ECT. I was afraid of the other
27 patients, particularly some very disturbed adult patients. I recall feeling afraid and anxious
28 and embarrassed because I thought I was a committed patient.

29 *The first ECT treatment*

30 I was required to attend compulsory group therapy sessions. I found them
31 pointless. It was my behaviour at the group therapy session that led to my first 'treatment'
32 of ECT. I recall the occasion. I giggled at something and no doubt made some remark.
33 Dr Leeks was present. He said to me "If you don't cut it out you're going to get ECT".
34 I apparently did something else that upset Dr Leeks. I cannot recall what. He then said,

1 'That's it, you're going to get shock treatment tonight' and I did.

2 ECT was not the only occasion when I was given some form of treatment for
3 being naughty. My impression of my time at Lake Alice was that I was given painful
4 injections for naughty behaviour on many occasions. The number of entries of having been
5 given treatment for being naughty is not, in my view, as many times as I recall. For
6 example, on 12 November 1975 'disobedient - ran over scoria bed'. 50 mgs of Largactil."

7 **Q.** This is taken from your medical notes?

8 **A.** These are from my medical notes.

9 **Q.** If you go on to paragraph 25?

10 **A.** "Largactil is a tranquilliser. Both – and I speak of Paraldehyde – are classified as
11 antipsychotic drugs. I recall being given Paraldehyde by mouth and by injection. I can
12 only recall being given by mouth once. It tasted so foul that I vomited. It was a threat to
13 give it to us by mouth. In addition to the number of times I was given Paraldehyde, I was
14 threatened with it many times by the nursing staff and if they did not like my behaviour I
15 was also threatened with ECT".

16 **Q.** Now go to paragraph 28?

17 **A.** Can I just clarify about the behaviour?

18 **Q.** Yes?

19 **A.** Is that okay?

20 **Q.** Yes?

21 **A.** The naughty behaviour that we were punished with drugs, seclusion and other forms of
22 punishment were things like talking or moving or giggling while the staff were watching
23 Days of Our Lives. We were meant to be not visible, not of any bother.

24 We're up to 28?

25 **Q.** Yes.

26 **A.** "There were a number of seclusion rooms in the girls' wing. These were used for patients
27 who were uncontrollable or for punishment. You were locked in for various periods of
28 time overnight, a day, a few days.

29 The seclusion room, like other forms of punishment, was used as a threat. I refer
30 to an entry in the nursing notes, 15 March 1976, 'had the cheek to ask if she could watch
31 TV, threatened with seclusion room'.

32 On one occasion I was put in this closed room for many days, I believe 21, for
33 being with a group of girls escaping and trying to see the boys in their villa. We did not
34 succeed. This was discovered days afterward. I was given an injection every day I was in

1 seclusion. I came out to go to the toilet and bath. There was a bucket to toilet in at other
2 times".

3 **Q.** If you'd like to move to paragraph 31, how you came to make a claim to ACC and file
4 proceedings against Dr Leeks and the Crown?

5 **A.** "It was a strange coincidence of events that caused me to take a claim to ACC and the
6 courts against Dr Leeks. I was so damaged from my time at Lake Alice and earlier
7 childhood with my foster mother that I entered my adult years with a chronic lack of
8 confidence and huge fear of authority. I would never have had the courage or wherewithal
9 to contact anyone and make a complaint about Dr Leeks, but for the fact that my marriage
10 had broken down and I needed a lawyer to finalise my divorce".

11 **Q.** And continue at paragraph 34?

12 **A.** "When talking with Philippa about my evidence I commented to her that I had been in Lake
13 Alice and I was upset about the ECT and drug treatment and I believed it had been wrong.
14 With Philippa's advice and support and the support of legal aid, I then took a claim to ACC
15 and later filed proceedings in the High Court against Dr Leeks and the Crown. I would
16 never have had the courage to make any claim against Dr Leeks if it had not been for the
17 wonderful support, persistence encouragement I got from Philippa. Later Philippa
18 instructed Robert Chambers as senior counsel. He too was very supportive and caring of
19 me throughout that process".

20 **Q.** At paragraph 35 you talk about taking a claim for medical misadventure and medical error
21 and filing that claim in 30 September 1992. Can you now read from paragraph 36 – well,
22 in 36 you're quoting from your GP who sent a letter in support. Could you read what your
23 GP said about you in 1992?

24 **A.** "In August 92 Philippa wrote to my GP, Dr Philip Rushmer, who had been my GP for
25 seven years at that time and asked if he was able to comment on the treatment I underwent
26 whilst an inpatient at Lake Alice. He replied on 1 September 1992. He explained he could
27 not as he had no knowledge of my condition at the time but he continued:

28 'The only comment I can make is my observations of her during the years that I
29 have cared for her and can say during this time she struck me as being a straightforward,
30 normal lady. There have been no manifestations of any psychiatric disorder and she
31 progressed through her pregnancies normally with no evidence of any depression in the
32 months following child birth. One of the main predisposing factors towards postnatal
33 depression is a previous psychiatric history'.

34 The next year he reviewed my Lake Alice file notes at my request and on

1 16 February 1993 he recorded in a 'to whom it may concern' letter that having reviewed the
2 notes he was appalled at some of the things that went on involving my time at Lake Alice,
3 including the giving of strong antipsychotic medications and ECT with no good, sound
4 medical reason.

5 Dr Rushmer wrote another 'to whom it may concern' letter on 15 November 1994.
6 In that he said that he had cared for me throughout my pregnancy and there was no
7 evidence of any postnatal depressive disorder, that I had not sought medical help or specific
8 help for myself through my marriage problems and in particular, I had not needed
9 tranquillisers or antidepressant medication. He said that I had managed my pregnancy
10 excellently and continued:

11 'All in all, my comments are to state that Lee is a particularly normal level-headed
12 woman with no obvious evidence of psychiatric disorder who has cared for her family very
13 well, and in particular I can find no evidence of any depressive or psychotic illness'."

14 **Q.** At 39 you say that ACC asked Dr Leeks some questions?

15 **A.** Yes, they did.

16 **Q.** Yes, what were those questions?

17 **A.** They asked who was the second psychiatrist who agreed to provide ECT on December 12,
18 1975, 13 and 15 December 1976. They asked whether he received signed approval for my
19 ECT from parents or guardians. They asked whether there were any unexpected effects of
20 ECT therapy. They asked are there any other relevant facts related to the misadventure
21 claim – excuse me – for deleterious effects of ECT on the dates mentioned.

22 **Q.** Paragraph 41?

23 **A.** "Dr Leeks also said that the possibility of ECT was discussed and permission received from
24 my parents. He said it was also discussed with the social worker concerned and explained
25 to me who was under 16 years at the time of treatment. I was under 16.

26 Dr Leeks said I was treated with ECT.

27 He said the medication I initially received was insufficient to control my
28 behaviour, but the dosage was not excessive for a youngster of my age stating:

29 'Adolescents frequently require adult or even greater doses of medication because
30 of their increased basal metabolic rate'.

31 He also said he met me in subsequent years after me being in Lake Alice Hospital
32 following my marriage. Dr Leeks invoiced ACC \$730 for writing this letter calling it
33 'professional services'."

34 **Q.** Paragraph 48?

1 A. "Dr Leeks gives the impression that I only spent evenings in the admission ward and was
2 with other adolescents for the rest of the day. This is untrue. There was a separate villa for
3 adolescent boys. When I first went to Lake Alice Hospital there were only two other
4 teenage girls and myself. We were housed in a ward with adult patients. Although we had
5 a separate wing, the doors were not closed. The doors were not closed to the wings for the
6 men and women patients. Among the men and women were some very disturbed people,
7 including people who were convicted of crimes such as murder.

8 My impression was that all the adults were suffering from severe mental illness.
9 I recall one woman who I witnessed eat a used sanitary pad. While that is one of the more
10 memorable things that I saw in my time there, there were many others. When we were not
11 at school or in group therapy sessions, we were housed with these people, those adults. On
12 one occasion I was hit in an unprovoked assault. Refer my nursing notes 29 December
13 1976. There was very little opportunity for recreation or outings and I have an
14 overwhelming recollection I'd been bored for most of the time I was there".

15 **Q.** Do you want to go to paragraph 51?

16 A. "I was unable to tell the staff at Lake Alice the reason why a placement with a foster family
17 in 1976 broke down. I was for a short time placed with a family in Palmerston North.
18 They were a very nice family. I found adjusting to the outside life very, very difficult,
19 I recall the daughter of the family showing me a Methodist newsletter which had asked for
20 a family to take me in. It described me as having been a patient at Lake Alice Hospital.

21 I felt that this put a stigma on me and that everyone would know I came from a
22 psychiatric institution. Palmerston North and Whanganui, and Lake Alice is in the middle,
23 so all adolescents had an understanding of what Lake Alice Hospital was in the
24 communities. I sat school certificate in three subjects which I struggled to do. I felt that
25 my ability to concentrate on work was affected by the drugs I was taking. All in all, I was
26 finding the situation very difficult to adjust to.

27 One day I went on an outing with a girl I had met at school and her father. Her
28 father attempted to rape me. I was absolutely terrified, but I was unable to tell the foster
29 family who were looking after me. I was very untrusting of any adults and my experience
30 was that they would not believe me anyway.

31 When I was in the foster home as a young child, in fact I was only about 9 or 10
32 years old, and I was playing in the sand dunes next to a house that we were visiting, and
33 four teenage boys tried to grab me and assault me. And I was very young, and I didn't
34 understand what they were doing, but I was frightened and they kept saying 'we're going to

1 rape you, we're going to rape you' and I was so afraid and I got away. And when I got back
2 to the house I said to the foster mother, 'these boys have said that they were going to rape
3 me'. I didn't understand what that word meant. And she told me off, she scolded me for
4 lying to get attention.

5 So when in Lake Alice, in the foster home that I was put in my friend's father tried
6 to rape me again, I could not tell the staff or anyone what had happened, because I would
7 be lying to make—get attention. So what I did was I threw a wobbly so that I could get
8 away from that house. It alarmed the family and I'd been taught well in the environment in
9 Lake Alice of how to behave strangely.

10 I was taken back to Lake Alice. Everyone at Lake Alice was angry with me when
11 I returned. I was told I was too old to go to school, so they put me to work on nursing aid
12 duties with elderly patients. I was paid in cigarettes. This seems such a contrast to being
13 given antipsychotic drugs, Paraldehyde, for being caught smoking a few months earlier.
14 I recall the medication I was placed on was increased on my return. I was given shock
15 treatment for punishment for ruining it with the foster family.

16 Dr Leeks commented on his letter that he got permission from my parents and the
17 social worker before giving me ECT. I say that this is untrue. The only social worker I can
18 recall is Jeanella James and I wrote to her and asked her to comment on this. She said that
19 it was never discussed with her. I submitted that letter to the Court. Dr Leeks knew that
20 the foster parents did not have legal right to give permission, in any event, when I told them
21 I had received ECT they seemed surprised.

22 He most certainly did not discuss it with me, and I reiterate that it was given as
23 punishment. Dr Leeks was the person who administered ECT to me on all occasions.
24 Dr Leeks also said that he had met me after I left Lake Alice. This is untrue. I never saw
25 Dr Leeks between February 1977 and when I left, and then at the secret mediation
26 I attended in June or July 1998", up until that time I'd never owned a passport.

- 27 **Q.** I'll just pause you there, and we are now at a stage where ACC have received Dr Leeks'
28 response and they have sought you and they have sought some specialist opinions. So, the
29 first person that gave an opinion looking at the medical notes was a doctor, a consultant
30 psychiatrist, Dr Peter McGeorge. Can you read what he says in italics at paragraph 57?
31 **A.** He says "There was no absolute clinical reason justifying my prolonged placement in the
32 hospital. There was no evidence for my long term- treatment with oral and intra-muscular
33 antipsychotic medication. There was absolutely no indication for my treatment with ECT".
34 **Q.** He made another comment when further information came in and he also discussed your

1 medication. So, would you like to quote what he said to the Commission at paragraph 61?

2 A. He said "Medication for young people should be based on a dose weight basis not their
3 metabolic rate. The medication was appropriate for a diagnosis of schizophrenia but, as
4 Dr Leeks himself stated, his diagnosis was of borderline schizophrenia. If he came to see
5 me as having a behaviour disorder, the medication and ECT would have been grossly
6 inappropriate".

7 Q. Thank you. Now we'll move to ACC's expert. They then appointed an expert to review
8 what Dr McGeorge had said and that was a Professor Werry who was also a psychiatrist
9 and a lecturer. At paragraph 66 he completed a report and what were his conclusions
10 reading from paragraph 66?

11 A. He concluded at page 8 and 9 that there was a medical – there was medical misadventure
12 due to medical error resulting from inaccurate diagnosis, inadequate diagnostic and
13 progress procedures, grossly inadequate documentation by Dr Leeks of his reasons for
14 treatments. The type of treatments and reasons given for treatments prescribed ECT,
15 neuroleptics, antipsychotic doses and – in antipsychotic doses, including Paraldehyde,
16 Fluphenazine and seclusion.

17 Q. Thank you, Leonie. After that, what did ACC reviewer eventually decide after looking at
18 all the reports?

19 A. They decided that I had a claim for medical misadventure.

20 Q. Then the next step was to find out what damage had been done to you?

21 A. Correct.

22 Q. Could you—you were sent to three different specialists, and at paragraph 68 Dr Fernando
23 reported. She was a psychiatrist, a neuropsychiatrist. Could you quote at paragraph 68 or
24 read what she has said about you?

25 A. She said, "Lee has clearly suffered adverse psychological, physical, educational and
26 occupational consequences as a result of her experience at Lake Alice Hospital where she
27 was misdiagnosed and incorrectly treated with ECT and antipsychotic medication. These
28 adverse consequences have had a dramatic and chronic effect on her life extending over a
29 period of 20 years.

30 These effects have been, fear of having a mental illness, stigma of mental illness
31 and fear of discovery, lack of social and parenting skills, assertiveness and compliance,
32 feelings of anger and violation over the treatment received at Lake Alice, lack of education
33 and reduced occupational choices, an inaccurate perception of her cognitive abilities".

34 Q. Thank you. Then you went to a Dr Louise Armstrong who was a psychologist. What did

1 she, at paragraph 69, could you read the first three paragraphs of what she says about you?

2 A. She says, "Leonie appeared to give me an honest and undramatised account of her life
3 history and her memories of being in Lake Alice Hospital. If we accept that she was there
4 for presumed behavioural reasons, possibly at the instigation of her somewhat neurotic
5 caregiver and that she was under the treatment of a psychiatrist, later proved to be
6 incompetent and his treatment of Leonie has been judged by Professor Wary to be
7 inappropriate, then her account of two years in an institution being treated with
8 antipsychotic drugs, seclusion and ECT is quite heart rending".

9 Q. Thank you. Now Dr Wallis also examined you, he was another psychiatrist. What did he
10 conclude?

11 A. Dr Wallis said that I have nerve damage around my eye and it was probably caused by an
12 incident at Lake Alice, it could have been from the ECT or head injury from a blow to the
13 head.

14 Q. Can you describe the incident where you had a blow to your head?

15 A. I was asleep in a small lounge in Lake Alice and I woke to a young woman who was on
16 remand at Lake Alice for murdering a baby smashing my head with a heavy metal-based
17 ashtray.

18 Q. And you have had on-going problems since then?

19 A. They have recommended that, or advised that, I don't have the muscle that is affected in my
20 eye operated on because they may make it worse, so my head is at a permanent tilt to the
21 left to balance my vision.

22 Q. Thank you Leonie. If you could read from paragraph 72.

23 A. "My claim was finally settled after that. I recall Philippa had to doggedly fight for
24 everything going back again and again, challenging their assessments. From memory
25 I received two lump sums of \$10,000 and \$4,000 for my damaged eye. I did have regular
26 counselling starting with my marriage break-up, but none of it was through ACC. It was
27 through the normal hospital processes and well before I had even been compensated by
28 ACC.

29 Q. Can you read paragraph 73?

30 A. "The process of my claims with ACC set the precedent for what was to simultaneously take
31 place by the Crown. I had no choice but to endure long and frequent delays. I could not go
32 forward with civil proceedings until my claims were complete with ACC, yet I was met
33 with claim declined responses from ACC from the very beginning in favour of Dr Leeks'
34 blatant and intentional lies.

1 This became an alarming pattern. I was repeatedly frustrated and overwhelmed at
2 the way ACC treated me and my experience. There was no offer of support during this
3 period from ACC. Today that angers me deeply. Even though my case was dealt with by
4 the sensitive issues unit of ACC, I felt I had to fight to have my story believed.

5 I was sickened and repulsed at the continued letters, correspondence with the
6 subject heading that you could see through the window of the envelope, 'Mental Nervous
7 Shock Head'. It was so humiliating and embarrassing I recall asking Philippa to please tell
8 them to stop writing that. They did not. I believe it was said to be justified by ACC as the
9 way the sensitive unit categorised my claims.

10 I felt vulnerable and afraid of the many assessments ACC required of me. I felt
11 powerless and helpless to decline anything they requested as I feared it would impact the
12 outcome. I felt unsupported, intimidated, demeaned, vulnerable and often violated by the
13 entire process.

14 **Q.** Would you like to start talking about your litigation against Dr Leeks and the Attorney-
15 General?

16 **A.** "On 8 August 1994 my lawyer's firm wrote a letter to the Solicitor-General- and Dr Leeks,
17 giving notice of my intention to bring civil proceedings against each of them for breach of
18 fiduciary duty, false imprisonment, trespass to the person and negligence. She asked if they
19 consented to the bringing of the proceeding in view of the Limitation Act which set a bar of
20 six years for the filing of proceedings in tort. I recall that they did not consent and so my
21 claim proceeded with an application for leave to bring proceedings out of time.

22 The claim was made for \$1.5 million in compensation.

23 **Q.** Can I just pause you there, Leonie. How did you get to the \$1.5 million?

24 **A.** Robert Chambers had carefully calculated this and he felt very strongly about the loss of
25 potential, the assault, the imprisonment and I understand that that was an extremely high
26 amount and he was shooting for the stars in that.

27 **Q.** And did he claim \$500,000 for each of those causes of action?

28 **A.** Yes, he did. Would you like me to continue that?

29 **Q.** I think you can start at paragraph 78.

30 **A.** "I issued proceedings in August 1994. Dr Leeks had appointed Mr Knowsley of Rainey
31 Collins in Wellington as his solicitor.

32 Dr Leeks eventually filed a Statement of Defence having obtained additional time.
33 Essentially, he denied each and every allegation I had made and added further defences,
34 namely that my claims were statute barred by section 4 of the Limitation Act 1950 and

1 some claims were barred by section 14 of the Accident Rehabilitation and Compensation
2 Insurance Act 1992.

3 By February 15 1995 Philippa wrote to Rob Chambers QC copied to me to advise
4 that the proceedings were progressing very slowly".

5 **Q.** Paragraph 81?

6 A. "On 16 February 1995, counsel apologised for the delay in responding to correspondence
7 and Statement of Claim and said they were in the process of obtaining the relevant files
8 through the relevant Crown Health Enterprise who were seeking advice as to the release of
9 the files to the Ministry and that had delayed matters".

10 **Q.** Would you like to take a break now?

11 A. Yes, thank you.

12 **MS JOYCHILD:** Could we take a short break?

13 **CHAIR:** Certainly, just let us know when you're ready to commence.

14 **Adjournment from 3.15 pm to 3.33 pm**

15 **CHAIR:** Yes Ms Joychild.

16 **QUESTIONING BY MS JOYCHILD CONTINUED:**

17 **Q.** Leonie, we're at paragraph 82 of your witness statement. Would you like to read that?

18 A. "Shortly thereafter the Crown and Dr Leeks applied to the Court to strike out my
19 proceedings. I had been forewarned by my lawyers that this might happen, but it was still
20 very upsetting. I had hoped that after they saw what unlawful things had happened to me
21 while I was in the care of the State they might immediately approach me with an apology
22 and a settlement. I would also add that I thought that they would immediately prosecute
23 Dr Leeks.

24 **Q.** If we move now to paragraph 87 to the strike-out decision.

25 A. "Five months or so later, on 2 August 1996, the strike-out decision was issued. We had
26 succeeded. The strike-out applications were declined. This was a great relief. It was now
27 close to two years since filing and I was hopeful that things might now move very quickly.
28 However, they did not. There were nearly two more years of interminable delays before a
29 mediation was organised.

30 Around this time I recall my lawyers being approached by a lawyer called Grant
31 Cameron who advised them he had a large number of Lake Alice survivors he was acting
32 for. He asked if he could use our documents for his claim. We agreed and we gave them to
33 him".

34 **Q.** Could we have document 20 on the screen please. Thank you. This is a letter, Leonie,

- 1 from your lawyer, Philippa Cunningham, to the Crown Law Office. Can you just read the
2 first two paragraphs, the highlighted paragraphs?
- 3 A. "We are aware that Grant Cameron of Cameron & Associates in Christchurch is
4 representing a number of formal patients of Lake Alice Hospital's adolescent unit from the
5 1970s. We have seen Mr Cameron's proposal for an inquiry in a letter to the Ministry of
6 Health dated 26 August 1997. We have an alternative process to suggest which we believe
7 would be simpler and cheaper. Mr Cameron has discussed this matter with us and would
8 be happy going along with it".
- 9 Q. Yes, then the next paragraph?
- 10 A. "We will agree to either a mediation or arbitration. The decider would need to be someone
11 with a background and experience in the mental health area or there could even be a panel
12 of two with legal and psychiatric expertise".
- 13 Q. Okay, so if we pause then. Do you remember if the Crown took you up on the offer of a
14 mediation or arbitration with Grant Cameron's people?
- 15 A. No, they did not.
- 16 Q. Can you read on at paragraph 89.
- 17 A. "I recall at some time Robert Chambers telling me that whoever the Crown settled with first
18 would determine the level of compensation that everyone got. Robert was trying to
19 progress things as fast as possible so that we were dealt with first. That way we could set
20 the standard high for me and everyone else would benefit. We thought we would be dealt
21 with first because we had filed a claim well ahead of Grant Cameron".
- 22 Q. And paragraph 90?
- 23 A. "It was agreed that the parties try to resolve the proceedings by mediation. However, my
24 lawyers told me that the Crown set two conditions. I was forbidden to tell anyone that Dr
25 Leeks was coming into the country. I was forbidden to tell anyone he was going to a
26 mediation with me. I was warned that if this came out, the mediation would be called off".
- 27 Q. Could we have document 29 please. And could we look at page 2. So this is a letter from
28 the Crown Law Office. Can you put the title of the letter up. It's from the Crown Law
29 Office to Philippa Cunningham. Could you read the second page of that letter?
- 30 A. "I draw to your attention the fact that in mid May- a person describing himself as
31 representing the Citizens Commission for Human Rights apparently associated with the
32 Church of Scientology contacted the office of the Ministry of Health. He said that the
33 purpose of the call was to advise the Minister that Dr Leeks was coming to New Zealand
34 and to enquire whether the Minister was intending to take any action against Dr Leeks on

1 his return to New Zealand.

2 Both Mr Knowsley and myself are of the view that it would not be productive for
3 the proposed mediation to become the subject of publicity whether focused on Dr Leeks or
4 otherwise. The mediation can only be held on the basis that the fact, time and place of the
5 mediation will remain confidential to the parties and their legal and medical advisors and
6 I seek confirmation from yourself, Dr Chambers and your respective clients that this is
7 agreed".

8 **Q.** And did you agree that you would keep it confidential and secret?

9 A. I had no choice, yes, I did.

10 **Q.** Paragraph 91. Could you read the first two sentences there?

11 A. "Philippa was also acting for another adult who had been treated by Dr Leeks in Lake
12 Alice. We both attended".

13 **Q.** And then paragraph 92?

14 A. "From memory the mediation happened either on the day we signed the agreement or
15 shortly after. The mediation took place at the Northern Club. Robert Chambers had
16 arranged the venue. I recall he had to lend the other person a jacket on the day as they were
17 compulsory for men. He was so kind. The surroundings were neutral and reassuring.
18 Linda Kaye was the mediator".

19 **Q.** Continue on at paragraph 93?

20 A. "The mediation itself was a nightmare for me. While I knew we were meeting to attempt to
21 settle the case out of court, I didn't appreciate how taxing it would be on me personally. I
22 had vomiting and diarrhoea for three days prior. I was experiencing prior, and for a period
23 of time after the mediation, what I now know to be PTSD. I was alarmed at the
24 overwhelming number of Crown representatives present. I felt just as intimidated and
25 vulnerable as I had experienced in being in Lake Alice. I was absolutely petrified of being
26 in the same room with Dr Leeks again.

27 I recall the mediator seated us first. When Dr Leeks and his lawyer came in, she
28 put Dr Leeks directly opposite me. I felt incredibly traumatised by this. I wanted to vomit.
29 My lawyers arranged for a change of seats.

30 It was an extremely stressful day for me. I felt emotionally exhausted and battered
31 by the end of it and for days after, but I still had hope that there really was at last going to
32 be justice for me and all other Lake Alice survivors.

33 I felt our stories were unbeatable and insurmountable. I believe the Crown and the
34 representatives of the Crown present had heard my truth. I believed each one of them

1 would be so compelled by what they'd heard they fully believed it was the truth. There was
2 no denying the intentional, debilitating, on-going abuse of children and young people at
3 Lake Alice. I believed that the evidence and facts were so strongly in favour of all
4 survivors that finally Dr Leeks and the people that put him in power would be exposed and
5 criminal justice and fair compensation would be realised for us all. How could there not be
6 justice with so much evidence? This is New Zealand. We have a fair and honest justice
7 system.

8 I did not realise after the mediation that I was in for five more years of prolonged
9 trauma caused by what I came to learn was the strategic, intentional delay and
10 compensation protection tactics from the Crown who, the longer it went on, seemed to be
11 fully defending Dr Leeks. I found the Crown's behaviour appalling and indefensible.
12 I eventually came to believe the Crown behaved in a way described best as trickery".

13 **Q.** You say at 98 that no offers of settlement came after the mediation. Was there an offer of
14 settlement at the mediation?

15 **A.** Yes, I believe there was one of \$15,000.

16 **Q.** \$15,000 was offered to you?

17 **A.** \$15,000.

18 **Q.** And you declined that?

19 **A.** I did.

20 **Q.** So if we continue at paragraph 98, the second sentence?

21 **A.** "Nothing happened. There was just silence. It felt like torture again. The Crown is a
22 formidable opponent. As the years went on I constantly felt as though the plan was to wear
23 me down using multiple tactics and strategies. Long periods of time doing nothing and
24 creating long delays was one such tactic, eliminating my resources, I had legal aid debt that
25 had to be re-applied for frequently, against the Crown's unlimited available funds".

26 **Q.** At paragraph 99 you say that Philippa filed an application to court in the end asking for
27 time-tabling directions to have the matter set down for a hearing. Is that right?

28 **A.** That is correct.

29 **Q.** Okay, and now could you read at paragraph 100 where the Crown demanded your diaries?

30 **A.** "In August 1997 the Crown demanded that I hand over my personal journals. Their
31 purpose was to ascertain whether my current state of mind by using my personal diaries
32 showed any signs of mental illness that would justify the treatment that I'd received in Lake
33 Alice. My journals were mostly my letters to God containing my deepest and most private
34 thoughts. The Crown lawyers kept them August 1997 until settlement in 2003. To me the

1 treatment of me through taking and keeping my diaries was an act of total violation towards
2 me by the Crown.

3 After a year I requested them back. I was continually distressed thinking of my
4 most private thoughts being out of my control. I requested them back every year after that
5 through Philippa. When they finally came back the pages were full of yellow Post-it Notes.
6 To me these notes represent the visible, physical expression of the abuse and violation and
7 trauma the Crown subjected me to relentlessly year after year".

8 **Q.** If I pause you there, could we put up document 71. Leonie, would you like to show the
9 Commissioners your diary?

10 **A.** It has never been explained to me what they were used for.

11 **CHAIR:** We won't open your diaries, but we just note the yellow Post-it Notes are the ones that
12 came back from the Crown.

13 **A.** Correct, correct. And I have no idea. They photocopied the pages. What did they use
14 them for? Where were they kept? Who read them?

15 **QUESTIONING BY MS JOYCHILD CONTINUED:**

16 **Q.** And when you saw Dr Brinded's report you noted that they hadn't been given to Dr Brinded
17 had they?

18 **A.** No, they had not. I would like to know what they were used for.

19 **Q.** If you read from paragraph 101?

20 **CHAIR:** We'll give them straight back to you, we don't want to hold them for longer than we need
21 to.

22 **A.** Thank you. "It makes me nauseous to this day thinking about the men and woman, the
23 complete strangers over the years with no connection or care about me who could read my
24 very private, heartfelt words that were never written to be viewed by anyone, uninvited by
25 me, to judge and mock my thoughts and feelings, searching for any scrap of evidence to
26 hold against me.

27 I do not know the number of people who read my diaries. I do not know where
28 they were kept, but I know they were poured over by the Post-it Notes they left on them.
29 I cannot look at the contents of my diaries now. I have so much embarrassment and
30 humiliation about them, I have never been able to have a diary or journal since August
31 1997. I have never written any words since August 1997 without the belief that any or all
32 words may be one day used against me.

33 **Q.** Paragraph 103?

34 **A.** "After the mediation and the on-going delays, I began to feel angry, abused and betrayed by

1 the Crown with its delays. They had the evidence that showed that Dr Leeks had been
2 giving me drugs and ECT without justification. I was bewildered and afraid at how people
3 who had been through so much could be treated so badly by the Government that was
4 meant to protect them.

5 I repeatedly felt devalued, belittled, ignored, disregarded, humiliated, worthless
6 and disrespected. I believe they would not have treated someone from a good background
7 like that".

8 **Q.** You got to December 2000 and you still hadn't heard nothing, but could we put document
9 43 up. Your lawyer had cause to write to Crown Law in December 2000. That letter's on
10 the screen now. Could you read the two paragraphs of that what says? This is from
11 Philippa to Crown Law?

12 **A.** "I read an article in the Sunday Star Times last Sunday 17 December 2000 concerning 110
13 former Lake Alice patients and the Crown Law Office. The article indicates that the
14 Government intends to mediate or arbitrate with these persons with a view to settling their
15 claims. The article quoted statements made by the office of the Attorney-General. In view
16 of the Crown's position these 110 claimants could you please advise whether the Attorney-
17 -General wishes to pursue a settlement with Ms McInroe".

18 **Q.** Thank you. Now the next thing that happened to you was in March 2001 and that's at
19 paragraph 105?

20 **A.** "Just when I think it couldn't get any worse, on 20 March 2001 Philippa advised me that the
21 Crown were going to apply for—apply to court for me to be examined by a forensic
22 psychiatrist under s 100 of the Judicial (sic) Act. She attached a copy of the Crown
23 application. Under it I was to submit to a medical examination to assess my mental
24 condition on Wednesday 18 April or Tuesday or Wednesday 2 May at the Mason Clinic in
25 Pt Chev. The psychiatrist was to be Dr Phil Brinded".

26 **Q.** Can I pause you there, Leonie. I have got you a little bit out of order. Could we have
27 document 45 on the screen, which is the Crown's reply to Philippa Cunningham's letter
28 asking if they were going to—seeing they were settling with Mr Cameron's clients, were
29 they considering settling with you. The Crown counsel wrote back and it's on the screen
30 now in the second paragraph. Would you like me to read it or—

31 **A.** You can read it.

32 **Q.** Okay. So the Crown counsel said to Philippa:

33 "You ask whether the Attorney-General wishes to pursue a settlement with Ms
34 McInroe and each have explored the possibility of a settlement through alternative dispute

1 resolution processes namely mediation. Regrettably the mediations did not lead to
2 settlement of your clients' cases. Mr Cameron's clients have yet to have their claims subject
3 to an ADR process".

4 Was that the settlement where you were offered \$15,000?

5 A. Yes, it was.

6 **Q.** Thank you. Can we now have—you talked about the notice, could we have document 52
7 on the screen please. This is a notice of defendant's Interlocutory Application for an order
8 — and then could we have page 2 up please. So was this the order that required you to
9 submit yourself to a medical examination for the purpose of assessing your mental
10 condition on Tuesday 24 April with Dr Phil Brinded at the Mason Clinic, Pt Chevalier,
11 Auckland?

12 A. Yes, it was.

13 **Q.** Can you describe what you know of the Mason Clinic?

14 A. I know that the Mason Clinic housed serious criminals that could not be in prison.

15 **Q.** So if you read now from paragraph 105 page 33 paragraph 106?

16 A. "The reasons the Crown gave me for making the order were that it was necessary to
17 determine the accuracy of my allegations of past and present psychological and emotional
18 conditions, whether my stay in Lake Alice had caused"—we're not sure about that part.

19 **Q.** Damage?

20 A. Damage, or whether I was under a disability and could not bring proceedings earlier and
21 when I might have reasonably discovered all of the causes of action I was filing in the
22 proceedings.

23 "I was beyond furious and I was also overwhelmingly powerless. Why did they
24 not do this when I first filed my claim in court in 1994 or even as late as the strike-out
25 decision in 1996? Even why not after the mediation in 1998, even though at that mediation
26 there was a group representing the Crown, they had met and seen me personally give my
27 account of my time in Lake Alice. I had already been examined by so many medical
28 people through ACC, including multiple psychiatrists.

29 The Crown had access to all of it. There had been unbelievable delays since then
30 and now they decided they wanted to have me examined again in 2001". Would you like
31 me to continue on?

32 **Q.** Yes, could you continue at paragraph 108?

33 A. "I was particularly horrified that I was being ordered to go to the Mason Clinic. I felt them
34 making me meet and be clinically assessed by a forensic psychiatrist at the Mason Clinic

1 was another abusive tactic and strategy to reveal some form of mental illness to justify my
2 treatment in Lake Alice. I knew this was a psychiatric hospital for the criminally insane.
3 I felt traumatised just thinking about going near a psychiatric hospital.

4 I asked Philippa to please change the venue. I recall she and Robert proposed a
5 number of alternative places, including the Northern Club. The Crown rejected them all, it
6 had to be at the Mason Clinic. I believe this was intentional. I felt punished for
7 challenging the Crown. It would have been easy to give up at this stage and I very nearly
8 felt I could take no more from the Crown. I felt completely powerless. I had no choice, I
9 had no choice. I had no choice. I had no voice yet again. Their refusal to change venues
10 was like another personal violation.

11 Going to the Mason Clinic was extremely traumatic. When I turned up on the day
12 I was taken through three sets of doors, each of which were locked after me. Memories of
13 being back in Lake Alice, the trauma, the anxiety, the fear, the smell, the sounds, the keys
14 and locks and the powerlessness was overbearing and overwhelming.

15 I brought a woman doctor with me as a support person. She was one who had
16 already assessed me. I can't recall her name, it may have been Louise Armstrong. I recall
17 that upon finally entering the room where I was to be assessed I was so overwhelmed by
18 the experience of just getting into that room that I said to Dr Brinded if you can only
19 imagine that what I have claimed happened to me in Lake Alice is true for just one minute
20 you will be able to understand my need to walk right out of here right now, catch my
21 thoughts and composure before I have to return for hours more of a grueling interview.

22 Dr Brinded agreed. He apologised for the location under the circumstances". I
23 can't read.

24 **Q.** Shall I continue? I'll continue reading this paragraph. "I left to return for the interview 15
25 minutes later. At the end Dr Brinded told me something along the lines that he had been
26 sent to interview me by the Crown to find out if they would win against me. Dr Brinded
27 said he believed me completely and was sorry it had happened to me. I felt so validated
28 having someone say they believed me and apologise to me again for the location set by the
29 Crown and for the wrong that had happened to me in Lake Alice. I felt his apology was
30 very genuine".

31 **A.** I would like to respectfully ask the Commissioners to please read his report. Aside from
32 missing one of my children's names it's the most accurate account.

33 **CHAIR:** Thank you. Perhaps we could have the number so we make sure that we do read that.
34 You can just provide it to us later.

1 **MS JOYCHILD:** Certainly.

2 **CHAIR:** Yes, we certainly will do that.

3 A. Thank you.

4 **QUESTIONING BY MS JOYCHILD CONTINUED:**

5 **Q.** Now we're at paragraph 113 where you learn that the Crown has actually settled with Grant
6 Cameron's group.

7 A. Yes. "There were more long delays after I saw Dr Brinded when nothing happened. At
8 some time I learned that the Crown already settled with all of Grant Cameron's claimants.
9 I understood those survivors had got between \$10,000 and a few up to \$40,000 each. I was
10 appalled. It was a pittance for what they had gone through. It was a total sham. I realised
11 that making me be assessed again and the inexplicable delays were intentional delaying
12 tactics to give them more time to settle with Grant Cameron's clients first so that the
13 settlement bar would be set as low as possible. I was beyond disgusted. I felt truly violated
14 by the Crown".

15 **Q.** If we pause there, could we have document 55 on the screen please. This is a letter from
16 Philippa Cunningham to the Crown Law Office after they discovered that there had already
17 been a settlement and that the second paragraph, I'll read this for you, Philippa says, "The
18 determinator model was set up at the instigation of the plaintiffs—that's you and the other
19 person—to allocate the payment by the Crown amongst 95 plaintiffs".

20 Then in the next paragraph she says, "The manner in which the Crown has acted in
21 the litigation with Grant Cameron's clients is in sharp contrast with how it has acted in the
22 cases of Ms McInroe and the other person". She points out that your proceedings were
23 commenced in 1994.

24 Could we have the next page please. And then at the last paragraph she reads, she
25 says, "You mentioned that the mediations did not lead to a settlement of my client's cases.
26 The offers to settle at the mediation were in the vicinity of \$15,000 each plaintiff. You
27 know very well that that settlement of the cases with Mr Cameron's clients is more than
28 four times that amount. In my view, the fair thing would have been to settle the cases with
29 Ms McInroe and the other person first before addressing the case of the 95 plaintiffs
30 represented by Grant Cameron.

31 It is clear that the Crown has recognised there is merit in the claims of all these
32 plaintiffs and to have treated Ms McInroe and the other person differently when they have
33 suffered the most in terms of litigation stress is grossly unfair and, frankly, beyond my
34 comprehension. I am extremely concerned about the huge difference in the treatment by

1 the Crown of Mr Cameron's clients when compared with Ms McInroe and the other
2 person".

3 Then she goes on to ask him to urgently, ask the Solicitor-General to meet with
4 Ms Duffy. Ms Duffy had taken over the case from Robert Chambers. Do you know why
5 that was?

6 A. He became a High Court Judge.

7 **Q.** He was made a judge. And she says, "I can indicate that if a meeting is not forthcoming
8 and which leads to prompt adoption of the parallel procedure of the Cameron model, there
9 will be a direct approach to the Attorney-General to convey to her the indignation of the
10 different treatment meted out to Ms- McInroe. I can advise you that both my clients are
11 outraged at the way they have been treated particularly by the Crown. Up until now I have
12 dissuaded either of them from talking to the press. But that advice will change unless this
13 matter is fairly sorted out now".

14 You recall her sending that letter?

15 A. Yes, I do.

16 **Q.** Thank you. Now you're at paragraph 114.

17 A. "It is my absolute belief that making me be assessed at the Mason Clinic was a stalling
18 tactic used by the Crown while finalising a low threshold of compensation with the Grant
19 Cameron group. It bought the Crown more time. I would like to see the documentation
20 between the Crown and Grant Cameron at this time. In any event, the end result was that
21 settlement that that settlement effectively reduced the amount of compensation to be paid to
22 all Lake Alice survivors".

23 **Q.** I'll pause you there and ask for document 61 to be put on the screen. This is an internal
24 e-mail between Crown counsel and someone else in the Crown Law Office. It's recording a
25 phone call that you made. Can you tell Commissioners about that phone call?

26 A. I remember being so overwhelmingly angry and frustrated and resentful and powerless
27 towards the Crown. And there is no one to tell about that. Who do you tell? Who do you
28 complain to? And so- I rang the Crown Law Office and stupidly and innocently and
29 naively complained to them about them.

30 **Q.** I'll just read your—this file note of what you're said to have said, where you said—

31 **CHAIR:** Do you mind if it's enlarged so that we can read it?

32 **MS JOYCHILD:** Yes please. So this was a person called Elaine reporting to the Crown lawyer.
33 She phoned to advise that she contacted Phil Goff's office today because she's sick of the
34 way her case has been handled by the Crown. She thinks the behaviour of the Crown is

1 completely unacceptable. She stated that this case has been going on for 10 years in which
2 she has seen three administrations, three Attorney-Generals and she's sick of being bullied
3 by the Crown.

4 And then later on, the highlighted bit says that she observed that the purpose of the
5 call was to advise this office of her intentions to contact the media and the wider public
6 audience they could reach because she is—

7 **CHAIR:** Ms Joychild, could you slow down a little bit. Remember our signers.

8 **QUESTIONING BY MS JOYCHILD CONTINUED:**

9 **Q.** Apologies. She observed that the purpose of the call was to advise this office of her
10 intentions to contact the media and the wider public audience they would reach because she
11 was very angry. And the person called Elaine writes "Happy to discuss if you wish.
12 (While clearly very angry and hurt she was very controlled in her speech, not abusive, was
13 articulate and would probably interview extremely well)".

14 That's about you that she's talking about, isn't it.

15 **A.** (Nods).

16 **Q.** Thank you. We're at paragraph 115?

17 **A.** "A settlement offer finally came through around May 2002. By then Robert Chambers had
18 been made a High Court Judge and Philippa had to get another barrister to advise me on the
19 settlement. This was Alisa Duffy QC. Unfortunately, she did not have the long
20 background in the litigation. I still wanted \$1.5 million or close to it. That was my original
21 claim. That was the amount carefully—

22 **Q.** Worked out by Robert Chambers?

23 **A.** Yes. Would you be able to finish that for me while I find my—

24 **Q.** You're at paragraph 116.

25 **A.** Oh, yes. There it is thank you, sorry. "I remember the shock and outrage of what I was
26 offered. By then I had been put through a living hell by the Crown with no regard to the
27 on-going effects on me and my family. Over the nine long years with the callous nature of
28 the Crown's treatment of my claim I had come to realise that the only meaningful
29 compensation for all I and others had endured would be money. They were not capable of
30 anything else.

31 But even after all these years it was not to be. I had to accept that I was not as
32 worthy in their eyes as Rob Chambers believed. We, as vulnerable mental hospital child
33 patients, treated in the most abhorrent and unlawful cruel manner, did not deserve full
34 justice according to the Crown. I did not believe that any of those lawyers acting on behalf

1 of the Crown would accept for their own child this pathetic residue of compensation. No
2 psychiatrist would accept this for their child. We were not as worthy as others from
3 privileged backgrounds.

4 I recall being told I was offered more than most and that Grant Cameron's clients
5 got less. I recall thinking it was this or nothing. I had no chance of seeing Dr Leeks in
6 court. I did not have the unlimited funds of the Crown to fight this any further. I recall
7 believing that I would not get legal aid to fight on and decline the settlement. I recall
8 believing legal aid would be denied because Grant Cameron's clients had settled for such
9 low amounts. I believe the Crown would easily be able to drag my case out for another
10 nine years and legal aid would not support that length of time. I understood I wouldn't get a
11 higher settlement offer. I felt completely defeated, hopeless and powerless. The Crown
12 had won. I had fought as long and as hard as I was able. I was honest, I had been abused
13 but they had won. All their delaying tactics were actually only ever down to how much
14 money they could avoid paying.

15 We settled on or about June 2002. My hope was that Dr Leeks would be forced by
16 the Crown to contribute to compensation. I do not know if this happened".

17 One condition that I set was that I received an apology for the delays. This was to
18 be met outside the terms of the settlement. I was quite specific, because I felt that I had no
19 choice but to accept the settlement. I wanted an apology from Crown Law Office to me for
20 the way they'd treated me.

21 **Q.** Can we just pause there and put document 30, document 70 up please. And could we
22 enlarge it. Is this the apology you received?

23 **A.** It is.

24 **Q.** Do you want to read that out?

25 **A.** "It was agreed, outside this is from Grant Liddell, it was agreed outside the terms of Ms
26 McInroe's settlement agreement with the Crown that I would also write to you to convey to
27 Ms McInroe our sincere apologies and regrets for avoidable delays in progressing her case.
28 Please accept this letter as an expression of such regret. The time taken for some steps was
29 longer than might in other circumstances have been needed. In particular, there was delay
30 in providing discovery. This should not have occurred. Please accept our apologies. We
31 take this opportunity to wish Ms McInroe well now and for the future".

32 **Q.** What was your feeling about that apology at paragraph 120?

33 **A.** I've kept that apology. I don't understand regrets for avoidable delays. I don't believe that
34 Grant Liddell ever thought this would come to the light of day. I cannot even imagine that

1 he ever thought in front of a Royal Commission Inquiry that apology would be shown. I
2 don't know, am I misunderstanding that?

3 It is arrogant in the sense that it's a throw-away token, 'I had to write this'. I don't
4 believe he ever thought someone else other than myself would ever see that. It's appalling.

5 **Q.** Did you feel that you had been cared for and your hurt acknowledged?

6 **A.** Not at all. I felt like someone had said to him 'you've got to write that' and he did.

7 **Q.** This was in March 2003, so this was six months after you'd signed the—nine months after
8 you'd signed the settlement agreement?

9 **A.** Yes.

10 **Q.** So you waited nine months for this apology?

11 **A.** Yes.

12 **Q.** Could you read at paragraph 121.

13 **A.** "Some time later I also received a letter from the Prime Minister, Helen Clark. It was very
14 short and impersonal and again it did not feel like a heartfelt apology. From memory it said
15 she was really sorry this had happened to me. I no longer have a copy of it. Neither letter
16 was a document I could point to in any way to show that I had been wrongly detained and
17 wrongly treated".

18 **Q.** Thank you. Now you were talking about Dr Leeks avoiding criminal prosecution and the
19 lack of closure for you. Do you want to read paragraph 123?

20 **A.** 123, 124 is it?

21 **Q.** You can read them both?

22 **A.** "After the settlement I still had little hope that Dr Leeks and others at Lake Alice who had
23 witnessed what he was doing to us and went along with it would be charged for criminal
24 behaviour. It was beyond me why he had not been prosecuted already. Ever since it
25 became clear from my evidence that he had acted without medical justification. I knew
26 there were police investigations underway, but nothing happened. The months and years
27 went by and he was never brought to justice. I am beyond disgusted about this too. Are we
28 not worthy of that justice? Why did the police inquiry stop and never resume?

29 I gained an impression from early on in the proceedings that the Crown were
30 protecting Dr Leeks and I continued with this impression throughout the whole period of
31 my litigation, including the mediation. I continue to believe this today, given the fact he
32 was not ever held accountable in law for what he had done to vulnerable children and there
33 was plenty of evidence that what he was doing was not acceptable practice at that time".

34 **Q.** Now at paragraph 128?

1 A. "I regret ever taking the settlement. I wish I had taken the case to a hearing and made
2 Dr Leeks stand in the witness box and answer for himself in public. The public would have
3 known about what happened that way. And the powers that be would have to have
4 answered for how Dr Leeks was allowed to get away with what he was doing. And I would
5 have liked to have made those who administered the drugs and did what they were told to
6 be accountable too. Questions needed to be asked from them. However, I was dependent
7 on legal aid to fund the case and I still doubt they would have funded me to reject the
8 settlement and continue on with proceedings. As I said, at the time I felt I had no option
9 but to settle".

10 **Q.** Thank you, Leonie. Now we're looking at the on-going impact of you from being in Lake
11 Alice and litigating for justice. If we start at paragraph 130.

12 A. "My Lake Alice experiences never go away. For example, earlier job applications would
13 ask if there had been any mental health issues. It was commonly asked for insurance,
14 medical and life purposes as well. I was incarcerated for more than 18 months in a mental
15 institution. Not two weeks, not two months. I agonised over whether I lie and is it even a
16 lie if I say no. Or do I admit and try and explain my story.

17 In the early days of my training as an anaesthetic technician I was advised that part
18 of our role was to assist the anaesthetist with the twice weekly ECT lists. We assist with
19 providing safe airways and set up for cases and ensure everything is available to provide a
20 safe anaesthetic during shock treatment for patients. I approached my immediate
21 supervisor and explained why I didn't think I could cope with it and asked to be not placed
22 in those theatres. Apparently, he did not have the authority to make that an on-going
23 decision.

24 He then went to his boss who went further up and soon I had the humiliation of
25 realising the whole management layer at my work knew of my past, but not fully, just that
26 I had received shock treatment. Because Dr Leeks had not been held to account, there was
27 nothing I could point to to say that what happened to me shouldn't have, and it was wrong.
28 Instead, I had to wear the stigma, the shame, the humiliation and trying to catch the story as
29 others perceived it to be".

30 **Q.** Paragraph 134?

31 A. So consequently, "whenever it comes up I have a desperate and compelling need, that has
32 never lessened, to tell my story from the beginning, from being adopted at seven days old,
33 so I can justify or hope to clarify or explain why it was so wrong for me to have been there.
34 I was not mentally ill. Today, after 14 years at the hospital where I work, I believe over

1 80% of my colleagues know that I received shock treatment and was placed in Lake Alice
2 Hospital as a teenager.

3 I also have trouble in my job with cardioversion. This is where a heart is shocked
4 back into sinus rhythm. The whole body jolts and lifts. I have coped with it by avoiding
5 looking at the body as it jolts up.

6 I find my Lake Alice history also interferes with the counselling I need to access
7 from time to time through my work. My role at times involves trauma and witnessing some
8 very harsh events. EAP counselling is provided for staff and there have been three
9 occasions that I have used the service. They've involved death in theatre, a child trauma
10 and personal grief. During these counselling sessions I have learned now to actively avoid
11 revealing any information about my time in Lake Alice Hospital. I have found that the
12 counsellors tend to get fixated on the Lake Alice part of my story as if they're intrigued by
13 having a live one in front of them.

14 It is not that I do not try and put my experiences in the past. I recall a friend made
15 me laugh at the ACC letters with the headings "Mental Nervous Shock Head". It helped.
16 But no matter how hard I work at working on improving that I am normal, the impact of
17 years of trauma is never far away. As well as I manage the most wonderfully ordinary life
18 that I now have, no matter that my darling children are smart and brave and incredibly
19 loving, proud and supportive of their mum and as far as I have come in healing from my
20 history there are still things that cause me distress".

21 **Q.** Would you like to read this or would you like to go to your special part that you had
22 written, an additional one that you have written?

23 **A.** I'll read this.

24 **Q.** All right, we'll start at 138.

25 **A.** Thank you. And I apologise in advance for any repetitiveness. We had such time
26 limitations to prepare and apologies in advance.

27 **CHAIR:** You are don't have to apologise, please, just feel free to read whatever you need to.

28 **A.** Thank you. "The impact upon my children. The years of trying to seek justice stole much
29 from my innocent children. They witnessed and lived through their mother being
30 unbelieved, violated, humiliated, belittled, ignored, manipulated and bullied by the Crown.

31 Often they had a broken spirited mother who used all her strength and hope to
32 fight her fears and to be as present and strong as loving as she could every day of those
33 years. They witnessed their mother in tears, they witnessed their mother overcome with
34 fear and anxiety the on-going investigations, evaluations, unfathomable demands and

1 violations of the Crown. They lived with a mother full of guilt and shame for bringing this
2 toxic story into their lives.

3 Earlier they had lived with a mother with a constant underlying fear that she was
4 mentally ill because of being incarcerated in a mental hospital. No-one came afterwards
5 and said you were not mentally unwell. No-one said that. They lived with a mother who
6 feared she was not capable of succeeding in any career or higher education and only
7 capable of menial employment prospects.

8 I am upset more than anything that they had to endure this in their lives. I am
9 angry at what this trauma has stolen from my life personally and therefore theirs, the
10 intergenerational trauma this has had on my precious family.

11 In preparing this statement for this Inquiry, the trauma is yet again a big presence
12 in our lives. This document has been one of the hardest things I have had to do. There
13 have been many, many tears. There has been so much sadness and sorrow, anger and
14 disbelief revisiting the darkest days of my life.

15 I am, however, grateful for the opportunity to say these things. I am grateful for
16 the existence of the Royal Commission. But I am deeply pained at the agony and difficulty
17 in revisiting my experience to the depths necessary to let the Inquiry see the true picture. It
18 has not been easy.

19 There is no undoing the on-going harm I have suffered at the actions and
20 negligence of the Crown. Not protecting me and my childhood adolescence and then not
21 treating my grievance with even an atom of dignity and respect.

22 The final part. I would like to say the Crown has had every opportunity to make
23 right the unlawful and cruel treatment, torture suffered by the children of Lake Alice. It is
24 beyond all doubt that these events took place. It is my opinion that the overall response by
25 the Crown has been an abject failure.

26 The doctors and staff were employed by the Crown and while in their care in a
27 Crown owned- hospital run by the Crown, the children were subject to continuous unlawful
28 and cruel treatment. The Crown should be the custodian that protects and defends all
29 children of Aotearoa. They should be entitled to dignity, compassion and justice, both past
30 and present equally. The Crown Law Office should represent everything that is just, right
31 and fair. It should be the highest example of justice in law in New Zealand.

32 However, for me in my nine year journey to seek justice I was instead faced with
33 relentless calculated intentional abuse of power. For me, it has been wholly inadequate,
34 degrading, dehumanising- and completely deficient of justice. Unfortunately, and most

1 importantly, completely devoid of mana.

2 On reflection, seeing my litigation process condensed today, I'm overwhelmed.
3 I'm overwhelmed by the obvious and blatant abuse of power. I am overwhelmed at the
4 strategies, tactics and extreme lengths the Crown went to oppress me. I wonder about the
5 enormous monetary value the Crown invested in not settling with me so many years earlier.
6 I wonder what the Crown paid in the nine years of 'Grant Liddell avoidable delays'. The
7 tactical stalling, the huge financial debt for Crown Law counsel, mediation costs, the forced
8 examination I had to undergo on top of all the examinations I had to undergo through ACC,
9 that the Crown paying someone, or many, to read through my personal diaries. My legal
10 aid debt was \$49,000.

11 I believe the Crown consciously and deliberately deprived me of justice using its
12 unlimited financial resources to do so, knowing full well- my very limited resources in
13 comparison. I stress this point only because it seems the entire focus of the Crown was to
14 financially defend and protect Dr Leeks and themselves against my litigation.

15 There was not one point in the entire process the Crown acted with any genuine
16 care or respect to the actual harm I had suffered in Lake Alice, not one, not ever.

17 I understand that this Royal Commission of Inquiry is about abuse in State and
18 faith based care. And while in no way minimising- or belittling any other experience, with
19 respect I would like to highlight the added stigma and shame the children of Lake Alice
20 endured.

21 Today I refer to them as the children of Lake Alice. Instead of victims or
22 survivors. This is to remind us all that before we became survivors, we were children first.
23 Children that were defenseless and left unprotected in the most horrible ways and then left
24 to navigate our lives as best we could.

25 I would like to acknowledge all the children from Lake Alice who have
26 courageously lived through the trauma and the consequences of our time spent there. It is
27 my hope that the outcome of this Inquiry is more than just another list of reports and
28 recommendations that are shelved, left gathering dust and over-shadowed by still more
29 reports that the voices who have so bravely spoken to you in whatever form are honoured
30 and respected and valued enough to make change.

31 It is my absolute expectation that these Inquiry findings become living documents
32 used in every day practice of those who are in direct contact with historic, present or future
33 dealings with vulnerable children.

34 Finally, Commissioners, thank you for listening to our voices. I would like to

1 acknowledge the Inquiry's commitment to the on-going care, concern for and well-being of
2 survivors. Everyone has been so kind and so supportive and I'd like to acknowledge that.

3 Over the past few weeks it has been said to me by several different people that my
4 giving evidence is leaving a legacy. I struggle with that concept. I would want to leave a
5 legacy that has some elements at least of goodness or change for the better or hope. My
6 story doesn't feel like any of that to me.

7 My choice to not have name suppression and to come forward publicly is
8 excruciatingly difficult for me. If only to protect my children and grandchildren from what
9 happened to me as a child or any distortion of the facts and truth that I speak of in giving
10 my evidence.

11 Commissioners, this is what I would say to my darling children. I am so sorry, I
12 am sorry that this is all a part of your story too. I am deeply sorry that you have also had to
13 endure and suffer the vast consequences of not only the things that happened to your mum
14 as a child but the on-going impact on your lives over the years that I sought justice. I am
15 sorry for the emotional price you each have paid and you have in so many ways, right up to
16 this very day. I'm so sorry I could not protect you from that. This will forever break my
17 heart.

18 I am aware that my evidence presented today does not fully capture my time in
19 Lake Alice, the abhorrent treatment by the Crown or other trauma I suffered as a child.
20 I realise now that since the day I was born the documentation, scripting, conversations,
21 opinions, categorising and innovation of my personal self started and has never left me.
22 I simply cannot comprehend the sheer volume of strangers that have viewed, commented,
23 judged and invaded my life. It is truly staggering.

24 And here I am again today. Yet again subject to still more exposure and more
25 trauma because to not do so, to not speak the truth is also not an option for me. It has not
26 been easy. And if there is a legacy to be left, Commissioners, I would address it to my
27 beautiful grandchildren, to them I would say, precious ones, be fearless to speak the truth,
28 go well beyond any fears of humiliation or your own vulnerabilities, be fearless to stand up
29 to what is right and just. Be fearless to stand up and speak out for any injustice to any
30 vulnerable soul, no matter perceptions of others, no matter the challenges or the very size of
31 the obstacles you face in speaking the truth. Just speak it anyway.

32 What justice looks like to me. That Dr Selwyn Leeks is properly and without
33 further delay returned to New Zealand to face criminal charges. The evidence for
34 prosecution is enormous and should include staff of Lake Alice who carried out the

1 on-going daily abuse and torture they collectively must be held to account. I cannot
2 understand why this has not yet happened.

3 A meaningful public apology for the suffering endured by the children of Lake
4 Alice that fully acknowledges that most of them should never ever have been placed in a
5 psychiatric hospital and treated as psychiatric patients. A public and heartfelt apology for
6 the injustice, harm, torture and assault suffered by the children using, amongst other things,
7 antipsychotic drugs and ECT as punishment against them, acknowledging that this was so
8 very, very wrong.

9 Acknowledgment that Dr Leeks made widespread and incorrect diagnosis of
10 schizophrenia, borderline schizophrenia and other terms of schizophrenia he chose and
11 wrongfully named most of the children there with these labels.

12 That a reparative process is made available without time limitations to any of the
13 children of Lake Alice for their emotional well-being and healing of any trauma, stigma or
14 related issues from abuse suffered as a direct result of their placement in Lake Alice at no
15 cost to them. That the voices bravely spoken are echoed to find and make positive change
16 in the form of a living document.

17 That a review of the settlement payments to date that amount to nothing more than
18 pathetic tokens of disregard and silencing by the Crown. These pitiful payments have no
19 redress for the enormity of the impact on our whole lives and the on-going intergenerational
20 effect.

21 That reviewed compensation covers the severe treatment endured in our formative
22 years depriving us of basic human rights at the time. Every right in the Code of Health and
23 Disabilities Act was failed to us in every possible way. This treatment of abuse was not
24 just over a period of days or weeks in a psychiatric hospital, but sustained for many for long
25 periods of time.

26 The reviewed compensation should reflect the harm caused, also taking into
27 account the physical and emotional assault that left us vulnerable and limited our potential
28 of bright futures as children of Aotearoa.

29 It should recognise that after leaving Lake Alice we were then left to navigate our
30 wounded lives as best we possibly could, with no assistance, no compassion or help,
31 leaving a huge deficit in terms of education, careers, financial stability, emotional stability,
32 and cause limitations to fully participate as valued and contributing citizens of Aotearoa.

33 The review of compensation must surely come forward to view the children of
34 Lake Alice as finally worthy of fair and just compensation that can make a significant

1 difference in each of our lives, that the same measure of redress is used for us as any other
2 valued child.

3 That it reflects the acknowledgment of wrongdoings and further impacting our
4 lives, that it reflects tremendous on-going battle—the tremendous on-going battle to be
5 heard and validated. That it reflects the deficit caused by silencing the abuse of power from
6 the Crown and the tremendous loss suffered". That is all.

7 **MS JOYCHILD:** Thank you, ma'am, that's the evidence that we present today.

8 **CHAIR:** Thank you very much. Thank you Leonie. In your evidence you said you referred to the
9 pain and difficulty in revisiting your experiences. You've made that evident, and we
10 appreciate to the extent that we understand the cost that it has been to bring that to us today.
11 And not just to us but to the representatives of Crown Law Office who are sitting here
12 today and to the public of New Zealand who can be present and watch this as well. So
13 I want you to know that the pain and the difficulty that you have endured is not gone
14 without notice.

15 I also want to tell you, if you don't know already, that although this hearing focuses
16 on redress and these experiences of survivors in seeking redress for abuse in various
17 settings, next year, and it has already commenced, there's a full investigation into Lake
18 Alice and we will be holding a public hearing on that as well. So this is not the end of the
19 story.

20 So finally, you spoke of the legacy and I just want you to know that you have made
21 a valuable contribution to the work of the Royal Commission and that your story, your
22 account will be part of the legacy of this Royal Commission. We thank you for that.

23 A. Thank you.

24 **Q.** Unless there's anything else to be said. Yes Mr Molloy.

25 **MR MOLLOY:** Ma'am, I just wonder if we might take a short break, allow Leonie a chance to
26 reflect. I imagine there probably won't be anything else she wants to say but let's take a
27 short break and just see if that's the case and give her a chance to reflect on that.

28 **CHAIR:** Thank you Mr Molloy. We'll do that.

29 **Adjournment from 4.48 pm to 5.06 pm**

30 **MS JOYCHILD:** Ms McInroe has nothing more to say.

31 **MR MOLLOY:** Nor any questions from me ma'am.

32 **CHAIR:** So the proceedings for today are closed?

33 **MS JANES:** That concludes today and we'll resume again tomorrow at 10 am.

34 **CHAIR:** Thank you very much Ms Janes.

1 **Hearing closes with waiata and karakia mutunga by Ngāti Whātua Ōrākei**

2 **REGISTRAR:** This sitting is now adjourned.

3 **Hearing adjourned at 5.08 pm to Friday, 25 September 2020 at 10 am**