

IN THE ROYAL COMMISSION INTO ABUSE IN STATE CARE

IN THE MATTER OF THE INQUIRY INTO REDRESS

**IN THE MATTER OF THE INQUIRY INTO TREATMENT OF CHILDREN IN
PSYCHIATRIC INSTITUTIONS**

**STATEMENT OF LEONIE FRANCES MCINROE, SURVIVOR OF LAKE ALICE,
1975,1976, ON HER EXPERIENCES OF SEEKING REDRESS**

BETWEEN 1994 AND 2003

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I, LEONIE FRANCES MCINROE, OF AUCKLAND, SAY:**Introduction**

- 1 In this affidavit I set out my experiences in seeking justice and compensation against Dr Selwyn Leeks and the Government who employed him. The process of seeking justice and compensation was, to me, an additional ongoing and sustained abuse to what I had suffered in Lake Alice at the hands of Dr Leeks and hospital management. This time the abuser was the Crown.
- 2 It took nine gruelling and fraught years to obtain compensation for my cruel and unlawful treatment by Dr Leeks. However even then I never received closure because Dr Leeks and those who supported him were not held accountable through the criminal justice system. Neither did his profession take any steps that I am aware of to hold him to account for what he did to me and other vulnerable children and young people unfortunate enough to end up in Lake Alice hospital. I believe he was protected by the Crown and his profession. My and other survivor's voices were ignored.
- 3 When I decided to embark upon the litigation I had several aims in mind. I wanted justice. For me that meant a fair and just hearing into what had happened to me and accountability of Dr Leeks and those in government who allowed him to do what he did to me, through the criminal justice system. I assumed he would be prosecuted once it became clear what he had done to me.
- 4 I also wanted financial compensation for the terrible effect that my years in Lake Alice had on my life and the impact on my children who had to suffer a mother who was not only debilitated (underconfident, often in trauma and held a core feeling of

worthlessness) because of what had happened to her but who was then reliving the trauma for another 9 years – in the period I was raising them. Nine years was a huge part of their childhood.

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

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

7 When I filed my claim, instead of compassion, justice, validation and an apology, I received nine gruelling years of emotional battering, abuse and bullying from the Crown. Without Phillipa and Robert it would have been impossible to withstand. Even with them beside my side taking the case, I felt in torture.

8 There were ongoing prolonged intentional delays, obstruction tactics and obstruction strategies and it felt like the Crown were treating me with the callous indifference and cruelty that Dr Leeks had. Only worse. It was worse because I expected fairness and justice from the Crown. I expected an objective, considered view of the truth, as presented by myself and my evidence. I expected

fairness and justice. The irony that over the nine years my advocate for justice, the Crown, became the perpetrator.

- 9 Today, 26 years after I lodged my claim and let the powers that be know what Dr Leeks had done to me, I am still waiting for his accountability and the accountability of those who let him do what he was doing. He has never been brought to justice, nor have the many staff who happily carried out his instructions of abuse, and this is something that angers me and disgusts me deeply. I have no closure while Dr Leeks is not held to account. I want to see him brought before the criminal courts. To not do so, in my opinion, is the equivalent of deliberate and complete absence of criminal justice, and shows support of his unlawful brutal treatment. I see it as staggering negligence in justice.
- 10 It is irrelevant that Dr Leeks may now be in his 90's. He has had a free life for over 50 years not being held to account. Those of us who were subjected to his unlawful brutal treatment have suffered for the 50 years he has been living freely. We carry this as our life sentence. No matter what, I will always have the stigma, the shame, the trauma, the battle to overcome his abuse, the following abuse from the crown, and the ongoing impact and lasting consequences being held unlawfully in a mental hospital. That is my reality. I cannot undo that. Our children carry this inter-generational trauma inflicted by Dr Leeks and his colleagues. He is lucky to have had all those years free to live his life as he wished. Now it is time for the State to hold him to account. He must be brought back to New Zealand and face his accusers. Only that will bring closure to me.

ACC claim

- 11 In this affidavit I also give evidence about the experiences I had making a claim to ACC and the long delays and battles I had to go

through to be recognised as having been the victim of a medical misadventure due to medical error resulting from Dr Leeks treatments of me.

Documentation

- 12 I do not have full documentation of my claim to ACC or my litigation against Dr Leeks and the Crown. Inquiries have disclosed that my lawyer's files are now destroyed. I kept some of the documentation that was sent to me and file this along with my evidence. Requests have been made to the Crown Law Office under the Privacy Act for copies of my litigation files and of ACC. These have not arrived at the time this affidavit is sworn.

Brief background on how I came to be in Lake Alice¹

- 13 I was born on [GRO-C] 1961 and was adopted shortly after my birth by Mr and Mrs [GRO-C] who lived in Waihi. My adoptive father died from cancer when I was 18 months and my adoptive mother died of heart disease when I was a little less than 4 years. I was then placed in the Methodist Mission Orphanage in Auckland and after a year was placed with a Mr and Mrs [GRO-B] in Wanganui. I only learned in adult life that they had never adopted me. They fostered me and were paid to care for me out of the estate my parents had left for me.
- 14 During the years I lived in the [GRO-B] household Mrs [GRO-B] was physically and emotionally cruel to me. For example I recall that she put my arm through a washing machine wringer and put darning needles in my feet when she thought I was asleep to see if I could feel pain. I was constantly petrified of her unpredictable and confusing behaviour. I had experienced it from a very young age, and

¹ This is taken from Affidavit of Leonie Francis McInroe dated 19 August 1996. (7pp plus exhibits)

struggled to know how to react to her cruelty, so I screamed on the inside, and showed little emotion on the outside. I had to do most of the housework daily. I was too small to reach the clothesline, so they built a box for me to stand on, so I could do the washing.

15 My cough annoyed her greatly. I did not know until I was an adult, that I had asthma attacks. Mrs. GRO-B would get annoyed with my coughing, and make me sleep on the Lino floor with the dog, in the washhouse. I did all evening meal preparation. I was not allowed friends or birthday parties. I was often sent directly to my room (if there was no housework to do, or it was take away dinner night) straight after school. I was not fed. I was not allowed out of my room. I would, however, get up in the middle of the night to look for food, as I was starving. This happened on frequent occasions.

16 I was never made to feel part of the family. I was made to sit alone in the kitchen to eat, whilst the family sat in the lounge, the doors where closed so they could not see me. I was so afraid of Mrs. GRO-B that I never dared complain about anything even, when I had pain inflicted upon me by her. Because I did not react to pain Mrs. GRO-B decided there was something wrong with me and I was constantly taken by her to various doctors in the area. I also would run out of class at primary school if I was having a coughing fit, and was frightened to tell the teacher why I kept going to the bathroom.

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

18 Among others that Mrs [GRO-B] took me to, when I was 12 years old I first saw a Doctor Leeks, a psychiatrist at Palmerston North hospital. Dr Leek's assessment of my foster mother is recorded in a report Dr Leeks prepared which was in my Lake Alice notes.² Dr Leeks placed me as an in-patient in the adolescent unit at Lake Alice Hospital from July 1975 until October 1976 and then from December 1976 through to February 1977.

19 Under his instruction I was admitted as a voluntary patient to the Lake Alice hospital adolescent unit. I remained in Lake Alice hospital for two periods totalling 18 months. As I understand it this was longer than any other Lake Alice survivor. In that time I believe that I was diagnosed as having borderline schizophrenia. I believe this was his standard diagnosis for all the children.

My 'treatment' at Lake Alice

20 On 19 August 1995 I swore an affidavit for the strike out hearing.³ I also made two statements for my lawyers. One was in 1992 and was made for my ACC claim.⁴ The other is undated and was a response to Dr Leeks letter.⁵ It would have been prepared around 1993. My statements below are taken entirely from these documents.

21 My recollection of the time I spent at Lake Alice hospital is that it was a terrible experience I received so much medication I found difficult to function. I have a particularly unpleasant memory of receiving electro convulsive therapy (ECT) on three occasions. I was placed in

² Letter Dr Leeks circa 1975

³ *Affidavit of Leonie Frances McInroe in opposition to Defendant's application to strike out plaintiff's claim and in support of plaintiff's application for leave (if required) to bring proceedings out of time and other orders dated 19 August 1995.*

⁴ Document (2 pp) dated 29.9.02, beginning *I, Leonie McInroe of [GRO-C] [GRO-C] Mother, state...*

⁵ *Statement of Leonie Frances McInroe (8pp)*

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

ECT treatment

22 I was required to attend Compulsory group therapy sessions. I found them pointlessIt was my behaviour at a group therapy session that led to my first "treatment" of ECT. I can still recall the occasion. One of the persons in the group was a guy who used to pick his nose and eat it. He did this and I giggled and no doubt made some remark. Dr Leeks was present. He said to me 'if you don't cut it out, you're going to get ECT' I apparently did something else to upset Dr Leeks, I cannot recall what. He then said 'that's it ..you're going to get shock treatment tonight'. And I did.

23 In relation to the second treatment of ECT I cannot recall what precipitated it. What I do know is that I had been returned from a temporary placement about three weeks before. On my return to Lake Alice, a number of staff seem to be very angry with me. The impression they gave me that I had 'blown it' with the foster home, and ruined chances of that home taking ex lake Alice teenage patients in the future. I suspect was the reason I received ECT. *see #35

Drug treatment

24 ECT was not the only occasion when I was given some form of "treatment" for being naughty. My impression of my time at Lake Alice was that I was given painful injections for naughty behaviour on many occasion. The number of entries of having been given "treatment" for being naughty, is not in my view as many times as I

recollect. When I went to Lake Alice, I did not smoke cigarettes. Smoking was something that all patients seemed to do. I learnt to smoke at Lake Alice hospital . I am addicted to cigarettes today. In the nursing notes there are a number of entries :

12. 11.75 Disobedient – ran over scoria bed. 50 mgs 1 m Chlorpromazine give (Chlorpromazine is Largactil)
- 4 .2.76 1M Largactil 50 mg given for smoking.
- 9.3.76 Smoking, smuggled in cigarettes and matches. Paraldehyde 5 mls given.
- 13.3.76 Smoking.... reprimanded, Paraldehyde 2 mg given
- 11.4.76 Absented to V7 ...oral Paraldehyde 7 ils given Stop. (V7 was the boys Villa)
- 31.5.76 Had a blade stop we're going to unlock windows and visit boys. Medication plus paraldehyde draft 7 mls
- 25 Largactil is a tranquilliser. Both are classified as anti antipsychotic drugs. I recall been given Paraldehyde by mouth and by injection. I can only recall being given by mouth once. It tasted so foul that I vomited. The Paraldehyde injections were extremely painful, especially if given in the arm. In addition to the number of times I was given Paraldehyde, I was threatened with it many times by the nursing staff and they did not like my behaviour. I was also threatened with a ECT.
- 26 Another matter I recall was my eyes rolling around in my head and in particular my right eye tending to wander off. This was very embarrassing for me. I was taken to see an eye doctor who asked the person accompanying me what medication I was on. The doctor said the medication could've caused my eye problem. I can recall having sore eyes. There is a reference to this in the nursing notes 23.12.76

27 I also recall that I often dribbled and it was uncontrollable. I put this down to medication. I cannot think of any other reason why a teenager would dribble uncontrollably. I can still recall feeling uncomfortable at times which I put down to the medication. Not being able to Control the dribble and eyes was part of it. At times I felt 'fidgety' at other times 'subdued'. I believe the medication cause these feelings stop

Seclusion

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

29 The seclusion room, like other forms of punishment was used as a threat. I refer to an entry in the nursing notes: *15.3.76 had the cheek to ss if she could watch TV... Threatened with SR/R.*

30 On one occasion I was put on this closed room for many days for being with a group of girls escaping and trying to see the boys in their villa. We did not succeed. This was discovered days afterward. I was given an injection every day I was in seclusion. I came out to go to the toilet and bath, there was a bucket to toilet in at other times.. I was allowed out to my foster brother's wedding. I recall being so drugged up I felt humiliated. I wanted to hide away. I did not want to be there.

How I came to make a claim to ACC and file proceedings against Dr Leeks and the Crown

31 It was a strange co-incidence of events that caused me to take a claim to ACC and the Courts against Dr Leeks. I was so damaged from my time at Lake Alice, (and earlier childhood with my foster mother),

that I entered my adult years with a chronic lack of confidence and huge fear of authority. I would never have had the courage or wherewithal to contact anyone and make a complaint about Dr Leeks but for the fact that my marriage had broken down and I needed a lawyer to finalise my divorce.

32 The lawyer I went to in 1992 was Philippa Cunningham at Cairns Slane. In the course of us preparing my evidence it came out that I had been admitted to Lake Alice as a young person and had been given ECT. This was foremost in my mind when I met Phillipa because I had been doing counselling in relation to my marital separation. The feelings I had I traced back to Lake Alice.

33 At my counsellor's suggestion I had obtained a copy of my notes from the Wanganui Hospital Board (on condition that I did not copy them or sue Lake Alice).⁶ My counsellor and I went over the notes to try and understand why I was there at all and if my memory accorded with the notes. The notes confirmed I had had injections, received ECT, been in seclusion and been assaulted by adult psychiatrically disturbed adults while in the ward.

34 When talking with Phillipa about my evidence I commented to her that I had been in Lake Alice I was upset about the ECT and drug treatment and believed it had been wrong. With Phillipa's advice and support and the support of legal aid I then took a claim to ACC and later filed proceedings in the High Court against Dr Leeks personally and the Crown.⁷ I would never have had the courage or wherewithal to take any claim against Dr Leeks if it had not been for the

⁶ One abiding wish I had from teenage years on was to have children and give them the love and understanding and care that I was never given. I therefore married early but unwisely and after 3 children and at the age of 31 my marriage was over.

⁷ Legal aid took a charge against my house until the end of the proceedings when their fees were paid.

wonderful support, persistence and encouragement I got from Phillipa. Later Phillipa instructed Robert Chambers as senior counsel. He too was very supportive and caring of me through the process.

Making a claim to ACC

Overview

34 At the time of writing this statement I do not have a copy of my full ACC file. I have a number of documents however that I kept over the years. These were ones sent to me by Phillipa. There are gaps in the chronology of what happened and I have used some documents to identify dates and actions taken. My account below is therefore unfortunately incomplete at this time. In particular I do not have the report of the Review Officer.

35 In 1992 Phillipa recommended I make a claim to ACC for medical misadventure and medical error, in relation to my treatment and as a first step she wrote to my GP asking for a report to support the claim.⁸ The claim was filed on 30 September 1992. The first decision of ACC was to decline my application. I sought an internal review which did not change the decision and then a formal ACC review in front of a review officer. I was successful on review and offered cover on 2 April 1996. That was not the end because then there were issues about the type of cover I was to receive. The whole process took four years and multiple medical assessments of me and the hospital notes. Below I set out some of the process.

My GP's information

36 In August 1992 Phillipa wrote to my GP, Dr Philip Rushmer, who had been my GP for 7 years at that time, and asked if he was able to comment on the treatment I underwent whilst an inpatient at Lake

⁸ Letter 24 August 1992 Phillipa Cunningham to Ms L McInroe.

Alice.⁹ He replied on 1 September 1992.¹⁰ He explained he could not as he had no knowledge of my condition at that time. He continued:

The only comment I can make is my observations of her during the years that I have cared for her and can say that during this time, she struck me as being a straightforward normal lady. There have been no manifestations of any psychiatric disorder and she progressed through her pregnancies normally with no evidence of any puerperal depression in the months following childbirth. One of the main pre-disposing factors towards puerperal depression is a previous psychiatric history.

37 The next year he reviewed my Lake Alice file notes at my request and on 16 February 1993, he recorded in a 'To whom it may concern' letter, that having reviewed the notes he was:

appalled at some of the things that went on involving my time at Lake Alice including the giving of strong antipsychotic medications and ECT with no good sound medical reason.¹¹

38 Dr Rushmer wrote another 'To whom it may concern letter ' on 15 November 1994. In that, he said that he had cared for me throughout my pregnancy and that there was no evidence of any postnatal depressive disorder; that I had not sought medical help or specific help for myself through my marriage problems and in particular I had not needed tranquilizers or anti-depressant medication. He said that I had managed my pregnancies excellently and continued:

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

ACC's communications with Dr Leeks

⁹ Letter dated 24 August 1992 from Phillipa Cunningham to Mrs L McInroe. Dr Rushmer had been my GP since 1985 and looked after me through 3 pregnancies.

¹⁰ Letter Dr Philip Rushmer to Phillipa Cunningham dated 1 September 1992.

¹¹ Letter Dr Philip Rushmer dated 16 February 1993 To whom it may concern.

39 ACC asked 4 questions of Dr Leeks.¹²

- 1 Who was the second psychiatrist who agreed to provide ECT on 12 December 1975, 13/15 December 1976?
- 2 Whether he received signed approval for ECT from my parents or guardians
- 3 whether there were any unexpected effects of ECT therapy
- 4 any other relevant facts related to the misadventure claim for deleterious effects for ECT on the dates mentioned.

40 Dr Leeks sought copies of notes about me from Lake Alice Hospital.¹³ These were duly provided by ACC.¹⁴ He then provided a 4 page letter in response.¹⁵ He said that there was no second psychiatrist involved in the decision to provide ECT to me. He referred to the Sainsbury Committee Report to the Royal College of Psychiatrists, England, prepared in 1977 and said that the consultant made the decision whether ECT was required. He noted the Sainsbury Report was accepted by the Australian and New Zealand College of Psychiatrists in September 1977.

41 Dr Leeks also said that the possibility of ECT was discussed and permission received from my parents. He said it was also discussed with the social worker concerned and explained to me, who was under 16 years at the time of treatment.

42 Dr Leeks said I was treated with ECT **Individual Restriction Order**

Individual Restriction Order

¹² Letter dated 28 April 1993 (first page only) to Dr Leeks, Victoria, Australia.

¹³ Letter (undated) Selwyn Leeks to ACC, Henderson;

¹⁴ Letter from Claims officer Cooke to Dr SR Leeks dated 19 May 1993.

¹⁵ Letter to ACC from Dr Selwyn Leeks,
! dated 11 June 1993.

GRO-C

Individual Restriction Order

- 43 He said the medication I initially received was insufficient to control my Individual Restriction Order behaviour but the dosage was not excessive for a youngster of my age:

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

- 44 He also said he met me in subsequent years after me being in Lake Alice hospital, following my marriage. Dr Leeks invoiced ACC \$NZ 730.00 for writing this letter, calling it 'professional services'¹⁶

My response to Dr Leek's claims.

- 45 In summary, I received ECT from Dr Leeks 2 and 3 years before the Sainsbury report. ECT treatment was never discussed with me prior to or after its usage. I do not believe it was discussed with my foster parents either. There are no file notes recording that advice or consent given from either me or my foster parents and they were surprised when they learned I had received it.
- 46 I wrote to the social worker who worked with me and she said she had not been involved in a discussion of it with Dr Leeks and that would have been inappropriate. She referred me to a medial social worker but I was not able to contact anyone of that description. I never once made a suicide attempt or threatened it. I was never 'self-destructive' or 'other-destructive'. Finally, I never met Dr Leeks after I left Lake Alice. His claim that I did was untrue.

¹⁶ Invoice Dr SR Leeks dated 11/6/93 to ACC for professional services.

- 47 Some more detailed responses of mine to Dr Leek's letter to ACC dated 11 June 1993, are set out below, taken again from my statements referred to above.
- 48 Dr Leeks gives the impression that I only spent evenings in the admission ward and was with other adolescents for the rest of the day. This is untrue. There was a separate villa for adolescent boys. When I first went to Lake Alice hospital they were only two other teenage girls and myself. We were housed in a ward with adult patients. Although we had a separate wing the doors were not closed not were the doors closed to the wings for the men and women patients. Among the men and women were some very disturbed people including people who were convicted of crimes such as murder.
- 49 My impression was that all the adults were suffering from severe mental illness. I recall one woman called GRO-B who I witnessed eat a used sanitary pad. While that is one of the more memorable things that I saw during my time there, there were many others. When we were not at school or in group therapy sessions we were housed with these people. On one occasion I was a hit in an unprovoked assault. See nursing notes 29.12. 76. There was very little opportunity for recreation or outings I have an overwhelming recollection I've been bored for most of the time I was there.
- 50 Dr Leeks commented that I was self or other destructive . There is no record on the nursing notes of this. I do not recall being self or other destructive. There may have been attention seeking behaviour but not a serious attempt to harm myself..... There is an incident report about a fight I had. The other girl came from Arohata Women's Prison. She was picking on a younger girl. I intervened. We were locked in a room at the time and I could not get away once the fight

started. I note on the Lake Alice hospital file there is a letter from a charge nurse to Mrs [GRO-C] dated 21 February 1997 (when I was discharged) which says that although I may lose my temper, I had never been physically aggressive.

51 I was unable to tell the staff at Lake Alice the reason why the placement with the [GRO-B] family in 1976 breakdown. They were a very nice family. [Individual Restriction Order]

[Individual Restriction Order]

[Individual Restriction Order] I found adjusting to outside life very difficult. I recall the daughter of the family showing me a Methodist newsletter which it asked for a family to take me. It described me as having been a patient at Lake Alice hospital.

52 I felt that this put a stigma on me and that everyone would know I come from a psychiatric institution. [Individual Restriction Order]

[Individual Restriction Order]

[Individual Restriction Order] I sat school certificate in three subjects which I struggled to do. I felt that my ability to concentrate on work was affected by the drugs I was taking. All in all I was finding the situation very difficult to adjust to.

53 One day I went on an outing with a girl I had met at school and her father. The father attempted to rape me. I was absolutely terrified, but was unable to tell the foster family who were looking after me. I was very untrusting of any adults and my experience was that they didn't believe me anyway. I recall that I threw a wobbly so that I could get away from that house and back to Lake Alice. Everyone at Lake Alice was angry with me when I returned. I was told I was too old to go to school so they put me to work on nursing aid duties with elderly patients. I was 'paid' in cigarettes. This seems a contrast to

being given Paraldehyde for smoking a few months earlier. I recall the medication being increased on my return.

54 Dr Leeks commented on his letter that he got permission from my parents and the social worker before giving me ECT. I say that that is untrue. The only social worker I can recall is Jeanella James, and I wrote to her and asked her to comment on this. She said that it was never discussed with her. (I submitted that letter to the court). Dr Leeks knew that Mr and Mrs GRO-B did not have the legal right to give permission and in any event when I told them I had received ECT, they seem surprised

55 He most certainly did not discuss it with me and I reiterate that it was given as punishment. Dr Leeks was the person who administered ECT to me on all occasions. Dr Leeks said that he had met me after I left Lake Alice. This is untrue. (I never saw Dr Leeks between February 1977 when I left, and the secret mediation I attended in June or July 1998).

ACC's actions subsequent to Dr Leeks response

56 On 3 July 1993 ACC asked its District Medical Adviser Dr R Percival to provide an opinion on the claim under the 4 point test.¹⁷ He responded on 29 July 1993 indicating there was no error or negligence.¹⁸ A decision was then made to decline the claim and it was advised to the Henderson office on 29 July 1993.¹⁹ A request for review resulted in the same decision to decline. As a result of that Phillipa then sought an opinion from Dr Peter McGeorge and then made application for a formal review of ACC's decision.

¹⁷ Memorandum dated 5 July 1993, ACC to Dr Percival.

¹⁸ 4 Point test assessment undated

¹⁹ Memorandum ACC Auckland North District Manager to Henderson District Office dated 27 July 1993.

Dr McGeorge's views

57 Phillipa then wrote to Consultant Psychiatrist, Dr Peter McGeorge, seeking his opinion on my treatment based upon a number of documents from the Lake Alice file. On 15 September 1993 he responded, explaining that while he had access to documents from my time at Lake Alice he had not had my medical notes.²⁰ He reported that, within the constraints of the available clinical evidence:

- (i) *there was no absolute clinical reason justifying my prolonged placement in the hospital*
- (ii) *there was no evidence for my long-term treatment with oral and intra-muscular anti-psychotic medication*
- (iii) *there was absolutely no indication for my treatment with Electro-convulsive therapy.*

58 Phillipa then searched the ACC 's files and discovered Dr Leek's letter of 11 June 1993. She also learned that three different doctors had advised the Corporation. A Dr Spence and Dr Percival supported a decline of the claim. A Dr Pope supported acceptance of the claim.²¹

59 On 30 May 1994 she wrote to Dr McGeorge asking for further clarification of his opinion, in view of the response of Dr Leeks dated 11 June 1993.²² She wrote again on 1 June 1994, having obtained an adjournment until she had a response from Dr McGeorge.²³

60 Dr McGeorge replied on 6 November 1994.²⁴ Among other points he said in relation to diagnosis:

- (i) *He was not aware of 'borderline schizophrenia 'being considered a 'pre schizophrenic' condition.*

²⁰ Letter Peter McGeorge, Consultant Psychiatrist to Phillipa Cunningham dated 15 September 1993.

²¹ Submissions to Review Officer in Respect of Leonie Frances McInroe dated 17 November 1994, at para 2.1.

²² Letter Phillipa Cunningham to De Peter McGeorge dated 30 May 1994.

²³ Letter Phillipa Cunningham to Dr McGeorge dated 1 June 1994.

²⁴ Letter Peter McGeorge to Phillipa Cunningham dated 6 November 1994.

- (ii) *The notes disclosed different diagnoses of me at different times rather than, as Dr Leeks said, me 'always been borderline psychotic schizophrenia'.*
- (iii) *there were no indications of psychosis by way of hallucinations or delusions or formal (schizophrenic) thought disorder.*
- (iv) *there were indications of self destructive behaviour but these were not specific for schizophrenia.*
- (v) *schizophreniform conditions do on occasion resolve.*

61 In relation to medication, among other matters he said:

- (i) *medication for young people should be based on a dose/weight basis not on their metabolic weight.*
- (ii) *the medication was appropriate for a diagnosis of schizophrenia but as Dr Leeks himself stated, his diagnosis was of borderline schizophrenia. If he came to see me as having a 'behaviour disorder' the medication and ECT would have been grossly inappropriate.*
- (iii) *his opinion remained unchanged having viewed Dr Percival's opinion, even given the changed circumstances affecting social and psychiatric practices.*
- (iv) *to the extent that in-patient treatment was more widely used in the 1970's, the treatment I received would have been more typical of that offered in psychiatric hospitals than in 'Adolescent units' of the type he trained in.*

62 At the ACC review Phillipa put forward Dr McGeorge's opinions and made submissions on them.²⁵ Essentially she submitted that Dr Leeks diagnosis of me, placement in Lake Alice without consent, detainment and treatment whilst a patient there for almost two years, individually and collectively, amounted to medical misadventure. I think the sequence of events was that ACC then decided to get another opinion. I note there is a Memorandum on

²⁵ Submissions to Review Officer in respect of Leonie Frances McInroe dated 17 November 1993.

file reporting issues in my application for review from the Branch Manager to the Acting District Manager at ACC.²⁶ TO BE ADDED TO

66 Following Dr McGeorge's information ACC appointed its own expert, Professor Werry.²⁷ On 25 April 1995 he completed his psychiatric report²⁸. He concluded at p 8 and 9 that there was medical misadventure due to medical error resulting from:

- (i) inaccurate diagnosis*
- (ii) inadequate diagnostic and progress procedures*
- (iii) grossly inadequate documentation by Dr Leeks of his reasons for treatments*
- (iv) the type of treatments and the reason given for treatments prescribed (ECT, Neuroleptics in antipsychotic doses [especially fluphenazine decanoate, chlorpromazine, paraheldehyde and seclusion]*

67 On 1 June 1995 ACC advised Phillipa that they had written three referral letters.²⁹ Further, they had made appointments for me to be assessed by:

- (i) Dr Kris Fernando, neuropsychologist, to assess memory loss and cognitive problems in concentration from ECT treatment.³⁰
- (ii) Dr Louise Armstrong as to whether I had a resultant disability from the placement at Lake Alice.³¹

²⁶ Memorandum 29 Nov 1993 from Branch Manager to Acting District Manager re Review Application Regarding LF McInroe R 3002550/002 Medical Misadventure Claim.

²⁷ Letter Phillipa Cunningham, Cairns Slane, to ACC dated 2 April 1996 refers at p 2 to Professor Werry's diagnosis.

²⁸ Psychiatric Report dated 25 April 1995 by Professor JS Werry re: Leonie Francis McInroe Review (10pp)

²⁹ Letter dated 1 June 1995 ACC to Phillipa Cunningham

³⁰ Letter dated 30 May 1995 ACC to Kris Fernando

³¹ Letter dated 30 May 1995, ACC to Louise Armstrong

(iii) Dr Wallis, psychiatrist, as to whether I had a resultant psychiatric disability attributable to medical misadventure.³²

68 Dr Fernando reported on 20 December 1996.³³ He said:

Lee has clearly suffered adverse psychological, physical, educational and occupational consequences as a result of her experience at Lake Alice hospital where she was miss diagnosed and incorrectly treated with ECT and antipsychotic medication. These adverse consequences have had a dramatic and chronic effect on her life extending over a period of 20 years. These effects have been:

- *Fear of having a mental illness*
- *Stigma of mental illness and fear of discovery*
- *Assertiveness and compliance*
- *Lack of social and parenting skills*
- *Feelings of anger and violation over the treatment received at Lake Alice*
- *Nicotine addiction*
- *Lack of education and reduced occupational choices*
- *An inaccurate perception of her cognitive abilities*
- *Facial problems*

It is only now that Leigh is starting to realise that she is psychologically well, is capable of engaging in further education, can behave in an assertive manner without punishment and has choices in her life. Her life the spa has been very much dictated by to by her two year association with Lake Alice hospital.

69 Dr Louise Armstrong reported on 27 June 1995, concluded³⁴:

Leonie appeared to give me an honest and undramatised account of her life history and her memories of being in Lake Alice hospital. If we accept that she was there for presumed behavioural reasons, possibly at the instigation of her somewhat neurotic caregiver and that she was under the treatment of a psychiatrist later proved to be incompetent and his treatment of Leonie has been judged by Professor Wary to be inappropriate,

³² Letter 1 June 1995, ACC to William Wallis (3pp)

³³ Letter dated 20 December 1996, Dr Kris Fernando to ACC Case Manager. Assessment Leoni McInroe (7pp).

³⁴ Letter dated 27 June 1995 from specialist psychiatrist Louise Armstrong to ACC review Officer re Leonie Frances McInroe (5pp)

then her account of two years in an institution being treated with antipsychotic drug, seclusion and heart and ECT is quite heart rending.

She does have significant unpleasant memories but more concern to her are her fears (About what may have happened to her during the ECT brackets probably unrealistic fears) and the fear that she carries through much of her life that she would become mad. She sees herself as having lost important years of her life and having been deprived of potential through being sedated and institutionalised. She has anger and distress that even though the treatment was an appropriate the history remains and when asked, as in a job application form, if she has had mental illness she fears denying this because of the records about her.

She does not have a formal psychiatric disorder now but I believe that she lives with a considerable amount of distress and pain from the past stop part of this would be attributable to her being all fund, and except for feeding short periods in her life, not feeling that she had people who loved or cared about her.

The major area of ongoing disability is her problem with self-esteem and motivation which does appear to be improving with therapy. We have prominent feature was who fear about what happened during the ECT and her anger about the ECT, Seclusion and medication being used as punishment. I had the sense that she felt very violated by this.

70 Dr Wallis reported on 26 July 1995.³⁵ he concluded:

The patient has evidence of a complete write superior oblique Pawsey. This in the vast majority of instances, is caused by a traumatic lesion of the fourth cranial nerve....In her case as the visual symptoms again when she was in Lake Ellis one can be reasonably sure that this nerve damage resulted from something which happened to her in that institution. It is worthy to point out that it does not require unnecessarily severe head injury to damage the fourth cranial nerve, because this nerve does have a long and complicated course which may subject it to a special propensity to injury. It is quite possible that ECT, which does not in its self damage cranial nerves, could have been accompanied by a blow to her head or a sudden movement of the kid which could have damage the nerve. It is more likely however, that this patient did have a head injury, from a blow to the head which is responsible for the abnormality. This task, I would recommend

³⁵ Neurological Report of William Wallis dated 27 July 1995 re Leonie McInroe. (3pp)

that she received an award under section 78 for permanent neurological disability my right fourth cranial nerve palsy.

71 On 19 March 1996 Phillipa had a conversation with an ACC officer who indicated their intention to pay me lump sum compensation of \$10,000, Phillipa wrote back raising a number of issues to do with compensation, including which Act applied to my eye injury and that my claim ought to be considered other than on a single claim basis.

³⁶ That and the specialist reports, resulted in further tests and assessments.

Settling my ACC claim and perception of ACC claim process

72 My claim was finally settled after that. I recall Phillipa had to doggedly fight for everything – going back again and again challenging their assessments. From memory I received two lump sums of \$10,000 and \$4000 for my damaged eye. I did have a regular counselling, starting with my marriage break up but none was through ACC. It was through normal hospital processes and well before I had been compensated by ACC.

73 The process of my claims with ACC set the precedent for what was to simultaneously take place by the Crown. I had no choice but to endure long and frequent delays. I could not go forward with civil proceedings until my claims were complete with ACC. Yet I was met with ‘claim declined’ responses from ACC from the very beginning in favour of Dr Leeks blatant and intentional lies.

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

³⁶ Letter Phillipa Cunningham to ARCIC dated 2 April 1996.

was sickened and repulsed at the continued letters (correspondence) with the “subject heading” Mental Nervous Shock Head. It was so humiliating and embarrassing. I recall asking Phillipa to please tell them to stop writing that. They did not. I believe it was said to be justified by ACC as the way the sensitive unit categorised my claims.

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

**Taking proceedings against Dr Leeks and the Attorney-General-
August 1994**

- 76 On 8 August 1994 my lawyer’s law firm wrote a letter to the Solicitor-General and Dr Leeks (then in Victoria, Australia) giving notice of my intention to bring civil proceedings against each of them for: breach of fiduciary duty; false imprisonment; trespass to the person and negligence. She asked if they consented to the bringing of the proceeding in view of s 4(7) of the Limitation Act which set a bar of 6 years for the filing of proceedings in tort.³⁷ I recall that they did not consent and so my claim proceeded with an application for leave to bring proceedings out of time.
- 77 The claim made was for \$1.5m in compensation. Robert Chambers had carefully costed this and discussed it with me. From memory the money was for the unlawful admission, drugging, ECT, seclusion and of how violated I was by it; resultant loss of education and career opportunities, loss of enjoyment of life, living with intrusive

³⁷ Letter Davenports to Solicitor- general and Dr Selwyn Leeks dated 8 August 1994,

memories etc. I believe that I deserved this amount, given what had happened to me – my losses were huge and I lived with them daily.

- 78 I issued proceedings in August 1994. There were some difficulties with service of Dr Leeks as he was living overseas.³⁸ They were served around 14 October 1994 or thereabouts. Dr Leeks had appointed Mr Knowsley of Rainey Collins in Wellington as his solicitor.
- 79 Dr Leeks eventually filed a Statement of Defence, having obtained additional time. Essentially he denied each and every allegation I had made and added further defences, namely, that my claims were statute barred by Section 4 of the Limitation Act 1950 and some claims were barred by Section 14 of the Accident Rehabilitation and Compensation Insurance Act 1992.³⁹
- 80 By 15 February 1995 Phillipa wrote to Robert Chambers QC, copied to me, to advise that the proceedings were progressing very slowly. Dr Leek's counsel had not provided his list of documents but had provided a Statement of Defence. Crown law Office had only then delegated someone with responsibility for the file and had not yet filed a Statement of Defence. They had mislaid the Statement of Claim in the office and Phillipa had to send them another one. The responsible person undertook to prepare the Defence post haste.⁴⁰
- 81 On 16 February 1995 Crown Counsel apologised for the delay in responding to correspondence and statement of claim and said they were in the process of obtaining the relevant files through the relevant Crown Health Enterprise who is seeking advice as to the

³⁸ Letter Phillipa Cunningham to Registrar, High Court, Wanganu, 28 September 1994 and letter Phillipa Cunningham to GRO-C dated 28 September 1994.

³⁹ Undated Statement of Defence of First Defendant filed by Rainey Collins and Wright.

⁴⁰ Letter Phillipa Cunningham to Robert Chambers QC dated 15 February 1995.

release of the files to the Ministry and that had delayed matters.⁴¹

On 1 June 1995 Dr Leeks advised he was unaware of the whereabouts of any notes other than those on my file.⁴²

Strike out application: Crown and Dr Leeks – circa July 1995

- 82 Shortly thereafter the Crown and Dr Leeks applied to the Court to strike out my proceedings. I had been forewarned by my lawyers this might happen but it was still very upsetting. I had hoped that after they saw what awful things had happened to me while I was in the care of the state, they might immediately approach me with an apology and settlement.
- 83 On 18 August 1995 I swore an affidavit in opposition to the strike out applications and in support of my application to bring proceedings out of time.⁴³ I attached the report of Professor Werry dated 25 April 1995 and psychiatrist Louise Armstrong dated 27 June 1995. Both these reports had been prepared for ACC.
- 84 On 22 September 1995, Dr Leeks swore an affidavit in support of his opposition to leave being granted. That was duly filed. In it Dr Leeks takes exception to the views expressed by Professor Werry and Armstrong and challenges my evidence.⁴⁴
- 85 Before the hearing, on 24 January 1996, the ACC Review Officer finally released the decision and as a result my lawyers filed an amended Statement of Claim on 20 March 1996.
- 86 The strike out hearing took place in the Wellington High Court before Master Thompson on 27 March 1996. Robert Chambers reported on

⁴¹ Letter dated 16 February 1995, Brenda Heather Crown Counsel to Phillipa Cunningham.

⁴² Letter AK Knowsley to Phillipa Cunningham dated 1 June 1995

⁴³ Affidavit of Leonie McInroe

⁴⁴ Affidavit of S Leeks in opposition to application for leave to issue proceedings dated .

his appearance at the hearing to Phillipa Cunningham by letter dated 18 March 1996. He indicated his view was that, if we could overcome the strike out hurdle, I had a very good chance of recovering damages against the Defendants.⁴⁵

Strike out decision

87 Five months or so later, on 2 August 1996, the strike out decision was issued.⁴⁶ We had succeeded. The strike out applications were declined. This was a great relief. It was now close to two years since filing and I was hopeful that things might now move very quickly. However they did not. There were nearly two more years of interminable delays before a mediation was organised.

Grant Cameron's claims – further Lake Alice Survivors

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

89 I recall at some time Robert Chambers telling me that whoever the Crown settled with first would determine the level of compensation that everyone got. Robert was trying to progress things as fast as possible so that we were dealt with first. That way we could set the standard high for me and everyone would benefit. We thought we would be dealt with first because we had filed a claim well ahead of Grant Cameron.

⁴⁵ Letter Robert Chambers to Phillipa Cunningham dated 28 March 1996.

⁴⁶ *Leonie McInroe v S Leeks and the Attorney-General* CP 12/94, Judgment of Master JCA Thomson dated 2 August 1996.

Secret mediation with Dr Leeks and the Crown – June/July 1998

90 It was agreed that the parties try to resolve the proceedings by mediation. However my lawyers told me that the Crown set two conditions. I was forbidden to tell anyone that Dr Leeks was coming into the country. I was forbidden to tell anyone he was going to a mediation with me. I was warned that if this came out the mediation would be called off.

91 Phillipa was also acting for another adult who had been 'treated' by Dr Leeks in Lake Alice, [GRO-B]. We both attended. On 30 June 1998 or thereabouts a mediation agreement was circulated for signature. I kept a copy of it.⁴⁷ The agreement records that for the Crown there was Ian Carter from the Crown Law Office, Janet Wilson, the Director of Mental Health and David Clark, staff solicitor for the Ministry of Health. My recollection is that there were more than three – possibly one or two more officials from the Ministry of Health. Dr Leeks was present with his lawyer, [GRO-B] and I were there with Phillipa Cunningham and Robert Chambers.

92 From memory the mediation happened either on the day we signed the agreement or shortly after. The mediation took place at the Northern Club. Robert Chambers arranged the venue it. I recall he had to give [GRO-B] a jacket on the day as they were compulsory for men. The surroundings were neutral and reassuring. Linda Kaye was the mediator. According to the mediation agreement there was also an independent medical practitioner, Dr Leah Andrews, in attendance. I cannot recall now why she was there but she definitely was not part of our team. I did not know her.

⁴⁷ Undated mediation agreement, signed by Leah Andrews on 36/6/98.

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

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

My hopes and expectations after the mediation

95 Because of the confidentiality agreement I signed I cannot say any more about the actual mediation apart from the fact it was an extremely stressful day for me. I felt emotionally exhausted and battered by the end of it and for days after. But I still had hope that there really was, at last, going to be justice for me and all the other Lake Alice survivors.

96 I felt our stories were unbeatable and insurmountable. I believed the Crown and the representatives of the Crown present had heard my truth. I believed each one of them would be so compelled by what they heard, they fully believed it was the truth. There was no denying the intentional debilitating ongoing abuse of children and young people at Lake Alice. I believed that the evidence and facts were so strongly in favour of all survivors that finally Dr Leeks and the people who put him in power would be exposed and criminal

justice and fair compensation would be realised for all of us plaintiffs. How could there not be justice with so much evidence. This is New Zealand. We have a fair and honest justice system.

Further interminable delays from Crown

- 97 I did not realise after the mediation that I was in for 5 more years- of prolonged trauma caused, what I came to learn, by the strategic, intentional delay and compensation protection tactics from the Crown, who, the longer it went on seemed to be fully defending Dr Leeks. I found the Crown's behaviour appalling and indefensible. I eventually came to believe the Crown behaved in a way described best as trickery.
- 98 No offers of settlement came after the mediation. Nothing happened. Just silence. It felt like torture again. The Crown is a formidable opponent. As the years went on I constantly felt as though the plan was to wear me down using multiple tactics and strategies. Long periods of time doing nothing and creating long delays was one such tactic. Eliminating my resources (I had a massive legal aid debt that had to be reapplied for frequently,) against the Crown's unlimited available funds another.
- 99 I often felt intimidated and bullied by how the Crown was acting. The case was crawling along at a snail's pace. Eventually Phillipa filed an application to the Court for timetabling directions to have the case set down for a hearing. A directions conference was adjourned until 10 April 2001 so that the parties could agree on the timetable.⁴⁸

Crown demanding my diaries

⁴⁸ Letter dated 20 March 2001 from Phillipa Cunningham to Lee McInroe, attaching Notice Second Defendant's Interlocutory Application for order under section 100 of the Judicature Act 1908, dated 23 February 2001.

100 In August 1997 the Crown demanded that I hand over my personal journals. Their purpose was to ascertain whether my current state of mind (by using my personal diaries) showed any signs of mental illness, that would justify the treatment I received in Lake Alice. My journals were mostly my letter to God, containing my deepest and most private thoughts. The Crown lawyers kept them August 1997 until settlement in 2003. To me the treatment of me through taking and keeping my diaries was an act of total violation towards me by the Crown.

101 After a year I requested them back. I was continually distressed thinking of my most private thoughts being out of my control. I requested them back every year after that, through Phillipa. When they finally came back the pages were full of yellow post it notes. To me those notes represent the visible physical expression of the abuse and violation and trauma the Crown subjected me to relentlessly, year after year.

101 It makes me nauseous to this day thinking about the men and women, complete strangers with no connection or care about me, who could read my very private heartfelt words, that were never written to be viewed by anyone. Uninvited by me. To judge and mock, my thoughts and feelings, searching for any scrap of evidence to hold against me.

102 I do not know the number of people who read my diaries. I do not know where they were kept. But I know they were pored over by the post it notes left on them. I cannot look at the contents of my diaries now. I have so much embarrassment and humiliation about them. I have never been able to have a diary/ journal since August 1997. I have never written any words since August 1997 without the belief that any/ all words maybe used one day, against me.

The feelings I developed about the Crown.

103 After the mediation and the ongoing delays I began to feel angry, abused and betrayed by the Crown with its delays. They had the evidence that showed that Dr Leeks had been giving me drugs and ECT without justification. They knew I was a victim. They heard what I had been through. There was no kindness, caring or compassion. The Crown just didn't get it.

104 I was bewildered and afraid at how people who had been through so much, could be treated so badly by the government that was meant to protect them. There was no compassion, empathy or even acknowledgment at what I had been through. Just more ignoring of me. I felt like the child and young person at Lake Alice again: repeatedly devalued, belittled, ignored, disregarded, humiliated, worthless, disrespected. It was happening all over again. I believed they would not have treated someone from a 'good' background like that.

Crown requirement that I am examined by psychiatrist – March 2001

105 Just when I didn't think it could get any worse, on 20 March 2001 Phillipa advised me that the Crown were going to apply to court for me to be examined by a psychiatrist under s 100 of the Judicature Act. She attached a copy of the Crown application. Under it I was to submit to a medical examination to assess my mental condition on Wednesday 18 April or Tuesday or Wednesday 2 May at the Mason Clinic, Point Chevalier. The psychiatrist was to be a Dr Phil Brinded.

106 The reasons the Crown gave for making the order were that it was necessary to determine the accuracy of my allegations of past and present psychological and emotional conditions, whether my stay in Lake Alice had caused my hard, whether I was under a disability and could not bring proceedings earlier and when I might have reasonably discovered all the causes of action I was filing in the proceedings.⁴⁹

107 I was beyond furious. And I was also overwhelmingly powerless. Why did they not do this when I first filed my claim in court in 1994, or even as late as the strike out decision in 1996. Why not after the mediation in 1998, even though as a group representing the Crown had met and seen me personally give my account of my time in Lake Alice. I had already been examined by so many medical people through ACC, including multiple psychiatrists. The Crown had access to all of it. There had been interminable delays since then and now they decided they wanted to have me examined again in 2001.

Being made to go to a locked psychiatric unit for assessment

108 I was particularly horrified that I was being ordered to go to the Mason Clinic. I felt them making me meet and be clinically accessed by a forensic psychiatrist at the Mason Clinic was another abusive tactic and strategies to reveal some form of mental illness to justify my treatment in Lake Alice. I knew this was a psychiatric hospital for the criminally insane. I felt traumatised just thinking about going near a psychiatric hospital.

109 I asked Phillipa to please change the venue. I recall she and Robert proposed a number of alternative places, including the Northern Club. The Crown rejected them all. It had to be at the Mason Clinic. I

⁴⁹ Letter Phillipa Cunningham to Lee McInroe, dated 20 March 2001.

believed this was intentional. I felt punished for challenging the Crown. It would have been easy to give up at this stage, and I very nearly did believe I could take no more from the Crown. I felt completely powerless. I had no choice and no voice yet again. Their refusal to change venues was like another personal violation.

- 110 Going to the Mason Clinic was extremely traumatic. When I turned up on the day I was taken through three sets of doors each of which were locked after me. Memories of being back in Lake Alice, the trauma, the anxiety, the fear, the smell, the sounds, the keys and locks and the powerlessness was overbearing and overwhelming.
- 111 I bought a woman doctor with me as a support person. She was one who had already assessed me. I can't recall her name – it may have been Louise Armstrong. I recall that upon finally entering the room where I was to be assessed I was so overwhelmed by the experience of just getting into that room, that I said to Dr Brinded, if you can only imagine that what I have claimed happened to me in Lake Alice is true for just one minute, you will be able to understand my need to walk out of here right now, and catch my thoughts and composure, and before I have to return for another gruelling interview.
- 112 Dr Brinded agreed, he apologised for the location under the circumstances. I left, to return for the interview 15 minutes later. At the end, Dr Brinded told me something along the lines that he had been sent to interview me by the Crown to find out if they would win against me. Dr Brinded said he believed me completely and was sorry it had happened to me. He said he would be telling the Crown that they would not win against me. I felt so validated having someone say they believed me and apologised to me, again for the

location set by the Crown, and for the wrong that had happened to me in Lake Alice. I felt his apology was very genuine.

Learning Crown has settled with Grant Cameron's group

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

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

Crown offers to settle with me

115 A settlement offer finally came though around May 1994. By then Robert Chambers had been made a High Court Judge and Phillipa had to get another barrister to advise me on the settlement. This was Ailsa Duffy QC. Unfortunately she did not have the long background in the litigation. I still wanted \$1.5 or close to it. That was my original claim. That was the amount carefully worked out by

Robert Chambers. I cannot disclose the settlement as I have signed a confidentiality statement. I ask for it to be waived.

Monetary compensation

116 I remember the shock and outrage of what I was offered. By then I had been put through a living hell by the Crown with no regard to the effects, ongoing and inter- generational, on me and my family. Over the 9 long years with the ongoing callous nature of the Crown's treatment of my claim, I had come to realise that the only meaningful compensation for all I and others had endured, would be money. They were no capable of anything else.

117 But even after 9 years it was not to be. I had to accept that I was not as worthy in their eyes as Rob Chambers believed. We, as vulnerable mental hospital child patients, treated in the most abhorrent and unlawful cruel manner, did not deserve full justice according to the Crown. I did not believe that any of those lawyers, acting on behalf of the Crown would accept for their own child this pathetic residue of compensation. No psychiatrist would accept this for their child. We were not as worthy as others from privileged backgrounds..

118 I recall being told I was being offered more than most and that Grant Cameron's clients got less. I recall thinking it was this or nothing. I had no chance of seeing Dr Leeks in court. I did not have the unlimited funds of the Crown to fight this any further. I recall believing that I would not get legal aid to fight on and decline the settlement. I recall believing legal aid would be denied because Grant Cameron's clients had settled for such low amounts. I believed the Crown would easily be able to drag any case out for another 9 years, and legal aid would not support that length of time. I understood I wouldn't get a higher settlement offer. I felt completely defeated. Hopeless and powerless. The Crown had won. I had fought

as long and hard as I was able. I was honest. I had been abused but they had won. All their delaying tactics were actually only ever down to how much money they could avoid paying.

- 119 We settled on or about June 2002. My hope was that Dr Leeks would be forced by the Crown to contribute to compensation. I do not know if this happened. As part of the settlement I signed an undertaking that I would keep the settlement terms confidential. I would like to have this waived so I can give evidence on this. One condition I set was that I received an apology for the delays. This was to be met outside the terms of the settlement.

Apologies received

- 120 I have kept the apology from the Crown.⁵⁰ To me it is written with arrogance, as though it is a throw away that no one will ever see. I think it is the most obvious expression of not caring about the delays and saying so. It is a confusing apology.

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

Dr Leeks avoids criminal prosecution – no closure for me

- 123 After the settlement I still a little hope that that Dr Leeks and others at Lake Alice who had witnessed what he was doing to us and went along with it, would be charged for criminal behaviour. It was beyond me why he had not been prosecuted already, ever since it

⁵⁰ Apology signed by Grant Liddell on behalf of the Crown.

became clear from my evidence that he had acted without medical justification. I knew there were police investigations underway. But nothing happened. The months and years went by and he was never brought to justice. I am beyond disgusted about this too. Are we not worthy of that justice. Why did the police inquiries stop and never resume?

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

Reflections upon the litigation process – two decades on

- 125 My experience of taking a case against the crown was that they were completely all powerful. They had all the power and control including of procedures and timing. I came to believe, especially after my pathetic settlement offer, that it was not possible to get justice from them. I despised their behaviour then and I despise it now. It was like they felt I was an annoyance or an irritant. They kept me dangling for 9 years. They sneakily and intentionally settled with Grant Cameron's group for paltry minuscule amounts so they could push my claim down. They offered something that did not in any way value what had happened to me or compensate some of the damage.
- 126 The Crown's behaviour throughout the litigation told me that I, as a Lake Alice survivor, was not worthy of justice. It lacked caring and compassion. They didn't care at all. I feel so angry for me and the other survivors. The non prosecution of Dr Leeks was a repeat

devaluation and dismissal of our experiences. The situation is so very very wrong. It gave the message to all of us victims that we were not worthy of fair and just treatment.

127 In 2020, writing this extremely painful and humiliating experience of trying to get justice, I weep , my children again see their mum crying over the repeated wrong doings. I have no confidence in the Crown. I do not believe the Crown operates in integrity and fairness. I do not believe that in our justice system we are protected when the Crown is the accused. This has now become an inter-generational belief.

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

Ongoing impact from being in Lake Alice and litigating for justice

129 There is tremendous stigma associated with being in a mental institution. I live with the fact I am a person who spent more than 18 months in a psychiatric institution every day. [I believe that is longer than any of the other 200 or so placed in the adolescent wing spent at Lake Alice.] I live with the impacts from being wrongfully placed there and subject to ECT and drugging daily.

- 130 My Lake Alice experiences never go away. For example, earlier job applications would ask if there had been any mental health issues. It was commonly asked for insurance (medical and life) purposes as well. I was incarcerated for more than 18 months in a mental institution. Not 2 weeks or 2 months. I agonise over whether I lie, and is it even a lie if I say no. Or do I admit and try and explain my story.
- 131 In the early days of my training as an anaesthetic technician, I was advised that part of our role was to assist the anaesthetist with the twice weekly ECT lists. We assist with providing safe airways and set up for the cases and ensure everything is available to provide a safe anaesthetic during shock treatment for patients. I approached my immediate supervisor and explained why I didn't think I could cope with it and asked to be not placed in those theatres. Apparently, he did not have the authority to make that an ongoing decision.
- 132 He then went to his boss who went further up and soon I had the humiliation of realising the whole management layer at my work knew of my past. But not fully, just that I had received shock treatment. Because Dr Leeks had not been held to account there was nothing I could point at to say that what happened to me shouldn't have and it was wrong. Instead I had to wear the stigma. The shame and humiliation.
- 133 The general response of my then charge technician, was that I was going have to do it sometime because anaesthetic techs are required to work in all theatres and cover all specialties, and I might as well just accept that. In my first year as a trainee, received a lot of resentment from others that I was not pulling my weight, having to be removed from the allocated theatres. My supervisor told me I could have two years without doing ECT rosters but then I would be

expected to. In desperation I approached an anaesthetist whom I knew had experienced giving children shock treatment as a part of their med school training. I asked her if I should be over the fear by now, and should I be ok going into the shock treatment theatres by now. She listened and was very supportive and understanding. She went directly to management and HR, and OCC Health and insisted that the pressure on me must stop. I was not to be made to feel bad about not being about to assist providing anaesthetics to patients undergoing shock treatment. After that I was free not to do it.

- 134 Whenever it comes up, I have a desperate and compelling need, that has never ever lessened, to tell my story from the beginning, so I can justify , or hope to clarify, or explain why it was so wrong for me to have been there. I was not mentally ill. Today, after 14 years at GRO-C hospital, I believe over 80 % of my colleagues know that I received shock treatment, and was placed in lake Alice hospital as a teenager.
- 135 I also have trouble in my job with cardioversion. This is where a person's heart is shocked back into sinus rhythm. The wholebody jolts and lifts. I have coped with it by avoiding looking at the body as it jolts up.
- 136 I find my Lake Alice history also interferes with the counselling I need to access from time to time through my work. My role at times involves trauma and witnessing some very harsh events. EAP counselling is provided for staff and there have been 3 occasions that I have used this service. [They have involved death in theatre, a child trauma, and personal grief]. During these counselling sessions, I have learnt now to actively avoid revealing any information about my time in Lake Alice hospital. I have found that the counsellors get fixated

on the Lake Alice part of my story, as if they are intrigued by having a 'live one' in front of them .

- 137 It is not that I do not try to put my experiences in the past. I recall a friend made me laugh at the ACC letters with the headings about Nervous shock. It helped. But no matter how hard I work at looking and proving that I'm normal, the impact of the years of trauma is never that far away. As well as I manage the mostly wonderful ordinary life that I now have, no matter that my darling children are smart and brave and incredibly loving, proud and supportive of their mum, and as far as I have come in healing from my history, there are still things that cause me distress and trigger my PTSD.

Impact upon my children

- 138 These nine years of trying to seek justice stole much from my innocent children. They witnessed and lived through their mother being unbelievably, violated, humiliated, belittled, ignored, manipulated, intimidated and bullied by the crown.
- 139 Often they had a broken spirited mother who used all her strength and hope to fight her fears and PTSD to be as present and strong and loving as she could everyday of the enduring nine years. They witnessed their mother in tears. They witnessed their mother overcome with fear and anxiety at the ongoing investigations, evaluations and unfathomable demands and violations of the crown. They lived with a mother full of guilt and shame for bringing this toxic story into their lives.
- 140 Earlier they lived with a mother with a constant underlying fear that she was mentally ill because of being incarcerated in a mental hospital. They lived with a mother who feared she was not capable

of succeeding in any career or higher education, and only capable of menial employment prospects .

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

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

143 However I am grateful for the opportunity to say these things. I am grateful for the existence of the Royal Commission. But I am deeply pained at the agony and difficulty in revisiting my experience to the depth necessary to let the inquiry see the true picture. It has not been easy.

143 Once more I will say, if you who reads this, imagine for just one minute, that everything I say is true, can you begin to understand what a failure of enormous proportions the children of Lake Alice have suffered?

144 There is no undoing the ongoing harm I have suffered at the actions and negligence of the Crown, not protecting me in my childhood and adolescence and then not treating my grievance with even an atom of dignity and respect.

What I want from the Royal Commission

145 I want:

- (i) Dr Leeks to be held accountable for the cruel, appalling and unlawful way he treated me and others as vulnerable young persons in his care.
- (ii) I want proper fair and just compensation for all Lake Alice survivors at a level that reflects and acknowledges them as worthy and in a timely manner that considers the current ages of the survivors, and the time of abuse over 50 years ago and settlement 26 years ago. That the compensation does not take many more years complete. The compensation to make a significant difference to each of our particular lives.
- (iii) I want proper fair and just compensation for my suffering at the mercy of the Crown in addition to the proposed settlement as calculated by Rob Chambers. That to include the impact upon my family and the intergenerational trauma caused by the Crown's litigation treatment. I want interest payable at a fair rate on the proposed settlement amount over 17 years, from the date of my initial unfair court settlement.
- (iii) I want proper heartfelt public apologies from the government to us for not protecting us from him in the 1970's.
- (iv) I want proper heartfelt public apologies from the government for the litigation tactics and strategies used by the Crown against our litigation; for how they hid our stories away and closed them down.

- (v) I want to know and see evidence that steps are being taken to make sure no other vulnerable children in the future are ever exposed to what I and other survivors were exposed to.

Statement of Truth

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed Auckland _____

Leonie McInroe

this 31 day of July 2020