

Witness Name: Oliver Sutherland

Statement No.: WITN0136001

Dated: 11/03/2021

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

WITNESS STATEMENT OF DR OLIVER SUTHERLAND

I, OLIVER SUTHERLAND say:

INTRODUCTION

1.

“If the new allegations.... are proved correct, ‘the misuse of the shock equipment will constitute perhaps the most appalling abuse of children in the guardianship of the state that this country has known”.

(“Inquiry Call On Shock Treatment”, New Zealand Herald, 12 May 1977 [ACD0006311_00002]).

2. I wrote that sentence. It was published on the 12 of May 1977 in the New Zealand Herald.

3. In 1976 and 1977, the New Zealand Government knew what was happening at the Lake Alice Child and Adolescent Unit. They knew because some courageous individuals spoke out. A 13 year boy, Hake Halo, spoke out to his Grandmother; other children spoke of their abuse; psychologists risked their own careers and spoke out; I too spoke out along with my associates at the Auckland Committee on Racism and Discrimination (ACORD); a journalist investigated and published articles for all New Zealanders to read; the Ombudsman denounced the electric shock procedure as 'not justified' ("Shock Procedure 'Not Justified'", New Zealand Herald, 24 May 1977 [ACD0006055_00020]);¹ ("Labour Call on ECT", New Zealand Herald, 25 May 1977 [ACD0006055_00005]; "Sir Guy Has 'Gone Off At Half-Cock,' Minister Says Of Report", Evening Post, 24 May 1977 [ACD0006055_00026]).

4. They knew. They cannot say they were unaware of the abuse, the punishment, the use of electric shock equipment on children's legs to deliberately cause pain, the allegations that this was torture (Telegram from Mr Gill, Minister of Health, received by Dr Sutherland, 11 August 1977 [ACD0006106]; Telegram sent by Dr Sutherland to Mr Gill, 12 August 1977 [ACD0006105]) and it was perpetrated against young boys and girls while in the 'care' of the State.

5. Before I start my witness statement today, I want to remind the Commission of the evidence I presented at the Contextual Hearing in October 2019. I spoke of the mistreatment and abuses suffered by children at the Lake Alice Adolescent Unit during the period 1972 – 1978. That evidence was drawn from verbatim accounts

¹ 'Labour call on ECT', New Zealand Herald 25 May 1977 Jonathan Hunt MP for the opposition called for an immediate action on the recommendations of the Ombudsman's report and a review of the whole field of psychiatric help for the young and for a review of the use of ECT in all Department of Health Institutions. In contrast the Minister for Health, Mr Gill, and the Minister for Social Welfare, Mr Walker criticised the Ombudsman's report stating that "Sir Guy has 'Gone off at Half-Cock,' Minister says of Report", Post, 24 May 1977.

given to me in personal interviews with the children and their caregivers and/or parents. These accounts of abuse were corroborated by contemporary accounts given by professionals (psychologists and teachers) who were personally involved with the Lake Alice children at the time.²

6. In my evidence today, I will speak as a witness to the chronology of events that put everyone on notice about the abuse of those detained or placed in the Child and Adolescent Unit. The people in power - the Department of Health, the Palmerston North Hospital Board, the Police, the then Department of Social Welfare, the Medical Council and the Royal Australian and New Zealand College of Psychiatrists - cannot say they did not know what was happening in the 1970s. At this Royal Commission of Inquiry into Abuse in Care, 45 years after the first newspaper article about a 13 year old boy being given electric shocks without the consent or knowledge of his family ("Mother Did Not Want Son Treated", New Zealand Herald, 17 December 1976 [ACD0006055_00006]), it is my hope that the people in power today acknowledge what their departments and organisations knew at the time, acknowledge the errors made, acknowledge the wrongs that have been done to the children of Lake Alice and accept the need to apologise and be held accountable for the outrage that was Lake Alice.
7. The Lake Alice Psychiatric Hospital Child and Adolescent Unit was administered by the Palmerston North Hospital Board. It was on the same site as the adult facility, the Lake Alice Psychiatric Hospital, which was administered by the Department of Health. The question remains, what about Dr Leeks; who had oversight of his conduct?
8. The Unit was situated 40 kilometres from Whanganui and 50 kilometres from Palmerston North, thus making it difficult for parents located elsewhere in New Zealand to visit children held there.

² Oliver Sutherland *Justice and Race: Campaigns against racism and abuse in Aotearoa New Zealand*, Steele Roberts Aotearoa Publishers, 2020, pages 134-164.

The beginning – the case of Hake Halo

9. On 1 December 1976, a Department of Education psychologist, Lyn Fry, told ACORD of the existence of this Child and Adolescent Unit and in particular her concerns about a Niuean schoolboy, the circumstances of his detention and how he had been treated. I was the spokesperson for ACORD at that time. ACORD, was an action group established in 1973. This group was formed for Pākehā to recognise that the real cause of the difficulties faced by minority ethnic groups in New Zealand lay in entrenched Pākehā policies and attitudes that were at best paternalistic, and at worst blatantly racist. We were a Pākehā group supported by Māori and non-Māori Polynesian consultants. Our legal advisers were Robert Ludbrook and David Lange.
10. As soon as ACORD was informed about the circumstances of Hake's detention in the Lake Alice Child and Adolescent Unit, we took action. At the time, we, like most of the New Zealand public had never heard of the Lake Alice Child and Adolescent Unit at what we understood was an adult psychiatric facility. I wanted to get as much information about Lake Alice Child and Adolescent Unit as possible. On 3 December I rang the Superintendent in charge of Carrington Hospital, Dr Fraser McDonald. I made notes of my phone conversation with him at the time. Dr McDonald told me that there were three areas at Lake Alice: a security wing for the criminally insane, an overflow wing for people from other mental hospitals (the "good psychotics" who caused no trouble), and it was also the out-patient psychiatric hospital for Palmerston North (including the Child and Adolescent unit). Concerning ECT for children Dr McDonald was very surprised to hear of it. He said to me:
- "I can't remember ever having given ECT to someone under 16 years". He said that he "used a consent form for ECT at Carrington but didn't know if it was done elsewhere in New Zealand".

(ACORD typed notes, 3 December 1976 [ACD0001586])

11. I continued to gather information about this psychiatric unit for adolescents. On 6 December I rang Dr Sheila Godfrey at the Child Health Division, Department of Health, and Dr McLeod at the Auckland Hospital. On 7 December I rang Professor John Werry, at the Auckland Medical school. Dr Werry was a key member of the Royal Australian and New Zealand College of Psychiatrists. He said to me:

“ECT has a very specific indication. It is only given in cases of severe depression...whereas this boy seems to be suffering from a personality disorder”.

(ACORD typed notes, 7 December 1976 [ACD0001586]).

12. I then rang the New Zealand Psychological Society and spoke to Mr Michael Malloy who was a qualified psychologist and the lawyer for the society. He was deeply concerned to hear of Hake's case. He said ECT should not be given to people so young (ACORD typed notes, 7 December 1976 [ACD0001586]).

13. On 8 December, I spoke with and interviewed Hake's parents, but most importantly I spoke with his key caregiver, his grandmother, Mrs Halo. It was Hake's grandmother who had brought Hake up. She did not speak English, so I interviewed her with a Niuean leader as an interpreter.³ Hake's family had no idea of what electroconvulsive therapy (ECT) was. When John Kolo, our interpreter explained ECT to the family, they broke down and cried. They were happy for us to make the case public so long as nothing would identify the family. They hoped going public would get the authorities to do something for Hake (ACORD typed notes, 8 December 1976 [ACD0001586]).

14. On 13 of December, another ACORD member, Dr Ross Galbreath, wrote a letter to the Minister of Social Welfare including full details of Hake's case. We called for a full inquiry into the circumstances of Hake being placed into the Lake Alice adolescent unit and into what happened to him there. We were concerned about

³ John Kolo was a Niuean leader and my neighbour at the time who became my interpreter in this case.

the way the Department of Social Welfare had transferred Hake from the Owairaka Boys Home to the Lake Alice Unit, which was administered by a different authority (Department of Health). We were concerned that Hake was given electric shock therapy and paraldehyde injections, when his family did not consent to this and were not officially told about this treatment (Ross Galbreath ACORD, letter to Minister of Social Welfare, Mr Bert Walker, 13 December 1976 [ACD0006066]).

15. The next day I spoke with Hake with my Niuean interpreter present. He said that he had had ECT six or seven times and has had it "*straight; I wasn't put to sleep first*". He said "*It hurts when I have it.*" Hake said "*Dr Leeks said 'you get this for having done this and this wrong.' They did this to punish me. Leeks, he's no good*". (ACORD typed notes, 14 December 1976 [ACD0001586]). Hake also mentioned that ECT was given "*also in chair*" (Oliver Sutherland handwritten notes, 14 December 1976 [PSY0000718]). Because at the time I had not met GRO-B GRO-B or heard his description of being given shocks on his legs while sitting in a chair, I did not realise the significance of Hake's comment. He was clearly referring to the administration of shocks to boys' legs as punishment.
16. Hake understood that I believed him, and he trusted me. I introduced him to the New Zealand Herald Medical Correspondent, Peter Trickett. The next day, the first article about this case was published in the Herald ("*Boy's Shock Treatment Raises Protest*", New Zealand Herald, 15 December 1976 [ACD0008920_00016]).
17. The Minister for Social Welfare absolutely rejected ACORD's claims.⁴ However, the psychologists stepped in to voice their concerns. Lyn Fry, who had originally alerted us to Hake's case and who was the secretary for the New Zealand Psychological Service Association, wrote to the Minister of Health, Frank Gill, requesting a full inquiry into ECT being used on delinquent and recalcitrant children and stated, "*it is our understanding that there is no clinical justification for its use in this manner*" (Lynn Fry, letter to the Minister for Health, Mr Frank Gill, dated 21 December 1976 [ACD0006065]).

⁴ Radio New Zealand, Midday news, 17 December 1976.

18. On 15 December 1976, Craig Jackson, the District Psychologist at Palmerston North, for the Department of Education, wrote to the Director General of Education regarding the use of ECT on children at Lake Alice. On 17 December 1976, Mr R.O Sinclair on behalf of the Director-General of Education wrote back instructing him not to take part:

“in any inquiry which may take place following recent press publicity on this matter. Neither should you allow yourself to be drawn into making any statement to the news media on the subject. This department takes the view that the use or non-use of ECT is entirely a medical matter and not a subject upon which any member of the Education service, in his professional capacity, is qualified to express an opinion”.

(Letter sent on behalf of the Director-General of Education, R O Sinclair, to Mr Craig Jackson, 17 December 1976 [ACD0006114]).

19. This psychologist, Craig Jackson, had been the Acting District Psychologist at Palmerston North from 1972 – 1974. At that time, in 1974, he had written to the Inspector Supervising Special Education of the Wanganui Education Board, Mr K Robinson, about his concerns. Further, on 7 January 1977, Craig Jackson wrote, as a concerned private citizen, to Dr Mirams, the Director of the Mental Health Division. In this letter he explained that he had voiced his concerns about the Lake Alice Child and Adolescent Unit from his time there during 1972-1974. He informed Dr Mirams that from his observations he was concerned about the use of ECT at the adolescent unit:

“(a) That as far as I could reliably ascertain, it was often used without pre-medication procedures, which I understood to be contrary to ethical medical practice.

(b) That in my view it was being used punitively as part of the disciplinary structure, governing the conduct of youngsters resident in the unit.

(c) That the majority of youngsters in the unit at the time had received this treatment without reference to their medical or psychiatric status, or grounds for admission”.

(Letter sent from Mr Craig Jackson to Dr Mirams, 7 January 1977 [ACD0006115]).

20. Craig Jackson also wrote to me personally. He had provided me with copies of his letter and the reply he had received where Dr Mirams said:

“I feel reasonably confident that should I be unwise enough to issue an instruction with regard to the applications of behaviour modification, analytic psychotherapy, or any other form of psychological treatment, I would be accused of interference with professional freedom. Indeed, I think the accusation would be justifiable, as it would also be if I attempted to impose constraints in the use of E.C.T.”.

(Letter from Dr Mirams to Mr Craig Jackson, 26 January 1977 [ACD0006116]).

When Craig Jackson wrote to me he said he felt he had done all he could ‘within the system’ to draw the attention of the higher authorities to definite irregularities in the use of ECT as a treatment in the adolescent unit (Letter from Mr Craig Jackson to Oliver Sutherland, 27 April 1977 [ACD0006068]).

21. The Minister for Social Welfare announced there would be a Magisterial Inquiry and on the 27 January 1977 the Governor General commissioned Magistrate William Mitchell to inquire into Hake Halo’s case and report on:

“(a) The authority upon which treatment was administered to the boy by the medical authorities at Lake Alice Hospital:

(b) Any associated matters that may be thought by you to be relevant to the general objects of the inquiry:"⁵

22. When the terms of reference for the Inquiry were announced, the New Zealand Psychological Association spokesperson said that it had called for a formal inquiry about the reported use of ECT on adolescent children at Lake Alice, and that the inquiry's limited terms of reference did not meet the association's request ("Shock-Treatment Inquiry to be Held in Camera", New Zealand Herald, 9 February 1977 [ACD0006055_00012]).

23. It was announced that the Mitchell Inquiry would be held in camera, no part of the proceedings could be held in public and there would be no publication or disclosure of the evidence (New Zealand Herald, 9 February 1977). On behalf of ACORD, I stated that any findings from the Inquiry must be made public:

"It will be intolerable if the Minister of Social Welfare, whose department is to be investigated, is to have the discretion as to whether the findings are to be made public".

(New Zealand Herald, 9 February 1977).

24. Before publicity was given to the case of Hake Halo in December 1976, the case of another boy placed in Lake Alice had been drawn to the attention of the Ombudsman, Sir Guy Powles. The parents of that 15 year old Māori boy had made a complaint to the Ombudsman on 5 July 1976. They complained of misconduct and maladministration by the Department of Health (DOH) and the Department of Social Welfare (DSW) during their son's time at Lake Alice. Once the terms of reference for the Inquiry into Hake's case had been announced I wrote to Sir Guy Powles to provide him with the details of Hake's case. Sir Guy replied to my letter

⁵ Order in Council, given on 27th January 1977.

saying that he was "*distressed by the resume of the case which you have sent me for my private information*" (Letter from Sir Guy Powles to Dr Oliver Sutherland, 11 February 1977 [ACD0006064]).

25. The Mitchell Inquiry hearing took place from 15 to 25 February 1977. ACORD's submissions at the inquiry covered five key issues. The submissions related to the rights of the family. Hake was not initially a ward of the state when taken into Lake Alice, but he did become one during the time he was in Lake Alice.

- (i) The right of the family to be told, in a language they fully understand, what a government department was doing to their child and why.
- (ii) The right of the family to be consulted, in a language they understand, as to the educational, welfare, and medical treatment, (especially shock treatment) to be administered to their child.
- (iii) The right of the family to give or not give informed consent for medical treatment (especially shock treatment) to their child.
- (iv) Whether or not the State, when it has taken legal guardianship of a child, then has the right to do whatever it pleases to the body and mind of that child without reference to the family.
- (v) The handing over by one government department (DSW) to another government department (DOH) of a child without ensuring the child's best interests would be the paramount consideration in any treatment and without ensuring that his special needs as a Polynesian child would be fully understood and met (Submissions from ACORD to the Commission of Inquiry into the Case of a Niuean Boy [ACD0006092]).

26. On 2 March 1977, the hearings for the Inquiry concluded. I wrote a letter to Sir Guy Powles summarising some of the evidence and concluded by saying:

"It is abundantly clear that a full-scale inquiry into Lake Alice adolescent unit is essential. I hope Mr Mitchell recommends it."

(Letter from Dr Sutherland to Sir Guy Powles, 2 March 1977 [ACD0006063]).

27. Hake Halo did not give evidence at the Commission of Inquiry, nor did any of his family members. There is reference in Judge Mitchell's report that he had interviewed Hake's grandmother, his parents, and Hake. There is no note of whether Judge Mitchell had an interpreter present during those interviews. From my continued connections with Hake, Hake has shown me the documents that have been disclosed to him from the Crown. There are no file notes or notes of interviews between Judge Mitchell and Hake or his family members. Judge Mitchell's report stated that he and the Counsel Assisting the Inquiry, Mr Nicholson, visited Lake Alice Hospital on 1 March 1977 to speak with anyone who seemed able to assist him. Again, from all of the documents disclosed to Hake by the Crown, there are no notes about who Judge Mitchell spoke to at the Hospital, and/or what was discussed.

The Department of Social Welfare – DSW

28. The Department of Social Welfare was involved with Hake's life before, during and after his placement at the Lake Alice Child and Adolescent Unit. From my discussions with Hake's grandmother and his birth parents, DSW did not explain to them anything about Lake Alice, other than he would go to school there.

29. When Hake had been released from Lake Alice he went to Court. No Niuean interpreter was present. At that time his grandmother, who did not speak English, thought the court appearance was about Hake admitting to shoplifting. In fact, Hake's grandmother, Mrs Halo, had been charged with not keeping Hake under proper control. When Mrs Halo spoke to me and our interpreter about this Court appearance it was clear she had no idea this is what had happened. These concepts were never explained to her in a language she could understand while at Court or by the DSW social worker at the appearance.

30. After he was discharged from Lake Alice, Hake was a state ward. He was now aged 14 years, but the DSW did not re-enrol him at a school, instead he was sent to Carrington Hospital. Dr Fraser McDonald was in charge of Carrington at the time. I rang him on 17 December 1976 and made a file note of our phone conversation (ACORD typed notes [ACD0001586]). Dr McDonald was very surprised to hear that Hake was at Carrington. The DSW had not informed him that Hake was being treated at Carrington. Dr McDonald agreed to arrange immediate counselling for Hake and his family and agreed with me that this should have been done months before.

31. As I recall the DSW's evidence at the Mitchell inquiry, their solution to what they saw as the problem of Hake and his behaviour, was to send him back to Niue.

Report of the Commission of Inquiry into the Case of a Niuean Boy

32. Judge Mitchell's report was dated 18 March 1977. In answer to the term of reference, Judge Mitchell stated:

"I consider that authority for his treatment can be implied from the conduct of the people concerned, both the family and the Department of Social Welfare. This rested in the trust imposed on all sides in Dr Becroft, who made the placement. At the same time it must be acknowledged that there was no express authority for the ECT either from the family or from the officers of the Department of Social Welfare."

(Report of the Commission of Inquiry into The Case of a Niuean Boy, 18 March 1977, E25, page 23 [CRL0044243_00027]).

33. The Minister for DSW, Mr Walker claimed that Mitchell's report "*vindicates*" the DSW ("Shock Case Inquiry 'Vindicates' Department", New Zealand Herald, 5 April 1977 [ACD0006055_00065]). When ACORD received a copy of the report we

interpreted it as an effort to exonerate the actions of all the officials and medical staff who dealt with Hake and instead to direct blame towards his family for failing to look after Hake.

34. In my opinion Hake's case exemplifies the worst elements of institutional racism prevalent in the 1960s and 70s. Hake and his grandmother who had 'whangai-ed' (informally adopted) him at birth, arrived in New Zealand to join the Auckland Pacific Island community in 1967, neither were able to speak English. Their encounters with the education, police, social welfare and judicial systems for the next ten years were all characterised by misunderstandings and confusion. This was classic institutional racism. It culminated in Judge Mitchell's Inquiry and report, which in my opinion demonstrated the failure of the various institutions that dealt with Hake and his grandmother to appreciate the cultural divide between themselves and this troubled Niuean family.

35. The New Zealand Herald medical reporter, Peter Trickett, queried Judge Mitchell's findings the day after the report was made public. In response to Judge Mitchell's conclusion that:

"he was not persuaded that the treatment was administered in such a way as to cause unnecessary suffering, physical or mental".

Peter Trickett wrote:

"The question this leaves unanswered is the degree of suffering, whether necessary or unnecessary, caused by administering electro-convulsive therapy without the normal anaesthetic".

36. The article went on to critique Judge Mitchell's finding that administering electro-convulsive therapy to the Niuean boy was called for because he was suffering from

“acute psychotic depression”, by referring to a letter sent by Dr Leeks to the DSW a month after Hake was admitted to Lake Alice, stating that he had been given ECT “because of his apparently psychotic behaviour” (“Lake Alice Inquiry Leaves Doubt”, New Zealand Herald, 21 May 1977 [ACD0006055_00080]).

Further allegations put to the authorities

37. Two separate families had seen the publicity associated with Hake’s case and approached me to tell me what their boys had experienced. I interviewed these boys and their families. Both boys were wards of the state at the time they were placed in the Lake Alice Child and Adolescent Unit. They told me about children not only receiving ECT to their heads, but also a special sort of punishment where electrodes from the ECT machine were placed on either side of their knees and an electric current was put through their knee as a form of punishment.⁶ One of these boys described to me what happened when he was given this punishment:

“They gave me a shock – turned it off and on. It jolts you out of the chair. The chair fell over, and I rolled around on the floor until they turned it off. I got it twice on the knee – once for whistling at one of the nurses and once for smoking.”⁷

38. After Judge Mitchell had completed his Inquiry report, but before that report had been made public, I presented these further allegations personally to Dr Mirams at a meeting on 11 May 1977. At this meeting I stated ACORD’s demand for a full inquiry and for the Lake Alice Child and Adolescent Unit to be closed. In an ACORD press release published on 12 May 1977, I said:

⁶ Above n 2, page 155 – 158.

⁷ Above n 2, page 158.

“if the new allegations put before Dr Mirams were proved correct, ‘the misuse of shock equipment will constitute perhaps the most appalling abuse of children in the guardianship of the state that this country has known”.

(New Zealand Herald, 12 May 1977 [ACD0006311_00002]).

39. Within days of this meeting Dr Mirams said in an interview with the Herald, that the ECT machine had been taken away from the Lake Alice Child and Adolescent Unit. Dr Mirams confirmed that statements from children put before him by ACORD alleged that the ECT equipment had been used to administer electric shocks to children’s legs. Dr Mirams said:

“If this is true it would involve deliberately giving a painful shock with the intention of it being painful....the pain would not be incidental to the treatment, as it is with much medical treatment. This is the allegation I am looking into. If it is true, a number of considerations of professional judgement could apply but I would find it very difficult to envisage any defence which could be offered in those circumstances.”

“Administering electric shocks to parts of the body other than the head might be classed as aversion therapy...but as a former child psychiatrist [he] could not imagine using electric shocks himself as aversion therapy on children....Any suggestion that ECT applied to the brain could be justified as aversion therapy would be unthinkable.”

(“Shock Equipment Taken From Unit”, New Zealand Herald, 14 May 1977 [ACD0006055_00092]).

40. The next day Dr Mirams commissioned an Auckland lawyer and District Mental Health Inspector, Gordon Vial to investigate the two allegations that ACORD had presented to him.

The Ombudsman's Report

41. On 23 May 1977 a press release was issued with a summary of Sir Guy Powles' report into the case of the 15-year-old boy he had been investigating since July the previous year (Ombudsman Report on the Complaint of Mr and Mrs GRO-B 5 April 1977 [CRL0099908]). Sir Guy concluded that the boy's detention at Lake Alice was unlawful; little consideration had been given to the question of whether the boy or his guardian consented to the treatment; ECT should never be given to a protesting patient and that this form of treatment in all but the most exceptional of circumstances ought to be eschewed if for no other reason than the difficulties of obtaining the consent of young people; if it was to be given it should be given in the modified form with an anaesthetic. He found that the cumulative effect of a number of the actions and decisions of the officers of the departments of Health and Social Welfare caused the boy "a grave injustice".⁸

42. Within a day, the Herald ran an article by the journalist Peter Trickett which contrasted the Lake Alice Child and Adolescent Unit with five psychiatric hospitals or units in Auckland. The article quoted the various heads of those units stating that they had never used ECT on children or adolescents ("No Child Ever Given Shock Treatment in Auckland", New Zealand Herald, 25 May 1977 [ACD0006055_00003]).

43. The story caused headlines throughout the country. For example, the 24 May 1977 Dominion carried the front-page banner headline, "Boy's shock treatment 'grave injustice'". At the same time there was immediate political criticism of Sir Guy Powles' report and recommendations by the Minister of Health. The Minister of Social Welfare claimed that the Chief Ombudsman had "Gone off at half-cock" ("Sir Guy Has 'Gone Off At Half-Cock,' Minister Says Of Report", Evening Post, 24 May 1977 [ACD0006055_00026]). Meanwhile, psychologist Craig Jackson broke his silence and contacted the Labour MP Jonathan Hunt and repeated his claim that

⁸ Above n 1, pages 150-152.

ECT had not always been used therapeutically in Lake Alice Child and Adolescent Unit, but as an aversive form of punishment. He requested a full commission of inquiry into the use of shock treatment as punishment ("Govt rejects ECT probe", Auckland Star, 28 May 1977 [ACD0006055_00022]). As the opposition spokesman for Health, Mr Hunt, called for immediate action on the recommendations of the Ombudsman's report, and a review of the whole field of psychiatric help for the young (New Zealand Herald, 25 May 1977 [ACD0006055_00005]).

ACORD's next steps

44. ACORD was not satisfied with the authorities' responses. The Lake Alice Child and Adolescent Unit, with all of its staff, including Dr Leeks, was still operating. On 7 June 1977, I wrote to Dr Mirams. I informed him that I had asked the District Mental Health Inspector, Gordon Vial, to interview the mother of one of the two complainants that I had passed on to Dr Mirams (Letter from Dr Sutherland to Dr Mirams, 7 June 1977 [ACD0006104]). Mr Vial had not interviewed this mother and I urged Dr Mirams that a full inquiry into the past and present dealings of the unit was required. I received a reply to say that the matter was now in the hands of the police. The Minister for Health, Mr Gill was then quoted as saying that "*Dr Mirams had studied Mr Vial's report and was of the opinion that section 112 of the Mental Health Act may need to be invoked*". Mr Gill had directed the report and all relevant evidence be handed over to the police ("Police inquiry at mental hospital", Christchurch Star, 21 June 1977 [ACD0006055_00084]).

45. Meanwhile, ACORD had been calling for a Royal Commission of Inquiry into ECT ("Independent Inquiry Is Sought", New Zealand Herald, 20 June 1977 [ACD0006055_00010]). In August ACORD sent a telegram to Health Minister, Mr Gill regarding the allegations of "torture" at the Lake Alice Child and Adolescent Unit. Mr Gill replied that "there have been no previous allegations of torture and no

evidence of such allegations have been submitted. The police inquiries into allegations of improper treatment are continuing (Telegram received by Dr Sutherland from Mr Gill, 12 August 1977 [ACD0006106]). Months earlier, I had provided the authorities with the detailed complaints of the two boys describing receiving and witnessing children being punished by the staff at the unit with electric shocks when the electrodes from the ECT machine were placed on their knees and turned on and off. ACORD regarded this as torture. The Ministry of Health were on notice from 1977 that we had called this abuse torture.

46. On the 13 August 1977, at the Annual Meeting of the New Zealand Division of the Royal Australian and New Zealand College of Psychiatrists, the Chair of the New Zealand Division, Dr Dobson, stated to ACORD that in 1973 and 1974 at Lake Alice, shocks were administered to the children's bodies as 'aversion therapy'. I then wrote to the Police Superintendent investigating the allegations to tell him Dr Dobson had told ACORD that during 1973/74 the children at Lake Alice got 'aversion therapy' electric shocks (Letter from Dr Sutherland to Superintendent, Wanganui Police District, 23 September 1977 [ACD0006103]). The police replied to my letter stating, your letter is acknowledged.

47. On 6 October Dr Mirams wrote to ACORD and said that:

"the use of painful electric stimuli as part of aversion therapy is quite acceptable practice....the specific matters which I have referred to the police are questions of whether nursing staff used painful shocks without medical supervision or authority in a punitive rather than a therapeutic setting."

(Letter from Dr Mirams to Dr Sutherland, 6 October 1977 [ACD0006107]).

48. When the Commissioner of Police announced on 28 January 1978 that they had found no evidence of criminal misconduct, ACORD still maintained that giving children painful electric shocks to the legs and elsewhere on the body was indefensible and a gross violation of the rights of a child.

49. The fact that the shocks were administered via a piece of electrical equipment designed to be used therapeutically, blurred the line between punishment and psychiatric treatment. Compounding this was the fact that the same electrodes were used to give shocks to the brain as punishment for accumulated misdemeanours.⁹

Conclusion

50. From 1976 to 1978, the words and actions of the children and parents of children who managed to complain about their experiences in the Lake Alice Child and Adolescent Unit, the psychologists, the journalists, the witnesses at the Commission of Inquiry, the recommendations of the Ombudsman, and the opposition MP's, ensured the public and those in authority knew what abuses had been committed against children at Lake Alice under the guise of psychiatric 'treatment'.

51. *ACORD's words*: in 1977, ACORD called the act of punishing children with painful electric shocks to their body, what it is, torture.

52. *ACORD's actions*: ACORD relentlessly drew attention to complaints of abuse and called for a full Inquiry into the allegations.

53. In light of the actions and words of the above groups and individuals, it cannot be said that the people in power in the 1970s did not know what was going on at the time. The response of the authorities in the 1970s, not to hold any department to account or any individual to account via a disciplinary hearing, or a criminal prosecution is now a matter for this Royal Commission of Inquiry. Forty-five years

⁹ Anna Natush, *Battle against the rulers of darkness: a memoir*, 2016, pp.68-69; 76; 87-88.

later, finally the time has come for this Royal Commission of Inquiry to ask those probing questions and make findings on where that accountability must lie.

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

GRO-C

Dated:

11/3/21