

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
LAKE ALICE CHILD AND ADOLESCENT UNIT INQUIRY HEARING**

Under The Inquiries Act 2013

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

Royal Commission: Judge Coral Shaw (Chair)
Ali'imuamua Sandra Alofivae
Mr Paul Gibson

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for the Crown
Mrs Frances Joychild QC, Ms Alana Thomas and Tracey Hu
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Ms Moira Green for the Citizens Commission on Human
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Ms Susan Hughes QC for Mr Malcolm Burgess and Mr
Lawrence Reid
Mr Michael Heron QC for Dr Janice Wilson
Ms Frances Everard for the New Zealand Human Rights
Commission
Mr Hayden Rattray for Mr Selwyn Leeks
Mr Eric Forster for Victor Soeterik
Mr Lester Cordwell for Mr Brian Stabb and Ms Gloria Barr
Mr Scott Brickell for Denis Hesseltine
Ms Anita Miller for the Medical Council

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Abuse in Care Royal Commission of Inquiry
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TRANSCRIPT OF PROCEEDINGS

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1 seek justice for what happened to you?

2 **MS COLLIS:** Too many times, shouldn't have happened that many times.

3 **COMMISSIONER GIBSON:** Hopefully this will be the last time, there there'll be some
4 resolution out of it.

5 **MS COLLIS:** Hopefully.

6 **COMMISSIONER GIBSON:** It is powerful, is what I've heard is that the letter, that was
7 amazing, that was something in itself, that the connection, the striving to return to
8 something, connection with family. You've been courageous over many years to come
9 forward and seek justice. And again, I hope this is the last time that there will be justice
10 from this. So really appreciate what you both have given today. We've seen the
11 intergenerational impacts and we've heard what you've told us, thanks so much for sharing.

12 **CHAIR:** That was going to be the last word but having heard that your children are watching,
13 Amy, can I just say to them, you've got a wonderful nana and a wonderful mum and they're
14 very brave. So thank you.

15 **MS COLLIS:** Thank you.

16 **MS BETHUNE:** Thank you.

17 **CHAIR:** Let's take the adjournment thank you.

18 **Adjournment from 11.22 am to 11.51 am**

19 **MS JOYCHILD:** Good morning Commissioners.

20 **CHAIR:** Good morning Ms Joychild.

21 **MS JOYCHILD:** We now have in the seat to give evidence Malcolm Richards who is a survivor
22 of Lake Alice and Malcolm, if you take the affirmation from the Chair of the Commission
23 and then we'll start your evidence.

24 **MALCOLM RICHARDS**

25 **CHAIR:** Just before I do that, welcome to the hearing Malcolm, thank you for coming. I've just
26 been told that you don't want to go anonymous, that you'd like to have your name
27 mentioned, is that right?

28 A. Yeah, that's fine.

29 **Q.** Excellent. We'll probably hear about that later on. Malcolm, if you could just answer the
30 following. Do you solemnly, sincerely, truly declare and affirm that the evidence you'll
31 give today to the Commission will be the truth, the whole truth and nothing but the truth?

32 A. I do.

33 **Q.** Thank you very much. I'll leave you have with Ms Joychild.

34 **QUESTIONING BY MS JOYCHILD:** Malcolm, would you like to start reading at paragraph 1.

1 A. I live in Hastings with my wife and our three or my three children and a stepdaughter. I
2 was on a supported living benefit. Though it felt much longer to me, the medical notes
3 records that I was sent to Lake Alice for two months when I was 15 and a half from
4 October 19, 1975, to December 1975. I have lifelong hideous effects from my time in Lake
5 Alice, particularly from the ECT. It turned a 15 year old depressed boy in an unhappy
6 home with a violent father into someone with life-long debilitating trauma, memory loss
7 and huge difficulty retaining information.

8 I have tried to bring Selwyn Leeks and those who supported his abuse to justice
9 and to get an inquiry into Lake Alice whenever I have been well enough to do so. This has
10 included Police complaints spanning three decades, and at the moment to get a private
11 prosecution with Dr Leeks, requests of Government to hold an inquiry and finally taking
12 the complaint to the UN under the Convention on Torture.

13 **Q.** We'll just pause you there, Malcolm, and explain to the Commissioners that because of the
14 time constraints he's not going to be reading every paragraph. So that was paragraph 4 and
15 it's now Malcolm if you start again on paragraph 7.

16 **CHAIR:** Just so that you know, in case you haven't been told, we have had your evidence for a
17 long time and we've read it very carefully, so even if you don't read it out, we're still taking
18 it into account, is that okay?

19 A. Yes.

20 **MS JOYCHILD:** Also Malcolm has an evidence that doesn't necessarily have those paragraphs
21 in it, does it, it's in bigger print, so --

22 **CHAIR:** That's fine.

23 **QUESTIONING BY MS JOYCHILD CONTINUED:** Start reading at "when I was a child".

24 A. When I was a child my parents and my teachers tried to stop me from using my left hand.
25 Around the age of 10 the teacher principal of a small country school I was attending would
26 tie my left hand behind me and make me use my right hand only to do things. One of the
27 things he made me do with my right hand was to masturbate him when he told me would
28 help me use that hand for everything. I didn't know at the time this was wrong. I could not
29 talk to my parents about it as we children were to be seen and not heard, so we never spoke
30 to them without them starting the conversation first.

31 **Q.** Paragraph 10.

32 A. I had run away from home to stay with my Nana but she ended up in hospital and I had to
33 stay with my cousin. There was an incident that is recorded in my admission letters where
34 it was recorded how on one day I showed my cousin what the teacher had been making me

1 do, and his father walked in and there was a lot of trouble as a result of this. I was taken to
2 a doctor at Hastings Hospital and sent to Lake Alice that same day. Authority was given
3 for my admission into a hospital on 19 October '75.

4 In two letters Dr Leeks wrote shortly after I had left Lake Alice he said that he was
5 in symbiotic attachment phase of schizophrenia and my condition was chronic. The only
6 condition I have ever been diagnosed with since leaving Lake Alice is clinical depression
7 and PTSD from my time at Lake Alice. I have had one suicide attempt about 22 years ago.
8 This was after a traumatic series of events surrounding my marriage break-down.

9 **Q.** I'm just going to pause you there, Malcolm, and you'll see on the screen there's a sign that
10 I forgot to put up at the beginning. Is that a sign that you have prepared?

11 **A.** That is a sign I borrowed off the internet as it was highly relevant to our time in Lake Alice.

12 **Q.** Thank you.

13 **CHAIR:** Do you want to leave it up there while you give your evidence?

14 **A.** Yes, that would be fine.

15 **MS JOYCHILD:** Does that mean his face won't be shown?

16 **CHAIR:** Yes, we don't want that to happen. We've seen it anyway, thank you.

17 **QUESTIONING BY MS JOYCHILD CONTINUED:** Paragraph 15 Commissioners.

18 **A.** While in Lake Alice I was never told I had a psychiatric condition. My notes record me
19 admitting that I heard voices. I never heard voices. I may have said that I would think to
20 myself out loud and talk to myself to sort things out. But I have never had hallucinations or
21 heard voices, then and now. Possibly I may have said to staff in reply to a question if
22 I heard voices that I heard a voice telling me to run away. That would have been to justify
23 why I had been caught running away from Lake Alice. I actually ran away from Lake
24 Alice because I hated it and was homesick and wanted to get home.

25 On reflection I see myself as a very sensitive oldest child with a violent alcoholic
26 father and a mother who also engaged in physical violence against her children. Our
27 lifestyle was unsettled with much moving areas and schools. These matters caused
28 personal and social issues for me. I was definitely a depressed teenager and the relationship
29 with my father was getting more difficult as I got older due to his unpredictable and
30 uncontrolled violence. My mother was worried about us being in a home together and
31 wanted me away from my father. My showing my cousin how to masturbate was because I
32 had been sexually abused and didn't know it was wrong. None of what happened in my life
33 was a reason to send me to a psychiatric hospital. I do not believe I should have ever been
34 there.

- 1 Even though I was only in Lake Alice for eight weeks, to me it seemed like ages.
2 What I recall about my arrival was that Mum and I went into Dr Leeks' office for about 5
3 minutes. He spoke to my mother, not me. He then called a nurse to take me upstairs and
4 sent Mum on her way. Upstairs I was told to strip out of my clothes and shower. I was
5 then told to pick out some clothes from a big sack. I don't recall ever being assessed by a
6 doctor or nurse. It was not explained to me that I would be getting ECT. It was never
7 explained to me what I was in for and I was never asked to consent to it. The only time
8 I recall seeing Dr Leeks after I arrived was when he was giving me ECT. My mother told
9 me later that she never knew I was getting ECT and never agreed to that being done to me.
- 10 **Q.** We'll just pause there, Malcolm. You've very helpfully drawn a couple of maps to show
11 the layout of the villa. Can you say what villa that was? Was it villa 7?
- 12 **A.** 6 or 7 I think.
- 13 **Q.** So we'll put those up on the board. This is the top floor of your villa, Malcolm?
- 14 **A.** Yes.
- 15 **Q.** Can you see it on the screen in front of you?
- 16 **A.** Yes.
- 17 **Q.** Can you just take us through this. Let's start at the left-hand side. You've got two words,
18 "cell, cell". What do you mean by "cell"?
- 19 **A.** They were cells, they were heavy doors with quite a big heavy key and they had a very
20 narrow window just on one side of the door.
- 21 **Q.** What was inside them?
- 22 **A.** When I was first put in the cell it had a steel hospital bed with a mattress and sheets and
23 blankets. Yeah, later on it just had a blanket.
- 24 **Q.** Did it not have the hospital bed later on?
- 25 **A.** No, that got taken out because I put the hospital bed, the mattress against the door so
26 nobody could see in that little window and the bed on its end, I climbed up the bed, I tied
27 my sheets around the red sprinkler pipe and hung myself.
- 28 **Q.** So we'll get to that a bit later. And we'll first just look, so you've been in the cell and you
29 know what's exactly in the cell?
- 30 **A.** Yeah.
- 31 **Q.** Okay, so then you've got "beds" for 8 or 10 on each side, that's the dormitory is it?
- 32 **A.** Yeah.
- 33 **Q.** Were you in that dormitory?
- 34 **A.** Yes.

- 1 **Q.** And then in the middle you've got the two baths, two showers. Would the toilets have been
2 in there as well?
- 3 **A.** Yeah, I left them out because I couldn't picture in my mind where they were because --
4 yeah.
- 5 **Q.** That's all right.
- 6 **A.** Quite some time later I tried to draw it.
- 7 **Q.** And next to them is the treatment room?
- 8 **A.** Yeah.
- 9 **Q.** Is that the room where ECT took place?
- 10 **A.** Yes.
- 11 **Q.** And then lockers, what would be in the lockers?
- 12 **A.** The lockers were where you put your clothes when you arrived.
- 13 **Q.** So they were locked?
- 14 **A.** Yeah, and the key was kept in Dr Leeks' office.
- 15 **Q.** Right, so that only got opened when you left?
- 16 **A.** Yeah.
- 17 **Q.** And then there's more beds, is that another dormitory on the other side?
- 18 **A.** Yeah, it was a -- yeah, same the other end.
- 19 **Q.** So they were kind of exactly parallel?
- 20 **A.** Yeah.
- 21 **Q.** And then there's two lots of staircases going up each side. Is that right?
- 22 **A.** Yes, you could only access those stairs, it was like a concrete tank with a spiral stair on to a
23 deck, it was meant as a fire escape although you couldn't get out there even if you wanted
24 to.
- 25 **Q.** Right, so how did you get up to the top floor?
- 26 **A.** Inside there was stairs.
- 27 **Q.** Okay. So now if we can go to the bottom floor. This is the ground floor and so on the left
28 side there's a kitchen and a dining room.
- 29 **A.** Yes.
- 30 **Q.** Did you ever go into the kitchen?
- 31 **A.** No.
- 32 **Q.** The dining room only to eat?
- 33 **A.** Yes.
- 34 **Q.** And then there's a drug room. Is that where you got Paraldehyde?

- 1 A. Yes.
- 2 Q. That's where all the Paraldehyde injections took place?
- 3 A. Yes, sometimes it was just out in the hallway. They'd just come out of the drug room with
4 Paraldehyde.
- 5 Q. Right, and you'd have to take your pants down there and then?
- 6 A. Yeah. The thing with Paraldehyde, it was so toxic it couldn't be -- it had to be used in a
7 glass syringe because it would melt the plastic.
- 8 Q. Okay, and the shop was that open certain times?
- 9 A. Yeah, you got a little bit of pocket money for behaving just, you know, and your parents
10 were able to leave some money for you to spend and if you'd behaved you were allowed to
11 get a bag of lollies or something.
- 12 Q. Right. And you can't recall what's in those other two rooms, diagonally opposite each
13 other, there's a hallway and then there's Dr Leeks' office?
- 14 A. Yeah.
- 15 Q. And then beside that is the day room?
- 16 A. Yes.
- 17 Q. And then next to that is a group therapy room?
- 18 A. Yeah, it was like a sort of sun room on the end where just a big row of chairs.
- 19 Q. Okay. Thank you Malcolm. We'll put that down and now we'll move on to group therapy.
20 Which is paragraph 20 of your brief.
- 21 A. I attended group therapy sessions, if you could call it that. There was a psychiatrist leading
22 it, I can't remember him, but others tell me it was Victor Soeterik. There would be around
23 30 of us in the villa, some would be at school, some at the group therapy. He essentially
24 made us talk about our problems otherwise we would get on the list to get ECT. Because
25 of this I did speak about what happened to me and that a teacher of mine had made me
26 masturbate him. After that there were at least two boys who would sit and lean on me
27 when I was seated in an armchair in the TV room. They followed me and when they had
28 the chance put a hand down my pants. I had the impression that these two boys had learned
29 about my vulnerability at the group therapy and took advantage of it and picked on me.
- 30 Q. Now we're going to go on to talk about electroconvulsive therapy.
- 31 A. There were lots of children that received ECT in Lake Alice and I was one of them. There
32 were two types of ECT. One was planned and the other was used as a punishment. I had
33 both. Hospital records say I had six ECT with two being unplanned. From my memory it
34 was twice that much at least. I had two weeks of planned ECT on a Monday, Wednesday

1 and Friday. I believe a lot of ECT that was given as punishment was not recorded on the
2 medical notes, I believe it only got written in when certain staff were on duty. I don't
3 believe Dr Leeks recorded any of the ECT that he dished out as punishment with no good
4 or believable reason.

5 **Q.** Now we were going to leave how planned ECT worked and move on to how unplanned
6 ECT worked.

7 **A.** Unplanned ECT was given for punishment and it could happen at any time. It was the main
8 punishment. We were threatened with it all the time. We were all in a state of terror about
9 getting unmodified ECT.

10 There was no anaesthetic or muscle relaxant for unplanned ECT. We children and
11 young people would all be in the day room living in fear that we would be called up for
12 ECT. We were afraid 24/7. We could see the children being physically dragged up for it.
13 We could hear the terrible screaming after their ECT. The children were put on their bed in
14 the upstairs dormitory near to the ECT room. We could see them being brought down half
15 dead looking hours later for dinner.

16 I first got unmodified ECT after I tried to run away. I hated being there and was
17 homesick. My home life was far from perfect, but I knew how to protect myself at home.
18 I didn't here. After I was caught trying to run away I was brought back by a couple of
19 nurses and locked in a cell. I don't know for how long but it seemed ages.

20 A couple of hours later Dr Leeks and a nurse came in with a trolley and two boys
21 aged about 13 or 14. I believe they had asked if they could watch and were told yes. One
22 was skinny with red hair, I don't get a proper look at the other one. I started kicking and
23 screaming and two male nurses came to hold me down. I was so afraid. First they shocked
24 me on my legs, causing me to lose control of my bladder and urinate on Dr Leeks, as he
25 was kneeling by me holding the headset on my legs. Then I believe in retaliation for
26 urinating on Dr Leeks he then shocked me on my lower area. He shoved the headset
27 between my legs. The pain was unbearable. I still have the burn mark on my penis today.
28 I believe this was caused by the ECT as when I came around my penis was raw

29 Then they put electrodes on my head. The pain was unbearable. My eyes went all
30 fuzzy like an old black and white TV at the end of reception. The ECT went on for 10 to
31 15 minutes. It was not just one shock like on the penis. They kept turning the power up
32 until I would have a seizure. I shook violently. I still feel it now. Then I lost
33 consciousness. I still wake up in a cold sweat, my body actually physically hurts in the
34 same places as there, and I accidentally bashed my head on the concrete floor as I thrashed

1 back in pain.

2 During the ECT I soiled myself. I recall being carried out of the cell and through
3 the dormitory around the corner and dropped into a cold water bath in the bathroom. I felt
4 a blow to my head and not sure if I hit the end of the bath as I was dropped in or if I had
5 been given another belt with the ECT machine. I was pretty out to it and could not stay
6 afloat and sunk. I felt I was drowning until someone eventually pulled my head up. To this
7 day I have problems with the traumatic memories that come back with cold water, even a
8 cold water drink will bring on the flashbacks.

9 I also got ECT for trying to hang myself.

GRO-C

GRO-C

GRO-C

11 The notes say I got ECT for barricading myself in my cell, nothing
12 about the suicide attempt. How I could barricade myself in my cell with a mattress against
13 a door that opened outwards, as all cell doors did, I have no idea. They took me down and
14 took me away -- took away all my bedding and clothes and left me naked with a plastic
15 bucket and one blanket. Dr Leeks then gave me ECT.

16 I don't know how long I was unconscious for after ECT, but I came back in the
17 cell with a sore sticky rectum and believe I had been raped somewhere and somehow in the
18 whole episode. I cannot name the person who did this as after getting ECT, even after you
19 regain consciousness, you are still very groggy. I have flashbacks of this but no clear view
20 of the person. I was left in the cell after that ECT for two or three days, cold, naked with
21 one blanket and a bucket for a toilet.

22 Another occasion I recall getting unplanned ECT for fighting off another boy who
23 made sexual advances. He had pulled me behind the stairwell and tried to touch me. Two
24 nurses marched me into the treatment room. I was shocked on the head several times
25 before I lost consciousness from the pain. Like a lot of my memories, these are foggy and
26 come in nightmares where I wake in a cold sweat to make(sic) notes to try and put together
27 what had happened to me.

28 To have a wash we were lined up every night naked and handed a towel at the
29 door when our turn came up. Staff supervised this process. We were not allowed our own
30 clothing so had to sort through bags of clothes for something to fit us. Even underwear was
31 second-hand and someone else's. Not much fitted well. It was so demeaning, I hated it.

32 The ultimate threatened punishment was being locked in maximum security with
33 the paedophiles where they were allowed to do whatever they wanted to do. That never

1 happened to me but the staff threatened it and I lived in fear of it. It was talked about by
2 many of the children in fear and a couple of them said they had been there. Whether it was
3 true or not I don't know, but we lived in fear of it.

4 There were scuffles for acting out all the time. There weren't like a pile on where
5 five boys jump on to one. As I said above, I had to always be on the look-out to protect
6 myself from being sexually abused by other boys. I had to fight them off physically if they
7 tried it on, which they did. That got me into trouble a few times. Life was a daily horror in
8 Lake Alice. There were so many times that I just want --

9 **CHAIR:** Do you want to stop there for a moment?

10 A. There were so many times that I just wanted to die.

11 I got out of Lake Alice for Christmas, two months after admission. But I wasn't
12 formally discharged until May '76. While at home I heard my mum and dad talking about
13 what day they would take me back. I was so terrified of being sent back I ran away from
14 home. I lived under a bridge for about three weeks and then I got a job milking cows in
15 Pahiatua.

16 I discovered very early on after I left that I had major memory problems and body
17 aches and numbness and pin-pricking headaches that would sometimes be so painful it
18 would drop you to the ground, but then be over in less than a minute. I put this down to the
19 ECT.

20 I had to lie about who I was to get my first job because I knew that if they found
21 out they would just send me back to Lake Alice. I was there for around 18 months until
22 I saw someone visit the farm who had known me as a young person. I took off. This was
23 pretty much my whole life from then until I was about 35, running away like an escaped
24 prisoner, scared that I would be sent back to Lake Alice.

25 I have been in and out of jobs like dairy farming and manual labour all my life.
26 These types of jobs suited me because they don't require a lot of thought, but even then
27 I still struggled in them. I couldn't remember instructions and would forget to do things I
28 was meant to do. For example, I got written up so many times by OSH because I would
29 forget to do things such as failing to put up signs or write up hazards. Stuff like this
30 happened all the time. I would be transferred from one job to another for failing to do
31 things and I attribute all that to my memory problems from all the ECT I got given.

32 I could have been working at better jobs and done skills training if I hadn't had
33 ECT-induced memory problems. I note my mother wrote in a letter I was very good with
34 my hands. I have done all the plumbing for my home. I watch YouTube videos but don't

1 retain the information and have to watch them again next time there is a plumbing problem.
2 I could have earned a lot more in a trade. There are a lot of us survivors who are not
3 capable of doing very much but not from lack of intelligence.

4 I ended up walking out of my last job driving heavy machinery because I kept
5 getting lost. I was meant to drive a truck in one direction and ended up 30 kilometres away
6 in the other. When they rang me to ask where I was, I pretended I had been delayed and
7 that I was on my way. Incidents like these happened a lot. I would always try to cover the
8 memory gaps.

9 Eventually I took a few months off after having another heart attack but stopped
10 paid work completely not long after. I was always getting yelled at for making small
11 mistakes, of being bullied because I couldn't remember what to do at work. While working
12 I have wanted to take my own life many times because I was sick of everything.
13 Everything was a stress. It was when I went to Confidential Listening Service, I had to
14 fight to be heard by the Confidential Listening Service. They said Lake Alice was a closed
15 case and there was nothing more they could do for me, but my counsellor got them to see
16 me, and told them about the stress of working with my memory problems that they told me
17 I shouldn't have to put up with. They supported me get put on to an invalid's benefit.
18 I haven't worked for about 10 years now.

19 In 1999 I was admitted to the Connolly Unit for ten weeks after trying to commit
20 suicide after a traumatic series of events around my marriage break-up.

21 It wasn't until I was 35 that I learned Lake Alice had been closed down. I told the
22 social worker at the hospital of my fears of being taken back and she told me it had been
23 closed. It felt like a huge weight lifted from me as it was such a relief. Finding this out,
24 I no longer wanted to take my own life. That news reversed my downward trend and I
25 believe it changed my life, not the ECT I had been given there. Before hearing this I never
26 had hope for the future as I always thought I might be taken back there at any time. My
27 relief was profound, huge that I cried. The social worker who told me this was very kind
28 and empathetic. She was also one who put me on to Grant Cameron's class action claim
29 which I joined.

30 I am married again now and have been in a stable relationship for 19 years. I was
31 married twice before then. In all I have five children. The oldest, she's the second oldest,
32 of whom died of cancer.

33 Unfortunately my whole family suffers because of my time in Lake Alice. I --

34 **QUESTIONING BY MS JOYCHILD CONTINUED:** Shall we take a break Malcolm?

1 A. Just a minute, there's not long to go. I frequently have nightmares and can
2 intentionally(sic) push my wife out of bed. I have anger fits sometimes and yell at the kids
3 because I can't concentrate and need dead quiet to function. Sometimes I could react and
4 say horrible things to the kids, would think that I don't love them, but I do very much, but
5 I just can't deal with stressful situations. The family have learned to just leave me alone
6 when I'm stressed. Sometimes the kids just stay in their bedrooms. I ask them to all go out
7 a few hours several times so I could have quiet to work on this statement. They did this as
8 they knew how important it was to me and we have talked through how noise affects me. I
9 can't even drive with the radio on.

10 I have spent much of my life acting like a prisoner always on the run. I am still
11 like that even today. I don't speed in case Police pull me over and they send me back to
12 Lake Alice. I know that's silly because Lake Alice has been shut down and has been for
13 many years. But that is still the way I think. I can't deal with anyone in authority, doctors,
14 fire fighters, etc, all of it freaks me out. How do you ask the people for help when they are
15 the same people that hurt you?

16 I have struggled with the fact the Police have not taken me seriously or treated me
17 with respect in relation to my complaint against Dr Leeks. For a long time, I was fobbed
18 off by them. They did not want to know my story. As recently as 2018 they told me they
19 were not going to reopen the investigation. They only did when Mike Wesley-Smith talked
20 to the Police Commissioner to make him see the injustice of it. When they took my
21 statement then they were further galvanised into action when the UN's ruling was made a
22 short time later.

23 I had a heart attack at 32, even though there is no family history of heart problems.
24 I believe this was caused by the stress I was still living with after I left Lake Alice. Today I
25 am also in a lot of physical nerve pain. My body aches all the time. I attribute this to the
26 ECT at Lake Alice. It started after being there.

27 As I said, I cannot handle stress, have huge memory problems and live daily with
28 the horrible memories of Lake Alice flooding in. I have nightmares related to my time
29 there. Before I started speaking up about Lake Alice in the early 2000s, I had deliberately
30 worked very long hours to keep ahead of my thoughts, not be dragged into them and to help
31 me sleep.

32 I have been in counselling on and off. For my latest one it took me a year or two
33 just to build trust to open up and she said to me to write a book, so I did. I'm still writing it.
34 Then I got online and let rip at the world using another name to protect myself. The more

1 I talked, the more I remembered, and it has given me some hope that one day I may be able
2 to have a life. It has been hard telling my story for decades and only now is anyone
3 listening. It's good to be listened to, but for me there has to be proper change. It's very
4 hard to put things behind you when your abusers are enjoying life, a life you have never
5 had.

6 My memory is a nightmare. I lose my train of thought a lot and it is hard to keep a
7 conversation or to concentrate on what I'm doing. I struggle every day. To be clear, I did
8 not just suffer for the two months in Lake Alice and then it was over. I have suffered
9 throughout my life.

10 I have a claim with ACC for brain damage due to ECT and finding a supportive
11 doctor, ACC say there is no visible evidence of brain damage. They won't accept the burn
12 on my penis as visible evidence as they say it could have been caused by almost anything at
13 any time. There are tests that could identify brain damage from ECT but ACC won't
14 approve the tests because of their cost. I have an appeal to the District Court pending on
15 this issue and I'm waiting for a hearing date.

16 I joined the class action brought by Grant Cameron in 2001. Eventually I was told
17 that a settlement offer of 60,000 had been made to me. At that time I had a small bag of
18 clothes, and my car which was where I lived. I was flat bloke and wasn't working.
19 I understood that Grant Cameron was saying he had mortgaged his home to pay for the case
20 and was then about to go bankrupt. It was a take it or leave it offer. If you don't take the
21 settlement there would be nothing as he was not going to be taking the case on our behalf.
22 We would have to go to someone else. Also, I understood that I would have to pay his fees,
23 even if I didn't accept the offer. It didn't feel like I had a lawyer to properly advise me.

24 When the money came through it was much less than the original amount that was
25 offered to me. From memory, Grant Cameron was taking around \$25,000 in legal fees.
26 But I feel angry that the Government's response was also only about the money to make us
27 go away. There was no offer of rehabilitation to help our recovery.

28 **Q.** Malcolm, can I just pause you there and ask you about your dealings with Grant Cameron
29 claim. Who interviewed you for it?

30 **A.** I don't know the lady's name, it was -- I never spoke from memory to Grant Cameron at all.

31 **Q.** And did you meet her in person?

32 **A.** No, it was always over the phone.

33 **Q.** So you didn't really feel like you were having proper legal advice as to whether to accept it
34 or not?

1 A. No, and I was in no place to make decisions because I had just had another six rounds of
2 ECT in the Connolly Unit, which they went straight to ECT where normally you'd try drugs
3 for a period of time before you resort to ECT. But I believe they got my records from Lake
4 Alice seeing I had ECT and made a decision I must be drug resistant and went straight to
5 ECT.

6 Q. You told me about an incident when you first had your heart attack and you were lying in
7 the ward tied up to tubes and wires. The issue of Lake Alice came up, can you explain that
8 to the Commissioners?

9 A. I'm not sure -- the man that came running down the hallway towards my bed where I was
10 being monitored came down screaming and yelling at me that why had I left the fact I'd
11 been in Lake Alice off my admittance form, what was I hiding, and he was really going to
12 town at me like I was some sort of threat. I assumed later that he probably thought I was an
13 adult in Lake Alice in the maximum security unit. But two nurses had to settle him down
14 and drag him away because the monitors were all going mental. They had to give me some
15 more morphine for the pain I was in from my heart not working properly.

16 Q. He would have been someone from the hospital admissions area would he?

17 A. Yeah, well, he wasn't in a nurse's uniform, yeah.

18 Q. And you hadn't put Lake Alice on your admission form?

19 A. No, well, I didn't believe or think it was a hospital, so they just said what other hospitals
20 had you been in, I thought they meant like Greenlane where I was. So I left it off.

21 Q. Now we're on to the Police.

22 A. Which one's that?

23 Q. Rachel can help you.

24 A. Something that is very wrong about the settlement allocation is that I understand part was
25 based on how many days you were in Lake Alice. I know people who were in there much
26 longer than me but who seemed to have suffered less long lasting impacts. For example,
27 they've been able to hold down good jobs and are still working now.

28 Later I learned the second round of Grant Cameron's claimants had not had legal
29 fees taken off them. That felt unfair and unjust. I believe more compensation is owed to us
30 since our time in Lake Alice for the massive impacts on our lives, and also our legal fees
31 should be paid back.

32 I am very disappointed after hearing Leoni McInroe's testimony at the redress
33 hearing. I believe that when the case was too taxing on his finances, Grant Cameron should
34 have offered us to go with Leoni's lawyers or other lawyers where we could have rejected

1 the claim and continued with Legal Aid.

2 On 31 October 2001 I received an apology from Prime Minister Helen Clark and
3 Minister of Health Annette King. The apology felt more so she could move on from it and
4 put Lake Alice behind her. It was not something we survivors could do. We couldn't move
5 on with no accountability of anyone for what happened to us and living with the
6 consequences all the time.

7 When a part of the class action claim, Grant Cameron had advised that we should
8 make complaints to the Police about Dr Leeks so that they could charge him. People did
9 that. I was bitterly disappointed when the Police never charged Dr Leeks after the
10 settlement of our claims.

11 More pressure came on the Police in 2009 to prosecute Leeks. By then I had made
12 connection with some other survivors through Facebook. We lobbied to get the matter
13 reopened and we were very hopeful. It was bitterly disappointing that the Police were not
14 going to charge Dr Leeks for cruelty to a child because there was insufficient evidence.
15 That was a huge let down to the survivors. By then I knew this was a deliberate fob off as
16 there was plenty of evidence. I decided I was not going to give up seeking justice.

17 In 2012 I e-mailed my local MP Craig Foss asking him if the Police were going to
18 reopen the Lake Alice case. I made a Police complaint and was interviewed again but they
19 said they were not going to reopen the investigation. The Minister of Police, Anne Tolley,
20 told me she could not intervene as it was solely a matter for Police.

21 I received an e-mail from Detective Sergeant Grant Atkin on 16 February 2017
22 saying they would not be reinvestigating complaints against Dr Leeks. The Police
23 interviewed me on 7 March 2019 about my experiences in Lake Alice, however nothing
24 happened in response to this.

25 I wrote to the Prime Minister John Key in March 2009 complaining at the lack of
26 inquiry of accountability of Selwyn Leeks and the inconsistent payments. He gave my
27 request to Dr Johnathan Coleman who replied saying the Government was not going to
28 intervene or revisit the matter.

29 In 2009 I also wrote to the Attorney-General asking for an inquiry into the events
30 at Lake Alice in the Child and Adolescent Unit that had been operated by Dr Leeks. He
31 replied on 12 August 2009 saying the Government was not intending to have an inquiry and
32 that it had settled the claims and apologised to the patients in full and final settlement of
33 their claims.

34 I was determined to get to the truth of what happened to us in Lake Alice out there

1 and get justice for us. When in 2016 [GRO-B] asked for help I stepped up.
2 [GRO-B] was a survivor of abuse who was living in Australia. He toured
3 New Zealand seeking signatures to get a Royal Commission. I collected signatures for him
4 around Hawke's Bay. We took them to parliament and handed them over to Kris Faafoi.
5 We were told it was going through the select committee and I recall Marama Fox who was
6 on the select committee said it was looking like we might get a Royal Commission. When
7 Labour won the election it finally set one up.

8 When neither the Police nor the Government were prepared to take action against
9 Dr Leeks and inquire into what actually happened to us in Lake Alice, I then tried to
10 prosecute Dr Leeks myself. The UN had told me the Attorney-General had to assist me if
11 I wanted to take a class of torture. I wrote to the Attorney-General on 22 March 2017 and
12 applied for dispensation to take a private prosecution against Dr Leeks.

13 I received a letter on 6 April 2017 from the Crown Law Office telling me I had to
14 provide a draft charging document and evidence to allow them to consider if I had enough
15 to prosecute Dr Leeks. I did not have the skills to do what Crown Law was asking me, so
16 I wrote to every QC lawyer in New Zealand I could find asking if they would take my case.
17 No-one would do it. I e-mailed the Attorney-General in November 2018 telling him I could
18 not get a lawyer and asking him to assist me in every way possible as that is what the UN
19 says. I was not assisted.

20 I took a claim to the United Nations Committee Against Torture in 2019 following
21 the Citizens Commission on Human Rights complaint filed on behalf of Paul Zentveld.
22 They accepted I had grounds for a case as they had with Paul's complaint a year before.
23 My first hope for this Commission is --

24 **Q.** I'll just pause you there, Malcolm. What is the current status of your complaint with the
25 United Nations?

26 **A.** They're holding on progressing it, I believe, until they get a response from the New Zealand
27 Police as to what they're going to do.

28 **Q.** Right. Thank you.

29 **A.** What I'd like from this Royal Commission is, my first hope is that we are listened to and
30 taken seriously, unlike past treatment and inquiries. I know the Government settled with
31 us, but they did not find out what really happened to us. Our voices were not heard and
32 no-one was held to account. They gave us money and tried to bury it.

33 I would like to be supported by the Royal Commission in my fight against ACC to
34 have my claim covered for brain damage from ECT accepted by ACC.

1 I want compensation to cover the every day things I need to function, such as a
2 smartphone, dictation equipment and a GPS.

3 I would like ECT banned in New Zealand. I have now collected over 500
4 peer-reviewed studies proving ECT can and has caused brain damage.

5 Lastly, I want Dr Leeks and all those who helped him to abuse us to be held
6 accountable. These people include all those who would put us on the list for punishment,
7 the nurses who would drag you up for ECT and hold you down while you got ECT, all
8 those who gave us the painful drugs, the management of the hospital and people who knew
9 and turned a blind eye.

10 **Q.** Thank you, Malcolm, if you just sit there and wait, Commissioners may have some
11 questions for you.

12 **CHAIR:** Do you want to take a deep breath before -- do you mind if we ask you some questions
13 Malcolm?

14 **A.** The more the better.

15 **Q.** The more the better?

16 **A.** Yeah.

17 **Q.** That's an invitation, isn't it. Commissioner Gibson's going to ask you first.

18 **COMMISSIONER GIBSON:** Thanks, Malcolm, and thanks for your ongoing quest for justice. I
19 think it might have been 1982 when the first time you went to the Police seeking some
20 justice, some prosecution and they gave you -- it was dismissed as this kind of thing doesn't
21 happen in New Zealand. Has the reasons for non-prosecution been consistent over the
22 years or what's been the feedback about why things haven't resulted in prosecution from the
23 Police?

24 **A.** Yeah, well, yeah, the first time I went to Police they threatened me with arrest. They've
25 done all they can to discourage us from making complaints and never taken it seriously. It
26 wasn't until Mike Wesley-Smith talked to the Police Commissioner that they were even
27 considering taking my complaint at all. My first complaint I tried to explain to them was
28 very incomplete because when I made that complaint I wasn't long out of hospital from
29 having ECT again, and didn't include all the facts and I didn't include the sexual abuse or
30 the electric shocks to the genitals because I didn't know, understand the relevance of it and
31 the seriousness of it. And once I told Mike Wesley-Smith in his interview of me about that
32 he went to the Police Commissioner and that set the ball rolling again.

33 **Q.** So the reasons for no prosecution have changed or evolved over the years, would you say?

34 **A.** No, they've always said there's not enough evidence, and they still haven't said there's

1 enough evidence to the best of my knowledge.

2 **Q.** Thanks Malcolm.

3 **CHAIR:** I'm sorry to raise this again, but I think it's important, but feel free to say no, if you don't
4 want to go there again. In your brief of evidence, or you spoke to us about the unmodified
5 ECT you got at Lake Alice and we heard all that and know well, the effects. But you also
6 received modified ECT didn't you?

7 A. Yes.

8 **Q.** Do you mind if I ask you a couple of questions about that?

9 A. No, I don't mind.

10 **Q.** It's back in paragraph 22 I think. I'm asking you these questions because I want to know --
11 modified ECT's been presented as perhaps the good ECT, the good ECT you're having. So
12 I want to find out from you what your experience was of the modified ECT and whether
13 you think it was good ECT or not. And you have said in your brief first of all the way it
14 was administered was that the trolley would come around in public, wasn't it, they wheeled
15 the public around and selected people for it?

16 A. **[Shows paper].**

17 **Q.** Oh my goodness another picture. There you will be lying on your beds waiting for a
18 trolley, is that right?

19 A. Yeah, it was done in a ward where geriatric patients through to young children were lined
20 up and they'd start with the geriatric patients, so you would hear the trolley coming closer
21 and closer to scare you and every so often a nurse would cover a person up and say "Oh
22 well, they didn't make it, too bad."

23 **Q.** What, they didn't make it?

24 A. No.

25 **Q.** What do you think that meant?

26 A. They'd died having ECT.

27 **Q.** Did you hear that?

28 A. Yeah, I was told if you -- if the ECT goes wrong, there have been children die and they just
29 bury them out in the vege patch. This was just bare --

30 **Q.** So what happened was all the patients who were going to be getting ECT, the modified
31 ECT, were put in the beds, geriatric patients, other patients and the young people and you
32 waited for your turn, is that right?

33 A. **[Nods].**

34 **Q.** And I think you said that that -- you had to lie there waiting for your turn. Can you tell us

- 1 what that was like?
- 2 A. Frightening, indescribably frightening.
- 3 Q. Because you knew what was going to come?
- 4 A. Yeah. You were put to sleep for that, and there was no care afterwards, you'd wake up
5 back in the day room dumped in a lounge chair. There was no recovery area, there was
6 no -- I had it in the Connolly Unit, when I woke up, I woke up like after an operation in a
7 recovery area where nurses monitored you. There was no such recovery area, you were
8 dumped in a chair in the day room. How you got back to that villa I have no idea.
- 9 Q. Before we get to that point, though, when was the anaesthetic administered, so you're lying
10 on the bed waiting, were you all given anaesthetic at the same time?
- 11 A. No, as the trolley came to you, you -- someone was a few beds ahead with the relaxant from
12 memory and then you were given the anaesthetic when the trolley got to you.
- 13 Q. And you've said here in your evidence it never had time to work, so we were still awake
14 when we had the ECT?
- 15 A. No, the electrodes were going on your head and you were still awake, and whether it's just
16 when you wake up you think oh well, you know, I was awake, I think I felt that because
17 you were in -- your head was throbbing for hours afterwards.
- 18 Q. Right, and that's -- so you've had the anaesthetic but you wake up, your head's throbbing,
19 how long did that effect last from ECT?
- 20 A. It's hard to say because I remember vaguely some cleaners cleaning around me and I was
21 trying to ask them for a drink of water, and when I finally come to there were no cleaners,
22 so, yeah, it's hard to say.
- 23 Q. And you don't know how you got from the bed where you received the treatment to the
24 chair where you were sitting?
- 25 A. No, because it wasn't even in the same villa, you were taken to another villa for the planned
26 ECT.
- 27 Q. Oh really, so somehow you were transported while you were still unconscious?
- 28 A. Yeah, back. You went there in a car to get ECT, but we must have got back in the same
29 car, chucked in the car then drop you in an armchair. There was no care involved.
- 30 Q. I think it's important, so later in life you had ECT under controlled and modified
31 conditions?
- 32 A. Against my will, yes.
- 33 Q. But in terms of the recovery, you've made a contrast between the recovery in the later
34 sessions and to the ones you had when you were a kid, is that right?

- 1 A. Yeah, when I came to my head wasn't pounding like it was in Lake Alice, you just woke up
2 as if you'd had an operation, you wouldn't know you'd had ECT.
- 3 Q. And you were being monitored?
- 4 A. Yeah.
- 5 Q. I'm sorry to have taken you back to that detail, but I think it's important that we know
6 exactly what happened for modified as well as the unmodified so thank you very much for
7 that. Just one last thing. You talked about the group therapy sessions. Was the nurse who
8 held the group therapy sessions also involved in the ECT treatment? Do you know that or
9 not?
- 10 A. So much is so fuzzy.
- 11 Q. It's such a long time ago too.
- 12 A. I believe he put you on the list just like when you had to go to the classroom you got marks
13 against you and if you weren't good enough then that was grounds for ECT as well, but
14 yeah, I can't -- I couldn't tell -- I couldn't swear to the guy's name, I only -- I know we had
15 group therapy, I know where in the building it was, I can't tell you anyone's name other
16 than I was told who it was that did the group therapy.
- 17 Q. We don't need to push you any further on that if you don't --
- 18 A. I can't even remember the children in there that were kind to me, names, the only name
19 that's burned me my brain is Dr Leeks. I know there were good nurses and bad, but I can't
20 even name them.
- 21 Q. I said it was the last, but I have got one more quick question. A witness before you has
22 talked about how she would like to see a survivor group of Lake Alice survivors. Have you
23 got any -- I think you've almost gathered one around you yourself. Do you want to
24 comment on whether that would be helpful?
- 25 A. We're too spread out over the whole of the country to actually -- for anything like to work,
26 to physically get together and -- yeah, unless that was facilitated like this, it just wouldn't
27 work off our own bat.
- 28 Q. Sure, but if it were facilitated, if you were able to get help to happen, do you think it would
29 be a good thing if you could get together?
- 30 A. I think it would help a lot of us work through a lot of the trauma that we still suffer right
31 from this day. Others it would bring up stuff that they would rather not.
- 32 Q. That's right. So it depends on the individual, doesn't it?
- 33 A. Yeah.
- 34 Q. Thank you for that. Thanks for your evidence. I'm just going to hand you back to

1 Commissioner Alofivae.

2 **COMMISSIONER ALOFIVAE:** Thank you, Malcolm, for answering those few questions. I've
3 just got a couple as well, if that's okay?

4 A. That's fine.

5 **Q.** Thank you. I just want to take you back to paragraph 10. It was actually how you came to
6 be in Lake Alice. So you were not in State care, were you, it was --

7 A. I was taken by my mother to a psychiatrist in Hastings Hospital, but I was then put under
8 the care of -- oh goodness, the State, but --

9 **Q.** The doctor, mental health?

10 A. No, no, Public Trust. So I was -- yeah, the Public Trust had guardianship over me. It was
11 sometime after I was, well, I was meant to go back to Lake Alice but I took off for the hills,
12 so I wouldn't be put back in.

13 **Q.** So that was where the angst came when you were discharged two months after, you were so
14 worried because someone still had authority over you, it was the Public Trust?

15 A. Yeah.

16 **Q.** Could I just ask you a question please, it was around paragraph 33, where you were left in
17 the cell after ECT for two days, cold and naked with only a blanket and a bucket --

18 A. Yeah.

19 **Q.** -- for a toilet. Do you recall if anyone was making checks on you?

20 A. Well, anyone could have, I wouldn't have been aware, I mostly had the blanket up around
21 me shivering and cold and wouldn't have noticed if someone -- because it was quite a
22 narrow, about that high and about that wide the window in the door.

23 **Q.** Did anyone physically come into the room?

24 A. No.

25 **Q.** You may not -- nobody came?

26 A. No, I don't ever remember the door being open.

27 **Q.** Thank you. Food?

28 A. It may not have been two days, it might have only been a day, it seemed like two, it was
29 quite a long time and it was very cold.

30 **Q.** Thank you for that. Malcolm, it's now fallen to me to be able to thank you, just for your
31 courage and your bravery and the way that you've actually been able to share your
32 testimony with us this morning. Can I just echo the comments that have been made earlier
33 by Commissioner Gibson around your valiant efforts over the last 30 years to keep seeking
34 justice, bringing light to the abuse that you went through. It's not easy, the difficult and the

1 intimate details that you've shared with us today.

2 Can I just reassure you that we have heard you, we have heard you, we have heard
3 all of the other survivors that have come before this Commission and we believe you. We
4 just want to make sure that you understand that we are receiving your information fully and
5 it's certainly our intention to be able to use it. Thank you for filling out lots of detail for us
6 and understanding the landscape of what actually went on at Lake Alice during that period.

7 Can I also just thank your children who I understand might be watching.

8 A. Yes.

9 **Q.** Can I please thank you for the enormous love that you have for your father for being able to
10 understand where he was at and forgiving him those hours that he needed to be able to put
11 this statement together for us. This is a moment in history for your father, he's contributed
12 richly to our investigation, and we just want to let your children know and to you know that
13 we are truly grateful and indebted for what you've been able to bring to us today.

14 A. Thank you.

15 **Q.** Thank you.

16 **CHAIR:** We will take a break now for lunch and come back at who's going to help me here,
17 2 o'clock or --

18 **MS JOYCHILD:** 2 o'clock.

19 **CHAIR:** Thank you all.

20 **Lunch adjournment from 1.02 pm to 2.15 pm**

21 **CHAIR:** We have Mr JJ.

22 **MR MOLLOY:** I think Ms Joychild is in the room with Mr JJ.

23 **MR JJ**

24 **CHAIR:** So what we need is a screen so we can see them. Commissioners can't see them. Here
25 we can. Hello JJ.

26 A. Afternoon.

27 **Q.** How are you?

28 A. Oh not too bad.

29 **Q.** Not too bad but a bit difficult. I'm Coral Shaw, I'm the Chair of the Commission. I just
30 want to welcome you and I understand you've had a few problems getting here?

31 A. I have, very, very stressing yesterday.

32 **Q.** Yes, I'm really sorry to hear that.

33 A. Thank you.

34 **Q.** Are you okay now, more or less?