

**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'imua Sandra Alofivae
Mr Paul Gibson

Counsel: Mr Simon Mount QC, Ms Kerryn Beaton, Mr Andrew Molloy,
Ms Ruth Thomas, Ms Finlayson-Davis, for the Royal
Commission
Ms Karen Feint QC, Ms Julia White and Ms Jane Maltby
for the Crown
Mrs Frances Joychild QC, Ms Alana Thomas and Tracey Hu
for the Survivors
Ms Moira Green for the Citizens Commission on Human
Rights
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

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

Date: 24 June 2021

TRANSCRIPT OF PROCEEDINGS

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1 and Adolescent Unit at Lake Alice Psychiatric Hospital. This resulted in unacceptable
2 delays in the investigation and meant that not all allegations were thoroughly investigated.
3 The Police wish to apologise to the Lake Alice survivors for these failings. The Police are
4 committed to assessing policy and how national investigations are resourced and are
5 committed to ensuring that this not happen again.

6 The New Zealand Police acknowledge with the benefit of hindsight that the scope
7 of the investigation between 1977 to 2010 should have included the use of Paraldehyde as
8 punishment.

9 **Q.** And then there's an agreed statement of facts in relation to the investigation period between
10 2002 and 2006 and that's the period to which Lawrence Reid Detective, I don't know his
11 rank, Detective Lawrence Reid's investigation related?

12 **A.** Yeah. In relation to the investigation period 2002 to 2006, in 2002 Police received from
13 Grant Cameron 34 statements from survivors who wanted the Police to investigate their
14 complaints of abuse. It appears 14 or 15 of those statements may have been lost. It is
15 unknown when these 14 or 15 statements were lost but the schedule prepared by Mr Reid in
16 2005 only contains 20 statements. It is unknown whether any investigative steps were
17 taken in respect of these complaints but it appears unlikely. Those statements have since
18 been forwarded to Police in 2006.

19 **Q.** Thank you.

20 **A.** A 2018 review of the 20 statements held by Mr Reid revealed 11 of the 20 contained
21 allegations of sexual and physical assaults. No file was entered in LES, the Police
22 document locator database, at the time. As a result, a number of file documents were not
23 saved and can no longer be located.

24 A 2018 review of the material available from 2003 to 2006 found the following
25 investigative steps undertaken were:

26 An opinion sought from Crown Law in respect of one complainant, Mr Halo;

27 Inquiries by Mr Reid to establish whether staff members were still alive;

28 Interviews of Mr Halo and Ms Natusch by Inspector Taare;

29 Alleged offending and named suspects schedule was prepared based on the 20
30 statements held;

31 Basic Police checks on named staff.

32 Correspondence via letter with Victor Boyd from Citizens Commission of Human
33 Rights New Zealand;

34 Correspondence via letter with Director-General of Health Doctor Karen Poutasi;

1 Correspondence via letter with CLAS;

2 Discussions with Health and Disability Commissioner Denise Brett.

3 In 2003 a case law memorandum recorded the Detective Superintendent's view
4 that he did not consider at that stage that the investigation was warranted, given the
5 historical nature of the allegations, and the context of the conduct occurring in the
6 psychiatric facility where ECT was administered.

7 In 2004 Police received a legal opinion in respect of the Hake Halo complaint
8 from Nicola Crutchley, Deputy Solicitor-General. Paragraph 48 of that opinion advises
9 Police to conduct further inquiries in order to establish whether there should be a detailed
10 investigation. Paragraphs 49 to 55 then detail a number of suggested inquiries.

11 Those other investigative steps suggested by Crown Law at paragraphs 49 to 55 of
12 the opinion were not undertaken until 2006.

13 Police did not actively progress the complaints they had until 2006 as Mr Reid
14 believed that the totality of the Crown Law opinion, together with the fact an unnamed
15 sexual abuse suspect was deceased, indicated a successful prosecution was unlikely.

16 Police acknowledge, with the benefit of hindsight, the scope of the investigation
17 was too narrow.

18 **Q.** Thank you very much Detective Superintendent. So that statement of facts takes us up to
19 the period 2006 and then we're going to move to Malcolm Burgess' and my friend Ms
20 Hughes is leading his evidence.

21 **CHAIR:** Very well, thank you.

22 **MS FEINT:** We'll change places and you can step down now.

23 **CHAIR:** Yes, you may step down Detective Superintendent.

24 Good afternoon Ms Hughes.

25 **MS HUGHES:** Good afternoon ma'am.

26 **CHAIR:** Welcome to the Commission.

27 **MS HUGHES:** Thank you. I have been asked by Counsel Assisting to read into the record the
28 statement of Retired Superintendent Reid. Does the Chair require that to occur, or are you
29 happy the statement exists on the record in any event?

30 **CHAIR:** This is not something I've been alerted to do so I need to hear from our counsel. What's
31 the situation Ms Finlayson-Davis?

32 **MS FINLAYSON-DAVIS:** I think there's been a misunderstanding. It was the statement that's
33 just been read out from Detective Sergeant Fitzgerald.

34 **CHAIR:** Yes, that's right, and the other statement is taken as read but it's not going to be called.