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**None to Noon with Linda Clark**

**Interview**

**LC Linda Clark.  
TR Trevor Roberts.  
GP Gordon Paine.**

LC: ...[Start missing] .... church and its off-shoot Presbyterian Support Services appear headed to court over allegations of sexual abuse going back to the fifties and sixties. There are 13 complainants now identified - 14 complainants now identified - identified. And police have confirmed they were preparing to bring charges against the director of one Presbyterian children's home but he died last year before that happened. Other churches have had their sexual scandals, of course. Most have done everything possible to avoid a court case. At the moment though it seems like the Presbyterians perhaps want this to go to court. Spokesman for the Presbyterian Support Services is Trevor Roberts. He joins me now, along with Gordon Paine who is lawyer for 13 of the complainants. Good morning gentlemen.

TR & GW: Good morning Linda.

LC: Well Mr Roberts, let me begin with you. There is no doubt, is there, that both Presbyterian Support and the Presbyterian Church have been aware of these claims for a long time?

TR: Ah, yes there is in fact. First thing you've got to understand is that the two organisations are completely separate and have been since 1909. Information that the Presbyterian Church had was not necessarily had by Presbyterian Support, and that, in the background, is one of the problems that we've had in this. But that's a comparatively minor matter in the overall scheme of things.

LC: It seems an artificial separation, to be honest. Because..

TR: Well it's not.

LC: Because, well because the church, does it not, appoints the directors of Presbyterian Support?

TR: No it doesn't. It has a right of nominating some of the directors subject to the approval of the existing board. But it is and has been right from the beginning almost self-consciously a completely

separate organisation.

LC: So there's a Chinese wall is there, between the two?

TR: Well there's more than a Chinese wall. Without wanting to be racist - there's a whole-of-Asia wall.

LC: But in an issue as serious and sensitive as sexual abuse, once senior members of the church became involved, there were allegations of sexual predation - which is what we're talking about here - would they not they have at least mentioned it to their nominees on the board of Presbyterian Support?

TR: Certainly in some of the cases we now know when allegations were made to senior church leaders, Presbyterian Support were unaware of them.

LC: So you accept that senior church members were aware of this as far back as '91?

TR: It appears that that was the case. Let's cut right to the chase on the facts in this as to what Presbyterian Support was aware of. The first sniff of trouble that we had was in 1991 after there was a reunion of people who'd lived in the Berhampore home. At that stage an allegation was made and investigated, not of sexual predation as far as children were concerned, but of misconduct between Walter Lake and a person who was at that stage an adult.

LC: How was that investigated?

TR: It was investigated by Support itself. There was a suggestion that there may be criminal conduct involved. It certainly had appeared on the face of it to have nothing to do with Lake's management of the home itself, and the advice was given for the first time, and it's been consistently given ever since - that, if there are allegations of criminal conduct, go to the police. We are not competent or capable of investigating allegations of criminal conduct. And at that stage I understand that some counselling was offered and was given.

LC: To the victim or to Walter Lake?

TR: No, to the victim.

LC: And did Presbyterian Support at that point not consider that, since this fellow about whom the allegations were being made worked for Presbyterian Support, that you ought to also involve the police?

TR: Well, as far as involving the police is concerned, that is the responsibility of the complainant.

LC: Is it? I know the complainant at this point is an adult, but we're talking about Presbyterian Support in loco parentis.

TR: No. Remember that first complaint involved alleged misconduct with a person who was an adult.

LC: Who had left the home at that point.

TR: Was well out of the home at that point. Now the allegations emerged again later.

LC: How long later?

TR: It would have been mid-1990s that...

LC: So maybe three, four years?

TR: It would have been longer than that. Probably 1996, I think from memory. At that stage the first of certainly two, and we think probably three, police investigations were mounted. The police at that stage came to the conclusion that were unable to bring charges. We know that there were two. We now know that there were two...

LC: So you know about those only because police contacted you? In those cases did the complainants - did not come to Presbyterian Support first? Or did they?

TR: They did. In one case certainly did.

LC: And those complaints were they about actions taken when they were children and in the care of the home?

TR: Now I don't want, for privacy and other reasons to go into the details of what the complaints - the nature of the complaints...

LC: I'm not asking for the nature of the complaints. But the first complaint you told us about, you were able to deflect because..

TR: ... no this w...

LC: ... this was an adult complaining about something that occurred after she had left the home. In these cases...

TR: ... no it's not a matter of deflection at all, Linda. Let's get that stra....

LC: Well, no, but in the second time the complaints emerged were they about events that occurred in the home?

TR: Again, it's a complex fact situation that I don't want to go to in detail at this stage because there are...

LC: Well what we are trying to gather is how responsible Presbyterian Support has been, and I've gotta tell you from the first blush of this

story, it looks as if Presbyterian Support have not done all it could do to protect - to take responsibility for your role. You were in loco parentis for these kids. These kids were vulnerable. They were in a children's home, for goodness sake...

TR: Ah, Linda...

LC: They deserved a little better, didn't they?

TR: No, I don't concede that at all, Linda. These allegations are made in respect of conduct 40 years ago. More than 40 years ago.

LC: In the fifties and sixties, we're talking about.

TR: Yes. It's 45 years in respect of this. Now as far as we have been able to ascertain, the systems that the Support had in place at that time were pretty robust and pretty effective. Certainly there appears to have been no indication at the time of any difficulties, and certainly in accordance with the standards of the time the systems were robust and effective and I think they were probably robust and effective in accordance with later standards as well. We don't really know, and the media knows, we don't really know accurately what in fact did happen. And it's pretty difficult to investigate now because all of the people involved, either directly or indirectly - most of them anyway - are dead. The constant use of the word 'victim' makes an assumption. That assumption is that something did in fact happen and that there was systematic abuse. Now we don't know that.

LC: Do you accept, though there's a commonality in what the 14, the 13 - let's stick with 13 because we know that they've got a lawyer engaged - but do you accept that there's a commonality about what the 13 say occurred at this home - enough commonality to raise serious concerns about whether or not it happened?

TR: There is enough to suggest that the police, when Walter Lake was alive, should have investigated.

LC: Well they did investigate it. And we know the police have confirmed that they were poised to charge Walter Lake and then he died.

TR: Yes. We also know that there were three previous investigations. Certainly two, probably three, where they came to an opposite conclusion. Now...

LC: So you don't accept the abuse occurred?

TR: No. I don't say that at all. What I'm saying is that - I don't know. And at this time it's very difficult for anybody to know with a degree of accuracy.

LC: And how we find out, you say: go to court.

- TR: No. That's not exactly what we've said at all. We've said that we will investigate for our own purposes, and we've endeavoured to do so.
- LC: But how do you investigate when you're refusing to deal with these people if they've got a lawyer?
- TR: Now that again is not what we've said, Linda. And our position has been consistently misrepresented by the people themselves and particularly by the media.
- LC: Okay. So - of the 13 complainants who have gone to the lawyer, who have engaged the services of a lawyer, will you still sit down with them and try to work out a resolution.
- TR: As far as the working out of the resolution is concerned, they've embarked on a course of action and they've hired a lawyer. Now, we will work through the lawyer. But what we will not do is sit down with the people themselves, particularly when some of them have been waving placards outside the front of Presbyterian Support...
- LC: Well wouldn't you?
- TR: That's simply....
- LC: Yeah but wouldn't you? I mean, let's - if you were a victim of abuse at a children's home, wouldn't you engage a lawyer? Wouldn't you want the media involved? Wouldn't you, if you were desperate enough, resort to placard waving?
- TR: Linda, what we want to do in this case is deal with the facts, and in many cases we don't know the facts. In some cases, indeed, we don't even know who the people are. They've made no approach to Presbyterian Support themselves in some cases, and that goes for some of the 14. At the present time we know, we have a reasonable degree of information with regard to three of the complaints. We know of the identity of eight altogether. There are alleged to be 14. We're not even sure of that number for a variety of reasons which I hope I'll have the opportunity to go into. We have a robust, and I think compassionate system for dealing with complaints in place as they arise. If somebody comes to Presbyterian Support, we will deal with them.
- LC: Where is the compassion? Haven't seen any evidence of compassion yet.
- TR: No, well the point is that you haven't had direct contact yourself with the system. Now what happens is - previously when there was a possibility of criminal action, when people approached Support they were interviewed, particulars of the complaint were taken, and they were given advice, the principle part of which was - if there are allegations of criminal conduct you should see the police

immediately...

LC: Yeah but that's like saying - this has got nothing to do with us, isn't it? That's like saying - you deal with it on your own. We're not going to find the solution for you. You go to the police. You sort it out yourself.

TC: We're not, and never have been, capable of investigating criminal conduct. If there is criminal conduct on the part of somebody it must be investigated and we are not the police.

LC: Alright. I'll come back to you. This is Trevor Roberts I'm talking to who's the spokesperson for Presbyterian Support Services. On the line listening to all of that is Gordon Paine. He's lawyer for 13 of the 14. Good morning to you.

GP: Good morning Linda.

LC: Well, you've been dealing with Presbyterian Support to a limited degree, have you not?

GP: Yes I have.

LC: And how have you found that?

GP: I must clarify that. I've only been dealing with the solicitors that they have engaged. The matter came to me after at least three of the victims went to Presbyterian Support on their own. A meeting was held and as a result of that meeting Presbyterian Support engaged its lawyers who wrote to these people seeking a raft of information which seemed quite clearly designed to investigate the claimants themselves, or the victims themselves, rather than the issues that the victims wished to talk about.

LC: Although to be fair, the complainants in any case like this need to be prepared for some of that, don't they? I mean, these are historic claims, anyone accused is going to want some biographical details about when they were in the home, why they were in the home, what they did since.

GP: Yes, like medical records, psychiatric records, police records, things of that nature relating to the complainants which was sought - just didn't think was appropriate at the time.

TR: Well, Gordon, I think I need to intervene at this stage. We're both aware of the difficulties with these type of incidents. To begin with, there are issues of credibility involved. New Zealand and overseas experience has established that.

LC: What do you mean by that?

TR: Well, there have been - let's look at the New Zealand experience.

LC: You're talking about hysteria, aren't you?

TR: No, I'm talking about a bit more than hysteria. We know, the most obvious one is of course the Ellis case, and we don't need to go into that in detail.

LC: Well the conviction still stands.

TR: Yes, his conviction still stands but it's very clear there were some issues with regard to that, and the nature of those issues goes straight to credibility. The St John of God incident, and some of the incidents with ACC, are even more pertinent. And of course there have been some major problems overseas in places like Bryn Estyn.

LC: Yeah. So your first base is you don't believe the victims.

TR: No, that's not the first base at all. Our first base is: we don't know. The first thing we've got to establish is: is there an incident at all? If there is a possibility, if the perpetrator is still around, we need to know what the situation is for our own purposes. Base number two is, if there's a problem, now that possibility of any form of criminal action is behind us because of the death of Walter Lake, the next thing is - do we have any liability in these circumstances. Now, experience tells us that where there are incidents, allegations, of a considerable quantity of child sexual abuse, whether it happened falls on a .... [turning tape over] .... and the truth may fall at either of those extremes ...

LC: [attempted interruption]

TR: ... or any place in the continuum in the middle.

LC: I'm just going to interrupt you because it's interesting, isn't it, that here you are, Presbyterian Support Services with a very high reputation for caring in the community, and your consideration is about your liability as an organisation. Your consideration is not about the welfare of these people who grew up under your care.

TR: Now. Yes. But we don't know the facts. That's the point, Linda. We're stewards, remember.

LC: Let me t....

TR: And we're trustees for the assets of Presbyterian Support. We would be under....

LC: Forget the money! Forget the assets!...

TR: No-no. I'm not talking about the money and the assets....

LC: You are carers for children! Vulnerable children who were put into your home so that you could give them a start in life!

TR: Yes, but you're making an assumption to begin with, that the allegations are in fact correct. We don't know...

LC: Alright ... Let me come back t...

TR: I repeat. We don't know. We don't know.

LC: Let me come back to you, Gordon Paine. What do you make of all of this?

GP: [laughs] I'm somewhat bemused, I have to say. In at least 2001 the allegations were put firmly before Presbyterian Support at a meeting which took place at their premises with at least three complainants, a support person and some people from Presbyterian Support. As a result of that meeting, these letters arrived to the complainants - from, Presbyterian Support's letters - saying give us all the full details, allow us access to your criminal record, your medical history, your psychiatric history and things of that nature. At that point in time, the issue was squarely before Presbyterian Support. Walter Lake was alive, but I don't know whether or not Presbyterian Support investigated the matter.

LC: The police investigated, as we heard from Trevor Roberts, two or three times prior to the most recent time and concluded that there wasn't enough evidence. You accept that?

GP: No, I don't quite accept it in the way it's put. There were at least one or two police investigations relating to individual complainants rather than the number that have now come forward. So there is a subtle difference there. As I understand matters the police interviewed Lake at one stage who simply denied the matter. So you have simply one word against another. For a criminal conviction that's very difficult.

LC: Yeah, and things are much more problematic now, aren't they, because Walter Lake is dead. He cannot answer the allegations against him.

GP: That's true.

LC: You obviously have seen all of the complaints. Now, reading between the lines, not even - you don't have to be that subtle - what Trevor Roberts is saying - there is always a fear now with these kind of cases, that a kind of mass hysteria takes over, that groups of people at an institution either consciously or subconsciously get together and frame a history. And the kind of people we're talking

about are generally pretty vulnerable anyway.

GP: Correct.

LC: Is that a possibility here?

GP: No, I don't believe so. Having spoken to the complainants, having read and taken statements independently of each other, there is such a strong commonality of events, of people who didn't know each other there, or at different times. Most of these people have only got together recently and are now discussing their lives and what happened in the home. It's not a situation where they were discussing it earlier. So I don't think there was the mass hysteria argument. I simply think that quite clearly something untoward, very untoward, occurred. These people are now standing up and saying: Well, we've been victims. How do we close the incident in our life?

LC: And how...

TR: Hang on. Whoa. No. I think that it's very important now - that I have something quite fundamental to say here. Gordon has seen statements from these people, so have the police, and so, I might say in some cases, have TV One - who gave us an undertaking to provide us with what they described as 'affidavits' when I made an earlier appearance on the Holmes Show last year. Despite written and other reminders of their obligations, we've not received that stuff.

GP: I'm going to interrupt there, Trevor. We have been looking for the transcript or the tape of the meeting that took place in Presbyterian Support in 2001. The Privacy Commissioner has now told us that you have to give it to us...

TR: No. That matter as you know, Gordon, is in dispute. And there are other...

GP: ... given me a ruling in my favour, so...

TR: Well, that's not quite the ruling that's been given, but let's not go into the fine print as far as that's concerned.

LC: Let me ask both of you something. Gordon Paine are you aware of any complaint at other Presbyterian Support homes?

GP: No, I'm not.

LC: Are you, Trevor?

TR: I think there may be complaints at other homes outside of...

LC: Like Dunedin, for instance.

TR: Yes, there may be complaints at other homes outside of Wellington. I don't have details of that.

LC: But are you dealing with complainants from other centres, is what I'm asking.

TR: No, I'm not. We're dealing with one organisation only.

LC: But you're aware that there have been complaints about a home in Dunedin - historic complaints about a home in Dunedin?

TR: I have no details of that at all.

LC: But I raise it and you're not surprised.

TR: I'm not surprised.

LC: So why aren't you investigating all of these? Why aren't you on the front foot?

TR: What - in respect of the Dunedin?

LC: Well, all of these things.

TR: Because I have no - The Dunedin organisation is a completely separate organisation from the Wellington one. There are seven, independent, Presbyterian Support organisation in New Zealand. I'm dealing with one. Presbyterian Support Central.

LC: But it's the same brand name. I mean if we're talking about where this is all going, this is the same organisation in the minds of the New Zealand public. This morning the New Zealand public thinks - what - of Presbyterian Support Service?

TR: well the difficulty...

LC: Not as highly as they thought before Sunday, the Sunday programme. Yeah, that's the programme on Sunday night.

TR: That's exactly the point I want to....

LC: So why aren't you on the front foot? Why aren't you investigating..

TR: I want to deal with that point now...

LC: ... these cases?

TR: I've heard the question, Linda. In fact I've now heard it three times and I want to answer it. What you're really suggesting to us is that when there's an allegation made then we should deal with it by

effectively writing cheques.

LC: No. No. No. No one's even talking about compensation. I'm just saying ...

TR: Oh yes they are.

LC: Well I'm not asking you about compensation. That's a separate issue. Compensation comes once we know the facts of the story. At the moment we're still in a fact-finding mission, if you like. But Presbyterian Support Service does not seem to be looking very hard to find the facts.

TR: Presbyterian Support has made the attempt - a very hard attempt - to find the facts and, with all due respect to Gordon, the fact that we've not been able to get the facts is partly the responsibility of his clients.

LC: Do you think Walter Lake was a sexual predator?

TR: I haven't a clue. I would like to find out. I suspect that I probably never will.

LC: Do you accept any responsibility for anything that happened to the children that were in these homes?

TR: I don't know. And neither does the organisation, because we don't have enough in the way of facts to know...

LC: And the claims that Presbyterian Support Services' attitude is now re-victimising these children, you say...

TR: That, with all due respect, is rather unpleasant rhetoric because it ignores the fact that we do have systems in place which will deal with, and deal particularly compassionately with, anything new that turns up as a result of the media interest now. If a new complainant picks up the phone and rings Presbyterian Support now, they will find a robust system in place to interview them and deal compassionately and I think effectively with what they have to say. And that effectively has always been the case. There's been some changes to the process to deal with the fact that there are now not criminal issues involved. But you've also got to understand, Linda, that we are in the position where there are constraints on our ability to discuss the factual situation and what we know with you...

LC: You've made that point. You've made that point.

TR: Now I want to make that point much more strongly. Right this morning we had Fairfax saying, in respect of the Doone matter, that they know a good deal more than they are able to say for legal and other privacy reasons, and they have a problem as the media. We

have a very similar problem, and the same rules apply to us....

LC: That's nice talking to you. Trevor Roberts is the spokesperson for Presbyterian Support Services. Gordon Paine, last word to you. What happens now?

GP: Well I would hope after that, that Trevor would say that Presbyterian Support Central will sit down and talk to the existing claimants.

LC: Doesn't sound like it, does it?

GP: No, but if the matter goes to court, the court can only award compensation. They can't offer anything further. So the victims may be forced into doing the very thing that Trevor is concerned about.

LC: Nice talking to you. Gordon Paine is lawyer for 13 of the 14 complainants who have come forward, all making allegations of sexual abuse at a children's home in Berhampore run by Presbyterian Support.