

## Child/Child Contamination

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Neither of the complainant children had any contact with any other complainant children and there was no suggestion that these children had discussed their allegations between themselves.

### **Summary**

This complainant family is another example of a family in respect of who there can be and was no suggestion of any form of contamination of evidence. Both complainants made disclosures over eighteen months after leaving the crèche and moving out of Christchurch.

### **CONCLUSION**

35. At every stage of the prosecution process, the parents of the complainant children, to varying degrees, faced extensive questioning regarding their every word, act or emotion displayed to either their own children, other complainant children or the parents of other complainant children.
36. There can be no argument that the “*contamination issue*” is a serious issue and one that should be both guarded against and properly investigated in respect of any inquiry into an allegation of child sexual abuse. It is, however, respectfully submitted that the literature set out in the Schedule annexed to the Terms of Reference, does not identify anything particular to the contamination issue that was not very much at the forefront of every aspect of the Ellis trial process.
37. Issues of contamination were fairly and squarely put before the jury. The Defence had and indeed took every opportunity to place before the jury any concerns regarding the

conduct of parents and the effect that conduct may have had on the evidence of the complainant children.

38. On any view, the verdicts were reached after very careful and conservative consideration. The trial Judge, Justice Williamson was perhaps in the best position to make general observations. At sentencing His Honour noted:

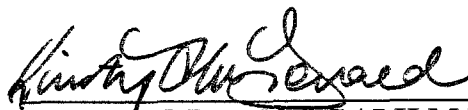
“Two points must be stated clearly and firmly.

First the jury’s verdicts of guilty were the result of a careful consideration of detailed evidence and submissions presented by both sides. Their verdicts were obviously correct.

Secondly it would have greatly assisted the child victims of these crimes and indeed yourself, if you had faced up to the truth about yourself and sought help at an early stage.

The jury was in a unique position in this case. Unlike almost all of those who have publicly feasted off this case by expressing their opinions, the jury actually saw and heard each of the children. They also heard your own evidence and that of the other former Christchurch Civic Crèche workers. The jury disbelieve you. They believed the children and I agree with that assessment”

39. It is not possible to set a “blue print” for families involved in this sort of situation. Families faced with these issues do not approach matters in a clinical fashion. While acknowledging the risks associated with possible contamination and taking every reasonable precaution to avoid contamination, parents must be free to “parent”. Evidence will always need to be tested at Depositions and Trial just as it was in this case. In the end the matter is one for the jury to decide, as they did in this case.



Kristy P McDonald QC / J H M Eaton

Dated: 24 July 2000

APPENDIX A

PARENTS

CODE

1. Complainant: 7 O
2. Complainant: S
3. Complainant: T
4. Complainant: R
5. Complainants: P  
Q
6. Complainants: U  
W
7. Complainants: V  
VV

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