

PETITION OF LYNLEY JANE HOOD AND DON BRASH AND 807 OTHERS

THE PETER ELLIS CASE

TIMELINE

*Background*

<p>20 November 1991</p>	<p>A mother of a child at the Christchurch Civic Childcare Centre reported to the principal that her son had told her that he “did not like Peter’s black penis”.</p> <p>Peter Ellis was placed on temporary leave and shortly afterwards suspended.</p> <p>A complaint was made to Police and the Specialist Services Unit of the Department of Social Welfare began interviewing creche children.</p>
<p>2 December 1991</p>	<p>Creche Management Committee called a meeting of parents which was attended by police and Social Welfare representatives. Parents were advised that concerns had been raised but there were no allegations. They were asked to look for changes in their children’s behaviour.</p> <p>Interviews continued with children whose parents had concerns, in accordance with the Evidence (Videotaping of Child Complainants) Regulations 1990. These were conducted under the overall supervision of Dr Karen Zelas, a specialist child psychiatrist with international experience in the field of child abuse.</p>
<p>30 March 1992</p>	<p>Peter Ellis was arrested.</p> <p>A further meeting of parents was held, addressed by Ms Sidey (one of the specialist interviewers), Dr Zelas and police representatives. Parents were warned about conduct that might interfere with the interview disclosure process. Parents had set up a support group and the mother of the first complainant had circulated a document outlining complaints made by various children.</p>

*Pre-trial*

	<p>Charges were laid against Ellis and four other creche workers.</p> <p>36 informations were laid against Ellis alone.</p> <p>Four charges were laid jointly with Ellis and other creche workers - Ms Davidson, Ms Buckingham and Ms Keys.</p> <p>Two charges were laid jointly against Ellis and another creche worker – Ms Gillespie.</p>
2 November 1992	Deposition hearing commenced.
4 February 1993	Deposition hearing concluded – Ellis and four other creche workers were committed for trial.
5 March 1993	Gillespie was discharged because the complainant in question was unavailable to give evidence at trial.
6 April 1993	Following a pre-trial application, Davidson, Buckingham and Keys were discharged under section 347 of the Crimes Act 1961. <sup>1</sup> The original charges arose out of the so-called “circle” incident and were dismissed due to a lack of sufficient evidence, undue prejudice and delay.

*Ellis trial*

26 April 1993	<p>Trial of Peter Ellis on 28 counts of child sexual abuse commenced.</p> <p>Trial ran for 6 weeks, at the conclusion of which 25 counts relating to 11 complainants went to the jury.</p>
5 June 1993	Jury returned 16 verdicts of guilty in relation to 7 complainants.
22 June 1993	Ellis was sentenced to a total of 10 years imprisonment.

<sup>1</sup> Section 347 of the Crimes Act 1961 gives a judge the discretion to discharge an accused. Such a discharge is deemed to be an acquittal.

*Appeals, royal prerogative applications and ministerial enquiry*

1994 appeal	Ellis appealed against his convictions on the grounds that the verdicts were unreasonable because the evidence of the children was not credible and that there had been a miscarriage of justice. During the appeal, advice was received through the Registrar that one child's parents had reported that she had retracted her allegations.
8 September 1994	Court of Appeal judgement delivered. Three convictions relating to the child who retracted her allegations were quashed. In relation to the remainder of the convictions, the Court found that no miscarriage of justice had occurred, the appeal was dismissed and no change was made to the total length of Ellis' sentence.
2 December 1997	Ellis presented a petition to the Governor-General seeking a free pardon or reference of his remaining 13 convictions back to the Court of Appeal.
4 May 1998	Convictions were referred back to the Court of Appeal.
9 June 1998	Court ruled that the hearing should be confined to matters raised in the Reference, rather than be conducted in the manner of a general appeal, as counsel for Mr Ellis had contended.
16 November 1998	Ellis presented a second petition to the Governor-General seeking a free pardon and Royal Commission of Inquiry into his case, or alternatively, a Royal Commission and for the whole case to be referred back to the Court of Appeal.
March 1999	The Secretary for Justice sought advice from Sir Thomas Thorp on the second petition. The advice concluded that the terms of reference should be expanded.
February 1999	Ellis is released from prison.
12 May 1999	Further reference to Court of Appeal on expanded grounds.
14 October 1999	Court of Appeal judgement delivered. The Court concluded that they were not persuaded that a miscarriage of justice had occurred and dismissed the appeal. The Court expressed concerns about some of the evidence relied on by Ellis' counsel and pointed out that it was not a Commission of Inquiry and that it was not its role to resolve conflicts in expert opinion on issues surrounding child sexual abuse.

18 October 1999	Ellis presented a third petition to the Governor-General seeking a free pardon and a Royal Commission of Inquiry into his convictions.
10 March 2000	<p>Right Honourable Sir Thomas Eichelbaum appointed to inquire into the Ellis case to assist in the resolution of the third royal prerogative application.</p> <p>Ms Kristy McDonald QC was appointed as counsel to represent the parents of the child complainants. Mr Jonathon Eaton was also appointed as a facilitator to liaise with parents</p> <p>Sir Thomas Eichelbaum appointed Professor Graham Davies of the University of Leicester, England and Dr Louise Sas, Adjunct Professor of the University of Western Ontario, Canada to assist the inquiry. Both Davies and Sas concluded that contamination was an insufficient explanation for the body of broadly similar allegations, particularly of events at the creche.</p> <p>Sir Thomas Eichelbaum concluded that there were no doubts about the reliability of the children's evidence which would render the convictions as unsafe or warrant the grant of a pardon in Ellis' favour.</p> <p>Governor-General declined third application for a pardon.</p>

### ***Subsequent events***

2001	Lynley Hood publishes <i>A City Possessed</i> .
24 June 2003	Lynley Hood and Dr Don Brash and 807 others present a petition to Parliament requesting "the establishment of a Royal Commission of Inquiry to inquire into the investigation and legal processes relating to the Christchurch Civic Creche case".