

27 February 2017

Ross Francis

Via FYI Website email:

fyi-request-5304-028b0efa@requests.fyi.org.nz

(Postal Address not supplied)



Dear Mr Francis

Official Information Act Request received 8.32pm 30 January 2017

Thank you for your communication.

You requested information relating to " the Ministerial Inquiry that was established into the Peter Ellis Case in 2000" - specifically:

- (1) ***"All communication the Children's Commissioner had during the inquiry with Thomas Eichelbaum..."***
The correspondence from 2000 and 2001 was sent to off-site storage in 2005. We have retrieved and scanned for you the two documents - as follows:
 - Letter 28 May 2000 – Children's Commissioner to Rt Hon Sir Thomas Eichelbaum
 - Letter 7 February 2001 – Children's Commissioner to Rt Hon Sir Thomas Eichelbaum

- (2) ***"...the two sets of complainant parents who represented themselves, and the Justice Ministry"***
There is no record of correspondence with the complainant parents nor the Justice Ministry.

- (3) ***"Who were the international experts nominated by the Children's Commissioner"***
The names of the experts nominated may be referred to in the attached scanned letter from the Children's Commissioner of 28 May 2000.

I hope this is helpful.

You have the right to seek an investigation and review of this advice by the Ombudsman at:

The Ombudsman
Office of the Ombudsman
PO Box 10 152
WELLINGTON 6143

Kind regards,

Donna Provoost

Manager – Strategy, Rights and Advice

Office of the Commissioner for
CHILDREN

28 May 2000

Rt Hon Sir Thomas Eichelbaum

Withheld - Section 9(2)(a) OIA

Dear Sir Thomas

MINISTERIAL INQUIRY - PETER ELLIS CASE
Our Ref: PRO 022

The Office of the Commissioner for Children welcomes the opportunity to have input into this very important Ministerial Inquiry.

This Office has been invited to make submissions on the matters outlined in the terms of reference and also in relation to the selection of internationally recognised experts.

We now provide the following information regarding international expert opinion and advise that the main body of our submissions addressing the key tasks of the inquiry will be available to you before 23 June 2000.

It is our understanding that experts working in the area of child abuse investigations operate from a range of different paradigms and that much of the controversy and disagreement amongst people working in this field stems from this fact. It therefore seems crucial when examining the issue of the reliability of children's evidence, to have a clear understanding of the frameworks used by the experts.

In order to ensure that a representative range of viewpoints is canvassed you may wish to consider contacting more than three experts. In our view it is important that people selected for consultation are able to provide expertise in developmental psychology, have a good understanding of the developmental literature and can talk about the implications of that literature in the real world. As most of the research to date has been conducted in laboratory settings, experts consulted should be competent to evaluate the methodology and the outcomes of the research in the context of real life situations.

Ultimately questions on the reliability of children's evidence will best be answered by researchers, practitioners and policy makers joining in their efforts to better understand the ways that children comprehend and respond to questions.

We recommend the following experts who would offer a range of perspectives in relation to the evidential issues that were raised in the Ellis case. In suggesting the following names, this Office has consulted with and drawn on the expertise and experience of a variety of people within our child focussed networks.

Professor Thomas Lyon
University of Southern California
University Park
Los Angeles 90089-0071

Phone: 213 740 0412
Fax: 213 740 5502
Email: tlion@law.ufc.edu

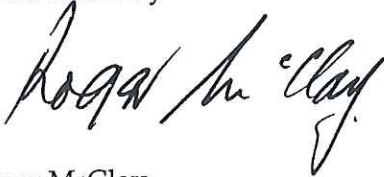
Professor Thomas Lyon has both a PhD in developmental psychology and is a Professor of Law. He is someone who has a clear understanding of the developmental research in terms of language development, memory, suggestibility and representational skills. On the basis of his publications it is clear that he has a sound analysis of the continuum of developmental researchers (and thus why there is disagreement amongst them) and how this literature does and does not relate to the real world of the courtroom and the adversarial process. We believe that Thomas Lyon would be particularly useful to the inquiry as he has a background in both developmental psychology and law.

Professor Gail Goodman
Department of Psychology
University of California, Davis
Young Hall
Davis CA95616

Phone 916 752 6981 or 707 253 7953

Professor Gail Goodman is a developmental psychologist of international standing. She is recognised as a leading expert in the area of the application of developmental psychology to the legal context and her work has been published extensively. We have enclosed for your information a list of her publications.

Yours faithfully

A handwritten signature in cursive script that reads "Roger McClay". The signature is written in black ink and is positioned above the typed name and title.

Roger McClay
Commissioner for Children

Office of the Commissioner for
CHILDREN

7 February 2001

Rt Hon Sir Thomas Eichelbaum

1

Withheld - Section 9 (2)(a) OIA

Dear Sir Thomas

MINISTERIAL INQUIRY - PETER ELLIS CASE

Thank you for providing us with copies of the reports by the international experts and the opportunity to comment on them.

We advise that having read them thoroughly we have nothing further to add to what in our opinion appears to be a very thorough analysis of the case by both experts.

We look forward to receiving your final report in due course.

Yours faithfully



Roger McClay
Commissioner for Children