

26 January 2004

The Copy

Dr Michael Stace
Complaints Manager
Broadcasting Standards Authority
P O Box 9213
WELLINGTON

Dear Dr Stace

CF 2/979 19.11.03 PETER ELLIS: NINETONNOON 25.08.03

Please find enclosed correspondence relating to, along with a tape of, the above programme as requested.

In lodging their referral of our decision to decline their formal complaint on behalf of their client Mr Peter Ellis, Medicott's in their correspondence to the Authority on the 17th of November noted that

"In short the complaint that Mr Ellis made that the programme was unfair and unbalanced was rejected because he had refused to participate in an interview".

That is not the case. Mr Ellis's non-participation was but one reason for rejecting the complaint. For the Authority's information a copy of our original response is enclosed which details the other reasons for rejection.

With respect to the rejection of the allegation that the programme breached Principle 4, i.e. the need for balance within the period of current interest, in addition to the points raised in our original response, Radio New Zealand also notes that within the period of current interest, which is ongoing, and shortly after the interview in question, TV3 broadcast a documentary which included comment from Mr Ellis rejecting that which had been broadcast earlier on National Radio.

This is a situation that is specifically contemplated in Principle 4, Guideline 4b(ii) of the Radio Code of Broadcasting Practice, i.e.

4b Broadcasters may have regard, when ensuring that programmes comply with Principle 4, to the following matters:

- (i) ...
- (ii) Any reasonable on-air opportunity for listeners to ask questions or present rebuttal within the period of current interest. **Broadcasters may have regard to the views expressed by other broadcasters or in the media which listeners could reasonably be expected to be aware of. [emphasis added].**

The complainant further alleges in their referral to the Authority that the programme was in breach of Principle 6 of the Radio Code of Broadcasting Practice. When Radio New Zealand responded to the complainant in the first instance, this allegation with regard to the facts stated by the interviewee was not specifically addressed. This is because in the first instance Radio New Zealand does not consider the "Nineteen Noon" programme to fall within the ambit of the strict standards imposed on news and current affairs programmes by Principle 6, otherwise it would be impossible for a broadcaster to conduct any interview of an extended length. To impose such strict standards on programmes of this genre would be to breach the rights of interviewees and broadcasters conferred by section 14 of the New Zealand Bill of Rights Act 1990. In the alternative, even if Principle 6 of the Radio Code of Broadcasting Practice was to apply, Radio New Zealand submits that first, fact and opinion were clearly distinguished and second, that what the complainant claims to be untrue would at best be depicted as disputed facts.

The interviewee made a number of statements of fact. The complainant's client's claims with regard to his knowledge of the interviewee and his association or employment with the Christchurch Civic Creche do not derogate from the facts stated by the interviewee.

We trust the above is of assistance to the Authority.

Yours sincerely



George Bignell
Complaints Coordinator

22 October 2003

Ms J Medicott
Medlicotts
Barristers and Solicitors
P O Box 1179
DUNEDIN

Dear Ms Medicott

This letter is to advise you that your complaint on behalf of Mr Peter Ellis regarding a NinetoNoon interview on the 25th of August has been investigated and a decision reached.

In your letter of complaint you allege:

"... the programme was grossly unfair to him. It lacked balance and he was given no opportunity to respond to allegations made.

The format and content were particularly unfair to Mr Ellis in that an unidentified accuser made unproven allegations of criminal conduct on his part, which your interviewer uncritically accepted and broadcast nationally without any of these allegations being put to him for his response. Further your interviewer formulated several of the most serious allegations and invited "Nathan" and his mother to confirm them."

You then asked that complaint be considered under section 6(1) of the Broadcasting Act 1989.

Under the Broadcasting Act, all radio broadcasters in New Zealand have developed, and subsequently had approved by the Broadcasting Standards Authority a "Radio Code of Broadcasting Practice" (copy enclosed). Your letter alleges a breach of the standard in relation to balance and fairness and therefore your complaint has been treated as a potential breach of Principles 4 and 5.

Turning now to the programme concerned which was broadcast on the 25th of August, it consisted of an interview with "Nathan" and his mother and was conducted by the host of the NinetoNoon programme.

Your letter of complaint alleges firstly that the programme lacked balance. RNZ notes that Principle 4 of the Radio Code of Broadcasting Practice. In considering whether there had been a breach of Principle 4 of the Radio Code of Broadcasting Practice, it is important to remember that the whole of the Principle needs to be applied when considering whether or not there has been a breach. In particular, Radio New Zealand noted that the Principle 4 refers to the requirement on broadcasters that significant points of view *need to be presented either in the same programme or in other programmes within the period of current interest* when controversial issues of public importance are discussed. There can be little doubt that the "Peter Ellis" topic has assumed the

status of a *controversial issue* in New Zealand society. Radio New Zealand noted that there had been extensive coverage in other programmes and news bulletins on National Radio and in other print and electronic media. It is further arguable that the period of current interest for this topic is open ended at this stage.

Principle 4 envisages that if "balance" is not achieved in one programme it can be done so through other programmes in the period of current interest. Radio New Zealand was asked to consider a number of points in this regard, first that the period of current interest is still open so a finding cannot be made at this point. On this ground alone, this aspect of your complaint was not upheld. As well, given this breadth and depth of coverage of the issue on other Radio New Zealand programmes and news bulletins, for example the interview with Gaye Davidson on the 21st of August 2003, it was concluded that opportunity has been given for the presentation of "other significant points of view". On these grounds as well, it was found that there had been no breach of Principle 4 in this instance.

Your letter of complaint alleges that the programme was unfair to Mr Ellis. In this regard it is noted that Mr Ellis was personally invited to participate on the NinetoNoon programme and declined the offer. It is understood that Mr Ellis's agreement to a further invitation to participate in the NinetoNoon programme is under consideration by counsel. As noted earlier in connection with allegations of a breach of Principle 4 of the Radio Code of Broadcasting Practice, Radio New Zealand has broadcast other interviews on the topic, particularly an interview with Gaye Davidson on 21st August 2003 which in part formed a defence of Mr Ellis's position.

Mr Ellis's own reluctance to appear on the programme is outside of the control of Radio New Zealand. As he was unwilling to appear on the programme the allegation that he was given no opportunity to respond to the allegations is incorrect. As the opportunity was extended to Mr Ellis, and the invitation has been subsequently repeated, Radio New Zealand rejects the allegation that the programme was unfair.

Accordingly this aspect of your complaint was not upheld either.

In conclusion neither aspect of your complaint was upheld. Radio New Zealand is obliged by the Broadcasting Act to inform you of the reason why your complaint was not upheld; the letter above is intended to meet that obligation. We are also obliged to inform you of your right to refer this decision for review to the Broadcasting Standards Authority, P O Box 9213, Wellington. You must do so within 20 working days if you wish to, otherwise the Authority will be time-barred by statute from accepting the reference.

Yours sincerely



George Bignell
Complaints Coordinator

19 November 2003

CF 2/979

635

George Bignell
Complaints Coordinator
Radio New Zealand Ltd
PO Box 123
WELLINGTON

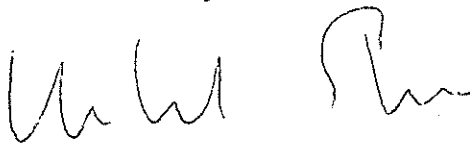
Dear Mr Bignell

On behalf of Peter Ellis, Medlicotts is dissatisfied that RNZ has not upheld the complaint about the broadcast of an interview on *Nine to Noon* on 25 August on National Radio, and has referred the complaint to the Authority.

The correspondence received to date is enclosed. I shall forward the rest of the correspondence when received.

I would be grateful if you could arrange for Radio New Zealand's response on the complaint to be forwarded to me, together with a tape of the item, so that the matter can be put before the Authority.

Yours sincerely



Michael Stace
Complaints Manager

mstace@bsa.govt.nz

Encl: copy of complainant's referral



17 November 2003

Broadcasting Standards Authority
PO Box 9213
WELLINGTON

Attention: Complaints Co-Ordinator

Re: Peter Ellis

We write on behalf of Mr Peter Ellis with a formal complaint concerning the broadcasts of Radio New Zealand on 25th August 2003 in a 9 am to noon interview with "Nathan and his mother". Mr Ellis had complained - copy letter enclosed - that the interview lacked fairness and was grossly unbalanced as well as being defamatory of him.

Radio New Zealand initially denied any breaches of the Broadcasting Standards Act. A copy of their solicitor's letter is enclosed and subsequently failed to provide a decision within the time provided by statute and instead sought Mr Ellis' decision on whether or not he would take defamation proceedings before considering the complaint. This was subsequently used as justification to not decide the matter within the statutory time frame. Copies of relevant correspondence are also enclosed for your information.

A decision was delivered on 23rd October by fax, a copy of which is enclosed. In short the complaint that Mr Ellis made that the programme was unfair and unbalanced was rejected because he had refused to participate in an interview. The evening before the programme Radio New Zealand had invited Mr Ellis to participate in "a sympathetic interview" with Linda Clarke but gave him no notice at all of the content of the following day's programme consisting of the interview with Nathan and his mother and their allegations. Mr Ellis declined to be interviewed. Irrespective of that, Mr Ellis' position is that imbalance and unfairness in a programme cannot be said to be eliminated by his refusal to participate in a programme and particularly one in which unsubstantiated and serious allegations were to be made against him. Mr Ellis is entitled not to participate and it is wrong for Radio New Zealand to suggest that his refusal to do so justifies the unfair and unbalanced programme.

Mr Ellis considers there were breaches of

- Principle 4 in that there was no reasonable opportunity given for him to present his point of view within the same programme or sufficiently near in time within the period of current interest and in particular, no fair notice of the contents of the programme was included in the invitation for him to be interviewed.
- Principle 5 - In that Mr Ellis has not been dealt with fairly and that the material was significantly unbalanced.

PARTNERS Judith Medlicott CNZM MA U.B Hon LLD
Christopher Medlicott LLB
ASSOCIATE Vivien Jones LLB

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PO Box 1179 Dunedin New Zealand
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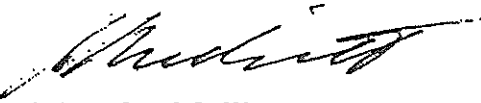
Members of The Family Law Section
New Zealand Law Society

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- Principle 6 - In that the allegations made by Nathan were presented as truthful and accurate facts whereas they were unsubstantiated allegations which Mr Ellis denies. No distinction between fact, opinion and comment was made.

Accordingly Mr Ellis asks that the Authority looks into the complaint and makes a determination as provided under the Broadcasting Standards Act.

Yours faithfully,
MEDLICOTTS



Christopher Medicott

Enclosures to follow by post.



20 NOV 2003

18/11/03
FAXED 3.50pm

2/970

17 November 2003

Fax 04-382 9543

Broadcasting Standards Authority
PO Box 9213
WELLINGTON

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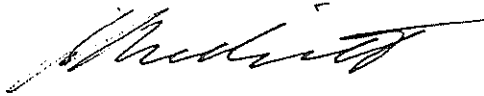
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MEDLICOTTS



Christopher Medicott

Enclosures to follow by post.

28/10/03



22 October 2003

Ms J Medlicott
Medlicotts
Barristers and Solicitors
P O Box 1179
DUNEDIN

Dear Ms Medlicott

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The format and content were particularly unfair to Mr Ellis in that an unidentified accuser made unproven allegations of criminal conduct on his part, which your interviewer uncritically accepted and broadcast nationally without any of these allegations being put to him for his response. Further your interviewer formulated several of the most serious allegations and invited "Nathan" and his mother to confirm them."

You then asked that complaint be considered under section 6(1) of the Broadcasting Act 1989.

Under the Broadcasting Act, all radio broadcasters in New Zealand have developed, and subsequently had approved by the Broadcasting Standards Authority a "Radio Code of Broadcasting Practice" (copy enclosed). Your letter alleges a breach of the standard in relation to balance and fairness and therefore your complaint has been treated as a potential breach of Principles 4 and 5.

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status of a *controversial issue* in New Zealand society. Radio New Zealand noted that there had been extensive coverage in other programmes and news bulletins on National Radio and in other print and electronic media. It is further arguable that the period of current interest for this topic is open ended at this stage.

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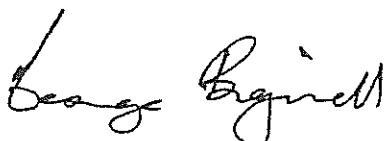
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Mr Ellis's own reluctance to appear on the programme is outside of the control of Radio New Zealand. As he was unwilling to appear on the programme the allegation that he was given no opportunity to respond to the allegations is incorrect. As the opportunity was extended to Mr Ellis, and the invitation has been subsequently repeated, Radio New Zealand rejects the allegation that the programme was unfair.

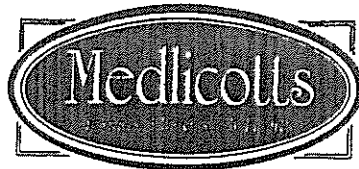
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In conclusion neither aspect of your complaint was upheld. Radio New Zealand is obliged by the Broadcasting Act to inform you of the reason why your complaint was not upheld; the letter above is intended to meet that obligation. We are also obliged to inform you of your right to refer this decision for review to the Broadcasting Standards Authority, P O Box 9213, Wellington. You must do so within 20 working days if you wish to, otherwise the Authority will be time-barred by statute from accepting the reference.

Yours sincerely



George Bignell
Complaints Coordinator



3 October 2003

The Partners
Izard Weston
Solicitors
PO Box 5348
WELLINGTON

Attention: Mr Peter McKnight

Dear Partners

Re: Nine to noon Monday, 25 August - Linda Clark's interview with Nathan and his mother - complaint by Peter Ellis

Thank you for your letter of 2 October. We note that a decision will be made by 23 October.

With respect to your request in your letter of 8 September that the answer to the complaint be deferred pending a decision on the issue of defamation proceedings and your pointing to our 22 days taken to respond to your letter (occasioned by senior Counsel's absence from New Zealand) we point out:

- The prospect of defamation proceedings has no bearing upon a broadcaster's statutory obligation to consider a formal complaint.
- There is no provision under the Broadcasting Act to allow consideration of complaints to be deferred because of the prospect of defamation proceedings.
- There is no provision in the Broadcasting Act to extend the statutory time limits for complaint to the Broadcasting Standards Authority by agreement.
- The onus lies on the Broadcaster to promptly consider the complaint, not on the aggrieved complainant to consider the Broadcaster's requests to defer a decision while he considers what additional remedies he may seek.
- We note with concern that paragraph 2 of your letter of 8 September contains denials of breach of programme standards. A broadcaster cannot deny such breaches occurred when it has not formally considered the complaint. To do so amounts to pre-determination.

We are surprised therefore that Radio New Zealand has done nothing since our letter of 28 August and your letter of 8 September to consider Mr Ellis' complaint and has put consideration of his complaint into abeyance.

RTNERS Judith Medlicott CNZM MA LLB Hon LLD
SOCILATE Christopher Medlicott LLB
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File: 71540001
Ref: PMCK4003-150944

Direct Dial: (04) 471 3463
petcr.mcknight@izardweston.co.nz

2 October 2003

BY FAX: (03) 477 7406

Medlicotts
Solicitors
P O Box 1179
DUNEDIN

For: Christopher Medlicott

**9 TO NOON, MONDAY 25 AUGUST:
LINDA CLARK'S INTERVIEW WITH "NATHAN" AND HIS MOTHER**

1. We acknowledge receipt of your letter dated 30 September 2003 received today.
2. The Broadcasting Standards complaint is addressed. In our letter of 8 September 2003 (paragraph 10) it was suggested the answer to the complaint be delayed until a decision was made in relation to the issuing of proceedings. A response was sought.
3. That response has now been received in today's mail: namely that there is no agreement to defer the decision by Radio New Zealand in relation to the complaint.
4. You have now requested that the decision be made by 5 October 2003 which, excluding today, involves one working day.
5. Your request to give a response to the complaint by 5 October 2003 gives insufficient time for consideration of the complaint.
6. In such circumstances Radio New Zealand invokes section 8(1A) of the Broadcasting Act 1989, namely that:
 - 6.1 Radio New Zealand will be unable to make within the prescribed period of 20 working days a decision in regard to the complaint;
 - 6.2 The reason why Radio New Zealand will be unable to make the decision within the prescribed time is because of the delay with a response to the suggestion contained in our letter of 8 September.
7. Accordingly the response will be given within 40 working days of receipt of the complaint, being 23 October 2003.
8. In such circumstances we ask that you await Radio New Zealand's decision.

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Website: www.izardweston.co.nz
93 Station Street, Napier
Phone: +64 (6) 833 6686, Fax: +64 (6) 833 7086

Partners: Dan Stevenson, M.A. (Cantab) Grays Inn
Richard Kemp, LL.B
Andrew Morrison, LL.B
Peter McKnight, LL.B
John Buxton, LL.B
Paul Radich, LL.B (Hons)
Robert Stewart, LL.B, B.Com
Sarah Bacon, LL.B
Consultant: John Stevenson, M.A. (Cantab) Grays Inn, Notary Public

02-OCT-2003 17:41 FROM IZARD WESTON

TO 034777406

P. 03/03

IZARDWESTON
LAWYERS

2

9. Can we please hear from you in that regard.
10. We will respond in due course in relation to the other matter in your letter, namely the names of Nathan and his mother.

Yours sincerely
IZARD WESTON



Peter McKnight
Partner



30 September 2003

The Partners
Izard Weston
Solicitors
PO Box 5348
WELLINGTON

Attention: Mr Peter McKnight

Dear Partners

Re: Nine to noon Monday, 25 August - Linda Clark's interview with Nathan and his mother - complaint by Peter Ellis

Referring to your letter of 8 September and the specific requests raised. We advise:

1. Whether Mr Ellis will agree to an interview is under consideration by Counsel.
2. Mr Ellis will not give an undertaking to keep the names of Nathan and his mother secret. They are details to which he is entitled to under the Privacy Act. Suppression of their identities is not Mr Ellis' concern. Please advise their full names and addresses.
3. With respect to the Broadcasting Standards complaint; Mr Ellis will not agree to defer a decision by your complaints body upon his complaint. He is entitled to have his Broadcasting Standards complaint dealt with irrespective of whether he intends to bring defamation proceedings. The timetable set out in the Broadcasting Act applies and a decision under the provisions of the Act upon Mr Ellis' complaint was due by 25 September. If the formal decision upon the complaint is not given by 5th October Mr Ellis will refer the matter immediately to the Broadcasting Standards Authority on the basis that either your letter constitutes a dismissal of his complaint or no decision has been made upon his complaint.

Yours faithfully,
MEDLICOTTS


Christopher Medlicott

PARTNERS Judith Medlicott CNZM MA LLB Hon LLD
Christopher Medlicott LLB
ASSOCIATE Vivien Jones LLB

Queens Gardens Court 3 Crawford Street
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File: 71540001
Ref: PNCK3603-129089

Direct Dial: (04) 471 3463
peter.mcknight@izardweston.co.nz

8 September 2003

BY FAX: (03) 477 7406

Medlicotts
Solicitors
P O Box 1179
DUNEDIN

**COPY FOR YOUR
INFORMATION**

For: Judith Medlicott

**9 TO NOON, MONDAY 25 AUGUST:
LINDA CLARK'S INTERVIEW WITH "NATHAN" AND HIS MOTHER**

1. We refer to our letter of 2 September 2003.
2. Your letter of 28 August 2003 alleges that the format and content of the interview lacks balance and was unfair; that the interviewer in effect "led" the interview. Such allegations are denied.
3. An apology and retraction are sought. Radio New Zealand declines that request.
4. Our client is quite willing to provide an opportunity to Mr Ellis to be interviewed on the *9 to Noon* programme as had been the offer to him prior to the broadcast about which he complains. We are sure you will be aware that Gaye Davidson was interviewed by Linda Clark a matter of days preceding the broadcast. Further it is noted that Mr Ellis agreed to be interviewed on the TV3 *20/20* programme in relation to the same topic. Alternatively, Mr Ellis may wish to make a statement in reply which, subject to usual editorial discretion, could be broadcast as he may wish.
5. You have sought the names of "Nathan" and his mother. In your letter you have indicated that consideration is being given to the issuing of proceedings with the interviewees being named as parties. You will have also heard in the interview that "Nathan" has been giving consideration to a private prosecution.
6. It will be appreciated, in such circumstances, the difficulties our client faces if it was to disclose the names of the two interviewees. Quite obviously, the identity of "Nathan", and his mother, may well be the subject of suppression orders should proceedings in one way or another ensue.
7. Grant Cameron of Christchurch is acting for the interviewees.
8. We enquire as to whether or not your client would be willing to provide an undertaking to not publicly disclose such names if they were disclosed.
9. We wait to hear from you in that regard and also in relation to the proposal as to the interview and/or broadcasting of a statement.

10. Finally, your letter records that the letter is to constitute a formal complaint in terms of section 6(1) of the Broadcasting Act 1989. We suggest that the answer to this complaint be delayed until a decision is made in relation to the issuing of proceedings as mentioned in your letter. Having said that it is most sincerely hoped that the unpleasantness and expense of such proceedings can be avoided.
11. Your response is awaited.

Yours sincerely
IZARD WESTON

Peter McKnight
Partner

RECEIVED
5/9/03

IZARDWESTON
LAWYERS

File: 71540001
Ref: PMCK3603-128781

Direct Dial: (04) 471 3463
peter.mcknight@izardweston.co.nz

2 September 2003

Medlicotts
Solicitors
P O Box 1179
DUNEDIN

BY FAX: (03) 477 7406

For: Judith Medlicott

**9 TO NOON, MONDAY 25 AUGUST:
LINDA CLARK'S INTERVIEW WITH "NATHAN" AND HIS MOTHER**

1. We act for Radio New Zealand.
2. A copy of your letter of 28 August 2003 to Radio New Zealand has been referred to this firm and we have been asked to act in that matter.
3. We will be in a position to reply fully later in the week; once we have taken instructions.

Yours sincerely
IZARD WESTON



Peter McKnight
Partner

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89 The Terrace, Wellington, New Zealand
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Paul Radich, LL.B (Hons)
Robert Stewart, LL.B, B.Com
Sarah Bacon, LL.B

Consultant: John Stevenson M.A. (Cantab) Grays Inn, Notary Public



RECEIVED
e 15.12. 03

28 August 2003

Facsimile 04 474 1459

Radio New Zealand
P O Box 123
Wellington

For the Chief Executive

Dear Chief Executive,
"9 to Noon" Monday 25 August: Linda Clark's interview of "Nathan" and his mother

We act for Mr Peter Ellis who is aggrieved by the content of your programme last Monday, which contained allegations that he had abused your interviewee "Nathan".

Mr Ellis denies the allegations and points out that there is clear evidence that the allegations are untrue, including that:

- he does even not know this person "Nathan"; and
- he was not at the Christchurch Civic Creche at the time "Nathan" and his mother allege these events took place (1985). He did not have any association with the Creche or anyone in it until he started working there in the second half of 1986.

Mr Ellis considers that he has been defamed and we have asked Mrs Ablett-Kerr QC to prepare proceedings against Radio New Zealand and your interviewees. Mr Ellis requires a public retraction and an apology. He reserves his position as to whether he will issue his defamation proceedings and the remedies he may seek. Your apology and retraction will have a bearing upon his decision.

He considers that the programme was grossly unfair to him. It lacked balance and he was given no opportunity to respond to allegations made.

The format and content were particularly unbalanced and unfair to Mr Ellis in that an unidentified accuser made unproven allegations of criminal conduct on his part, which your interviewer uncritically accepted and broadcast nationally without any of these allegations being put to him for his response. Further your interviewer formulated several of the most serious allegations and invited "Nathan" and his mother to confirm them.

Mr Ellis is entitled to know who has accused him and requires you to advise him of the identities of "Nathan" and his mother.

This letter constitutes a formal complaint in terms of section 6(1) of the Broadcasting Act 1989.

Yours faithfully,
Medlicotts

Judith Medlicott

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NEWZTEL NEWS: RNZ "NINE TO NOON"

MONDAY 25 AUGUST 2003

(A)

PRESENTER (LINDA CLARK): WHEN IT COMES TO THE CHRISTCHURCH CIVIC CRÈCHE CASE I THINK WE NOW ALL AGREE THAT THE CHILDREN WERE ABUSED. WHAT THE COUNTRY CAN'T AGREE ON IS BY WHOM. IS IT PETER ELLIS WHO'S TO BLAME OR THE LEGION OF PSYCHOLOGISTS AND INTERVIEWERS WHO QUESTIONED THESE CHILDREN AND LED THEM TO BELIEVE THE ABUSE TOOK PLACE? AS YOU KNOW, A CELEBRITY-STUDED PETITION CALLING FOR A ROYAL COMMISSION INTO THE CASE GOES BEFORE A SELECT COMMITTEE IN THE NEXT FEW WEEKS. THIS MORNING YOU'RE GOING TO HEAR FROM ONE FAMILY WHO CLAIMS KNOW A GREAT DEAL ABOUT PETER ELLIS AND THE CHRISTCHURCH CIVIC CRÈCHE YET THEY WERE NEVER PART OF THE POLICE CASE. THE BOY WAS NEVER INTERVIEWED AS A SMALL CHILD BY POLICE OR BY PSYCHOLOGISTS. HE WAS NEVER PART OF THE PROCESS PETER ELLIS'S SUPPORTERS CLAIM BRAINWASHED THE OTHER CHILDREN. AND WHY? BECAUSE IT WASN'T UNTIL HE WAS 16 YEARS OLD THAT HE TOLD ANYONE HE'D BEEN ABUSED. I SPOKE TO HIM AND HIS MOTHER ON FRIDAY AFTERNOON. I BEGAN BY ASKING HIM WHY HE WAS SO SURE IT WAS PETER ELLIS WHO ABUSED HIM.

NATHAN: BECAUSE I REMEMBER IT WAS HIM.

PRESENTER: REMEMBER HIS FACE?

NATHAN: YEP.

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PRESENTER: AND HOW OLD WERE YOU WHEN YOU WERE AT THE CRÈCHE?

NATHAN: I WOULD HAVE BEEN ABOUT FOUR I THINK.

PRESENTER: AND YOU WERE NEVER INTERVIEWED AS PART OF THE CIVIC
CRÈCHE CASE?

NATHAN: NO.

PRESENTER: SO YOU WEREN'T.. IS THAT BECAUSE AT THAT POINT YOU'D
NEVER TOLD ANYONE?

NATHAN: YEAH.

PRESENTER: HOW OLD WERE YOU WHEN YOU TOLD MUM AND DAD?

NATHAN: 16 I THINK.

PRESENTER: IT'S A LONG TIME?

NATHAN: MMM, YEP, A LONG TIME.

PRESENTER: SO WHAT HAPPENED IN THOSE YEARS?

NATHAN: A LOT OF CONFUSION I THINK. I DIDN'T REALLY KNOW WHAT TO DO OR WHO TO YOU KNOW.. HOW TO TALK ABOUT IT.

PRESENTER: DID YOU.. HOW OLD WERE YOU WHEN YOU WORKED OUT YOU'D BEEN ABUSED?

NATHAN: AH, I WOULD HAVE BEEN ABOUT 14.

PRESENTER: SO UP UNTIL THAT TIME, FROM 4 TO 14 DID YOU FEEL THERE WAS SOMETHING WRONG?

NATHAN: YEP.

PRESENTER: TELL ME ABOUT THAT?

NATHAN: UM, WELL I MEAN, YOU KNOW THINGS.. I KNEW THINGS THAT CHILDREN MY AGE SHOULDN'T HAVE KNOWN AND YOU KNOW, YOU CAN JUST.. YOU KNOW THERE'S SOMETHING WRONG.

PRESENTER: YOU KNEW THINGS ABOUT SEX YOU MEAN?

NATHAN: YEAH, YEAH.

PRESENTER: AND THESE ARE THINGS THAT YOU WOULD NEVER HAVE HEARD AT HOME?

NATHAN: NO, NO THAT'S FOR SURE.

PRESENTER: OR YOU HADN'T SEEN ON TV?

NATHAN: NO.

PRESENTER: OR ON VIDEOS?

NATHAN: NO, THEY DON'T SHOW THAT SORT OF THING ON TV.

PRESENTER: SO AT 14 WHAT HAPPENED?

NATHAN: UM, WHEN I WAS 14 IT WAS SORT OF WHEN I FIRST STARTED BECOMING MORE SOCIAL WITH FRIENDS AND WITH GIRLS AND THAT SORT OF THING AND THAT'S WHEN IT SORT OF STARTED TO HIT ME THE WORST BECAUSE YOU KNOW, I SORT OF STARTED TO REALISE THAT I WASN'T ON A.. WASN'T REALLY A NORMAL, TO USE THE SORT OF STRANGE TERM BUT WASN'T REALLY A NORMAL TEENAGER. YOU KNOW, WHEN I LOOKED AT THE WAY THAT MY FRIENDS REACTED TO SOME THINGS AND THE WAY THAT I REACTED, YOU KNOW, I KNEW THAT I HAD TO DEAL WITH IT.

PRESENTER: GIVE ME AN EXAMPLE? WHAT DO YOU MEAN, THE WAY YOU REACTED?

NATHAN: SOCIALLY WITH.. LIKE I MEAN I WENT TO A BOY'S SCHOOL. WHEN

I WAS 14, 15 AND WE STARTED.. THE FRIENDS THAT I MADE THERE, WE STARTED SOCIALISING WITH GIRLS AT PARTIES AND THAT SORT OF THING AND IT SCARED THE LIVING HECK OUT OF ME TO THE POINT WHERE YOU KNOW, I KNEW THERE WAS SOMETHING WRONG.

PRESENTER: SO IF A GIRL TRIED TO KISS YOU OR TOUCH YOU WHAT WOULD HAPPEN?

NATHAN: AH, I'D FREAK OUT. I MEAN THERE'S OTHER SITUATIONS WHERE IT'S A LOT MORE DIFFICULT FOR EXAMPLE GOING TO A BOY'S SCHOOL THAT WAS QUITE INVOLVED IN SPORT, I COULDN'T HANDLE PLAYING SPORT OR DOING P.E BECAUSE OF THE CHANGING ROOMS AND THAT SIDE OF THINGS.

PRESENTER: YOU DIDN'T WANT TO GO IN THE CHANGING ROOMS?

NATHAN: NO.

PRESENTER: WAS IT THE CHANGING ROOMS OR WAS IT GETTING CHANGED?

NATHAN: UM, GETTING CHANGED.

PRESENTER: YOU DIDN'T WANT ANYONE TO SEE YOU?

NATHAN: UM, YEAH, YEAH, I SUPPOSE THAT'S HOW YOU'D.. YOU KNOW IT'S JUST AN UNCOMFORTABLE SITUATION TO BE IN.

PRESENTER: SO YOU'RE 14 AND YOU REALISE THAT YOU'RE DIFFERENT FROM EVERYBODY ELSE AROUND YOU AND YOU THINK THIS IS SOMETHING I NEED TO DEAL WITH AND THEN WHAT HAPPENS?

NATHAN: UM, IT JUST GOT.. GOT WORSE AND WORSE OVER THE NEXT TWO YEARS AS I..

PRESENTER: IN TERMS OF HOW YOU FELT?

NATHAN: YEAH, IN TERMS OF HOW I FELT AND YOU KNOW, BECAUSE I WAS BECOMING MORE AND MORE SOCIALLY INVOLVED WITH GIRLS AND YOU KNOW, THAT SORT OF EARLY TEENAGE SORT OF INTRODUCTION TO THE WHOLE SEX SIDE OF THINGS AND..

PRESENTER: WELL, ALL YOUR MATES ARE GOING TO PARTIES?

NATHAN: YEP, YEP, IT JUST YOU KNOW.. IT MAKES IT VERY, VERY DIFFICULT TO TRY AND.. TO FIT IN.

PRESENTER: WHEN DID YOU TELL YOUR MOTHER?

NATHAN: UM, ONE MORNING BEFORE SCHOOL. I THINK MY FATHER WAS GIVING ME A LIFT INTO SCHOOL AT THAT TIME AND I DIDN'T GO TO SCHOOL THAT DAY BECAUSE I WAS QUITE UPSET. MUM CAME IN AND ASKED ME WHAT WAS WRONG AND IT TOOK ME.. TOOK ME A FEW HOURS TO SORT OF DECIDE

THAT YOU KNOW, IT WAS RIGHT TO TELL HER.

PRESENTER: SO YOU MUST HAVE BEEN WEIGHING THAT UP FOR A LONG TIME?

NATHAN: YEAH.

PRESENTER: TRYING TO FIND THE RIGHT TIME?

NATHAN: YEAH, IT'S NOT SOMETHING THAT YOU KNOW, YOU CAN SORT OF BRING UP IN.. EVEN IN A REALLY GOOD FAMILY ENVIRONMENT IT'S NOT SOMETHING YOU CAN BRING UP JUST OUT OF THE BLUE.

PRESENTER: SO WHAT DID YOU SAY TO HER?

NATHAN: UM, I JUST ASKED HER IF SHE, YOU KNOW, REMEMBERED ME GOING TO THE CRÈCHE AND THAT SOMETHING HAD HAPPENED BUT I NEVER REALLY WENT INTO DETAIL WITH HER.

PRESENTER: TILL LATER?

NATHAN: MMM, YEP, IT WAS QUITE A BIT LATER.

PRESENTER: YOU KNOW THAT PETER ELLIS HAS ALWAYS DENIED THAT HE TOUCHED ANY OF THE CHILDREN INAPPROPRIATELY AT THE CRÈCHE?

NATHAN: YEP.

PRESENTER: AND HE STILL DENIES IT.

NATHAN: YEP.

PRESENTER: AND THE WOMEN WHO WORKED WITH HIM SAY THAT IT COULD NEVER HAVE HAPPENED?

NATHAN: WELL, I SUPPOSE THEY'VE GOT TO SAY THAT REALLY, DON'T THEY? I MEAN ANYTHING IS POSSIBLE AND I MEAN, OF COURSE HE'S GOING TO DENY IT AND YOU KNOW, I CAN'T SEE HOW.. I CAN'T SEE HOW THEY CAN DENY IT. IT'S HARD ENOUGH LIVING WITH HAVING IT HAPPEN TO YOU LET ALONE BEING THE PERSON THAT'S DONE IT TO ALL THESE CHILDREN. I DON'T SEE HOW HE YOU KNOW.. HOW HE GETS ON WITH HIMSELF.

PRESENTER: YOU'LL KNOW BECAUSE WE ALL DO, LYNLEY HOOD HAS WRITTEN THIS BOOK, IT'S CALLED "A CITY POSSESSED" AND SHE SAYS THAT THE CHILDREN AT THE CRÈCHE WHO ARE SO CONVINCED THAT THEY WERE TOUCHED AND ABUSED BY PETER ELLIS HAVE BEEN.. HAVE GOT FALSE MEMORIES, THAT THEY'VE BEEN MANIPULATED INTO THINKING THAT BY THEIR PARENTS OR BY COUNSELLORS AND BY PSYCHOLOGISTS.

NATHAN: I NEVER REALLY HAD MUCH TO DO WITH ANY OF THE CASE AT ALL SO I MEAN I DON'T REALLY KNOW THE PROCESSES WHICH THEY WENT THROUGH

BUT I KNOW THAT THEY.. YOU KNOW, SHE SORT OF SAYS THAT OH, SOME OF THE THINGS THAT THEY HAVE SAID ARE SO FAR FETCHED THAT YOU KNOW, IT'S IMPOSSIBLE BUT CHILDREN BELIEVE IN SANTA CLAUS SO YOU KNOW, I CAN'T SEE HOW THEY CAN SAY THAT IT DIDN'T HAPPEN WHEN YOU KNOW, CHILDREN ARE IMPRESSIONABLE BUT THEY'RE NOT.. I MEAN YOU CAN'T JUST SAY TO A KID WELL, DID THIS HAPPEN AND THEY GETTING ALL THE DETAILS. I MEAN KIDS THAT AGE DON'T KNOW THAT SORT OF THING.

PRESENTER: SO YOU..

NATHAN: AND I DON'T, YOU KNOW.. YOU CAN'T.. YOU CAN'T TEACH THEM THAT SORT OF THING JUST BY ASKING THEM ABOUT IT.

PRESENTER: YOUR MUM IS LISTENING TO THIS CONVERSATION. LET'S BRING HER IN. NICE TO HAVE YOU ON THE PROGRAMME.

MOTHER: GOOD MORNING, LINDA.

PRESENTER: IT MUST BE VERY DIFFICULT FOR YOU TO HEAR YOUR SON TALK ABOUT THIS, EVEN AFTER SO MANY YEARS OF HAVING DEALT WITH THIS AS A FAMILY?

MOTHER: IT IS. IT'S VERY DIFFICULT AND I KNOW THAT HE HAS SOME VERY HARD MOMENTS IN HIS LIFE EVEN NOW, WITH NIGHTMARES. HE WAKES UP IN THE MIDDLE OF THE NIGHT HAVING NIGHTMARES AND HE GETS OUT OF

BED AND HE VOMITS, AND HE HAS DONE THIS FOR A LONG, LONG TIME. AS HE SAID, WHEN HE WAS 16 HE TOLD ME ABOUT IT BUT I ACTUALLY TOOK HIM AWAY FROM THE CRÈCHE BECAUSE I SUSPECTED THERE WAS SOMETHING UNTOWARD GOING ON AT THE TIME AND HE WAS ONLY AT THE CRÈCHE FOR A VERY, VERY SHORT TIME WHEN HE WAS 4 GOING ON 5. SOME OF THE THINGS THAT I HAD NOTICED WHEN HE.. WE TOOK HIM TO THE CRÈCHE. WE LIVED OUT IN THE COUNTRY AND HE HAD BEEN TO A PRE-SCHOOL PRIOR TO GOING TO THE CRÈCHE AND THIS WAS THE CRÈCHE IN THE OLD DUX DELUXE [PHON] CENTRE, NOT THE CRÈCHE AT THE CRANMER [PHON] CENTRE I THINK IT WAS. FIRST OF ALL WE NOTICED HE.. AFTER A VERY SHORT TIME BEING AT THE CRÈCHE HE WAS VERY RELUCTANT TO GO TO THE CRÈCHE. WHEN WE WOULD COME INTO THE CITY HE WOULD HANG ONTO THE CAR DOOR WHEN I TRIED TO.. WHEN WE ARRIVED AT THE CRÈCHE HE WOULD HOLD ONTO THE CAR DOOR UNTIL HIS LITTLE KNUCKLES WERE WHITE. HE'D SCREAM. HE DIDN'T WANT TO GET OUT OF THE CAR. WHEN I GOT HIM TO THE GATE OF THE CRÈCHE HE'D HANG ONTO THE RAILS WITH HIS HANDS AND PUT HIS FEET ON THE RAILS AND SCREAM AND SAY NO, NO. AND WE THOUGHT AT THE TIME, BOTH MY HUSBAND AND MYSELF THAT YOU KNOW, HE WAS JUST RELUCTANT TO BE AWAY FROM US AND YET WE'D NEVER HAD THIS PROBLEM BEFORE. I ALSO NOTICED THAT SOME OF THE CHILDREN IN THE PLAYGROUND AND THE PLAYGROUND AT THE TIME WAS OPEN TO THE CAR PARK IN THE ARTS CENTRE, THEY'D BE PLAYING IN THE PLAYGROUND WITH EITHER NO KNICKERS OR NO CLOTHES ON AND I DISAGREED WITH THAT AND TOLD THE CRÈCHE STAFF AT THE TIME THAT UNDER NO CIRCUMSTANCES WAS MY SON TO GO WITHOUT HIS UNDERCLOTHES OR TO BE FULLY UNDRESSED AND.. BECAUSE OF SUNBURN AND PEOPLE HANGING ABOUT

THE CRÈCHE BECAUSE AT THE TIME MY DAUGHTER WAS IN A BALLET SCHOOL IN THE ARTS CENTRE AND THE DANCE TEACHER HAD TOLD THE PARENTS NOT TO BRING THE CHILDREN INTO THE ARTS CENTRE IN LEOTARDS AND TIGHTS BECAUSE THEY WERE HAVING PROBLEMS WITH SOME STRANGE PEOPLE HANGING ABOUT THE TOILETS AND THE THINGS, SO I WAS AWARE OF THIS PROBLEM THAT THEY HAD IN THAT AREA AND I INSISTED THAT HE DIDN'T GO WITHOUT HIS CLOTHES IN THE PLAYGROUND OR WITHOUT KNICKERS. AND I HAD TAKEN A BIG PILE OF KNICKERS INTO THE CRÈCHE FOR HIM TO WEAR AT THE TIME AND SAID THAT YOU KNOW, SOME WERE HIS OLDER SISTERS' HAND-ME-DOWNS AND SOME WERE HIS OWN AND I SAID THAT THEY WOULD.. TO KEEP THEM THERE AND IF HE DID HAVE AN ACCIDENT OF ANY SORT, THAT THEY WERE TO KEEP HIM DRESSED. HE WAS TOILET TRAINED AT TWO. HE NEVER WET THE BED BY THE TIME HE WAS TWO, COMPLETELY TOILET TRAINED BUT WHEN HE WAS AT THE CRÈCHE HE STARTED TO GO BACK. WHILE HE WAS AT THE CRÈCHE ALSO HE STARTED HAVING NIGHTMARES. HE'D WAKE UP IN THE MIDDLE OF THE NIGHT SCREAMING AND COMPLAINING THAT HE HAD A GREASY BOTTOM AND WE COULDN'T MAKE THIS OUT. WE THOUGHT PERHAPS HE'D GOT HOT AND SWEATY DURING THE NIGHT BUT WE FOUND OUT LATER ON WHAT THAT WAS ABOUT WHEN NATHAN TOLD US. AN OLDER SISTER WHO WAS IN A POLYTECH COURSE HAD TO GO AND.. HAD TO STAY WITH HIM FOR THE WHOLE DAY BECAUSE HE WAS SO DISTRESSED WHEN SHE TOOK TO HIM TO THE CRÈCHE ONE DAY SHE WAS ABOUT 18 AT THE TIME, AND SHE SAID HE WAS JUST SO DISTRESSED WHEN HE.. WHEN SHE TOOK HIM THERE THAT HE.. THAT SHE STAYED WITH HIM FOR THE WHOLE TIME.

PRESENTER: SO FOR THESE REASONS YOU WITHDREW YOUR SON FROM THE CRÈCHE AFTER A RELATIVELY SHORT PERIOD OF TIME?

MOTHER: NO, THAT WASN'T ALL. I THINK ANOTHER DAY HE CAME HOME FROM THE CRÈCHE OR HE COMES BACK TO MY BUSINESS AND TOLD ME THAT HE HAD BEEN TAKEN TO A HOUSE BY SOME OF THE CRÈCHE STAFF AND I WASN'T HAPPY ABOUT THAT. AND HE ALSO TOLD ME ANOTHER DAY THAT HE'D BEEN TAKEN TO A PARK BY CRÈCHE STAFF. HE ALSO CAME HOME FROM THE CRÈCHE WITH A VERY SORE PENIS AND WE TOOK HIM TO OUR DOCTOR WHO SENT US TO A URINOLOGIST AND WE ALSO WENT TO SEE DR CASELY [PHON], A PAEDIATRICIAN IN CHRISTCHURCH AND THEY COULDN'T FIGURE OUT WHAT WAS GOING ON.

PRESENTER: DID YOU SUSPECT ABUSE AT THIS POINT IN TIME?

MOTHER: NO, I DIDN'T. THAT WAS THE LAST THING I THOUGHT OF. WE ALL.. HE ALSO TOLD ME THAT HE AND ANOTHER LITTLE BOY HAD RUN AWAY FROM CRÈCHE STAFF AND HIDDEN IN THE CUPBOARD. HE WAS VERY DISTRESSED, UNHAPPY, HE STILL DIDN'T WANT TO GO TO THE CRÈCHE AND IN THE END I THINK THE LAST STRAW WAS TWO CRÈCHE STAFF, A MAN AND A WOMAN AND THE MAN WAS PETER ELLIS, BROUGHT HIM BACK TO MY BUSINESS. PETER ELLIS STOOD AT THE END OF THE WINDOW OF MY SHOP AND THE WOMAN PUSHED HIM THROUGH THE DOOR AND TOOK OFF WITH NO EXPLANATION OF WHY THEY SHOULD BE BRINGING HIM BACK INTO MY BUSINESS. HE WAS SUPPOSED TO BE IN THE CRÈCHE TILL FIVE O'CLOCK AND THIS WAS ABOUT THREE

THIRTY IN THE AFTERNOON AND THEY JUST PUSHED HIM IN THE DOOR AND LEFT HIM.

PRESENTER: AND YOU'RE ABSOLUTELY SURE THAT THE MAN WHO DID THAT WAS PETER ELLIS?

MOTHER: IT WAS PETER ELLIS.

PRESENTER: BECAUSE THIS IS ONE OF THE THINGS I NEED TO ASK YOU IN TERMS OF THE CHRONOLOGY OF THIS. THIS IS ALL AT THE END OF 1985, IS THAT RIGHT?

MOTHER: YES, THAT'S RIGHT.

PRESENTER: BECAUSE ACCORDING TO LYNLEY HOOD'S BOOK, PETER ELLIS DIDN'T BEGIN WORKING AT THE CRÈCHE UNTIL 1986?

MOTHER: YES, I KNOW AND I'VE BEEN THROUGH THAT WITH THE POLICE. THE POLICE SAID AT THE BEGINNING WHEN WE WENT TO THE POLICE THEY SAID THAT NO, IT COULDN'T HAVE BEEN PETER ELLIS BECAUSE HE WASN'T EMPLOYED THERE THEN, BUT THEY CAME BACK TO ME LATER ON AND SAID NO, WE HAVE A VERY RELIABLE WITNESS WHO SAYS YES, PETER ELLIS WAS ASSOCIATED AND HANGING OUT WITH PEOPLE AT THE CRÈCHE AT THAT TIME.

PRESENTER: SO MAYBE NOT WORKING THERE?

MOTHER: MAYBE NOT WORKING THERE.

PRESENTER: BUT ASSOCIATED WITH THE CRÈCHE AT THAT TIME?

MOTHER: YES HE WAS.

PRESENTER: AND YOU'RE NOT.. I DON'T WANT TO LABOUR THE POINT BUT YOU'RE IN NO DOUBT THAT THE MAN YOU SAW WITH YOUR CHILD WHEN HE CAME TO YOUR BUSINESS WAS PETER ELLIS?

MOTHER: NO DOUBT AT ALL.

PRESENTER: WHEN YOUR SON TOLD YOU.. HE'S 16 YEARS OF AGE AND HE TOLD YOU THAT HE HAD BEEN ABUSED, AT THAT TIME DID HE TELL YOU IT WAS PETER ELLIS THAT WAS THE ABUSER?

MOTHER: YES. WHEN HE TOLD ME HE WAS GOING THROUGH A LOT OF DIFFICULTIES AT THE TIME. HE WASN'T HAPPY AT SCHOOL, HE WASN'T SETTLING DOWN AT SCHOOL. HE WAS JUST A VERY, VERY UNHAPPY TEENAGER AND WE WERE WORRIED ABOUT HIM AND HAD ACTUALLY BEEN TO SEE HIS SCHOOL COUNSELLOR AND I HAD FOUND A NOTE IN HIS BEDROOM WHEN I WAS CLEANING THAT I WASN'T.. THAT REALLY DISTRESSED ME AND GAVE ME CAUSE FOR CONCERN AND WE WENT TO SEE HIS SCHOOL COUNSELLOR AND THE MORNING HE TALKS ABOUT, HE.. HIS FATHER USED TO TAKE HIM TO.. DROP HIM OFF AT SCHOOL BEFORE HE WENT TO WORK AND THIS MORNING HE DIDN'T WANT TO

GO TO SCHOOL, HE WAS UPSET AND I HAD ROUNDED ON HIM BECAUSE HE WASN'T.. HE'D DECIDED HE WAS GOING TO LEAVE SCHOOL AND NOT SIT HIS BURSARY EXAMS AND HE WAS.. I GAVE HIM A BIT OF A DRESSING DOWN AND HE WENT TO HIS BEDROOM AND HE WAS THERE FOR A WHILE AND I WENT UP TO SEE IF HE WAS ALL RIGHT AND HE WAS JUST SITTING ON THE BED BREAKING HIS HEART AND I SAT DOWN BESIDE HIM, PUT MY ARM ROUND HIM AND SAID TO HIM, WHAT ON EARTH IS THE MATTER? YOU KNOW, WHAT HAS UPSET YOU SO MUCH? SURELY YOU KNOW, THE TICKING DOWN I'D GIVEN HIM, I DIDN'T THINK IT WAS THAT BAD. AND HE TOLD ME, HE SAID TO ME IT'S WHAT YOU HAVE ALWAYS SUSPECTED MUM, HE SAID IT'S THE CRÈCHE. AND I SAID TO HIM WHAT DO YOU MEAN THE CRÈCHE AND HE TOLD ME THAT.. HE TOLD ME DIFFERENT THINGS THAT HAD HAPPENED TO HIM AT THE CRÈCHE AND HE DREW ME A PICTURE OF THE ROOM THAT HE'D BEEN TAKEN TO IN THIS HOUSE, WHERE THE FURNITURE WAS, WHERE THE DOOR WAS AND HE HAD VERY GOOD RECOLLECTION OF WHAT HAD HAPPENED.

PRESENTER: SO WHEN HE SAID TO YOU IN THAT CONVERSATION IT'S WHAT YOU ALWAYS SUSPECTED MUM, HAD YOU RAISED THIS AS A POSSIBILITY WITH HIM BEFORE?

MOTHER: UM, WELL I.. WHEN I TOOK HIM AWAY FROM THE CRÈCHE I'D GONE DOWN TO THE CRÈCHE TO SEE THE STAFF AND ASKED FOR AN EXPLANATION WHY HE WAS TAKEN AWAY FROM THE CRÈCHE AND HAD BEEN AT SOMEBODY'S HOUSE AND ALSO WHY HE HAD BEEN DROPPED BACK AT MY SHOP IN THE AFTERNOON WHEN.. BY THESE TWO PEOPLE WHEN HE WAS SUPPOSED TO HAVE BEEN AT THE

CRÈCHE UNTIL FIVE O'CLOCK. THEY SORT OF GANGED UP ON ME AND PUSHED ME INTO A CORNER AND SORT OF.. I FELT VERY, VERY INTIMIDATED AND THEY TOLD ME THAT I COULDN'T TAKE HIM OUT OF THE CRÈCHE UNTIL THE END OF THE TERM BECAUSE HE WAS BOOKED IN TILL THE END OF THE TERM AND I JUST SAID LOOK, HE'S EXTREMELY UNHAPPY, I'M NOT UNHAPPY.. I'M NOT HAPPY WITH WHAT IS GOING ON HERE, WHAT I.. YOU KNOW, VARIOUS THINGS I'D SEEN AND I SAID I DON'T CARE WHAT YOU SAY, I'M TAKING HIM OUT OF HERE. AND THAT WAS THE LAST TIME I.. THAT WAS THE LAST TIME HE WENT TO THE CRÈCHE. FROM THERE HE WENT TO THE CHRISTCHURCH POLYTECH CRÈCHE AND HE SETTLED DOWN THERE AND WAS PERFECTLY HAPPY. WE NEVER HAD ANY PROBLEM WITH HIM GOING THERE.

PRESENTER: BUT IN THE INTERVENING YEARS WHEN IT WAS CLEAR THAT AS HE'S TOLD US HIMSELF, THAT HE DIDN'T FEEL LIKE OTHER KIDS AND HE WAS HAVING DIFFICULTIES AND STRESSES..

MOTHER: YES, WELL WE..

PRESENTER: DID YOU EVER RAISE WITH HIM THE POSSIBILITY THAT SOMETHING MIGHT HAVE HAPPENED TO HIM AT THE CRÈCHE?

MOTHER: YES I DID ONCE. WE NEVER SUSPECTED THAT AND HE SEEMED TO BE YOU KNOW.. SORT OF PICK UP A BIT AFTER WE TOOK HIM AWAY FROM THERE. WE MOVED AWAY FROM CHRISTCHURCH TO SOUTH CANTERBURY WHEN HE WOULD HAVE BEEN ABOUT SIX. HE WENT TO A NEW SCHOOL AND WAS.. AND WE

DID.. WE NEVER HAD ANY CONTACT WITH ANYBODY FROM THE CRÈCHE, ANY OTHER PARENTS OR ANYTHING LIKE THAT. WE WERE LIVING IN SOUTH CANTERBURY WHEN THE THING BROKE, WHEN PETER ELLIS WAS ACTUALLY CHARGED. WE DIDN'T REALLY KNOW ABOUT IT AND IT WAS ONLY REALLY BY ACCIDENT THAT I FOUND OUT ABOUT IT. ONE NIGHT I WENT UPSTAIRS TO SEE THE NEWS AND NATHAN CAME UP WITH ME. I TURNED THE TELEVISION ON AND PETER ELLIS WAS WALKING TOWARDS THE CAMERA ON THE NEWS CLIP AND NATHAN CAME INTO THE ROOM, SAW PETER ELLIS ON THE TELEVISION AND HE JUST STOPPED DEAD IN HIS TRACKS, HE WENT AS WHITE AS A SHEET AND HE SAID TO ME, I WAS AT THAT CRÈCHE, I WAS AT THE CRÈCHE. HE SAID NOTHING HAPPENED TO ME, NOTHING HAPPENED TO ME AND HE RAN AWAY AND HID. HE RAN OUT ACROSS THE VERANDA AND HID IN A TREE UNTIL IT WAS DARK AND I THOUGHT YES, SOMETHING HAS HAPPENED HERE. AND LATER ON THAT NIGHT I TOOK HIM ASIDE AND I SAT HIM DOWN AND SAID TO HIM, WHEN YOU WERE AT THE CRÈCHE DID ANYTHING HAPPEN TO YOU? AND HE PULLED AWAY FROM ME AND SAID NO, NO. AND I THOUGHT WELL, WE'LL JUST LEAVE IT AT THAT. THE NEXT DAY I RANG THE.. BRIAN PEARCE AT THE CHRISTCHURCH POLICE STATION AND HE SAID TO ME YOU CAN COME UP AND TALK TO ME ABOUT IT IF YOU LIKE. I CAME TO CHRISTCHURCH WITHIN.. SHORTLY AFTER THAT. I SPOKE TO HIM AND I SPOKE TO A LADY, I THINK IT WAS JEN CROSSAN [PHON] WHO WAS A SOCIAL WORKER WORKING ON THE CASE AND I ASKED HER WHAT I SHOULD DO. YOU KNOW, I TOLD HER WHAT MY SUSPICIONS WERE AND HOW I'D TAKEN HIM AWAY FROM THE CRÈCHE FOR VARIOUS REASONS AND SHE SAID DO NOTHING, SHE SAID DON'T ASK HIM AGAIN. SHE SAID YOU'LL JUST HAVE TO WAIT UNTIL HE'S READY TO TELL

YOU. SHE SAID DON'T ASK HIM, DON'T MENTION IT.

PRESENTER: AND THAT'S WHAT YOU DID?

MOTHER: AND THAT'S EXACTLY WHAT I DID. I NEVER ASKED HIM AGAIN, WE NEVER BROUGHT IT UP AND WE NEVER.. WE NEVER.. HE NEVER WATCHED IT ON TELEVISION OR ANYTHING LIKE THAT AND WE DIDN'T REALLY FOLLOW THE CASE BECAUSE WE WERE EXTREMELY BUSY..

PRESENTER: ALL RIGHT, LET'S COME BACK..

MOTHER: IN THE BUSINESS THAT WE HAD.

PRESENTER: LET'S COME BACK TO YOUR SON. YOUR MOTHER SAID TO US THERE THAT YOU'VE BEEN TO THE POLICE WITH THIS INFORMATION. YOU WENT TO THE POLICE LAST YEAR?

NATHAN: YEP.

PRESENTER: AND WHAT HAPPENED WHEN YOU WENT TO THE POLICE?

NATHAN: UM, THEY OF COURSE WENT THROUGH THEIR INVESTIGATION PROCESS.

PRESENTER: SO THEY INTERVIEWED YOU?

NATHAN: YEP, AND THINGS BECAME QUITE DIFFICULT I BELIEVE FOR THEM BECAUSE OF THE WHOLE PUBLICITY OF IT AND THE POLITICAL SIDE OF THINGS AND THEY ASSURED ME THAT YOU KNOW, THEY WHOLEHEARTEDLY WOULD LIKE TO BE ABLE TO DO SOMETHING BUT I BELIEVE IT'S A BIT RISKY FOR THEM TO GO AHEAD WITH ANYTHING JUST ON MY EVIDENCE ALONE BECAUSE OF THE FACT THAT THERE'S SO MUCH PUBLICITY FOR HIM THAT IT WOULD BE VERY, VERY SILLY TO GO AHEAD WITH ANYTHING UNLESS YOU KNOW, IT WAS 200% SURE TO NAIL HIM.

PRESENTER: WOULD YOU LIKE TO PRESS CHARGES?

NATHAN: MMM, YEAH I..

PRESENTER: YOUR FAMILY HAVE LOOKED AT A PRIVATE PROSECUTION?

NATHAN: UM.. PASS.

PRESENTER: OK. THE.. IF YOU.. SO THE POLICE SAY THAT THEY CAN'T.. THEY'RE NOT PROCEEDING. I MEAN THERE'S NOT GOING TO BE A POLICE CASE?

NATHAN: NOT AT THIS STAGE. THEY DON'T HAVE ENOUGH EVIDENCE FROM ME ALONE TO BE ABLE TO GET A ROCK SOLID CASE.. [INDISTINCT]

PRESENTER: WELL AND ANYWAY HE'S SERVED 7 YEARS INSIDE AND HE'S BEEN

FOUND GUILTY OF.. I SUPPOSE THAT'S PART OF THE LOGIC ISN'T IT, IN
RELATION TO THE CRÈCHE.. IN RELATION TO WHAT HAPPENED AT THE CRÈCHE?

NATHAN: YEAH, I WOULDN'T REALLY CALL IT LOGIC BUT I SUPPOSE YOU
COULD SAY THAT HE HAS SERVED SOME TIME FOR WHAT HE DID.

PRESENTER: WHAT DO YOU THINK OF THIS CAMPAIGN.. YOU MENTIONED IT A
LITTLE EARLIER, THIS CAMPAIGN TO CLEAR PETER ELLIS?

NATHAN: I THINK.. IT BAFFLES ME AS TO HOW HE CAN AFFORD TO DO IT
FOR A START. I MEAN I KNOW THAT I SURE AS HECK CAN'T AFFORD OR
COULDN'T AFFORD TO.. ONE OF THE BEST OR MOST.. PROBABLY ONE OF THE
MOST EXPENSIVE LAWYERS IN THE COUNTRY AND YEAH, I.. I CAN UNDERSTAND
THOUGH WHY HE HAS SO MUCH PUBLIC SUPPORT BECAUSE THERE'S NEVER BEEN
ANYTHING SAID FOR THE CHILDREN AS YOU KNOW, ON THE GREATER SCALE
THAT IS BEING DONE FOR HIM UM, WHICH IS KIND OF TRAGIC REALLY.

PRESENTER: YOUR MOTHER SAID THAT YOU HAD AS A CHILD, AND EVEN NOW,
YOU HAVE NIGHTMARES?

NATHAN: YEAH.

PRESENTER: YOU STILL HAVE NIGHTMARES?

NATHAN: YEP.

PRESENTER: DO YOU STILL WAKE UP AND VOMIT?

NATHAN: YEP. YEP. PROBABLY EVERY SECOND OR THIRD NIGHT AT LEAST. UM, IT'S.. YEAH, KIND OF MAKES IT INTERESTING. I'VE BEEN.. I'M NOW MARRIED BUT IT'S.. LUCKILY I'M VERY, VERY LUCKY TO HAVE A.. SUCH AN UNDERSTANDING LOVING WIFE BECAUSE THERE'S A LOT OF THINGS THAT AS A WIFE SHE HAS TO DEAL WITH AS WELL AND THAT'S DEFINITELY ONE OF THEM, YOU KNOW, BECAUSE SHE MORE OFTEN THAN NOT WAKES UP WITH ME AND I MEAN I CAN'T IMAGINE HOW HARD IT MUST BE FOR HER TO DEAL WITH IT.

PRESENTER: CAN YOU IMAGINE GETTING OVER THIS?

NATHAN: YEAH, MAYBE ONE DAY.

PRESENTER: BECAUSE IT MUST FEEL LIKE IT'S WITH YOU FOR EVER?

NATHAN: IT CERTAINLY DOES WHEN YOU KNOW EVERY, SECOND DAY OR EVERY SECOND WEEK IT'S BROUGHT UP AGAIN AND RUBBED IN YOUR FACE.

PRESENTER: SO IT'S PAINFUL TO SEE PETER ELLIS ON THE TELEVISION?

NATHAN: YEAH, AND I MEAN IT'S NOT JUST THE TELEVISION IT'S YOU KNOW, THE NEWSPAPERS, THE RADIO, PEOPLE TALK ABOUT IT, YOU KNOW. I MEAN EVEN AT JOBS I'VE HAD AND THAT, PEOPLE HAVE BEEN.. IT'S BEEN IN THE NEWSPAPER OR THE NEWS AND WHATEVER AND PEOPLE ARE SITTING ROUND

IN THE SMOKO ROOMS TALKING ABOUT IT AND YOU KNOW.. AND I MEAN THEY'RE TOTALLY UNAWARE AND THEY TURN TO YOU AND ASK YOU FOR YOUR OPINION BUT I MEAN YOU KNOW, HOW DO YOU DEAL WITH THAT TO THESE PEOPLE THAT YOU DON'T REALLY YOU KNOW.. YOU KNOW I MEAN, I.. A LOT OF THE PEOPLE THAT I'VE WORKED WITH HAVE BEEN OLDER THAN ME SO I'VE NEVER REALLY SOCIALISED WITH THEM AT ALL AND IT'S QUITE DIFFICULT TO YOU KNOW, DEAL WITH THAT WHEN YOU KNOW, I MEAN YOU DON'T REALLY WANT THEM TO KNOW BUT YOU, YOU KNOW, YOU CAN'T JUST SORT OF SIT THERE.

PRESENTER: WOULD YOU LIKE THERE TO BE A ROYAL COMMISSION TO CLEAR THIS UP ONCE AND FOR ALL?

NATHAN: UM, THAT DEPENDS. I MEAN THERE'S SO MUCH PUBLICITY AND CRAP SURROUNDING THIS THING THAT YOU KNOW, I CAN'T REALLY SEE HOW IT COULD BE A FAIR ONE. I MEAN PARTICULARLY IF SOME OF THESE PEOPLE THAT HAVE SIGNED THIS THING FOR HIM OR SAYING THAT YOU KNOW, SOMETHING NEEDS TO BE DONE, ARE ON THE BOARD OR THE PANEL OR WHATEVER HEARS IT BECAUSE YOU KNOW, IT'S JUST.. ALL PEOPLE WHO HAVE EVER HEARD IT THIS WHOLE TIME HAS BEEN HIS SIDE OF THE STORY AND THAT'S WHAT A LOT OF THEM ARE BASING THEIR OPINIONS ON. I MEAN THAT'S WHAT THAT WOMAN WROTE A BOOK ABOUT SO YOU KNOW, HOW CAN YOU.. HOW CAN YOU REALLY DO ANY JUSTICE WHEN YOU KNOW.. THE PUBLIC HAS GOT SUCH A ONE-SIDED ATTITUDE.

PRESENTER: BUT WITHOUT A ROYAL COMMISSION IT'S NOT GOING TO GO

AWAY, IS IT? YOU'RE STILL GOING TO BE PICKING UP THE PAPER AND SEEING HIS FACE FROM TIME TO TIME AND HE'S STILL GOING TO BE ON THE TELE AND HE'S STILL GOING TO BE ON THE RADIO AND IT'S STILL THERE?

NATHAN: YEAH, EXACTLY. THAT'S WHY I MEAN IT'S A HARD ONE TO CALL REALLY.

PRESENTER: AND HE'S NEVER GOING TO ADMIT HE DID IT?

NATHAN: NO, NO, THAT'S FOR SURE. I MEAN HE COULDN'T.. COULDN'T NOW ANYWAY AFTER ALL THESE BLOODY YEARS BUT UM, IT WOULD BE NICE BUT I MEAN, AS FAR AS I'M CONCERNED HE HASN'T YOU KNOW.. HE HASN'T SERVED ENOUGH TIME.

PRESENTER: WERE YOU ABUSED BY MORE THAN ELLIS?

NATHAN: YEAH, YEP.

PRESENTER: WERE OTHER CHILDREN THERE AT THE SAME TIME?

NATHAN: YEP.

PRESENTER: DO YOU KNOW WHETHER THOSE WERE THE CHILDREN THAT WERE INVOLVED IN THE COURT CASE OR NOT? I'M THINKING THEY PROBABLY AREN'T BECAUSE OF THE TIME?

NATHAN: YEP, I HAVE NO IDEA. I'VE NEVER.. NEVER CONTACTED OF THE CHILDREN OR ANYTHING FROM WHEN I WAS THERE AND I'VE NEVER REALLY YOU KNOW, WANTED TO DREDGE ALL THAT UP AGAIN.

PRESENTER: LET'S COME BACK TO YOUR MOTHER FINALLY. YOU.. I MENTIONED A PRIVATE PROSECUTION A LITTLE EARLIER AND YOUR SON WAS OBVIOUSLY A BIT SURPRISED BY THAT, BUT YOU HAVE CONSIDERED THAT, HAVEN'T YOU?

MOTHER: YES WE HAVE. WHEN NATHAN TOLD ME, OR MY SON TOLD ME, ABOUT THE CRÈCHE, I ASKED HIM WHAT HE'D LIKE TO DO ABOUT IT. I SAID TO HIM.. AND HE SAID WHAT WERE HIS OPTIONS AND I SAID WELL, WE COULD GO AND WE COULD GO AND TALK TO OUR DOCTOR WHICH WE DID AND SHE TALKED TO NATHAN AND RECOMMENDED COUNSELLING. HE HAD SOME COUNSELLING AT THE TIME. WE ALSO WENT TO THE POLICE AND WE ACTUALLY WENT TO THE POLICE FOUR YEARS AGO AND THEY HAVE BEEN TO-ING AND FRO-ING FOR THE LAST FOUR OR FIVE YEARS. WE WENT.. WHEN HE WAS ABOUT.. NOT LONG AFTER HE TOLD ME WE WENT TO THE POLICE AND WE HAVE WAITED FOR QUITE A LONG TIME AND FINALLY THIS YEAR THEY TOLD US THAT DUE TO PUBLIC OPINION BEING SWAYED, HALF THE POPULATION BELIEVED HE WAS INNOCENT, HALF BELIEVED HE WAS GUILTY. THERE'D BEEN A LOT OF MONEY SPENT ON THE CASE, IT WAS HISTORICAL. THEY GAVE ALL SORTS OF REASONS WHY THEY WEREN'T GOING TO VISIT IT AGAIN BUT THEY SAID THEY WOULDN'T CLOSE THE CASE, THEY WOULD HOLD IT OPEN AND IF ANY OTHER CHILDREN COME FORWARD THEY WOULD REVISIT IT THEN. I THINK THEY DID TRY TO

HE WAS THERE, A LOT OF THESE OTHER YOUNGER CHILDREN WOULDN'T HAVE BEEN ABUSED AND I SAID TO HIM THAT THAT IS NOT YOUR BAGGAGE.

PRESENTER: DO YOU REALLY THINK THAT, THAT HE COULD HAVE STOPPED IT?

NATHAN: MMM.

MOTHER: HE FELT THAT. HE FELT THAT HAD HE TOLD SOMEBODY THEN HE WOULD HAVE SAVED A LOT OF THESE OTHER CHILDREN FROM ABUSE AND I SAID TO HIM YOU CANNOT FEEL GUILTY FOR THAT AND HE.. THAT DOES UPSET HIM A LOT.

PRESENTER: WELL, I APPRECIATE YOU BOTH JOINING US FOR THIS CONVERSATION AND I KNOW IT'S BEEN A DIFFICULT THING TO TALK ABOUT.

MOTHER: VERY DIFFICULT.

PRESENTER: AS I SAID AT THE OUTSET, WE PRE-RECORDED THAT INTERVIEW, CLEARLY FOR LEGAL REASONS, AND WE HAVEN'T.. WE HAVE DELIBERATELY NOT USED THE NAME OF THE BOY ALTHOUGH HIS MOTHER THERE REFERRED TO HIM BY HIS FIRST NAME NATHAN, AND THAT WAS AT THE WISHES OF THE FAMILY.

ENDS