

King New Zealand

# NORTH & SOUTH

Mr NZ Boss

## ROB FYFFE UPFRONT

"I had his light on and was answering emails through the night. I remember looking over and seeing him in tears... It wasn't how I imagined the CEO would be."

...Gould, whose partner Murray White was killed in the November crash of an Air NZ A320 in France.



### IS DAYCARE BAD FOR BABIES?

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magazine

# Columns

APRIL 2009

## + Upfront

### Editorial

Butt out. page 8

### Letters

A parent's sobering school-choice story, arguments for and against 1080, and the Mark Lundy murder story continues to raise concerns among readers. page 12

### Choice Events

Our selection of events around the country. page 20

### The Month That Was

Misprints, mouth-offs and media curiosities. page 24

## + Review

### Health & Wellbeing

Margo White wonders whether health insurance is worth it. page 84

### Politics

It's early days, but Guyon Espiner thinks John Key's pragmatism and relentless optimism are working. page 86

### NZ Books

Warwick Roger reviews Stephanie Johnson's *Swimmers' Rope* and seven other books. page 88

### International Books

Our roundup of the best from overseas. page 90

### Media

Deborah Hill Cone calls on TVNZ to stop "sexing up" the news. page 91

### Classical Music

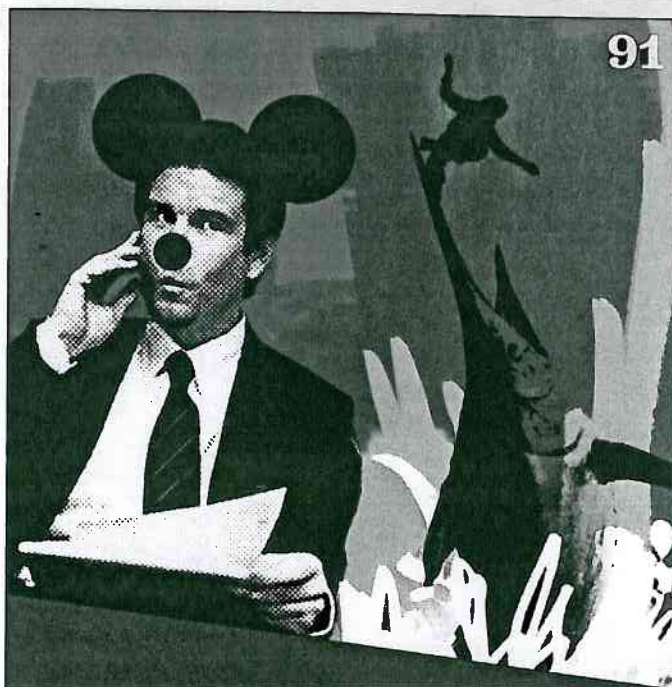
Peter Shaw recommends Stephen Kovacevich playing Beethoven. page 92

### Poetry

Kapka Kassabova's *Cicadas*. page 92

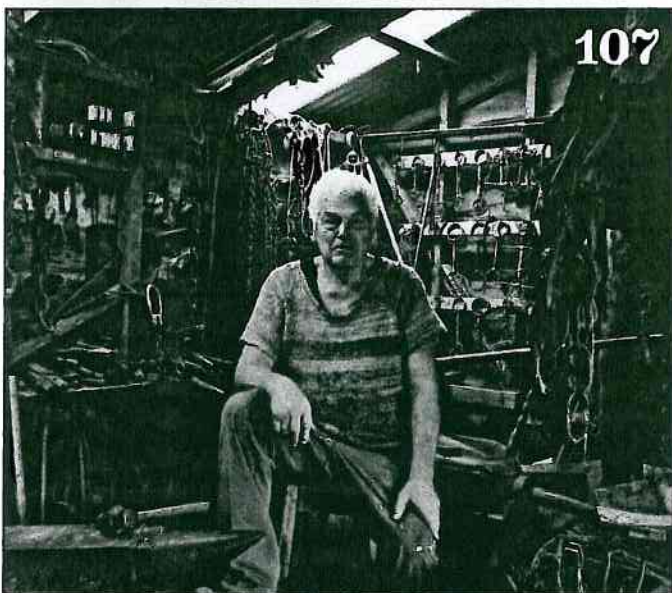
### Popular Music

Simon Sweetman reviews five albums. page 93



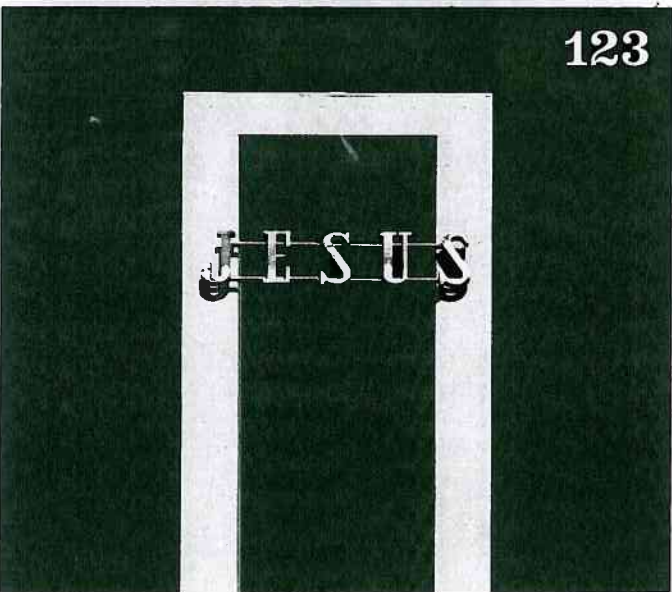
91

MATTHEW STRAKER



107

GARETH EVANS



123

KEN DOWDIE

**Quote of the issue**  
“Rob’s strength is that he doesn’t have any weaknesses. Some people are good on process but not people. He’s really good at all the things it takes to be a good CEO.”

Theresa Gattung on Air NZ CEO Rob Fyfe, page 34.

## + Good Times

### Recipes

Sean Armstrong serves up an Easter feast. page 94

### Recommends

Orie of the country’s best small museums, a taste of Italy in Tauranga, a very personal Anzac story, a sailing school and delicious figs. page 107

### Visiting

Sue Hoffart goes to Gisborne and catches the Eastland spirit. page 110

## + EndNotes

### Puzzles

Graeme Wilson’s Crossword, Whiz Quiz plus puzzles and a competition for wordsmiths. page 120

### Last Words

Nostalgia, grammar and brainteasers — word play with Paul Little. page 122

### Last Picture Show

page 123

**“Only as a result of a massive street protest and numerous petitions was Coromandel town spared 1080 in its water catchment. Still Environment Waikato continues to push poisons onto our communities.”**

between advocates of 1080 and those conservationists who are opposed to poisoning our environment. Originally used in inaccessible areas, aerial 1080 is now used indiscriminately and close to human habitation, causing many communities to rebel.

In the Waikato, we have a regional council which in 2006 used nearly 50 per cent of all the 1080 dumped onto our country for non-TB purposes. Only as a result of a massive street protest and numerous petitions was Coromandel town spared 1080 in its water catchment. Still Environment Waikato continues to push poisons onto our communities.

DoC used to be populated by fine conservationists like the great Bill Axbey, individuals prepared to do the hard yards, but now it's so much more comfortable for office workers to direct pilots to dump poison. The Parliamentary Commissioner for the Environment in 1994 stated it was more cost-effective to use hunters and trappers over large areas of country and suggested DoC train more.

Reflecting concerns over “significant effects on non-target organisms, unused baits and poisoned carcasses”, the Nature Conservation Council (1962-1990) stated “no 1080 in national parks or sanctuaries”. Toxin 1080 certainly has not brought possum numbers down. It has poisoned our wilderness for 50 years, and yet DoC and Forest & Bird believe there are 70 million possums still out there.

We all love the bush and it's time bounties and skin subsidies were reinstated. It's time DoC, regional councils and the AHB woke up: 1080 is not working.

**Reihana Robinson, Upper Coromandel Landcare Association, Port Charles**

### School Pool Success

I read with interest Virginia Larson's editorial on school pools and the decline in the swimming ability of New Zealand children. I feel the Ministry of Education has a responsibility to fund swimming education and school pools so all our children learn to swim competently at a young age. However, I also feel schools and parents can't necessarily wait for this to eventuate.

We are a low-decile rural school, yet we have managed to retain our school pool. At Waitahe Valley School, staff and parents feel learning to swim is vital for our children given that we are surrounded by coast and rivers.

Private swimming lessons would be too expensive for many, not to mention having to travel to the nearest town pool. Fundraising by the PTA, along with help from a team of parent volunteers, means we're able to keep our school pool open from term four, through the summer holidays into term one. (The cost of chemicals over the summer holidays was \$1000.)

We are very lucky to have staff who are experienced at teaching swimming. Lessons are also offered to some children for free after school. As a result, our children are all strong swimmers.

It's amazing what a committed community can achieve on the smell of an oily rag!

**N. Robinson,  
Waitahe Valley School, Opotiki**

### Humour Intact

In his non-review of Philip Temple's new memoir *Chance Is a Fine Thing*, Warwick Roger makes the extraordinary comment that he suspects “there is little humour in the author's life”. As Philip's wife, I would like to assure him that much laughter does exist in the Temple-Brown household. And if he had been lurking around outside our house when we read his miserable account of Philip's book, he would also have heard the guffaws of disbelief. His piece is a fine example indeed of hack review writing, which attacks an author for no apparent reason. A case of envy perhaps?

**Diane Brown, Dunedin**

### Lundy Revisited

I was most intrigued by your latest article dealing with the case of Mark Lundy (*The Lundy Murders: What the Jury Didn't Hear*, February). Along with a television cameraman, I was one of the first journalists on the scene at Karamea Cres, Palmerston North, the morning the bodies were discovered.

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## NORTH &amp; SOUTH

The Lundy Murders

WHAT  
THE JURY  
DIDN'T  
HEAR

In 2002 Mark Lundy was found guilty of murdering his wife and daughter. But new evidence, undisclosed police information and expert opinion raise major questions about his conviction.

**“Along with a television cameraman, I was one of the first journalists on the scene at Karamea Cres, Palmerston North, the morning the bodies were discovered.”**

The scene was heavily guarded and I recall approaching a policewoman, a scene guard, and (as journos do) trying to elicit some information. Her reply was: “I can’t believe that a man would do such a thing to his wife and daughter.”

Now that was an odd statement to make considering forensics had hardly started. In fact, I don’t think the forensic team had even arrived at the address.

I attended the depositions and most of

the hearings and was convinced Lundy was indeed the culprit.

Your article pointing out that the jury did not hear all the available evidence has cast doubt in my mind, at least.

Keith Richards, Wanganui

### Judging Juries

As Jane Austen might have said, it is a truth universally acknowledged that, even in the best justice systems, miscarriages of justice occur.

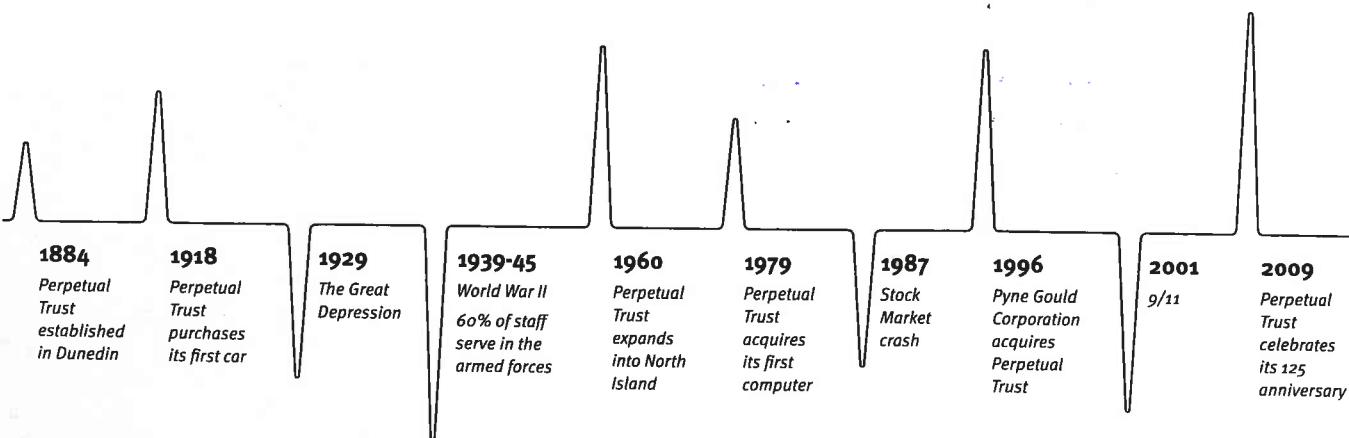
At a constitutional level, the history of New Zealand’s approach to miscarriages of justice is the history of ongoing tensions between the right of Parliament to make laws and the right of courts to interpret them. At an operational level, it is a story of politicians passing laws to force courts to recognise and correct miscarriages of justice, and of courts passing judgments to thwart those laws. Nothing illustrates this ongoing tension more vividly than the Court of Appeal judgment in the Lundy case.

Mark Lundy’s appeal was based on section 385 (1) (a) of the Crimes Act (1961). This states that the Court of Appeal “must allow

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**“The problems created by the unwillingness of the Court of Appeal to overturn jury verdicts, no matter how unreasonable, extend far beyond any individual case. If justice is not seen to be done in these cases, the public will lose respect for the justice system.”**

the appeal if it is of the opinion... that the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence”.

Throughout our legal history, a provision of this sort has appeared in every law relating to the Court of Appeal. *Hansard* makes Parliament's intention clear: if a jury verdict is clearly wrong, then that verdict can and should be overturned.

No evidence was presented at the Lundy trial to support the Crown claim that it was possible for the accused (or anybody else) to drive from Petone to Palmerston North, fake a break-in, commit two murders, alter a computer, dispose of weapons and clothing, and return to Petone in under three hours. Evidence was presented showing that the Crown time-frame was “unreasonable and could not be supported having regard to the evidence”.

Nonetheless, not for the first time in our legal history, the Court of Appeal declared the jury verdict sacrosanct. In his judgment on behalf of the court, Justice Andrew Tipping concluded that – despite evidence raising serious doubts about the Crown claim – the jury could reasonably have found that Mr Lundy had made the return journey in the required time.

The problems created by the unwillingness of the Court of Appeal to overturn jury verdicts, no matter how unreasonable, extend far beyond any individual case. If justice is not seen to be done in these cases, the public will lose respect for the justice system. And without the respect of the public, the justice system simply will not work.

**Dr Lynley Hood, Dunedin**

### **Faith Tested**

When I was growing up, I believed that if I was wrongly accused of something, then during the investigation evidence would come forward that would make it obvious I was innocent and I'd be acquitted. I no longer hold that view and I haven't for some time.

I was married to a police officer for more than 20 years and by and large I still have faith in the police work undertaken on our behalf. However, there is a disturbing trend in the CIB generally and in major investigations – high-profile homicides in particular – for a suspect to be “identified” early on in the investigation and evidence assembled that supports only that view; to the extent that evidence to the contrary is sidelined or ignored and only a very sharp defence team will challenge the conventional wisdom or have the time and money to range further afield for “expert” witnesses.

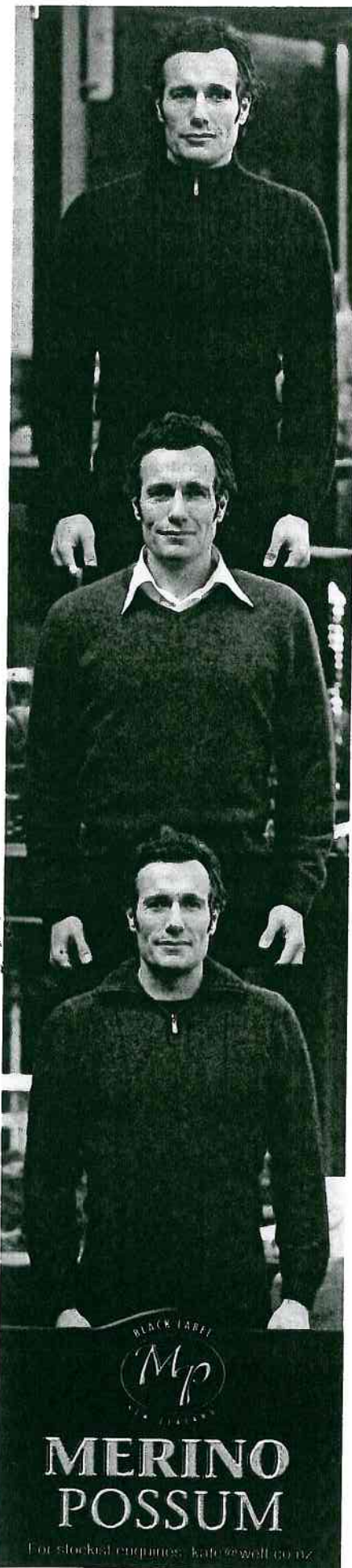
There appears to be an element of desperation to resolve these very public cases as quickly as possible and I would suggest this pressure comes from police management – but more importantly it also seems this may come at the expense of thorough and independent assessment of all evidence.

I am aware of the thousands of man-hours that go into an investigation, but if it is largely to bolster a particular premise that has been decided on, then the system is clearly flawed.

In regards to the Lundy case, I and many other members of the public accepted the portrayal of this man as a calculating killer, but closer inspection reveals a paucity of real evidence and one is left wondering – what was the compelling motive? Where was the financial gain that a straw poll among my work colleagues concluded was the central motive?

The Crewe murders were a dark and disappointing time in New Zealand policing, when we all saw the extent to which some officers would go to secure a conviction. They may not be planting evidence today, but the selective use of evidence that only supports a prosecution, together with the use of the media to portray an offender in a particular context – like Dougherty, Watson, Bain and Lundy – does nothing to give me confidence that all those who sit in prison are correctly convicted or that you or I would receive the fair or impartial hearing we naively believe is our right and the responsibility of the police and judiciary to deliver. This process is overdue for review.

**P. Murrell, Wellington**



**“If the Lundy victims were killed much later in the evening than the prosecution claimed, then Mark Lundy could have returned in the small hours of the morning to commit the murders.”**

#### **Time of Death**

If the Lundy victims were killed much later in the evening than the prosecution claimed, then Mark Lundy could have returned to Palmerston North from Petone in the small hours of the morning to commit the murders. That eliminates the problem of explaining how he could have done the trip from Wellington and back at breakneck speed.

If he had done it after midnight, he would have had all the time he needed, on quiet roads, without breaking any speed limits.

**Roderick Mulgan, Remuera**

*Response from senior writer Mike White (to a number of letters suggesting this scenario):*

*Given that evidence shows Mark Lundy was with a prostitute in Petone until about 12.45am, this scenario means Lundy would have had to carry out the murders some time after 2.15am at the earliest.*

*This would rule out all Margaret Dance's evidence along with the judgments of pathologist James Pang.*

*The police and the Crown did not believe the murders were committed at this time and had no evidence to support this. The trial judge stated that if the jury was not satisfied with the 7pm time of death, Lundy should be acquitted.*

*If it is now alleged Lundy killed his wife and daughter after 2.15am, he at least deserves to be retried on this basis.*

#### **Wrong Assumption**

The whole basis of the claim that Mark Lundy is innocent really boils down to one assumption that may not be true: it was Lundy who answered his cellphone in Petone at 5.30 on the night he committed the murders. What if someone else answered the phone?

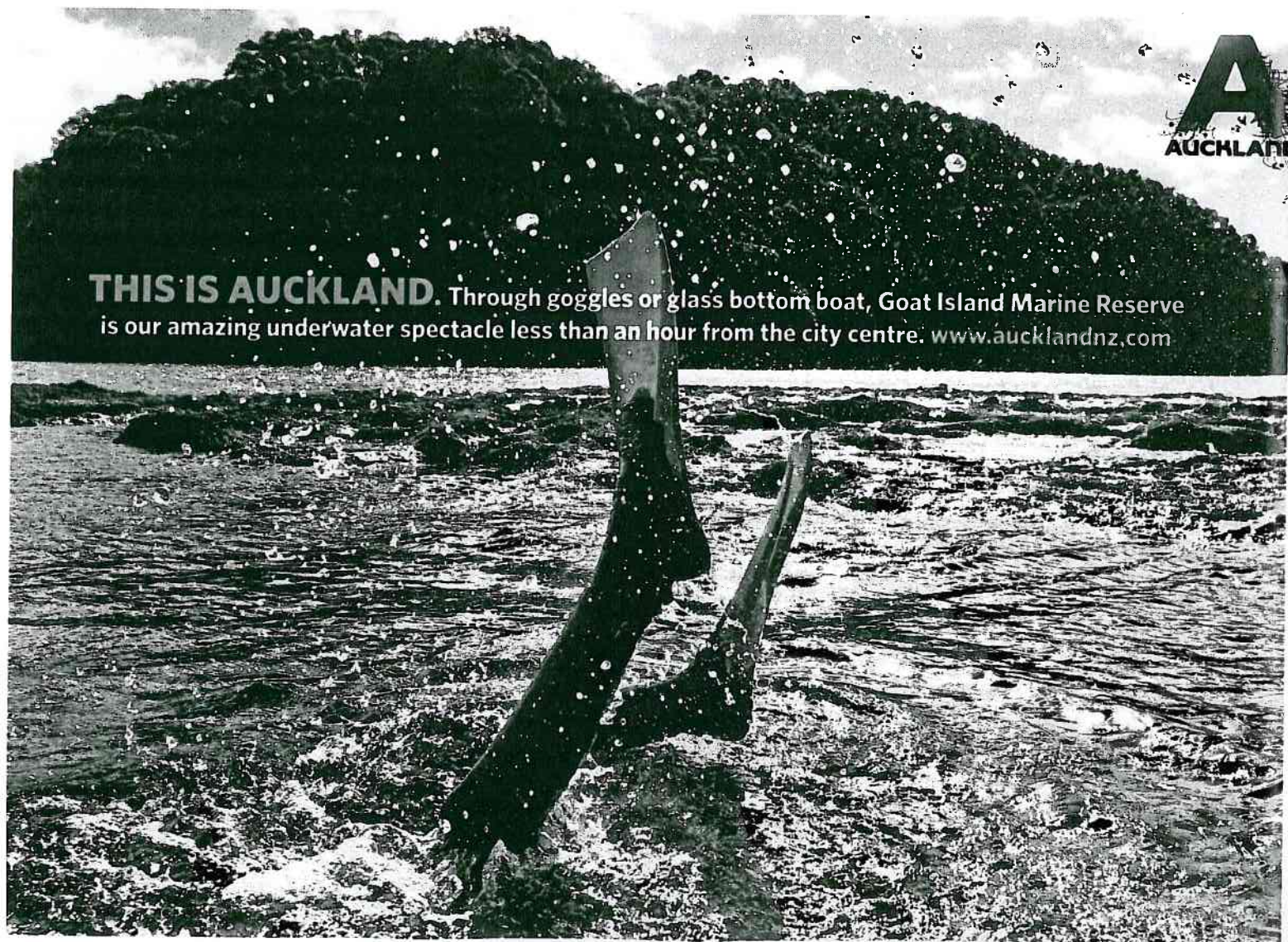
Here is a perfectly plausible scenario: at 4.30pm or thereabouts, Mark Lundy leaves Petone and drives home. He leaves his cellphone behind, which could have been deliberate or accidental.

At 5.30pm, he would be near Levin when his wife calls his cellphone but someone else answers it. She is naturally concerned and it takes several minutes to assure her all is well. That call establishes his alibi.

He arrives home just after 6pm, unaware that he has been seen by a nosy, half-blind woman down the road who gets the time confused. To his surprise his daughter is home (she is supposed to be at Pippins, but it was cancelled). He kills his wife as planned but, for reasons unknown, he kills his daughter as well, probably because she caught him in the act. He turns off his daughter's TV, does a few things to cover his tracks, and then heads back to Petone.

To get to Petone without attracting too much attention, he leaves about 6.30. At 8.29 he arrives in Petone and calls a friend after retrieving his phone.

At 10.52 the power-save shuts down the main computer in the house.



Rather than proving Lundy's innocence, Mike White simply proves the opposite. In essence, the police, and the jury, got the answer right.

**Miles Lacey, Kapiti Coast**

*Mike White responds:*

The police and the Crown never suggested the above scenario – that Lundy left Wellington at 4.30pm, murdered his wife and daughter between 6 and 6.30, then returned to Petone – for good reason.

Receipts show Lundy bought dinner in Petone at 4.45pm. Christine and Amber Lundy bought McDonald's at 5.43pm then drove home – about 10 minutes away.

They would have needed to have eaten the sizeable meal within a matter of minutes if Mark Lundy murdered them around 6pm.

Furthermore, Lacey's scenario requires Christine and Amber to have then gone straight to bed, just after 6pm, which hardly seems "perfectly plausible".

If they were killed before 6.30pm, can Lacey explain how Christine Lundy took a phone call from Julie Burnett at 6.56pm?

Unless Mark Lundy had an accomplice whom police have never found, it seems strange the person who received the eight-minute phone call from Amber and Christine at 5.30pm on Mark Lundy's phone has never come forward.

For the record, Amber did not have a television. It was Christine's that was turned off.

**Dubious DNA**

May I commend Mike White on his investigation into the Lundy case. White's writing is especially clear on the complex issues of the DNA component. I can't help believing the only people who still stand by the original assessment are those who made it.

I watched the [February] TV One docu-drama *Until Proven Innocent* on the wrongful conviction of David Dougherty, in which the Institute of Environmental Science and Research (ESR) also made a highly dubious statement in regards to DNA: "I find no trace of the offender's DNA; however I can't exclude him."

Please keep following the Lundy saga. Eventually Mark may achieve justice.

**Alastair Laing, Wanganui**

**Praise From an Expat**

I'm usually sceptical about what I read in magazines and newspapers, so I was pleasantly surprised to read *The New Zealander of the Year 2009* (January) and find the portrayal of Murray Burton, principal of Elim Christian College, to be extremely accurate.

As a former staff member of Elim Christian College (2006-2007), I had the privilege to get to know Murray very well. I was in my first two years of teaching and Murray never seemed to tire of listening to my questions and opinions about teaching and life in general. His door was always open and he would immediately stop what he was doing when I quietly knocked on his door with an idea or issue consuming my thoughts.

It was during my last year at Elim that I personally experienced what you quoted in your article, that Murray is "a man secure enough in himself to recognise and foster potential in others".

I was unsure about teaching as a career and instead of doing what many principals would have done – try to keep me in this career, and at his school – he encouraged me to search for answers only I could find.

I resigned from Elim at the end of 2007 and had six months before heading overseas to work in an international school in the Middle East with my husband.

It was through Murray's references that I found two amazing part-time jobs, one at Mercy Ministries and one at Quantum Sport. The knowledge and skills I gained through my time at Elim enabled me to benefit both organisations.

Young people in New Zealand today and all over the world (it's no different where I am in the Middle East) are searching for someone who will teach them not only how to achieve academically but also how to achieve in life. Schools such as Elim are doing their best to fill this need.

**Jenny Barrow, Doha, Qatar**

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**+ This Issue's Solutions (see puzzles, page 120)**

REPEATING  
PEERING AT  
QUACKING  
QUICK NAG  
PUSHING  
GUNSHIP  
ORBITS  
BISTRO  
NIGHT  
THING

**Alphabet Answers**

L	E	A	S	H
L	E	N	D	S
O	P	E	R	A
R	U	R	A	L
D	R	A	W	S

**5x5 Answers**

1. Leo. He was born on August 9, 1961. United States Secretary of State. The position was previously held by Condoleezza Rice.
2. Richard Nixon.
3. Indonesia.
4. The Dutch East Indies.
5. The Ensign.
6. As You Like It.
7. Paula Bennett.
8. Brothers Ruban and Kody Nielson, and Paul Roper. Bass guitarist Michael Logie left the band late last year. There's not a chick among them.
10. They both came to grief on Barretts Reef at the entrance to Wellington Harbour, the Wahine in 1968, the Wanganella in 1947. The Wanganella survived the mishap, and was later put to use as accommodation for Manapouri power project workers.
11. St Elmo.
12. Nom\*D designer Margi Robertson, quoted in Stacy Gregg's book *Undressed* (2003).