

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
FAITH-BASED REDRESS INQUIRY HEARING**

Under The Inquiries Act 2013

In the matter of The Royal Commission of Inquiry into
Historical Abuse in State Care and in the
Care of Faith-based Institutions

Royal Commission: Judge Coral Shaw (Chair)
Dr Andrew Erueti
Ms Sandra Alofivae
Ms Julia Steenson

Counsel:

Mr Simon Mount, Ms Hanne Janes, Ms Kerryn Beaton, Ms
Katherine Anderson, Mr Joss Opie, Ms Echo Haronga, Ms Tania
Sharkey, Mr Michael Thomas, Ms Jane Glover and Ms Lorraine
MacDonald appear for the Royal Commission

Ms Sally McKechnie, Mr Alex Winsley, Mr Harrison Cunningham
and Ms Fiona Thorp appear for the Catholic Church

Mrs Fiona Guy Kidd, Mr James Anson-Holland and Ms India
Shores appear for the Anglican Church

Ms Jenny Stevens and Ms Helen Thompson appear for the
Salvation Army

Venue: Level 2
Abuse in Care Royal Commission
of Inquiry
414 Khyber Pass Road
AUCKLAND

Date: 30 November 2020

TRANSCRIPT OF PROCEEDINGS

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OPENING REMARKS

(Opening mihi and waiata)

CHAIR: E ngā mana, e ngā reo, e ngā hau e whā tēnā koutou,
tēnā koutou, tēnā rā koutou katoa.

Welcome to everybody here today, particularly to the survivors of abuse who are here in person and who are watching on livestream, you are most welcome.

Welcome also to the representatives of the three Churches about whom we will be hearing evidence over the next two weeks. Thank you for coming and you also are most welcome.

I would like, as the Chair of the Royal Commission, to introduce my fellow Commissioners who are sitting here today. First, Dr Andrew Erueti.

COMMISSIONER ERUETI: Tēnā koutou katoa. Ko Anaru Erueti tōku ingoa. He uri nō te waka o Aotea. Ko Ngā Ruahinerangi, ko Ngāti Ruanui ngā iwi. Ko te mihi tuatahi, kei te mihi ki te tangata whenua o tēnei rohe, Ngāti Whātua Ōrākei. Tēnei te mihi nui ki ngā iwi taketake o te Pacifica kua tae mai ki te tautoko i te karanga o te rā. Nō reira, nau mai, haere mai koutou, kia ora.

CHAIR: Kia ora, Andrew. Ali'imua Sandra Alofivae.

COMMISSIONER ALOFIVAE: I le ava ma le fa'aaloalo lava, oute fa'atalofa atu ile pa'ia ma le mamalu o lo ua aofia, aiga, uo ma e masani ua omai e lagolago mai. Malo le soifua maua ma le lagi e mama (With the deepest respect, I greet you in this sacred space, family, friends and everyone here to support. Welcome. warm greetings and much respect to everyone here in the room.)

CHAIR: Thank you, Sandra. And Julia Steenson.

COMMISSIONER STEENSON: Julia Steenson. Tēnā koutou katoa. Ko Julia Steenson ahau. Ko Ngāti Whātua rāua ko Tainui ōku iwi. Ngā mihi nui ki a koutou katoa. Tēnā koutou. (Good

1 morning, I'm Commissioner Julia Steenson and I am of Ngāti
2 Whātua and Tainui descent, thank you very much for coming
3 today.) Now I'll take appearances.

4 **MS ANDERSON:** Tēnā koutou katoa, I am Katherine Anderson,
5 appearing with a sizeable Counsel Assisting team here this
6 morning, with Mr Simon Mount, Ms Kerry Beaton, Ms Hanne
7 Janes, Ms Jane Glover, Mr Michael Thomas, Ms Tania Sharkey
8 and Ms Echo Haronga and, Commissioners, there will be
9 further Counsel Assisting that you will meet in the course
10 of the hearing as they are leading evidence from the
11 survivors.

12 **CHAIR:** I note we also have our solicitor here as well,
13 Mr Powell.

14 **MS ANDERSON:** Yes, Mr Thomas Powell, and Ms Rebecca
15 Harvey-Lane and Ms Lucy Wesley-Smith.

16 **CHAIR:** Thank you very much.

17 **MS McKECHNIE:** Mōrena Commissioners, rangatira. We appear
18 for the Bishops and Congregational Leaders of the Catholic
19 Church in Aotearoa. Ms Sally McKechnie and I will be
20 supported over the next two weeks by Mr Alex Winsley,
21 Mr Harrison Cunningham and Ms Fiona Thorp.

22 **MRS GUY KIDD:** Tēnā koutou, ko Mrs Guy Kidd ahau. Ka tū
23 mātou ko Ms India Shores, Mr James Anson-Holland, Anglican
24 Church of Aotearoa New Zealand and Polynesia, Anglican care
25 providers and most Anglican schools. Good morning
26 Commissioners, I appear for the Anglican Church with my
27 colleagues, Ms India Shores and Mr James Anderson-Holland.

28 I note that yesterday marked the start of the season of
29 Advent where Christians move out of darkness into light and
30 look forward with hope to the promise of what is to come, a
31 season of new beginnings; it seems apt for this part of the
32 Commission's work. May it please the Commissioners.

33 **CHAIR:** Thank you, Mrs Guy Kidd.

34 And we have representatives from Salvation Army.

1 **MS STEVENS:** Counsel's name is Jenny Stevens, I appear with
2 Ms Helen Thompson and we are here for the Salvation Army
3 and we are looking forward to listening and learning over
4 the next two weeks.

5 **CHAIR:** Thank you, Ms Stevens. And our last but not least
6 core participant is the Network of Survivors.

7 **MR HEASLEY:** Mōrena, tēnā koutou katoa, koutou katoa. I am
8 Dr Murray Heasley, Network spokesperson.

9 **MS TONKS:** And Liz Tonks, I am joining Murray today.

10 **CHAIR:** Ms Tonks and Dr Heasley, the microphone wasn't on
11 and I would hate your introduction to fall on deaf ears.

12 **MR HEASLEY:** Mōrena again, tēnā koutou katoa. I am
13 Dr Murray Heasley, a Network spokesperson for the Network
14 of Survivors of Abuse in Faith-Based Institutions and
15 supports, this is my associate Ms Tonks and we are very
16 happy to be here today. Ngā mihi katoa.

17 **CHAIR:** Ngā mihi, thank you both. So, now we've all
18 introduced each other, we are about ready to commence. I
19 just want to make one thing very clear. This first two
20 weeks of hearing, which is looking into redress systems in
21 faith-based institutions, comprises solely survivor
22 witnesses and these are people who have bravely decided
23 that they can and will share their accounts and their
24 experiences with the Commission and with the whole of
25 New Zealand who is watching.

26 We are very mindful that this is a very difficult and
27 painful and could be painful experience for them and so the
28 Commissioners are guided by the survivors as to whether we
29 ask them questions or not. Each survivor has their own
30 preference about that. If we do not ask questions, it is
31 not because we're not listening but we are respecting the
32 requests of the survivors and so, I just want to make that
33 quite clear. We will be sitting, we will be listening and
34 we will be hearing.

1 So, thank you all, Ms Anderson, I invite you to
2 commence.

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OPENING SUBMISSIONS BY COUNSEL ASSISTING - MS ANDERSON

Tēnā koutou katoa ngā rangatira mā e huihui nei ki te kaupapa. Ngā mihi mahana ki te mana whenua o Tāmaki Makaurau ko Ngāti Whātua Ko Katherine Anderson ahau.

Greetings to the Commissioners, I acknowledge the mana whenua of this place, Ngāti Whātua and also greetings to everyone who is in attendance today, whether in person or virtually.

As I indicated in the introduction, I am Counsel Assisting, leading this faith-based redress hearing. There is a significant collaborative effort that's gone into being able to present the evidence that you're hearing today and also to collect the witness statements of those who have given evidence but who are not giving oral evidence. I won't name those individuals today but it is a very significant team and not to be underestimated the effort it's taken to get us from a decision post-Covid lockdown number 1 through to having this hearing here, so the hands of many are in the work that the Commissioners are receiving in this two week hearing.

Before I begin the formal part of my opening, I wish to make some acknowledgments, again acknowledging Ngāti Whātua, not only as mana whenua of this place but also of the presence that is guiding us with waiata to open and close each day of this hearing.

I also acknowledge emphatically the victims and survivors giving evidence at this hearing and those victims and survivors who have worked very diligently with Counsel Assisting as we have prepared their witness statements with them. But also their whānau and supporters who have supported them through that not always easy process and including those whānau and supporters who are at this hearing to continue to provide that support.

1 I also acknowledge the core participants appearing in
2 this hearing, clearly these are the faith-based
3 participants, the Anglican Church, the Catholic Church and
4 the Salvation Army. I also acknowledge the Network of
5 Survivors of Abuse in Faith-based Institutions and their
6 Supporters.

7 Others attending here today including members of the
8 Survivor Advisory Group.

9 I also want to acknowledge the important contextual
10 evidence that was received by this Commission at its first
11 hearing, including that of the Emeritus Professor Desmond
12 Cahill and Dr Peter Wilkinson relating to sexual abuse in
13 the Catholic Church, the Anglican Church and the Salvation
14 Army among other religious institutions that they refer to
15 in their substantial evidence. This has provided an
16 important foundation to the evidence in this redress
17 hearing, including an overview of care and safeguarding in
18 the Catholic Church in New Zealand. In addition there is
19 the evidence provided by Dr Anne Else relating to adoption
20 in post-war New Zealand, relevant to the experiences of
21 witnesses in this hearing, the evidence of
22 Dr Haenga-Collins on the impact of closed stranger adoption
23 on Māori, and also the evidence from Mike Ledingham
24 relating to abuse by a Catholic priest and the response of
25 the Church when notified of that abuse.

26 As I've said, there are the hands of the many who have
27 assisted to get us where we are today, including the
28 wellbeing team that have supported the victims and
29 survivors, the investigators, the Secretariat staff, all of
30 the technical people and of course all of those
31 participating via the livestream.

32 So, having concluded those acknowledgments, it is of
33 course important to acknowledge that this is the second
34 public hearing within the wider redress investigation. The

1 first, which concluded earlier this month, was focused on
2 how the State institutions responded to abuse allegations.

3 This phase of the hearing is to hear from victims and
4 survivors in the care of faith-based organisations.

5 Our Terms of Reference makes it clear that where a
6 faith-based institution assumed responsibility for the care
7 of a child, a young person or a vulnerable adult, that is
8 within our Terms of Reference.

9 Such responsibility can of course come from a very wide
10 variety of settings. For example, care might be in a
11 pastoral context, such as a Sunday school setting,
12 counselling by a religious leader or other interactions
13 between religious leaders and members of that religious
14 community.

15 Other examples include faith-based schools, including
16 boarding schools - and a number of the witnesses you will
17 hear from in this hearing have experienced abuse in that
18 school setting - social services providers or agencies
19 under the umbrella of the religious organisation, including
20 homes for young mothers and orphanages, to name a few.

21 This hearing is about the experiences of victims and
22 survivors of abuse in care when they engaged with the
23 redress and rehabilitation processes adopted by the three
24 faith institutions, including all of their subsidiary
25 entities underneath them.

26 What does this Inquiry mean when you're looking at the
27 redress and rehabilitation processes? As the terms of
28 reference set out, this means when somebody is effectively
29 seeking a remedy, whether it is a monetary remedy or a
30 non-monetary remedy, such as counselling or as we'll hear
31 from some of the evidence, sometimes it can be something
32 like wanting a photograph of a particular person taken down
33 from being on display in a prominent place.

34 I note the religious affiliations in New Zealand, we are
35 not an overly religious country compared to others. In

1 2018 census, there were 314,913 people who identified as
2 Anglican, that's 6.7% of the religious affiliations. And
3 we see across all of these, a downward trend relative to
4 the 2001 census.

5 295,743 persons identified as Roman Catholic, 6.2%, down
6 from 16.86% in the 2001 census. But there is another group
7 of those who identify with Catholicism (but not defined) of
8 a further 173,016 people.

9 And a much smaller number identified as affiliated to
10 the Salvation Army, 7,929 persons, so 0.17% of those with
11 religious affiliations.

12 Currently, and even more so historically, these
13 faith-based institutions that we're looking at here in this
14 hearing have touched the lives of many living in
15 New Zealand. That includes through their respective
16 pastoral care activities but also through the many schools
17 and social services provided by entities associated with
18 them. So, the number of people who were in the care of
19 these institutions is therefore not limited to those
20 affiliated to a particular faith over those years.

21 I pause at this point in the opening to note what this
22 hearing is not about. The core focus of this hearing is
23 not the nature and extent of the abuse in the faith-based
24 institutions. It is not about the factors, whether they
25 are structural, systemic or practical, that caused or
26 contributed to the abuse. It's not primarily focused on
27 the impact of the abuse or the circumstances that led to
28 the person being in the care of the faith-based
29 institutions. These are important aspects of the Inquiry
30 but they are to be explored in-depth in the investigations
31 into the Anglican Church and the Catholic Church and those
32 other faith-based institutions the Inquiry decides are to
33 be investigated.

34 However, Commissioners, you will be receiving evidence
35 of the nature and extent of the abuse of each of the

1 individuals appearing before you and also of the impact
2 that abuse had on them and their whānau and communities.
3 Much of this evidence is disturbing. It sets the context,
4 which is important to understanding the witnesses'
5 experience of seeking redress but also capturing this
6 evidence now means that these witnesses have told the
7 Inquiry their experiences once with that information being
8 relevant to multiple parts of the Inquiry's Terms of
9 Reference.

10 The "looking forward" part of the Terms of Reference
11 includes how redress and rehabilitation processes should be
12 improved for those victims and survivors who report abuse
13 in the future. Obviously, a very important component of
14 the Inquiry's work. The evidence from those we are hearing
15 from in the next two weeks, together with all those who
16 have given witness statements describing their faith-based
17 redress experiences and the evidence that has continued to
18 be gathered relating to that topic, will provide an
19 important evidential foundation for the Inquiry's redress
20 recommendations to be developed in the future.

21 Now, it is important to emphasise that this faith-based
22 public hearing is part of a much broader investigation into
23 the redress and rehabilitation processes of those who were
24 abused in faith-based care. This aspect of the
25 investigation continues well beyond this particular public
26 redress hearing, which in itself is divided into two, with
27 the second part of this hearing scheduled for March 2021.

28 I want to note formally for the record, Commissioners,
29 the activity that is happening in this investigation space.
30 The Inquiry has received a substantial volume of documents
31 from the three faith-based institutions, that's about
32 complaints recorded in their respective systems, their
33 redress and safeguarding policies and processes, complaints
34 received and responses to those complaints. This
35 investigation gathering and analysis will continue.

1 As I've mentioned, the second phase of the faith-based
2 redress hearing commences in March 2021. The Inquiry will
3 hear evidence from the faith-based institutions themselves
4 about their redress and safeguarding policies and
5 processes.

6 Other faith-based institutions have been served with
7 formal notices by this Commission to produce information
8 about complaints they have received and their safeguarding
9 policies and processes. This evidence is to be delivered
10 to the Inquiry in early 2021. It will be the subject of
11 careful analysis at that point.

12 And, as I've said, the Inquiry will continue to take
13 witness statements from faith-based - about faith-based
14 redress experiences. Accordingly, those who wish to come
15 forward and share their experiences with the Inquiry are
16 warmly invited to do so. Their evidence is very important
17 to the Inquiry's work.

18 In addition to public hearings, significant research and
19 policy work of the Inquiry, including roundtables, hui,
20 issues papers, will inform the development of the
21 assessment the Inquiry will make of past redress and
22 rehabilitation practices of these institutions and the
23 impact that had on the relevant individuals.

24 It will assist the development of findings in relation
25 to the systemic and cultural factors that have contributed
26 to the form and extent of past redress processes. And it
27 will also assist the development of recommendations on how
28 institutions can better meet the needs of victims and
29 survivors, and that's both during and subsequent to their
30 redress processes.

31 Over this week and the week following, this public
32 hearing will hear from 24 people who reported their abuse
33 to one of these faith-based institutions and the redress
34 processes adopted by the institutions in response.

1 In relation to those who have experienced abuse in a
2 Catholic setting, we have 10 victims, plus one daughter of
3 a deceased survivor, so 11 witnesses in that context.

4 In relation to survivors of abuse in the care of the
5 Anglican Church, you will be hearing from seven
6 individuals.

7 And in relation to abuse in the care of the Salvation
8 Army, from six witnesses.

9 This evidence will reveal the extent to which the
10 institutions' policies and procedures were adequate in
11 terms of recognising unique and individual needs of each
12 victim and survivor, including their cultural and spiritual
13 needs. Whether the policies and procedures were adhered to
14 or consistently applied and whether there was equality of
15 outcomes.

16 The evidence will also reveal whether redress processes
17 and outcomes met the needs of the victim or survivor.

18 In this next part of my opening I comment briefly,
19 Commissioners, on some of the themes relevant to the
20 evidence that you will be hearing.

21 It is acknowledged, of course, that people will
22 experience redress processes and barriers to accessing them
23 differently. That difference in experience is affected by,
24 among many other considerations, their unique and differing
25 needs, their understanding of the process, their
26 expectations and also the culture of relevant faith-based
27 institutions.

28 Despite these differences, there are important
29 identifiable themes that are common to many of the
30 survivors' experience which will be revealed in evidence
31 during this coming fortnight.

32 In relation to trauma-informed engagement and support,
33 there is extensive research available that recognises the
34 need for any redress process to be sensitive to the trauma

1 that has been the subject of a victim or survivors'
2 abuse - and to prevent further harm from being caused.

3 The development and communication of expectations for
4 victims and survivors from the very start of the redress
5 process is therefore an essential component for a
6 trauma-informed approach.

7 As you listen to the evidence, Commissioners, you will
8 no doubt be attentive to whether the form and extent of
9 engagements and support necessary to understand and meet
10 unique and specific needs were adequate. Was a truly
11 trauma-informed approach adopted by the faith institution?

12 In relation to initial risk assessment and reporting, I
13 note there is significant research globally that's
14 identified a key motivation for reporting of abuse by
15 victims and survivors is to prevent further harm to others.
16 During this public hearing, evidence will reveal the extent
17 to which, following the disclosure by victims and survivors
18 of their abuse, initial steps taken by institutions and
19 whether they prioritised or not the prevention of further
20 abuse or reporting of abuse to Police or other relevant
21 civil authorities.

22 In relation to the investigation and assessment process
23 after somebody has come to the institution and reported
24 abuse, as you hear the evidence you will be considering
25 whether these witnesses received the right level of
26 information about how their reported abuse would be
27 investigated and assessed. Did they receive adequate
28 explanations about what information and evidence would be
29 used, how that was accessed, who it would be shared with
30 and for what purposes? Were investigation or assessment
31 outcomes shared with them?

32 In relation to acknowledgment, also many international
33 inquiries have found the most significant barrier that
34 prevents victims and survivors from disclosing their abuse
35 is a fear of not being believed. Accordingly, there is a

1 profound need for institutions to accommodate this
2 dimension when designing and implementing redress
3 processes. An acknowledgment can often take the form of an
4 oral or a written apology. Commissioners, you will no
5 doubt be looking forward to the evidence on whether victims
6 or survivors felt they did or did not receive a meaningful
7 acknowledgment.

8 In relation to redress outcomes that meet the needs of
9 survivors, a further theme to focus on as you receive the
10 evidence from the victims and survivors is whether policies
11 issued by these faith-based institutions and which of
12 course underpin their respective responses to the people
13 coming forward to them, focus on redress outcomes that meet
14 their own institutional needs, rather than the needs of the
15 person abused or preventing abuse to others. In this
16 context, the question of whether prevention of future harm
17 was adequately addressed is an important consideration for
18 the Inquiry.

19 Madam Chair and Commissioners, my submission is that
20 those thematic aspects I have identified will be important
21 considerations for the Inquiry to bear in mind as you are
22 receiving evidence from an individual's experience but of
23 course which collectively add up and create these themes.

24 Against that setting, the witnesses giving oral evidence
25 over the two weeks are in relation to the Catholic redress
26 witnesses: Frances Tagaloa, Tina Cleary, Anne Hill, Gloria
27 Ramsay, Ann-Marie Shelley, Mary Marshall and five anonymous
28 witnesses, including one who will be heard in private.

29 In relation to the Anglican redress witnesses, you will
30 be hearing from Neil Harding, Jim Goodwin, Robert Oakley,
31 Louise Deans and four anonymous witnesses.

32 In relation to the Salvation Army redress witnesses, you
33 will be hearing from Jan Lowe, Darrin Timpson, Gloria
34 White, Roy Takiaho and two anonymous witnesses.

35 Nō reira tēna koutou, tēnā koutou, tēnā koutou katoa.

1 **CHAIR:** Tēnā koe, Ms Anderson.

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1 **OPENING SUBMISSIONS ON BEHALF OF THE BISHOPS AND**
2 **CONGREGATIONAL LEADERS OF THE CATHOLIC CHURCH IN AOTEAROA NEW**
3 **ZEALAND BY MS MCKECHNIE**
4
5

6 **MS MCKECHNIE:** Mōrena, Chair, Commissioners, as the
7 evidence this week will be focused on the Catholic Church,
8 I have been invited to give an opening statement now and I
9 thank you for that opportunity.

10 There is a copy of the opening statement hopefully in
11 front of each of you.

12 **CHAIR:** Yes, thank you for that.

13 **MS MCKECHNIE:** I begin by acknowledging Madam Chair,
14 Commissioners, Counsel Assisting, fellow counsel, those in
15 the public gallery and those watching elsewhere. In
16 particular, the Bishops and congregational leaders of the
17 Catholic Church of Aotearoa New Zealand acknowledge the
18 survivors of abuse who have made the courageous and
19 difficult decision to give evidence before this Inquiry
20 this week and those survivors of abuse who are watching
21 this hearing, either here in the room or remotely.

22 I appear as counsel for Te Rōpū Tautoko, on behalf of
23 the Catholic Bishops and Congregational Leaders. Te Rōpū
24 Tautoko was created to co-ordinate the six Catholic
25 Dioceses and 43 Catholic Congregations' response to the
26 Royal Commission. Commissioners, this was necessary
27 because each of the dioceses and congregations are
28 independent from each other. There is no single entity or
29 authority that is "the Catholic Church" or "the Catholic
30 Church in New Zealand".

31 Instead, the Catholic Church is a collect of people,
32 communities, organisations, institutions and entities who
33 are all connected by their faith.

34 There are many others who have engaged with the Catholic
35 community, as my friend said in her opening, through the

1 schools and other services that the Catholic community
2 provides to the general community in New Zealand as well.

3 In creating Te Rōpū Tautoko and requesting to
4 participate in this Inquiry, each Bishop and congregational
5 leader committed to its key set of principles which will
6 guide their work before you in this Inquiry.

7 Commissioners, those are summarised in the statement before
8 you and are publicly available on the website that has been
9 created to support the work of the Church and the
10 Commission and are accessible to survivors or members of
11 the public who wish to see them.

12 Ultimately, the Inquiry, the survivors and Bishops and
13 Congregational Leaders of the Catholic Church share the
14 same goals: the complete elimination of all forms of abuse
15 for those in care and ensuring the survivors of abuse
16 obtain the support that they need. The Catholic Church is
17 very committed to the transformation of care in all
18 settings, so Aotearoa New Zealand is a safe place for all
19 people.

20 Commissioners, the hearing over the next fortnight is
21 about redress and the redress process begins when a
22 survivor comes forward to share their experience of abuse
23 with the institution who is responsible for that behaviour.
24 In the Church's experience, this is often an ongoing
25 process, sometimes over many years, and the Church
26 recognises the importance of both the redress itself and
27 the process of redress in responding to survivors and
28 assisting with their healing.

29 This part of your redress investigation into the
30 Catholic Church is in two parts. As my friend said, you
31 will hear from 11 witnesses this week giving evidence about
32 their engagement with several different Catholic entities
33 and those entities' redress processes. A number of the
34 witnesses who are giving evidence are currently involved in
35 those redress processes.

1 At the hearing in March next year, people with a deep
2 understanding of the Catholic Church's redress process will
3 be giving evidence before you. This includes Bishops,
4 Congregational Leaders, and leaders of the National Office
5 of Professional Standards, they will explain and answer
6 your questions and those of my friends about the current
7 approach of the Church to redress, how it has evolved and
8 developed over time because it most certainly has done that
9 and where they believe it is currently in need of
10 improvement.

11 As you will hear this week and in the evidence in March,
12 there is both co-ordination and independence in the
13 response of the Catholic Church's authorities. This is a
14 significant difference from the evidence you heard in
15 relation to the Crown.

16 While the National Office of Professional Standards is
17 now in existence and responds to complaints of abuse
18 involving - of sexual abuse involving clergy and members of
19 religious congregations, there's no single decision-maker
20 in New Zealand, nobody to determine the behaviour of the
21 Church or response of the Church in totality. This will be
22 plain from the evidence you hear this week when witnesses
23 describe their redress processes in relation to particular
24 institutions or particular congregations or dioceses.

25 Understanding that combination of independence and
26 co-ordination and how it's changed is key, in part, to the
27 response of the Catholic Church.

28 **CHAIR:** It might help us to know, when did the National
29 Office of Professional Standards come into existence, just
30 roughly? How old is it?

31 **MS McKECHNIE:** It's roughly 20 years old, Ma'am, slightly
32 more but it has evolved quite significantly over time, in
33 terms of the role that it has played. Cardinal Dew and
34 Phil Hamlin will be giving evidence in March in terms of
35 that evolution. The theme of the evolution, very

1 generally, is increased co-ordination, starting with very
2 little and leading to where we are now, which has centred
3 on that National Office.

4 **CHAIR:** Thank you.

5 **MS McKECHNIE:** And the hearing in March, as I go on to say
6 in the statement, will provide the opportunity for you to
7 explore those issues with the Church.

8 As my friend noted in her opening, there is other
9 evidence that will be given this week and the Catholic
10 Church supports the reasons why that evidence needs to be
11 given, that survivors are only required to tell their story
12 once.

13 There are profound accounts of harm to individuals
14 caused by members of the Church that will be given this
15 week, and their hurt and pain is acknowledged.

16 The bishops and congregational leaders express their
17 profound regret and sorrow that anyone has experienced harm
18 in the care of the Church.

19 It is important that these survivors can share their
20 experiences. They are speaking of their own experiences
21 and in some cases are talking about things that they may
22 have heard from others or understand may have happened.

23 The bishops and congregational leaders consider that
24 this hearing is not the place to question or challenge the
25 experience of survivors or the other matters that they may
26 wish to share with you.

27 Instead, they see their role this week and next week as
28 listening and learning.

29 My clients are committed to improving the redress
30 processes for those who need to engage with them. They
31 will closely listen and learn from the experiences and
32 proposals made this week and in the coming years, both by
33 witnesses, by expert witnesses and then ultimately by you,
34 the Commissioners, in your recommendations.

1 To demonstrate that commitment to listening and
2 learning, there are representatives from the dioceses, the
3 congregations and Te Rōpū Tautoko present during the
4 hearing this week and next, save for those instances where
5 the witnesses have asked that they not be present. Other
6 members of the Catholic community, including bishops and
7 congregational leaders, are following this hearing closely
8 through the livestream and the transcript.

9 An offer has been extended, Madam Chair, through the
10 Inquiry's Counsel Assisting to the witnesses if there were
11 particular individuals or entities they wished to be
12 present to hear their evidence, to bear witness to what
13 they have to say, and where survivors have requested
14 particular individuals or representatives from the Catholic
15 Church are present, all efforts have been made to ensure
16 that that is the case.

17 There have been a couple of individuals who have
18 requested people be here, Ma'am, and they will be here.

19 Ma'am, to conclude these opening remarks, I reiterate on
20 behalf of the bishops and congregational leaders their
21 respect for survivors who will be giving evidence this
22 week. They are demonstrating real courage.

23 Ma'am, the Church is also aware that others will be
24 watching this hearing. The bishops and congregational
25 leaders extend an invitation to all survivors to engage
26 with them or with the National Office of Professional
27 Standards. And likewise, to any survivors of abuse who are
28 listening or watching this and have not yet come forward,
29 the bishops and congregational leaders encourage you to do
30 so in the ways that are appropriate for you.

31 You will be listened to.

32 As I have previously on behalf of my clients, Ma'am,
33 they reiterate any survivor watching is encouraged please
34 to contact the New Zealand Police about any abuse and my
35 clients are fully committed to transparent co-operation

1 with any criminal investigation and would support and
2 encourage anyone to approach the Inquiry as a place for
3 survivors to share their experiences.

4 Ma'am, while the bishops and congregational leaders seek
5 to ensure their redress processes are robust, fair, and as
6 respectful as possible, they acknowledge this is an ongoing
7 journey. This redress process has changed much since its
8 inception in approximately 1995, Ma'am, and it will
9 continue to evolve, especially in light of this Inquiry and
10 your recommendations.

11 Therefore, once again, the Catholic Church thanks the
12 survivors who are going to be giving evidence this week and
13 reiterate that they will be heard and their experiences and
14 proposals will be taken on board by the Church. The
15 bishops and congregational leaders will continue to work to
16 improve these redress processes so that all who need to
17 engage with the Church are heard and supported.

18 Thank you, Madam Chair, Commissioners.

19 **CHAIR:** Thank you, Ms McKechnie. I now invite the Network
20 of Survivors of Abuse in Faith-based Institutions and their
21 Supporters, Dr Heasley and Ms Tonks.

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2 **SUBMISSIONS ON BEHALF OF NETWORK FOR SURVIVORS OF ABUSE IN**
3 **FAITH-BASED INSTITUTIONS**
4 **BY MURRAY HEASLEY AND LIZ TONKS**
5
6

7 **MR HEASLEY:** Mōrena Madam Chair, Commissioners. Ko mātou
8 ngā māngai me ngā mōrehu o te hunga e whakapono ki te
9 whakanōhanga ki a rātou kaitautoko.

10 We are here to give voice to the Network and our victim
11 survivors of abuse in faith-based institutions and their
12 supporters.

13 Kotahi te kōhao o te ngira ka kuhu mai: te miro mā, te
14 miro pango me te miro whero.

15 Our network is a needle, our Network represents the
16 needle, which has one eye through which pass the white
17 thread, the black thread and the red thread. The white
18 thread represents the incredibly heroic victim survivors
19 who have stepped forward to inform this Inquiry and the
20 public of New Zealand of the serious problem we face with
21 the abuse of children in the care of Church institutions.
22 None of us would be standing here today without their
23 heroism.

24 The black thread is the media that began to believe them
25 and brought their stories into the public realm from the
26 late '80s.

27 The red thread is that of the many advocates and experts
28 globally who use their experience and expertise to validate
29 and support the experiences that victim survivors report.

30 We acknowledge those abused in the care of the State and
31 faith-based institutions. It is an error to see the issues
32 facing abuse in State and faith-based care as separate.
33 They stand together and meet many of the same barriers when
34 seeking redress, protection of institutional reputation
35 and financial assets being the hardest to overcome.

1 But let us remember, many have died without ever
2 receiving justice - the term they use when referring to
3 redress.

4 For many victims who have passed on or who took their
5 own lives because the pain was simply too much to bear, we
6 remember you today.

7 I now beg the indulgence of the Commissioners and ask
8 all those present to join with us in a few moments of
9 silence to remember them.

10 He nui, he whakaaro nui i te haumūmūtanga.

11 How powerful the silence.

12 **CHAIR:** Kia ora, Dr Heasley.

13 **MS TONKS:** Commissioners, over the next two weeks you will
14 hear testimony from victim survivors who were abused in the
15 care of the Catholic, Anglican and Salvation Army Churches.
16 These are not the only faith-based institutions where abuse
17 occurs, of course, however they will provide a snapshot of
18 the abuse that happens in Church institutions in
19 New Zealand and illustrate the common pattern of further
20 trauma victim survivors face when they seek redress.

21 Victim survivors again reporting their experience and to
22 a public hearing is not without risk of further trauma. We
23 thank them for their courage to do so.

24 We are mindful they risk their evidence will be seen as
25 "just another survivor story" by the New Zealand public, a
26 public that is saturated with example after examples of
27 such abuse and whose lack of outrage can only be understood
28 in terms of how a tolerance of abuse has become woven into
29 our New Zealand culture. A tolerance and acceptance that
30 is a huge barrier for all victim survivors to overcome.

31 To you, Commissioners, and the public, we emphasise the
32 importance of understanding that the testimony you will
33 hear is not unique to those who are speaking at this
34 hearing. They are all - they speak for the many that are
35 silent, have been silenced or who have suffered again as

1 they sought redress and a safer future for New Zealand
2 children.

3 Evidence from victim survivors of abuse in the care of
4 the Catholic Church will begin this hearing. We ask,
5 respectfully, Commissioners, on their behalf you listen
6 carefully to their evidence while keeping in mind they were
7 reporting and seeking redress from an institution with a
8 culture based on guilt, shame and a belief that all people
9 are sinners and sins need to be absolved. And the priest
10 and religious are represented as a higher level of human
11 being, equivalent to God on earth, that seeks to hide its
12 sins, minimise and shift blame, so that the roles are
13 reversed and the child victims are left feeling they are
14 the offenders and carry guilt and shame of the abuse that
15 happened to them. Members of our Network have
16 requested we underline to you the importance they give to
17 this Inquiry's investigation into redress. It is their
18 belief, that with their evidence, and the outcome of the
19 redress hearings, sufficient will be known to understand
20 the systemic issues that prevent the Churches being the
21 appropriate bodies to investigate the abuse that happens
22 within their institutions and that they can no longer be
23 left to investigate complaints and continue to deny victim
24 survivors the redress they deserve.

25 We put it to the churches, this Inquiry should not have
26 been needed. The churches, like the Crown, have known for
27 decades upon decades the abuse that was happening under
28 their purview. They have had decades to put measures in
29 place to prevent it happening. They have had decades to
30 put appropriate trauma-free processes in place to ensure
31 victim survivors have redress and that the redress
32 reflected the resultant loss of life potential and the
33 seriousness of the abuse they suffered. It has not
34 happened.

1 From their earliest submissions to be included in this
2 Inquiry, our victim survivors have consistently asked not
3 to be expected to trust an institution they couldn't trust
4 to keep them safe from abuse to investigate their
5 complaints and to determine what redress they receive.

6 Asking them to trust a Church to investigate itself and
7 then determine redress is simply wrong and traumatic for
8 them.

9 They have also consistently asked that this be dealt
10 with, with urgency. They are relying on you,
11 Commissioners, and this Inquiry to achieve that for them.

12 **MR HEASLEY:** But there is another issue we must address.
13 Only 10 short days ago you held a procedural hearing into
14 matters around the suppression of names of paedophiles and
15 their enablers from witness testimony. As an advocate and
16 voice of our members, I attended that procedural hearing.
17 From the Churches I heard a call for natural justice,
18 accompanied by a demand for the redaction and suppression
19 of names. All this in the name of preventing trauma to the
20 families of those whose names would be brought into the
21 light. In doing so, the Church sought to use its
22 significant legal resources to silence victim survivors to
23 prevent others who have never reported from knowing that
24 they are not alone.

25 In that hearing, Ms McKechnie, appearing for the
26 Catholic Church, made issue of the "colourful language"
27 used by Mr Cleary in his statement. Was she suggesting
28 that the language he used as he was dying somehow
29 undermines his credibility? Should he have been
30 colourless! His life was torpedoed as a child by two of
31 the most odious and disgusting of men, former rectors of St
32 Pat's Stream and St Pat's Town. Mr Cleary recently passed
33 on and now his daughter will read his testimony. She is no
34 less a victim than her Dad, as the trauma of abuse
35 radiates. Was any consideration given by the Church and

1 their legal counsel to the trauma they would create by
2 targeting the testimony as they did?

3 At the Contextual Hearing a year ago, the Catholic
4 Church had the last word. Ms McKechnie delivered the
5 following message on behalf of the Church and I quote, "The
6 bishops and congregational leaders are committed to working
7 with the Royal Commission in this Inquiry and have asked me
8 to publicly reiterate that both to you and to those who are
9 listening this afternoon. They are committed to their
10 errors and omissions being examined transparently and
11 openly".

12 Take a moment to consider how child abuse could be
13 referred to as "errors and omissions". Consider how
14 seeking suppression orders aligns with open and transparent
15 examination.

16 We commend the Commissioners for denying the Churches'
17 attempt to silence our victim survivors once again. Any
18 other outcome would have been outrageous. Now the victims
19 get to speak. Kāua e wahangū, silent no more..

20 **CHAIR:** Ngā mihi ki a kōrua (thank you very much). With
21 the conclusion of the opening statements, I believe it's
22 appropriate that we take a short break and to enable our
23 first witness to be ready. We will resume again at 11.15.
24 Is that suitable, Ms Anderson?

25 **MS ANDERSON:** Yes.

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27 **Hearing adjourned from 11.00 a.m. until 11.20 a.m.**

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FRANCES EILEEN TAGALOA - AFFIRMED
EXAMINED BY MS SHARKEY

CHAIR: Good morning, Ms Sharkey.

MS SHARKEY: Tēnā koutou e ngā Komihana, tēnā koutou katoa, counsel's name is Ms Tania Sharkey and we have our first witness to call, Madam Chair, Francis Tagaloa, who is joined in the witness box by her husband, Timo Tagaloa. She will take the affirmation.

CHAIR: (Samoan Lau afioga - Yours respectfully. Moeapulu (Frances Tagaloa's Samoan chief title), Would you take the affirmation?

A. Yes. (Witness affirmed).

CHAIR: Thank you.

MS SHARKEY:

Q. Malo le soifua maua ma le lagi e mama a traditional greeting in the beautiful language of Samoa to acknowledge the Samoan heritage of our first Pacific faith-based survivor Moeapulu, your husband is next to you, to all your families who are here, I am mindful my back is facing you, and all your family and friends who are viewing the livestream here in Aotearoa and overseas. Frances, as we've spoken about before, if at any time you would like to take a break, it is absolutely fine, you can signal to me or to Timo who is seated next to you and we will take a pause.

Before we get into your evidence, Frances, do you wish to make any opening remarks?

A. Yes. (Samoan - Oute fa'atalofa atu i le pa'ia ma le mamalu ua aofia lenei aso matagofie. Malo le soifua ma le lagi e mama.) - I greet you, respectfully, on this blessed and special day. Good morning to you all. as is the custom in Samoa, we often start a speech with a proverb or a

1 saying, so I have a proverb. Proverbs 3: 5-8, trust in the
2 Lord with all your heart and lean not on your own
3 understanding. In all your ways, submit to him and he will
4 make your path straight. Do not be wise in your own eyes.
5 Fear the Lord and shun evil. This will bring health to
6 your body and nourishment to your bones. My name is
7 Moeapulu Frances Tagaloa and this is my husband Timo
8 Tagaloa. I am from the villages of (Samoan Fusi, Safata,
9 Lanu, Savaii and Lepa) Warm Pacific greetings to you all.

10 Q. Thank you, Frances, and just as you said before, Moeapulu,
11 that is your Samoan matai title, for this hearing you would
12 prefer Frances?

13 A. Yes.

14 Q. You have prepared a statement for the Royal Commission
15 dated 2 October 2020?

16 A. Yes.

17 Q. And you have a copy of that signed statement on the table
18 before you?

19 A. Yes, I have.

20 Q. Just for our records, can you confirm the statement and its
21 exhibits to be true and correct and to the best of your
22 knowledge and belief?

23 A. Yes, I confirm that.

24 Q. So, Frances, I understand there are parts of your statement
25 you wish to share orally with the hearing today?

26 A. Yes.

27 Q. So, as you are aware, the statement can be taken as read by
28 the Commissioners presiding. For the benefit of those
29 watching here in the hearing room or over the livestream,
30 the full written statement will be made available on our
31 website after your oral evidence is complete.

32 What we will do now is have you read out those parts of
33 your statement that you wish to here, so that people can
34 hear it from you. There are things you want to add, so we
35 will pause and add those as we go.

1 We will start with statement 1, paragraph 1.

2 A. My full name is Frances Eileen Tagaloa. I was born in 1968
3 and I am 52 years old.

4 My Dad is Samoan and my mother is of Irish descent. My
5 Dad originally studied to be a priest but did not finish
6 the final step into priesthood and my mother was once a
7 nun.

8 I am the eldest of five children. I have two brothers
9 and two sisters. We grew up in Grey Lynn in the 1970s. My
10 household was very busy with my immediate family and lots
11 of relations around.

12 When we went to Mass, we went every week, this was not
13 questioned. We had first holy communion, confirmation,
14 communion, confirmation, we would go to confession
15 regularly.

16 Earlier we attended at Sacred Heart and later at St
17 Mary's in Mt Albert. Mum and Dad at different times would
18 have been involved at Parish Council, especially in Mt
19 Albert. Mum did the Eucharist Minister role too and my
20 brothers were altar boys.

21 Q. Move forward to paragraph 24 now, Frances.

22 A. My parents were both Catholic and my schooling was at
23 Sacred Heart Primary, a Catholic school. Our school went
24 to form 2 but the boys school next door went from standard
25 4 to form 2.

26 A Māori girl was a friend from next door who also
27 attended Sacred Heart. She was 11 or 12 years old when I
28 started school. She had issues in her family and we heard
29 lots of things going on, such as loud partying and
30 alcoholism and violence. She was one of many children.

31 Sometimes I would go to school, to and from school with
32 her, and other times I went to and from myself as well.

33 One time she invited me to come to meet Br Bede after
34 school one day. I understood this to be a fun thing to do
35 after school.

1 Q. Frances, when you refer to Br Bede, who are you
2 specifically referring to there?

3 A. I am referring to Br Bede Fitton, civil name Francis Fitton
4 whenever I speak about Br Bede.

5 Q. Thank you, carry on.

6 A. This was at Marist Brothers' Intermediate next door and she
7 brought me along, we drew on the blackboard, talked and
8 spent time, which was fine. This was in the company of Br
9 Bede.

10 Initially I thought it was fun to play and get to draw
11 on blackboard and learn something different. I did like
12 that I got some individual attention.

13 After a while I would visit Br Bede by myself and that's
14 when the abuse would occur.

15 Br Bede would be fondling me or would want me to take my
16 pants off and stand me up on a table and get me to read
17 books. I was not sure what else he was doing because I was
18 reading the book.

19 Another time I was on his knee and he was fondling
20 around my private parts.

21 This occurred regularly between 5 and 7.

22 I never saw Br Bede at any other time apart from these
23 sessions because the two schools were run separately.

24 I never noticed any other adults or children at the
25 Marist Brothers' school grounds when I would visit there.
26 It was immediately after school, so I guess other adults
27 were around, however none ever approached me or made their
28 presence known to me.

29 The abuse stopped when I stopped going to his classroom
30 after school.

31 I just stopped, just decided I didn't have to keep
32 going.

33 Also when I was 7 I had a really great teacher and she
34 gave me individual attention with learnings and sport. I
35 just want to explain what I mean by that. My teacher would

1 make sure that I would go straight home after school. She
2 even took me home in her car, I remember one time, which
3 was really unusual for a student to be taken home by a
4 teacher and so, you know, I guess she was trying to protect
5 me, trying to make sure I got home safely.

6 I didn't need any other special attention or anything.

7 I didn't tell anyone at the time about the visits or the
8 abuse. My parents did not know I was going to see Br Bede.
9 I didn't spend very long there during a visit, so I'm not
10 sure if they were aware I wasn't coming home directly after
11 school. My Mum likely would not have noticed if I was
12 coming home later because she was very busy with my younger
13 siblings. And my father was never at home.

14 Q. Just continuing on with the section, "The abuse of others".

15 A. On one occasion when both myself and my friend were there,
16 Br Bede was behind her doing similar things. He had his
17 arms around her. This was the only time I saw another
18 child there being abused.

19 Now, in my statement I said "I do not know if anyone
20 else was being regularly abused by Br Bede" but I have
21 since learnt from the Marist Brothers that there were
22 multiple others who were also regularly abused by Br Bede.

23 Q. And the next section, please, Frances, "Later life",
24 paragraph 42.

25 A. I grew up as a teenager with very, very low confidence. I
26 was quiet and reserved and also very angry. I actually
27 hated who I was, my family, I hated my family and where I'd
28 come from.

29 I did not like to be around men, I didn't like any male
30 attention.

31 My father stopped drinking when I was 14 years old, and
32 attempted to be a present father in our home, and I found
33 that very difficult.

34 We moved as a family to Taranaki with his work for six
35 years. Being involved in the recovery efforts of those

1 deep in their alcohol addiction was a different kind of
2 life.

3 As a part of that AA programme that my father led, he
4 took the men recovering from addictions to various churches
5 to discover their higher power. At one of these churches,
6 I heard a pastor talk about how much God loved me. He said
7 no matter what my past, what had happened or who I was,
8 that God loved me, and this was a revelation to me that God
9 loved me so much, as I didn't love me. In fact, I hated
10 everything about me. But God loved me, so I decided I
11 wanted to know this God who loved me so much and so I
12 accepted Christ into my life. And when I accepted that God
13 loved me, then I could accept myself. But coming to know
14 Jesus in a personal way didn't mean everything was perfect.

15 I then went to university in Auckland where I studied
16 and graduated with a Bachelor of Laws and a Bachelor of
17 Arts in Māori Studies. I also have a Graduate Diploma in
18 Theology from the Bible College of New Zealand.

19 I had blocked out a lot of stuff and wasn't actually
20 aware of my abuse at that stage but then I started to have
21 flashbacks, nightmares, when I was around 17 years old. I
22 had an awareness that something happened at school. When
23 it popped up, I just would push it aside. I had blocked it
24 out for a long time and suddenly remembering these horrific
25 experiences as an adult was traumatic.

26 Q. Just going on to the "Disclosure of abuse" section and
27 there are questions at the end of this section, so starting
28 at paragraph 50.

29 A. At university, as my relationship with God was developing,
30 some things occurred where I began to acknowledge the
31 abuse. I told my friend at my Bible study group about the
32 abuse I suffered. At a conference, I listened to a speaker
33 talk about sexual abuse and realised it happened to me.
34 The conference hosts encouraged us to come forward if this
35 had happened. I wrote my name on a comment card and as a

1 result of that, this was fed back to the Christian
2 organisation that I was a part of and they instigated me
3 getting counselling. This and the mentoring from my friend
4 were great support to me. They closely mentored me and
5 encouraged me to get help.

6 I also had an awareness that I needed to deal with this
7 before marriage. I had met and was dating my now husband
8 Timo at the time and when we were about to get married, I
9 told my husband, told Timo, because I was unsure what would
10 happen in my married life, what impact, what the impact
11 might be.

12 All the guys we knew in ministry were scared of me
13 because I was still at the time carrying my anger; I was
14 very angry and strong, a feminist. I can't recall how I
15 approached it with Timo but it was possibly during a
16 marriage preparation course called A Weekend to Remember
17 where we were learning to develop a strong foundation for a
18 healthy marriage and we were encouraged to talk through
19 tough topics. It could be that's where we spoke about it
20 but we did some other preparation for marriage courses as
21 well and it could be related to that too.

22 When it came to telling Timo he was completely
23 supportive of me from the beginning.

24 At the time of writing my statement, I said that I
25 eventually told my parents in 2001-2002 but have since
26 learned from obtaining more information from Marist
27 Brothers that it was actually 1999. So, the period between
28 my first recollections of the abuse at 17 years old and
29 then later disclosure to my parents was very long.

30 It is difficult to overstate the barriers to disclosure
31 to one's parents and family. The following are some
32 barriers that I encountered. Shame, shame was very
33 relevant. You know, it was quite shameful that I'd gone
34 through this terrible trauma and experience and that it
35 related to sex, which is a taboo. You know, although I've

1 had a blended culture, the Samoan culture was dominant in
2 our family. You know, we didn't talk about sex, full stop.
3 The taboo around sex is very strong. When we were kids, if
4 we were watching TV and the actors in the show were
5 kissing, the channel would suddenly get changed, and that
6 was considered racy in our culture and in our household.

7 And because this was sexual abuse, there was an
8 additional barrier of talking about it, all related to the
9 shame associated with the taboo of sex.

10 Finally, to discuss with my father, as a female, that
11 was also taboo. I was worried from a cultural perspective
12 about telling my father of the sexual nature of the abuse.
13 I feel like I would have been able to tell Mum much sooner
14 but I knew I had to tell them both.

15 The other barrier is the fear of not being believed. I
16 didn't know if I would be believed or I was worried that
17 maybe my parents would give their support but still not
18 totally believe me. And I feared that I would have to
19 answer questions, I'd be asked specific details.

20 So, at the forefront of my mind also was my Dad's
21 experience with working with rehabilitating offenders and
22 that he always saw the good in them, so I was concerned he
23 may try to explain it away, try to explain the abuse.

24 And the other barrier was faith and my parents' strength
25 of faith in the Catholic Church which was significant.
26 Catholicism for my family is a cultural way of life. And
27 that Br Bede had access to and offended against me using
28 his position within the Catholic Church was another
29 barrier. You know, compared to if I was disclosing abuse
30 from someone who is not a clergyman.

31 I would be calling into question my parents' faith.

32 I was also worried about the trauma and emotional impact
33 on my parents. I didn't want to be a source of pain for
34 them. I also didn't want them to feel like their parenting
35 or parenting choices had caused this to happen. The

1 respect one feels for their parents is very strong in my
2 culture, so it would cause me emotional turmoil to think
3 how they might take it.

4 The pressures involved, you know, when thinking about
5 disclosing historical sexual abuse to one's family are
6 significant. I was going into this decision knowing that I
7 was putting how we did life at risk. The abuse meant that
8 our core beliefs, our faith, how our family raised our
9 children, the people we trusted and let into our home would
10 all be questioned. These were questions that Timo and I
11 have been able to handle together but the thought of
12 putting that burden on my parents weighed heavily with me.

13 It is hard to explain how I was able to tell my father
14 given the barriers within our culture. By the time I told
15 my parents, I'd been able to see my father really pursue a
16 personal relationship with me both as a daughter and as an
17 adult woman living in Auckland, although even then, it was
18 many years later before I could bring myself to tell him.

19 I did know Dad knew something of the consequences of
20 sexual offending from his time counselling offenders from
21 their addiction.

22 You know, I'm lucky in some ways that Dad was the man
23 that he was and his life took the course it did because
24 when I think about my female cousins, if this happened to
25 them, they likely could not bring themselves to tell their
26 fathers, my uncles.

27 So, we invited them, my parents, and sat them down for
28 dinner and I said that I had something really important to
29 tell them. They believed me and they were so supportive.
30 As they are both strong Catholics and they were very upset
31 and quite angry that this happened. And I was relieved
32 that my father responded the way he did.

33 Later in life I told my sons, and at the time of writing
34 this statement, in July-September 2020, I am now going
35 through the process of telling my other family members.

1 This was important to me because as a Samoan woman if I am
2 to go on record as a witness for the Commission or if I
3 speak out about the abuse in order for others to come
4 forward, I will be representing my family. There has been
5 a range of emotions but I'm thankful that everyone has been
6 supportive of me so far.

7 Q. Thank you, Frances, just a couple of questions. So, your
8 statement talks about the barriers or the obstacles to your
9 disclosure in your individual case. Given what you have
10 experienced, what do you think would be common to all
11 survivors when thinking about the barriers to disclosure?

12 A. I think common to all survivors is that shame and
13 embarrassment. You know, also I think probably just
14 blaming myself, you know, blaming ourselves that somehow,
15 for what happened, somehow we were to blame.

16 Definitely feeling not good enough. Feeling vulnerable
17 and scared. Feeling like I can't trust anyone. Having a
18 fear of not being believed. Fear of being judged. And
19 another barrier is the mental health issues, you know,
20 depression, possibly, anxiety.

21 Q. Frances, do you believe there to be specific barriers in
22 relation to Samoan survivors or Pacific survivors in
23 general?

24 A. Yes.

25 Q. And how might the Catholic Church reduce the burden of
26 disclosure for Pacific survivors?

27 A. I think firstly, recognising those barriers. You know,
28 some of those barriers, so shame, you know, how it is such
29 a taboo in Pacific cultures to talk about abuse, especially
30 sexual abuse. And I think it's an even bigger cultural
31 barrier to talk about abuse of a priest or a brother. You
32 know, in our culture that priest or if it's a (Samoan
33 faifeau - pastor) a pastor, they hold such high position,
34 very respected, and so that in itself is a huge barrier to
35 get over in Pacific culture.

1 And also fear but specifically for Pasifika people, you
2 know, it's the shame of the family, you know, that this
3 might be a family thing and the fear of that shame on the
4 family. There's just a deep fear in bringing trouble to
5 family, you know. And also faith, I know I've mentioned it
6 but it's such a cultural way of life in Pasefika culture to
7 have a faith. And so, if you are saying you've been
8 sexually abused by a priest or a brother, you know, they
9 represent God, that is a man of God, you know, and so
10 that's such a big barrier. How can you get over that
11 barrier of faith and the importance of faith in our
12 culture?

13 Also, you know, I think we think in our culture that the
14 priest, the brothers, the faifeau (Samoan - pastors) the
15 pastors, they can do no wrong, you know, surely they didn't
16 do this, that's the first thought I think. So, that's a
17 fear that's going to be the first thought of everybody in
18 your culture, how do you get over that barrier?

19 And just the impact. You know, I was worried about the
20 trauma and the emotional impact on my parents and my
21 family. You know, I didn't, I really didn't want to be a
22 source of pain for them. The respect we have for our
23 parents and family is so strong, really strong, and when
24 you disclose, you're questioning all of your belief system,
25 all of the way we do life. We're questioning who we bring
26 into our homes. Yes, everything, all the things, you know,
27 the way of life that we have.

28 Q. Okay, Frances, thank you. Just continuing with your
29 statement "Effects of abuse" at paragraph 62.

30 A. Okay. The abuse I suffered has affected my entire life. I
31 have found it difficult to trust others and to maintain
32 good friendships. I've suffered from depression and
33 sleeping problems at times and I've wondered if my health
34 problems with fibromyalgia, which crippled me for years,
35 might have been triggered by the trauma.

1 Due to my anger towards men, I had to work on that anger
2 and a deep mistrust of men. It is surprising to me that I
3 could have married my husband Timo and that he could work
4 with that.

5 I am no longer a Catholic, I am a born-again Christian.
6 There is a lot I like about the Catholic Church but I do
7 not attend Catholic Church.

8 While I accessed counselling when I needed it, it's
9 clear that the abuse still hangs over me and my family and
10 a public disclosure may affect my family widely.

11 Q. And now we're moving to the "Redress - complaint process"
12 of your statement, Frances, beginning at paragraph 81 and
13 there will be some questions at the end.

14 A. My mother began the complaint. She was so angry when I
15 told her about the abuse. She called up the Church and
16 spoke to someone that she knew, Lyndsay Freer. Mum knew
17 her quite well. Later I found out that she was the
18 spokesperson for the Catholic Church.

19 Lyndsay suggested I could talk to someone in the Church
20 and document what had happened. From my records received
21 from the National Office of Professional Standards or NOPS
22 in July 2020 the Church records my complaint beginning on
23 16 July 2002 when I phoned the Helpline of the Society of
24 Mary.

25 I attended a meeting with a woman from the Marist
26 Brothers' Protocol Committee. I attended with my husband
27 and I remember the woman had a list of columns with names.
28 She pointed out my name on the list and I saw it next to Br
29 Bede's section. I believe this was a fulsome list of
30 perpetrators and the victims who had made complaints. The
31 list was arranged perpetrator and the list was many pages
32 and the section on Br Bede was long, many names. I
33 couldn't say if it was longer than one page.

34 I wasn't too impressed with the outcome. I don't recall
35 an apology. I don't recall them trying to explain what

1 happened. I got a letter and I threw it out because I was
2 so upset. I don't recall what the letter said.

3 Following my complaint, I was offered compensation. I
4 didn't want it. I said to give a donation to my ministry
5 if they wanted to. In 2002, Brother Henry Spinks donated
6 \$6,000 in mine and my husband's name to our Ministry.

7 I have since made a Privacy Act request for my file at
8 the beginning of 2020. The NOPS office provided me two
9 documents; one was a typed list of notes and one was a
10 letter stating that a donation had been made in my name.

11 The letter states my complaint was upheld. I understand
12 now that this was their way of saying they believed me, but
13 it didn't feel like it at the time.

14 I was quite upset that there wasn't more that the Church
15 did. I wanted to know how could this have happened? How
16 was there so very little supervision of Br Bede? They just
17 did that one counselling session and that was it. I did
18 not speak to or hear from anyone more senior. No-one told
19 me what had happened to Br Bede or if he was still working
20 with children.

21 It was never suggested that we might go to the Police by
22 anyone, including my family.

23 As a result of my Privacy Act request, I have since been
24 offered the opportunity to begin a dialogue with the Marist
25 Brothers to discuss my questions. Over an exchange of
26 emails, I have been told that I was one of four or five
27 complaints about Br Bede, and that Br Bede is now deceased.

28 Q. Okay, Frances, just a few questions. So, in your statement
29 you refer to a process called A Path to Healing. For those
30 viewing who might not know what A Path to Healing is, can
31 you explain your understanding of that process, please?

32 A. Yep. A Path to Healing is a process created by the
33 Catholic Church to address complaints of abuse in the
34 Catholic Church.

1 Q. At the time you made your complaint to the Church, were you
2 aware of A Path to Healing?

3 A. No.

4 Q. And thinking back to your first report to the Helpline and
5 then the interview, do you recall making that phone call to
6 the Helpline?

7 A. Yes.

8 Q. And an interview followed that phone call?

9 A. Yes, I recall making the phone call because I was telling
10 the person on the line that I believe the Catholic Church
11 was responsible, along with Br Bede, and I expressly said I
12 wanted to meet with a female counsellor, and I recall the
13 meeting with her. In the interview, she listened and she
14 was relatively compassionate. However, she couldn't
15 provide any information about Br Bede or give assurances
16 that anything would be done about my abuse. I asked that
17 the room named after Br Bede be removed and that any
18 honours to Br Bede be removed. She couldn't make a
19 decision on that, nor could she reassure me that anything
20 would be done about it. I don't recall her advising me
21 about going to the Police, otherwise I would have done it
22 at the time. She really had no real options to provide for
23 me. She didn't even recommend I get independent
24 counselling. She actually - and she actually was the one
25 who suggested the compensation amount.

26 Q. And I just want to touch on that \$6,000 gratuity payment.
27 Can you remember how that figure came about?

28 A. She just suggested it to me, the \$6,000, yeah.

29 Q. And how did the payment come to be made?

30 A. Well, I was asking, you know, I had asked to remove Br Bede
31 his honours and everything but she, you know, suggested
32 maybe I'd like compensation, yeah. So, they, and that's
33 when - I wasn't interested in the money. Like, it didn't
34 mean anything to me. I actually said to her I didn't think
35 it would help, that's not what I wanted, you know, really

1 but she went ahead and they made the cheque out to our
2 ministry at the time.

3 Q. So, the money was of no importance to you?

4 A. No importance to me.

5 Q. And were you told whether Br Bede was still in ministry at
6 that time, in 2002?

7 A. No, I didn't know if he was or not.

8 Q. And so now we're just moving on to your supplementary
9 statement, this is your second statement.

10 Frances, you've also prepared a supplementary statement
11 dated 23 November?

12 A. Yes.

13 Q. And that is also true and correct to the best of your
14 knowledge and belief?

15 A. Yes.

16 Q. And again for those watching the full written statement
17 will be made available on our website after your oral
18 evidence is complete, so can I ask you to start with
19 paragraph 5 which is really the purpose of your statement
20 and I'll follow with some questions?

21 A. At the time of signing my previous statement, I was engaged
22 with the Marist Brothers to seek the answers to questions I
23 still had. This supplementary statement details the
24 correspondence I have had with the Marist Brothers since
25 signing my previous statement.

26 Q. Okay. And we're looking at paragraph 11 of your
27 supplementary statement, that's Exhibit 4, page 2,
28 paragraphs 3 and 4.

29 **CHAIR:** Ms Sharkey, we don't have that but we do have it on
30 our computer, so if you just give us a moment so we can
31 find it.

32 **MS SHARKEY:** Thank you.

33 **CHAIR:** I suggest you carry on and we can read the
34 statement later.

1 **MS SHARKEY:** Madam Chair, I have just received word that it
2 might be almost time for a break, whether you would like to
3 take that now?

4 **CHAIR:** That might be a good idea. Are you proposing a
5 short break or a long break?

6 **MS SHARKEY:** A short break.

7 **CHAIR:** Let's take a break, get our papers in order, you
8 can take a deep breath, all right?

9 A. Okay.

10 **CHAIR:** We will take a short break, thank you.

11

12 **Hearing adjourned from 12.07 p.m. until 12.22 p.m.**

13

14 **CHAIR:** I am pleased to say we have the issue sorted, thank
15 you, Ms Sharkey.

16 **MS SHARKEY:** Thank you.

17 Q. So, Frances, we're looking now at your supplementary
18 statement, paragraph 11. We're going to get this Exhibit
19 4, page 2, paragraphs 3 and 4 up. We're looking at the
20 email that was received from Br Horide. In that email
21 there's two apologies, "I consider the apologies to be
22 deficient", that's what you said in your statement, so can
23 you tell us why you describe those two apologies as
24 deficient?

25 A. Br Peter Horide apologises saying, "I apologise without
26 reservation if the Marist Brothers protocol was deficient
27 in how you experienced it". He actually didn't think the
28 process was deficient because he later says in the process,
29 that it was placed in the hands of the Marist Brothers
30 Committee, was reasonable and appropriate. And later that
31 his understanding was that appropriate procedures were
32 followed by the Committee. So, what was the apology for,
33 when he said clearly that I experienced appropriate
34 procedures? That's not an apology, that's him putting it
35 on me. You know, by using that word "if", he's blaming me.

1 Q. Thinking of that email, Br Horide is attempting to
2 apologise for failures to follow their own redress process.
3 In your view, what would be the appropriate way to
4 apologise for these failures?

5 A. An appropriate apology simply could have said, "I
6 unreservedly apologise for the failures to follow our own
7 redress process set out in A Path to Healing 2001."

8 Q. Thank you. In paragraph 12 of your supplementary
9 statement, this is an email you forwarded to John Hazelman
10 and Bishop Patrick Dunn. So, why did you email the Bishop,
11 Bishop Patrick Dunn and John Hazelman, the Provincial of
12 the Marist Brothers?

13 A. There were two emails, the 13th of October email was when I
14 asked for a review and that was to Br Peter Horide. Then
15 when I didn't get a response I forwarded it to John
16 Hazelman, Br John Hazelman and Bishop Patrick done on 19
17 October. In my mind, the Bishop is the head of the
18 Catholic Church in Auckland and I thought he would be
19 concerned to ensure that the Marist Brothers did what's
20 right. The Bishop and his office investigate concerns
21 relating to parishes, priests and schools. It says that on
22 their website. So, yeah, I thought it was appropriate.

23 Q. Okay. And you've mentioned earlier the Bishops, your view
24 of the Bishops standing in our community and also in
25 paragraph 13, can you describe what you think the Bishop's
26 role is in relation to the Marist Brothers?

27 A. Well, I think, and I think this is common, I thought the
28 Bishop was the head of the Catholic Church in Auckland.
29 That's my understanding, that he's the leader. He's seen
30 as that head. You know, when we have Catholic functions or
31 events, for any school or of any order, the Bishop is
32 always there to represent the Catholic Church. So, I
33 understand the Marist Brothers Order is separate and an
34 entity but I still would say the culture of the Catholic
35 Church is that the Bishop is the leader, is the head.

- 1 Q. And so, it's your view that this would be the common
2 understanding of many Catholics?
- 3 A. Yes, definitely, yeah. I mean, everybody I've asked have
4 had the same view.
- 5 Q. Okay. And just to clarify some things you've said, please,
6 Frances. Were you aware before beginning this process of
7 seeking your information, that the Marist Brothers are
8 considered autonomous or an independent feature and that
9 they are the ones with a duty to respond to your questions;
10 were you aware of that before beginning this process?
- 11 A. I didn't originally know that they were responsible, they
12 had that duty to respond, but I've since learnt, yeah, that
13 they have that duty to respond.
- 14 Q. And so, that view, that they are separate, autonomous,
15 within the global Catholic organisation, that did not fit
16 with your understanding and practice of the Catholic faith?
- 17 A. No, no, definitely not.
- 18 Q. And so, in your opinion, and based on your experience as a
19 survivor of sexual abuse by a Marist Brother, where there
20 are disclosures made about a Marist Brother, who should be
21 handling and investigating those disclosures?
- 22 A. I would have thought that the matter would have been taken
23 out of the hands of the Marist Brothers. It just seems
24 strange to me that I had to go back to the Marist Brothers,
25 to the very organisation that allowed the abuse to happen,
26 I had to go back to them to try and see if they would fix
27 it or do anything about it. It just seems strange to me to
28 have to do that and it made me quite fearful as well about
29 approaching them.
- 30 Q. So, your thoughts are it's an independent person who should
31 be handling those disclosures and complaints?
- 32 A. Yes, definitely. I definitely think an independent
33 organisation or someone separate from the Catholic Church
34 needs to, yeah, needs to investigate, needs to be there to
35 support the survivor, needs to look into these allegations

1 because there's such a huge imbalance, you know, between
2 the survivor and the Catholic Church. The Catholic Church
3 has all these resources available to them, right? They
4 have a huge legal team. I can't afford a lawyer. I don't
5 have that privilege to be able to do that. It just doesn't
6 seem right that I have to, you know, there's too much of an
7 imbalance for any survivor to think that they would be able
8 to get any redress.

9 Q. Okay, all right. And just again looking at that email that
10 you forwarded to John Hazelman and the Bishop, what did you
11 hope to happen as a result of sending it to them?

12 A. Well, I hoped that they would be transparent and
13 co-operative. They've talked about this, the Catholic
14 Church has said they support the Royal Commission, they've
15 talked about being transparent and co-operative, I believed
16 them so I thought they would release the information that I
17 was asking about my abuse and answer my questions and
18 review the processes for my redress. I now believe
19 that - I now believe they're never going to redress my
20 situation, I just don't think they'll do it.

21 Q. Okay. And then we'll look at paragraph 14, Frances, this
22 is the phonecall you received from John Hazelman. So, you
23 speak in your statement about receiving that phonecall
24 unexpectedly on 20 October. You say you sent a follow-up
25 email to clarify and reiterate that you wanted to be
26 communicated with only in writing?

27 A. Yes.

28 Q. Just to confirm, who did you first tell that you wanted to
29 be only communicated with in writing?

30 A. I told Br Peter Horide on the 12th of August 2020.

31 Q. And why did you request to be communicated with only in
32 writing?

33 A. Because I have little to no trust in the Marist Brothers.
34 I'm not comfortable at all about having a verbal
35 conversation with anyone, particularly any men, and then

1 particularly any Marist Brothers, I just don't feel
2 comfortable doing that. I actually feel threatened to have
3 that type of conversation.

4 Q. And was it relevant to you that Br Horide and John Hazelman
5 were male?

6 A. Definitely, yeah, I just don't feel comfortable talking
7 about this with men.

8 Q. And did you feel, having read what you received in the
9 information from the Marist Brothers that they turned their
10 mind to those issues about how you were feeling?

11 A. No, I don't think so at all. I don't think they thought
12 about the survivor or what possible impact having a verbal
13 conversation with a survivor might have. I don't think
14 they were trauma-informed. I don't think that they thought
15 that it could be retraumatizing for me to have a
16 conversation with them.

17 Q. And so, Frances, please, just tell the Commissioners in
18 this Inquiry about that phone call and the impact it had on
19 you?

20 A. So, as soon as the call came in, actually right away Br
21 John Hazelman started talking, greeting me in Samoan. So,
22 straight away I was like shocked, thinking who is this
23 talking to me in Samoan? And then as I realised it was Br
24 John Hazelman, I put him on speakerphone so that my husband
25 could hear what he was saying. And he asked me to meet
26 with him tomorrow and straight away I just thought, what
27 does he want me to meet with him about? This Hearing was
28 coming up in about three to four weeks, he would have known
29 that. This is what was all going through my mind. Why
30 does he want to meet? My heart started racing at that
31 time. Yeah, I just, I became quite agitated and fearful
32 and shaken about what is he wanting. And thankfully I had
33 the presence of mind to say, "No, I can't meet with you
34 tomorrow, I've got to work. I have meetings, important
35 meetings that I have to attend". My husband was pacing.

1 He was upset as well. He didn't want me to meet,
2 definitely not by myself. Yeah, he's talking to me at the
3 same time. I'm just thankful I said no at the time.

4 Q. And what was the - after that phone call, what were the
5 ongoing impacts?

6 A. My heart was still racing afterwards and I was really
7 shaken. I actually couldn't go back to work. I tried just
8 going back to the work I was doing but I just couldn't
9 focus my mind. I went and just sat down next to Timo and
10 hugged him and held him just for a while. Thankfully, my
11 sister called me up not long after that and she's a
12 clinical psychologist, so she was able to help me process
13 what had happened. You know, she just asked me, "How are
14 you?" and I said to her, "I'm not doing too well". She was
15 like, "What's going on?" and I told her everything and she
16 was able to help process what had happened, help calm me
17 down because I was just so agitated, shaken, couldn't think
18 straight. She just took me through, just helping me to
19 think and calm me down and she suggested that I just go and
20 do something that was good for my wellbeing. You know,
21 just go and do something fun and enjoyable.

22 And then after that actually my support advocate from
23 the Network just happened to message me as well and I told
24 him what happened and he was upset too but he just helped
25 me to think. And he actually suggested to me, you know,
26 just email them now, that's Br Horide and Br Hazelman, and
27 just let them know you only want to be contacted by email.
28 I am just thankful for that advice because that helped me
29 calm even more to know, okay, they won't call me up again
30 because I'm telling them to please email me and please
31 respect my wishes.

32 Then the next day I had a therapist appointment,
33 thankfully it just happened to be on that day, and my
34 therapist talked me through a whole lot of processes and
35 strategies of how to cope. She explained to me that what

1 was happening was this fight or flight response. You know,
2 I'm not used to that. You know, I don't usually experience
3 that type of fight or flight response, so she gave me a few
4 coping strategies.

5 Q. Did you know what John Hazelman wanted to talk to you
6 about?

7 A. He said that he just wanted to extend the deadline that I'd
8 given them to receive the information, which I just found
9 that strange too because he could have just emailed that,
10 he didn't have to call me up.

11 Q. Thank you, Frances. Now we're looking at your paragraph 16
12 a. You suggest some of the delays were caused by the
13 Marists seeking legal advice, just confirming you didn't
14 seek legal advice at any point in this process?

15 A. No.

16 Q. Any particular reason why you didn't seek legal advice?

17 A. I didn't think I had to. You know, I thought, I believed
18 the Catholic Church when they said they're going to be
19 transparent and co-operative, so I thought, oh good, I'll
20 just email them for the information then that I know they
21 hold about me.

22 I didn't think I needed to consult a lawyer to do that.

23 Q. Was it ever suggested to you by anyone, either the Church
24 or Marist Brothers, to seek independent advice?

25 A. No, never.

26 Q. There was an email between members of the Catholic Church,
27 and that's the email of 25 May, Br Horide to Richard
28 Dunleavy.

29 **CHAIR:** Have you got the number for that?

30 **MS SHARKEY:**

31 Q. Yes, Exhibit 9, page 53. It says, "As a hunch, I think it
32 could easily be imagined that a lawyer or a third party
33 advocate has assisted Frances in preparing her list of
34 requests". Do you have any comment to make on that?

1 A. I can only imagine that probably the other survivors that
2 have managed to navigate barriers and come forward to them,
3 you know, have not had the experience or expertise that I
4 possibly have had to be able to ask the right questions,
5 ask you know what could be done. And probably, you know,
6 they probably would have given up way before me too. I'm
7 just a bit stubborn. And I think just my skills and
8 experience and knowledge with having worked in HR and in
9 operations and some basic legal HR experience, I know that
10 under the Privacy Act, you know, they have a certain amount
11 of time and they need to give that information. So because
12 of that, I've been able to ask for that information and ask
13 questions that I would like answers to.

14 Q. Sorry, Frances, I just have to read into the record that
15 document number, 0090053.

16 If we could look at paragraph 19c of your statement,
17 Frances. We are looking at all the efforts and time you
18 have put into preparing your information requests, and this
19 is where we're looking at that power imbalance that you are
20 talking about. Do you have any further comments to make
21 about the limitations on survivors when they are making
22 disclosures to the Catholic Church?

23 A. I think most survivors when they disclose they don't know
24 necessarily about the Privacy Act and they don't know they
25 have the right to obtain that information, you know, that
26 pertains to them. They don't know about deadlines that you
27 can put in there. And most people would not even have the
28 resources to seek legal counsel or legal advice to be able
29 to find that out. You know, there's just such a large
30 imbalance between what the Catholic Church has and their
31 resources versus a survivor. That, in itself, is just an
32 insurmountable hurdle to tackle.

33 Q. Okay. Just the next paragraph, paragraph 19d, we'd heard
34 you mention before that Br Bede had a room named after him,

1 in his honour. Have you tried to find out if Br Bede's
2 name has been removed at that school?

3 A. Yes, yes. I went to the old part of the school myself,
4 just to try and see if his name had been removed. I saw
5 four classrooms and I didn't find it but there was a whole
6 other block of classrooms and building that I didn't check.
7 I just don't think Br Bede should be honoured in any way.
8 He was not a good man. He was a paedophile. I don't think
9 it's a hard task then to remove all honours to him.

10 Q. And do you have any comments to make regarding posthumous
11 removal of honours for abusers in general?

12 A. Yeah, if the abuser has passed away, I just think it should
13 be standard that all requests for removal of honours of
14 perpetrators where complaints have been upheld, as in my
15 case, that they be removed.

16 If the Catholic Church did do this, it would show that
17 they agree with their own decision and that they agree that
18 the perpetrator has committed a crime.

19 Q. Thank you, Frances. Looking at paragraph 21b, you've
20 spoken about what you would hope the Inquiry do with your
21 individual case. Has it helped you to come forward and
22 register as a survivor with an independent inquiry?

23 A. Yes, yes, definitely it has, it really has. Just having
24 the support from the Royal Commission has been hugely
25 helpful. And I would like the Inquiry to seek further
26 information in regards to the many short-term placements
27 that Br Bede had and to just cross-reference them with the
28 bishop diaries to see if there was any other abuse and any
29 other survivors because I feel, I believe there probably
30 are more abuse victims.

31 Q. Paragraph 21d, we heard you refer to before about a
32 survivors' network you've engaged with, what does that
33 support look like?

34 A. It's been hugely helpful for me. When I first emailed NOPS
35 asking for my information in March, there was just so much

1 delays, they weren't getting back to me, it took a long
2 time. They finally sent two pages of information which was
3 not much. I was just getting frustrated that I couldn't
4 get more information and so I asked the Network of
5 Survivors into Faith-Based Institutions if they could help
6 me try and get that information that I need, and they were
7 just hugely helpful, you know, in helping me be more direct
8 and try to specifically ask for the right information. And
9 just that support from other survivors who have gone
10 through a common experience is really helpful having that
11 support. They know the trauma, they know what that fight
12 or flight experience is like and being able to share with
13 them and get their survivor, you know, their survivor
14 support, it just means so much.

15 Q. Okay. Would you have accepted similar support if funded,
16 arranged or offered by the Marists or the Catholic Church?

17 A. No, not if it was run by the Catholic Church. I think it
18 has to be independent. It's too difficult, it's
19 retraumatising every time you go back to the Church for
20 something. It's too threatening. It has to be an
21 independent organisation.

22 Q. Just moving on, Frances. In your emails you indicate that
23 you feel that information was or is still being withheld
24 from you?

25 A. Yes.

26 Q. Can you expand on your feelings about this? What makes you
27 feel this way?

28 A. I started my request in March.

29 **CHAIR:** Is that this year?

30 A. This year. And it just seems like there's just been delays
31 and delays. I did remind them about my request a number of
32 times. And then when I only get two documents in
33 September, then I got three documents in October, and one
34 of those documents in October was a copy of one in
35 September, so only four pieces of information, it

1 just - there must be more information. Is that all the
2 information that they have about me when they took my
3 complaint on? I just don't believe it is. I believe there
4 is more information. It just beggars belief that they only
5 have four pieces of paper that's information about my
6 complaint.

7 And even if that is all the information, if incredibly
8 that is all the information, that's despicable that my
9 complaint of sexual abuse was not important enough to
10 document exactly, you know, what has been said or done
11 about it, that that's all they had, just four pieces of
12 paper, no investigation. Is that really? That's just
13 terrible if that is the case.

14 **MS SHARKEY:**

15 Q. Just to clarify there, one of the issues for you would be
16 that better records -

17 A. Yes, better records need to be taken, yeah.

18 Q. And now, Frances, we're moving to the section which talks
19 about your ideas for transformative change and this is
20 mentioned in both your statements, so we'll start with the
21 first one beginning at paragraph 91 of your first
22 statement.

23 Am I correct in saying for you, Frances, the opportunity
24 to speak on this is one of the main drivers?

25 A. Definitely.

26 Q. For you wanting to come forward and speak at this public
27 hearing?

28 A. Yes.

29 Q. I will invite you to start at paragraph 91.

30 A. So, my lived experiences and knowledge from my studies and
31 career has led me to hold the following opinions.

32 I believe the exclusion of lay people, and particularly
33 women, in the leadership of the Catholic Church could have
34 contributed to abuse of children. I feel like if lay
35 people and women were in the leadership and the priesthood,

1 it might have balanced some of the risks. I mean,
2 honestly, just having women priests would probably have
3 prevented a lot of abuse. That's my opinion.

4 I'd like to know if the Catholic Church has changed
5 processes of supervising brothers and clergy, and how was
6 Br Bede allowed to be in classes by himself with children?
7 You know, has the Church changed anything in that regard?
8 There should be more training to promote child safety.
9 Just knowing that there's been so many abuse cases makes me
10 wonder what the Church are doing to promote child safety.
11 Do they talk about child sex abuse being an offence?

12 I have read parts of the Australian Commission of
13 Inquiry and agree with some of their recommendations.

14 The first one I agree with is that canon law should be
15 changed, so that offences of sex abuse are reframed as
16 crimes against the child, rather than breaches of celibacy
17 or obligations. It's horrific to me that they've not
18 recognised child sexual abuse as a crime.

19 And then if a complaint of child sex abuse is
20 substantiated, that the perpetrator be permanently removed
21 from ministry and dismissed from religious life or the
22 priesthood, not just moved on.

23 And then regarding confessional aspects of canon law, I
24 don't think that there should be the protection of the seal
25 of confession when there's been such a crime as child sex
26 abuse. There shouldn't be secrecy. It should be allowed
27 to be spoken about and reported.

28 I would like to see the New Zealand Catholic Church
29 request of the Holy See to have any such confessions
30 excluded from that seal of confession, where if a crime
31 such as child sex abuse is reported, that they must report
32 it to the Police.

33 And then the vow of chastity has contributed to the
34 problem. The Catholic Church should consider introducing
35 voluntary celibacy. While the vow of chastity remains,

1 Police should be trained and screened and monitored if this
2 lifestyle attracts cynical offenders.

3 I think it should be an offence to fail to report.
4 There needs to be a duty to report, mandatory reporting of
5 sexual abuse needs to apply to the Catholic Church in the
6 same way that they apply to government organisations. You
7 know, some not-for-profit organisations, hospitals and
8 children's institutions.

9 Q. Now just turning to your supplementary statement starting
10 at paragraph 22.

11 A. Since my statement on 2 October 2020, having had additional
12 recent experience of the efforts taken to seek my personal
13 information, I have the following additional comments to
14 make.

15 In A Path to Healing, it's my view that had the
16 applicable procedure in the current 2020 version, if it had
17 been applied to my disclosure of sexual abuse, it still
18 would not be adequate.

19 Thinking of my individual case, I make the following
20 comments about implementation.

21 An appropriate apology was never offered.

22 I was not informed throughout the process about what was
23 happening, right up to the final letter with the gratuity.

24 And I was not given an opportunity to speak to those
25 processes.

26 And I want to make the following comments about the
27 adequacy of A Path to Healing generally.

28 To me, there's no clear guidelines to be applied about
29 information sharing and the form and extent of information
30 to be provided to persons engaged in the process about the
31 respondent, including other allegations of abuse
32 perpetrated.

33 Also, the Marist Brothers are not audited or reviewed,
34 unless specifically sought by the victim survivor or
35 respondent, and even then there's no ability to seek an

1 independent review in relation to A Path to Healing process
2 for redress.

3 And so, therefore, I feel like there's no
4 accountability.

5 Victim survivors are not asked for their feedback or
6 input in relation to A Path to Healing process.

7 I also feel there's no requirement to inform victim
8 survivors of Complaints Assessment Committee
9 recommendations.

10 There's no financial support for the victim survivors to
11 be able to obtain their own legal advice or to seek advice.

12 There's no transparency for victim survivors to know the
13 disciplinary and development processes that abusers
14 underwent in their employ with the faith-based institution.

15 There's no safeguards for victim survivors to protect
16 them from being subjected to further trauma by the
17 offending faith institution.

18 Also, there's no process to obtain restitution or
19 compensation from the Church as the primary concern of the
20 Church authority is healing and reconciliation, not
21 compensation.

22 And the other thing is the offending abuser may not be
23 dismissed and they may be re-admitted to public ministry in
24 the Church.

25 There's no appeal process either for the victim
26 survivors should they not agree with the Complaints
27 Assessment Committee recommendations.

28 Thank you.

29 Q. And just with 22c and d there are some questions after that
30 but if you would want to go through those paragraphs?

31 A. Apologies. The Marist Brothers and, by extension, all
32 people, organisations and institutions belonging to the
33 Catholic Church should be able to provide adequate
34 apologies to victim survivors of abuse.

1 The express needs of the victim survivor should be the
2 basis for decisions about that form of apology and the
3 person who provides the apology. Very important practical
4 questions need to be asked of the victim survivor, you
5 know, about location, attire and scope of any meeting to
6 ensure that the victim survivor is as safe as possible.
7 And if wanted by the victim survivor, the apology should be
8 given by someone who is accountable for the harm done.
9 Ideally, this would be in person. In my case, I would
10 expect the Bishop to do this and the Provincial of the
11 Marist Brothers to also be present.

12 Q. And it's your expectation that the survivor be consulted
13 about what it is that they would want for an apology?

14 A. Definitely consulted, yeah, but they may not necessarily
15 even want an apology, so it should be survivor-informed,
16 you know, and be directed by the survivor.

17 Q. Okay. And what would it mean to you, Frances, to receive
18 an apology from the Bishop, rather than the Provincial?

19 A. It would be hugely meaningful, as the Bishop is the leader
20 of the Catholic Church. In my mind, that's the culture of
21 the Church. And it would show that the Catholic Church is
22 truly sorry, you know, that they are seeking forgiveness.

23 Q. Just going to paragraph 22d when you talk about culturally
24 appropriate redress, you've outlined the concept of the
25 traditional Samoan practice of ifoga, a way of seeking
26 forgiveness and offering a formal apology at the highest
27 level. In your view, is that traditional practice of ifoga
28 affected in any way because the perpetrator has died?

29 A. No, in my practice that ifoga is a way of seeking
30 forgiveness and offering a formal apology. Ifoga is
31 performed by a perpetrator's family or village and is a
32 display of significant respect, humility, and sincere
33 requests for forgiveness from the person that has been
34 harmed and their family. I think that's important. It
35 doesn't matter that the perpetrator has died. It's

1 preferable for them to be present but it would still be
2 meaningful if it was the head of the church, if they were
3 to apologise to the family using ifoga.

4 Q. Traditional practices in Samoa with ifoga, who is it that
5 leads that? Is it the village leader?

6 A. Yes, it is the village leader.

7 Q. So, how might the Catholic Church as an organisation
8 participate in this kind of process? Who would you expect
9 to be involved?

10 A. I would expect the Bishop to be there, the Marist Brothers
11 or the offending Order and their other supporters, and my
12 family would be there too. And by my family, I mean not
13 just my immediate family but my extended family would all
14 be there. I'd have the head of my family and my village be
15 representing me and we would expect that there would be
16 speeches of contriteness by the Bishop on behalf of the
17 Catholic Church seeking forgiveness, sharing and speaking
18 about an apology. And then traditionally, there would be
19 fine mats offered as well by the offending village and then
20 on behalf of me, my head of my village or family would
21 speak on behalf of me accepting their apology.

22 Q. Thank you, Frances.

23 **MS SHARKEY:** Madam Chair, we have two other sections to go,
24 I am just mindful of the time.

25 **CHAIR:** You tell me what you'd like to do. We could either
26 carry on now if it's going to take 10 minutes or so or we
27 could take a break and continue after lunch.

28 **MS SHARKEY:** I would prefer to carry on, Madam Chair, if
29 that's okay.

30 **CHAIR:** The only thing, if we had any questions to follow.
31 Are you likely to have any questions? It seems there might
32 be questions to follow. I'm sorry, Frances, it might delay
33 the agony.

34 A. No worries.

1 **CHAIR:** But you've come so far and we don't want to squeeze
2 it altogether, we want to give you plenty of time, so we
3 will take the lunch break. Would it be helpful if we
4 started again at 2.00 rather than 2.15?

5 **MS SHARKEY:** Yes, thank you.

6 **CHAIR:** That will buy us 15 minutes. Is that all right
7 with you?

8 A. Yes, that's fine.

9 **CHAIR:** Thank you, we will adjourn for lunch.

10

11 **Hearing adjourned from 1.05 p.m. until 2.00 p.m.**

12

13 **MS SHARKEY:**

14 Q. All right Frances, we had finished your comments on
15 culturally appropriate redress and we are moving on to 22d
16 of your supplementary statement and support for victim
17 survivors.

18 You outline some views on the support, can you talk us
19 through those ideas that you've shared here?

20 A. Yes, definitely. First of all, and foremost, I really
21 think there should be an apology without reservation. An
22 apology would be the most important step for redress, in my
23 opinion, for me and my family. It would have been
24 essentially meaningful if that apology could have happened
25 in 2002 when I made my complaint to the Church because at
26 that time my father didn't have Alzheimer's and he
27 supported me strongly and my mother, she was still alive.
28 She's now passed away.

29 I would have preferred to have had that opportunity of
30 ifoga then too. I think it would have been meaningful
31 having a cultural understanding of an apology and
32 experiencing that for me and my whole family.

33 I would have also preferred to have spoken into the
34 process, to have my voice heard, to be able to be listened
35 to and had my suggestions of the process implemented.

1 I would have loved a proper record to be kept. I mean,
2 that's important to me. You know, with repressed memories
3 and time, those documents are just vital, they open up this
4 gateway of memory when you just see details of what's been
5 recorded at that time. It's quite important.

6 And also, when the documents are recorded and there is
7 detailed recording, it just shows how important my
8 complaint was, you know, that it was significant enough to
9 take notes. With minimal records, you know, you wonder if
10 it was important at all.

11 And lastly, you know, I specifically asked in 2002 that
12 Br Bede's honours be removed from that classroom. That
13 would have been meaningful to me if that had happened and
14 any honours removed.

15 Q. Okay. So, just summing that up, that's what adequate
16 meaningful redress would have looked like for you back
17 then?

18 A. Yes, definitely.

19 Q. And just turning you to your paragraphs about support for
20 victim survivors there, if we could just look at those
21 paragraphs.

22 A. Sorry about that.

23 Q. That's all right, Frances. Do you want to talk through any
24 of those ideas that you've shared?

25 A. Yes. The Catholic Church is well placed, you know, to link
26 victims of abuse up with survivor networks and I think they
27 should do that. You know, they should be able to suggest
28 that support networks be available to them. And also, I
29 just believe that previous governments have failed to
30 create opportunities to listen to victim survivors.
31 They've left the Catholic Church and faith-based
32 institutions to try and work out the problem for
33 themselves. You know, the government has really abdicated
34 its responsibility to protect our children who are
35 vulnerable. You know, it's time for our Commissioners to

1 really take the first steps and act now to ensure redress.
2 You know, us victims/survivors, we need you to act now, to
3 make early recommendations, to establish comprehensive
4 redress and a fair compensation scheme inclusive of victim
5 survivors.

6 And survivors should not have to seek redress from
7 faith-based institutions. I know I've mentioned it but
8 there's just inherent systematic failings in those
9 institutions that have allowed that abuse to take place in
10 the first place. I just feel the Catholic Church is not
11 adequately equipped to help victim survivors find redress.

12 And I agree with the Network For Survivors of Abuse in
13 Faith-Based Institutions, that all victim survivors of
14 abuse as children need access to report their abuse that
15 they've experienced to a fully inclusive, independent
16 national body, like a Commission or Tribunal, so that you
17 guys could or whoever could investigate those reports, you
18 know, could report to the Police and require compliance of
19 these faith-based institutions.

20 And even also be monitoring policies and processes. You
21 know, I mentioned the Marist Brothers has never been
22 reviewed or audited, that should be part of the function of
23 this independent Commission or Tribunal.

24 Q. Thank you, Frances. So, we're coming to a close now. I
25 just want to ask, do you have a message for our Pacific
26 community, Frances, who are watching and hearing you today?

27 A. Yes. I really would, I want to encourage Pasifika
28 survivors to come forward to the Royal Commission, I really
29 do. I know it's very difficult to come forward but I just
30 want to say, I've been treated well by the Royal
31 Commission, there's been a great wraparound service of
32 wellbeing and care. They believe you. You know, it's
33 important for Pasifika to come forward. This is actually
34 our opportunity to speak into what this process could look
35 like. And the more survivors who come forward, the more we

1 bring this into the light and we can then address the
2 issues.

3 I also want to encourage the Pasifika community to
4 please support survivors, believe them, believe what
5 they're telling you, don't sweep it under the carpet. Be
6 prepared to bring it into the light as well and support our
7 survivors. Sometimes that support is simply allowing them
8 to share that experience and support them and be a
9 listening ear. Sometimes that support is gently
10 encouraging them to come forward to the Royal Commission or
11 to the Police or whatever is appropriate for them.

12 This is our opportunity to support survivors, you know,
13 who have just experienced this huge pain of abuse. This is
14 our opportunity to support them and help them find healing
15 and hope.

16 Q. Thank you, Frances. Any other closing remarks you wish to
17 make today?

18 A. Yeah, I'd love to thank the Commission for the work you're
19 doing. Thank you so much for giving survivors a voice.
20 Thank you for letting me tell my story. Thank you for
21 boldly going forward to present these recommendations to
22 the government. You know, thank you so much and I
23 definitely will be praying wisdom on you so that we can see
24 that transformational change.

25 Q. Thank you, Frances. And Timo, you have been right there
26 next to your wife and I thought I would give you the
27 opportunity if you wish to make any closing remarks today.

28 **TIMO TAGALOA:** Among the leaders that lack insight, abuse
29 occurs but the one who hates corruption, they have a
30 brighter future. And so, I just really want to close by
31 just again being able to support my wife Frances and I'm
32 really proud of her. I remember seeing a photo of her
33 where she's tying a yellow ribbon at a Church there and
34 there's all these other ribbons that all represent all the
35 people that have been abused and it was just a very

1 touching point of what she was doing there. Yeah, just I
2 think the Catholic Church do lack insight, particularly in
3 this area of abuse, and for my wife Frances and others, I
4 really encourage them, particularly in the Pacific Islands
5 to take courage and do what my wife has done and for her to
6 just be coming forward and doing this, I'm really proud of
7 her. And just to finally say that, you know, in the Rambo
8 allusion, I'm coming after you.

9 Q. (Fa'afetai tele lava - Samoan) Frances and Timo, thank you
10 today and I will hand you over to Madam Chair.

11

12

13

1 something different. It seems that you want the actual
2 practice of ifoga itself to be played out for those
3 survivors who want to see it in practice?

4 A. Definitely, yes, yes. Ifoga is an apology and it's just so
5 meaningful in the Samoan culture and it seems like it
6 reflects well what an apology should look like. The
7 leader, you know, of a village where the perpetrator might
8 live would be coming to apologise, you know, to the family
9 of those offended in our village. You know, that just
10 makes sense, the village of the Catholic Church and their
11 leader coming to apologise and be contrite and we would
12 forgive in that process ifoga.

13 **COMMISSIONER ERUETI:** Assuming there would need to be a
14 process in establishing this process of ifoga between the
15 survivor and her community and the Church as well?

16 A. Yes, definitely would need some sort of process, yeah.

17 **COMMISSIONER ERUETI:** Of engagement of communities?

18 A. Engagement between the villages, yeah.

19 **COMMISSIONER ERUETI:** Kia ora.

20 **COMMISSIONER STEENSON:** Tēnā korua, tēnā koe Frances. I
21 don't have any questions but I just want to say ngā mihi
22 nui ki ā koe. Kia ora.

23 **CHAIR:** I want to thank you for your cry out to the
24 Pasifika community, thank you for that. We have learned
25 from your evidence today the huge obstacles that there are
26 and we don't underestimate those and of course we don't
27 underestimate your evidence in the face of all of those
28 obstacles. All I want to point out, and really this is a
29 little speech from the throne, if you like, if you are a
30 Pacific person who wants to come forward, you don't have to
31 do the very brave thing that Frances has done today. You
32 don't have to sit up in public and face the world. You can
33 come to a confidential private session with one of the
34 Commissioners who will listen to you and hear your account,
35 record it and add that to the body of evidence. But I just

1 wanted to say, just coming forward doesn't mean to say you
2 have to be as courageous as Frances. You still have to be
3 courageous but you can do it in private but thank you for
4 the call and I must say we agree we need more Pacific
5 people to come forward, otherwise if we don't hear their
6 story, we can't tell their story, so thank you for that,
7 Frances. I will now leave you in the hands of Sandra
8 Alofivae.

9 **COMMISSIONER ALOFIVAE:** (Samoan Malo le loto finau - Thank
10 you for your courage. Malo le loto toa - Thank you for your
11 strength). I just have a couple of questions, if I may.
12 I loved how your insights really alluded to the cultural
13 overlay and the interplay with the Catholic Church because
14 often I think that's lost or it's not fully appreciated.

15 So, in your comments I really seized that accountability
16 is so central to our notion of justice and we have a very
17 sizeable Pacific Catholic population here in Aotearoa, very
18 big.

19 A. Yes.

20 **COMMISSIONER ALOFIVAE:** And I know that the culture plays
21 itself out in a lot of our different Catholic Pacific
22 communities and what I'm sensing in your evidence is that
23 actually, the Church elects to use the culture when they
24 see fit and then when it doesn't fit they fall back to the
25 process, you don't need the Bishop to come to talk to you
26 because actually it was the Marist Brothers that committed
27 the offence?

28 A. Definitely, yes, yeah, and I think that's what's so
29 shocking because even in the phone call I got from Br
30 Hazelman, you know, he starts talking Samoan, you know,
31 straight away and it's like, you know, there's such huge
32 respect for someone straight away when they speak Samoan,
33 you know, but then it was twisted, it was manipulative.
34 You know, he was trying to get something out of me and
35 using the culture to do that but then the processes of A

1 Path to Healing are all Palagi process, you know, and
2 there's no opportunity for a cultural, you know, input or
3 feedback.

4 **COMMISSIONER ALOFIVAE:** So, on that point of the cultural
5 input, clearly the Pākehā, the Palagi processes don't
6 necessarily fit Pacific cultural contexts. How else do you
7 think we could influence or any thoughts or views about how
8 we would then try to influence those redress processes? Do
9 you think the drive should be coming from the Pacific
10 communities themselves, the Catholic communities?

11 A. That would be helpful, I think, you know, for the Pasifika
12 to speak into what is the processes that they think, you
13 know, would be helpful from a Pasifika point of view, you
14 know. We don't know that. You know, has that happened?
15 As far as I know, it hasn't. So, definitely having
16 Pasifika drive that would be, yeah, that would be
17 incredibly helpful.

18 **COMMISSIONER ALOFIVAE:** So, do you think too that there's
19 an onus on the actual Church body itself, you know in terms
20 of, you know, don't just have these Pacific Catholic
21 communities but not be cognisant actually of, you know, the
22 underlying ethnic cultural practices that are so meaningful
23 for them. It's almost like a form of colonisation of the
24 Church and indoctrination?

25 A. Yes, definitely, we will take into account the Pasifika
26 culture when it helps us rather than having the Pasifika
27 lead them to what it looks like. Pasifika people have such
28 a huge respect, you know, for the Church. They're always
29 going to respect them and let them go forward and actually,
30 the Church has to respect and let the Pasifika go forward,
31 which I think will be a hard thing to do but it can happen,
32 Mm.

33 **COMMISSIONER ALOFIVAE:** It's almost like an
34 intergenerational transfer of values and perceptions within
35 the Catholic faith, actually all different faiths?

1 A. Yes, definitely. And I actually think probably our young
2 people, our young Pasifika people, will probably lead the
3 way in helping us to be more open and transparent about
4 these issues of abuse.

5 **COMMISSIONER ALOFIVAE:** Thank you. (Mālo le loto finau (Thank
6 you for your courage). Mālo le loto toa (Thank you for your
7 strength). Lau afioga (yours respectfully) Moeapulu, fa'atasi
8 ma lou aiga (and also your family), fa'afetai mo le loto tele
9 (thank you for your strength), fa'afetai mo le lagolago mai i
10 le komisina (thank you for supporting the Royal Commission of
11 Inquiry). E le lava ni upu e momoli atu ai le fa'afetai ma le
12 agaga maualalo a le matou au faigaluega mo le lua tū malosī
13 mai (There are not enough words to express our sincere
14 gratitude, we are truly humbled by the strength in coming
15 forward today). Mālo le soifua (Thank you) Samoan). To your
16 families and all your supporters watching both online and who
17 are present here and to of course our nonSamoan speaking
18 public, I was just paying a great honour to Moeapulu and her
19 rock Timo for the tremendous courage that it has taken. It's
20 never lost on the Commission the courage that it takes for
21 survivors to come forward, the layers of barriers and the
22 ethnic barrier is another huge monumental block. So, I really
23 want to pay tribute to you this morning, this afternoon now,
24 it's been a long morning for you both and for your family and
25 your supporters but you've graciously stepped forward to try
26 to lift the tapu off an issue that has plagued our communities
27 and the Church for decades. So, your rally call for the
28 children and the diaspora to stand up is well received. On
29 behalf of the Commission, I want to extend our deepest
30 gratitude to you both. Thank you for honouring our processes
31 today.

32 A. Malo (thank you).

33 **CHAIR:** I think we will take a break now, if that's all
34 right, Ms Sharkey?

35 **MS SHARKEY:** Yes, thank you.

1 **CHAIR:** We will come back for the next witness. Thank you
2 very much.

3

4

5 **Hearing adjourned from 2.25 p.m. until 2.45 p.m.**

6

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1
2 **TINA CLEARY - AFFIRMED**
3 **EXAMINED BY MS ANDERSON**
4
5

6 **CHAIR:** Good afternoon, Ms Anderson.

7 **MS ANDERSON:** Thank you, Madam Chair. Welcome, Tina
8 Cleary. Tina, thank you for your time this afternoon. Can
9 I get you to state your full name for the record, please?

10 A. Tina Patricia Cleary.

11 **CHAIR:** We'd better have an affirmation. (Witness
12 affirmed).

13 **MS ANDERSON:**

14 Q. The statement that you have given to the Commission, you've
15 signed that it's true to the best of your knowledge and
16 belief?

17 A. Yes, correct.

18 Q. Thank you. You've got your statement here with you today
19 that you have prepared?

20 A. I believe it was Dad's wish to speak to this himself in
21 person but we'll do the best we can.

22 Q. And before we begin going through your statement, you've
23 got an introductory statement that you'd like to make?

24 **MS ANDERSON:** Chair, the Solicitor Assisting has reminded
25 me, we have had an announcement in the Courtroom and before
26 we go into the evidence, I will be reminding participants
27 here in relation to the non-publication order but that has
28 been announced to everyone in the room here at the moment
29 and I will be covering that with Ms Cleary before she
30 launches into her evidence proper.

31 **CHAIR:** Thank you. And it is very important because there
32 are interim orders in place and we don't want anything to
33 get in the way of that, so thank you for that timely
34 reminder, Mr Powell.

35 **MS ANDERSON:**

1 Q. Tina, would you like to make your introductory comments?

2 A. Ki te whare e tū nei, tēnā koe. Ko Paddy Cleary tōku Pāpā,
3 ko Colleen O'Sullivan tōku whāea, ko Tim rāua ko Daniel āku
4 tūngane, ka mihi au ki ngā Rangatira o te Kōmihana. Ki a
5 koe Katherinne me ngā kaimahi katoa o tēnei Kōmihana, me
6 ngā morehu e kaha nei ki te tākoha o kōrero hōhonu, mamae,
7 tēnā koutou katoa. Ngā mihi nui ki a koutou. Ko Tina Cleary
8 tōku ingoa, nō Whanganui-ā-Tara ahau, tēnā koutou katoa.
9 Kia ora katou, my name is Tina Cleary. This is my brother
10 Tim Cleary and Dan Cleary. We are the children of Patrick
11 Cleary. I'd like to acknowledge the Cleary and O'Sullivan
12 clans who knew and loved Dad very dearly and are here with
13 us supporting us. We are here to speak for our father,
14 Paddy Cleary, who died on 19 July this year.

15 Q. Thank you, Tina. You are aware, aren't you, that there is
16 a suppression order issued in respect of your statement in
17 relation to one of the persons named in the evidence and it
18 is for that reason, and you are aware, this is not being
19 livestreamed but your evidence will be available publicly
20 after the hearing with the relevant edits made to it.

21 A. Understood.

22 Q. Thank you. And again, before we move into your evidence
23 proper, one of the aspects that you and I have just talked
24 about, which you might make a reference to, you spent some
25 time in this room yesterday evening, late yesterday
26 afternoon, familiarising yourself with where you would be
27 giving evidence and there was a particular ritual that you
28 performed here in the room and I wonder if you are happy to
29 describe what that was and the reason for that?

30 A. I just felt like I needed to bring Dad into the room, so I
31 sang a song. He would love us all singing and I promise we
32 won't burst into song too often but, for me, it was
33 important to feel him in the room, so that's why we did
34 that.

1 Q. Thank you. And you've brought your father's stick with you
2 here today?

3 A. Yeah.

4 Q. So, he's here with you?

5 A. Yeah, he is, he is.

6 Q. And your statement is relatively brief but the main purpose
7 of it is to provide to the Royal Commission three documents
8 written by your father that he wished to be presented to
9 the Royal Commission; is that right?

10 A. Correct, yes.

11 Q. Can I get you to turn to the first of those exhibits, which
12 for the record is document WITN0113002 and it's dated 1
13 August 2018 with a handwritten at the top "final final".
14 Can I ask you to begin reading that document?

15 A. I will read the document dated 1st of August 2018 which Dad
16 wrote.

17 "To whom it will concern

18 This page is to be read by my three children who have my
19 complete confidence.

20 The notes refer to the year 1951 when I was a 3rd form
21 student at St Patrick's Secondary School Silverstream,
22 Upper Hutt. I had suffered an accident about 2 months into
23 my first term at the college. I was in a team of student
24 helpers supervised by Fr Pat Minto to gather firewood for
25 the school heaters. The wharf strike was restricting
26 supply of the usual fuel for the boilers. I was on one
27 side of the log and Minto on the other. I reached out to
28 clear the cut which I had made the same instant as Minto
29 dropped his axe for no particular reason into the cut. The
30 top of my middle finger was hanging. This incident led to
31 a closer association between Minto and myself than perhaps
32 should have been.

33 While my finger healed I was privileged to sit by the
34 heater in Minto's study. He was the Discipline Master for
35 the school. His study room had a heater which was supposed

1 to help heal my finger. He very soon began to kiss me,
2 lights out, door locked, long, lingering. He would
3 persuade me to sit on his lap, he below me, both of us on
4 his easy chair. This would very soon become lying with me
5 on top facing upward. This way he could whisper sermons in
6 my ear. I later reasoned that if no clothes were removed
7 then that was okay - he was genuine. This way he could
8 sermon me, whispering about St Augustine and how
9 disappointed Minto was when he realised God had made Minto
10 different to most men. I had no clear idea what
11 homosexuals did for a living. I discovered later that when
12 the good saint was my age, 12 years, St Augustine was
13 living it up with a clique of modern-day homosexuals,
14 whoever that was and whoever they were.

15 Shortly after the second term began, I was summonsed
16 into the rector's room. The rector was Fr Francis Durning,
17 known to everyone as Fred. He hardly gave himself time to
18 lock the door before he started fiddling with my belt,
19 explaining "I just want to inspect things down there". He
20 dropped my trousers and gruts and knelt in front of me. I
21 thought this must be the boarding school equivalent of
22 paternal advice about puberty. I noticed the perfect
23 circle his hair had made on his pate, invisible to normal
24 students. "Hold your stones up so I can see", came the
25 order. However, it was not visibility he was worried
26 about, it was getting his nose into my crutch. I wondered
27 if I dropped my stones onto the shiny patch on the top
28 would they leave a dent. I had not heard my testicles
29 called "stones" before this man got into my middle. It
30 didn't stop there.

31 One night around lights out Durning directed me into his
32 bedroom saying he was waiting for Fr MacDonald to come. He
33 locked his door so I should have suspected something. He
34 laid face down on the bed naked once his dressing gown was
35 pushed aside. He indicated the area where he had cramp,

1 where his upper leg joins his trunk about 2 inches south of
2 his anus. I had never seen anyone's anus before. "Here is
3 some liniment, get massaging". I did his cramp no good at
4 all, of that I am sure. Before releasing me, he made sure
5 I understood what would happen if I told anyone about our
6 secret. I remember checking for two things. I had
7 wondered if he had testicles or not. "What are you gawking
8 at, boy?" I had heard that some people have them, some
9 don't. And I checked whether or not he got a hard up from
10 my ministrations. I only ever touched his cramp area, I
11 think the answer to the first is 'yes' and 'no' to the
12 other question, so maybe he was telling the truth about
13 cramp.

14 I did not tell anyone for many years. Shame at my
15 idiocy was a permanent attachment.

16 But time caught up with Fr Durning. He had let it be
17 known around the school that he expected to be named
18 'Provincial', the Head of the Society of Mary next change.
19 I learned that one of the senior students had complained to
20 someone about Durning's peculiarities and as a reward
21 Durning had been posted to a school down south.

22 Of Minto I suspect I may have been his only peccadillo,
23 if that is the right word. The objectionable proclivities
24 of both priests must have been known to their fellow
25 priests but when I did finally approach the Society of Mary
26 I was surprised to discover there was no individual file on
27 any member. Nobody knew or was prepared to admit anything
28 about anyone. I have since confined any requests from me
29 to the removal of the pictures of the two priests from the
30 school's assembly halls; Minto at St Pat's Town where he
31 became a rector and Durning at St Pat's Silverstream. The
32 presentation of the pictures is especially galling,
33 lighting placed as if they were angels, a demeanour of
34 superiority as if they have a direct line to God.

1 A sickening hypocrisy to anyone who knows better, not
2 the least hurtful was the adulation given by the priests,
3 by the Church for us ignorant fellows to swallow.

4 Some of the benighted priests at Silverstream enjoyed
5 cultivating a reign of terror. Fr Fred Durning leaned out
6 the upstairs window and promised 6 of the best canings each
7 to half a dozen youngsters sneaking a smoke below every day
8 for a week. He was only stopped when one smoker had to
9 reveal his bare backside to the nuns at the Home of
10 Compassion to stop the smoker's bleeding. Fr Pat Minto was
11 so imbued with the need for a perfect smack-up that he kept
12 a cupboard of the canes just to house the things. Fr Foxey
13 Maher was living a lifelong battle with the bottle but
14 still had time for a bit of drunken biff on a live corpse.
15 One time when all's ready for the king hit, he fell over.
16 Fr Goo Johnson had been known to hit the light shade as he
17 launched himself at the unfortunate penitent. Kids
18 preferred to present themselves for Goo to cane because
19 when he couldn't see he couldn't hit.

20 I am sure the kids' parents never gave permission for
21 such harsh treatment.

22 Once I reached 5th form, things got better for me. I
23 had learned to get the measure of these homosexuals and I
24 was not one of them and I got into a decent football team."

25 Q. Thank you, Tina. I will just pause there. The reference
26 you've made to seeking to have the photographs taken down,
27 because you accompanied your father to meetings with the
28 Society of Mary, is that the only redress he was seeking
29 from the Society?

30 A. That's correct.

31 Q. To your knowledge, were the pictures taken down?

32 A. Look, there's been times he's not the only one that wanted
33 to take an axe to them. I think Durning's has been taken
34 down, I'm not sure about Minto's.

1 Q. In relation to Durning's that in itself took some years to
2 achieve?

3 A. Correct.

4 Q. Thank you. And the second document that I will get you to
5 read too, I'll just have you pause while I read the
6 document reference into the record, it's WITN0113003, it is
7 a document dated 25 March 2019 and headed "Shame". This is
8 a further document your father has written about 7 months
9 after the document you've just read. Can I invite you to
10 read this document?

11 A. I'll read the document that Dad wrote dated 25/3/2019,
12 titled "Shame".

13 "I have heard my children wondering why I took so long
14 to make this unsavoury history of mine known. "Shame" is
15 the easy answer. Shame at my inability to grasp the nettle
16 and tell these two queer priests where to go. Shame for
17 everything, even for being me.

18 Once I had matured a little all I wanted for Minto was
19 to be pushing up daisies by any of the means this warped 14
20 year old could conjure up - drown him in the school pool;
21 slice the top off his head with a mixed-up swing by the
22 discus thrower at the school sports; poison him with
23 arsenic stolen from the sheep dip preparation lying
24 discarded in the school stores shed. There was a farm
25 nearby.

26 Shame for a youngster to be thinking this murderous way.

27 A major reason for my 68 year delay was that there was
28 no-one to confide in. I tried to tell a fellow student
29 when the abuse was going on. After 30 years the homosexual
30 climate worldwide had changed. My complaint to the Police
31 was given the shove by the Police discovery that a 90 year
32 old relation of Minto was in a rest home, remembering her
33 dear Pat daily in her prayers. I may have wanted Pat dead
34 but that didn't extend to the aunty's agony of heart and

1 possible demise at her hearing bad things about her
2 accomplished Pat Minto.

3 I complained twice to the Society of Mary, the outfit
4 which controls the priests. It was not beyond them telling
5 lies, falsifying records, destroying records, debauching
6 ideals that democracy stands for. And to compound the hurt
7 the Society hung pictures of the priests in the school's
8 hall of honour. Its insults continue every time you look,
9 as well as every time you look at your body parts, yours
10 and theirs.

11 Lies, saying that they knew nothing about Durning's
12 transgressions is not something supported by the obvious.

13 Falsifying and destroying records; what else happened to
14 complaints, minute books, personal files, truth and
15 remembrance.

16 So much for shame.

17 Durning in his prayerful moments had let it be known
18 that he was next in line to be appointed/anointed to the
19 post of 'Provincial' (the leader) to the Society of Mary,
20 as high as he could get in the present setup. To our
21 knowledge, "our" being youngsters at the school from 1954,
22 were stopped from the threat of attack by Durning by the
23 actions of another. He and one other student (your 2nd
24 cousin) were students receiving special tuition and help.
25 Whether either student was subject to defilement by Durning
26 I do not know but something caused them to complain, blow
27 the whistle, report bad things done to someone with
28 sufficient clout to act. The next we know is that Durning
29 gets the job as 'water boy' in a Catholic college down
30 south, to heck with the Provincial's job.

31 I know you lawyers will cry "hearsay". It was from X's
32 mouth the initial complaint was heard and it was his mouth
33 again about 70 years later that he boasted it was he who
34 blew the whistle on Durning. He made this claim to Jim
35 Keeball who passed it on to me.

1 I do not know whether the Commission can help us. It
2 would be a mighty help if this person were persuaded to
3 reveal who it was, to reveal it was he who complained to
4 the Society of Mary. This complaint was instrumental in
5 getting Durning banned and we should not close our hearts
6 to the long suffering people down south. I fail to see
7 where a geological difference can be the reason a pervert
8 is cured.

9 At this stage, this person hasn't answered the two
10 letters I have sent them. Tim is on record as saying Tim
11 is to able to discover his email.

12 Another person who might help immensely is Kitty
13 McKinley. She was the 'helper' present at the meeting
14 twixt Society of Mary and us."

15 I omitted Dad's next line. He wore two hearing aids and
16 I believe with his deafness he misheard something to give
17 him the impression that they were disputing the meeting
18 took place.

19 "She, Kitty, spoke to Tina first, to me secondly. She
20 twice asserted the Society of Mary knew about Durning from
21 about 30 complaints over the years. It was a great comfort
22 to us to hear her repeat this because it meant the Society
23 of Mary knew. It is a testament to our naivety that we did
24 not get it in writing. It is my assumption that after the
25 meeting with us she was told to obliterate my complaint.

26 If she were asked to give a sworn statement, you could
27 be sure her answer was the truth. I feel the Commission
28 would be easily able to address these problems.

29 Paddy Cleary for his three children, Tina, Tim and Dan."

30 Q. Thank you, Tina. There's some quite strong language in
31 that document you've just read, including the reference to
32 considering that the Society of Mary was not beyond telling
33 lies. Do you have a reflection on what might have
34 motivated your father to use that language in that
35 document?

1 A. We were all present at the meeting with them. My question
 2 to them would be, what action did you take after someone
 3 had the courage to come and report abuse to you? Did your
 4 action and energy go into protecting the Church or did it
 5 go into protecting Dad? I am not sure if I've answered
 6 your question but that's how I feel about the Society of
 7 Mary meeting.

8 Q. Thank you. And then the further document that your father
 9 has written just short of a month after the document you've
 10 just read, for the record the document is WITN0113004, and
 11 of course this is the document in respect of which there's
 12 a non-publication aspect, Tina, that you are aware of?

13 A. Yes.

14 Q. Can I invite you to read the document dated 11 April 2019?

15 A. Reading the document Dad wrote dated 11/4/2019. Titled
 16 "More about Durning".

17 "One of my referees to the Royal Commission, Jim Kebball,
 18 commented on the adverse reputation Durning had amongst
 19 students at Silverstream. A student newly arrived at the
 20 school, like Kebball, could not avoid learning about the
 21 priest. Two students of that time, 1955, were Fred Bliss
 22 and Vince Curtain. These two men would have learned about
 23 Durning as students and around the time they became rectors
 24 at Silverstream they were each confronted with the dangers
 25 of not dealing with a paedophile according to the law.
 26 When student Alan Woodcock" - to clarify, I believe Dad
 27 meant student priest - "was exposed as an active paedophile
 28 in the early '80s, the two one-time Rectors didn't know
 29 what to do. They consulted with Mr H

30 Mr H

31 The outcome of it all was that Woodcock was spirited away
 32 out of legal reach, firstly to Australia and then to
 33 London, and doubtless with cash that I had unwittingly put
 34 in the plate as part of the weekly donation. I wouldn't
 35 mind betting that Mr H was awarded with a handy payment

1 for service rendered. His acceptance of money would
2 confirm his guilt in the conspiracy about Woodcock to my
3 mind. More of my plate money.

4 The Police telephoned me to inform me of the Police's
5 decision not to pursue the matter with Society of Mary
6 because of their discovery of aged Minto relatives unaware
7 of any wrongdoing on his part. My word against theirs. My
8 reaction to Police was instantaneous, 'Oh, I will take an
9 axe to the cursed things'" - I think Dad means the photos.
10 "Police's answer, he was the head of Wellington District,
11 "I can understand that". Which is not the tenor of answer
12 one would expect from a Policeman to an aggressive stance
13 like that. Another unexpected answer was given to me by
14 the Acting Head of Society of Mary at the meeting which
15 wasn't a meeting twixt us and them. I asked him the fate
16 of the two priests who violated me, Minto and Durning.
17 "They are dead" was the answer. Not: "They both have died"
18 or "They have gone" or "What a eulogy they got". Simply,
19 "They are dead". Heavily nuanced with relief, and a look
20 of sheer happiness that the wreckage the priests had caused
21 was now over."

22 Q. Thank you, Tina. Just take a breath.

23 A. All good, rock and roll.

24 Q. I've got some supplementary questions that I'm going to ask
25 you.

26 The first one is, we clearly get a sense of the man your
27 father was through the words that he's written that you've
28 now read out here in this Inquiry. Is there something
29 further you wish to say as a way of introducing your father
30 to the Commissioners?

31 A. I would love to introduce Dad to you, if I could. Our
32 father was the son of a judge, Sir Timothy Patrick Cleary
33 and Lady Nea Cleary, known to us as Gran. She graduated as
34 a lawyer which was no easy feat for women in those days.
35 At the end of her life Dad nursed her and cared for her, as

1 we did our Dad. He wasn't fond of being known as the
2 judge's son and he was most happy being a farmer. Despite
3 not wanting to be known as the judge's son, he still
4 inherited a high regard for what was fair and what was just
5 and also for the power of words.

6 Dad was a writer, he wrote two books, "The First
7 All Black" and "Warmstones", in some part
8 semi-autobiographical and other parts a good yarn about his
9 Irish heritage and family.

10 He loved rugby passionately, it could make or break his
11 day and ours. He was political at times, he and his
12 brother Jervis Cleary went and protested on the streets
13 against Apartheid the and Springboks Tour, he voted Labour,
14 and was proud of his Irish ancestry. When the Rainbow
15 Warrior was bombed, he boycotted everything French for a
16 decade. He was a stubborn man, that's genetic. He was
17 really intelligent. He taught himself how to build
18 electronic things from old manuals and is the kind of man
19 who would spend two weeks fixing something that cost 20
20 cents to replace. He loved beauty in people and in nature.
21 He was hugely generous and our Dad was really funny. When
22 he had his stroke, at the end he could only hold our hand
23 to say yes or no, but he could still figure out how to get
24 a smile from us doing that, you know. That was who Dad
25 was.

26 If he was here now, he would have you all smiling. He
27 loved connecting with people. He was deeply romantic and
28 was a really compassionate man. Our friends would describe
29 him as a real character, a good man. Irish cousins would
30 say he is a good cracker. Being made of good character was
31 very important to Dad. Integrity was really important. He
32 was a deeply loving father and he was proud of us, like we
33 are him. Thank you.

34 Q. Thank you, Tina.

35 A. Thanks Katherine.

1 Q. You've got some personal reflections about the impact the
2 abuse your father suffered had on him, can you share those
3 with the Commissioners?

4 A. This is a big question. All of us looked after Dad for the
5 last 10 years because his health wasn't great. He lived
6 with us and we would have quiet honest yarns at night.

7 I guess as his child you're not wanting him to be
8 defined by damage and I feel like he's certainly navigated
9 his own way through it but, yes, I do think it had an
10 impact on him.

11 I think the hardest relationship Dad had was with
12 himself. He would say he had low self-esteem. He took a
13 long time to tell us about this history and as a young
14 woman I could never understand why he was so homophobic.
15 What the priests whispered in his child's ear seemed to
16 corrupt his sense of self and safety with who he could
17 trust. For me, there were very few people in his life he
18 could trust and even then he was waiting for someone to
19 hurt him.

20 He told a policewoman once it affected his relationship
21 to God. To him, the priests were the right-hand of God and
22 they were whispering entwined religious sexual stories in
23 his ear and that distorted his direct line to God.

24 I was with him once when he said to a policewoman who
25 was taking his statement and he said, "The touch of their
26 kiss, it felt like rope" and I wondered why it felt like
27 rope and that's when I realised that the kiss, it was
28 touching his face. And I think the legacy of it left Dad
29 not fully, not always liking himself, somehow feeling that
30 things could be his fault. He experienced depression and
31 everything that went with that. Dad didn't initiate
32 touching or holding me. I can remember the few times that
33 he reached out to hold me but I was never, ever in any
34 doubt about his fierce love for me or for all of us but
35 those are things that I noticed.

1 Q. Thank you, thank you. And you and also the family members
2 that you've got here with you accompanied your father to
3 meetings with the Society of Mary and also to the private
4 session that he had with the Royal Commission. Can you
5 comment briefly on what worked and what didn't work for
6 your father in relation to those two different meetings
7 settings? So, the first one in relation to the Society of
8 Mary?

9 A. If I can preface my answer to this with it's something that
10 Dad has mentioned in his documents but it's something that
11 my brother reminded me of, but when you go into St
12 Patrick's Silverstream there's a hall of honour lined with
13 portraits to revere and respect past rectors and priests.
14 It's there so children can look up and aspire to them as
15 they walk through. And all Dad wanted was for Minto and
16 Durning to be taken down, as you know.

17 We were all at the Society of Mary meeting with Dad. I
18 am sure they were well-intentioned people but it's clear to
19 me now that they had no idea what they were doing and that
20 their main narrative, whether they knew it or not, was to
21 protect the Church first.

22 It was the first time that Dad had ever spoken the abuse
23 out loud. The first time he was actually describing
24 details to us, all of us. It was painful for him
25 revisiting it. He was embarrassed saying it out loud in
26 front of three strangers and his own children, and he told
27 me that later.

28 After the meeting, he felt judged and ashamed and it's
29 fair to say angry at times. They implied at the meeting
30 that there were many complaints about Durning but only one,
31 which was Dad's, about Minto and that made him feel as if
32 they didn't believe him.

33 The Society of Mary did reach out and offer counselling
34 once through Kitty but Dad declined. He didn't feel he was
35 the one in need of counsel. I realise in retrospect

1 because of the silence that followed that meeting, that
2 they were more concerned in finding out what Dad's
3 allegations were than they were in helping Dad's redress
4 and taking the portraits down.

5 For years, nearly a decade, 9 years, the Church, the
6 school, the Society of Mary, all knew and did nothing.
7 After that meeting, we approached the school directly to
8 take the portraits of these men down. We received a legal
9 letter in response that made him feel even worse. They
10 sent a letter that was legal in tone and dismissive and it
11 made Dad feel like he was the guilty party. It was sent
12 via post, it was prior to email times, and unfortunately we
13 were so offended by it we destroyed it, regrettably so.

14 It was 9 years later when Dad went public to Radio
15 New Zealand that a concerned mother at the school actually
16 did something. After reading Dad's interview, I believe
17 she and others put pressure on the school to take them
18 down. Society of Mary did nothing, the Church did nothing,
19 the school did nothing until Dad went public and then a
20 mother did something. And for the Royal Commission, sorry
21 may I speak to that?

22 Q. Yes, yes, absolutely.

23 A. I went with Dad to his interview with Sir Anand and Sandra
24 Alofivae - wow, it's good to see your face.

25 **COMMISSIONER ALOFIVAE:** You're doing great, you're doing
26 great.

27 A. Thank you. Thank you because this was the first time that
28 Dad felt validated and heard. He felt listened to and he
29 did not feel judged. Afterwards when he was processing it
30 at home, it settled for him, he said that for him to have
31 someone who believed him and listened to him and someone of
32 status and you both had apologised to him on behalf of the
33 Church causing hurt, that really helped Dad, so thank you.

34 **MS ANDERSON:**

1 Q. Just my second to last question, you obviously have had a
2 strong motivation to come here today, difficult though it
3 clearly is. Are you happy to explain a little bit more
4 about the motivation that's brought you into this room here
5 today?

6 A. I wanted to give voice to my father's words. Our father
7 wanted to speak to it. He spoke to it during a Radio
8 New Zealand interview and also in his book Warmstones. It
9 took a lot of courage for Dad to speak up, for him to
10 speak, it wasn't easy, it was really hard and Dad lived
11 with a lot of pain, and I do believe that some of that pain
12 was caused by a culture of people protecting these abusive
13 men above him.

14 This year has been a really long, hard fight for Dad to
15 live. He tried really hard. Dad was really courageous and
16 even in his death he was courageous. He was a giant in his
17 death, he was like ten times the size of himself and he was
18 a giant in our lives. He would want his words to be spoken
19 so that it doesn't happen to other children. That's why he
20 wanted the photos of those men placed high in the school
21 hall to come down, so other children don't honour
22 dishonourable men. That's why I wanted to speak to it on
23 his behalf.

24 Q. Thank you, Tina, thank you. That brings us to the end of
25 your evidence, unless there's anything else that you wish
26 to say before we close?

27 A. Just that we're going to have a top shelf whiskey to
28 celebrate Dad's life after this.

29 Q. Sounds like a good plan. Tina, can I just ask you to
30 remain there for a moment and just see if the Commissioners
31 have got anything that they'd like to ask you.

32

33

TINA CLEARY

34

QUESTIONED BY COMMISSIONERS

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CHAIR: I think some of us will have difficulty speaking.

COMMISSIONER STEENSON: I don't have any questions. Ngā mihi nui ki a koutou, ka aroha for your loss, Tina and Dan. Moe mai rā, moe mai rā.

A. Thank you.

COMMISSIONER ALOFIVAE: Not a real question as such, Tina, but just to thank you and Tim and Dan and just to share with you that actually in that session because you've spoken about it here today, your father spoke with such huge love about you boys even though you weren't physically there in the room. And I suppose because he was such a giant in that space as well, do you want to just leave us with your most favourite memory of your father so that we can have something in addition to his narrative?

A. Oh, too many. Look, Dad, if he was here, he would speak in a firm quiet voice but it wouldn't be beyond him to thump the table if something needed emphasising. So, holding Dad's stick, I want to tautoko the woman who was speaking before and encourage people to come forward, encourage the Church to be held accountable. He is Dad and I just want to thank you for this opportunity to speak to his words, it matters more than you know, thank you.

COMMISSIONER ERUETI: It's a lovely sentiment to end on, I don't want to get in the way of you three and your whiskey, so I just want to thank you.

A. Thank you.

COMMISSIONER ERUETI: Kia ora.

CHAIR: Thank you so much, the three of you. It's time we all went and had a break and mopped our tears.

Hearing adjourned from 3.28 p.m. until 3.50 p.m.

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MR G - AFFIRMED
EXAMINED BY MS GLOVER

CHAIR: I will call you Mr G, is that suitable to you?

A. Yes. (Witness affirmed).

MS GLOVER:

Q. Thank you, Mr G, which clearly is a pseudonym that we are using for you today. Thank you for coming to share your evidence with us today and we should also acknowledge your wife GRO-B who has travelled with you to support you today.

You have prepared a written statement for the Royal Commission of Inquiry dated 9 September 2020. Do you have a copy of that statement with you?

A. Yes, I do.

Q. Thank you. I'd like to now ask you some questions about that.

A. Yes.

Q. First, I'd like to ask you about your early life, what was that like?

A. I was born in Wellington and when I was younger our family moved to Whanganui when I was about 6 months old, I was brought up there in a strong Catholic family which comprised of my mother, my father, my older brother and two younger sisters. My mother was a staunch Catholic and we attended Mass every Sunday at our local parish, St Joseph's, Aramoho. Although my father was not Catholic through my childhood, he attended Mass along with the rest of the family and was supportive of my mother's activities supporting the Marist Brothers. He later converted to Catholicism.

1 I began my schooling at the Holy Infancy Convent in
2 Aramoho, which was a co-education school that was run by
3 the Sisters of Joseph. My time at this school was quite
4 good, although the nuns were firm disciplinarians, I was
5 never personally disciplined. Discipline consisted of a
6 strap or ruler across the knuckles. This was administered
7 for infringements like talking in class or answering back.
8 I attended the school for about four years.

9 When I was 8 or 9 years old, I made my First Holy
10 Communion at St Joseph's parish. My confirmation was held
11 at St Mary's, the main Catholic church in Whanganui when I
12 was 12 or 13.

13 As a child and throughout my school life, I would
14 describe myself as meek, mild, timid and compliant. I
15 never got into any trouble at school and was only ever
16 caned once, despite corporal punishment being the norm at
17 the time. I always attempted to be a good student and to
18 please my teachers, parents and others. Some of my school
19 colleagues probably regarded me as a goody-two-shoes.

20 Q. And then you went to the Marist Brothers school in
21 Whanganui for standard 3 to form 2?

22 A. That's correct, yes.

23 Q. What was that school like?

24 A. We had four teachers, generally speaking, at any one time,
25 teaching at the school. One of whom was the Principal.
26 When I started at the school, Br Benedict was the
27 Principal, but he transferred away and Br Fabian took over
28 as Principal. Other teachers that I remember from my time
29 at Marist Brothers school were Br Claudius, Br Francis, Br
30 Ephram and Br Marcelleno. At one point, Br Francis stayed
31 with our family as he was quite sick and needed
32 convalescence.

33 Marist Brothers Whanganui was a fairly sports -oriented
34 school. Students were required to participate in a sport,
35 usually rugby in the winter and cricket in the summer.

1 Discipline was a daily event. Boys were caned if they
2 were judged to be out of line. This consisted of being hit
3 over the hand or backside with a bamboo cane between one
4 and six times at any one time, depending on the severity of
5 the infraction. I was only ever caned once in my time at
6 the school and that was when my entire class was caned for
7 talking.

8 Q. In your written statement, you describe abuse that you
9 suffered at the hands of the school Principal, Br Fabian
10 O'Driscoll?

11 A. That's correct.

12 Q. Can you tell us about that?

13 A. Yep. Br Fabian taught my form 2 class and coached my
14 cricket team. For many years, Marist Brothers taught
15 boxing and organised an annual competition in the local
16 opera house. In my last year at that school, with
17 encouragement from my father, I took up boxing and entered
18 the competition. Br Fabian was one of the boxing coaches,
19 although he seemed to have no boxing knowledge or ability.

20 Nearing the competition date, which was from memory in
21 the latter part of that year, I was at practice with other
22 boys after school when Br Fabian called me aside and asked
23 me to go to his office. I had no idea why he singled me
24 out because I had done nothing wrong.

25 When I got to his office, he called me in, closed the
26 door and said words to the effect, "I am going to give you
27 a massage". I had a vague idea what a massage was but had
28 no idea how it related to boxing. Br Fabian sat on an
29 armless chair and told me to lay across his knees. I was
30 wearing white sports shorts and a white singlet.

31 As soon as I lay down, he put one of his hands down the
32 back of his shorts under my underpants and started rubbing
33 my buttocks with his hand and putting his fingers in and
34 around my anus. This seemed to go on for an eternity
35 although it probably only continued a few minutes. He then

1 pulled his hand out of my shorts and told me to go back to
2 training. He said nothing further.

3 Q. I understood that you've recently discovered that your
4 brother was also abused at the Marist Brothers' School in
5 Whanganui?

6 A. Yes.

7 Q. Before we move to that, I would like to ask you about
8 whether you told anybody about your abuse at the time?

9 A. I told nobody about the abuse at all, no.

10 Q. Why was that?

11 A. Because I suspected that I may not be believed, yep.

12 Q. And looking then at paragraph 2.6 of your brief.

13 A. Yes. Just to clarify a bit further, at that time, I did
14 not tell my parents or anyone else what had happened.
15 There were two reasons. Firstly, I thought my father might
16 physically harm Br Fabian, although he was not a violent
17 man. Secondly, my mother was heavily involved in school
18 activities and I thought that perhaps my parents would not
19 believe me. I was not prone to telling lies but at the
20 time it was probably unthinkable that a Marist Brother
21 would be capable of such behaviour.

22 Q. Thank you. So then moving on to this discovery that your
23 brother was also abused at the Marist Brothers' School in
24 Whanganui, can you talk about that discovery?

25 A. Yes. Until recently, I did not know or hear of any other
26 boys being abused at the Marist Brothers Whanganui.
27 However, two or three years ago I spoke to my brother for
28 the first time about Br Fabian, what Br Fabian did to me
29 and expressed my intention to register with the Commission.
30 During this discussion, he mentioned for the first time
31 that he had been abused by Br Benedict when he was
32 Principal of the school. He told me that when he was
33 called to give a presentation or talk in front of the
34 class, Br Benedict would abuse him while he was standing
35 behind the lectern and out of view of other boys. Br

1 Benedict would put his hand into the boys' shorts and
2 underwear and fiddle with their genitals. He said that
3 other boys had told him that the same thing had happened to
4 them but he did not tell me the names of any other boys. I
5 visited him in Whanganui and convinced my brother to
6 register with the Royal Commission despite his attitude
7 that it was better to let bygones be bygones.

8 Can I go back to Br Fabian for a moment?

9 Q. Yes, of course.

10 A. I think after, just to clarify, after I had had that
11 meeting with Br Fabian and when he had indecently assaulted
12 me, the next day I went back to Br Fabian's class, he
13 continued to teach me on a daily basis, continued to teach
14 me boxing and continued to teach or coach my cricket team.
15 He never, ever mentioned what he'd done to me, it was like
16 it never happened. I started to question whether the
17 incident had taken place, although it definitely had, and
18 hoped my memory of what occurred would go away.

19 Q. Thank you. And later, you found out some information about
20 another teacher at the school, Br Claudius, I think his
21 civil name is Malcolm Thomas Pettit?

22 A. Yes. Brother Claudius taught in form 1. I had no concerns
23 about him while I was at school and nor did I hear of any
24 concerns from others. I was awarded a prize for diligence
25 the year he taught me.

26 In the 1980s, when I was working for a government
27 department, Br Claudius was interviewed by a Police Officer
28 for indecent assault on a pupil at Saint Bernard's College
29 in Lower Hutt. From memory, he was not charged with any
30 offence at the time. However, in 1992 Br Claudius pleaded
31 guilty to an indecent assault on a boy at Saint Bernard's
32 College and was stepped to 6 months imprisonment. I have a
33 copy of convictions to confirm that from the Lower Hutt
34 District Court.

1 Q. Thank you. Leaving aside those particular matters, do you
2 have any general thoughts or observations about the Marist
3 Brothers' School in Whanganui in the 1950s and 1960s?

4 A. Yep. At Marist Brothers both Principals, being Br Claudius
5 and Benedict and Fabian, were paedophiles. Both the third
6 brother as I mentioned before, Br Claudius, was convicted
7 of indecent assault and it's likely he may have offended
8 whilst in Whanganui as his conviction related to Lower
9 Hutt. It concerned me that out of a teaching staff of four
10 at any one time, the ratio of paedophiles at that school
11 was high. This is an appalling state of affairs.

12 I will just comment a wee bit further, if I may. I
13 spent a total of 8 years at Marist Brothers Whanganui or
14 Saint Augustine's in Whanganui. For 6 of those years, my
15 Principals were paedophiles, being Br Fabian, Br Benedict
16 and Fr Roberts, Fr Phil Roberts who I will talk about
17 shortly, were paedophiles. My classmates and I didn't
18 deserve, nor did the Whanganui Catholic community who sent
19 their children or boys to those schools to have paedophile
20 priests or brothers as Principals. To me as a young person
21 at those schools, those Principals were God-like figures.

22 I mentioned Fr Phil Roberts. I was informed not so long
23 ago that he was a Principal at St Augustine's College when
24 I was there. He indecently assaulted at least one pupil.
25 He picked on a particular pupil, made him come back to
26 school after hours for disciplinary reasons and indecently
27 assaulted him on more than one occasion. That victim is
28 now dead and I don't think any complaint was ever made.

29 Q. Coincidentally, separate from the people that you've
30 mentioned, for many years you and your family have known Br
31 Patrick Bignell?

32 A. That's correct.

33 Q. Who was convicted for the sexual abuse of children. Are
34 there any comments you'd like to make about Br Patrick
35 Bignell?

1 A. Yeah. Br Patrick Bignell is related to me. We have never
2 been close relations but still he is a relation. To put it
3 mildly, I am embarrassed and ashamed by Br Patrick's
4 behaviour. Whilst I cannot apologise to his victims for
5 his behaviour, I want it known that I have unwavering
6 support and empathy for them and for what he has put them
7 through. My thoughts are with each and every one of them.
8 To know that one of my relatives is a convicted paedophile
9 shook me to the core. Having said that though, and
10 following Br Patrick's sentencing, I made a spontaneous
11 decision in the spirit of Christian love to call upon him
12 unannounced at his residence when I was in Auckland. He
13 raised the subject of his being on home detention and his
14 convictions. He went into limited detail about them. Br
15 Patrick has not contacted me since my visit.

16 To add insult to injury, Br Patrick wrote the official
17 obituary for Br Fabian which rubbed salt into my wound. To
18 be fair to Br Patrick, he would not have known that I was a
19 victim of Br Fabian. I was astounded to learn that prior
20 to and subsequent to his convictions, Br Patrick was
21 working in the Marist Archives in Auckland. I believe that
22 it is or was totally inappropriate and irresponsible of the
23 Marist Order to allow Br Patrick to work in their archives,
24 based on his past predatory behaviour which has vast
25 similarities to the behaviours of some other Marist
26 Brothers. In his role there, he is highly likely to have
27 unfettered access to all files relating to Marist Brothers
28 including other convicted/suspected Marist paedophiles. He
29 would have known many of these brothers personally as he
30 has been in the Marist Order for 50 plus years.

31 Q. Thank you. You've already mentioned Fr Phil Roberts?

32 A. Yes.

33 Q. Is there anything else you would like to add on that topic?

34 A. About Phil Roberts, not at this stage.

1 Q. When you left Marist Brothers' School, as you said, after
2 form 2, and attended St Augustine's College, which is now
3 Cullinane College?

4 A. Yes.

5 Q. And you were there for 4 years?

6 A. Yes.

7 Q. And then what happened then, what happened after you left
8 college, perhaps looking at paragraph 3.2?

9 A. Before I left school, and that would have been in the 6th
10 form, I applied for a job with a government organisation
11 and was accepted but I thought I was too young and needed
12 to mature, so I declined the invitation and went to work
13 for New Zealand Railways for 12 months. I then reapplied
14 to the organisation again and was accepted.

15 I spent 21-22 years working for this government
16 organisation. The last 10 years of my service were as a
17 manager, responding to all manner of matters that arose at
18 the time or on a daily basis.

19 I resigned from that government organisation in GRO-A due
20 to an issue with my voice which I'll address further on. I
21 then joined the then Department of Social Welfare, now the
22 Ministry of Social Development, where I initially worked as
23 a general government employee.

24 For the last 12 years of my service there, I managed a
25 team and, yeah, we worked for that Ministry.

26 Q. Thank you. In fact, I think you might have been too modest
27 to say but, in fact, you were one of the individuals in the
28 Public Service who received a certificate from the State
29 Services Commissioner recognising your outstanding
30 contribution to the New Zealand Public Service at that
31 time?

32 A. That's correct, yes.

33 Q. And you're now retired?

34 A. Yes, I am.

1 Q. Moving then to a slightly different topic, and I know this
2 is a big question but what impact do you think the abuse
3 had on your life?

4 A. In hindsight, I think that Br Fabian's actions had a bigger
5 impact on me than I realised at the time and in later
6 years. At primary school, I was one of the top three or
7 four students in my class. However, following the assault,
8 I found it significantly more difficult to learn and study.
9 I just scraped through my School Certificate exams and did
10 not achieve University Entrance, although I should have
11 achieved high marks in both but I continued to struggle
12 studying for exams and had to work much harder than my
13 colleagues.

14 In the 1980s, my voice began to deteriorate and change,
15 to the extent that I decided to leave that government
16 organisation, a career that I really enjoyed. I left
17 because I feared that my voice might fail me at a vital
18 time and place my life or the life of a colleague or member
19 of the public in danger. I cannot say categorically that
20 the actions of Br Fabian caused these issues to my voice
21 but I now believe that his assault contributed at the very
22 least. I have seen numerous specialists, attended voice
23 therapy and had had operations but nothing has been able to
24 fix the issue. A recent operation was only 30% successful.
25 I have now struggled with these voice issues for more than
26 33 years and spent a considerable amount of money
27 attempting to restore the voice to what it was but it was
28 unsuccessful, to be honest.

29 I dealt with several paedophiles over the years. Each
30 time I dealt with such a case, the memory of my encounter
31 with Br Fabian read its ugly head. I certainly did not
32 back down from doing my duty; I got on with my job in a
33 professional manner and performed to the best of my ability
34 but the abuse by Br Fabian was in the back of my mind.

1 The abuse may also have affected my first marriage,
2 particularly my ability to express myself.

3 I was a staunch Catholic for all my life until about
4 five years ago. In the last few years, I have backed away
5 from the Catholic Church, partly because of what happened
6 to me and others and the lack of response from the Church.
7 I had been thinking about Br Fabian and all the Marist
8 Brothers and priests that abused people. Since the Royal
9 Commission started, I began to wonder which priests could
10 be trusted. There are certainly some fine men among them,
11 don't get me wrong, but I have done a lot of research and
12 this is a global problem. I lost faith and confidence in
13 the Catholic Church. It was difficult to step away but I
14 still retain my own personal faith, just not in a formal
15 way with the Church.

16 Q. I'd like to ask you about how you eventually came to
17 disclose the abuse and your experiences with seeking
18 redress. Can you tell us about that?

19 A. Right. The first time I mentioned what Br Fabian did to me
20 was during an individual counselling session in the 1990s
21 for unrelated issues. I only mentioned it briefly and did
22 not go into it in any depth. The counsellor asked me if I
23 had ever indecently assaulted anyone myself and I was taken
24 aback and affronted by this response. I understand why he
25 asked but it has always stuck in my throat. I later
26 briefly mentioned the abuse to my first wife.

27 In 2002, Br Fabian's actions had been playing on my mind
28 for some time and I began to wonder if what occurred had
29 contributed to issues with my voice. I wanted to talk to
30 someone off the record, so I mentioned Br Fabian's actions
31 to a trusted former colleague. He made some initial
32 inquiries and found that Br Fabian was still alive and in
33 care in a rest home. I decided at that point not to pursue
34 the issue. I wondered whether I had been the only one this
35 had happened to or whether I had imagined what occurred. I

1 was also very concerned that I would not be believed. In
2 2006, Br Fabian passed away.

3 When the Royal Commission was announced, I took an
4 interest in the Terms of Reference. When abuse in
5 faith-based care was added to the scope of the Inquiry, I
6 decided now was the time to put up my hand. I registered
7 with the Commission and encouraged my brother to do the
8 same.

9 On November the 22nd 2019 I attended a private session
10 Commissioner Andrew and told my story. I provided a
11 written statement and gave it to the Commissioner who also
12 had some questions for me. I thought it was a good process
13 and the Commissioner was very laid back, understanding and
14 gentle. I came away feeling a big load had been lifted off
15 my shoulders for the first time. It felt a bit surreal.

16 After that private session, I felt like I had got my
17 story out in the open and that I should also report it to
18 the Catholic Church. I wanted to ensure that the Marist
19 Brothers fully understood what had been going on. Not just
20 with Br Fabian but the others who had not been good Marist
21 Brothers. I thought that someone needed to connect the
22 dots.

23 I vaguely heard of A Path to Healing process but did not
24 know much about the procedures.

25 On 25 November 2019, I sent an email to the National
26 Office for Professional Standards stating that I had been
27 abused by a Marist Brother in 1960 and asked to be advised
28 of the correct procedure to report the matter. It was
29 around this time that I saw an Otago Daily Times article by
30 Chris Morris and became aware for the first time that
31 Br Fabian was a serial offender who had been the subject of
32 multiple complaints to the Marist Brothers.

33 Four complaints had been upheld on Marist Brothers but
34 there had been no prosecutions.

1 It appeared from what I read that these indecent
2 assaults had occurred prior to Br Fabian indecently
3 assaulting me in Whanganui. That made me angrier. I felt
4 had he been dealt with appropriately at the time, my case
5 and the case of many other young boys would have been
6 prevented and I wouldn't be sitting here today.

7 The following day, the 26th of November 2019, I received
8 a response from the Professional Standards Officer
9 outlining the complaint process and asking me to complete a
10 notification form providing further details of my
11 complaint. I completed the notification form and returned
12 it to the National Office of Professional Standards. On
13 2nd December 2019 I received an email from an investigation
14 officer informing me that an investigator would be
15 appointed to investigate my complaint.

16 On 13 February 2020, I received a letter from the
17 professional standards officer informing me that a Pat
18 Coady, a licensed private investigator with the Corporate
19 Risks firm had been appointed to investigate my complaint.
20 A document summarising the investigation was enclosed.

21 Q. Thank you. We might just bring that document up which is
22 Exhibit 3. It's dated 13 February 2020. It is a very
23 brief letter recording that the information you had
24 provided was considered to be a complaint under A Path to
25 Healing which was the Church's response to dealing with
26 complaints of abuse and that in accordance with A Path to
27 Healing an investigator had been appointed to investigate
28 your complaint?

29 A. Yes, that's correct.

30 Q. What happened next?

31 A. After a couple of phone conversations with Pat Coady, he
32 realised that Br Fabian had taught him at school and that
33 our career paths had crossed as well. He therefore decided
34 that that was a conflict of interest, which I totally
35 agreed with, so he stood down from that investigation.

1 On the 12th of March 2020, I received a letter from the
2 Professional Standards Officer informing me that a new
3 investigator from the same firm, Al Lester, had been
4 appointed to investigate my complaint.

5 Q. All right. Then we have Mr Lester appointed. What
6 happened there?

7 A. I was scheduled to meet with Al Lester in March of this
8 year but due to the Covid-19 lockdown, this meeting was
9 rescheduled.

10 On 8 July this year, Al visited me at my home to discuss
11 my complaint. He asked a series of questions about what
12 occurred and I provided him with a copy of the written
13 statement that I provided to the Royal Commission. He
14 asked me what outcomes I wanted from the redress process
15 and I outlined three. Firstly, a written apology from the
16 Marist Brothers acknowledging the conduct of Br Fabian,
17 even though he is now dead. Number two was an
18 acknowledgment of the wider issue of abuse within the
19 Marist Order. I personally know of four Marist Brothers
20 who abused children. And three, an ex gratia payment.

21 In regard to the ex gratia payment, my intention is not
22 to make money out of Br Fabian's conduct but if what
23 occurred contributed to the issues with my voice, and I
24 think it has, then it has cost me a lot of money over the
25 years to seek treatment.

26 Following the interview, Al provided me with a written
27 transcript documenting our discussions. He has now
28 finished his inquiries or investigation, including speaking
29 to two individuals that I asked him to speak to, and he has
30 written his report.

31 Q. Thank you. We might just bring up Exhibit 5, please. In
32 particular, an email dated 17 November 2020 which is on
33 page 2, at least it starts on page 2. And then if we go to
34 page 3, and perhaps pull out the paragraph that begins "You
35 mentioned in one of your recent emails".

1 So, this is you sending an email to Jacinda Stopforth at
2 NOPS, the National Office of Professional Standards?

3 A. Yes.

4 Q. And you're asking whether the report received by NOPS had
5 been sent to the Complaints Assessment Committee?

6 A. Yes, that's the email, yes.

7 Q. And I believe that separately from this email, you also
8 asked about who was on the Complaints Assessment Committee?

9 A. Yes, I'm sure I did, yes.

10 Q. And what response did you receive?

11 A. None.

12 Q. Did you receive a response and they said they couldn't tell
13 you or there was just no response at all?

14 A. No, my mistake. I think it came back that, yeah, no, I
15 think it came back that they couldn't tell me but I'm not
16 100% sure on that just now.

17 Q. And then if we have a look at the email dated 20 November,
18 it's Exhibit 5, page 1, we've got here an email from
19 Jacinta Stopforth advising you that the Complaints
20 Assessment Committee had sent their recommendation to the
21 Marist Brothers?

22 A. Yes.

23 Q. And you have now asked for a copy of that recommendation, I
24 believe?

25 A. That's correct, yes.

26 Q. Have you received it?

27 A. No, I haven't.

28 Q. What communication have you had in relation to that? What
29 response to your request, if any?

30 A. None, as far as I am aware, none that I can recall.

31 Q. Overall, how do you feel about the communication you've
32 received about this recent complaint?

33 A. I think it has been slowed down by Covid obviously but I
34 think the wheels have turned, the wheels of justice, for

1 want of a better word, have turned quite slowly, to be
2 honest.

3 Q. Looking forward in broader terms, what do you think the
4 Catholic Church needs to do better, in terms of responding
5 to abuse?

6 A. I think, in my opinion, the hierarchy of the Catholic
7 Church has not been outspoken about the abuse that has
8 occurred within the Church. They need to be more vocal
9 about what has happened and supportive of people who have
10 suffered. The National Office of Professional Standards
11 seems to be working pretty well - albeit slowly. The
12 National Office of Professional Standards should continue
13 to refer investigations to an independent body for
14 investigation, such as they have done in my case, and there
15 should be no interference from clergy protecting other
16 religious. In the old days, as we know, they would shunt
17 them sideways and allow them to continue their behaviour
18 unfettered.

19 Q. So, what would you like to see come out of this Royal
20 Commission?

21 A. In the future, and following the completion of this
22 Commission of Inquiry, I would like to see a recommendation
23 and the implementation of an independent and impartial
24 Agency set up to deal with the issues that involve state or
25 religious based organisations having abused people within
26 their care. Having such an Agency would ensure all persons
27 are dealt with in an equitable manner. This would
28 eliminate victims of such abuse being treated differently
29 in many ways, based on which organisation was responsible
30 for the abuse. That would also allow benchmarks to be set
31 and eliminate the necessity for victims having to negotiate
32 and having ongoing dealings with the organisations
33 ultimately responsible for their abuse.

34 Such an approach would be a win-win situation for both
35 the organisation and the victim. It would remove any such

1 responsibility from the organisation concerned, probably
2 something that they would like as well, and would make it
3 more user-friendly for the victim.

4 I have had experience in setting up a similar process on
5 a much smaller scale in a large government Ministry. This
6 independent and impartial approach definitely does work
7 and, just to go back a step, in setting up this process was
8 the reason why the Commission gave me the award it did give
9 me. I would be happy to discuss this situation and my
10 experience further if requested.

11 Q. Thank you. Is there anything else you would like to add,
12 Mr G?

13 A. Yes. First, I would like to thank the Commission for
14 inviting and giving me the opportunity to give evidence
15 today. I would also like to thank all the staff behind the
16 scenes who made this possible.

17 I would also like to congratulate you, Commissioner
18 Shaw, on the stance you recently took in not allowing the
19 suppression of the perpetrator's name as sought by the
20 Catholic Church, I really appreciate that, thank you.

21 You will never know what this decision meant to other
22 survivors and myself, and again I thank you.

23 I would just like to take an opportunity to explain why
24 I opted to give evidence today, having already given
25 evidence in a private hearing 12 months ago.

26 I am a very small cog in this Royal Commission. It is
27 quite daunting putting myself out here in public and
28 although I am using a pseudonym, a number of people know
29 who I am and that doesn't bother me, to be quite frank with
30 you. I just don't particularly want to be on national TV.

31 Today you have heard my story but today is not about me
32 and this is the main reason I am here and opted to give
33 evidence today. I had to do it for the survivors and the
34 victims and there is a distinction in my view between the
35 survivors and the victims. A number of survivors have not

1 felt confident to give evidence or even register with the
2 Commission and their stories may never be heard. Kia kaha
3 to all those who haven't yet come forward but would like to
4 do so.

5 Then there are the victims and these are not survivors
6 because these victims have died prior to having the
7 opportunity to give evidence here today, prior to having
8 the opportunity to register and give evidence. There are
9 also those victims who passed on many years prior to any
10 Commission having ever been considered.

11 And lastly, those victims who were affected directly or
12 indirectly and who, for whatever reason, have taken their
13 own lives because of the abuse they suffered. May they
14 rest in peace. That is why I'm here today.

15 Q. Thank you, Mr G. The Commissioners may have some questions
16 for you.

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MR G
QUESTIONED BY COMMISSIONERS

CHAIR: Mr G, I just have a couple of questions and then I'll ask my colleagues.

The first is the extraordinary observation you made, that the number of priests, brothers, the proportion of them who were abusing children seems to have been remarkably high.

A. Yes. That's just in Whanganui that I know of.

CHAIR: Just at one school?

A. Yep.

CHAIR: And yet, it was going on behind the scenes, it just struck me there's just this feeling of secrecy, of things being hidden all the time; would you agree with that?

A. I still believe that there are a number of people in Whanganui who could assist this Inquiry, I honestly believe that. But for a variety of reasons they don't or won't come forward.

CHAIR: And some of those will be linked to matters we've heard about today, the shame?

A. Sure, yes.

CHAIR: Embarrassment?

A. Yes.

CHAIR: Possibly thinking that they were responsible in some way?

A. Yes, and also a small town.

CHAIR: Small town?

A. Yep.

CHAIR: Reputation?

A. Yes, all of the above, yes.

CHAIR: So, all of the above makes us grateful to you for sharing today.

1 The other question that I have relates to the redress
2 system.

3 A. Yes.

4 **CHAIR:** And so, as I understand it, you go and you make
5 your complaint to NOPS?

6 A. Yes.

7 **CHAIR:** They pass it on for recommendations from CAC and
8 then it gets put back to the Marist Brothers to contact
9 you?

10 A. Correct, yes.

11 **CHAIR:** I just wonder what you think about that because I
12 know you're advocating for an independent. I take it, you
13 don't like the idea of it coming back through the Marist
14 Brothers, is that right?

15 A. I can deal with it and I can handle it, that doesn't bother
16 me, but I don't think it is the right process. I think
17 there are a lot of people out there who may be not as
18 confident as myself to, sort of, ask the hard questions and
19 I think for them it may be a lot more difficult than it
20 will be for me because I am not afraid to ask the hard
21 questions but I believe there are some people who are a bit
22 sort of fragile and have to deal direct with the Marist
23 Brothers, whatever Order it might be, themselves because
24 they are going back to the exact organisation that caused
25 the problem in the first place.

26 **CHAIR:** And that I think is where I was going. It seems to
27 be a common pattern that people, particularly the ones more
28 fragile, don't want to face the people who, even the
29 organisation who employed or engaged the people who did
30 abuse them?

31 A. Yes, I believe so, yes.

32 **CHAIR:** Hence your call for independence?

33 A. Yes, yes, yep. I have that if that would be of any use to
34 you.

1 **CHAIR:** Thank you for that and keep your ears and eyes open
2 because, as you heard this morning, we will be having round
3 tables, we will be out for public consultation looking for
4 ideas, so more offers of help are gratefully received.

5 I will ask my colleagues if they would like to ask any
6 questions.

7 **COMMISSIONER ERUETI:** Tēnā koe Matua. Good to see you
8 again. Just following on from the chair's question because
9 you make the point that the first investigator had to
10 recuse/leave the position because of a conflict of
11 interest, so he himself was a member of the Catholic
12 community in Whanganui?

13 A. No, Wellington.

14 **COMMISSIONER ERUETI:** In Wellington, okay.

15 A. Not in my school, no.

16 **COMMISSIONER ERUETI:** Okay. To your mind, these
17 investigators, you see them as being independent of the
18 Catholic Church? Is that your understanding?

19 A. I think they absolutely are. I think because of their
20 backgrounds and what you need in these cases is someone
21 with, I guess, a fairly extensive knowledge of
22 investigating processes and procedures. Yep, I think
23 that - yeah, I think the people are quite competent, don't
24 get me wrong, the people working for NOPS are seconded to
25 or contracted to do the job, I have no doubts about their
26 ability to do the job and also I believe that they are
27 impartial.

28 **COMMISSIONER ERUETI:** You feel they are impartial?

29 A. Absolutely.

30 **COMMISSIONER ERUETI:** And the fact that Pat Coady was
31 himself Catholic or formerly Catholic, that didn't give you
32 cause for concern?

33 A. No, not at all.

34 **COMMISSIONER ERUETI:** More generally, I was just curious
35 about your experience of this redress process and about

1 what could be done better. You've already talked about, in
2 particular, the wheels of justice turning slowly, it could
3 be more timely. Were there any other factors that caused
4 some concern for you too? It seemed like access to
5 information, like you mentioned that, for example, The Path
6 to Healing document was, you'd vaguely heard of it but
7 didn't know much about it or the procedures?

8 A. I think, to give the names of for example, the people on
9 the Panel that made the final decision that goes to others,
10 I'm sure I requested that and that hasn't been forthcoming.
11 I think that it could be these people are concerned about
12 having their names put out there, like in public if I ask
13 for it somebody else might ask for it, I think that's a
14 shallow argument. I am only assuming and if that argument
15 was put forward, Judges and Magistrates and everybody else
16 who work in that field, their details are out there and
17 people know who they are and they would be, I think, at far
18 greater risk than would be the people dealing with matters
19 of indecency involving an organisation. I am not saying
20 there couldn't be a risk but I'm saying it's a much lesser
21 risk, would be my view.

22 **COMMISSIONER ERUETI:** Okay. Did you have any - do you
23 recall from our private session we had counsellors?

24 A. That's right, yes.

25 **COMMISSIONER ERUETI:** Is that a process that - did you find
26 a sort of offer of counselling supports as you went through
27 this process too?

28 A. Yes, the office made on a number of occasions, thank you,
29 by yourself and others and I didn't follow-up that, I
30 didn't feel the need to, but I think the fact that the
31 offer has been there has been great and I would just like
32 to also comment on the fact that with today's session, with
33 all the support that's been wrapped around me today and
34 other people, that's absolutely first class, I couldn't
35 fault it. On that basis, you've got that all spot on.

1 From the lady who organised my tickets and all that to my
2 friend sitting here in the corner behind me supporting me,
3 yeah, it's just great, so you're spot on with what you're
4 doing there.

5 **COMMISSIONER ERUETI:** Thank you, we appreciate that. I
6 wonder to what extent are you getting that experience when
7 you go to NOPS, to the redress scheme offered by the
8 Catholic Church?

9 A. Not to that extent. I did get messages to come back if you
10 have any questions or I can help you further, which is fine
11 but I guess this one here today, where I'm actually sitting
12 before you people, which is a bit daunting, to be honest,
13 and other people more so than me, I guess, so people are at
14 different stages but I think what you've done today and
15 looking at how you've done it and all the support here,
16 it's great, I couldn't fault it.

17 **COMMISSIONER ERUETI:** Okay. I have wondered about having
18 to repeat your story, repeat it to the Commission. You
19 come to the Commission in a private session and you your
20 soul.

21 A. Yes.

22 **COMMISSIONER ERUETI:** And then not long after you approach
23 the redress scheme offered by the Catholic Church and then
24 you have to repeat it again. I see you had a transcription
25 from the private session that you took with you.

26 A. Yes.

27 **COMMISSIONER ERUETI:** I wonder whether that helped, so that
28 means you're not forced to repeat every detail?

29 A. Sure. I think the Commission comes from one perspective,
30 the National Office of Professional Standards comes from a
31 slightly different perspective, and what's parallel, they
32 haven't both quite got the same focus and I will see how it
33 goes once the Marist Brothers contact me but I suspect that
34 might be a bit of a drawn out process and I don't want to
35 judge anything at all but that needs to be dealt with as

1 well. From my perspective, I'm quite comfortable how it's
2 gone but some people may not be and in the first instance,
3 you've got to be bold enough to put yourself out there,
4 approach the Commission and then you've got to have a chat
5 yourself. You have to be bold enough to put yourself up to
6 National Office of Professional Standards and then deal
7 with the Marist Brothers, so it's quite a long process and
8 I suspect some people may give up on it, put it in the too
9 emotional difficult basket. And probably if you had a
10 one-stop shop, it would be a lot better. I am not talking
11 about disbanding this Commission for one moment. I am just
12 saying after the Commission has done things, there could be
13 an Agency responsible for all those things and then it
14 would maybe be a one-stop shop we are talking about, rather
15 than repeating and going through etc.

16 **COMMISSIONER ERUETI:** Thank you, I really appreciate that
17 and thank you for your courage and strength and humility,
18 kia ora.

19 **COMMISSIONER ALOFIVAE:** Good afternoon, Mr G, thank you, I
20 echo those sentiments about your courage. Can I just ask
21 you to expand on this notion on the independent authority
22 that you've been referring to. We've come to understand
23 that there is no actual one entity that is called the
24 Catholic Church but rather, it's a myriad of six dioceses
25 and all of these Catholic communities and what not.

26 A. Sure.

27 **COMMISSIONER ALOFIVAE:** How long do you think, what's the
28 appetite for change? Do you have a sense of that, in terms
29 of the accountability? Clearly, we're hearing lots of
30 things that happened that need to be put right.

31 A. Sure.

32 **COMMISSIONER ALOFIVAE:** But the accountability question?

33 A. I don't know, too many victims, that's my problem. But the
34 vibes you pick up on, you see some stuff on Facebook from
35 time to time and different organisations along those lines.

1 I think everybody that I have seen comment would like to
2 have some sort of independent body, that seems to be a
3 theme coming through more strongly as time goes on. Not to
4 do with the Commission but looking down the track, an
5 Agency that dealt with these things and I think that's a
6 pretty strong argument and that would also save a lot of
7 people a lot of heartache and distress and would probably
8 bring more people forward, I believe, if they knew that you
9 had a system setup whereby they could come to you once or
10 come to the Agency once and then it was fired out and they
11 only told the story once. Whereas, other people like
12 myself have been three times now and it's not finished yet.

13 So, I think, yes, if there could be something, sort of,
14 there seems to be quite a strong theme coming through that
15 I noted. I follow what's happening and I am interested in
16 it obviously, so I'll still be interested to see how it
17 continues down the path but yeah I have an interest in it.

18 **COMMISSIONER ALOFIVAE:** Thank you for giving voice to the
19 voiceless.

20 A. Thank you.

21 **COMMISSIONER STEENSON:** Tēnā koe. I really just had one
22 thing I wanted to clarify around the age that the abuse
23 occurred. I saw it was form 2, so were you around 12?

24 A. Around 12-13, about 12.

25 **COMMISSIONER STEENSON:** Okay. That was really all I wanted
26 to clarify. On behalf of the Commissioners, I just want to
27 reiterate thank you so much for coming in and opening up
28 and, as you say, putting yourself out there. It really
29 does take a lot of courage. So, yeah, particularly given
30 the complications with your voice as well.

31 A. Thank you.

32 **COMMISSIONER STEENSON:** Thank you very much.

33 A. Okay, thank you very much, thank you.

34 **CHAIR:** Does that bring us to the end of the proceedings.

1 **MS ANDERSON:** Thank you, Ma'am, that concludes the evidence
2 and the day.

3 **CHAIR:** If you would like to stand-down, we now have the
4 final ritual for the day which we look forward to very
5 much.

6

7

8

(Closing mihi and waiata)

9

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Hearing concluded at 4.45 p.m.