

**Witness Name:** Frances Eileen Tagaloa

**Statement No.:** WITN0020005

**Exhibits:** WITN0020006 - WITN0020009

**Dated:** 23-11-2020

## ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

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### SECOND WITNESS STATEMENT OF FRANCES EILEEN TAGALOA

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I, Frances Eileen Tagaloa, state: -

#### INTRODUCTION

1. My full name is Frances Eileen Tagaloa. I was born on the GRO-B 1968 and I am 52 years old.
2. This is a supplementary statement to the Royal Commission (the Inquiry) made in addition to my previous statement dated 2 October 2020.
3. In my previous statement dated 2 October 2020 I referred to the abuse of Brother Bede at Marist Brothers in Ponsonby, Auckland. I am referring to Brother Bede Fitton, civil name Francis Fitton, in any reference made to "Brother Bede".

4. In my previous statement dated 2 October 2020 I referred to reading the “Australian Royal Commission”. I was referring only to the Final Report Volume 16 Religious Institutions Book 2 from the Australian Royal Commission that specifically looks at the Catholic Church. I note that the pontifical secret no longer applies in cases of the sexual abuse of minors, and that the Holy See has produced a document which sets out that duties to report to civil authorities must be met, with the exception of information obtained during the Sacrament of Reconciliation.

#### **REDRESS – SEEKING INFORMATION**

5. At the time of signing my previous statement, I was engaged with the Marist Brothers to seek the answers to questions I still had. This supplementary statement details the correspondence I have had with the Marist Brothers since signing my previous statement.
6. As mentioned in my first statement, I made a Privacy Act request for my file at the beginning of 2020. I confirm this was on the 16<sup>th</sup> of March 2020 and shown in the File Notes exhibit. In this request I made a number of queries about the disclosure I made to the Marist Brothers concerning Brother Bede’s sexual abuse of me as a child together with how my disclosure was responded to at the time and following.
7. On 10 July 2020 a staff member of the National Office for Professional Standards (NOPS) asked me via email to confirm my identity and complete a form to enable access to my documents. I had previously provided an identity document (my driver’s licence) to them and wasn’t aware that a specific form was required. It made me feel like the delay had been caused by not completing the simple form and caused me frustration.

8. I provided the form on 17 July and on the same day a staff member of the NOPS office provided me with two documents, one was a typed list of notes and one was a letter, stating that a donation had been made in my name. This included an apology for the delays to date.
9. On 22 July I responded and again sought answers to the questions I had asked in March.
10. As a result of this I was offered the opportunity to begin a dialogue with the Marist Brothers to discuss my questions. Peter Horide, the head of the Marist Brothers in New Zealand, contacted me via email on 31 July explaining that he would be the best person to answer my questions. I accepted this and responded on 12 August inviting further contact via email. From this I eventually received the information outlined in the email dated 15 September WTN0020004.
11. Referring to that email I note the following observations:
  - a. I consider the apologies made at page two, reading “I apologise without reservation, if the Marist Brother’s protocol was deficient in how you experienced it”, and “I apologise if this was a flawed process” to be deficient.
  - b. The notes about Brother Bede’s career which conclude “It is generally understood that as a younger man, he had been a successful teacher” are particularly confronting and in my view inappropriate.
12. On 13 October I wrote via email to Peter Horide expressing my view that I was not satisfied with the response and my questions remained. I sought a deadline for response of 21 October 2020. I also decided to include more people from the hierarchy and forwarded the email to Brother John Hazelman, the Provincial

of the Marist Brothers and Bishop Patrick Dunn who is the Bishop of Auckland and the President of the New Zealand Catholic Bishops Conference.

13. I am aware that the responsibility to respond to my request is with the Marist Brothers, and that they have a non-delegable duty to respond to my request for my private information. However, the Bishop's standing in the Catholic community is more important to me than the structures that may divide the Catholic Church authorities in New Zealand and the global organisation.

14. I received a phone call from Brother John Hazelman unexpectedly on 20 October. The outcome of that conversation was that I agreed to an extension of the timeframe I'd put on my request for further information. I sent a follow up email to clarify and reiterate that my preference was that they communicated with me in writing.

15. On 30 October 2020, I received an email from Peter Horide which addressed some of my concerns first raised in March and then again in the email dated 13 October.

**Refer: WITN0020006 – Email from Brother Peter Horide dated 30 October 2020**

16. In relation to this email I make the following observations:

- a. **Delays** - I do not accept the apology for the delay as genuine or meaningful. In May, I note in the correspondence given to me that after I requested information in March, Peter Horide sent my file to their lawyer. It was not described to me at any point that there may be delays while they sought legal advice on how to respond to my request. They had all the information available in May but did not send me anything until they sent two documents in September, and a further three documents to me in October. They were also advised by their lawyer and decided to

“confine the Marist Brothers’ answer” in July. I do not accept that they are sorry for delays.

- b. **Information sharing** - Peter Horide uses the Privacy Act as a reason not to give me certain limited information. However, private information could have been redacted.
- c. **Deficiencies in process** - Peter Horide apologises for the handling of the 2002 complaint and the inadequacy and defects that are apparent in the following of their protocols at the time. He acknowledges that the Marist Brothers Protocol Committee did not address my disclosure of child sexual abuse by Brother Bede adequately, and that I was not offered counselling. Neither Peter Horide nor anyone else within the Marist Brothers have offered to address my previous experience in 2002, review those processes or give me an opportunity for proper redress. I acknowledge that they have now offered me counselling.
- d. Peter Horide writes to assure that the Marist Brothers is in sync with NOPS and *A Path to Healing*. Peter Horide notes in his 31<sup>st</sup> July email that “At that time (2002), the Marist Brothers had established processes that were closely aligned to the version of *A Path to Healing* that applied at the time.” There is very little written documentation that shows any compliance by the Marist Brothers with the principles and procedures it purported to adopt in the 2001 version of *A Path to Healing* which was in operation at the time I disclosed the child sexual abuse by Brother Bede. Further, I don’t think the Marist Brothers have adopted the principles of the current *A Path to Healing* (2020) in their recent engagement with me.
- e. In Peter Horide’s email dated 15<sup>th</sup> September, he says “The process dealing with this matter was placed into the hands of a Marist Brothers’

Committee, which was a reasonable and appropriate step.” I accept the referral of my disclosure to the Marist Brothers Protocol Committee was consistent with *A Path to Healing*, but this was nowhere near all that was required to meet the responsibilities and obligations of the Marist Brothers as set out in *A Path to Healing*. Other than the referral to the Committee there is no evidence that the principles and procedures as required by *A Path to Healing* were followed. What assurances do I have that their processes will be followed and that these processes will be fair, consultative and meet my needs and those of other victim survivors?

- f. Peter Horide says that my allegation of sexual abuse by Brother Bede was upheld and Henry Spinks made a payment of \$6,000 to my ministry. There is no accompanying documentation about the investigation. It begs the question as to the form and extent of the inquiries made that lead to the Marists upholding the allegation I had made. There is no evidence of an investigation. Did they already know that Brother Bede has sexually abused children? The process undertaken by the Marist Brothers in 2002 in response to my allegation from the time of my disclosure on the helpline to the donation to my ministry was two months. The Marist Brothers have stated that they have only found out about the sexual abuse perpetrated by Brother Bede after his passing. I would like the Inquiry to investigate whether there was some information or knowledge held about Brother Bede’s offending at the time of my disclosure for the Marist Brothers to substantiate my allegation in such a short period and in the absence of an investigation.
- g. Peter Horide and the Marist Brothers continue to fail in their duty to provide a redress process that is safe, independent and trauma informed.

They have failed to implement their principles and policies in a way which would support victim survivors when they report abuse and meet their needs and ensure that no further harm is caused during these processes.

17. The email included two documents from my file I had not previously received despite Peter Horide assuring me earlier that he had provided all documentation that they had:

- a. the notes of my phone call made on 16 July 2002 to the Helpline.

**Refer: WITN0020007 – 16 July 2002 Helpline Notes**

- b. the statement of my complaint from 16 August 2002

**Refer: WITN0020008 – Statement of Complaint**

18. In addition, I received the letter from 18 September 2002 regarding the donation that I had received in response to my previous Privacy Act request and exhibited on my previous statement. The Marist Brothers wrapped up the redress process very quickly, one month elapsed between my statement of complaint and the gratuity payment. There is no information in the documents about the discussions had and decisions made in this one-month period of the redress process.

19. Referring to the documents received on 30 October 2020, I make the following observations:

- a. **Delay:** It was amazing to me that, on 30 October 2020, it had taken well over six months to receive four documents comprising five pages. I can acknowledge some allowances could be made for Covid-19 related delays, however, given the few documents available in total on my file, the delay overall is inexplicable. The failure of the Marist Brothers to keep me informed and updated in relation to my information request did not prioritise nor respect the important need I had clearly expressed to them.

- b. **Non-compliance:** The four documents in total should have been supplied at my initial request – I specifically requested the record of my complaint in my March 2020 email. The Marist Brothers' could have explained that their response to my request was ongoing. They should have informed me that they had sought an extension of the statutory 20 working day timeframe for compliance with Privacy Act requests. If they had sought my agreement for the extension, I would have consented freely, as I did do when they eventually asked on 20 October. It was not explained to me that my request was ongoing.
- c. **Personal advocacy:** The time involved in preparing my information requests made to the Marist Brothers was extensive. I prepared two Privacy Act requests, read privacy law and drafted emails, all to continue to advance my rights for my own information. I have the benefit of a tertiary education as well as workplace experience with HR and rights to employees' information. Despite my degree of personal advocacy and awareness of my rights when engaged with the Marist Brothers, the experience has been triggering and re-traumatising. I note that many victim survivors do not have my academic or career background and would likely have what seems like insurmountable hurdles to tackle this process alone.
- d. **Redress as sought in my statement:** I made a request in my written statement that Brother Bede's honours and all public displays of their acknowledgement be removed from him at the school where I was abused. At the time I made my disclosure I had been told by my mother that Brother Bede had a room named in his honour at the school. I forgot about this request until I saw my statement and my memory was jogged.



I am not certain that his name has been removed, or if he received other honours which remain. Judging by Peter Horide's comments mentioned above, the Marist Brothers still think Brother Bede was a good teacher, despite his sexual abuse of children. I am very concerned that they will not totally remove Brother Bede's honours despite his sexual abuse of multiple children.

20. Most recently on 10 November 2020 I received what appears to be a fuller file from the Marist Brothers up to and including correspondence on 21 October 2020. I'm not convinced this is all the information I asked for. There are no documents pertaining to any discussions, meetings or decisions in relation to my redress process in 2002.

**Refer: WITN0020009 – File Notes**

21. Referring to the documents I have now received, many of my observations above remain applicable. In addition, I make the following observations:

- a. I requested a record form of Brother Bede's history with the Marist Brothers including the locations in the community where he was in ministry. A summary of information was provided to me but his full records were not made available to me. This would have been preferable to Brother Horide's summarised version of this information, received on 15 September 2020, especially as it included Brother Horide's narrative that my abuser was considered a successful teacher.
- b. I would like the Inquiry to seek further information in regard to the many short term placements in Brother Bede's career, even just to simply ask if the Marist Brother records have file notes around the various appointments. I would like the Inquiry to cross reference his movements with the diary from the bishops in each diocese. I wonder how many other

victim survivors there might be from that time and I wonder if the bishops knew about this and were moving him around for this reason.

- c. No Marist Brother Committee Minutes or notes were provided to me about the response to the other allegations against Brother Bede. I understand that it is essential that the information and identity of victim survivors must be protected. However, they could have been provided information and redacted any sensitive and private information. As a survivor, I want to know what other offences were committed by my abuser, what allegations were made, what allegations were upheld and what the Marist Brothers did to try and support and meet the needs of those victim survivors who came forward.
- d. On 23<sup>rd</sup> July, Peter Horide acknowledges to NOPS that “Potentially there’s a cause for discomfort looming for Frances [...] as a male and furthermore I am a Marist Brother...” I asked him to specifically communicate with me by email as I wanted to avoid this very issue and was not comfortable to meet or call him. However later on 13<sup>th</sup> October when Richard Dunleavy got involved, he recommends to Peter Horide to have a meeting with me. Then on 20<sup>th</sup> October John Hazelman got involved too. He emailed me and asked if he could call me. I did not have the opportunity to respond to that email, yet he unexpectedly called me and asked to meet with me the next day. The call was re-traumatizing and unacceptable. I had specifically requested that Peter Horide communicate with me by email. This demonstrates to me the incapacity of the Marist Brothers and their failure to understand trauma-informed practice.

- e. In the most recent file there's comments about "moving judiciously" and make me wonder if the Marist Brothers are restricting the information that they are providing to NOPS. If NOPS are not getting all the information and then a decision is made about what is and is not private, how can NOPS meet their responsibility to oversee and monitor the response to allegations of abuse and safeguard against further abuse?
- f. I asked for a review of the redress process that I underwent in 2002 and none of the recipients of my email request, Peter Horide, John Hazelman nor Patrick Dunn have referred my request to their National Safeguarding & Professional Standards Committee nor have they informed me of how to request a review as outlined in their *Path to Healing* (2002).
- g. Policies and processes around the response to victim survivors and the safeguarding of children are often being updated and changed, but who is being consulted in these review processes, victim survivors or children? Are there audits and oversight to ensure that faith-based and government institutions are following their own processes and preventing further abuse from happening?

## IDEAS FOR TRANSFORMATIVE CHANGE

22. Since my statement on 2 October 2020, having had the additional recent experience of the efforts taken to seek my personal information, I have the following additional comments to make:

- a. ***A Path to Healing***: It is my view that had the applicable procedure in the current 2020 version, if it had been applied to my disclosure of sexual

abuse, would still not have been adequate. Thinking of my individual case, I make the following comments about the implementation effort:

- i. An appropriate apology was never going to be offered;
- ii. I was not informed throughout the process about what was happening right up until the final letter with the gratuity;
- iii. I was not given an opportunity to speak to those processes.

b. I make the following comments about the adequacy of *A Path to Healing* generally:

- i. there are no clear guidelines to be applied about information sharing and the form and extent of information to be provided to persons engaged in the process about the respondent including other allegations of abuse perpetrated;
- ii. the Marist Brothers are not audited or reviewed (unless specifically sought by the victim survivor or respondent – and even then there is no ability to seek an independent review) in relation to their *A Path to Healing* process for redress and are therefore they are not accountable;
- iii. victim survivors are not asked for their feedback or input in relation to the *A Path to Healing* process;
- iv. there's no requirement to inform victim survivors of CAC recommendations;
- v. there's no financial support for the victim survivors to obtain their own legal counsel or to seek advice;
- vi. there's no transparency for victim survivors to know the disciplinary and development processes that abusers underwent in their employ with the faith-based institution;

- vii. there's no safeguards for victim survivors to protect them from being subjected to further trauma by the offending faith institution;
  - viii. there's no process to obtain restitution or compensation from the church as the primary concern of the Church authority is healing and reconciliation, not compensation;
  - ix. the offending abuser may not be dismissed and may be re-admitted to public ministry in the church;
  - x. there's no appeal process for the victim survivors should they not agree with the CAC recommendations.
- c. **Apologies:** The Marist Brothers and, by extension, all people, organisations and institutions belonging to the Catholic Church, should be able to provide adequate apologies to victim survivors of abuse. The express needs of the victim survivor should be the basis for decisions about the form of the apology and the person who provides the apology. Very important practical questions need to be asked of the victim survivor about location, attire and scope of any meeting to ensure that the victim survivor is as safe as possible. If wanted by the victim survivor, the apology should be given by someone who is accountable for the harm done. Ideally this would be in person. In my case, I would expect the Bishop to do this and the Provincial of the Marist Brothers to also be present.
- d. **Culturally appropriate redress:** In my Samoan culture, there is a traditional practice called 'ifoga' which is a way of seeking forgiveness and offering a formal apology. Ifoga is performed by a perpetrator's family or village and is a display of significant respect, humility and a sincere request for forgiveness from the person that has been harmed,

and their family. The Church should consider how Pacific Island cultural practices could be included in their redress process where appropriate because these could be more meaningful than the current practice.

- e. **Support for victim survivors:** The Catholic Church is well-placed to link victims of abuse with support networks and pastoral care. In my experience offers of pastoral care have been focused on the individual's pathway to God as understood in Catholicism which assumes a religious belief which could be highly damaging to a survivor who has been abused by a priest or religious. There are obvious ways that the Church could support organised networks of survivors.
- f. Previous governments have failed to create opportunities to listen to victims survivors, they have left the Catholic Church and other faith-based institutions to address this problem and failed to hold them accountable for the abuse that has happened. The government has abdicated its responsibility for all children in care and not been accountable for the abuse that has happened within Church institutions. It is time Commissioners to take the first steps and act now to ensure redress. Us victim survivors need you to act now, to make early recommendations in an interim report for action by our politicians, our parliament, to establish comprehensive redress and a fair compensation scheme inclusive of all institutional victim survivors.
- g. Survivors should not have to seek redress from the faith-based institutions that have inherent systematic failings that allowed the abuse to happen in the first place. The inherent systematic failings in the Catholic Church have shown to continue into the redress policies and

processes that they have set up for themselves. The Catholic Church is just not adequately equipped to help victim survivors find redress.

- h. I agree with The Network for Survivors of Abuse in Faith-based Institutions (The Network), that all victim survivors of abuse as children need access to report the abuse they experienced to a fully inclusive independent national body whether it be a commission or tribunal, with powers to investigate their reports and disclosures, report to police and require compliance with its recommendations for redress. It needs power to hold to account any institution for children when they fail. The commission or tribunal should report to the public and Government and inform the ongoing change required to statutes, policies and procedures which I hope this Inquiry will determine are required to recommend safe responses to victim survivors and prevent the ongoing abuse to children.

#### Statement of Truth

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed

**GRO-C**

Dated:

23/11/20