

**Witness Name:** Mary Elizabeth Marshall

**Statement No.:** [WITN0014001]

**Exhibits:** [WITN0014002 – WITN0014032]

**Dated:** 21.07.2020

**ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE**

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**WITNESS STATEMENT OF MARY ELIZABETH MARSHALL**

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I, Mary Elizabeth Marshall, will say as follows: -

**INTRODUCTION**

1. My full name is Mary Elizabeth Marshall. I was born on 27 April 1959 and I live in Sydney, Australia.
2. I was born in Aotearoa / New Zealand and spent all my formative, developmental years in New Zealand. I identify as an Irish-European woman and I have both New Zealand citizenship and Irish citizenship.
3. I am 61 years old and have two significant disabilities. I have arthritis and bone deterioration in my feet due to aging and I have mobility issues as a result. I also have severe depression, which started when I was 14 years of age, and it remains a daily struggle for me.

4. In this statement I describe my experiences of going to Catholic School under the care of the Catholic Church. I have chosen to tell my story with both words and images, and I have used photographs and my own artwork as a way to illustrate and express my experiences.
5. In this statement I will also describe my experiences of the redress process adopted by the Catholic Church.

### **MY EXPERIENCE OF BEING IN CARE**

6. I attended St Patrick's Cathedral School (**St Patrick's**) in Ponsonby, Auckland, when I was around 12 years old for approximately a year and a half.
7. I then attended St Dominic's Catholic College (**St Dominic's**), Henderson, Auckland as a Form Four pupil in 1973 at the age of 14 and attended for just over two years.
8. My experiences of attending these schools are explained fully in the Letter of Demand sent by Cooper Legal to Virginia Noonan at the National Office for Professional Standards (**NOPS**) on 30 July 2019. The Letter of Demand is attached to this statement as exhibit WITN0014002.

### **THE ABUSE I SUFFERED IN CARE**

9. The abuse I suffered while attending St Patrick's and St Dominic's is explained fully in the Letter of Demand [WITN0014002].

### **THE IMPACT OF THE ABUSE ON MYSELF AND OTHERS**

10. The impact of the abuse on myself and others is explained fully in the Letter of Demand [WITN0014002].

## **BARRIERS TO ACTIONING A COMPLAINT AGAINST THE CATHOLIC CHURCH**

11. I did not know how to bring a complaint against the Catholic Church in a legal sense and I had, and still have, no trust in the Catholic systems.
12. The barrier against bringing a complaint against the Catholic Church is due to the inherent bias within the constructs of the religion - I cannot trust any person in the Catholic system purporting to assist survivors to get justice. We, the survivors, are their worst nightmare and the "Mother Church" must be protected at all costs. I am not judging the millions of Catholics born into this religion, I am judging the constructs/hierarchical system which obstructs survivors and treats us as criminals and liars.

## **MOTIVATION FOR MAKING A COMPLAINT AGAINST THE CATHOLIC CHURCH**

13. My motivation for making a complaint was knowing that if I did not, I would die without having a voice - without having spoken out about the truth, what happened to me, and the lifelong impact it had. If I did not make a complaint, I would die having done nothing to action changes to protect minors from abuse within Catholic Institutions and Schools. I would die without ever getting justice for myself and without being a voice for those too ashamed and traumatized to come forward.

## **INITIAL ATTEMPTS TO MAKE A COMPLAINT AGAINST THE CATHOLIC CHURCH**

14. In late 2015 I phoned Sydney City Police Station and said I wanted to make a report on historical abuse that I suffered while growing up in New Zealand.
15. On 5 November 2015 I made a sworn statement at the Sydney City Police Station detailing the sexual abuse I suffered from Sister Marie Grignon (**Sr Grignon**) while attending St Dominic's. This Statement is attached to this

statement as exhibit WITN0014003.

16. Following the making of this Statement, Australian Police liaised with New Zealand Police and I was contacted by Detective Sergeant James Watson (**Detective Watson**). I received two emails from Detective Watson in January 2016. These emails are attached to this statement as exhibit WITN0014004.

17. Both the Australian Police and the New Zealand Police were highly professional and supportive.

### **APPROACHING COOPER LEGAL**

18. Having exhausted the avenue of making a complaint to the Police I began researching online for legal help. I heard about Cooper Legal when carrying out this research, as a survivor had written that they were the best at this type of work. I researched all about the organization, read survivors' opinions and experiences with Cooper Legal, and recognized that Sonja Cooper has a heart for the people with no voice. She had been fighting for justice for the unheard for a long time. All of this convinced me to approach Cooper Legal to help me.

19. I approached Cooper Legal at the end of October 2018.

20. Funding through Legal Aid was approved for me on or around 8 November 2018.

### **THE REDRESS PROCESS**

21. On 30 July 2019 Cooper Legal sent the Letter of Demand to Virginia Noonan at NOPS [WITN0014002].

22. On 1 August 2019 I was advised by Cooper Legal that my complaint regarding the severe physical abuse I suffered while at St Patrick's would

need to be referred to the Nga Whaea Atawhai O Aotearoa Sisters of Mercy (**Sisters of Mercy**). The reason that this part of my complaint needed to be referred by NOPS to the Sisters of Mercy is because the *Path to Healing* process does not deal with physical and psychological abuse in the absence of sexual abuse. As I did not suffer sexual abuse while at St Patrick's, this part of my complaint was not something NOPS could deal with. I consented for NOPS to send my complaint to the Sisters of Mercy and any other appropriate or requested departments.

23. On 30 August 2019 Cooper Legal received a letter from NOPS appointing an Investigator, together with a summary and outline of the *A Path to Healing* process. The NOPS Letter is attached to this statement as exhibit WITN0014005.

24. I was advised by Cooper Legal that all correspondence to and from NOPS was to go through them.

25. I was advised by Cooper Legal that I would need to meet with the Investigator appointed to my claim and that discussions would need to be had on how this would work as I was living in Australia.

26. On 9 October 2019 Cooper Legal asked me to consent to providing the Investigator with the following's documents: a copy of the Letter of Demand [WITN0014002] in Microsoft Word format; a Copy of my statement [WITN0014003], and any other relevant statements [WITN0014004]; any records of school attendance that I may have, which are attached to this statement as exhibit WITN0014006; and any medical records I had.

27. I consented to the provision of these documents to the investigator.

## **ENGAGING WITH THE INVESTIGATOR**

### **St Patrick's claim**

28. On 30 October 2019 I was asked to sign a Consent of Complainant to Proceed form, and an Authority for Release of Information, which are attached to this statement as exhibit WITN0014007. I provided these forms on 1 November 2019.

29. On 11 November 2019, Cooper Legal sent a draft statement completed by the Investigator for me to review, relating to St Patrick's College and the abuse I suffered there. The Investigator asked me a number of further questions to clarify and expand the draft statement. The associated email is attached to this statement as exhibit WITN0014008. I provided answers to all the questions and made additional comments regarding the statement on 11 November 2019.

30. On 18 November 2019 Cooper Legal sent me a revised statement completed by the Investigator relating to St Patrick's College and the abuse I suffered there. I read this statement, made some further alterations and additions, and signed and dated it. This signed statement, along with a photo of me at St Theresa's School, are attached to this statement as exhibit WITN0014009.

### **St Dominic's claim**

31. On 19 November 2019 Cooper Legal sent a draft statement completed by the Investigator for me to review, relating to St Dominic's College and the abuse I suffered from Sr Grignon. The Investigator asked me a number of further questions to clarify and expand the draft statement. The associated email is attached to this statement as exhibit WITN0014010. I sought advice from Cooper Legal regarding question 8 and advised that I would answer the questions the following day as I was feeling quite overwhelmed with memories and sorrow, as well as rage. This

correspondence with Cooper Legal is attached to this statement as exhibit WITN0014011.

32. I provided answers to all the questions and made additional comments regarding the statement on 20 November 2019.

33. On 21 November 2019 I was asked by the Investigator to look at an aerial photo of St Dominic's, which is attached to this statement as exhibit WITN0014012. I was asked to mark on the photo where my father would pick me up, the location of the alcove, and the location of the science lab. I was disgusted with this request and the email conversation with Cooper Legal about this is attached to this statement as exhibit WITN0014013.

34. On 21 November 2019 I signed the revised statement that was completed by the Investigator.

35. On 24 November 2019 I provided further Information for the Investigator that I thought may be helpful.

36. On 3 December 2019 I was asked to provide consent for the Investigator to talk to my brother about my behaviours as a result of the abuse I suffered when I was 14 years of age. I provided this consent. This was notwithstanding the fact that I found the possibility of my brother knowing the exact details of what happened to me shameful.

37. I was also asked for further information from the Investigator, which is attached to this statement as exhibit WITN0014014. I queried with Cooper Legal the relevance of a few of these further questions. I did not understand what relevance it was to the investigation whether I had brothers and sisters and who they were. My brother and sisters were all aware to various degrees that I was taking a claim, but it was too deeply distressing for all of us to discuss it. I did not want my siblings brought into this and I also felt that some of the questions had already been answered,

over and over. I also did not understand the relevance of my father's occupation and I felt that the continual requests for further information were getting ridiculous. Notwithstanding my concerns, I answered all the questions asked by the Investigator.

38. I was advised by Cooper Legal that the Investigator was asking these questions as he had experience with what sort of information the Complaints Assessment Committee required for its assessment which was not often required in the Investigator's reports. I was also advised that the information regarding the contact details for my siblings was to assist in corroborating the abuse I suffered, as there were no eyewitnesses.

39. By this stage I was feeling deeply depressed.

40. On 21 January 2020, the Investigator wanted some clarification on the comments from one of my medical notes from 1980. The note stated that I was terrified of my father, who beat me. The Investigator asked whether I could elaborate on the beatings and the form they took. I explained in a series of emails, which are attached to this statement as exhibit WITN0014015, that the religion of Catholicism dominated everything in our family and that my father acted in a way which he thought was correct and would scare me enough to save me from everlasting hell.

41. I was again becoming overwhelmed with the continuing requests for further information. The Investigator even asked me to obtain previous material from a psychiatrist who had been my primary provider of treatment and who had provided long-term intensive 1:1 therapy with me. I advised the Investigator to complete his report without this information as I could not handle ringing him as this process had been very triggering for me. This email is attached to this statement as exhibit WITN0014016.

42. On 19 February 2020 I was asked a further question by the Investigator, who wanted to know why I thought my friend had been expelled from St Dominic's. I provided the answer to this the same day.



43. On 24 February Cooper Legal advised that the Investigator's report was to be finished shortly and that it would be several months before the Complaints Assessment Committee met and then another several months until a settlement proposal would be received from the relevant Diocese / Order.

#### **REQUEST TO NOPS FOR A COPY OF THE INVESTIGATOR'S REPORT**

44. On 25 February 2020 I made enquiries with Cooper Legal as to whether I was able to be sent a copy of the Investigator's report.

45. On 19 March 2020 Cooper Legal sent me a letter on behalf of NOPS about disclosure under the Privacy Act and I was asked to fill in a related consent form in order for the Investigator's report to be released to me. These are attached to this statement as exhibit WITN0014017. I provided this consent form on 19 March 2020.

46. On 16 April 2020 I received a covering letter and a redacted copy of the Investigator's report, which are attached to this statement as exhibit WITN0014018.

#### **SETTLEMENT PROPOSAL – SISTERS OF MERCY**

47. On Thursday 20 December 2019 I received a letter containing a formal offer of settlement on behalf of the Sisters of Mercy of New Zealand for the abuse I suffered while at St Patrick's. This letter is attached to this statement as exhibit WITN0014019.

48. The offer included: an *ex-gratia* payment of \$10,000 NZD, plus the payment of any transaction fee; the offer to pay reasonable expenses to fly me to New Zealand for a personal apology, or for a representative to fly to Australia for the same. I advised that I did not want to meet with them for an apology as it would be retraumatising and instead I asked for a formal written apology.

49. The Sisters of Mercy were not willing to write me a formal written apology apart from what was in the letter, as well as what was in the Deed of Settlement. The Sisters of Mercy were also not willing to make any contribution to my Legal Aid debt which could have left me in the position of having to pay off some or all of that debt out of the \$10,000 offer I received.

50. On 14 January 2020 I signed a Deed of Settlement with the Sisters of Mercy, which is attached to this statement as exhibit WITN0014020.

51. The Deed was executed on 13 February 2020.

#### **CLAIM REJECTED – THE NEW ZEALAND DOMINICAN SISTERS**

52. On 18 June 2020 Cooper Legal received a letter from the New Zealand Dominican Sisters (**Dominican Sisters**), which is attached to this statement as exhibit WITN0014021. The letter stated that the Committee which considered the Investigator's report could not find my complaint proven on the balance of probabilities. It stated that the Dominican Sisters had no other reported complaints against Sr Grignon. It stated that the many living Sisters who still remember her totally rejected and [sic] suggestion that she would have acted in the way that has been alleged. It stated that the Dominican Sisters agreed with the decision of the Committee that my complaint was not proven. This letter was not signed.

53. On 19 June 2020 Cooper Legal received another letter from the Dominican Sisters, which is attached to this statement as exhibit WITN0014022. This letter was sent as there was a typing error in the original letter. This letter was not dated or signed. Cooper Legal was then advised that there was another error in the letter. This time the error was to do with an implication that the Sisters who knew Sr Grignon would have known about the complaint, which they say was not the case.

54. On Saturday 20 June 2020 Cooper Legal received a third version of the

letter from the Dominican Sisters, which is attached to this statement as exhibit WITN0014023. This is the version I received from Cooper Legal. It is again undated and unsigned.

55. On Monday 22 June 2020 I spoke with Cooper Legal on the phone about the decision of the Dominican Sisters.

## **COMMENTS ON THE OUTCOME OF MY CLAIM**

### **The Sisters of Mercy**

56. As mentioned earlier I received an *ex-gratia* compensation payment of \$10,000 NZD and a letter of apology [WITN0014019 and WITN0014020] for the abuse I suffered at St Patrick's College.

57. Whilst the apology cannot heal or wash away the damage, it nevertheless was an apology. I feel the apology I received can also be deemed tokenism. I wanted the apology to contain mention of the decisive actions taken by the Sisters of Mercy to protect minors within the Catholic School systems, however Cooper Legal advised that this was best sought from the Dominican Sisters as this part of my claim was within the *Path to Healing* process.

58. The monetary compensation was a pathetic amount for the lifelong suffering and damage inflicted. While I do see it as a gesture of attempting to make amends, it could also be deemed as "shut up and take the money".

59. The offer of settlement from the Sisters of Mercy has given me a small degree of closure.

### **The Dominican Sisters**

60. As mentioned, my complaint was not upheld (see exhibits WITN0014021, WITN0014022 and WITN0014023).

61. The letter I received from the Dominican Sisters [WITN0014023] devastated me. I want this letter out in the public domain as it clearly shows how denigrating and unprofessional the *Path to Healing* process is.
62. I want every person on the Committee who came to this conclusion to be named. I want statements from each of them as to why, after examining all the information, they came to the conclusion that they could not find my complaint proven on the balance of probabilities (see exhibits WITN0014021, WITN0014022 and WITN0014023).
63. The rejection of the abuse having occurred was put forward as being based on the fact that other nuns remembered Sr Grignon with high regard (see exhibits WITN0014021, WITN0014022 and WITN0014023). This is just disgusting, and they were effectively telling me I was lying.
64. The apology letters [WITN0014021, WITN0014022 and WITN0014023] state that "we have no other complaints against Sr Marie Grignon". I don't know how this statement can be seen as conclusive proof. It is not. There is enormous (misplaced) shame attached to sexual abuse as a minor. I know that Sr Grignon was a paedophile nun who abused me sexually and psychologically, and I believe others will come forward if I come forward.
65. I know what I lived through and still live with. What Sr Grignon did to me is a crime. The information collected on my claim showed strong proof that I was telling the truth. I am telling the truth.
66. What is also so appalling is that the Dominican Sisters sent this letter with no recognition of the impact of the outcome on me as the recipient. It would have been more honest to say "go to hell - we don't want to know". To treat a survivor this way, in the name of Jesus Christ, is beyond comprehension.
67. I felt utterly suicidal for a week after receiving this letter and have had to action support via a therapist.

68. What of those survivors who receive letters/decisions like this and are distraught, but are unable to access help? I will answer that - they are the survivors who suicide or "slow format" suicide, where they drink and/or drug themselves to death.
69. I have been retraumatized by the whole *Path to Healing* process and the outcome and decision reached, and I do not accept the rejection of my complaint.
70. I had read in the media about the *Path to Healing* process - even the title of their process is of an optimism that is not realistic. The *Path to Healing* process is more like a *Path to More Trauma*.

#### **COMMENTS ON THE INVESTIGATOR'S INVOLVEMENT IN THE *PATH TO HEALING* PROCESS**

71. The questioning by the Investigator was not of a professional standard nor ethically sound. He clearly did not understand the impact of abuse on a minor, who was now an adult, and exhibited disregard for me. I felt degraded, not believed, and that the whole matter was not being dealt with seriously. It was an insulting experience.
72. The constant requesting of information from me that had already been collected and well-recorded by other professionals, and which he had access to, was simply ridiculous and showed a lack of insight. As well as this, I had to do two separate witness statements for him.
73. The Investigator provided me with a modern-day blurry image of a map of the layout of St Dominic's College [WITN0014012] and asked me to mark where the abuse occurred (I refer to paragraph 33 above). I wondered whether it had occurred to the Investigator that he was addressing historical abuse and that the landscape and buildings may have altered. I had already given extensive information to the Police in my statement [WITN00140003] regarding the location and description of the building, the

room and so forth.

74. I felt actual despair at this request and even offered to come over to New Zealand and go to St Dominic's to show him the place where the abuse occurred. This was not easy to offer as I felt deeply traumatized at the thought of going out to that school.

75. I had given permission for the Investigator to have my medical records. The Investigator misconstrued a note (the context/meaning) written by a Nurse in the records (I refer to paragraph 40 above). The Investigator then proceeded to try and portray my father as a violent maniac, and I had to explain and explain what it all meant contextually.

76. I gave permission for the Investigator to contact my brother. I did not contact or inform my brother about this, so that the Investigator got an honest, unbiased view. I have never told my brother the full story as it is too painful. The Investigator quizzed my brother about my father. I cried when I read what my brother said - I realised that my parents saw this total self-destruction come on me at 14 years of age and did not understand why. I was unable to tell them why or ask for help. The Investigator clearly had not read my statements, as it was my father who I had tried to tell about what was going on but could not manage to put into words what had occurred.

77. The lack of sensitivity and insight of the Investigator into the impact of him constantly grilling me, as though I was a criminal, was evident, as this was consistently engaged in by him.

78. I believe the Investigator did not think I had the intellect to see through his shoddy work and assumed I was just another lower socio-economic abuse victim incapable of challenging his approach.

79. The Investigator emailed Cooper Legal requesting that I contact one of my old therapists myself, to obtain material for the investigator (I refer to

paragraph 41 above). This was the final insult for me - as he was employed as an Investigator but was asking me to do the work.

### **VIEWS ON THE *PATH TO HEALING* PROCESS**

80. I am disgusted with the lack of professionalism of the *Path to Healing* process.

81. It is an extremely protracted process with no recognition of the suffering inflicted on the survivor from having to constantly relive the past through questioning, and from being exposed to documents from the past such as medical admissions and counselling records.

82. From the time I approached Cooper Legal, to the time I received the letter from the Dominican Sisters, nearly three years had gone by. I am shattered from it, especially so from the constant re-triggering of memories and physically feeling the terror that I felt at the time of the abuse, all over again.

83. The whole *Path to Healing* process needs to be dismantled and a more secular approach implemented because, as illustrated in the letters from the Dominican Sisters [WITN0014021, WITN0014022 and WITN0014023], there is clear bias and an unwillingness by Catholics to believe a Catholic nun could ever engage in such heinous crimes.

84. There needs to be rigorous monitoring of the assigned Committee's decision-making by external sources/organizations who represent the survivors - this should involve cultural representation also.

85. There should be at least one member who is highly medically and/or psychologically qualified in the trauma field on the Committee; there should be at least one survivor of Catholic abuse on the Committee; and there should be non-Catholic members making up half of the Committee. This is how the Committee, who make the decisions in each abuse case, should be comprised.

86. There should be training given to Committee members in how to address claims of historic Catholic abuse without bias. There needs to be provision for the survivor to attend the finalised decision-making process either in person, or via video link if unable to attend in person. The survivor is a person, not a statistic or curio to be pitied. There needs to be face-to-face engagement with the Committee to prevent the detached, biased treatment of survivors by the Committee.
87. There should be recognition of culture and colonisation, and the role the Catholic Church has played historically in the subjugation of indigenous cultures into the present day. There also needs to be recognition of Church and State collusion.
88. There needs to be a permanent statement made in the letterhead of the Catholic Church on all documents sent to survivors. The statement needs to acknowledge the suffering of deceased victims and the courage of living survivors. There needs to be actualised repentance rather than hiding behind a religious construct.
89. Regarding the issue of monetary compensation, there needs to be a case by case assessment made. Survivors are individuals not a mass, faceless lump of victimised humanity to be fobbed off with a generalised paltry amount of money, coupled with an apology for damages incurred. Each survivor deserves payment befitting the enhancement of their quality of life and each survivor should have a say in the amount offered to them. There can be no one-size-fits-all branding of survivors, we are individuals and each survivor has experienced suffering in all forms - mental, physical, cultural, social etc.

## **CATHOLIC ENCULTURATION**

90. I have explained my thoughts on this through a series of annotated illustrations and artwork.



91. I explain my views on Catholic enculturation in Aotearoa, New Zealand, which are attached to this statement as exhibit WITN00140024.
92. I explain my views on Irish-Catholic misplaced loyalty to the Catholic systems/religion, which are attached to this statement as exhibit WITN00140025.
93. I explain my views on the Irish-Catholic historical trauma and compliance [with] the Code of Silence, which are attached to this statement as exhibits WITN00140026 and WITN00140027.
94. I explain the enmeshment of my cultural identity with the Catholic religion, which is attached to this statement as exhibit WITN00140028.

#### **GENERAL COMMENTS**

95. I want actualised changes made in the Catholic school systems to protect minors so they will not suffer as so many of my generation did - the suffering inflicted on us has lifelong ramifications. I want full justice and full redress for myself and every survivor of Roman Catholic abuse as a minor. To date I have not received it - nor have countless others.
96. I don't think the Catholic Church has grasped the enormity of what was done to children in any rudimentary sense. I am officially registered as "Apostate by demand".
97. For myself, the Roman Catholic religion permanently damaged me. I am continually triggered from the news and media on Roman Catholic abuse victims, religious Roman Catholic icons, churches, nuns, and priests.
98. It all makes me want to die over and over again. I died completely as a person by 14 years of age, but my heart kept beating on. It was not the psychological and physical brutality that totally destroyed me - it was the sexual abuse that sealed my fate. This is illustrated through a series of

photos and annotated artwork, which are attached to this statement as exhibits WITN00140029, WITN00140030, WITN00140031 and WITN00140032.

99. As a survivor, I can only aim for any sort of quality of life through an immense and ongoing effort of self-care, seeking help, and to fight for some justice in order to bring a degree of closure - something I have not yet been able to achieve.

**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:

21 July 2020