

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
MARYLANDS SCHOOL**

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)
Ali'imua Sandra Alofivae

Counsel: Ms Katherine Anderson, Mr Simon Mount QC, Ms Kerry Beaton QC, Ms Jane Glover, Ms Anne Toohey, Ms Kima Tuiali'i, Ms Julia Spelman, Mr Winston McCarthy, Ms Echo Haronga, Mr Michael Thomas and Ms Kathy Basire for the Royal Commission
Ms Rachael Schmidt-McCleave, Ms Julia White and Mr Max Clarke-Parker for the Crown
Ms Sonja Cooper, Ms Amanda Hill, Mr Sam Benton, Ms Alana Thomas and Mr Sam Wimsett as other counsel attending

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

Date: 11 February 2022

TRANSCRIPT OF PROCEEDINGS

1 **Lunch adjournment from 1.16 pm to 2.22 pm**

2 **CHAIR:** Good afternoon, everybody.

3 Hello, Alan.

4 A. Hello.

5 **Q.** Are you okay?

6 A. Yes, thank you.

7 **Q.** Good. And good afternoon to you, Ms. Hill. Good to see you again back for the
8 Commission.

9 **MS HILL:** Tēnā koutou.

10 **CHAIR:** Does Alan understand about taking the affirmation?

11 **MS HILL:** Yes.

12 **ALAN ROBERT NIXON (Affirmed)**

13 **MS HILL:** I think I agreed we were going to call you Mr. Nixon, so we'll go back to Mr . Nixon.

14 **CHAIR:** I'm sorry.

15 **QUESTIONING BY MS HILL:** That's okay, I'm quite informal with lots of people. So, we're
16 going to start with some of the easier stuff. So, you're 60 years old?

17 A. Yes, I just turned 60.

18 **Q.** And you have parents who are Welsh and Scottish?

19 A. Yes.

20 **Q.** Tell me a bit about your dad?

21 A. He – my dad was a seaman; he was a chef on a boat on the merchant navy. I recall my dad
22 being at home a couple of times, but he was always mainly away.

23 **Q.** What about your mum?

24 A. Yeah, my mum was, she was in the Air Force. I was – I'm the middle of three other
25 brothers, and at the time there was another younger brother, that my mum was pregnant –

26 **Q.** So, your dad's away a lot and there's three boys at home?

27 A. Yeah, he used to come home for holidays and that.

28 **Q.** In the written statement that you gave to the Commission, which has got your whole big
29 story in it, you talk about getting involved with Child Welfare when you were about four?

30 A. Yes.

31 **Q.** And you'd been wandering away from home a bit, hadn't you?

32 A. Yeah, I was a bit of a wanderer.

33 **Q.** And in your statement, you talk about going into a foster home for roughly two years and
34 going to a family home in Masterton?

1 A. Yes.

2 Q. And you went to Braemar Hospital for a little while, didn't you?

3 A. Yeah.

4 Q. In your statement you talk about being five years old at Braemar and some of the
5 medication there. What do you remember about that?

6 A. They gave me a lot of medication. I think they wanted something to knock me out so
7 I could stay put and then to see what was wrong with me. But I guess the dosages they
8 gave me, they were quite high, but that didn't keep me from running away.

9 Q. In your statement you talk about getting Phenobarbitone, Valium. They're quite big drugs,
10 aren't they?

11 A. Yeah, I was not diagnosed with epilepsy, I had an ECG – scan come out epilepsy and then
12 they gave me Phenobarbitone.

13 Q. During that time some of your records talk about how you used to get excited by male
14 authority figures like firemen and people in uniform?

15 A. Yeah.

16 Q. You were still quite young at that point, weren't you?

17 A. Yes.

18 Q. Your statement talks about as a little boy going into Miramar Girls' Home.

19 A. Yes.

20 Q. What do you remember about Miramar Girls' Home?

21 A. I know the story that I got, it wasn't about a placement, I think there was nowhere to put me
22 because – apparently, I was too young to go to a boys' home, so they stuck me in a girls'
23 home. But as I was in the girls' home, as a little boy I was made to look like I was the like
24 – the big perpetrator and it was quite hard to go to my room because my room was at the
25 very end where there used to be a TV lounge and used to be older girls in there and then
26 I got abused by a couple of older girls and that.

27 Q. In your records the principal of Miramar Girls' Home is writing to Social Welfare saying
28 that you needed to be taken out of there because there were older and disturbed girls in
29 there.

30 A. Yes.

31 Q. And your statement talks about how you stayed there another five or six months after that?

32 A. Yeah.

33 Q. Then you went on to Epuni when you were still seven years old. So, you still went to
34 Epuni when you were very young, didn't you?

1 A. Yes.

2 Q. In your records, I can see here, it says you were 4 feet 2 inches tall, 5 stone 1 pound, so you
3 were 32 kilograms?

4 A. Yes.

5 Q. So, you were quite a little boy?

6 A. Yes.

7 Q. What was Epuni like for you?

8 A. Epuni was all right at the start, but then you got the older boys that sort of like picking on
9 the younger ones, which always happens, stand-overs and picked on by staff and then also
10 getting abused at Epuni boys' home.

11 Q. It was at Epuni that you had a psychologist say that you should go to Marylands, and in
12 your records, it talks about you having below average intelligence and some learning
13 disabilities?

14 A. Yeah.

15 Q. What was school like for you around that time?

16 A. I really didn't know much about school, didn't really know much about learning, I just sort
17 of like picked up things as I went along. But no, anything hard I couldn't do, like anything
18 hard I guess I'd run away or get myself in trouble because I was too scared to get in that –
19 I might get into trouble, so it might have been better for me just to make myself get in
20 trouble.

21 Q. And your records say that you were placed at Marylands on 23 May 1970, and you were
22 eight years old when you went there?

23 A. Yeah.

24 Q. And you stayed there until July 1976 when you were 14?

25 A. Yes.

26 Q. So, you were there for six years?

27 A. Six years, yeah.

28 Q. What did your parents think about Marylands when you first went there?

29 A. I'm really not quite too sure about it because my dad wasn't there, my mum, you know, like
30 my mum would write to me and send me postal orders in the post, like \$2 once a
31 month, but otherwise I just thought it was just another – place to stay.

32 Q. Because Marylands was run by Catholic Brothers, wasn't it?

33 A. Yeah.

34 Q. Was your family Catholic?

1 A. I think they were, yeah, I'm not yeah –

2 Q. Did you go to church though when you were living at home with mum and dad?

3 A. I was never around home long enough to go to church, yeah.

4 Q. Tell me about when you first got to Marylands. In your statement you've talked about the
5 different sections, because – depending on the age of the boy.

6 A. Yes.

7 Q. So, when you first got to Marylands, which section would you go into?

8 A. I was in the red section.

9 Q. Red section?

10 A. Yeah.

11 Q. And in your statement, you talk about some of the Brothers being in charge of the different
12 sections. Who was in charge of the red section?

13 A. When I went down, there was another Brother, I think his name was Brother Celsius
14 [Celsus] Griffin, and then after when he had left, I think he had died, and then another
15 Brother, Brother Bernard McGrath come in. He looked after red section.

16 Q. Can you tell me how Brother McGrath was towards you?

17 A. At first, he was all right and then, yeah – the way he looked at the younger, you know, just
18 the way he looked at the residents, the younger residents at Marylands, you know, it was –
19 the reason why I say it now is – like beady, but back then I wouldn't have known what the
20 word was, but now that I know that he was yeah –

21 Q. When you were in the red section, where did you sleep, what sort of room did you sleep in?

22 A. It was in dorms, yeah. They had – they had two dorms; there was the lounge, there was
23 another dorm on the same side as where his room would end up down the end of the
24 corridor, but there was another section there, and there was another section next to the
25 lounge, and there was another one where there used to be the younger of the lot, and then
26 the bathroom –

27 Q. You said, "his room", do you mean the Brothers stayed near the dorms?

28 A. Yeah, his room was right down at the end of the corridor.

29 Q. Is that Brother McGrath's room?

30 A. Yes.

31 Q. Did you ever go into his room?

32 A. Yeah.

33 Q. Do you feel able to talk a bit about that, or would you like me to help you?

34 A. I can, yeah, I can hopefully talk a bit about it. You know, I used to go in his room and then

1 he'd become all friendly and next minute, you know, like, be laying
2 on the bed and touching and the next minute, yeah, he'd gone somewhere where he
3 shouldn't have gone, you know –

4 **Q.** And in your statement, you have described being raped by Brother McGrath in his room, is
5 that right?

6 **A.** Yes.

7 **Q.** Did that happen more than once?

8 **A.** Yes.

9 **Q.** Were there other places where abuse happened?

10 **A.** Yeah, in the church. I used to do the altar readings on a Sunday, but then after a while
11 I wouldn't turn up because I was running away because I didn't want to get abused
12 anymore, so I got myself in trouble by hoping that something they – would get rid of me or
13 not have me anymore, but you know –

14 **Q.** There's Brother McGrath and you've mentioned Brother Celsus Griffin. Was any of the
15 Brothers in charge at Marylands?

16 **A.** Yeah, Prior Moloney.

17 **Q.** What was he like?

18 **A.** Prior Moloney, he was a bit like Bernard McGrath, it was like because – the information
19 would get back to Prior Moloney, but nothing would be done about it because they were
20 doing the same thing, you know, both of them were all in it like – together. It's like the first
21 time when I used to -- when I went into his room and he tried to touch me and then I told
22 him, “No more”, and I guess he didn't like that and gave me a backhand, and after that he
23 really didn't, like, abuse me but he more or less like – I got punished a lot of times for
24 running away or he'd make example of me, he'd have a reason to give me a good belting,
25 you know, or...

26 **Q.** So that's Prior Moloney?

27 **A.** That was Prior Moloney, yeah.

28 **Q.** You say a good belting, so he'd be hitting?

29 **A.** Yeah, like if I'd get into trouble he'd make sure that it was worthwhile, I'd get like the cane
30 or, you know, like – because I'd embarrassed him, you know, he didn't, like, he tried to
31 abuse me but I stood up to him, but, you know, and that was – I think, if I can remember,
32 I still had quite a few more years to go at Marylands – so I had a living – that was only just
33 the start of it from – yeah.

34 **Q.** Because of the abuse you've described from Brother McGrath, that was quite early on in

1 your time at Marylands, if the red section was for a certain age bracket. Where did you go
2 after the red section, so was there a different part?

3 A. Yeah, then there was green section, it was on the same – you just opened up another door
4 and you went down another corridor and then you're in the green section, and then from
5 there, around the corner, you moved into, I think it was brown section, yeah.

6 Q. Were there other Brothers running those sections?

7 A. Yeah. Brother Sebastian Locke, he used to run – he was like the fitness Brother, he was the
8 sports one, the swimming and the running. And the brown section was run by Brother
9 Raymond Garchow.

10 Q. So how old were the boys in the brown section?

11 A. Well, the age sometimes – like the age group actually changed, you know, like sometimes
12 there was – a few older ones and younger ones, you know, sort of, but not too, like not – six
13 or seven, you know, they were back in red section.

14 Q. You talked a wee bit in your statement about Brother Garchow and at other times some of
15 the other Brothers there as well. Did you ever see other boys at Marylands being abused?

16 A. I didn't see it like face-to-face like, but as what I experienced, I knew what was more likely
17 what they were lining up for, or something was going to happen to them.

18 Q. You talked in your statement about getting some medical treatment after and – while – the
19 abuse from Brother McGrath was happening, because you were having trouble going to the
20 toilet.

21 A. Yeah.

22 Q. Can you tell me about that?

23 A. It's a bit sad because, you know, sort of because – yeah, that part I was quite protective of
24 until one day I had to go and see medical – and yeah, and yeah, yeah, it's a bit – sorry.

25 Q. No, that's okay.

26 **CHAIR:** Just to let you know, Mr. Nixon, that we have that in your statement, and we've read
27 what happened to you.

28 A. Yeah.

29 Q. So, you don't have to say it unless you want to. Okay?

30 A. Yeah, thank you.

31 **QUESTIONING BY MS HILL CONTINUED:** That's right, the Commissioners have read your
32 whole statement, so today is just what you feel comfortable talking about.

33 A. Yeah.

34 Q. We talked about Prior Moloney earlier and in your statement, you talk about running away

1 a lot and a time when you ran away from Marylands and took a blanket from another
2 section and Prior Moloney found you?

3 A. Yes.

4 Q. Can you tell me about that?

5 A. I'd been away all day and it was getting dark, and I went down to one of – I think it was
6 yellow section and I took another duvet or blanket off another bed and it must have got
7 back to him, and it didn't take him long but he found me, he found me hiding in the
8 swimming pool. Opened the gate, all I could see was a torch shine on me and he grabbed
9 me and tried to drown me in the water – and – yeah - he – yeah, and kicked me up the
10 bottom and all that and said, "I'll deal with you in the morning", – and – yeah –

11 Q. All quite violent?

12 A. Yeah. But it seemed to be the more time I got into – the more trouble, it didn't seem to
13 matter, because the reason why a lot of my time – there was – I recall that, I'm not quite –
14 that when I just had a guts-full and I had a job to do and that was cleaning the school
15 teachers' dinner plates and then he'd – one of the teachers left her handbag in there and
16 I thought at the time, oh, yeah, I took her handbag and took her purse out and when I had
17 the purse in my hand and I couldn't go back, so I just kept going and got halfway and there
18 was only \$2 in there and – yeah. And then he found me and, yeah, that's a bit more –
19 about yeah –

20 Q. So, you'd always get taken back to Marylands?

21 A. I'd always get taken back to Marylands, yeah.

22 Q. In your statement you talk about a time when you were older, and you talk a bit about
23 Brother Donnellan?

24 A. Yeah, who used to run purple section?

25 Q. What was he like?

26 A. He was another sexual – yeah, I shouldn't – a bit like an older boy, not too old, you know,
27 about -- there was a few older ones there, used to be sitting in the lounge and he used to
28 have a favourite chair and if anyone would be sitting in his chair when he would come in,
29 had to pull them off, but the fella, every time when he had sat there back down, the fellas
30 used to sit back on his legs and then, yeah, but the lights always used to be out in the
31 lounge.

32 Q. And you've described repeated rape by Brother Donnellan.

33 A. Yeah, went to his room a couple of times and, yeah went – somewhere that he shouldn't of,
34 yeah.

- 1 **Q.** In your statement you talk about almost getting used to it?
- 2 **A.** Yeah.
- 3 **Q.** And knowing what was expected of you?
- 4 **A.** Well, I thought it was just a daily, just like another daily chore while I was at Marylands,
5 I thought that was mainly what was used for, you know, like, and other residents.
- 6 **Q.** Before we go on to the last time you ran away from Marylands, I guess I wanted to talk
7 more about the fact that it was a special school and you'd gone there for extra education?
- 8 **A.** Yes.
- 9 **Q.** What was the school like?
- 10 **A.** Quite poor, quite poor, I was more yeah – there was schooling, but I really didn't learn a lot,
11 yeah, knowing that as I left, I still had a thing like standard 4, I didn't even know –
12 what like – I think it was standard 2, I didn't even know how far standard 2 was, was it
13 intermediate or was I – still but – I didn't know lot of hard words.
- 14 **Q.** So, you don't think that your education got a lot better, is that what you're trying to say?
- 15 **A.** Yeah, I could actually write and do the capitals and space, but other than that, yeah, reading
16 books, but the books were all like real baby books, but I'd still have a struggle reading
17 them. And yet I was a little bit older, and yet I still didn't, yeah.
- 18 **Q.** You're doing really well. Are you doing, okay?
- 19 **A.** Yeah.
- 20 **Q.** You were a state ward while you were in Marylands, weren't you?
- 21 **A.** Yes.
- 22 **Q.** How often did you see a social worker while you were there?
- 23 **A.** Hardly ever, I think maybe once or twice, I don't even know if it was twice, but I know
24 hardly anyone comes and sees me.
- 25 **Q.** In your records there's a note written by a social worker, and you told her that the Brothers
26 were mean to you and that they tore up your letters?
- 27 **A.** Yes.
- 28 **Q.** And she just told you to [a] Christchurch social worker and sent you back to Marylands – is
29 that right?
- 30 **A.** Yes, that's right.
- 31 **Q.** In your records there's letters from your parents trying to get you back from Marylands.
- 32 **A.** Yes.
- 33 **Q.** There's letters from your father in August 1972 saying he wanted you to come home.
- 34 **A.** Yes.

1 Q. And then in your records it says that Prior Moloney persuaded Child Welfare to keep you
2 there for another year. Well, for more than that, isn't it?

3 A. Yes.

4 Q. How does that make you feel to know that your parents wanted you home and Prior
5 Moloney convinced everybody to keep you there?

6 A. Yeah, now that I yeah – I guess when I hear that it just goes to show you that Marylands,
7 you know, run by the Brothers, they had favourites and I – guess yeah – and a lot of them
8 they – didn't want to leave, because, you know, yeah.

9 Q. But you got away eventually, didn't you, you ran away and got to Kaikoura?

10 A. Yeah, that was one thing I was good at.

11 Q. Running?

12 A. Running, yeah, running, whenever prior – I should have said that, but when I was 18
13 months old – they found me walking on the railway tracks and my mother used to have a
14 strap, they had straps back then, it used to be tied up and was like a little harness.
15 Whenever she turned her back, I was gone. Whenever I got a chance, I was gone.

16 Q. And one of the things that I'll come back to is all through your records, Alan, you ran away,
17 and you stole food, but you never hurt anyone, did you?

18 A. No, no.

19 Q. You weren't ever violent?

20 A. No, never violent.

21 Q. You just ran?

22 A. Just ran, I just ran as far as I could go.

23 Q. And in that time when you ran away from Marylands to Kaikoura, this is July 1976 and, in
24 your statement, you talk about telling the Police what Marylands was like.

25 A. Yes.

26 Q. Do you remember?

27 A. Yeah.

28 Q. What did they do?

29 A. Virtually called me a liar, yeah. Yeah, and yeah – they virtually didn't believe a word –
30 what I said, you know, yeah.

31 **CHAIR:** Mr. Nixon, can I just ask you – sorry to interrupt – what did you tell – the Police in
32 Kaikoura about what was happening to you?

33 A. That I'd been abused, you know, like been – I – didn't want to go back because I'd get a
34 beating, you know, like get a hiding. And prior to that, when I got caught in Kaikoura,

1 because I remember it quite well because I broke into a car and the owners of a restaurant,
2 she seen me, and she gave me a feed. She used to own the craypot fish shop I think back in
3 Kaikoura -- I think that's what it was known back then -- she gave me a feed and I told her
4 that I wanted to go back to home to Wellington and she said, "You can't travel alone":
5 I left all this out, but -- and then she got a bit scared, she said, "Oh, I'll just go and let you
6 go and see a doctor first", so I got seen by a doctor, but at the same time the Police were
7 waiting for me and I told her how could she do that, because she told me that she wasn't
8 going to call the Police.

9 And then I tried to make a run for it and then they caught me, and I said virtually I
10 don't want to go back to Marylands. I think at the time too I gave a false name and I got
11 sent to Stanmore Road Boys and --

12 **Q.** What I wanted to know, you told them you'd been abused, did you tell them about the
13 sexual stuff?

14 **A.** Yeah, I'm quite sure I did, yes, you know. It's I -- protected a lot of people in these years
15 because I don't like to see people get in trouble, even though if they hurt me, I'm too scared
16 because I think that I might get into more trouble.

17 **Q.** Sure.

18 **A.** And it's always been like that with me.

19 **Q.** I understand.

20 **A.** Sometimes the blame usually goes on me, you know, like ...

21 **Q.** Yes, I understand that, but in this time, you told whatever -- you told them, they didn't --
22 believe you anyway?

23 **A.** Not no -- no, no. They virtually said that I -- was the -- word they used --

24 **QUESTIONING BY MS HILL CONTINUED:** Can I help by putting up your record? Should I
25 show people?

26 **A.** Yes, please.

27 **Q.** If we could put up record 10. This is a note from your records from one of these times
28 when you talked to the Police and there'd been a complaint about excessive punishment at
29 Marylands. We'll have that document up soon. I'll start reading it. There it is. If you can
30 actually blow up a little bit about paragraph 5. It says:

31 "As far as comments regarding" --

32 **CHAIR:** Can you just orientate about the document, what it is?

33 **MS HILL:** Sorry, this is a report from a social worker after Mr. Nixon's run away, so it's
34 effectively a file note from the Blenheim Office of Social Welfare. We don't have the

1 original complaint on Mr. Nixon's file, we only have the response, which is why it feels a
2 little incomplete.

3 **CHAIR:** That's all right. Now we know what it is. Paragraph 5, did you say?

4 **QUESTIONING BY MS HILL CONTINUED:** If we look at paragraph 5. This might be what
5 Mr. Nixon was talking about:

6 "As far as comments regarding punishment of Alan in Marylands, the older boys
7 can be caned for serious misdemeanors. This is still the case in many of the country's
8 private schools. However, this is not to be taken as justification. The school has boys who
9 no one else will try to cope with and obviously some form of training incorporating
10 punishment is necessary for the smooth running of the school. However, I'm assured that
11 such activity is not excessive by any stretch of the imagination."

12 And it goes on to paragraph 6:

13 "Alan is a boy who is manipulative, and I agree he could be termed as an expert liar
14 until exposed to punishment. However, he has now been transferred to our boys' home."

15 So, words like that, "manipulative" and "expert liar", those are the words --

16 A. Yes, that's what I was trying to -- yeah.

17 **Q.** If we go over the page, this is a social worker who was involved with you -- to paragraph 7,
18 over to the second page of that document:

19 "Personally, I have confidence in the Brothers at Marylands although we have had
20 criticisms concerning their treatment of boys in the past which I feel get exaggerated as the
21 tales go round. It pays to remember these men generally lead a fairly sparse life and this
22 can reflect in their various attitudes especially in the areas of clothing and punishment.
23 However, we are trying to improve any anomalies we see."

24 So that was your social worker, one of the social workers writing about Marylands
25 and that's not [the] only record that calls you a liar.

26 A. No.

27 **Q.** After all of that happened, did you try and tell anyone again?

28 A. Not until, oh yeah -- when I did go back to Marylands, I told the, I think it was Christchurch
29 Police, I said that I didn't want to go back to Marylands because I'd get a hiding and abused.
30 And I -- was I -- think I was either there at the time when the Police went up to Prior
31 Moloney and said, "You lay one more hand on this fella and you will be charged." And
32 then that was virtually the same month I got kicked out.

33 **Q.** You were allowed to go home?

34 A. Well --

1 Q. Well, you didn't go home, did you; you went to Stanmore Road?

2 A. I went to Stanmore Road, yeah.

3 Q. Alan, we've got so much of your story left to go so I'm going to do a little bit of a jump
4 because I want to talk about how the St John of God Order responded to you as an adult.
5 So, we're just going to talk quickly about what life was like after Marylands.

6 A. Yeah.

7 Q. You went to lots of institutions, didn't you, Stanmore and back to Epuni?

8 A. Yeah, Kohitere Boys' Home.

9 Q. Then to Kohitere.

10 A. Lake Alice.

11 Q. And Lake Alice. In your statement, we'll stop briefly at Lake Alice, you talked about
12 getting ECT?

13 A. Yes.

14 Q. Can you describe that for me?

15 A. Yes, I got ECT because I was sent by the courts to get an observation and the staff member
16 wanted to get something out of me and I virtually told him they – asked me, the courts
17 wanted to know why I kept running away and getting into mischief and I virtually said I
18 don't know and from there he goes you're another smart bugger, we've got plenty of you's
19 here, and – gave me ECT.

20 Q. So, you're in there for observation?

21 A. Yes.

22 Q. And they gave you ECT because you wouldn't or couldn't say why you were running away?

23 A. Yeah.

24 Q. And just – I've asked you this earlier, but thinking about the time that's – past by this time,
25 had you been convicted of anything like violence or hurting anyone?

26 A. No, no violence.

27 Q. You're just running away?

28 A. Just running away and getting into – Yeah, I learned, you know, virtually pinching milk
29 bottle money and, yeah, newspaper money or pinching food from – I knew virtually how
30 to – know -- how to live on the streets because I knew how to live by running away.

31 Q. And then you ended up in Borstal?

32 A. Yeah.

33 Q. And while you were in Borstal -- and you were very young, you were only 16 in Borstal,
34 weren't you?

- 1 A. Yeah.
- 2 Q. And you were discharged from Social Welfare care while you were in Borstal?
- 3 A. Yes.
- 4 Q. In all of the time that you were in Social Welfare care, you went through all of these
5 institutions. Did you ever go back to your family?
- 6 A. No. The only family I went back to was virtually the institutions that I was used to.
- 7 Q. And you talk about being used to them. Do you think by the time you'd been in Borstal you
8 were just used to being in places like that?
- 9 A. Yeah, I guess I got – I'm not quite sure if I should say the right word – I – got addicted to
10 the institutional life, because that's virtually all I knew how to live.
- 11 Q. Yeah. And you talked about doing a bit of prison time.
- 12 A. Yeah, I have done a lot of prison.
- 13 Q. Just a bit?
- 14 A. Yeah.
- 15 Q. And problems with things like alcohol and?
- 16 A. Yeah.
- 17 Q. But also too, to your credit, not being in prison since 2007. Been a while now?
- 18 A. Been a while now, yeah, but otherwise it would have been virtually almost – close to 30
19 years' prison life plus the life in institutions prior to that.
- 20 Q. And I want to talk a bit about how you came into contact with the St John of God Order as
21 an adult. And to do that we need to just touch on some of the things you've been convicted
22 of in relation to churches, because that's how your criminal lawyer came to talk to you
23 about why you were getting angry at churches.
- 24 A. Yeah, it was about 2000, I was in Auckland here, and I think there was a lot of churches
25 dealt to in Auckland back in 2000, there was a lawyer that was sitting in the hearing, and he
26 hadn't represented me, but after what he had heard he became interested in the case and
27 asked me had I ever been abused. And I said yes, and that's when the last time it got
28 disclosed back in 2000.
- 29 Q. And that lawyer, Paul?
- 30 A. Paul Gruar.
- 31 Q. He helped you contact the St John of God Order?
- 32 A. Yeah.
- 33 Q. And in your statement, you talk about meeting Brother Peter in November 2002?
- 34 A. Yes.

1 Q. And he gave you an interim payment or a small payment of \$1,500?

2 A. Yes.

3 Q. And you met with him again the next year, didn't you?

4 A. Yes.

5 Q. What was Brother Peter like?

6 A. Brother Peter, was how – he introduced himself and said that – he wanted – to hear stories
7 about what had happened at Marylands and see what he could actually, you know, do for
8 the residents at Marylands, plus myself.

9 Q. And in your statement, you said that you felt Brother Peter believed you?

10 A. Yes, Brother Peter did believe me and yes –

11 Q. And then I'll – bring up this next document – Brother Peter wrote you a letter after that
12 meeting, it's – actually number 12 I think is the document we want. This letter from
13 Brother Peter addressed to you offers you an apology?

14 A. Yes.

15 Q. I know it's in quite small print, but it will be familiar to you from a long time back. But
16 I just wanted to see if – we can increase the size of the bottom part of the page. The letter
17 talks about some of the things he said to you in that meeting. If we can blow up the
18 paragraph beginning "Both you and I." So, it talks about you going to the Rotoroa
19 programme and Brother Peter said that he would be happy to work with you and the people
20 at Rotoroa Island and help organise a fresh start for you when you finish the programme.
21 He said this might take the form of having somewhere to live, a carer, a case manager you
22 can rely on, some counselling and so on, you'd also need some money to be put aside for
23 you and some type of trust so you could access it wisely to help you get on with your life
24 and put the past behind you. – And Brother Peter said, "I wish to help you in a respectful
25 way."

26 In your statement you talked about feeling like that was a promise or a – you sort –
27 of – that – you thought that was what was going to happen, is that right?

28 A. Yes, I thought, oh, finally someone yeah – when I seen that and sort of – like – even though
29 I didn't have much schooling in life, but the way I interpreted those words, I thought that
30 was good as any document that – was – yeah –

31 Q. At the same time, Brother Peter wrote to the Parole Board --

32 A. Yes.

33 Q. -- about you, didn't he?

34 A. Yeah.

1 **Q.** If we can bring up document 13. There's a paragraph, just one paragraph I want to
2 highlight there, because Brother Peter wanted to help you get out of prison, get parole and
3 get out of prison?

4 **A.** Yeah.

5 **Q.** We're going to highlight a paragraph near the bottom, which begins "It may be important."
6 So, he's writing directly to the Parole Board:

7 "It may be important for the Parole Board to know that the Brothers named by Alan
8 have been named continuously by many of the 78 victims from the Marylands School that I
9 have personally visited. Also, the description by Alan of where the abuse took place is
10 identical to descriptions I have heard from others, that is some of them, including Alan,
11 were abused in a sacred site, a church."

12 So, he wrote to the Parole Board to explain why some of your offending had been
13 against church buildings.

14 **A.** Yes.

15 **Q.** Then over the page, that next page, that first paragraph on the second page:

16 "I have given Alan an undertaking that The Order would like to help him as much
17 as possible to recover. I am prepared to commit resources to this end and to assist Alan in
18 every way possible to begin afresh now that he has been able to at last disclose to us this
19 dreadful story. I will pay for counselling, case management, accommodation, education
20 and lifestyle needs such as housing and transport, whatever it takes for the rehabilitation of
21 this man."

22 So, Brother Peter's making the same promises to the Parole Board as well.

23 **A.** Yes.

24 **Q.** So that's in 2003. And in your statement, and there's more detail that we don't need to go
25 into, but it started quite a long process, didn't it?

26 **A.** Yes.

27 **Q.** And you've described meeting Ken Clearwater?

28 **A.** Yes.

29 **Q.** And the support he provided to you. And you talked about talking to the Police for the first
30 time?

31 **A.** Yes.

32 **Q.** And naming some of the Brothers to the Police that you've described today. In your
33 statement you talk about meeting with Brother Peter again, and again those agreements for
34 help, and you went to the Ashburn Clinic, didn't you?

1 A. Yes, in Dunedin.

2 Q. Who paid for that?

3 A. Brother Peter Burke, I think, yeah.

4 Q. Because it was a private clinic, Ashburn?

5 A. Yes.

6 Q. So, what happened while you were at Ashburn?

7 A. Ashburn was quite good, but after a while I couldn't get any money, I couldn't get any
8 money and I couldn't get help from Work & Income because the Church was paying for my
9 stay, but I had nothing virtually to live on, so a lot of stuff had to virtually – got put on
10 hold.

11 But while I was there, I done psychotherapy just to get the abuse out, because
12 I suffered from bad post-traumatic stress at the time and I needed somewhere that could get
13 me fixed up, and that was from Brother Peter Burke. But after a while things – started
14 going downhill because they classed, I think Work & Income classed the money as an
15 income to pay for my treatment, so, yeah.

16 Q. So, when you talk about you didn't have any money, things like bus fares or stuff you
17 needed?

18 A. Yeah.

19 Q. You were doing some ACC counselling --

20 A. Yes.

21 Q. -- In that time as well, weren't you?

22 A. Yeah.

23 Q. But you talked about things going a bit wrong and you ended up back in prison for a bit?

24 A. Yeah.

25 Q. In your statement you've talked in a lot more detail about starting a claim against the
26 Ministry of Social Development and a claim about your time in Braemar and Lake Alice?

27 A. Yes.

28 Q. We won't get into too much of that detail today, but there's a lot going on in those years,
29 wasn't there?

30 A. Yes.

31 Q. And you went back to Ashburn Hall in September 2005 and then the next year Brother
32 McGrath went on trial?

33 A. Yes.

34 Q. And you were a witness, weren't you, you were a complainant –

1 A. Yes.

2 Q. -- in that criminal trial?

3 A. Yeah.

4 Q. What was that like for you?

5 A. It was really, really hard because thinking, you know, like being believed or, you know,
6 it's everything -- started coming back again and, yeah, just being like ripped, like ripped,
7 yeah, ripped to pieces. So -- virtually yeah -- it made it real tough for me, you know,
8 dealing -- with yeah --

9 Q. Yeah, you had to talk about everything all over again.

10 A. Yes.

11 Q. And in your statement, it says that Brother McGrath faced 15 charges relating to you, some
12 of indecent assault and some of sodomy, and he was found guilty on the indecent assault
13 and acquitted of the sodomy charges?

14 A. Yes.

15 Q. How did that make you feel?

16 -A -- it made me quite angry, you know. Sodomy I -- mean rape and sodomy are the same,
17 indecent assault is the same, you know. To me it feels the same as rape because you're still
18 touching indecent, you know, it's -- and then having the jury read their thing and finding
19 that they find him guilty on a lesser charge but not sodomy, and yet -- yeah, everything
20 started coming back again, it's like don't go through this again, yeah, it just made it more --
21 it just makes it more harder because of the, do we believe him or should we, you know,
22 it's --

23 Q. You felt like going through that process that you weren't believed?

24 A. Yeah, and especially because it takes you back to that being a kid again, you know, and
25 that's the hardest part.

26 Q. And then in between Brother McGrath's trial and later on there's Prior Moloney, and the
27 Order stopped the counselling and assistance because the criminal trial was going --

28 A. Yeah.

29 Q. Are you okay, Alan?

30 A. Yeah.

31 Q. Do you need to take a break?

32 A. No, I'm okay.

33 Q. Brother Peter became unwell, and you were dealing with someone new, weren't you?

34 A. Yeah.

1 Q. You're doing really well.

2 CHAIR: Would you like to take a little break?

3 A. No, thank you. Best if I just go through.

4 Q. Okay, just keep going, all right. As long as you're up to it, that's fine. Whatever suits you.

5 A. Yeah, thank you.

6 QUESTIONING BY MS HILL CONTINUED: We don't have a lot more to talk about, you've
7 done so well. There's then a long period after Brother McGrath's trial and then two years
8 later Brother Moloney went on trial and you gave evidence again, didn't you?

9 A. Yes.

10 Q. And Moloney was convicted in relation to you.

11 A. Yes.

12 Q. Was that criminal trial any easier, any different?

13 A. Maybe not as hard as the first one, not as hard as McGrath's.

14 Q. Yeah. Then in your statement, after Moloney was convicted and they both did prison time,
15 your statement goes into how the settlement process went with the Order, and that the
16 Order made you an offer of settlement of \$80,000 --

17 A. Yeah.

18 Q. -- including your legal costs.

19 A. Yeah.

20 Q. Did you think that that was enough?

21 A. No. I thought it didn't bring out the expectations of what Brother Peter Burke had promised
22 and virtually I had really no dealings, like, with the money source, you know, yeah.

23 Q. You talked in your statement about feeling like the abuse had left you unable to work and
24 so that the settlement should really affect you, you know, that you hadn't been able to work
25 for so long.

26 A. Yes.

27 Q. And you've talked about the way the costs, cost of Ashburn Clinic were dealt with, because
28 Brother Peter, what did he tell you about how that would be treated, the cost of Ashburn
29 Clinic?

30 A. Yeah, Brother -- the way I got that he come across was that it would not be involved with --
31 of what he had promised me, it would not make, because he said he wanted me fixed up
32 first before he would start considering what he would like to do for me, which he promised,
33 you know, like virtually the way that I understood was the way that I got -- the way
34 I interpreted: A house, a car, which I can't drive, education, which is good, lifestyle needs

1 is different, but then other parts, you know, like whatever it takes to rehabilitate me, you
2 know, and my brain got fixated on that and I'm not quite sure if I understood it right, but the
3 way that I read that statement, and even though I didn't have the schooling to understand
4 the wording, my interpretation of how Brother Peter Burke written that letter was the way
5 I saw it: House, car, transport, everything which, yeah, was totally different to the outcome
6 that I got.

7 **Q.** In your statement you talked about being tired of fighting.

8 **A.** Yeah.

9 **Q.** And being in debt and after some negotiation you ended up being paid \$70,000 and your
10 costs being paid separately, and getting a written apology from Brother Timothy?

11 **A.** Yes.

12 **Q.** Was there any counselling or housing or any of the other help?

13 **A.** No, it was just virtually the money, it was virtually -- the money was chucked on to me,
14 "Here you go, you find your own" -- virtually I had no way of dealing with -- because all I'd
15 known was the prison life and I didn't even virtually know the proper meaning how to
16 budget, do all that, you know, whatever -- just to look after your money more, you know,
17 sort of -- yeah, it was just more or less like here you go, nothing, yeah.

18 **Q.** What happened with the money?

19 **A.** A lot of friends, I had more friends. It got burnt up pretty fast, yeah.

20 **Q.** And in your statement that you've talked about the other settlements, the small \$4,000
21 settlement with the Ministry of Health.

22 **A.** Yeah.

23 **Q.** For your time in Braemar and Lake Alice.

24 **A.** Yeah.

25 **Q.** And after a long, long time a settlement with the Ministry of Social Development for
26 \$40,000.

27 **A.** Yes.

28 **Q.** With the Ministry saying that they didn't take responsibility for the abuse you suffered at
29 Marylands.

30 **A.** Yes, that was, yeah, when I read that I couldn't, I couldn't, yeah, virtually I didn't
31 understand, I didn't even know what all that meant, it was like what, is that an insult? You
32 know, and yet they take yeah -- they didn't want to take any responsibility and yet I was
33 under -- the yeah --

34 **Q.** Part of what they agreed was that your social worker hadn't visited you enough while you

1 were there.

2 A. Yeah.

3 **Q.** So, there were the two other settlements. Were they any different to the Marylands money?
4 Did that change anything?

5 A. No, it just virtually had the same, virtually it was just thrown to me on a plate, didn't even
6 know how to, you know, it was virtually, "Here you go, find your own way. We don't have
7 any responsibility", it was like being at Marylands, you know.

8 **Q.** One of the things that the Royal Commission is looking at is how to make some of those
9 processes better and what could be done differently to help people like you in those
10 processes. What do you think the Order should have done differently for you?

11 A. I think they first – of all – they should have gone back and had a look at what Brother Peter
12 Burke had written and worked it from there, because Brother Burke knew that I was in dire
13 straits like with the prison life, didn't know virtually anything about living a normal life in
14 society, and money wise would have been virtually tough for me, you know, like banking,
15 how to use it properly.

16 **Q.** Yeah, you didn't really understand things like how to use a bank account and how to
17 budget?

18 A. No, whenever – I look after my bank card as much as I can now. If I lose it, virtually I just
19 have virtually – have a struggle getting another card because I've actually got no ID for ID.
20 So virtually the person that you see now, how do you know- that I'm it, I've got no proof
21 otherwise, I got my Social Welfare card, but apparently that's not good enough for the
22 banks. But it puts me back because I've got to live with Parkinson's Disease, with another
23 mental disorder which it takes – that I've been bullied again, it's like produce, produce, and
24 if I can't produce – then I'm – a wreck. You don't believe me that I'm Alan Nixon, I'm
25 Alan Nixon, you know, and yet it's not good enough, you know. It's exactly the same thing,
26 you know, growing up, it's like believe me, you know?

27 **Q.** So, when people don't believe you now, it still makes you scared?

28 A. Yeah, it's like any bank card, I mean a bank card and I know how much money I got, I tell
29 them, you know, I tell them how much I want, you know, and yet it's exactly the same
30 thing, but not in an abuse way because it's not sexual, but it still feels like bullying, and yet
31 no matter how much you tell them, "Hey, look, I've got no ID, can you do a signature?"
32 And yet, you know, it's the – whole yeah --

33 **Q.** Just those sort of daily life tasks are hard?

34 A. It's just simple daily tasks which I, you know, don't hardly know, which I struggle with, you

1 know, which it's – still just simple things. They can get just like that.

2 **Q.** In your statement you talk about some of your – the ways your trauma comes out in your
3 anxiety and things like that. So that must be quite hard.

4 I've come to the end of my questions, but I wanted to ask you whether there's
5 anything you wanted to say to the Commissioners or to the Order, because their lawyers are
6 here, or anyone else about Marylands or how you were treated, or anything that we've
7 talked about today, if you wanted to say anything else.

8 **A.** I'm a bit worked up, but I'd like to say the main thing to the – just to the committee – to –
9 I thank myself and the residents of Marylands for giving us the opportunity to speak up
10 and to have our say, and it means a lot. Hopefully now that I can move on, but I'll still have
11 struggles in life.

12 **CHAIR:** Yes.

13 **A.** But nothing's going to be easy for me, but I wish things could have been done a lot way and
14 now that -- I hope that they can understand that the things that happened at Marylands, you
15 know, were no fantasy stories, you know, they were all genuine, you know, it's like that
16 place was, yeah, I was -- I'm not getting worked up, but that place was evil, you know, it
17 was just the way that those, you know, it's -- if you were there you would see it and a lot of
18 kids held a lot of stuff. And I feel sorry for the ones that got abused but partly decided to
19 take their own --

20 **Q.** Yes.

21 **A.** -- you know. I just thank the Royal Commission on my behalf and the residents of
22 Marylands for giving us the opportunity to tell our horrific stories.

23 **MS HILL:** Thank you very much. I think you've also got a lot of hope in your story too. And I'll
24 pass it over to the Commissioners who might have some more questions for you.

25 **A.** Yeah, thank you.

26 **CHAIR:** Alan, I don't have any questions for you, because you've explained it so well, and I've
27 read your statement. The only question I have is, do you – I sense in my own heart that
28 what you are telling us today, you're also speaking for the other boys.

29 **A.** Yes, I'm speaking because even though my lawyer Amanda – asked me that question,
30 I didn't see it physically but as it- happened to me –

31 **Q.** Yes.

32 **A.** -- I knew the reason why they were lining up or, you know, virtually I couldn't tell anyone,
33 you know, like that's why a lot of stuff, we couldn't tell the Prior because he wouldn't do
34 anything, he would just go, "Oh, sweet, Brother Bernie McGrath is abusing, nothing's going

1 to happen to me, I'll abuse, it's like", and we were kids back then, you know, and a lot of
2 things, you know, kids don't make up, you know. As it is, the story goes, you know, like
3 we were seen but we were never heard.

4 **Q.** That's right. And you went in there because you had some difficulties, you had some
5 learning difficulties and other issues. The other boys there, I understand many, if not all of
6 them, also had difficulties, is that right?

7 **A.** Yes. The school back then as I can remember the kids, like we were broken off in different
8 stories, but there was kids down there that society have got to deal with now, you know,
9 like bipolar, they're real simple and they were quite -- back then but putting them in a
10 school of Marylands and knowing that I was only supposed to have been down there for a
11 short stay, and no matter how much trouble I got into, which I had because I had to survive
12 because I wanted to get myself into trouble because I was sick and tired of the abuse.

13 **Q.** Yes.

14 **A.** But it kept happening, you know, like they kept sending me back, it's like...

15 **Q.** I get that. You were trying to assert your own power I think during that time. But I just
16 want to ask you about all these other boys and the fact that they were being abused. Do you
17 think the fact that they were some of them disabled, some of them with some mental health
18 issues –

19 **A.** A lot of them had the same as me, it's like borderline or they just had to be something,
20 might have been the same as me, running away or parents couldn't cope with them.

21 **Q.** That's right.

22 **A.** State ward.

23 **Q.** My question is, do you think that that meant that these Brothers could get away with things
24 with these kids that they might not have got away with other kids in ordinary schools, you
25 know, other schools?

26 **A.** I think it still would have happened. I think if Marylands wasn't a special school as it was
27 supposed to say it was, I think it still would have happened. The Brothers that were in
28 charge of the St John of God, the way they yeah – I – yeah – it's hard, I had very strong
29 believing that if Marylands was just an ordinary school --

30 **Q.** It still would have happened?

31 **A.** It still would have happened if Moloney, Prior, McGrath, and all those other Brothers were
32 looking after that, yeah.

33 **Q.** Right, thank you very much, I'm going to hand you over now to Sandra Alofivae, she might
34 have some questions and thank you.

1 **COMMISSIONER ALOFIVAE:** Afternoon –

2 A. Afternoon.

3 **Q.** – Alan. Alan, you've said that you were a state ward, and we understand what that means is
4 that the state is basically your parent, and you were there for six years. Who provided for
5 the personal items, like your clothes, shoes, were you getting new clothes every year or ...

6 A. Well, sometimes my mum would actually send money down to the school for me to go
7 shopping, because my mum was, I think back then it was DPB and she was [a] solo mum
8 because I think my mum was and – there was money, but I don't ever recall Social ever
9 buying me, taking me out shopping, ever, never. My flights I think were mainly paid --

10 **Q.** By your mum?

11 A. -- by my mum, or maybe a little towards the Social Welfare helping, but mainly --

12 **Q.** Mainly your mum?

13 A. – my mum and, yeah, virtually, yeah. But virtually I – never – I don't think I recall ever
14 going shopping with my social worker, never.

15 **Q.** And I've been asking everybody this question because I've been really interested in the
16 other aspects of the school, like around what you recall around the food and oral hygiene,
17 like being taken to the dentist and the doctors regularly.

18 A. What I recall they had their own doctor, they had a little medical thing on the ground floor,
19 it was like a little, like a little room, it had medication. I was on medication too.

20 And dentist, sometimes they'd send you, but the food, the dining room and like,
21 we -- like the kids worked too as, like, I know it's a bit too late to put it in now, but there
22 was kids working in the laundry unsupervised with big, heavy machinery and, you know,
23 like big spinning things and they had a big dryer, not quite as big as this table but it was a
24 big rolling, two adults on the other side, but the kids would have been feeding, and the little
25 ones too, me and other ones, folding up the clothes.

26 The food and the dining room, it was an old dining room, and a lot of times there
27 was we -- got a lot of crawlies, we got a lot of cockroaches in the porridges. It was
28 just yeah –

29 **Q.** Just awful.

30 A. Yeah, I can remember cockroaches, cockroaches was one of the main things on the menu
31 when you got your meal, going through the porridge or you see a cockroach on the bain
32 marie, you know, like running around, but nothing virtually got, it was like, you know yeah
33 --

34 **Q.** Thank you. So, who was administering your medication? Like how did you know that it

1 was the right dosage?

2 A. Well, I don't think it was the right dose, I was given a very heavy dosage, just a lot of it to
3 knock me out but it never did knock me out. It's given me what I've got now. The
4 Brothers, mainly Brother Garchow, virtually any Brother that had the key to giving out the
5 medication, it would be done, you know, yeah.

6 Q. Alan, look, you've been incredibly patient with us, and we are very, very grateful, in fact
7 we're in awe of your courage to be able to sit there and to be able to retell for us some really
8 intimate details and just some terrible, terrible things that happened to you. So, we want to
9 be able to express our sincere gratitude and our thanks for being here today, for being able
10 to speak up for yourself but also for the others, for the reasons that you've already offered,
11 who cannot be here with us today.

12 So, we hope you're going to continue to look after yourself and make sure that
13 there's some good wellbeing support around you so that we can see this through to the end.

14 A. Yeah, thank you.

15 Q. Thank you very much, Alan.

16 A. Thank you.

17 CHAIR: Many thanks. You can go and have a break now.

18 A. Thank you.

19 CHAIR: And we'll take a break as well.

20 MS ANDERSON: Madam Chair, can I suggest perhaps just a short adjournment, 10 minutes?

21 CHAIR: Certainly, 10 to 4?

22 MS ANDERSON: 10 to 4 sharp, yes.

23 CHAIR: Very good, we'll come back at 10 to 4.

24