## Logo is middle left: the words "Abuse In Care" are across the top in white on a green background. Underneath in white are the words "Royal Commission of Inquiry". To the left of the two lines of text in white, there is a Flax plant | Harakeke.

## Content Warning: This content discusses themes of abuse, neglect and trauma. The content may be distressing to readers.

## This large print version is produced from the standard print document. Content is exactly the same.

# Whakarāpopotanga rīpoata Executive Summary Simplified English

1. Marylands School started in 1955 and the Hebron Trust started in 1986, both were in Christchurch. They were both run by a Catholic group called the Order of the Brothers of St John of God. This case study will call the group ‘the Order’. The Order did not care for the children and young people at Marylands School or Hebron Trust. Instead, they sexually, physically and spiritually abused them. Survivors of both places called them ‘hell on earth’.
2. Until the late 1980s, the government thought disabled children and young people should be trained in special facilities, instead of staying at home with their families and going to school. The people who went to Marylands School and Hebron Trust were very vulnerable and helpless. Many were rangatahi Māori (Young Māori).
3. People believed that Marylands was the best place for young boys. The State did not seem to care about Marylands School. Anxious parents believed Marylands was a future-focused school and that the Brothers were experts at teaching disabled children. Police, the courts and other social agencies sent young people to Hebron Trust, because of its reputation for supporting young people and because the community liked Brother McGrath, who was a teacher.
4. The Christchurch community, parents, government, medical professionals and other experts were tricked by the Order. In fact, the children did not receive a proper education and were raped, beat, and neglected. Often, people did not believe the survivors who said the Order abused them. The Bishops and leaders in the Order thought sexual abuse was a ‘sin’, not a crime, so they tried to protect their Brothers in the Order who were accused of sexual abuse.

## Marylands School

1. In 1954, the Order was invited by the Bishop of Christchurch to work at the Marylands property. The Order agreed and set up Marylands School, a place for disabled boys to live and learn. The school separated children from their families, peers and community. This showed how eugenics and ableism were a part of society’s thinking at the time.
2. Ableism is a way of not valuing people socially. If disabled people cannot be ‘cured’, they need to be kept separate from the ‘valued’ society. The valued society is not disabled.
3. Eugenics is the belief that ‘perfect’ people can be created by making sure that ‘imperfect’ people don’t have babies. Disabled people were thought to be ‘imperfect’ and so were removed from society.
4. The Order brought Brothers from Australia to teach and look after the school. Most of them were not trained teachers and had no special skills to teach disabled children. All five Brothers have now been accused of abusing students during the school’s first year. It’s also possible that some boys were abused every day.
5. Nearby to Marylands School was the St Joseph’s Orphanage, run by a different Catholic group, the Sisters of Nazareth.[[1]](#endnote-2) The Royal Commission is not looking at the orphanage, but people in the orphanage have told The Royal Commission that they were also abused by the Order’s Brothers.
6. The State and some ministers of the Crown, helped set up and fund Marylands School for 30 years. However, the State failed to protect the children and young people there, or check they were learning and being cared for. Children were not believed when they told police and social workers of their abuse.
7. The Order did not keep track of boys’ disabilities or ethnicities. The Order did not understand the needs of the young people they cared for. The school failed badly at their main job, which was to teach the students. They made the children work in the laundry, kitchen and on the land, instead of being taught in class. Teaching and training the boys was almost totally forgotten.
8. 537 boys went to Marylands School. More than one in five (118) said the Brothers abused them. Survivors told the Royal Commission that the Brothers raped, masturbated and abused the young boys regularly. Sometimes, this happened in secret, but sometimes this happened in front of other students to scare or punish them. Children had to do what the Brothers told them or they would be physically abused. The children were always afraid.
9. The Brothers also used religious beliefs and teachings to abuse the boys. They silenced the boys and young people as the Brothers were scared of being punished by God himself. The Brothers used religious language as a reason for what they were doing, or they abused boys as part of religious activities.
10. Brother McGrath was a New Zealander, but the Brothers were mostly from Australia. They didn’t know about Aotearoa New Zealand culture, or te ao Māori, or about the needs of any other cultural groups. The Catholic Church and Bishop of Christchurch did not check that the Order were upholding te Tiriti o Waitangi. Some Brothers were racist and negative towards Māori students and made this very clear.
11. With so much physical violence and sexual abuse, life at Marylands was terrifying and uncertain. Some boys saw violence that they believe may have caused the deaths of other boys. It was impossible to avoid sexually explicit behaviour and material. Boys talked about ending their lives. There was no escape. The boys were isolated, and their claims were not believed. Cruelty was everywhere.

## Hebron Trust

1. The Order left Marylands in 1984, then the Bishop of Christchurch asked them to open Hebron Trust, to work with at-risk young people, including many Māori people.
2. The State thought Hebron Trust was a good place to care for young people in 1990, so it let the Trust become a ‘State service provider’.
3. The Order provided young people at Hebron Trust with temporary housing. Brother Bernard McGrath, one of the Order’s worst serial rapists, used his position at both Marylands and Hebron Trust to rape and physically abuse many of the young people who he cared for.[[2]](#endnote-3) Brother McGrath was the only brother in charge of all operations. He continued to abuse rangatahi (young people) at Hebron Trust in bigger and worse ways.
4. Brother McGrath was able to abuse young people in all areas of the Christchurch community, particularly rangatahi Māori (young Māori). Shockingly, although the Order knew of his abuse at Marylands, the reports were not investigated. This allowed Brother McGrath to carry on his abuse at Hebron, because nobody checked on him.
5. All of Brother McGrath’s abuse will likely never be known. We do know that 28 individuals, most aged under 18, told the Order that they had been abused by Brother McGrath at Hebron Trust. There was also one report of McGrath abusing a staff worker. Many of those young people were homeless, who were brought to Hebron Trust by social service agencies, or the criminal and youth justice system. McGrath’s abuse towards Hebron Trust victims was the worst kind. It caused long-term damage to survivors.

## Effects of abuse

1. The tūkino (abuse, harm and neglect) had many effects on the boys at Marylands, Hebron Trust and the orphanage. Some became violent and showed inappropriate sexual behaviour. In the long term, some had lasting and painful physical injuries from the abuse. About 75% of survivors we spoke to used drugs or alcohol to cope with their abuse, some while still at school. Often this led to the boys committing crimes and joining gangs. Survivors have shared their ongoing mental distress, physical health issues and sexual confusion.
2. The tūkino (abuse, harm, neglect) resulted in the loss of trust and religious faith, as well as an inability to form meaningful friendships and relationships with friends, children and partners. The lack of education and/or training in the school meant the boys had almost no job opportunities. Most survivors were only able to get low-paying, basic work.
3. Many told us they had thought about or attempted suicide. Tragically, others have lost their lives this way.

## Complaints and accountability

1. From the late 1970s through to the early 2000s, leaders of the Order were told of many allegations against brothers.
2. Children reported abuse multiple times, including to the Order’s brothers, the Order’s leaders, social workers and police. Mostly, these children were not believed. In nearly all cases, the Order and the Catholic Church failed to act on these reports.
3. Of the 37 Brothers who ministered in Christchurch when the Order ran Marylands, 21 Brothers received abuse complaints. Many more brothers received complaints in New Zealand than in Australia.
4. Two police investigations, 10 years apart, were delayed because the brothers and the Order did not cooperate. The Australian-based Order spent a lot of money over many years on legal costs, to stop brothers being sent back for trials in Aotearoa New Zealand, but finally, they returned.
5. In 1993, Brother McGrath was sentenced to three years in prison for 10 charges of indecencies upon victims aged eight to 16 years. In 2006, Brothers Garchow and Moloney finally returned to Aotearoa New Zealand to face trial, along with Brother McGrath and Brother IU.
6. Brother Moloney, who led Marylands School in the late 1970s and the 1980s, was convicted in 2008 on seven charges,[[3]](#endnote-4) involving five complainants,[[4]](#endnote-5) and sentenced to two years and nine months’ imprisonment.[[5]](#endnote-6) He was released from prison, on parole, in September 2009 and he then returned to Australia. The Order told the media: “Brother Moloney is still a member of the Order, and will be accommodated within the Order in Australia.” [[6]](#endnote-7) He died in Sydney in 2019.
7. In July 2008, the trials of Brother Garchow and Brother IU did not take place, due to illness of survivors and Brother Garchow himself.[[7]](#endnote-8) He died in March 2011. Brother IU asked for each person who complained of his abuse to have a psychological test. The police thought Brother IU was trying to make these people look wrong. Brother IU had all his charges removed because of test delays and because the allegations about him were historical.
8. In 2006, Brother McGrath was convicted in Aotearoa New Zealand on 22 charges from his time at Marylands of ‘doing and inducing indecent acts on boys under 16 years of age’.[[8]](#endnote-9) The sexual assaults included touching, fondling, masturbation and oral sex. He was found not guilty of charges of anal rape.[[9]](#endnote-10) He was sentenced to five years’ in prison.[[10]](#endnote-11) The judge noted that the “victim impact reports … refer to anger, fear, anxiety, nightmares, low self-esteem, post-traumatic stress disorder and, in many cases, gross problems in later life”.[[11]](#endnote-12) McGrath was released from prison in 2008.[[12]](#endnote-13)
9. In 2018, Bernard McGrath was again convicted in Australia and sentenced to 33 years' in prison for 64 offences against 12 boys at Kendall Grange over seven years. In 2019, he was convicted and sentenced for a further 29 years for crimes against another 15 Kendall Grange boys. Some of these crimes included sodomy (forced anal sex).
10. In total, Brother McGrath was convicted in five court cases, two in Aotearoa New Zealand and three in Australia, of more than 100 offences over three decades. He will likely spend the rest of his life in an Australian prison
11. The police and the courts did not support survivors. Some evidence was ignored because of survivors’ disabilities. Police did not keep any data about survivors’ disabilities and they did not ask specialists to help them communicate with disabled abuse victims. Police failed to provide culturally appropriate systems for Māori and Pacific people.
12. NZ Police agreed it could be difficult for disabled people to get a fair hearing, because criminal trials rely on clear communication, cross-examination, and understanding difficult and fast-moving events in court.[[13]](#endnote-14) The system did not help victims of sexual abuse, whether disabled or not.
13. We were told by survivors and their whānau that the criminal justice process did not care about survivors’ disabilities, or allow them to have caregiver support while giving evidence. They also said the criminal justice process did not care about their disability during cross-examination and ignored their evidence, instead of supporting them.
14. The Bishop of Christchurch supported the Order in New Zealand and he failed to carefully look at the Order’s work at both Marylands and the Hebron Trust. Also, when the abuse reports became public knowledge in 2002, Bishop Cunneen failed to take any responsibility for the Order’s actions. Instead, he said he was unhappy about the media attention and spoke out to protect the reputation of the church.

## Possible breach of human rights obligations

1. The Crown has obligations to protect the human rights of those under their care. What we have seen shows us that the Crown may have breached their human rights obligations to those in care at Marylands school, and the Hebron Trust.
2. The Order and its members may also be legally responsible for abuse of those who received services from the Hebron Trust. Legal responsibility could come under the New Zealand Bill of Rights Act for acts done after the Bill of Rights became law on 25 September 1990.
3. Making a legal claim would be difficult for anybody. Our Inquiry cannot make decisions about legal responsible because of the Inquires Act 2013 and because it is outside of our functions. That is a matter for the courts or other appropriate bodies.
4. We encourage the Crown and the Order after reading this report to take good-faith steps to assess their legal responsibility. We also encourage proactive action to make sure that survivors access to justice is supported.
5. Aotearoa New Zealand must listen to the calls for justice and responsibility. We must support healing. These institutions must change, so that this terrible harm to children and young people (tamariki and rangatahi) does not happen again. This change will make Aotearoa New Zealand welcoming and inclusive, so family and whānau can be healthy, safe and respected.

## Te Titiri o Waitangi

1. The State, the Catholic Church and the Order did not provide care consistent with the principles of te Tiriti o Waitangi. Thinking about te Tiriti recognises that obligations may follow tamariki Māori when they’re cared for by the state or faith-based places.

## What we found

1. We make 42 findings in our report. They set out the failures of the Order, the Church and the State.
2. The State helped set up and gave money to Marylands School. That School did not It did not provide enough education and safety for the children who were sent there. The children were abused neglected, and without their human rights. The State helped set up Hebron Trust. State agencies sent young, at-risk people to Hebron, without checking that they would be safe. The State did not check that Marylands School and Hebron Trust supported te Tiriti o Waitangi. The State did not make sure people were held responsible for the abuse.
3. The Catholic Church and the Order of the Brothers of St John of God set up Marylands School and Hebron Trust in a way that kept them happy, but not the tamariki (children) and rangatahi (youth) they should have cared for. They did not provide support, learning or understanding of te ao Māori. The brothers caused extreme harm and tūkino (abuse, harm and neglect) to these young people. They also tried multiple times to avoid responsibility for their terrible actions.
4. The Order has still not tried to help survivors. Social workers and police failed to record or act on reports of abuse by boys who ran away or were wards of the State attending Marylands School and Hebron Trust. Neither the Order nor the Catholic Church have ever tried to find out why abuse at Marylands was so bad.
5. This report is not about ‘bad apples’ - it is not about the small number of convictions made against a few abusers. We heard from hundreds of survivors and their whānau, (family). Each story had potential for legal responsibility to be claimed. The Order, Church and State have not been found responsible for the many terrible things that happened at Marylands and Hebron Trust. They have also never taken responsibility for failing to confront what was happening. Because they have not been held responsible we cannot be sure something like this will not happen again.
6. What we found here supports our view that the “puretumu torowhānui, holistic redress” system and scheme that we recommended in our December 2021 report must be in both State and faith-based institutions.
7. What we found strengthens our view that the “puretumu torowhānui, holistic redress” system that we recommended in our December 2021 report must be in both State and faith-based institutions.
8. Aotearoa New Zealand must listen to the calls for accountability and justice. Big changes to those institutions will be needed to make sure that this harm and exploitation of children and young people, tamariki and rangatahi does not happen again.

1. When Marylands moved to Halswell. [↑](#endnote-ref-2)
2. Under Aoteroa New Zealand criminal law, someone can not be charged with rape of a male.  Instead, the charge is ‘anally sexually violated’.  However, for clarity and familiarity for the reader, we use the term ‘rape’. [↑](#endnote-ref-3)
3. NZ Police Report Form, NZP0012793, p 6; *Te Rōpū Tautoko Marylands Briefing Paper 5:* *Summary of the Hospitaller Order of St John of God’s response, knowledge and treatment of other alleged offenders,* as amended on 29 September 2021, CTH0015243, para 96. [↑](#endnote-ref-4)
4. NZ Police Report Form, NZP0012793, p 6: See also Te Rōpū Tautoko Marylands Briefing Paper 5, CTH0015243, para 96. [↑](#endnote-ref-5)
5. Te Rōpū Tautoko Marylands Briefing Paper 5, CTH0015243, para 96; Witness statement of Sonja Cooper and Sam Benton of Cooper Legal, WITN0831001, para 836; NZ Police Report Form, NZP0012793, p 6. [↑](#endnote-ref-6)
6. Te Rōpū Tautoko Marylands Briefing Paper 5, CTH0015243, para 96. [↑](#endnote-ref-7)
7. Te Rōpū Tautoko Marylands Briefing Paper #5, Summary of the Hospitaller Order of St John of God’s response, knowledge and treatment of other alleged offenders as amended on 29 September 2021, CTH0015243, para 57; See also Witness statement of Peter Read, NZP0042570 (Royal Commission of Inquiry into Abuse in Care, 5 August 2021) para 3.15 [↑](#endnote-ref-8)
8. NZ Police Report Form, Detective Inspector Peter Read, regarding the completion of Police operation, NZP0012793 (23 May 2010), p1. [↑](#endnote-ref-9)
9. R v McGrath HC Christchurch CRI-2004-009-002462, CTH0011911 (27 April 2006), para 4. [↑](#endnote-ref-10)
10. R v McGrath HC Christchurch CRI-2004-009-002462, CTH0011911 (27 April 2006), para 25. [↑](#endnote-ref-11)
11. Sentencing notes, Chisholm J, R v McGrath HC Christchurch CRI-2004-009-002462, CTH0011911 (27 April 2006), NZP0030905, para 6. [↑](#endnote-ref-12)
12. ABC Australia notes from sentencing of Brother McGrath, CTH0008331 page 47. [↑](#endnote-ref-13)
13. Transcript of evidence of Peter Read from the Marylands School public hearing, TRN0000416 (Royal Commission of Inquiry into Abuse in Care, 16 February 2022), p 523. [↑](#endnote-ref-14)