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2 **FRANCES EILEEN TAGALOA - AFFIRMED**  
3 **EXAMINED BY MS SHARKEY**  
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6 **CHAIR:** Good morning, Ms Sharkey.

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

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

15 A. Yes. (Witness affirmed).

16 **CHAIR:** Thank you.

17 **MS SHARKEY:**

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

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

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

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

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

13 A. Yes.

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

16 A. Yes.

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

19 A. Yes, I have.

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

23 A. Yes, I confirm that.

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

26 A. Yes.

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

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

1 We will start with statement 1, paragraph 1.

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

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

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

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

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

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

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

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

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

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

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

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

5 Q. Thank you, carry on.

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

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

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

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

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

21 This occurred regularly between 5 and 7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 A. No.

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

7 A. Yes.

8 Q. And an interview followed that phone call?

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

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

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

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

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

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

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

4 A. No importance to me.

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

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

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

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

12 A. Yes.

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

15 A. Yes.

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

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

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

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

32 **MS SHARKEY:** Thank you.

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

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

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

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

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

9 A. Okay.

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

11

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

13

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

16 **MS SHARKEY:** Thank you.

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

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

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

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

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

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

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

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

1 Q. And so, it's your view that this would be the common  
2 understanding of many Catholics?

3 A. Yes, definitely, yeah. I mean, everybody I've asked have  
4 had the same view.

5 Q. Okay. And just to clarify some things you've said, please,  
6 Frances. Were you aware before beginning this process of  
7 seeking your information, that the Marist Brothers are  
8 considered autonomous or an independent feature and that  
9 they are the ones with a duty to respond to your questions;  
10 were you aware of that before beginning this process?

11 A. I didn't originally know that they were responsible, they  
12 had that duty to respond, but I've since learnt, yeah, that  
13 they have that duty to respond.

14 Q. And so, that view, that they are separate, autonomous,  
15 within the global Catholic organisation, that did not fit  
16 with your understanding and practice of the Catholic faith?

17 A. No, no, definitely not.

18 Q. And so, in your opinion, and based on your experience as a  
19 survivor of sexual abuse by a Marist Brother, where there  
20 are disclosures made about a Marist Brother, who should be  
21 handling and investigating those disclosures?

22 A. I would have thought that the matter would have been taken  
23 out of the hands of the Marist Brothers. It just seems  
24 strange to me that I had to go back to the Marist Brothers,  
25 to the very organisation that allowed the abuse to happen,  
26 I had to go back to them to try and see if they would fix  
27 it or do anything about it. It just seems strange to me to  
28 have to do that and it made me quite fearful as well about  
29 approaching them.

30 Q. So, your thoughts are it's an independent person who should  
31 be handling those disclosures and complaints?

32 A. Yes, definitely. I definitely think an independent  
33 organisation or someone separate from the Catholic Church  
34 needs to, yeah, needs to investigate, needs to be there to  
35 support the survivor, needs to look into these allegations

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

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

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

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

27 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 A. No.

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

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

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

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

25 A. No, never.

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

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

30 **MS SHARKEY:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 A. Yes.

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

28 A. I started my request in March.

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

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

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

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

14 **MS SHARKEY:**

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

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

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

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

25 A. Definitely.

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

28 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 An appropriate apology was never offered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 Thank you.

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

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

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

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

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

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

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

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

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

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

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

6 A. Yes, it is the village leader.

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

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

22 Q. Thank you, Frances.

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

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

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

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

34 A. No worries.

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

5     **MS SHARKEY:** Yes, thank you.

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

8     A. Yes, that's fine.

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

10

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

12

13     **MS SHARKEY:**

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

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

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

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

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

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

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

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

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

18 A. Yes, definitely.

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

22 A. Sorry about that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**FRANCES TAGALOA**  
**QUESTIONED BY COMMISSIONERS**

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**CHAIR:** I am not so sure about the Rambo allusion, I'll think about that. I am going to invite my colleagues if they have any questions of you, I am not talking about you Timo, I am talking about Frances. Are you able to try and answer?

A. Try and answer.

**CHAIR:** I will give you to Dr Erueti to start with.

**COMMISSIONER ERUETI:** It's been a long day for you and I will be brief. I just want to acknowledge you coming and giving evidence today, both of you, and your courage, commitment and mihi ki a kōrua.

I have a question, you're very clear I think on this point, about the need for independence and the degrees of independence. You might say the State appoints, hires a mediator or arbitrator and, you know, this person is independent of the State or of the Church but it seems to me that you're very - you are asking for something more than that, and that is actually, as you call it, an independent Commission or Tribunal be established that is more fully independent of the churches; is that correct?

A. Yes, definitely. It has to be fully independent of Churches.

**COMMISSIONER ERUETI:** Thank you, yeah. And I was curious about ifoga and its role in a redress process. I can imagine someone saying, well, we can look at ifoga and perhaps the way you would look at muru for resolution for Māori. We would look at what are the values underpinning ifoga which might be things like public accountability and recognition of status and design something that reflects those values but it seems to me you're talking about

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

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

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

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

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

18 A. Engagement between the villages, yeah.

19 **COMMISSIONER ERUETI:** Kia ora.

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

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

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

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

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

19 A. Yes.

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

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

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

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

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

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

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

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

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

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

32 A. Malo (thank you).

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

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

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

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

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