

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
FAITH-BASED REDRESS INQUIRY HEARING**

Under The Inquiries Act 2013

In the matter of the Royal Commission of Inquiry into
Historical Abuse in State Care and
in the Care of Faith-based Institutions

Royal Commission: Judge Coral Shaw (Chair)
Dr Andrew Erueti
Ms Sandra Alofivae
Ms Julia Steenson

Counsel:

Mr Simon Mount, Ms Hanne Janes, Ms Kerryn Beaton, Ms
Katherine Anderson, Mr Joss Opie, Ms Echo Haronga, Ms Tania
Sharkey, Mr Michael Thomas, Ms Jane Glover and Ms Lorraine
Macdonald appear for the Royal Commission

Ms Sonja Cooper for Survivor Mary Marshall

Ms Sally McKechnie, Mr Alex Winsley, Mr Harrison Cunningham
and Ms Fiona Thorp appear for the Catholic Church

Mrs Guy-Kidd, Mr James Anson-Holland and Ms India Shores
appear for the Anglican Church

Ms Jenny Stevens and Ms Helen Thompson appear for the
Salvation Army

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

Date: 2 December 2020

TRANSCRIPT OF PROCEEDINGS

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1 (Opening mihi and waiata)

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3 **ANN-MARIE SHELLEY - AFFIRMED**

4 **EXAMINED BY MS GLOVER**

5
6
7 **CHAIR:** Tēnā koutou katoa. Nau mai hāere mai anō ki
8 tēnei rā. Good morning, Ms Glover.

9 **MS GLOVER:** Good morning, Madam Chair.

10 **CHAIR:** And we have Ms Shelley here.

11 A. Good morning.

12 **CHAIR:** Good morning. What do you like to be referred to?

13 A. Ann-Marie. (Witness affirmed).

14 **CHAIR:** Just remember to pull your microphone towards you.

15 **MS GLOVER:**

16 Q. Hi, Ann-Marie, thank you for coming along today to share
17 your experiences. Your full name is Ann-Marie May Gabriel
18 Shelley. As we go through the document though, we will see
19 that sometimes you're referred to as Sam rather than
20 Ann-Marie, can you tell us the stories behind these
21 different names?

22 A. Ann-Marie was a very sad and lonely, unloved anxious child
23 who when I became older, I just didn't want to be her
24 anymore, so I changed my name to Sam, feeling like that was
25 the way to put the past behind me but after I became Sam I
26 learned more about how to stand on my own two feet, so then
27 I legally went back to the name Ann-Marie as a way of
28 honouring my survival and bringing me back to myself.

29 Q. Thank you.

30 A. And the Gabriel is because when I reached the age of
31 receiving the sacrament of confirmation, children are
32 allowed to choose their own confirmation name and I had
33 chosen the Ark Angel Gabriel but I was not allowed to have
34 that because Ark Angels are not saints, so when I legally
35 changed my name back to Ann-Marie I decided to incorporate

1 Gabriel as well because Gabriel's motto was do not despair,
2 keep hope alive in your heart. So, that's who I am now.

3 Q. Thanks, Ann-Marie. You have prepared a written statement
4 for the Royal Commission already and that's dated 6 August
5 2020. Do you have a copy of that with you?

6 A. I do.

7 Q. I'd like now to ask you some questions about that
8 statement. You say in the introductory part that you were
9 adopted by a Catholic family. Can you please tell the
10 Commission about your adoption and your early life?

11 A. I was born in 1955 and left at Hutt Hospital Lower Hutt
12 until I was placed for adoption through Catholic Social
13 Services. Monsignor Kennedy from Christchurch arranged my
14 adoption.

15 My parents, Moira and Martin Shelley adopted GRO-B
16 children through the Catholic Social Services.

17 Strict Catholicism dominated every aspect of home life,
18 many of my parents' extended family were either priests or
19 nuns and Dad even began training to become a priest but due
20 to ill-health he did not complete his studies. As a family
21 we attended the St Joseph's parish in Upper Hutt, we were
22 all entrenched with the Church and my parents held the
23 priests in high regard.

24 I started school at St Joseph's Primary in Upper Hutt in
25 1960 and was taught by the nuns of the Sisters of Mercy.

26 Q. Can you please share with us your experiences at St
27 Joseph's Primary School in Upper Hutt and Sacred Heart
28 Primary School in Margaret St Lower Hutt?

29 A. The worse nun at St Joseph's was a Sister John Bosco. I
30 remember one incident where I was punished after she heard
31 me tell a boy to "shut up". She grabbed me by my hair all
32 the way from the playing fields, across to the toilet
33 block. She turned on the tap, shoved a cake of dirty soap
34 into my mouth and yelled that she was going to wash the
35 filthy words out of my mouth. She then slammed my head

1 down hard into the basin and held me down with her hand on
2 the back of my neck. I gulped mouthfuls of running water
3 until soap bubbles frothed out of my mouth and nose. I was
4 terrified I was going to drown. To this day, if I
5 accidentally get soap or shampoo anywhere near my nose I
6 panic. After her punishment, Sister John Bosco told me not
7 to tell my parents because they wouldn't believe me.
8 Parents believe nuns, she said, not bad little girls.

9 In the early 1960s, St Joseph's primary was booming. I
10 believe that it was because of this I was moved to another
11 school. I was transferred to Sacred Heart Primary school
12 in Margaret St in Lower Hutt in 1964 and was taught by the
13 Sisters of Our Lady of the Missions. I had piano lessons
14 every week from a nun who hit my hands with a big long
15 stick or smashed the piano lid down on my hands whenever I
16 played a wrong note. I dreaded the lessons but was too
17 scared to tell Mum I didn't want to go.

18 In standard 4 in 1966 our teacher was Sr Lucine. Her
19 way to punish us was to grab the three-foot wooden ruler
20 that had a metal strip down the sides and make us stretch
21 our arms out in front, palms upward. She would then
22 repeatedly whack us with the metal edge of the ruler across
23 the veins on the inside of our wrists until the whole area
24 was swollen and raw. I was scared she would rupture all
25 the blood vessels in my wrists and I would be left bleeding
26 to death in the back of the classroom.

27 I still have unbearably sensitive wrists. I don't but
28 on the cuffs on my shirts or wear wrist jewellery and can
29 only wear a watch very loosely.

30 One day I found the courage to stand up to Sr Lucine and
31 said I was going to tell my parents she was hurting us.
32 She hissed at me that she would ring Mum before I got home
33 and tell her I was an evil little liar and whose word did I
34 think she would believe. Sr Lucine told me that parents

1 believe nuns, not little girls. I had apparently descended
2 from bad girl to evil girl. I was 11 years old.

3 We had Sr Helen for the two years of forms 1 and 2.
4 Every day at the front of the classroom she would cough up
5 phlegm into a big brown handkerchief. Some days she
6 coughed until she vomited into it. Her favourite
7 instrument of pain was a huge black leather strap that hung
8 on the wall behind her desk. I would be made to hold out
9 one arm at a time, stretched in front of me and she would
10 whack the hell out of each hand. The number of whacks
11 depended on how I reacted to either the prospect of pain or
12 the pain itself. If I cried or flinched, I got whacked
13 more and harder, so I learnt to detach myself. I became an
14 observer of my own strapping, rather than the person
15 occupying the body being strapped.

16 When Sr Helen wasn't strapping, she whacked me and other
17 girls in the head with her fist. It wasn't unusual to be
18 punched so hard that you would end up on the floor.

19 Another favourite of hers was to sneak up on a girl who
20 was looking for something inside her desk. She would creep
21 up on the unsuspecting victim and slam the wooden lid hard
22 down on your head and then she would laugh.

23 I remember a group of us girls hiding behind the music
24 rooms to discuss what to do about the violence. We
25 wondered if maybe we could go to the Education Department
26 but we didn't know how to do that. In the end, we decided
27 to do nothing as we feared what she might do if she found
28 we had be plotting against her.

29 Am I too fast?

30 **CHAIR:** Sorry we have to do this to you. It's painful to
31 have to slow you down.

32 A. Oh, it's fine.

33 **CHAIR:** You appreciate we have our signers here who are
34 working very hard?

35 A. For sure, for sure.

1 **CHAIR:** Thank you.

2 A. At this time of primary school years, I was under a lot of
3 pressure to be a high achiever. My mother constantly made
4 me feel that I had to repay the debt of my existence in the
5 family.

6 Despite my efforts, my mother would say "you could have
7 done better". I felt extremely guilty no matter what I
8 did, it was never good enough to make Mum and Dad glad they
9 had adopted me.

10 I would never tell my parents about any abuse as they
11 would have given me a hiding.

12 I always felt my mother never wanted any of us but
13 rather, was pressured by the Church. I am sure we GRO-B
14 children were only adopted because Monsignor Kennedy told
15 our parents to take us.

16 **MS GLOVER:**

17 Q. And then in 1969, you started secondary school at Sacred
18 Heart College in Lower Hutt?

19 A. Yep.

20 Q. What was that like?

21 A. I worked hard in class but as the year wore on, I became
22 aware that what happened in our house didn't happen in my
23 friends' houses.

24 Q. Just before we move onto that, perhaps we can bring up a
25 photograph of you at that time in form 3. So, that's you
26 there third from the left in the front row?

27 A. Yep.

28 Q. What were things like for you at that time?

29 A. Both my parents were very violent towards us GRO-B

30 children, especially Dad.

31 Mum hit me in the face and head but Dad hit the whole
32 body. My brother Peter would be on the floor injured,
33 screaming, bleeding, needing medical attention but would
34 instead be sent to his room.

1 I made tentative remarks to Mum that some of the things
2 that she and Dad did were different to what other parents
3 did. Mum then subjected me to long lectures on family
4 loyalty.

5 I was told in no uncertain terms that if I was to
6 discuss even the smallest detail of home life, I would be
7 committing the sin of disloyalty. Mum drummed it into me
8 that Disloyalty with a capital 'D' was an actual sin. I
9 was 13 and I had no sense of belonging anywhere or to
10 anyone. I had been forbidden at home to express or even
11 have negative feelings such as sadness or anger and was
12 well practised at disassociating from physical pain.

13 I was in a family but it wasn't mine. I hated the fact
14 that I was supposed to be grateful to these rigid unloving
15 cruel people for adopting me. I was being forced to
16 practise a religion that said I had to be good but allowed
17 nuns and parents to beat and injure children in their care.

18 I was expected to sit in mass every Sunday with these
19 parents, pretending we were a good Catholic family. I
20 didn't know what to do. I wanted to get away, I had
21 nowhere to go. I wanted to tell someone about how we were
22 being treated at home. I had no-one to tell and felt
23 guilty of committing the sin of disloyalty to the family.

24 By the time I returned to school for the 4th form year,
25 I had had sex, I'd started drinking and my teachers
26 described me as having a bad attitude and being disruptive
27 in class.

28 Any time I had asked Mum about my adoption she accused
29 me of purposely trying to upset her and shut down my
30 questions. I was engulfed by the loneliness of having no
31 identity. It all became too much and I ran away. I was
32 hauled home by the Police and given a big telling off by
33 Mum and Dad about the embarrassment I had caused them.

34 Shortly after, I was sent to Peter Hercock.

1 Q. Can you tell us about Fr Hercock and the dealings that you
2 had with him at that time?

3 A. Hercock was the school counsellor and chaplain at Sacred
4 Heart College. I was suspicious of him at first but
5 gradually let my guard down. He seemed genuinely
6 interested in knowing why I was miserable and for the first
7 time ever, I could not only talk but finally be heard.

8 The sessions were in a room off the sick bay upstairs at
9 school and lasted for around two years during school time.

10 I completely trusted Hercock, to the point where there
11 was literally nothing he didn't know about me. Eventually
12 I believed him when he said he knew me better than I knew
13 myself.

14 He not only acknowledged my contempt for the hypocrisy
15 of Catholicism but encouraged it. He made it very clear I
16 must never tell anyone that he agreed with my views, it had
17 to be one of our secrets. He also told me no-one would
18 believe me if I said a Catholic priest was anti-Catholic.

19 Hercock told me I was right to hate Mum and Dad, that I
20 should continue to despise them. When I spoke of running
21 away, he actively encouraged me to do so, as he said it
22 would teach Mum and Dad a lesson.

23 I couldn't get him to understand that I did not want to
24 hurt my parents, I just wanted them to see me and
25 acknowledge my pain.

26 But I did run away, many times. I slept in phone boxes,
27 parked cars, barns, ditches, subways and shop doorways.
28 The worst running away was when I was on the run in the
29 Central North Island in the middle of a bitter winter.

30 I developed what I later realised was pneumonia and
31 walked into the Rotorua Police Station just to get out of
32 the cold. I would have been 15 years old. A male Police
33 Officer made me strip and get into a shower in front of him
34 and stood there watching me the whole time. I was too
35 grateful for the hot water and too unwell to care.

1 I refused to go home to Upper Hutt, so I was driven to a
2 Social Welfare home and dumped in a room with many other
3 children and just left overnight to fend for myself. I
4 don't think there was even a bed for me to sleep in.

5 The next day the Police came and told me that if I
6 refused to go back home, that I would be driven down to the
7 Upper Hutt courthouse and would have to testify that Mum
8 and Dad were bad parents and that I would have to do it in
9 front of them.

10 I couldn't do it. The prospect of so publically
11 committing the sin of disloyalty was too overwhelming to
12 contemplate. The first thing Mum and Dad did when they
13 arrived in Rotorua to pick me up was to drive to a Church
14 and force me to go to confession. I had to then sit
15 through a mass with them. All the way home they kept
16 saying "how could you do this to us?"

17 I was sent back to Hercock after all my running away
18 episodes. Over the course of that two or so years I was
19 subjected to an insidious process of grooming that occurred
20 so gradually that I was not aware it was happening.

21 Q. Can we bring up now a photograph of Ann-Marie in 5th form.

22 How old are you in this photograph, Ann-Marie?

23 A. I was 15, I would have turned 16 at the end of that year.

24 Q. What was going on for you at this time?

25 A. I'm lost.

26 **CHAIR:** Would you like to take a break?

27 A. Yes, I would, if that's all right?

28 **CHAIR:** Absolutely. Let's take a break and you let us know
29 when you're ready to start again.

30

31 **Hearing adjourned from 10.25 a.m. until 10.30 a.m.**

32

33 **CHAIR:** Ann-Marie, at any time you feel you need a break,
34 you will indicate, won't you?

35 A. Yes.

1 **CHAIR:** I know it's really uncomfortable but we want you to
2 feel as comfortable as humanly possible.

3 A. Thank you.

4 **MS GLOVER:** Thank you for that indication, Madam Chair.

5 Q. Ann-Marie, what happened, what were the circumstances
6 around you leaving Sacred Heart College, what happened
7 then?

8 A. I missed a lot of school in my 5th form year from the
9 running away and quite a bit of wagging and I failed
10 School Cert, and then I was expelled and I was kicked
11 out-of-home and I was sent down south to live with an aunt
12 and uncle and I had a final year of school at Ashburton
13 College which was actually a real blessing in disguise
14 because I didn't have to deal with all the things I had
15 been dealing with at home and at school.

16 Q. And then what happened after college, after you left
17 school?

18 A. Okay. After I left school, I became pregnant in 1973 when
19 I was 17 years old. My boyfriend left me and when I told
20 my parents I was pregnant, Dad hit me and called me a slut
21 and a whore and Mum accused me of getting pregnant on
22 purpose to deliberately hurt her because she couldn't have
23 a baby of her own. I was physically manhandled out of the
24 house and ordered not to reappear in Upper Hutt in case any
25 of their friends saw me pregnant.

26 I turned 18, I was pregnant and was both homeless and
27 penniless and my only option was to go to Bethany, the
28 Salvation Army Home for Unmarried Mothers in Wellington.

29 Q. Can you tell us about your time at the Bethany Salvation
30 Army Home?

31 A. I think there were about, this is going to be difficult for
32 me to read.

33 **CHAIR:** Read it if you want to. Just know that we have
34 read it, we have it in front of us and so if you don't want
35 to read it, we've got it.

1 A. Okay.

2 **CHAIR:** But if you feel that you need to, then we would be
3 very grateful.

4 A. Okay, thank you.

5 **CHAIR:** Just make sure you're speaking into the microphone.

6 A. Oh, am I not? Okay. I think there were about 16 of us
7 girls living there at the time who were aged between 14 and
8 21 and were either wards of the State or had been abandoned
9 by our families.

10 I cannot adequately describe the atmosphere of
11 desolation in that place and the piteous sound of so many
12 of us crying quietly into our pillows at night. At Bethany
13 I was told by the Department of Social Welfare social
14 worker that there was no way I could keep the baby as there
15 was no financial support whatsoever for single mothers.

16 I later discovered this was a lie, as the Domestic
17 Purposes Benefit had recently been introduced and I would
18 have qualified for a range of assistance.

19 While at Bethany, I received a Sickness Benefit of \$25 a
20 week and we all had to pay half of our benefit to Bethany.
21 We therefore had only \$12.50 left to spend per week.

22 Usually this money was spent on food to supplement the
23 terrible slops we were given. Plus, we had to provide the
24 nappies and clothing for our babies to wear until they were
25 adopted.

26 The social worker also told me that the only thing I
27 could choose for my baby was the religion of the adoptive
28 parents. I had only one right, so I decided to exercise
29 it. God knows why, but I insisted the adoptive parents be
30 Catholic. I thought better the devil you know than the
31 devil you don't literally.

32 Bethany was a decrepit old Dickensian building riddled
33 with fleas. The fleas were in pillows and mattresses and
34 not even the toxic kerosene flea bombs the exterminators
35 regularly put through the place could get rid of them. The

1 food was scarce and atrocious, the milk was off, the butter
2 was rancid, we often vomited after meals. There was
3 nothing we could do, none of us had anywhere else to go.

4 Major Greig who oversaw Bethany made sure we never
5 forgot that we were delinquents, deviants and sinners who
6 had nowhere else to go. We were all rostered to do the
7 domestic work. No matter how advanced your pregnancy was,
8 you still had to scrub floors on your hands and knees with
9 a scrubbing brush, scrub the baths and toilets, do all the
10 washing of the bed linen in the wringer washing machines
11 and hang the heavy sheets out on the line. No matter how
12 nauseated you were, you still had to do the cooking, do the
13 pig buckets. We were exploited as free labour to staff the
14 daycare centre that was attached to the Bethany building.

15 We were only allowed visitors on Sunday afternoons. Mum
16 and Dad did not visit me, not even once. To them, I had
17 ceased to exist.

18 We received zero instruction on what to expect during
19 labour or delivery. I was very frightened. The bigger the
20 baby grew, the more scared I became. I couldn't understand
21 how something so big was going to come out of me.

22 I was left alone during my labour at Wellington
23 Hospital. The Major had ordered an ambulance and I was
24 dumped at the door. I gave birth in a room of strangers.
25 I was then sent back to Bethany, by ambulance, with my baby
26 to await the adoption.

27 Once back at Bethany, I cared for my son. The time was
28 a blur of being ill from a birth-related infection and
29 trying to spend as much time with him as I could.

30 When he was a few weeks old, I was sent into town to run
31 an errand; I rushed back to be in time for his afternoon
32 feed, raced up the stairs to the nursery, but his bassinet
33 was empty.

34 The adopted parents had come and taken him. He was
35 gone. I was dazed, in complete shock. The dead emptiness

1 I felt was as though I had been hallowed out. I couldn't
2 believe any human being could be as cruel as the staff who
3 sent me up town, knowing I was coming back to nothing. I
4 hadn't even said goodbye to him.

5 I had no photo of him. No last cuddle. No last kiss.
6 No last touch of him. No last smell of him.

7 I have no memory of how much longer I stayed at Bethany,
8 how I left, or how much later Mum had frogmarched me to the
9 lawyer's office up on Courtenay Place in a dingy little
10 upstairs office to sign the adoption papers.

11 I have no memory of any lawyer speaking to me, anything
12 being explained to me. I just remember being a zombie and
13 a paper was pushed across a desk and there was a large X to
14 mark the spot where I had to sign. Afterwards, Mum took me
15 to a coffee lounge, and I sat there crying. "Don't be
16 silly", she said, "It's all over now. Just put it behind
17 you and drink your tea".

18 And I'm okay to keep going.

19 Q. Thank you, that was going to be my question.

20 **CHAIR:** Happy to take a break if you'd like. Would you
21 like that?

22 A. Actually, maybe I will.

23 **CHAIR:** That's fine, that's fine.

24

25

26 **Hearing adjourned from 10.40 a.m. until 10.52 a.m.**

27

28 **CHAIR:** Ready to start again, Ann-Marie?

29 A. Yes, thank you.

30 **CHAIR:** Thank you for your bravery, you're doing very well?

31 A. Thank you.

32 **MS GLOVER:**

33 Q. So then, just six weeks later after your cup of tea, you
34 start your nursing training at Hutt Hospital and then

1 several months into that training you encounter Hercock
2 again. What happened at that time?

3 A. In 1974, I started my nursing training with my beautiful
4 friend Mary-Ann and over the following months after my
5 training started I experienced overwhelming grief and when
6 my tutor found me unable to stop crying, she told me to get
7 some counselling, and that's when I turned to Hercock.

8 Q. Did you want to talk about that tutor or shall we -

9 A. Yes, I would like to because I would like to acknowledge
10 what she did for me. In my first year, student nursing
11 year, I was working on the maternity ward and I was sent to
12 the nursery to feed a baby and I saw that it was a BFA,
13 which is baby for adoption. I picked the baby up, I held
14 that baby and cried and cried as I fed it. Margaret
15 Campbell, who I want to acknowledge here today, was the
16 ward's charge nurse and she was one of our nursing tutors.
17 She came in and found me crying. I told her why and she
18 said I could stay in the nursery feeding and cuddling the
19 babies for as long as I needed to and it was okay for me to
20 be in there crying. I bumped into her some years ago in a
21 supermarket and thanked her for how much she had helped me
22 at the time because I have never forgotten her kindness and
23 compassion.

24 But I think, I'm not sure whether it was her or another
25 tutor who suggested that I needed to get some counselling.

26 Q. And that's when you turned to Hercock?

27 A. Yes. He was the only - I didn't know how to access
28 counselling in those days and he was the only person I knew
29 of who had the title "counsellor". He was living in the
30 Wainuiomata Catholic presbytery at the time and sometimes
31 he would come to the Nurses Home during the day, other
32 times he would pick me up and take me to the presbytery in
33 the evenings. One night, during this so-called grief
34 counselling he raped me.

1 I felt dirty, ashamed and shocked and told no-one. I
2 was convinced it was my fault. My mental health
3 deteriorated and I was diagnosed with depression and
4 anxiety.

5 I had day-time hallucinations and night-time terrors.
6 There was no way to get my head around the fact of sex with
7 a priest.

8 I was terrified that if I gave into the horrible
9 feelings of panic coursing through me, that I would be
10 swallowed up by these feelings, packed off to a mental
11 hospital and never let out. I had to shut all that down,
12 just to survive and pretend to be normal. But things were
13 not normal. A priest had raped me.

14 **CHAIR:** Would you like us to leave?

15 A. No. Hercock rang me several years later when I was married
16 and acted as though nothing had happened at the presbytery.
17 He wanted to talk about his problems and said he didn't
18 know if he still wanted to be a priest.

19 I felt guilty and responsible for his turmoil. He said
20 he'd been instructed by his superiors to go to Australia
21 and see a psychiatrist who specialised in dealing with
22 priests who were "losing the faith".

23 Hercock said he was falling apart and didn't know what
24 to do. I subsequently couldn't cope with the hideous
25 notion that I had caused the downfall of a priest.

26 Hercock contacted me again after he returned to
27 New Zealand and had left the priesthood. He came down to
28 the Hutt while I was preparing to leave my marriage.

29 He said he would support me after I had left. In 1984
30 my children and I ended up in emergency Red Cross housing.

31 While at the Red Cross house, Hercock climbed through
32 the window in the middle of the night and raped me while my
33 5-year-old son and 9 month old baby twins were asleep right
34 next to my bed.

1 Hercock climbed back out the window and left as soon as
2 he had finished.

3 **MS GLOVER:**

4 Q. Thanks, Ann-Marie. I would like to leave that period now
5 and ask you about the time years later when you sought
6 redress from the Church. What happened then?

7 A. Many years later, I discovered that I was not the only
8 victim of Hercock. Once I began discovering he had hurt
9 other girls, I was overcome by anger but the energy that
10 came from that anger gave me the strength to make a formal
11 complaint.

12 In September 2002, I laid a complaint with the Abuse
13 Protocol Committee of the Archdiocese of Wellington against
14 the former priest Peter Hercock under the *Path to Healing*
15 process.

16 I received an acknowledgment of my complaint from the
17 Bishop John Dew who wrote, "Peter Hercock has left the
18 priesthood, therefore we no longer have jurisdiction over
19 him. It is possible that he may refuse to take part in the
20 process".

21 Q. We will just bring up that letter, which is Exhibit 4,
22 WITN0002004. We can see there at the bottom of the first
23 page and going over to the second page, the reference that
24 you have just mentioned Bishop John Dew says, "Peter
25 Hercock has left the priesthood, as you know. Therefore,
26 we no longer have jurisdiction over him. It is possible
27 that he may refuse to take part in the process or, if he
28 agrees to be interviewed, may deny that abuse ever took
29 place. With regard to compensation, you may be aware that
30 some Australian religious orders based in New Zealand have
31 paid compensation. The Diocese of New Zealand do not pay
32 compensation because of the ACC legislation, although we
33 have in the past reimbursed people for medical and
34 counselling expenses".

1 You might need to move your microphone a little bit
2 closer, Ann-Marie.

3 How did you feel when you received this letter?

4 A. Really angry. Angry that it seemed that my complaint was
5 going to be squashed before it was even investigated and
6 angry in the sense that Hercock had most certainly - the
7 Church most certainly did have jurisdiction over Hercock at
8 the time of this offending. And I was quite worried that
9 nothing was going to be done, yep.

10 Q. And what happened next?

11 A. In September -

12 Q. Maybe looking at paragraph 3.5.

13 A. Right. Those two paragraphs are slightly out of sequence.

14 I was aware of the investigation process by the Church
15 and knew that they would not investigate if I indicated I
16 was going to the Police. When asked if I intended to
17 involve the Police, I said I would decide that later.

18 Q. How did you know that? How did you know that you needed to
19 choose one or the other?

20 A. I had got hold of a copy of *A Path to Healing* and I
21 remember getting the impression and also being told that it
22 was a case of one or the other. The Church will back out
23 completely if there's Police involvement and it felt to me
24 that I had to do - I had to go through the Church Protocol
25 Committee process and then make the decision about whether
26 or not I went to the Police.

27 Q. Thanks. I think you're up to paragraph 3.7 there?

28 A. I assumed the Protocol Committee used investigators with
29 appropriate experience and qualifications. I assumed that
30 any interview of Peter Hercock would be recorded and notes
31 taken and that I would be fully updated.

32 My assumptions later proved to be very wrong.

33 Investigation of my complaint was carried out by two
34 members of the Abuse Protocol Committee. One of the people
35 was Fr Tim Duckworth, a Marist priest. Both he and the

1 other investigator, who was a lay person, treated me with
2 respect and compassion. As the process unfolded, I became
3 increasingly concerned that several serious issues were not
4 being addressed.

5 Q. Just to pause you there, I've mentioned Tim Duckworth.

6 A. Yep.

7 Q. And you've said that Tim Duckworth was a Marist priest with
8 the Society of Mary?

9 A. Yes.

10 Q. And your complaint was to the Archdiocese of Wellington?

11 A. Yes.

12 Q. Did you have any understanding of why a Society of Mary
13 priest would be investigating your complaint?

14 A. Well, I assumed that the Archdiocese of Wellington, the
15 Catholic Archdiocese of Wellington, was the umbrella for
16 all the religious, for the whole geographical area that
17 comprised the Archdiocese of Wellington. I didn't really
18 even think about it at the time. I thought that was how
19 the structure worked, yeah.

20 Q. And then carrying on then at 3.10?

21 A. Hercock was interviewed in March 2003 and he admitted his
22 guilt. I then again met with the investigators to discuss
23 the outcome of the interview. However, this meeting with
24 me was tense and I was dismayed by their responses to my
25 questions.

26 I was told Hercock told them he had expected the
27 complaint to have come from a different person. So, as I
28 was clearly not Hercock's only victim, I asked what the
29 Church was going to do to help other victims come forward
30 and word-for-word Tim Duckworth's response was "nothing,
31 it's not our responsibility".

32 I met with Cardinal Tom Williams in June 2003 to
33 complain the way the interview was conducted. It should
34 have been recorded but it wasn't. There should have been a
35 full transcript but there was not.

1 I was made to wait about six weeks before I was given
2 only a small written summary. The two people who
3 interviewed Hercock were not proper investigators and had
4 no professional skills or knowledge of how to deal with a
5 manipulative sex offender.

6 I received a formal apology from the Church regarding
7 Hercock's abuse and a payment of \$25,000 and then I was
8 expected to shut up and go away. Apologies are good but
9 accountability would be even better.

10 Q. Can we please bring up Exhibit 5, WITN0002005, that's a
11 letter from Tom Williams dated 10 June 2003. This letter
12 is written after your meeting with Tom Williams?

13 A. Yes.

14 Q. You are clearly seeking further information?

15 A. Yes.

16 Q. From the Church?

17 A. Yep.

18 Q. So, he says, "It hasn't been easy checking back on the
19 course of Peter Hercock's priestly Ministry." He says, "I
20 have searched our records in an effort to find out whether
21 my predecessors knew of Peter Hercock's abusive behaviour
22 and have not been successful. He (being Hercock) was
23 transferred from Wainuiomata parish to Napier but it seemed
24 to have been in accordance with the usual practice of
25 giving priests experience in different kinds of parishes
26 during the first 10 years after ordination. First
27 appointments were usually for 3-5 years. I tried to
28 discover whether there had been cover-ups but again could
29 find nothing. There is no record of any complaint on file.
30 But you did share with me that a complaint had been made to
31 the Director of Catholic Social Services, and was not acted
32 upon".

33 And then he goes on to clarify the Protocol Committee's
34 responsibilities as he sees them. He says, "The
35 Committee's task is to receive the complaint, investigate

1 it and make recommendations to me. It wasn't for the
2 interviewers or the Protocol Committee to go further. They
3 are not prosecutors, much less charged with carrying out an
4 inquiry into his life since the offences were committed".

5 So, you knew about at least one other complainant at
6 this time and you've told them about that?

7 A. Yes.

8 Q. Do you have any comments to make about that other
9 complaint? Looking at 3.16 is where you deal with it in
10 your written brief.

11 A. Around this time, I had received information that Hercock
12 had abused two other girls at Sacred Heart in Lower Hutt,
13 also in the 1970s, and I contacted one of them.

14 The abuse victim told me that a family member had made a
15 formal complaint regarding the abuse by Hercock in the
16 1970s to Fr Peter McCormack at Catholic Social Services in
17 Wellington.

18 This is the same Fr Peter McCormack who was later
19 sentenced in 1994 to four years jail for sexual assaults on
20 a teenaged girl.

21 I was told by the person who I've referred to, who was
22 the abuse victim at Sacred Heart, that Peter McCormack had
23 told the family to stay quiet about the complaint.

24 The family then attempted to see the Cardinal but all
25 efforts at getting an appointment had been blocked. The
26 family demanded that Hercock be removed from Sacred Heart
27 Lower Hutt and the Archdiocese duly removed him but sent
28 him to Sacred Heart College in Napier, where he did go on
29 to offend further.

30 I believe this practice of moving priests on is what has
31 come to be known as 'The Geographical Cure'. It's a way
32 the Church can hide the abuse and keep it secret. The
33 Catholic Church, therefore, was fully aware that Hercock
34 was a sex offender before they sent him to Napier and

1 effectively left him free to commit more sex offences on
2 vulnerable young girls.

3 Q. I would like to ask you a few more questions about your
4 redress process with the Church. Can you talk about the
5 extent to which your confidentiality was respected during
6 the process?

7 A. When I filled out the forms that the Protocol Committee
8 supplied at the time I was laying the complaint, it was
9 like a consent form for Committee people to go ahead and
10 investigate the complaint, I attached a separate paragraph
11 at the end which specifically said the information
12 contained within my complaint was not to be shared with
13 other parties without my express permission beforehand, and
14 I wrote it very clearly. And later, some years later when
15 I was able to obtain some records under the Privacy Act, I
16 found that I might as well not have even written that
17 because my complaint had been shared with several
18 psychologists contracted to the Wellington Archdiocese to
19 give advice to the Cardinal on how he should handle me.
20 So, no, my confidentiality wasn't respected.

21 **CHAIR:** May I ask a question about that?

22 A. Yes.

23 **CHAIR:** Was that, as far as you know, you might not know,
24 but were those referrals to the psychologist made after
25 Hercock had agreed and the investigation was over or during
26 the investigation?

27 A. During.

28 **CHAIR:** During the investigation?

29 A. Yes, during.

30 **CHAIR:** Right, okay, thank you.

31 A. Yeah.

32 **MS GLOVER:**

33 Q. And were you given enough information about the process as
34 it went along, including indications about likely timing?

1 A. There had been a, kind of, flowchart, kind of, diagram in A
2 *Pathway to Healing* booklet but it was actually quite
3 confusing and somewhat misleading as well because I
4 couldn't really gauge what would happen if things didn't go
5 as per the flowchart. There didn't seem to be - there was
6 certainly no process for review if you didn't agree with
7 what the Protocol Committee's outcome was going to be.
8 It's a bit like kind of floating around in the dark really,
9 yeah.

10 Q. You asked Tim Duckworth and his colleague about the way in
11 which their interview with Hercock had been conducted?

12 A. Yes.

13 Q. Can you talk about that?

14 A. I can because I took some notes at the time because I was
15 pretty aggrieved. On May the 6th 2003 I met with him and
16 is it all right if I read out what I met with him about?

17 Q. Yes.

18 A. I complained about the unacceptable time delay in waiting
19 to hear of the outcome of the interview with Hercock and
20 the unacceptable communication stuff-ups that prevented me
21 from getting information I was entitled to. And they made
22 equally unacceptable excuses about why this had happened.

23 I had asked for the promised fly on the wall account of
24 the Hercock interview and they gave me only scant
25 information which I had to excruciatingly prise out of
26 them. I asked Tim Duckworth and the other person who was
27 doing the investigation a long list of questions regarding
28 the interview summary and the way in which they conducted
29 the interview and they went from being reluctant, to
30 answering my questions, to evasive, then obstructive, and
31 finally to openly hostile.

32 Some of their answers included, and I say "they" because
33 it was Tim Duckworth and a lay person but most of what I've
34 written relates only to Tim Duckworth because he kind of

1 took control of the meeting. These are some of the answers
2 I received.

3 (a) when the Protocol Committee meets to discuss the
4 outcome of the interview, no I would not be provided with
5 any documentation pertaining to any conclusions or
6 recommendations they make. I asked why not, and they
7 refused to give me an explanation.

8 (b) the triggering factor according to Hercock for why
9 he had voluntarily attended a sexual offender's treatment
10 programme prior, way prior to my complaint, was that
11 someone in Nelson had threatened to dob him in regarding
12 some past offending they knew about. And no, Tim Duckworth
13 did not bother to verify that Hercock had actually attended
14 a sexual offender's treatment programme. No, they did not
15 ask how long he had attended such a programme. No, they
16 did not and did not intend to gain access to Hercock's
17 offending profile records from the sexual offender's
18 treatment programme "it's not our job", they both said.

19 And no, they did not verify Hercock's claim that he
20 currently attends treatment with a clinical psychologist
21 because these were all things that Hercock had claimed to
22 the Protocol Committee people.

23 I pointed out to them that Hercock's lack of insight
24 into his offending, as evidenced in the interview summary
25 by this minimising language, and his inability to recognise
26 his grooming behaviours as being part of the pathology of
27 sexual offending, was a strong indicator that he still
28 poses a risk to the community. I asked them what they were
29 going to do about this obvious still present risk. They
30 said "nothing, it's not our job". They said that if I
31 thought he still posed a risk and if I thought he should
32 still be in a treatment programme, that I should do
33 something about it. They suggested that I could make a
34 request to the Protocol Committee that they make a request
35 to Hercock that he make a request to the sexual offenders

1 treatment programme for further treatment. Needless to
2 say, I didn't.

3 I said to Tim and the lay person that as Hercock had
4 admitted in the interview that he was guilty of sexual
5 abuse and had made it clear that I was not the only victim,
6 that the Church was obliged to name Hercock publically and
7 give details about the places where he had worked and had
8 had access to victims to enable other victims to come
9 forward. I asked them what they were going to do about it.
10 They said "nothing, it's not our job".

11 No, they did not tape the interview with him. Yes, they
12 believed all the answers Hercock gave them. And, no, they
13 did not think they had been deceived or manipulated by him.

14 So, it wasn't a pleasant matter.

15 Q. And then in September 2003, you went to the Police about
16 Hercock?

17 A. Yes.

18 Q. Can you tell us about that?

19 A. Yes. I later complained against Hercock with Wellington
20 Police and Hercock was interviewed by Nelson Police but no
21 charges were laid.

22 I was told by Detective Shane Dye that this was due to
23 (a) limitations of the Crimes Act and (b) not enough
24 victims.

25 Hercock's signed admission of guilt from his Protocol
26 Committee interview appeared to be of no consequence. Even
27 with one of Hercock's other victims also making a statement
28 to Detective Shane Dye, we were still told the events were
29 too historical and no Police prosecution was taken.

30 Q. And then 11 years later, in 2014, you make a second
31 complaint to the Police about Hercock; can you tell us
32 about that?

33 A. In 2014, I spoke to my submission at the Social Services
34 Select Committee Inquiry into the funding of specialist
35 sexual violence services and I spoke of my dismay and

1 frustration at Police declining to lay any charges against
2 Hercock.

3 On the day I gave my submission, I met Louise Nicholas
4 who promptly introduced me to Detective Mike McCarthy, who
5 was the Police National Co-Ordinator for the Sexual
6 Violence Team at that time, and this led to the
7 investigation of Hercock being re-opened.

8 In early July 2014, I went through the gruelling process
9 of the videotaped evidential Police interview at Koru House
10 in Petone. This was traumatic, I felt very broken by the
11 end.

12 Initially, the Police stated there was not enough
13 evidence to proceed to charges. However, I persisted and,
14 upon review, Hercock was charged in May 2015.

15 I was approached by another girl who had been abused by
16 Hercock at Sacred Heart and she also made a complaint to
17 Police.

18 The Officer in Charge, Detective Katie McBriar, later
19 Katie Russell, was an amazing person and dedicated
20 Detective. She positively changed my life and the lives of
21 three of Hercock's other victims.

22 In May 2015, Hercock was charged with nine historical
23 sexual violation offences against three and later four of
24 us after another victim agreed to be involved in the
25 investigation. Three of the charges related to me. He was
26 finally charged with both rapes and a representative charge
27 of indecent assault was laid for the time of counselling
28 and grooming me at school.

29 Initially, Hercock pled not guilty to all charges,
30 putting us victims through the stress of preparing for a
31 trial. He eventually pled guilty.

32 Meanwhile, Detective Katie kept me fully informed every
33 step of the journey, every setback, every development Katie
34 kept me in the loop. I cannot overemphasise how much
35 stress was reduced by being fully and respectfully included

1 in the justice process and to have every single detail
2 explained.

3 On May 2nd, 2016 the ex-priest Peter Joseph Hercock
4 appeared in Court for sentencing. He was sentenced on all
5 charges to six years and seven months imprisonment.

6 Q. We will bring up Exhibit 6, WITN0002006. It is a long
7 article about that came out after the sentencing, so we'll
8 just go to certain aspects of it.

9 We have there an image of Hercock himself.

10 **CHAIR:** This is a newspaper article?

11 **MS GLOVER:** That's right.

12 Q. And then if we scroll down to the first highlighted part,
13 that's another older image of Fr Peter Hercock. The reason
14 we've got this page brought up, is there's a reference
15 there saying that Ann-Marie was an alcoholic at the age of
16 14. I understand that's not quite correct?

17 A. No, and Ann-Marie wishes to state that she is not an
18 alcoholic now and was not an alcoholic at the age of 14.

19 **CHAIR:** And we officially note that.

20 A. Thank you.

21 **MS GLOVER:**

22 Q. Moving on to the next highlighted portion. This is a
23 description here of the early days when the grooming was
24 taking place "touching escalated to thigh rubbing and
25 watching Ann-Marie as a young girl while she went to the
26 bathroom".

27 The next, here we have an image of Cardinal Tom Williams
28 who is the person you met with, I believe?

29 A. Yes.

30 Q. On a couple of occasions?

31 A. Yes.

32 Q. And also wrote that lengthy letter that we looked at?

33 A. Yes.

34 Q. If we continue to scroll through. The article notes the
35 length of time, it was two decades before Ann-Marie Shelley

1 approached the Church about her experiences after
2 discovering that Hercock had abused other victims,
3 Ann-Marie went to the Catholic Abuse Protocol Committee
4 and, following an investigation into Hercock's behaviour,
5 an admission of guilt was obtained and he also revealed
6 during that interview that he had voluntarily attended the
7 Sex Offender Treatment Programme.

8 We have a copy in the article itself of the letter we
9 have already looked at, so we'll scroll past that.

10 And then we have the reference to the other victims.
11 "It's unknown how many women Hercock abused, but three
12 others have come forward to Police".

13 The article said they included a 13-year-old fed whiskey
14 in the presbytery bedroom before an attempted rape, a 15-
15 year-old who was indecently assaulted and a girl who
16 engaged in regular sexual intercourse with Hercock at a
17 bach run by nuns in Waikanae.

18 If we continue through that article. This is an
19 important part, I think, because this is your comments
20 about the Church's response. Did they do enough to prevent
21 it? Should they have taken the matter further after
22 receiving complaints about it? And the report records that
23 the former Archbishop of Wellington, Tom Williams, who they
24 record was the Church's top person at the time of the
25 complaint says he simply can't remember. He was asked
26 about it, he was quiet for a moment, said he could not
27 recall the case. And then he was referred to the letter
28 that we have looked at and he was told this letter was
29 signed by him, it went into great detail, including the
30 payment of cash and Tom Williams says that he denied that
31 it was for anything other than for fair compensation but
32 then he reiterates again that he doesn't remember this. He
33 says, "It's not that far back. I should be able to
34 remember it but honestly, I've got no memory of it at all".

1 And then we have a reference to Cardinal John Dew saying
2 he believed the Church acted appropriately, in that
3 although Hercock had essentially confessed to the crimes
4 when he was interviewed by the Protocol Committee in 2003,
5 it was not the Church's place to take that information to
6 the Police.

7 What are your thoughts about this, the statement made
8 here by Tom Williams that he can't remember anything about
9 your case?

10 A. Well, I actually found it insulting and kind of laughable
11 as well, in the sense that he couldn't possibly have been
12 telling the truth. He had met with me on several
13 occasions. We'd had some long discussions about sexual
14 abuse in the Catholic Church in New Zealand. I had spoken
15 at length with him about how I thought the Protocol
16 Committee process could be improved and he was a good
17 friend of my father's, so he knew who I was. He knew I had
18 waited until after my father had died before I made the
19 complaint. So, for him to say that, it was
20 just - insulted, yeah.

21 Q. And you've said that Hercock was sentenced to 6 years and
22 7 months imprisonment, and during the Judge's sentencing
23 speech he read out a character reference for Hercock, and
24 that character reference had been written by Fr Tim
25 Duckworth. Can you talk about that please?

26 A. Yeah. The tension when we were sitting in the Courtroom
27 while listening to the Judge's sentencing speech was ramped
28 up when he started reading out a character reference for
29 Hercock written by Fr Tim Duckworth, the Protocol Committee
30 priest who had investigated my original complaint to the
31 Church, and I still have trouble articulating my shock and
32 the sense of betrayal by the Church in general and Fr Tim
33 Duckworth in particular.

34 Q. We might bring up those sentencing notes, that's Exhibit 7,
35 WITN0002007. We see here that the Judge is mentioning the

1 fact that Fr Duckworth of the Society of Mary has written,
2 apparently not to excuse Mr Hercocock but to perhaps give a
3 better understanding of the circumstances. And then later
4 on in that same document we have a little bit more
5 information about what Fr Duckworth said in his letter. Fr
6 Duckworth has said "he does not believe that the Peter
7 Hercocock who stands before the Court today is the same naïve
8 young man who committed these crimes".

9 You say that character reference, the whole character
10 reference was actually read out in Court, and clearly it's
11 referred to here in these sentencing notes. Have you ever
12 seen that character reference?

13 A. No, I haven't because at the time, when sentencing was
14 over, the Detective asked each of us if we would like a
15 copy of the Judge's sentencing notes, including all the
16 references because she said we were entitled to have them
17 and I said yes, and she arranged for me to have those and
18 the character references that had been written by Hercocock's
19 associates were included in the bundle but the reference
20 from Tim Duckworth was missing. And when I asked the
21 Detective what did I need to do to get a copy of that, she
22 said you're going to have to make a special application to
23 the Court and this was around the time of sentencing and I
24 thought, oh, I've had enough, so I've never actually seen
25 the entire document, yep.

26 Q. And then after the sentencing, you met with Cardinal John
27 Dew. Why did you meet with him? I don't think you've
28 discussed this in your written statement.

29 A. That was, I think we've skipped something here.

30 Q. Is there something else you'd like to add in before we get
31 to that?

32 A. The email, my email to Tim Duckworth. Oh, sorry -

33 Q. That's okay. So, we've got the meeting with Cardinal Dew?

34 A. Yes.

35 Q. And that leads on, doesn't it, to those emails?

1 A. Yes, sorry, Jane.

2 Q. So, you're meeting with Cardinal John Dew, what was that
3 about?

4 A. I arranged to meet with Cardinal John Dew in 2017 for
5 several reasons. One of them was to ask why I had received
6 less money from the Church than Hercock's other victims
7 had, considering the offences he committed against me had
8 carried the greater portion of the sentence. And I wanted
9 to know how the Church arrives at the specific amounts of
10 money that they were paying. And I wanted to know what was
11 the system. And I wanted to complain and object to Tim
12 Duckworth's involvement in Hercock's sentencing and I
13 wanted to make John Dew aware of what a massive betrayal
14 this was. And I wanted Cardinal John Dew to arrange a
15 meeting between Tim Duckworth and myself, so I could
16 actually put it to Tim Duckworth, I could ask him, "What
17 the hell were you thinking?"

18 So, I went and met with John Dew and his answer to the
19 system for determining how much money was paid to any
20 victim was, "There is no system". And when I spoke to him
21 about how I felt about Tim Duckworth's involvement in the
22 sentencing, John Dew's response was, "I don't know anything
23 about that" and I totally didn't believe him.

24 And John Dew said that he would speak with Tim Duckworth
25 to ask him if, you know, he was willing to have a meeting
26 with me to discuss the issue of the reference and a short
27 time later John Dew emailed me Tim Duckworth's email
28 address and said, basically, you know, "it's probably
29 easier if you organise this yourself".

30 And I decided in the end not to meet Tim Duckworth
31 face-to-face, and instead sent him a list of questions by
32 email.

33 Q. We'll have a look at those emails but, first, I just wanted
34 to clarify, in that meeting with Cardinal Dew he did agree,
35 didn't he, to pay you an extra -

1 A. Oh yes, sorry, yes. After that meeting I was paid another
2 \$25,000 by the Church which I hadn't actually said I want
3 another \$25,000. I just wanted my level of payment to be
4 the same as the other victims, yeah.

5 Q. If we could bring up then the email which is Exhibit 8
6 WITN0002008. This is your email following the meeting with
7 John Dew? You're emailing Tim Duckworth to ask about him
8 providing this reference and your feelings clearly come
9 through in this email. You say, "How did it come to pass
10 that you were even in a situation where the writing of a
11 statement occurred? I don't understand how or why Hercock,
12 or his lawyer, would even involve you in the sentencing
13 process. Or why you agreed.

14 Did it not occur to you that your statement would be
15 read aloud in full in the Courtroom with journalists taking
16 notes and recordings and subsequently publish your "well,
17 you can't really blame him for what he did" perspective?
18 Other abuse victims who had not previously come forward,
19 would easily have been put off after reading some of your
20 quotes in the media and you played right into the Church
21 defending the Church scenario.

22 Did it not occur to you that we, the victims, would have
23 no warning that this statement of support was coming? I
24 was in shock when I was listening, and I felt betrayed that
25 you, the person from the Protocol Committee who had
26 investigated my complaint and supposedly been supportive of
27 me through the Protocol Committee process, could switch
28 sides with such ease. What prompted your betrayal?"

29 And then we can bring up his response which is Exhibit
30 9, WITN0002009. He's put his responses directly under your
31 questions.

32 In relation to that first question, why were you
33 involved, why would you do this, he says, "As a priest I
34 respond to many requests. A person who respected my
35 professional knowledge suggested that he (presumably

1 Hercock) speak to me. I met with him on two occasions. I
2 had not previously met with him nor have I met with him
3 since that time. He is not a friend of mine".

4 He goes on to say that actually it was him who advised
5 Hercock to plead guilty against Hercock's own judgment,
6 that this was the best course of action and he believes
7 that it significantly helped you and the others who brought
8 charges against Hercock and he thinks he did what was best
9 for you.

10 In relation to your second point, that the essence or
11 the spirit of what was said in that reference was, "well,
12 you can't really blame him for what he did", it's denied
13 that that statement was said altogether.

14 And in relation to your fourth question, you
15 feel - you've expressed this feeling that, actually,
16 Duckworth had switched sides and you felt betrayed by that
17 because he'd been the person who had investigated the
18 complaint and then here he is turning up at the sentencing
19 speaking in support of the perpetrator, of Hercock. And he
20 said, "Actually I find this question unfair. To say that
21 my response was betrayal or that I had switched sides is to
22 misinterpret what I said and to distort its meaning" and
23 then he reiterates his point that he thinks he's given you
24 significant assistance by urging the guilty plea.

25 What did you think about Tim Duckworth's response to
26 your email?

27 A. Well, I still shake my head reading it. It's patronising,
28 it's aggressive, it's trying to put me in my place and it's
29 rubbish, it's just rubbish. It's really - yeah, it's a
30 slap in the face and it still makes me angry. And for him
31 to say, you know, to act as though he was helping me by
32 doing this, I mean how arrogant is that? Just, yeah, I
33 still find it beggars belief.

34 Q. You said Hercock was sentenced to 6 years and 7 months but
35 he didn't end up spending 6 years 7 months in jail, did he?

1 A. Not at all. He came up for parole in July 2018, after
2 serving only a pitiful one-third of his sentence. I
3 strongly objected to his release but he was released. And
4 then in 2018 while on parole, he was caught with
5 objectionable material on his computer, was arrested and
6 recalled to prison. And when he came up for parole on that
7 charge, I again strongly opposed his release and the Parole
8 Board had the option of making him serve the rest of his
9 original sentence but, again, he was released. I do not
10 feel that justice has been properly served and I think that
11 releasing him from his original sentence after only a third
12 of the way through makes it even harder for other victims
13 to see the point in striving for justice. It really is a
14 massive slap in the face.

15 **CHAIR:** Could I just ask a quick question in there? You
16 were not the only complainant in the criminal proceedings,
17 were you?

18 A. No, there were four of us.

19 **CHAIR:** There were four. So, were the other three
20 complainants involved in the parole process?

21 A. I don't know because I didn't know them before the whole
22 Police involvement and then when sentencing was done, we
23 just kind of went our separate ways.

24 **CHAIR:** You didn't keep in touch with them?

25 A. No.

26 **CHAIR:** You just weren't in touch with them after that?

27 A. No, so I don't know who else was involved in that.

28 **CHAIR:** Thank you.

29 **MS GLOVER:**

30 Q. I'd like to move on to a slightly different topic now.
31 What impact did the abuse have on your life?

32 A. As a school girl, I entered the Sacred Heart counselling
33 room in a state of emptiness and I'm still hollow. I mourn
34 the loss of the life I could have had if the violations
35 hadn't occurred. I discovered years later that Hercock had

1 absolutely no counselling training before coming to Sacred
2 Heart College and I am still angry at the school for
3 letting this unqualified predator have unsupervised access
4 to vulnerable young girls.

5 I used alcohol for many years to try and escape the
6 traumatic memories. I no longer use alcohol at all but I
7 depend on medication and counselling to manage the effects
8 of depression, anxiety and PTSD [post-traumatic stress
9 disorder].

10 As children, we were taught to call the priests "father"
11 and indeed the relationship between priest and child is
12 like a healthy parent-child relationship or it's supposed
13 to be. The power imbalance between counsellor and child or
14 young person has that same dynamic. Hercock was both
15 priest and counsellor, therefore magnifying the impact of
16 the harm he caused.

17 I strenuously avoid situations that could set off my
18 PTSD and this has caused me to live in social isolation.

19 Because of the severity of my PTSD, I have been
20 unemployed and on ACC weekly compensation for many years.

21 I have been embarrassed of being unable to work, and so
22 I find it easier to not meet new people in social
23 situations because they will inevitably ask, "What do you
24 do?". It's not an answerable question. Dealing with ACC
25 has created another layer of trauma that experts refer to
26 as "secondary wounding".

27 Q. What has been your experience of dealing with ACC? Clearly
28 not positive, if you're describing it as "secondary
29 wounding".

30 A. It's been fraught. It has been rounds of being sent off
31 for assessment and more assessments and it seems as though
32 if ACC don't like what the psychiatrist or the psychologist
33 has written, it's as though they send you to another one.
34 It's just this feeling of constantly having to prove that
35 you are affected by the trauma or that the trauma even

1 occurred in the first place. Your wishes are not respected
2 and if you don't - I have found when I have objected to
3 certain types of assessments, are the standard, the default
4 answer from ACC has always been, "Well, if you don't go,
5 you'll be cut-off" and so you don't really have any
6 options.

7 But I am, at the same time, very grateful that ACC have
8 funded my counselling, yep.

9 **CHAIR:** Are you still being assessed?

10 A. No, I'm 65 now, so ACC throw you away on your 65th
11 birthday.

12 **CHAIR:** Were you assessed regularly up until you were 65?

13 A. Yes.

14 **CHAIR:** Thank you.

15 **MS GLOVER:**

16 Q. Do you have any further comments to make about the Catholic
17 Church complaints process?

18 A. Yes. I am going to read this out because otherwise I'll
19 lose track.

20 I want the Catholic Church hierarchy to stop mucking
21 around with this ridiculous transparency word they keep
22 using and be open, honest and tell the truth.

23 No-one has any respect for people and institutions who
24 lie and hide and cover things up.

25 I want them to understand that congregations have
26 dwindled and churches are being closed all around the
27 country and New Zealand has become increasingly secular
28 because the Church leaders are peddling hypocrisy.

29 And, most of all, I want the Church to understand it
30 must finally practice what it preaches.

31 Q. Looking forward then, what do you hope will change as a
32 result of this Royal Commission or is that already wrapped
33 up in what you just said?

34 A. No, that's not already wrapped up. The Catholic Church in
35 New Zealand hides behind the no fault ACC scheme, instead

1 of owning up to the damage its institutional practices have
2 caused and paying for that damage in full.

3 I am unavoidably culturally Catholic but my actual faith
4 is about my relationship with God, not with the archaic and
5 self-serving institution of the physical Church. My anger
6 is directed at the individual perpetrators who destroy the
7 lives of the vulnerable and that the members at the top of
8 the Church hierarchy have been more concerned with
9 protecting their own interests and reputations than caring
10 about those of us who lie hurt and broken down here at the
11 bottom.

12 My great hope for the work of this Royal Commission, my
13 hopes are that, one, that institutions are either helped or
14 forced to hand their abuse complaints processes over to an
15 independent body of professionals.

16 And, two, that abuse victims can make complaints in a
17 safe environment, in which being believed comes ahead of
18 being dismissed, silenced or ignored.

19 Q. Thanks, Ann-Marie. Is there anything else you would like
20 to add before the Commissioners possibly have questions for
21 you?

22 A. I really want to add how grateful I am for this Royal
23 Commission of Inquiry and how grateful I am for my very
24 good friend Mary-Ann who is supporting me here today. And
25 I also want to publicly acknowledge my very long-term
26 friend Sue Goodwin who has been on this journey with me for
27 years and years and years but who is unable to be here
28 today and really, I just want to say thank you to everyone.

29 Q. Thank you, Ann-Marie. The Commissioners may have questions
30 for you.

31 **CHAIR:** I will check to see if the Commissioners do have
32 any questions further to what you've said.

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3 **ANN-MARIE SHELLEY**
4 **QUESTIONED BY COMMISSIONERS**
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7 **COMMISSIONER STEENSON:** Ngā mihi nui ki ā koe. Thank you
8 for your experience in talking today. I just have a couple
9 of questions.

10 The first is around how you came to know about the *Path*
11 *to Healing* process. Can you tell me a bit about that?

12 A. In around 2002 when the *Boston Globe* was publicising
13 Catholic abuse over there, around about that time there
14 were quite a few media articles in New Zealand about what
15 the New Zealand Catholic Bishops were looking at doing for
16 victims in New Zealand, and that's where I first saw the
17 expression Pathway to Healing and this was in - I am pretty
18 sure it was in a newspaper article.

19 **COMMISSIONER STEENSON:** Just a follow-up from that because
20 you talked about being refused an answer about who was on
21 the Committee, so I just wanted to understand what the
22 Church had actually told you? What information they had
23 provided you about that process?

24 A. None whatsoever, none at all.

25 **COMMISSIONER STEENSON:** Despite asking?

26 A. Just saying - I asked the question, I can't remember how it
27 was answered but it was answered in a way as if to say,
28 well, we don't need to tell you, kind of thing. The
29 question was just fobbed off.

30 **COMMISSIONER STEENSON:** Okay, thank you.

31 **COMMISSIONER ALOFIVAE:** Ann-Marie, thank you very much for
32 the fulsome way in which you've given your evidence. I
33 just have one question around a point of clarification, if
34 that's okay.

1 You talked about getting parity with the other victims.
2 So, you knew how much they had received?

3 A. Well, it was in the newspaper.

4 **COMMISSIONER ALOFIVAE:** Okay. So, when you approached the
5 Church and then they just gave you this other \$25,000, was
6 there any rationale behind that?

7 A. No, it was just a letter saying, "I hope this will be all
8 right".

9 **COMMISSIONER ALOFIVAE:** Full stop?

10 A. Yeah.

11 **COMMISSIONER ALOFIVAE:** Thank you.

12 A. I still don't know how they determined.

13 **COMMISSIONER ALOFIVAE:** Who signed that letter?

14 A. John Dew.

15 **COMMISSIONER ALOFIVAE:** Thank you.

16 **COMMISSIONER ERUETI:** Tena koe, Ann-Marie. I wondered,
17 again with the Protocol Committee, how you, why you
18 directed your complaint there? How did you know to go to
19 the Protocol Committee for the Archdiocese of Wellington?

20 A. From seeing it in the newspaper article, yeah.

21 **COMMISSIONER ERUETI:** I see, okay.

22 A. Yeah.

23 **COMMISSIONER ERUETI:** So, you approached this Protocol
24 Committee, you see that there are two people nominated to
25 investigate. I know this is important to you, these
26 processes, what was your - when you knew that a priest was
27 going to be appointed to the Protocol Committee to
28 investigate the actions of a fellow priest, your feelings
29 about that?

30 A. I didn't really have any. I sort of - I guess I just
31 thought that was, you know, that's how it is, I just go
32 along with it, yeah.

33 **COMMISSIONER ERUETI:** You thought that was standard?

34 A. I thought, well, it's a Catholic Church process, this is
35 obviously how they do it, yeah.

1 **COMMISSIONER ERUETI:** And just to be clear for me, so it
2 was those two investigators that also spoke with Fr
3 Hercocock?

4 A. Yes.

5 **COMMISSIONER ERUETI:** Okay. And in that interview, he
6 confessed?

7 A. Well, he called what he did to me a crossing of boundaries
8 but essentially - and there were words saying, yes, I
9 shouldn't have done what I did.

10 **COMMISSIONER ERUETI:** What were you hoping to get from the
11 complaint process because I note from Cardinal John Dew's
12 letter that you weren't going to receive compensation
13 because of the ACC Act?

14 A. Yes.

15 **COMMISSIONER ERUETI:** To your mind, what were you expecting
16 to get from this process?

17 A. I wanted Hercocock to have to answer to what he had done and
18 I also wanted it to become publically known that this man
19 had offended against pupils of Sacred Heart and I wanted
20 that publicity to then encourage other girls to come
21 forward because I was convinced that it couldn't just be me
22 and this one other person because my understanding is sex
23 offenders don't choose to stop, they stop when they're
24 caught, and I was concerned about what offending he still
25 could be doing, yeah.

26 **COMMISSIONER ERUETI:** It seemed to be looking at broader
27 issues of balance, accountability, systemic nature?

28 A. Yes, definitely.

29 **COMMISSIONER ERUETI:** My last question is about the Police.
30 So, there was a long delay, right, between when you first
31 approached the Police and you give them this admission of
32 crossing the boundaries -

33 A. Yes.

34 **COMMISSIONER ERUETI:** - that had been extracted from Fr
35 Hercocock. And if you could just talk about how that made

1 you feel, to have made this disclosure again to someone in
2 authority and their response, how did that response make
3 you feel?

4 A. I was shattered, I was absolutely shattered because it
5 hadn't just not ever crossed my mind that going to the
6 Police would end in nothing. When I spoke to another
7 victim, she arranged to go and see the same Detective and
8 she gave him a statement as well, and then he told both of
9 us. I mean, first of all he told me that one victim is not
10 enough to lay charges and then he said two victims is not
11 enough to lay charges, and it just felt like, well, don't
12 we matter? But I never let it go, yeah.

13 **COMMISSIONER ERUETI:** Thank you.

14 **CHAIR:** Just one question from me. We've not heard yet,
15 and I am just wondering if you can help me, has the
16 Catholic Church, to your knowledge, ever put out a call for
17 victims of abuse to come forward?

18 A. Absolutely not.

19 **CHAIR:** That's a fairly firm answer.

20 A. (Nods).

21 **CHAIR:** You have never seen anything like that?

22 A. Never, never.

23 **CHAIR:** What do you think about that?

24 A. I think it's wrong. I think they have a responsibility to
25 do it. I feel right from when I first was involved with
26 the Protocol Committee I was saying to them, "You need to
27 make this man's name public and you need to make people
28 aware that if something happened to them in relation to
29 this man, that they are not the only one" because thinking
30 that you're the only victim keeps you quiet for decades
31 because when you think you're the only one, you just assume
32 that you've done something to cause this, that you are
33 responsible for that person's behaviour. But I know for
34 me, when I realised I was not the only victim, that's when
35 my strength kicked in and my anger and it gave me the

1 energy to say "you're not getting away with this". But
2 when it's just yourself, you think did I create this
3 problem myself? And I'm sure there's still many people who
4 think they are the only person. I am not just meaning
5 Hercocock, I am talking about all the other clergy predators
6 in New Zealand. There will still be so many more victims
7 who don't realise they're not the only one and I think the
8 Church who employed all these people and had a duty of care
9 for all of us who were in the Catholic institutions, I
10 think the Church has got a moral and ethical responsibility
11 to encourage other people to come forward. It's just so
12 obvious.

13 **CHAIR:** Yes, that's a Clarion call from you.

14 A. Yes.

15 **CHAIR:** And we hope maybe people listening who are involved
16 to do that very thing.

17 A. I hope so.

18 **CHAIR:** Ann-Marie, thank you very much. It's been very
19 moving evidence but the thing that really hit me was that
20 you said and I'll repeat it, "I strenuously avoid
21 situations that could set off my PTSD". I can't think of a
22 situation more likely to do that than coming here.

23 A. Yes and hence the state I'm in.

24 **CHAIR:** Well, can I just say that we understand that and we
25 acknowledge that.

26 A. Thank you.

27 **CHAIR:** In spite of knowing this would cause you some
28 serious issues, you have had the courage and the bravery
29 and the strength to do it and I do hope that you are going
30 to be well looked after afterwards.

31 A. I want to add that I can't get over the amazing wraparound
32 service that the Royal Commission has provided me. It's
33 beyond words, which is incredible, incredible. I have been
34 so cared for and, yeah, I'm very, very grateful.

1 **CHAIR:** We're very grateful to you and I'm glad you're
2 getting the help that you need, so thank you very much
3 indeed from all of us.

4 A. Thank you.

5 **CHAIR:** And thank you for your support too, Mary-Ann. And
6 to your friend, shall we send a message to her too?

7 A. Sue Goodwin.

8 **CHAIR:** Yes, I think she should be acknowledged as well.

9 A. Absolutely.

10 **CHAIR:** Ms Glover, I think we should take an adjournment
11 now.

12 **MS GLOVER:** I think that seems appropriate, thank you,
13 Madam Chair.

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16 **Hearing adjourned from 12.10 p.m. until 1.15 p.m.**

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