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

**Under** The Inquiries Act 2013

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

**Royal Commission:** Judge Coral Shaw (Chair)  
Ali'imuamua Sandra Alofivae

**Counsel:** Ms Katherine Anderson, Mr Simon Mount QC, Ms Kerry  
Beaton QC, Ms Jane Glover, Ms Anne Toohey, Ms Kima  
Tuiali'i, Ms Julia Spelman, Mr Winston McCarthy, Ms Echo  
Haronga, Mr Michael Thomas and Ms Kathy Basire for the  
Royal Commission

Ms Rachael Schmidt-McCleave, Ms Julia White and Mr Max  
Clarke-Parker for the Crown

Ms Sonja Cooper, Ms Amanda Hill, Mr Sam Benton,  
Ms Alana Thomas and Mr Sam Wimsett as other counsel  
attending

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

**Date:** 14 February 2022

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**TRANSCRIPT OF PROCEEDINGS**

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1 **CHAIR:** Thank you. So that now brings us to our witness from Australia, who I see is on screen.  
2 Welcome Ms Mulvihill. How would you like us to address you?

3 A. Good morning, Madam Chair, Michelle is fine.

4 **CHAIR:** That would be lovely, that makes us feel comfortable.

5 Good morning to you, Mr Wimsett. Welcome to the Commission.

6 **MR WIMSETT:** Morena.

7 **CHAIR:** Thank you for coming and assisting with this witness. I'll now give the affirmation and  
8 then I will leave her in your hands.

9 **MICHELLE MULVIHILL (Affirmed)**

10 **QUESTIONING BY MR WIMSETT:** Good morning, Michelle, can you hear and see me okay  
11 now?

12 A. I can hear you, Mr Wimsett, but I can't see you.

13 **CHAIR:** I'm sure that can be rectified very quickly by our technical people. You do not want to  
14 see us; you want to see the lawyer. There we are.

15 **QUESTIONING BY MR WIMSETT CONTINUED:** How about now?

16 A. I can see you. Good morning.

17 Q. We have a few topics to move through this morning, but I want to start with your  
18 background and your qualifications.

19 So, you're currently a registered clinical and organisational psychologist; is that  
20 correct?

21 A. That's correct. I was registered back in the when – registration began for psychologists in  
22 Australia back in the '80s and subsequently – completed two master's degrees in  
23 psychology and in education and then further to that went on to complete a doctorate in  
24 both those areas again. And I've practised in those areas all of my life and still do.

25 Q. And what does your current work involve, or what is your current role?

26 A. So currently I'm in a private practice, at a private psychology practice. My expertise is  
27 around the area of trauma and has been since my early research in 1987 in the area of PTSD  
28 [Post-Traumatic Stress Disorder] in particular.

29 So, over the last 30 years I've worked with hundreds of clients, hundreds of  
30 victims of all kind of assaults. I've worked with children; I've worked with their families.  
31 But in the early '90s following some years working as an academic, teaching at universities,  
32 I began to become interested in the way organisations dealt with abuse and managed it.  
33 And to that end, because of my very Catholic background, I found myself being invited by  
34 the Catholic Church, but also by others, United Church, Salvation Army, Seventh Day

1 Adventists, so on, to help them respond to what was emerging at that time in the '90s in  
2 Australia, as victims started finally to find their voice and approach organisations with the  
3 catastrophic news that they had been abused. So, I began that kind of work – in first – of all  
4 in the Archdiocese of Sydney as a facilitator or mediator at times between victims and  
5 church representatives, sitting through many, many meetings with victims, their lawyers,  
6 with church representatives, and starting to understand that there was a pattern here and a  
7 very big picture emerging – around what we now know as the tsunami, the tsunami of  
8 victims who came forward approaching various churches with complaints of gross  
9 maltreatment.

10 Q. And so, in that respect, your work has involved working with victims directly?

11 A. Yes.

12 Q. But also, a significant amount of work with organisations who are dealing with abuse  
13 victims themselves?

14 A. Exactly. Working with those organisations to try and help them navigate their way through  
15 focusing on the needs of victims, and I was noticing very early in the piece that most  
16 organisations relied on people like you, Mr Wimsett, they relied on their lawyers and their  
17 barristers to solve these problems for them.

18 However, there is a whole group of expertise out there that also needed to be part  
19 of the conversation and that included people like myself and others who understood from  
20 an academic research and scientific point of view that the needs of victims were very  
21 specific. It was not as if we were dealing with someone who'd been in a car accident, for  
22 example, or a bus accident, that the causes of trauma for victims, particularly those who  
23 were victims as children was very specific.

24 You will note I'm using the word "victim" and not the word "survivor" today. And  
25 later in my presentation and my evidence I'd like to explore that with you a little.

26 Q. I'll make sure we come back to that. I just want to cover off something you mentioned just a  
27 few moments ago, which you – talked about your very Catholic background –.

28 A. Yes.

29 Q. And yours is something of a unique position, because you were a member of the Sisters of  
30 Mercy?

31 A. Yes, I was. I grew up in a very Catholic family, fervently Catholic. My sister is a nun and  
32 still is in the United States. I joined the Sisters of Mercy in Australia and stayed and worked  
33 in that group for about 12 years. So, I know intimately the way the Catholic Church works  
34 in its religious organisations, in its Diocesan structures and so on.

1 Q. For those people who are watching or who are interested and may not know what it means  
2 to be a member of the Sisters of Mercy, in essence, you were a nun for a number of years?

3 A. Absolutely, yes, I was, for 12 years, and in my early 30s, I decided that was not a path for  
4 me and so left and took myself off to Sydney to university, etc., and then my career grew  
5 from that point onwards.

6 Q. But when you were with the Sisters of Mercy, did your work with them correlate with the  
7 study that you did afterwards?

8 A. As I found myself working in country, rural New South Wales, and in particular with many  
9 indigenous groups with young people who were lost, I was a youth worker and youth  
10 counsellor and school counsellor. So, I got my hands well and truly dirty working with  
11 people who were not of the usual role, who were outside of society, who were on the  
12 fringes of society, who had had things happen to them, who perhaps came from a  
13 background of poverty and so on. So, I felt I was very much in touch with those on the  
14 margins, and that of course is what I again found when working with victims.

15 Q. And as we'll come to a little bit later in your evidence, you are perhaps the only living  
16 person to have met with all or almost all of the victims from Marylands who came forward  
17 in the early to mid-2000s?

18 A. In the early to mid-2000s Peter Burke and I met personally with each and every one of  
19 those, I think it's 78 victims who came forward. And I was the only person who met with  
20 them. There were one or two occasions when I believe another Brother may have  
21 accompanied Peter Burke because I may not have been available, but I certainly witnessed  
22 the story, the recount, the pain of those men and understood the slow burning secrets that  
23 were emerging from them as being critically important. Critically important not just to them  
24 to be heard, but to be able to listen deeply to what they had to say.

25 It seemed to me, from what they were telling me, that the Brothers that they were  
26 complaining about had fashioned themselves for decades to hide from the challenges of the  
27 real world, and their genuineness just really evaporates under the intense heat of  
28 examination, which –

29 Q. I'll come to asking you specifically about Marylands victims that you met with, but  
30 I suppose to just move along these introductory points or to move chronologically, I'll park  
31 that for a moment and then we'll come back to it probably fairly shortly.

32 In terms of your research interests and your study, has that focused particularly on,  
33 say, children or child victims and trauma sufferers?

34 A. Yes, that's been my primary focus most of my life. So, understanding what happens when a

1 child is mistreated, is cruelly treated, or criminally treated as in this case, what happens to  
 2 them when they grow up, what happens to adolescents, and I listened with deep interest to  
 3 Hanz Freller last week when he gave his evidence and learned so much from him. What  
 4 happens to adolescents when their life is entered by a person which changes their direction  
 5 entirely?

6 So yes, that was my total focus, and I became quite expert for it. I have given  
 7 papers nationally and internationally on the topic, I have trained many people in  
 8 understanding the effects of trauma on children and on adolescents, both in Australia and  
 9 elsewhere.

10 Q. And perhaps if we just pause there and I can just address Madam Chair for a moment.

11 I want to make sure that there's sufficient time for survivor stories and so on. Now,  
 12 in her written evidence Dr Mulvihill has addressed what I would submit is really  
 13 uncontroversial conclusions about the effects of abuse, the impacts on it – would seem that  
 14 that is really incontrovertible really and I don't want to take up time when it's important that  
 15 some later parts of the evidence are read publicly –

16 **CHAIR:** Yes, I agree. Michelle, just to reassure you that we, the Commissioners, have had your  
 17 statement of evidence for some time, we have read it very carefully and considered it, and  
 18 we're going to, if you don't mind, leave it to Mr Wimsett to extract the parts which may be  
 19 more controversial which may be subject to questioning so that we can air those very  
 20 important things. I think if you've been following our evidence we've had a lot of evidence  
 21 about impacts, and as Mr Wimsett says, unimpeachable evidence.

22 So, do you mind if he just leads you to the core bits that we really need; is that all  
 23 right?

24 A. Absolutely fine.

25 **QUESTIONING BY MR WIMSETT CONTINUED:** And I'm – before I come to your specific  
 26 involvement with the St John of God Order, you obviously have said that you worked with  
 27 other Catholic orders and organisations.

28 A. Yes, I've worked with many.

29 Q. And you've used the phrase in your evidence "organisational denial"?

30 A. Yes, absolutely. So, the denial yes –

31 Q. No, you carry on from there.

32 A. So, you know, the old clichés just don't stand up to scrutiny anymore. "Serious examination  
 33 under intense heat" means that one cannot continue to deny what happened. I don't think  
 34 the St John of God Brothers deny some of the things that happened. What they're denying is

1 the effects on victims now and what they morally should be doing to fix that. Other orders  
2 are in the same boat. It's my view that most have gone through like a 20-year process, the  
3 church has gone through a 20-year process from it – used to start off as the learning curve,  
4 overall, on a learning curve, we don't know what we're doing, we're learning as we're going,  
5 and then it moves into we've paid as much as we can, and then it moves into further legal  
6 waters. You know, this just blurs and pixelates facts –

7 And one of the things is called systemic abuse and systemic abuse happens when  
8 it's kind of grafted into the very DNA of an organisation. When an organisation becomes  
9 so corrupt, and I don't mean financially corrupt, I mean corrupted, that they lose their way,  
10 they no longer see the effects of their behaviour organisationally on other people. And I  
11 think that's happened in most of the organised – Catholic organisations and other  
12 organisations that I've – had experience with.

13 Q. So when you – just looking at a – when you, as we'll soon hear, first became involved with  
14 St John of God in 1998, now these views which you've just expressed, strong views you  
15 hold, was that – by 1998, is that what you had seen, is that the views you held at that time?

16 A. What I saw at that time was, first of all, shock, horror, this has come out. What I didn't  
17 know when I first met them in 1998 was that they had known all about this for 10 years  
18 prior, so they had 10 years to prepare. And I know that because of the documentation that  
19 I read about complainants who came forward around places, around people and perpetrators  
20 and criminals who were in their very midst. So, I saw that emerging first – of all a shock,  
21 and then we need to do something to quell the storm, if you like, and there was a storm, and  
22 we'll go into that further –

23 Q. Sure. But on this what you've termed organisational denial, and I'm looking specifically at  
24 paragraph 35 of your written evidence, I think you've identified four symptoms of that or  
25 examples of that, that I understand you're saying that they were common across the  
26 different orders you dealt with.

27 A. Absolutely, and still are. The dismissal of victims because they get something wrong. In the  
28 case of Marylands you had a sister of a victim last – week that – particular man – said  
29 Brother McGrath gave me cookies and the facts were he gave him lollies, and so he was  
30 struck off the list. This is cruel. The second one is the vilification.

31 Q. That's the first one. Second one is?

32 A. Vilifying victims, seeing them as they're just going after our money, they're dead losses,  
33 they should get out of here, why don't they just get out on with their life and forget about it.

34 The third one is collusion. I apologise to all the lawyers in the room, I'm sure you

1 do amazingly great work and you, Mr Wimsett, in particular, but the collusion between  
2 church lawyers and church leaders to offer the lowest amount of compensation, to squeeze  
3 the lemon, to make sure that they got the lowest, is just cruel.

4 And fourthly, the pressure placed on victims to accept these very small offers of  
5 compensation, these – people are moral simpletons. They have outsourced their empathy  
6 and that is a crime, that is a moral under their own religion.

7 Q. And so, against that background and your involvement with other orders, how did you  
8 agree and how did you first become involved with the St John of God Order firstly in  
9 Melbourne, Australia?

10 A. Firstly, I'd hardly ever heard of them. This is a very small group, there was about 40 of  
11 them only. You know, they weren't as big as Marist or the Christian Brothers or the  
12 Diocese.

13 Secondly, they seemed to have values around mental health, they ran mental  
14 hospitals. I thought to myself here's a group who should know better than just about  
15 anybody else what it might be like to be a victim.

16 And thirdly, they called me, Brother Terry Teehan rang me up one day. There was  
17 a very big article in The Age newspaper and in that newspaper, there was an expose of 45, I  
18 think, 48 men who had come forward, severely disabled men who'd come forward and said  
19 we have been sexually and suffered – other abuses –

20 So, Brother Terry rang me and said, "Would you come over and talk to me."  
21 I went over to talk to him, he told me, "The Brothers are very traumatised."

22 Q. And –

23 A. The Brothers are very traumatised.

24 Q. That was the focus, is that what you're saying?

25 A. Yes, and, "They need some help. And we need some help to deal with these victims,  
26 because some of them can't speak, some of them have got no way of communicating, how  
27 could they possibly have been abused, how could they possibly complain; it must be the  
28 social workers who are down there interviewing them, it must be the counsellors making  
29 this up."

30 Q. Were you aware at this time, were you aware that there were intellectually disabled or  
31 people with special needs living together in residential care facilities?

32 A. No, I didn't know anything about them but then I soon found out. I went to Melbourne,  
33 I met with staff down there and so on, and got the picture. And these were severely disabled  
34 men living in homes which had been run by the Brothers. How these men thought they

1 were qualified to take care of this cohort; I have no idea.

2           However, they were running a – residential school, there were two different sites.  
3 The Marylands model was based on one of those schools. So, I embarked on doing my best  
4 to get the focus of the Brothers off themselves and on to the victims and their families.

5 Q. And at that time did they, The Order, have an existing committee or group set up to deal  
6 with the complaints, the victims etc.?

7 A. Yes, they had set up a group prior to my ever coming on board. I think it used to be called  
8 the Special Issues Group, but now it was called the Professional Standards Group, and the  
9 professional standards group consisted mostly of Brothers, The Order's lawyer, a public  
10 relations person, Simon Feely, and two others who were had – some expertise – in  
11 mediation and arbitration.

12 Q. Were you a member?

13 A. I was asked to join that group for several years and on one occasion I was asked to chair the  
14 group. The group met on a monthly basis and would put on the table what victims might  
15 have come forward, how things were going in Melbourne and then of course Kendall  
16 Grange in Newcastle where numerous men had come forward, and then of course  
17 Marylands.

18           So, one after the other, there was like a rolling group of victims who came forward  
19 and who were dealt with at that time. That group of course though was only an advisory  
20 group. It had no power. It had the power of influence only; it was under the Canon Law  
21 provisions of the St John of God Brothers. The provincial makes the decisions. He can  
22 (inaudible) the group or he can ignore it.

23 Q. In 1998, when you first became involved, who was the provincial?

24 A. Brother Joseph Smith, who is now in Rome as one of the – I think he's 2IC of the entire  
25 Order across the world.

26 Q. So, we'll hear shortly in your evidence about your Marylands work in particular. At that  
27 time, it was Brother Peter Burke, is that right?

28 A. Brother Peter Burke became the provincial, I think it was in 2000, the year 2000. So, it was  
29 Brother Terry Teehan that I dealt mostly with for the first two years in looking after the  
30 Melbourne thing. However, there was some very unusual things about that. One, I was  
31 never allowed to meet a single Melbourne victim or their family. I was prevented from ever  
32 doing that. There was a group meeting of members of the family and victims in Melbourne  
33 which Brother Peter Burke was sent to, Brother Terry Teehan and Brother Rodger Moloney  
34 was sent down there, to front up to victims. He subsequently served time, as you know, in

1 New Zealand under the crime of sexual abuse.

2 So, I was not allowed to go, and I was – wondered I – was wondering why am  
3 I being kept out of this? What's going on –?

4 Q. You've referred in your written evidence to a phrase "Brother's business"?

5 A. Yes.

6 Q. Just explain in this context what you mean by that?

7 A. Well, one could have a discussion at a Professional Standards meeting about the way a  
8 victim might be dealt with over time. But if there was anything that if – there were  
9 penetrating questions asked, for example how long have you known, has The Order known  
10 that a certain Brother was an offender? Well, that was Brother's business. If you asked who  
11 was in charge, who was the provincial at a time when offences were going on, how could  
12 these people all be living together and not know there was other offenders in their group?  
13 That question would be shut down: It's Brother's business. Much like it was shut down in  
14 the evidence I've – read for this Commission, where the Commission has asked how much  
15 money was spent on defending Moloney and so on, and the answer is: We can't follow the  
16 financial records because unfortunately the person who looked after the money passed  
17 away a year or so ago and we have no records.

18 So that's called Brother's business, things we don't want you to know and things  
19 that are our business intrinsically. That's called systemic abuse when people withhold  
20 information that is critical to dealing with something [inaudible].

21 Q. In your evidence I think you said that it was a small order that you weren't aware of and I  
22 think you said from memory there were about 40 Brothers or 40 members of The Order in  
23 Australasia or in Australia?

24 A. In Australasia, yeah.

25 Q. And in your work in that period, late '90s, were you aware of the numbers in terms of how  
26 many of the 40 had allegations made against them?

27 A. Yes, I was certainly – I was made aware of that, particularly in, I remember one meeting  
28 I attended in Sydney, following the first group of allegations that had come forward,  
29 Brother Terry Teehan wrote - they had overhead projectors in those days, wasn't like  
30 whizz-bang now, so they had an old overhead projector slide and a text [inaudible] and he  
31 had written up the names of Brothers who were mentioned in dispatches, in other words  
32 who were named as perpetrators of physical or sexual or whatever abuses in Victoria. And  
33 there were 21 names on the slides, it took two slides I remember, one slide and then the  
34 next slide.

1           There was aghast in the room, some people were terrified, some men were  
2 shocked and horrified, there was total denial, "That can't be true, those bastards don't know  
3 what they're doing, how could they possibly make complaints when they can't speak", you  
4 know, this continuance, you know, the survival of an abuse culture is really dependent on  
5 the continuance of hypocrisy and on the continuance of denial that that toxic culture lives  
6 off and that's what I witnessed when I saw those 21 names go up on that board.

7           Mind you, they're the same – pretty much the same names as I have in front of me  
8 that were on the list of Brothers as having complaints laid against them in Marylands.

9 Q.   And at that time, because we're going to come to your involvement in Marylands shortly,  
10 but at that time the overhead projector, the 21 names, how many were stood down from  
11 their Ministry while you were involved then?

12 A.   None. Nil. There was a total denial: "This can't be true, this didn't happen", no one was  
13 stood down. In fact, some of them were elected on to the leadership group at the following  
14 elections.

15 Q.   The following elections, is that the one that you mentioned where Brother Peter Burke  
16 became the provincial?

17 A.   That's correct.

18 Q.   And did you work closely with him in terms of trying to devise a response or a process that  
19 would be used with victims that had come forward?

20 A.   I worked very hard with him in getting him to understand the effects on victims and that  
21 having a blanket legal response was not enough. This Order was supposed to be about  
22 hospitality. They took four vows not three as the SNAP [Survivors Network of those  
23 Abused by Priests] person mentioned last week. Poverty, chastity, obedience, and  
24 hospitality. That was at the very essence of who they were supposed to be.

25           They took four vows and so it was working with Brother Peter and his own  
26 capacity as a New Zealander, to think outside the square, to think in an innovative way, that  
27 it was decided that a way forward, called the pastoral process, would need to eyeball to  
28 meet face-to-face- with any victim who wished to show up, to spend time with them and  
29 their families, etc.

30           So, it was then that a plan was arranged, much to the distress, I must say, of the  
31 legal advisors, that we should enter this territory. And then also to cooperate with Police as  
32 much as possible and to recommend to every person that they go to the Police. This was  
33 very new.

34 Q.   And are we talking here – we're into this early 2000s period?

1 A. Mmmhmm, that's exactly right. That's when it started. And no longer was the ink dry,  
2 virtually, on the large cohort in Melbourne and their payments of about \$55,000 each plus  
3 \$25,000 for each person went to Slater and Gordon, the law firm. Soon after, the ink was  
4 barely dry when the Marylands victims started to come forward, and a new approach had to  
5 be embarked upon.

6 Q. Let's just, I suppose, look at this initial pastoral process. You've talked of meeting with  
7 victims face-to-face and possibly families, supporters, and encouragement or urging to go  
8 to the Police and working with the Police. Was there also to be an offer of professional  
9 counselling and help?

10 A. Yes, every victim was offered professional counselling and where – and help to be arranged  
11 for them through various professional bodies, and paid for – chemists' bills paid for those  
12 on medications, doctors' bills paid for, psychiatrists' bills paid for, for some hospitalisation,  
13 paying for hospitalisation in psychiatric facilities, for those who couldn't see, taking them  
14 down to the optometrist and getting them tested and glasses made, paying dentists to get  
15 teeth fixed, all the things that begin to bring human dignity to someone who suffered.

16 Q. And I think a, what in Australia is called an 1800 number, in New Zealand would be an  
17 0800 number –

18 A. Yes.

19 Q. To be able to ring in and make the complaint?

20 A. To ring in and make the complaint and to talk to someone who was at the other end, able to  
21 answer that complaint in a fulsome way, to be able to talk to Brother Peter Burke himself,  
22 who gave most people his phone number anyway, to ring him whenever needed.

23 So, transparency, the opportunity to visit as many times as they wished, and to  
24 meet with these people and sometimes, like, parents, who would come and say, "My son  
25 has Down Syndrome and I need to know was he sexually abused." So very, very worried  
26 parents, elderly people, people who were worried about what was going to happen to their  
27 children, to their sons and to their daughters.

28 Q. So, was this pastoral process a mirror image or the same as the church's Towards Healing  
29 or Pathways to Healing programmes, or was this different more tailored; how did it  
30 compare?

31 A. The Towards Healing programme was a failure. And – number one, because it did not put  
32 victims at the heart of the matter, it put the church at the heart of the matter –

33 The Pathways to Healing process at that time, and no doubt it's changed, I assume  
34 20 years later it has, seemed concerned that if as – soon as a victim went to the Police, then

1 any Pathway to Healing process would stop while criminal investigations took place. That  
2 can take two or three years. That seemed very unjust, and certainly not keeping with any of  
3 the research at the time that said victims needed to be heard and needed to be dealt with  
4 immediately. They needed continuation, they did not need to be abandoned again to a  
5 system that would not look after them in the hope that some years later, oh, now we can  
6 pick it up now that the criminal matter's over. – In other words, unless they could prove  
7 their guilt, they were not able to be attended to by any religious order or by the church.

8 So, the St John of God Order, Peter Burke, myself with the agreement at that time  
9 of the Professional Standards Committee embarked on a process that was very different,  
10 that placed victims at the centre. They were the key. They required the hospitality.

11 Q. Now you worked closely in this with Peter Burke?

12 A. Mmm-hmm.

13 Q. And did you feel and believe that he was genuine in his efforts in this area in working with  
14 you and what he wanted to achieve?

15 A. I believe he was extremely genuine and extremely conflicted.

16 Q. What about his fellow Brothers or fellow members of the leadership team?

17 A. Well, Joseph Smith, when he was in the leadership team, went missing in action. One  
18 couldn't ever find him; he didn't ever want to talk about this topic. When Peter Burke  
19 became the leader, it was this – topic was front and centre. But there was always like – at  
20 an Australian beach there's – always a rip there – was always a rip, a feeling of a rip going  
21 on when this was being discussed. Like there was something happening in the background,  
22 Brother's business was happening, I believe. So, while there was certainly genuineness,  
23 when in – New Zealand, when we were there visiting many, many, many times, when we  
24 came back to Australia to Head Office it kind of dissipated. And over a number of years, it  
25 dissipated almost entirely, to this very day.

26 Q. Is that what you're referring to, or leading to when you mention the word "conflicted" when  
27 talking about Peter Burke?

28 A. Peter Burke was punished dramatically when he came back. He told me at the end of his  
29 first term, at the chapter, that he was berated publicly by many Brothers for daring to  
30 believe these victims, for not sticking up for the Brothers enough and then they stand up  
31 and clap him and elect him again as their leader. So, there's this enormous conflict going  
32 on.

33 You see in the background you had people like Joseph Smith who would have  
34 known all along the names of the 21 people on the wall, along with people like Brother

1 O'Donnell, Brian O'Donnell, who was the world leader at one stage, who would have heard  
2 every single complaint. Brother O'Donnell had an office next to Brother Burke's. You can  
3 imagine the pressure that would have been placed on Brother Burke when he comes back  
4 and has to cough up that he's just handed over this many hundred dollars, or this many  
5 thousand dollars, or spent this on dental or that on optical. They didn't like it at all.

6 At one stage the leadership team included Brother Rodger Moloney, he was the  
7 bursar. He made a complaint about Brother Peter, that Brother Peter was spending too  
8 much money because he had a receipt from an ATM machine for \$800, the ATM machine  
9 was at the Christchurch casino.

10 So, he was alleging that Brother Burke was at the casino using money. I was there  
11 that night, we used to eat at the casino at the smorgasbord. If Brother Peter got \$800 out of  
12 the machine it would have been handed out in \$50 notes the next day because I observed  
13 that. It was not spent on himself.

14 So, there was this great tension going on, I believe, in the background, this  
15 groundswell because Brother Peter was seen to be betraying the Brothers; he was not  
16 sticking up for them. He was seen as a failure in that sense. And they were basically  
17 telling, wanting victims to simply go away. The conversation about victims was usually,  
18 you know, how would they know, they were stupid, they were liars, they wouldn't have a  
19 clue. You know, this was immaculate deception.

20 Q. Let's talk specifically about when you and Peter Burke first became aware or were  
21 approached about what happened at Marylands. How were you first notified?

22 A. I think there were one or two victims sorry –, Sister Susan France wrote to the provincial,  
23 she was in the Pathways programme, maybe she was in charge of it, I can't remember,  
24 saying that victims had come forward to the Pathways to Healing programme and what was  
25 the Brother – what – were – we were – these Brothers – at Marylands at a certain time, who  
26 were they, etc., asking for a lot of information.

27 That information was passed on to her. Unfortunately, somehow it got lost in  
28 transmission the first time, but it certainly was passed on to her about how many Brothers.  
29 That was the first indication that The Order had – that I know of that there was a group of  
30 people who had suffered from this criminal behaviour in Marylands.

31 Q. In 2002, I think I'm right in saying that you travelled to New Zealand on 13 separate  
32 occasions, is that right?

33 A. I travelled to New Zealand on 13 separate occasions spread over the year, with Brother  
34 Burke. We travelled both Islands from the tip of the North Island down to the Southlands.

1 We visited as many victims as we could or their families or their sisters or brothers who  
2 requested a meeting and heard their stories.

3 Q. Was this to do – was this still following the pastoral process that was implemented?

4 A. Yes. Because the pastoral process involved visiting the victims, going into their territory, or  
5 welcoming them in. It didn't mean asking victims to turn up to some church building, to an  
6 office, to undergo an inquiry so to speak. It was around going to them, if they wanted it,  
7 being invited into their territory, sometimes into their homes. Sometimes establishing an  
8 independent meeting room that they could come to, providing refreshments, lunch,  
9 whatever people needed to help them feel comfortable.

10 Q. And it was – you say during those 13 visits was when you met with the 70-plus victims?

11 A. Yes, we met with those victims, one after the other. The first time was in a group where  
12 Ken Clearwater, from the Male Survivors of Sexual Assault Trust, had gathered and where  
13 people got together. So about 10 victims and some supporters were in a group. This was  
14 the first meeting. They were ready to tear us apart, I can tell you, very and – rightfully so,  
15 very upset, frightened, sure they weren't going to be listened to, and Brother Burke was  
16 able to sit with them and dissipate some of their fears and arrange one-on-one meetings  
17 with them. They were very hurt and very desperate.

18 Q. What was the reaction to Ken Clearwater back in Melbourne with the other Brothers?

19 A. Back in Sydney, was the Head Office, and Ken Clearwater was detested. He was seen as a  
20 nuisance; he was a man who was setting some of this up. Some homework was done on his  
21 background, he was seen to be not of good repute, he was thought to be conducting a beat-  
22 up against the Brothers. They refused to engage with him. If they had to, it would be  
23 minimally, because he was not to be trusted. He was causing this, not them.

24 So, you could hear the desperation that was going on around that around –  
25 focusing on anyone else to blame except themselves, misplaced rage –

26 Q. Let's look at the process that you set up, the 0800 number was done?

27 A. Mmm-hmm.

28 Q. You and –

29 A. Yes.

30 Q. You and Brother Burke were here to meet with victims one-on-one. And there were some  
31 initial payments made to victims that came forward; is that correct?

32 A. There were some very the – victims that we met with were made a promise. The promise  
33 was that they could have an enduring relationship with the Brothers, that the Brothers  
34 would look after them for so ever long as they needed care. So that began with very small

1 things in my mind, small things – like, "You don't have any shoes, I will buy you a pair", as  
2 a sign of goodwill. That then progressed to, as I said, medical expenses, other immediate  
3 care needs, people who had no accommodation, accommodation was paid for a month or  
4 two or three, or whatever.

5 The next step then came around Christmas time. It was viewed that it was going to  
6 take some time to get funds together to give victims what they deserved as a next step.  
7 There was also a lot of press going on, a lot of media going on around what was happening  
8 in New Zealand and the Brothers were getting a very bad rap. They'd received a very bad  
9 rap in Australia and now they were receiving a hiding in the media. So, it was suggested by  
10 the public relations person that a gesture of \$1,500 at Christmas time would cheer them up.

11 Now I believe in part some of that was genuine. From Brother Burke's point of  
12 view: This will cheer them up. They can have one happy Christmas. It was also a way of  
13 signaling that the Brothers are the good guys, and we're here for the long run –

14 I fell for it. I thought gee, this is going to help. This is going to start to build trust.  
15 Because trust was very hard to come by, as you can imagine. And trust was critical in an  
16 enduring relationship, if you're going to really help someone get on their feet.

17 So, a sum of \$1,500 was paid before Christmas to every one of those victims who  
18 had come forward.

19 Q. And as part of the pastoral process that we went through before, you talked about the  
20 recommendation that the Police be involved or that people go to the Police, and it was soon  
21 after you came to New Zealand that there was a Police investigation, is that right?

22 A. Police investigation began and one day in, maybe 2003, I can't exactly remember the date,  
23 in Strathfield, the lovely Detective Sergeant at that time Earle Borrell turned up, with  
24 perhaps John Borlase and certainly Sean, to interview the Brothers. It was a surprise visit,  
25 so to speak. Because what I didn't know was that they were not being open to the Police.  
26 They were not speaking to the Police. I was always told, and the Committee was always  
27 told, "We are working with the Police at every level." That wasn't true. Documents  
28 (inaudible) statements were withheld; it wasn't true.

29 Q. Perhaps I could just ask you to look at a document and we might look at a couple of  
30 documents at this stage. But this one being CTH0012250\_00003. If we could scroll down  
31 to the bottom of that first page. What we're looking at there is some notes of a meeting from  
32 14 August 2002, recording under 3 there, "Marylands", for example, the first bullet point,  
33 "Peter and Michelle been there"; do you see that?

34 A. Yes.

1 Q. Just checking it's coming up on your screen too.

2 A. Yes, it is.

3 **CHAIR:** Just to be clear, Mr Wimsett, we flashed through the top. This is a meeting of the – just  
4 for the record.

5 **QUESTIONING BY MR WIMSETT CONTINUED:** – Meeting of the Professional Standards  
6 Committee held at the St John of God provincial office, so back in Sydney.

7 A. Mmm-hmm, yes.

8 **CHAIR:** Thank you.

9 **QUESTIONING BY MR WIMSETT CONTINUED:** Thank you, then just going back to that.  
10 About three quarters of the way down you see a number of Brothers named, referring to  
11 allegations obviously, and second-to-last point, "Police met with provincial – no need to  
12 extradite, Police will bring them" –

13 A. "Provincial will".

14 Q. Sorry, "Provincial will bring them", sorry. So, at that stage, your understanding was it  
15 going to be that Peter Burke was of the view that these Brothers would voluntarily come  
16 back to New Zealand to face the music, if you like?

17 A. Yes, he was certainly under the understanding that they would, under the vow of obedience,  
18 follow his direction and turn up in New Zealand. He personally would take them, he would  
19 take them with him, and they would come to New Zealand to be interviewed by Police and  
20 to – certainly there was no need to face extradition proceedings so certain was he that they  
21 would come.

22 Q. Fair to say that what followed was a very long and expensive extradition process?

23 A. Yes. An extradition process that went underground. It was never discussed further at any  
24 professional standards meeting that I can recollect. There were it – was Brother's business  
25 now and there was enormous pressure on Peter Burke to cough up the funds – a for to –  
26 prevent the extradition of those men. It was not the way that they had done anything wrong,  
27 even though we had documents with their names on it from other places –

28 So, Brother Burke was certain about that, he felt sure that they would do what they  
29 were told you, but they did not.

30 Q. And did you, in relation to the extradition of Rodger Moloney and Raymond Garchow, did  
31 you give evidence for the Police in relation to their matters?

32 A. I can't remember whether I – I've given so many Police statements, I'm sorry, I can't  
33 remember if there was that one in particular.

34 Q. Perhaps if I ask for this document to be brought up, NZP0012947.

1 A. Oh, yes, okay.

2 Q. And that is – a

3 A. Oh, yes.

4 Q. – what I would know as a formal written statement for criminal proceedings, where you  
5 are – have spoken in 2003 to Detective Paul Sullivan of the Christchurch Police?

6 A. That's right. Thank you.

7 Q. And if I could ask our technical assistant to scroll down to the second page just – pause  
8 there, thank you. At this time, so we're 2003, so you've been to New Zealand 13 times in  
9 2002?

10 A. Yes.

11 Q. And in mid-2003 you make a statement to the Police?

12 A. Yes.

13 Q. And in that you form the view two-thirds of the way down that page, "I believe there is a  
14 problem of denial in The Order".

15 A. Yes, there is, there was and there is. And the problem of denial was the collusion between  
16 those members of the group who had large – numbers of members who had accusations  
17 against them, protecting those who had been finally found out and either arrested or  
18 extradited. That's – where the split was.

19 Q. And above there you make an observation that you find it impossible to believe that the  
20 abuse that has been reported in Australia and New Zealand was not witnessed or that the  
21 other Brothers were not at least aware that it was occurring.

22 A. So, one example on which this belief is based is the evidence of victims that I met in  
23 New Zealand, and those victims were very clear that on occasions in Marylands, groups of  
24 Brothers would sit around together observing children they had trained as abusers abusing  
25 younger children. Also, evidence that I heard from victims in Marylands that there were  
26 some occasions, for example, when there might be a concert on, Brothers from Marylands  
27 together watching little boys dancing around with nothing but a grass skirt on and enjoying  
28 what they saw and enjoying some of the fruit of that later by cuddling and holding, etc.,  
29 those children.

30 That is why I found it impossible to believe that there was not a knowledge of it  
31 and evidence of it being witnessed. The same stories I had heard from victims in Melbourne  
32 and also in Kendall Grange in Newcastle.

33 Q. Obviously one of the most prominent in terms of offending Brothers was Bernard McGrath.  
34 Did you meet with him personally in New Zealand?

1 A. Yes, I met with him on one occasion in New Zealand with Peter Burke, we met at the new  
2 hospital on the grounds of where Marylands was. Do I still have a link with you, Sam?

3 Q. Yes.

4 A. Thank you, there you are again. Thank you very much. So, I met with Brother McGrath.  
5 Mr McGrath wished to ask Brother Peter if he would meet with him. Brother Peter agreed,  
6 not very willingly but he agreed, and he met with McGrath and myself in what is known as  
7 the parlour of the hospital in Christchurch. That was a very interesting meeting and notes  
8 were taken of that meeting and have been submitted as evidence to this Commission.

9 Q. And I understand that's document CTH0015311.

10 A. Mmm-hmm.

11 **CHAIR:** Do you wish to have that up?

12 **MR WIMSETT:** Yes. I don't wish to go in great detail.

13 **CHAIR:** That's fine.

14 **QUESTIONING BY MR WIMSETT CONTINUED:** And for the record, that is a meeting  
15 summary of a meeting on 16 April 2002 at the St John of God hospital meeting room, Peter  
16 Burke, Bernard McGrath, and you.

17 A. That's correct, yes.

18 Q. And at that meeting it seems a significant part was to discuss Rodger Moloney?

19 A. That meeting was a turning point. Up to this point Bernard McGrath had been, I believe,  
20 scapegoated. He certainly was a criminal, he certainly committed crimes against humanity  
21 which are inexplicable. However, he was being used as, "He's the only person who's done  
22 anything, the rest of us are fine. Let's cut him loose, let him look after himself and his own  
23 evidence, let him go to jail, he's done it all, and not us, nobody else."

24 And McGrath was rightly upset about this because it was not the whole truth. So,  
25 he wanted to meet with Peter Burke and basically say, "You know what, Rodger Moloney  
26 was up to his neck in this as much as I was", and that's what he did at that meeting. It wasn't  
27 a very long meeting, there could have been a whole lot more questions asked of him, but  
28 again, he was totally shunned by The Order and left cut – loose and then really held the  
29 blame for what not just Rodger Moloney had done, but 21 other members of The Order had  
30 done, and some of them before him.

31 Q. So, when you say, "cut loose", you're referring to support of him stopping?

32 A. Support of him stopped a very long time before I even came on the agenda or on the case.  
33 He was cut loose and, you know, there are many things I'm still finding out today. For  
34 example, things about the Hebron Trust which he was involved with. There was no – "We

1 don't need to worry about that, that's just one of Bernard McGrath's things, it's nothing to do  
2 with us." So, in other words, he took the blame for many things, and he certainly was a  
3 criminal of the first degree, and by his own admission.

4           However, by putting all of this on to his shoulders, this bred and calcified the  
5 denial. This continued the denial that any of us had done; it blurred and pixelated all the  
6 facts in my mind. So, this was a turning point in saying, do you know what, Brother Rodger  
7 also was involved in this, and shortly after, Police investigations began.

8 Q. We'll come very shortly to talk about a number of examples of meetings with victims  
9 during these trips.

10 A. Yes.

11 Q. But on your visits to Christchurch, Brother or Peter Burke met with the Bishop of  
12 Christchurch, is that right?

13 A. Yes.

14 Q. But you weren't included in those meetings?

15 A. Well, you wouldn't let a mere woman in the Bishop's meetings in those days 20 years ago.  
16 No, I wasn't invited. I was I – should have been invited; the meeting should have been  
17 witnessed in my view. However, Peter Burke wanted to meet with the Bishop because these  
18 victims, although they were children in a St John of God care facility, they are in the  
19 diocese of Christchurch and a Bishop of any diocese has a duty of care for members of his  
20 group or of his flock, even if they were not Catholic, because they attended that place.

21           So, Brother Burke wanted to know what the Bishop was going to be helping him  
22 with and do in relation to the victim. The Bishop of course had his own agenda, and  
23 Brother Burke left that meeting absolutely furious. I remember him storming out of the  
24 place and we kind of galloped down the street at a very fast pace and found a coffee shop.  
25 He was very upset. The Bishop had basically told him that he wanted this matter shut down  
26 as fast as possible. "Get it out of the media, there's too much going on in the papers, shut  
27 this down and shut these people up."

28 Q. And were you aware of – were there other meetings that Peter Burke attended with the  
29 Bishop?

30 A. I don't know. I don't know.

31 Q. In terms of if we move now to some of your recollections of different meetings with  
32 different survivors, did you keep written records for each of these meetings?

33 A. Yes. I didn't –

34 Q. What did you do with them?

1 A. I didn't take a statement; we weren't there to take statements. What I did was make some  
2 notes. Sometimes during the meeting, I would always ask permission of the victim, "Do  
3 you mind if I write some things down because there's lot of things you're telling me, and I  
4 can't remember them all." Those notes were taken back to Sydney, and I typed them myself  
5 for the record. We also set up a very extensive database of, like, I suppose you'd call them  
6 work in progress database, which logged every phone call, every meeting, what people  
7 said, what people wanted, who the complaints were against, and it's a very intensive  
8 database that was kept up for many years.

9 So, in New Zealand we met with many survivors in different settings, in their  
10 homes or in meeting rooms. I remember attending a meeting with a woman in Greymouth,  
11 Greymouth or –

12 Q. Greymouth?

13 A. My Aussie doesn't help me in this system.

14 Q. You're right.

15 A. So, she was a social worker. She was in her late '70s and her son had been at Marylands for  
16 one term. She thought it was what was best for him. They were seen to be a very innovative  
17 educational facility, even though most of the Brothers who worked there had no education  
18 at all in working with children with special needs or who are neurologically diverse.

19 However, she thought the best thing for her son would be to send him to  
20 Marylands. As you heard from victims, some victims, boys had to wear a uniform like they  
21 were going to a private school, etc. They had to always take an airplane to Christchurch  
22 Airport, which is a great way of keeping parents off the property. She told us that her son  
23 had severe mental health issues and that she was promised that he would be taken care of.

24 When he came home for a visit, she noticed his deterioration. As a social worker  
25 she picked it up, that it looked like he had been malnourished, he was very upset,  
26 screaming, he didn't want to go back, but she saw this as kind of behaviour that maybe  
27 some children who attend boarding schools go through and put him on the plane.

28 What she found out later was that her son had been sexually abused at Marylands,  
29 he had developed dysentery as a result of that, and was left outside for days and sometimes  
30 weeks because they did not want to clean up the detritus.

31 So, a child is ill, is dehydrated, is brought inside for meals, and then taken outside  
32 like a dog. She wanted the Brothers to know this fact. She withdrew him, of course,  
33 immediately from the school and took him home. Just post-traumatic stress for that child.  
34 I'll – never forget that story or the meeting with that woman and the guilt that she felt.

1 Q. Can you – in a general way of the people you met, any common themes in terms of  
2 criminal behaviour subsequently, drug abuse and so on?

3 A. Well, we know now that people who suffer Post-Traumatic Stress Disorder [PTSD], which  
4 most of these victims do, develop strong mental health patterns. This includes ways to  
5 alleviate their issues, including alcohol addiction, drug addiction, some of them attempted  
6 to burn down some churches, and they had good reason in my view, some of them took up  
7 a life of crime. Many lived in deep poverty, because when they left Marylands they really  
8 weren't educated, many could not read or write. They worked, if they were lucky enough to  
9 get a job, as labourers. They couldn't hold down a relationship because trust was such an  
10 issue.

11 So overall, these people were not doing well and just overlooked again. Of course,  
12 some of these victims keep in touch with me and I talk to them. I had a call from one in his  
13 60s who gave evidence just last Friday, saying, "I'm not doing well Michelle, you know,  
14 GRO-B".

15 Such is the outcome and the long-term consequence on children, particularly on  
16 children. For those who are abused maybe as adolescents or as young adults, their brain's a  
17 bit more developed, they're kind of able to work out right and wrong a bit better, but for  
18 children, these are very strong- imprints and place on top of that a layer of using religion,  
19 God as being the reason that they might be treated in a certain way, then you can imagine  
20 the mental – ongoing prolonged mental health issues that they contend with every single  
21 day. They're – still seeing flashbacks, having nightmares and dreams and so on, of what  
22 happened.

23 Q. Perhaps you could talk about or tell us about a particular victim that you met at a hotel in  
24 Wellington which you first observed out the window?

25 A. Yes, we were sitting down, we had hired a meeting room for a couple of days and we had a  
26 view of the street outside in lovely Wellington and there's this fellow walking down kind of  
27 the middle of the road, it looked like that to me, it was a side road, it wasn't a major road,  
28 and he's wobbling up and down the street. And then I noticed he has a plastic bag up to his  
29 mouth, like this. He's sniffing glue as he's coming to the meeting with us because he's so  
30 afraid and his brain is so addled, and he gets through I – remember going immediately – out  
31 to reception to get him, to bring him into the meeting room, and he was so overwhelmed, he  
32 put down the glue bag and vomited all over the table. He was so unwell, and so scared and  
33 frightened.



1 A. Yes, thank you.

2 Q. What I want to do is perhaps just go through one or more victim meetings that you had and  
3 then perhaps move to your resignation from your work. I want to ask specifically about a  
4 victim that you visited at the prison or jail in Invercargill who was abused by Bernard  
5 McGrath.

6 A. Yes.

7 Q. Perhaps you could share your account of that meeting at the prison?

8 A. It's not unusual for victims of sexual assault to turn up in jail as criminals. Part of the  
9 reenactment almost of crimes is a way of trying to understand for themselves what  
10 happened and as an expert in meeting those men with Post-Traumatic Stress Disorder it is  
11 very easy to recognise those signs and symptoms that they displayed.

12 So we turned up to the jail, I remember it being a freezing cold day, I was wrapped  
13 in overcoats and so were they, and entering the jail – which was not a new thing for me,  
14 I've – been in many jails meeting victims – here was a man in a jumpsuit zippered up the  
15 back with handcuffs (inaudible) to us to meet us and to tell us his story, a very, very  
16 vulnerable person –

17 And I won't necessarily go through all of his story you've – a heard very, very  
18 many victim's – stories but – like all those victims I've met over many, many years, here  
19 was a person who was incredibly damaged. He'd lost everything. He'd – taken to  
20 committing crime as a way of surviving.

21 We met with him, Brother Peter talked to him and listened to his story of what was  
22 extensive abuse, probably some of the worst kind of physical, emotional and psychological  
23 abuse. Brother Peter promised to him that he would take care of him when he got out of  
24 prison and consequently wrote a letter to the Parole Board in his favour, and then paid for  
25 two or three months of rehabilitation, hospitalisation in a private clinic for his recovery.

26 Then nothing happened. There was no follow-up, there was no enduring  
27 relationship, because I believe Brother Burke was told that he was spending far too much  
28 money on him, in fact that's what Peter Burke told me, and that the rug had to be pulled  
29 from underneath him. He'd received enough, he'd – a get a payout and that was that.

30 The damage that that does is called second injury to victims. The injury happened  
31 in the first place at the Marylands School but the second injury is when you abuse someone  
32 again, you abuse their trust, you take them on board as a person of interest, you try and  
33 restore their dignity and give them help, and then you re-abandon them, and that causes a  
34 secondary injury –

1                   And I saw that happen over and over again sadly, in the coming years.

2    Q.    Were you permitted or directed to have any contact with victims yourself in the later years?

3    A.    I was directed to have no contact with those victims I had met. I was directed to not write to  
4           them, to not ring them and to not follow them up. I was directed by Peter Burke to do that,  
5           because he told me that The Order had run out of money, this – is an immensely wealthy  
6           organisation – had run out of money and they had to pull back on things. And that's exactly  
7           what they did – So I was under his instruction, I was contracted to them, and they were the  
8           orders I was given.

9    Q.    So, I'm going to ask for a document to be brought up now which is a letter that you'll recall  
10          writing, and it's WITN0771002. We'll look at the letter and then perhaps go back slightly to  
11          understand what led you to write it and take the action that you did.

12   A.    Thank you.

13   Q.    We'll come to the letter specifically because I do want it to be brought up, but 2007 you  
14          resigned or ended your work with St John of God?

15   A.    Two years prior to that I wound down my work with them a great deal. I had given up my  
16          private practice to engage for several years with them full-time. By 2005, I was being  
17          instructed to no longer communicate with them. There were some matters coming in from  
18          Newcastle from the Morisset facility of exactly the same nature. However, I was informed  
19          that they needed to pull back and I worked very part-time, about one day a week, maybe, at  
20          that stage. I could see the writing was on the wall. There was going to be no more  
21          assistance given to victims.

22                 So, and – in 2007, in March of 2007, there was to be another election for a leader.  
23          Now a leader in this particular Order as far as I understand it, only has the role for two  
24          successful terms and no more. I notice that that's changed, because Brother Timothy seems  
25          to have been the leader now forever. But the election was held, and I was told by phone, I  
26          was rung by the secretary of Brother Peter to inform me of the results of that election.  
27          Brother Peter had also rung me the day before. He was in tears. He told me that they had  
28          had part of the meeting where they talked to candidates and talked to the previous  
29          provincial about the job that had been done. So, he gives a report, basically, on his term in  
30          office. And he was absolutely pilloried, he was criticised. Again, he was told that he was  
31          weak, he did not stand up for the Brothers, he did not protect them, that he was a terrible  
32          leader, and then of course they all stood up and clapped him, "Congratulations, thank you  
33          very much for being a provincial", which is a sign of organisational madness in my view.

34                 So, the secretary rang me the next day to say here are the results of the election:

1 Brother Timothy Graham was elected as the provincial. Two of the three other Brothers on  
2 the provincial leadership team were men who I knew had serious complaints against them.

3 Q. One of those was John Clegg, is that right?

4 A. That's correct, yes. And he served jail time in Australia for sexual abuse of street boys who  
5 were at the wall in famous – wall in Darlinghurst, prostitutes – There had been several  
6 serious complaints against him for a long time and another Brother who was on the list of  
7 the 21 from Melbourne.

8 I couldn't believe it. They knew who was on that list, I was in the room when the  
9 overhead projector slides went up and people were named. So, two out of three of the  
10 leadership team of that team, plus Brother Timothy, against whom a complaint has never  
11 been laid, were had – serious complaints, and that was the end of it for me. I couldn't  
12 tolerate it anymore. I had hung in there only for the sake of victims. I was the only person  
13 with professional qualifications and expertise – in understanding these victims were not  
14 making this up, and I tried to lead this particular group in a way that fulfilled their mission  
15 of hospitality. But here they were putting up serious people – with serious crimes,  
16 accusations of crimes against them in leadership –

17 Q. Just before we look at this document, the letter you sent to Rome, what do you understand  
18 by the vow of hospitality?

19 A. Well, hospitality, I would have thought, is supposed to be about looking after people on the  
20 margins. It's not like hospitality as in running a hotel or something, that's quite different.  
21 This is a kind of core belief. It's a belief that people on the margins so – that's – why the St  
22 John of God Order was founded St John of God himself went out on the street and brought  
23 people into his own home to take care of them, he took off his overcoat and gave it to them.  
24 It's that kind of hospitality. It's – caring deeply and through action, not just words, for  
25 people. These are the Hospitaller Brothers, the people who run hospitals all over the world,  
26 with medical backgrounds and in particular psychiatric backgrounds. So, the hospitality in  
27 that sense was around reaching out into the margins and they would call it working with the  
28 immarginated. This was not happening in that (inaudible).

29 Q. I understand that there's ongoing technical difficulties with the letter that you wrote to  
30 Rome. Can you summarise for us what you wrote to Brother I – suppose the pronunciation  
31 is Donatus?

32 **CHAIR:** It's popped up.

33 **QUESTIONING BY MR WIMSETT CONTINUED:** It's popped up now.

34 A. So, basically, I was receiving professional supervision at that time from an organisational

1 psychologist and others, my peers, and had been so frustrated that this promise made to  
2 victims was now being thrown into the bin. It was an opportunity to contact Brother  
3 Donatus. He was the head of The Order in the world, and I had met him in Ireland when  
4 I went over there on a mission. And I wrote to him and said that I have very grave concerns  
5 for the Brother.

6 Q. Just pause there. Can I ask that letter just to be brought up so we can see paragraph 3.

7 A. Yes: "My impression is there is a culture of collusion inside the province, which is deeply  
8 ingrained, and which makes it almost impossible for the truth about these matters to be  
9 dealt with."

10 Q. And over the next page?

11 A. I have tried to raise these matters of a challenging and unpleasant nature and the response  
12 has been one of rejection and vilification, certainly of me but also of victims. It doesn't help  
13 the group engage with its mission which is hospitality. They were not fulfilling their  
14 mission in the country, in fact they were doing the opposite, and in my expert role I was  
15 being treated as if I was a nuisance and they couldn't wait to see the back of me. I'm sure  
16 that's true to this day.

17 Q. And I'm conscious of time and I need to leave time for other questions, but perhaps if  
18 I could finish by just asking you to talk about your meeting with Brother Timothy Graham  
19 when you did resign as your final act?

20 A. Well, you know, Timothy Graham was in the Chair for probably two weeks. I wrote a letter  
21 of resignation; I rang up and made an appointment to see him. I hadn't spoken to him since  
22 his elevation to his role. And I found what – I found was really a snap, frozen disinterest in  
23 victims. He greeted me tentatively. Brother John Clegg was downstairs on the footpath  
24 outside the building that they own in Burwood, the four-story office block, pacing up and  
25 down having a cigarette then smirking at me as I entered, so I was being watched, which  
26 gave me the indication of course that I was about to be sacked.

27 So, I went up to the fourth floor and met with Brother Timothy. "Oh, Michelle",  
28 he said to me, "we are so vulnerable. There are so many people out there who are after us  
29 for our money." I was gob smacked. We are so vulnerable? What about victims are so  
30 vulnerable?

31 So, what I found was just this entire lack of empathy for anybody. I said, "Well,  
32 I'm really here to resign, here's my letter of resignation, I can no longer continue to work in  
33 this organisation with any integrity." He grabbed hold of the envelope and put it on the  
34 lounge next to where he was sitting and said, "Well, that's one less job I have to do now."

1 And that was the end of the meeting. I have said goodbye and walked out of the building  
2 with John Clegg smirking outside.

3 So that was the end of that. I had no more to do with them. Prior to that  
4 meeting sorry –, just shortly after that meeting and before writing to Brother Donatus, I also  
5 travelled to Newcastle with Simon Feely, the public relations person. Simon had had it too  
6 by that stage. He said, "We have to do something about this lot. We can't let them get away  
7 with this." So, he travelled with me to Newcastle to meet with a Bishop up there who was  
8 very victim-oriented and had a special ministry in the Australian church of looking after a  
9 range of social issues. He also wrote to Brother Donatus Forkan and that letter is in the  
10 evidence and so on.

11 So, you know, we did our best, we did the best we could do, but, you know, these  
12 people are the masters of coverup, they're, in my view, moral simpletons. For decades they  
13 have fashioned a capacity to hide from the challenges of the real world and the  
14 psychological toll accrued on victims from my expert point of view is totally unforgivable,  
15 it's irreparable and the second injury has probably caused more injury than the first –

16 **MR WIMSETT:** Madam Chair, I'm conscious of time, obviously and there are many more points  
17 covered in the written evidence, but I do need to leave time for others.

18 **CHAIR:** Thank you for your consideration.

19 Just to reassure Michelle and others, of course we have read and have taken careful note of  
20 all the rest of the evidence that you've given to us. Thank you.

21 So, Ms McKechnie. I think you might vacate that.

22 **QUESTIONING BY MS MCKECHNIE:** Good afternoon, Dr Mulvihill.

23 A. Yes, good afternoon.

24 Q. My name's Sally McKechnie. You can hear me?

25 A. I can, thank you.

26 Q. Dr Mulvihill, I want to start by asking you some questions about the period when you  
27 worked with the Brothers. You worked for them for approximately nine years?

28 A. Yes, it was very part-time to start with, it became more intense, and then very part-time  
29 towards the end.

30 Q. I think you say in your evidence that you started in the role in 1996 and that that was very  
31 early in the process for responding to sexual allegations?

32 A. I think I said I started in 1996 in working with wider churches, groups and then in 1998  
33 with the St John of God Brothers.

34 Sorry, what's the second part of that question?

- 1 Q. About that time, Dr Mulvihill, globally, was that early in the process of responding to  
2 allegations of harm in the church?
- 3 A. Well, in the early '90s there were responses all over the world beginning. In Australia a  
4 special issue and in New Zealand a special issues group was set up in 1989, I believe, to  
5 deal with victims who were approaching the churches. So, it was probably a good 10 years  
6 after the beginning of this process.
- 7 Q. You described in your evidence, when you were talking to Mr Wimsett, about the pastoral  
8 process. That work that you did with the Brothers in the early 2000s, would it be fair to say  
9 that was international best practice at the time?
- 10 A. Well, international best practice at that time was very victim-oriented and particularly in  
11 America, and I travelled to Boston and met with people over there, Voice of the Faithful,  
12 and so on, and met victims and others. So best practice at the time was around getting  
13 expertise into listening to victims and working out a response to them as individuals, not as  
14 a cohort.
- 15 Q. And that's the work you were doing with Peter Burke in New Zealand, wasn't it?
- 16 A. Yes, that's exactly right.
- 17 Q. So that was international best practice at the time that you and Peter were doing that work?
- 18 A. Well, international best practice had probably not been formed into one kind of volume of a  
19 book. There were different practices in different cultures and different countries. In the  
20 Australian and New Zealand area, what we did was a little more innovative, because it was  
21 more personal.
- 22 Q. You finished your evidence talking to Mr Wimsett, talking about your resignation in April  
23 2007. You've had no involvement with the Brothers or their redress scheme since 2007,  
24 have you?
- 25 A. Since 2007, I've run into different Brothers at different times, mostly in court cases, giving  
26 evidence on behalf of victims or on behalf of the State and the Crown. So, I may – have run  
27 into them at different times – But I have continued correspondence, phone calls with  
28 victims who currently have connections with the Brothers.
- 29 Q. So, you've had no direct involvement in the redress process with the Brothers since 2007?
- 30 A. No.
- 31 Q. So, you've got no direct knowledge of the redress processes that Brother Timothy and his  
32 Professional Standards Committee at present have been running?
- 33 A. Yes, I have direct knowledge from those people who interact with them. They are the  
34 victims. I have direct knowledge of the terrible time many of them are having in trying to

1 get justice from those Brothers. That's how I have access.

2 Q. And you've had – just to be completely clear, Dr Mulvihill, you've had no professional  
3 involvement with the Brothers since 2007?

4 A. No.

5 Q. Dr Mulvihill, you give a lot of evidence in your brief including a number of factual matters.  
6 Do you have access to the records that you had from the early 2000s?

7 A. Yes, I have some access to many records.

8 Q. And how do you come to have that access, Dr Mulvihill?

9 A. Well, you see, at that time computers were pretty short on the ground, so sometimes notes  
10 would be taken, documents would be lifted and raised on to my laptop, or a USB, or a hard  
11 drive. I worked from home on some occasions. So those that – information is at my own  
12 disposal –

13 Q. So, you have kept records from your time as an employee or a contractor, is that your –

14 A. That's correct, yes.

15 Q. Have you alerted the Brothers to the fact you hold these records?

16 A. They don't speak to me.

17 Q. You haven't tried to return a copy to them to assist them in their work?

18 A. They have every copy of every record that I might have. The copies I have are copies of  
19 what they have. They are not short on paperwork.

20 Q. I'd just like to ask you a couple of questions about that now, Dr Mulvihill, because in  
21 addition the Commission has an inordinate amount of the Brother's paperwork as well.  
22 Some of that paperwork is a briefing paper that was prepared in relation to the amount of  
23 payments and the quantum that has been paid to survivors and victims by the Brothers.  
24 Dr Mulvihill, you say in paragraph 142 of your brief that it was an average of \$25,000  
25 payment?

26 A. Mmm-hmm.

27 Q. The data actually shows it's more like an average of \$75,000. Commissioners, this is  
28 briefing paper number 4, page 8. Dr Mulvihill, are you not aware of those additional  
29 payments?

30 A. I'm just looking at this paragraph now and I would say that that \$25,000 is a typo on my  
31 part. I would have said \$75,000.

32 Q. It's quite a significant typo, Dr Mulvihill. It's unfortunate that you overlooked that.

33 A. Well, I'm only just looking at it now and I'm noticing that it was \$25,000. It should have  
34 been \$75,000. And for \$75,000 of course, that, of course, is an amazingly small amount of

1 money.

2 Q. I'd like to ask your opinion on a matter now, Dr Mulvihill, in relation to that money. You've  
3 obviously been listening to the evidence last week as we all have. It was clear from the  
4 evidence that a number of the men who received payments struggled to use that money in a  
5 way to help and improve their lives. They gave it to friends, or they spent it on trips that  
6 they now regret, or they lent it to people and never got the money back. In your opinion,  
7 how can the future redress process that this commission is recommending assist victims  
8 with the money that they are given in a redress scheme?

9 A. There was a real dilemma at the time about that very point, and the dilemma was this:  
10 Being an organisation that had a lot of power over victims, should we be suggesting to  
11 them that they invest money, should we be telling them what to do with the money, should  
12 The Order be prescribing how the money – should it be drip fed to people and so on? And  
13 the other side of the coin, it was these people have had enough abuse, they've been told  
14 enough things, they need to be able to make their own opinions and make their own  
15 decisions to be able to articulate their own route.

16 So, it was very much a dilemma at that time. The best way forward, in my view,  
17 and it was also something that we proposed at the time but was not backed, was that money  
18 should go into the hands of a very independent body, hopefully monitored by the Jewish  
19 community or someone, someone right outside the Catholic Church, with expertise in  
20 assessment of Post-Traumatic Stress damages and its subsequent sequelae of mental health  
21 issues so that people can approach safely and with dignity to be assisted for the rest of their  
22 life –

23 This Order stole the childhood of many of the victims that you and I both met last  
24 week. Maybe it's time to take care of their old age, for example, through a body that is  
25 independent and that sets up some kind of restorative action. That would be true hospitality.

26 Q. Just returning to another factual matter, Dr Mulvihill, and we won't deal with all the factual  
27 matters in your brief given the interests of time.

28 We've indicated that there will be a further brief filed, Madam Chair, which  
29 addresses a number of the factual points and disagreements in the brief. Brother Timothy,  
30 for example, has a very different memory of the meeting that Dr Mulvihill described  
31 before.

32 Rather than spend that time now, we will file a brief and highlight the documents  
33 that the Commission already holds that address these matters.

34 But there were a couple, Dr Mulvihill, in your oral evidence that I wanted to cover

1 before we break. You talked at the beginning of your evidence, and you used a very striking  
2 image about the overhead projector, the names of the 21 Brothers. Do you know at the time  
3 that that sheet was put up, do you know how many of those men were dead?

4 A. Well, no, I couldn't tell you off the top of my head. I've got a list right here in front of me.  
5 How many of them were dead at that time, just glancing down the list in front of me,  
6 probably three, four.

7 Q. Dr Mulvihill, the records that the Commission hold show that eight of those men were dead  
8 at the time of the first allegation against them and another two had left The Order. So, of  
9 the 21 men you were talking about, only 11 of them were members of The Order at the time  
10 that the first allegation was made against them. Were you aware of that?

11 A. I'm not aware of that, but I would like to just comment on this question about people who  
12 have left The Order because for some years now The Order has continually relied on, "This  
13 is how many of us there are." There seems to be no suggestion by them that they take any  
14 responsibility for the fact that they ran the facility when those men were Brothers. So, to  
15 discount them, two people, because they left The Order is horrendous to me. And so, the  
16 number goes from four to eight out of 21; you still have 21.

17 Q. Dr Mulvihill, are you aware of any claims that have come forward from survivors where  
18 the man has left The Order and that survivor has been declined? There aren't any, are there,  
19 Dr Mulvihill?

20 A. Well, I have to retrace my memory back 20 years to try and think about that.

21 Q. The Commission has those documents, Dr Mulvihill, so they can check.

22 I was asking particularly in regard to the discipline in dealing with the Brothers,  
23 then it is important, isn't it? If they are not members of The Order at the time the first  
24 allegation is made, The Order can't discipline or otherwise take steps in relation to them;  
25 would you accept that?

26 A. I wouldn't accept it at all. I accept they can't take personal steps, but I don't accept the fact  
27 that what this group does is shrugs all responsibility off their shoulders. "They've left The  
28 Order, so we will have nothing to do with this matter." That's what really happens. They  
29 were responsible, they were –

30 Q. Dr Mulvihill, that's not what the records show in relation to response to survivors when  
31 they come forward, so we'll refer the Commission to the records that demonstrate that's not  
32 the approach the Brothers take.

33 I'd like to turn now to your comments about extradition that you discuss with  
34 Mr Wimsett, and particularly if we could please have document CTH0012250. This is the

1 Professional Standards minutes that we were taken to before, so I'm hoping the system can  
2 bring them back up, CTH0012250, page 14.

3 So, while we're getting to the right page of that document, Dr Mulvihill, this is the  
4 Professional Standards Committee that you were a member of for many years?

5 A. That's correct.

6 Q. And I'd like particularly to go to a meeting, please, on 10 December 2003, it's on page 14.  
7 We have it there. Just to orientate the Commission, if we could see the top half of the  
8 document, please. This is a meeting that you and a number of others attended, including  
9 Peter Burke and Brother Julian Liddiard.

10 A. Mmm-hmm.

11 Q. Scrolling down, you made a comment in your evidence-in-chief, in relation to extradition  
12 that extradition matters had gone underground and that it was Brother's business and not  
13 discussed with you. Now, this Professional Standards Committee meeting minute shows  
14 that in fact extradition was discussed in these meetings and in that second paragraph, if we  
15 can call it up:

16 "Brother Peter advised that the Christchurch Police have issued warrants this very  
17 week. He added the Brothers by the province had made it very aware of this development  
18 but appeared not to be about to alter the strong uncooperative stance he'd already taken on  
19 behalf of his clients" being – the Brothers – accused "Dr Julian said for the record it was  
20 extremely regrettable and it made Brother Peter's already extremely difficult position even  
21 more difficult, particularly within the province."

22 Now this record and others, Dr Mulvihill, demonstrate that there was a range of  
23 views about extradition, and the leadership of the Brothers did want those men extradited to  
24 New Zealand, didn't they?

25 A. I'm just reading this paragraph. The leadership of the province at that time was Brother  
26 Peter, who pleaded with the men to allow them to go to New Zealand without extradition,  
27 yes.

28 Q. And this record shows it was their independent lawyer acting in what he considered his  
29 client's best interests who declined, not, the leadership of the Brothers.

30 A. Well, it was the independent lawyer, but who is the leadership of the Brothers? We have the  
31 formal leadership of the Brothers, but then of course we have this counter-culture, we have  
32 this counter-narrative going on in the background where leadership by impression and  
33 leadership by other sources like power were very strongly there. That's where the rip was,  
34 exactly in that spot.

1                   So, the designated leadership may have wanted them to go, but the informal  
2 leadership, those who had been in positions of provincial previously, the mates and friends  
3 of those Brothers who refused extradition, also took a very strong stand.

4 Q.    You refer to some of that in your evidence in chief, Dr Mulvihill, and I think you were  
5 giving the impression that somehow Peter Burke was isolated within the Brothers. You  
6 would be aware that he was elected three times as provincial by the members of the  
7 Brothers during this period?

8 A.    They had a very small gene pool, 21.

9 Q.    I put it to you that showed considerable support for Peter Burke during this period, doesn't  
10 it?

11 A.    I would respond to you by saying that who else could they have put up? So many of them  
12 had strong allegations against them and they knew that. So, there was a very small  
13 selection. This is not a highly qualified, intelligent group of people by the way. There  
14 would have been very few candidates they could have selected.

15 Q.    Turning to the evidence you were giving in your evidence-in-chief about cooperation with  
16 the Police, and you gave evidence that the Brothers did not cooperate, in your opinion.  
17 Have you read the statement of Detective Superintendent Read, that he has provided to the  
18 Commission?

19 A.    I may not have, I can't remember, there's 300 documents for the Commission, so perhaps  
20 you can help me with it.

21 Q.    Well, at paragraph 11.5 of his evidence, Dr Mulvihill, he talks about the significant  
22 cooperation the Police received in the 2000s from the church. So, he disagrees with you  
23 about the level of cooperation. Would you accept the opinion of the Detective  
24 Superintendent?

25 A.    Well, I would accept his opinion, I have never met him. What I do know from experience is  
26 that the New Zealand Police turned up suddenly and without warning or notice and  
27 basically had a showdown with the leaders and with the those – accused and interviewed  
28 people like myself, Brother Peter certainly was very helpful to them, and so on. They were  
29 searching for documents which couldn't be found, - etc. So, I have a different recollection  
30 of that.

31 Q.    The Commission will hear the Superintendent – Detective Superintendent's recollection  
32 later in the week, Dr Mulvihill.

33 A.    I'm just having trouble seeing you because there's a document up on the screen.

34 Q.    Yes, there are limits of technology. Thank you for joining us from Australia.

1 Dr Mulvihill, as I noted before Commissioners, there are a number of factual  
2 matters. Rather than explore those now, given the constraints of time, we will bring the  
3 Commission's attention to the documentary record that's relevant to those particular issues.

4 **CHAIR:** Thank you.

5 **MS McKECHNIE:** Thank you, Dr Mulvihill, I have no other questions for you at the moment.

6 **CHAIR:** Thank you. We'll just take a moment.

7 Anything arising, Ms Anderson?

8 **MS ANDERSON:** No, nothing, Madam Chair. So just if the Commissioners have got questions  
9 that they may wish to ask.

10 **CHAIR:** Yes, I think we have.

11 Might I introduce my colleague who – sorry, I haven't done it formally to you  
12 already, and that is Ali'imuumua Sandra Alofivae who is my co-commissioner. Here she is.

13 A. Good morning.

14 **COMMISSIONER ALOFIVAE:** Good morning, Dr Mulvihill. Thank you very much for your  
15 comprehensive evidence that you've provided for us this morning.

16 Just a couple of questions if I can. I'd like to take you back to something that you  
17 spoke to earlier around childhood trauma and what the victims, as you've referred to them,  
18 experienced at Marylands. I'd like to ask you about the impact on brain development and  
19 how it can lead to a lifelong cognitive disability, so even a young child or a young person at  
20 the time who might not have had a cognitive disability. Can you give us just a couple of  
21 comments or some comments around how that would have impacted on them?

22 A. Firstly, the most important years of a child's life, you would know, are those first five years.  
23 So many of the children had come from homes or situations which were less than ideal but  
24 not all, some came from amazing places. Then there's the child growth and development of  
25 their brain.

26 A brain that is traumatised can be seen, through scanning, to have layered neural  
27 pathways which are very different, and those neural pathways don't change then until  
28 enough therapy has been applied, with enough care by enough experts to help them heal.  
29 That's why I refer to the people I've met as victims, and not survivors because the neural  
30 pathways have been damaged forever because they have not received the treatment they  
31 deserve to receive.

32 Q. Thank you. So, when these young children who are now adults are finding themselves in  
33 lifelong institutions, am I hearing you saying that essentially, for some or many, the  
34 reversal pathway is quite limited?

1 A. It is limited. First of all, you have the neural differences and so on that people arrived with  
2 as children. And then the pathways are changed. If you surround a child with enough fear  
3 and intimidation, put them in a bubble where they can't sleep well, where they're not fed  
4 well and where they're feeling frightened all the time, and their limbic system is on full  
5 alert for a very long time. This means therefore that unless they receive earlier intervention  
6 and good follow-up as adults, that remains frozen; it's called frozen trauma.

7 Therefore, what happens for victims is that they are able, or unable then, to enter  
8 relationships, they're unable to hold down a job, their neurodiversity is of such magnitude  
9 by the time they become an adult they're unable to think clearly, to communicate well, to  
10 relate to people as others do – So, this is essentially long-term damage which lasts, for  
11 some people, into perpetuity. – And add to that alcohol or drug abuse as a way of trying to  
12 alleviate the symptoms, and what you have then is a mixture of – you have a disaster on  
13 your hands. You have someone who cannot pull out of the state that they're in and end up at  
14 the bottom of the culture, unable to earn a living. It sends them into poverty, and spirals.  
15 For some their children are taken away from them, if they're – able to have children, etc.

16 Q. Thank you. Just one last question if I can, Dr Mulvihill, and it's really around - you've  
17 referred to it as culture, I'm – now referring to it as ethnicity.

18 When you came into New Zealand with Brother Burke, and you'll be aware that  
19 we have a Te Tiriti, it is the foundational document of Aotearoa, was there any  
20 consideration given to the policies and the practices of what you might then engage in or  
21 was it part of the discussions really around your redress processes knowing that you were  
22 coming into New Zealand?

23 A. No. To my shame, my illiteracy in that area as an Australian was very much in the  
24 forefront. To my shame we did not – I did not know enough, I was ignorant of the culture  
25 and the respect that the culture should and could have been paid. –Brother Peter was a  
26 Kiwi, so he knew more about it than I did, a lot more, but I knew nothing and to my shame,  
27 no.

28 Q. Thank you very much, Dr Mulvihill.

29 A. Thank you.

30 **CHAIR:** And now it's my turn, Michelle. My first question is your evidence related – your  
31 evidence was that you or Brother Burke made contact with a Bishop in Christchurch, I  
32 believe that was Bishop Cunneen?

33 A. Yes, that's correct.

34 Q. You said that Brother Burke wanted to meet the Bishop. Did the Bishop, to your

1 knowledge, want to meet Peter Burke? Was it by invitation or how did it come about?

2 A. The Bishop didn't reach out to Peter Burke to come and meet with me. There's all this  
3 publicity in the paper, there's all these people who have come forward, there was no  
4 connection made by the Bishop. It was Brother Peter who wished to meet with the Bishop,  
5 to talk with him about where to from here for people in the diocese in particular and in the  
6 diocese around New Zealand as I understand it.

7 Q. To your knowledge, was there any further involvement between the Bishop at the time or  
8 the diocese with the processes of redress that you and Brother Burke were trying to  
9 implement?

10 A. Not to my knowledge, no, there was no connection that I understand took place. It may  
11 have because it may have been Brother's business that I knew nothing about.

12 Q. Thank you. Moving away from that. Just in terms of your views as an expert, if you believe  
13 you are an expert in this area, your views on institutionalising people, particularly children,  
14 with disabilities, are you able to offer us any insights into that?

15 A. Well, the first point is that sexual abuse and other abuses happens inside most institutions.  
16 Children are very vulnerable inside institutions away from their parents, that's the first  
17 point.

18 Secondly, add to that a child who is neurologically challenged, who is diverse,  
19 who has special needs, they are then ten times more vulnerable inside institutions in my  
20 view, because they don't have the capacity for self-regulation, and behaviours can become  
21 institutionalised. For example, belting boys because they are misbehaving or seeing  
22 children as being naughty when in fact, they have autism is shameful. So, and it becomes  
23 institutionalised behaviour and an institutionalised code of practice which causes immense  
24 damage, and that would be my concern in perpetuity for any child to be placed in that kind  
25 of situation.

26 Q. Is there also a sense of those children being hidden away?

27 A. Hidden away, ostracised. Imagine your self-esteem, and what if your level, as happened at  
28 Marylands, your level of psychological or your psychological state was maybe above the  
29 others, maybe you're brighter, but you're being treated like a dummy, you know, this was  
30 not – Marylands was not like the scene from the bells of St Mary's, you know, Bing Crosby  
31 didn't hang out there, or Spencer Tracy or Mickey Rooney in the boys town, it wasn't like  
32 that. It wasn't happy holidays and it wasn't Brothers speaking gently to people. These were  
33 men who were basically untrained, probably trying to do their best, but in a way that has  
34 caused immense damage to the New Zealand community. It's caused immense damage in a

1 longitudinal way, Madam Chair, also because of the immense cost to the New Zealand  
2 Government and people, the taxpayer, who now foot the bill for what happened to these  
3 men as children, and that sum of money has been calculated, and I'm sure you've seen the  
4 documents in the (inaudible) Commission of how much that's costing, and continues to cost  
5 to this day.

6 Q. That's right. Two matters that arise out of there. So, we have vulnerable children who are  
7 unable to perhaps have insights that children without disabilities have. There's a sense in  
8 which they may be real targets for people who wish to take advantage of them; would that  
9 be correct?

10 A. Absolutely, yes. And they were targets with this group in three residential schools, in  
11 Newcastle, in Melbourne and in Marylands, the same kind of child, the same perpetrators,  
12 the same targets, with exactly the same behaviours transcribed (inaudible) across the ditch.

13 Q. And the second matter arising out of that, is that you yourself had experience of a mother, a  
14 very sad story of a mother who regrettably placed her child at Marylands believing that he  
15 would get excellent treatment. We've also heard other evidence where children, mothers,  
16 parents went to, say, a Bishop and said, "I have a child who's got learning difficulties", and  
17 the Bishop would say, "This is an exemplar, this is a wonderful place to send, where this  
18 child will get the best treatment", and we believe that maybe Government departments had  
19 the same sort of feeling, or the same idea?

20 A. I'm sure –

21 Q. So, my question: So, we've heard all of that evidence of how it was effectively sold as a  
22 great place for these children, but you have suggested, and I want to know whether you  
23 know, specifically what training did these Brothers actually have in educating and caring  
24 for children with disabilities?

25 A. There is one Brother in The Order who I understand underwent training in what used to be  
26 called special education. That is Bernard McGrath did a two-year course in teacher training  
27 in Sydney, in just general primary school training. These Brothers were not experts. See,  
28 it's part of what happens when you get a culture that grooms people believing that they are  
29 something they are not, and it goes to their very core.

30 So, this was a situation in which people were untrained and a situation in which  
31 also lay people worked. I've received correspondence from a woman just the other day,  
32 saying, 'my sister worked at Marylands and she complained continuously about the  
33 treatment of children there to those in charge, but nothing happened'. So, she left.

34 So, the window dressing is there, this is the grooming that society, that the

1 New Zealand people, the parents, even the Government and other experts (inaudible)  
2 received in the fact that we are doing a really great job here, and this is the very heart of the  
3 matter.

4 Q. Yes.

5 A. That to this day, that continues, this cover-up continues and the window dressing is there in  
6 full view now of everyone, or anyone who wishes to see it.

7 Q. Yes. Thank you for that. In terms of redress, in terms of what a good process would be like,  
8 particularly for people who suffered as children with disabilities, do you see – do you have  
9 any views on the best way that this can happen for these people now, given that they're –  
10 and I heard you say they need to be looked after in their old age, and maybe that's a  
11 window into that or a doorway into that particular part of your evidence.

12 A. Yes. Look, I think the documents I've read from your Commission so far indicate a good  
13 process in terms of a way forward; I totally support it. Perhaps along with the financial  
14 numbers being there, but it's going to cost a lot more in my view, something neutral. The  
15 work of the network of supporters and survivors has been amazing, so for people to be  
16 accompanied, they need accompaniment. With great respect to the lawyers in the room,  
17 they don't need the lawyers, they need accompaniment by people who get it, and who  
18 understand and whose job it is to walk with them. So, to be assigned someone like that that  
19 they can rely on and who can advocate on their behalf in a very equitable way. I think that  
20 would be the decent thing to do.

21 Q. That's right. I think that, no doubt you've looked at our report on redress, that I think is  
22 something we've recommended for everybody, but I think in particular for those with  
23 disabilities, is there anything more over and above that that you would recommend or can  
24 recommend?

25 A. I think that there needs to be some certainly – some more insight into, if money's passed  
26 hands, where that's money's put, how it's spent, advices – given about financial planning,  
27 etc., so that it's not wasted. And perhaps they need they – might need that more than any  
28 other cohort because they may not have the capacity to understand the implications of some  
29 of their decisions, as sadly has been known. – (Inaudible).

30 Q. And my final question, and my colleague touched on this before, and we understand that  
31 you are an Australian and you can't help that, Michelle – I'm sorry I'm – being deeply ironic  
32 here – but the issue is a very serious one and that is the way in which, and you've referred  
33 to it in your own evidence, I think it's 172 relating to extra vulnerability that is suffered or  
34 met by those of different ethnicities and you, I suspect, have had some experience in the

1 Aboriginal communities with this. We've – heard evidence of racist behaviour, I think the  
2 witness who gave evidence by video before you even came on was of that. We've had  
3 children, Māori children being made to dress in grass skirts and performing acts before  
4 being abused.

5 So, I appreciate you don't have an insight, but you said Brother Burke was a New  
6 Zealander and he knew. From your observations and interactions with the Brothers, did you  
7 observe any particular understanding or recognition of special needs of Māori or Pacific  
8 children who were in the care of the Brothers?

9 A. No, none at all. The topic was not raised. It was not considered or thought about or spoken  
10 about, it wasn't on the table for discussion, sadly. It was a side act if anything. No, not at  
11 all, unfortunately.

12 Q. It is indeed very unfortunate.

13 A. Very unfortunate, yes.

14 Q. It remains for me to thank you, Michelle. I thank you very much first of all for your  
15 comprehensive brief of evidence. Now there will be things in there that are challenged, but  
16 that's fine. What I particularly thank you for though, is your commitment to these victims,  
17 survivors over the many, many years, for the role that you played with them. We've heard –  
18 I think just many of the survivors who gave evidence to us already have mentioned your  
19 name with affection and gratitude and I think it's – important that you be – that it be noted  
20 on the record that you have been somebody who has been immensely supportive of them in  
21 their hour of need and continue to do so, and that shows strength and commitment which I  
22 would like to acknowledge –

23 But above all, thank you so much for contributing your extraordinary insights,  
24 your experiences, your knowledge, and your empathy to us this time. It's been extremely  
25 helpful to us and we will be going back and utilising much of what you've had to say when  
26 we continue our investigation. So many thanks for your time.

27 A. Thank you, Coral, that means a great deal to me.

28 Q. Very nice. You are now off the hook; you are free to go. Thank you again. Bye bye.

29 **MS ANDERSON:** Madam Chair –

30 **CHAIR:** We've rather run over time.

31 **MS ANDERSON:** We're running slightly behind, but it's been a very productive time. I wonder  
32 whether the sensible thing would be to take an early lunch and even a shortened lunch, so if  
33 we came back at 10 to 2, that gives us an hour for a break and it would enable us to begin  
34 with Mr Clearwater on time at 10 to.

1     **CHAIR:** All right.

2                     Apologise to Mr Clearwater. No doubt he has been waiting anxiously in the wings  
3                     and I'm sorry for him, that he's had to wait, but hopefully we can get a clean and good start  
4                     once we come back. We'll take the lunch adjournment and be back at 10 to 2.