

**Witness Name:** Dr Michelle Kathleen Mulvihill

**Statement No:** WITN0771001

**Exhibits:** WITN0771002

**Dated:** 15 September 2021

**ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE**

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**WITNESS STATEMENT OF DR MICHELLE KATHLEEN MULVIHILL**

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I, **Michelle Kathleen Mulvihill**, say:

**INTRODUCTION**

1. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false, or do not believe to be true.
2. I am 68 years of age.
3. I am a duly trained and Registered Clinical and Organizational Psychologist. I have been practising for over twenty-five years.
4. I have a bachelor's degree in Arts (Psychology) from Charles Sturt University, a Graduate Diploma in Counselling from the Charles Sturt University, a Master's Degree in Interdisciplinary Studies from the University of New South Wales, and a Master's Degree in Adult Education from the University of Technology in Sydney. I also have a Doctorate in Philosophy from the University of Technology Sydney which I completed while working full time.

5. I am a member of the Australian Association of Psychology and an endorsed Organizational Psychologist and Counselling Psychologist by the Australian Health Practitioners Registration Agency Psychologist's Registration Board.
6. I am currently the Director and Principal Consultant of The Corpsych Australia Pty Ltd. My work involves being a consultant to mainly not-for-profit organisations, in a range of areas working nationally and internationally. I work as an executive coach, individual psychotherapist, Lecturer and consultant to many diverse people and groups, including schools, welfare organisations, legal firms and commercial enterprises.
7. I have training and research expertise in trauma and its effects on groups. This has had a particular focus on the effects of child sexual assault on children and adults.
8. I have worked as a lecturer in Psychology at the Australian Catholic University; a lecturer in Counselling at the Institute of Counselling in Sydney; a lecturer in Psychology and Adult Development at the University of Technology Sydney.
9. I am the only living person to have met with all 74 victims that came forward and disclosed abuse by the St John of God Brothers in New Zealand. I met with each victim, one by one, at various locations around New Zealand. I kept notes at each meeting, but these are held by the St John of God Order. I request that the notes be given to the Royal Commission, and to me.
10. I am professionally qualified to offer evidence as to the impacts of abuse in an institutional context and the appropriate response to a disclosure of it. My professional experience and background further qualify me in this regard. I also have first-hand knowledge of the disclosures made in relation to the St John of God Order and their response to them. I therefore see myself as uniquely qualified in this matter.

### **Expertise**

11. I have expertise in the assessment and treatment of trauma and abuse and the sequelae of child and adult sexual abuse, especially abuse that occurs in the context of family violence and in fiduciary or caretaking relationship, including abuse by clergy or religious inside religious organizations such as orphanages, boarding schools and special schools. I have had many years of experience in assessing and treating adult and child victims of sexual assault and family violence.
12. I was a member of the Sisters of Mercy in Australia working in the area of counselling and education, particularly with Aboriginal Australians, for a period of time between 1971 – 1984. In simple terms, I was a nun during that period.

13. I understand intimately how the Catholic Church systems operate organizationally and informally. I am experienced in working with Catholic Church hierarchy and with religious orders.
14. Upon leaving the Sisters of Mercy I completed two Masters Degrees at Universities, in Sydney while working full time. I gained permanent work as an academic and lecturer in counselling and psychology at Universities before I formed my own private practice in 1995.
15. As a clinical psychologist I began to work therapeutically with child victims who had been sexually, emotionally, physically, psychologically, and spiritually abused at a wide range of children's homes, boarding schools, special schools and in their family home, by priests and members of religious orders in the Catholic and other Churches in Australia.
16. My professional training, work experience and personal background, was crucial to my engagement with Marylands survivors, and has informed my expert opinion on the testimony I am giving today on the abuse victims suffered while in the care of Hospitaller Brothers and the organisational response of the Order of St John of God that harmed and further abused them.
17. I have a strong research interest in trauma and in particular children who suffered trauma as a result of sexual and other abuses while in an institution.
18. Victims of abuse in this context have several clinical issues that need to be managed. These include difficulties such as how a victim makes a disclosure. The difficulty in disclosure is a huge issue with children who are abused. Children usually do not make disclosures at the time of the abuse. This factor means that the abuse can continue, particularly if these children are in an institution such as a boarding school like Marylands. They do not make disclosures because they are children, powerless, told to not tell anyone and are captive in the institution. When they do make disclosures, they are often not believed, so disclosure is a critical element in healing from trauma. Not being believed itself is an extremely damaging experience that compounds the trauma that victims have already been subjected to. Not being believed as an adult, particularly when disclosing to representatives of an institution, causes more trauma for a victim and is extremely damaging for them.
19. A lot of my clinical work has involved adult victims who are later disclosing what happened when they were children and have often experienced years and years of not having talked about it, and that part of their life is cut off. Some of them are married and never told their spouse what happened. They have spent many years of living with that kind of secrecy. When they do disclose, they are still, even today, experiencing very negative reactions to their disclosure as being victims.

20. Disclosure itself is traumatic process. Once something is spoken, somehow it hurts all over again, so the whole disclosure process is really very difficult.
21. If a person is abused in childhood, it affects every aspect of their development. There is no discrete area of their functioning that one can point to, whereas most psychiatric diagnoses tend to focus on more discrete areas of dysfunction, such as depression. People who have been sexually abused are usually depressed, but that is not all; it affects them in many ways.
22. Abused children will be affected in terms of their capacity to form relationships as adults, their ability to function at school, their ability to progress in education, then their ability to progress in employment. They are often anxious, depressed, they often turn to alcohol or drugs as a way of medicating their distress, and so then substance abuse becomes a problem. So far as psychiatry and psychology is concerned, for a long-time victims have been treated as substance abusers, rather than as trauma survivors who are relying on substances to treat their symptoms.
23. A further important factor that as a profession we also now understand, is that the symptoms that emerge, the outcome for the abused person, may be the same but there may be different levels of abuse as we would understand them. For example, psychological abuse can be extremely damaging without any physical component to it.
24. Previously when the law looked at sexual abuse there was a general differentiation between penetrative sexual abuse, for example, and touching. This is no longer the case because the effects on victims can be the same. There can be a lot of manipulation of a child's mind by an offender, which is psychologically damaging. For example, particularly with faith-based organisations, there can be an enormous sense of betrayal and loss of personal faith that is very damaging. For a young child to lose faith, to begin to believe that the world is a bad place and that good people are actually bad people and you cannot trust anyone, that is extraordinarily psychologically damaging to a child.
25. The issue with grooming is another underestimated factor in the damage caused by abuse. Grooming is very psychologically abusive because it is a manipulation of the child's mind.
26. In faith-based institutions, my experience is that there has not been so much grooming in those contexts because the children are already under the power and control of the abuser by virtue of belonging to the school or to the church or to both. There is usually very low-key, extensive grooming so that the child is gradually manipulated by the offender, and sometimes made to feel they are special, that this is very special attention.
27. For children in such a situation as a boarding school or Special School, there is a kind of a seduction that goes on that really is a serious manipulation of the child's mind. Grooming is, therefore, psychologically abusive because it distorts the child's reality.

28. My research, learning and clinical experience also informs me that the sexual abuse of children in institutions, including faith-based institutions, is very common.
29. When children are in care of any kind, they are subject to abuse by caretakers. This is because often it is vulnerable children who are put in institutions. So, there is really a double jeopardy for the child who may have come from an abusive home, or an abusive environment, or a neglectful environment and is put into institutional care and then is abused in institutional care.
30. The research informs us that the actual sexual abuse itself is not necessarily what is most damaging there. What is most damaging is for the child to feel worthless, to feel betrayed, to feel they have no value, to feel that they're just there to be used or abused and that's extremely damaging to a child's psychological development.
31. Further to this, there is what is known as the "sleeper" effect. This means that the disclosure of abuse does not happen until much later. Children can appear asymptomatic and then this sleeper effect applies. The long delay does not make any difference, it still shatters a child's belief system. It is very disturbing to a victim's sense of identity.
32. The longitudinal studies that have been conducted world-wide, show us that victims of child sexual abuse do not live as long as children who have not been traumatised. Trauma has caused not just the psychological damage, but it causes actual and real physical damage; therefore, victims have more illness. On top of that, victims often have unhealthy lifestyles: they are prone to substance abuse, poverty, and unemployment. So there are factors that are on top, and all of that adds up to something like 10 to 20 years less life for a child who's been traumatised. There is an enormous morbidity in terms of physical ill-health and psychological ill-health. This is even more so for children such as many of those who attended Marylands School who were sent there because they had an intellectual disability or an emotional or learning difficulty that could not be managed at a regular school.
33. In my role as an experienced Organizational Psychologist, I also took on work as a facilitator and mediator in some legal matters relating to the sexual and other abuse of children from faith-based institutions including a range of different religious orders within the Catholic Church.
34. At times I would facilitate a meeting between church representatives, a victim, the church's lawyers, and family members.
35. From a very early stage in these roles I observed what I viewed professionally as organisational denial by Catholic church leaders. This demonstrated itself in the following ways:
  - The dismissal of victims as lacking evidence if they could not remember exact dates and times and names relating to their sexual abuse by priests or religious.

- Vilification of victims and their families by Catholic church leaders who saw victims only as “going after our money”.
  - Collusion between church lawyers and church leaders to offer the lowest amount of compensation possible to victims.
  - Pressure placed on victims to accept these very small offers of compensation.
36. I witnessed the Catholic Church Insurance lawyers in particular (who also insured the Brothers who worked at the Marylands Special School in Christchurch) in placing enormous effort in protecting the Insurer and having a large influence on the limitation of redress amounts to victims. I have witnessed celebrations by religious leaders and their lawyers when they had a “win”. This usually meant that they were “rid of” a victim for a very small payment of money.

## **Melbourne**

37. I first became involved with the Catholic Church's Hospitaller Brothers of St John of God in 1998 when I received a telephone call from a Brother Terence Tehan who was on their Leadership Team. I believe is still on this team.
38. On the day he rang me, it had been exposed by journalists in The Age Newspaper in Melbourne that over forty severely handicapped men from Victoria and their carers had come forward with complaints of child sexual abuse against a long list of brothers from St John of God. Some of these men attended a special school at Churinga in Melbourne that was similar to the special schools at Marylands in New Zealand and near Newcastle in NSW at Kendall Grange.
39. The newspaper printed the names of some the St John of God Brothers who had been accused as well as their photographs. Brother Terence asked me as a matter of urgency to come to his office at Burwood to help him develop a response to these allegations. He told me that the Brothers all felt “very traumatised” and did not appear at all concerned about the victims. I remember thinking it was a most strange response given that all the victims had lived in residential care and attended a special school.
40. I researched this Hospitaller group because I knew very little about them. At that time there were about 40 Brothers living and working in Australia. By comparison to other Catholic organisations, they were a small group. The Hospitaller Order came to the South Pacific in the late 1940s. Their initial work was in Special Education in NSW and Victoria where they established special residential schools for boys.

41. Subsequently they also became involved in mental health services and established two psychiatric hospitals in New South Wales. In due course they expanded their special education work to New Zealand and opened the Marylands School in Christchurch where they also operated a hospital for chronically ill and disabled persons.
42. What attracted me to meet with this group and eventually to work with them, was their insistence on "Hospitality" as their key focus. They presented as educated in mental health with some of their Brothers trained in special education. Many Brothers were trained mental health nurses. My view was that this might mean that this group could be capable of providing a different and more relevant response to victims than the Catholic Church in Australia and New Zealand was offering at that time.
43. I was also interested in the fact that their mission was said to be working with people "on the margin" of society. If there was ever a group that lived on the margins it was victims of child sexual abuse. This appeared clearly to be an indication that this group, with their training and knowledge in special education and psychiatric care along with their values relating to hospitality and the emarginated, would be the kind of religious order that would do everything it could to make things right for victims. Sadly, I was wrong.
44. At the time that I met him, Brother Terence told me that he was Chair of the "Professional Standards Committee" for the St John of God Brothers. This Committee, which had a membership of three Brothers, and three or four lay people who had some knowledge of the law and of organisational ethics, had been formed to deal with previous complaints received during the 1990s, against several of the St John of God Brothers. He told me that it was this Committee's job to advise the Provincial (the Head of the St John of God Order) as to appropriate responses to allegations of abuse by the St John of God Brothers.
45. The Provincial held all authority in relation to decisions about responses to victims who came forward with complaints. The Committee simply made recommendations. It was up to the Provincial as to whether these would be put into place.
46. At my initial meeting with Brother Terence in 1998, it was agreed that I would consult to the Professional Standards Committee and the Provincial, Brother Joseph Smith, given that for the previous few years, I had occasionally acted as a mediator and facilitator at meetings between victims of priests and religious members of the Catholic Church in Sydney.
47. Over the following weeks, I met with members of the Professional Standards Committee, members of the Definitory (Leadership Team of the Hospitaller Order of St John of God Brothers), the Provincial (Leader of the St John of God Brothers in Oceania, Brother Joseph Smith), and a range of others who had expertise in complaint management.

48. The Professional Standards Committee membership was by appointment by the Provincial and was a stable group. In 1998, the Professional Standard Committee comprised:
- Brother Julian Liddiard.
  - Brother Terence Teehan.
  - Brother Peter Burke (now deceased).
  - Mr Simon Feeley (Public Relations and Media Adviser).
  - Mr Simon Rice (Lecturer in Human Rights Law at Macquarie University).
  - Ms Zita Antonios (Member of the NSW Administrative Tribunals Committee in Sydney).
49. Following consultation with this group, it was decided that Brother Terence and I would travel to Melbourne to the St John of God premises, where there was a large facility operated for young people with disabilities.
50. Brother Terrance invited representatives of that organisation in Melbourne to set up a "Healing and Justice Committee" which had the role of advising the Provincial about how to deal with victims and their families in Melbourne. This Committee lasted about two years while the Melbourne victims were directly responded to by lawyers representing the St John of God Brothers.
51. I took on a role of "listening" and meeting with staff members and advocates. I was not invited to be part of the process of redress with victims. The Provincial, then Brother Burke, took up this role himself with most of his advice and direction coming from the Order's legal representative.
52. Because of the frailty of the victims in Melbourne, who were physically or mentally disabled (some of whom could not even speak), it was agreed by the Brothers that these victims in Melbourne were to be dealt with as one group. The law firm, Slater and Gordon, were approached by the St John of God Brother's Lawyers, Howard Harrison from Carroll and O'Dea, to act for the victims.
53. Slater and Gordon took on this role. A solicitor was appointed to manage the case, and at the end of interviewing each of the victims, a quantity of money was suggested to the Order as being a reasonable compensation sum for the victims.
54. Subsequently, the victims were paid compensation of approximately \$AU50,000 per victim.
55. The Victorian Police decided not to proceed with criminal charges against the nominated St John of God Brothers because of the frailty of the men who were victims and a lack of police resources at that time. Slater and Gordon received \$AU25,000 per victim. This was paid by the Order.

56. I was excluded from all meetings with victims and their families in Melbourne. Only Brothers attended, including Brother Roger Maloney who was then the bursar of the group.
57. Roger Maloney was later charged with paedophilia at the Marylands facility, found guilty and sentenced to a jail term which he served in Christchurch.
58. I was told that this was "Brothers' business". This was a term that was used often when information was to be kept secret. What I did not realise at the time was that "Brothers business" meant that the order was covering up. They were paying off victims to keep the names of these Brothers out of the media and away from the Police. They wanted to, and succeeded, in "shutting down" the entire group action in Melbourne by not personally engaging with, or responding to, individuals who were victims. Instead, they sent lawyers to do this work for them.
59. When asked why this was the way things were being done, I was told by Brother Burke that the Brothers named by victims were "furious" that they had been identified as alleged perpetrators and that this was the "best way for the Order" to deal with the victims from the Special School in Victoria.
60. I note that in recent times, changes to legislation in Victoria in relation to deeds of release, has meant that it is now possible for some of these cases to be re-opened and re-visited. I am aware of one such case being successful recently, with the Hospitaller Order settling with a victim they had previously settled with. Brother Roger Maloney was the alleged perpetrator. Maloney was sent to Marylands School in New Zealand from the Churinga School in Victoria where his patterns of abuse continued.
61. At these meetings with the "Healing and Justice Committee" in Victoria, my role was to give my opinion to the Professional Standards committee about how to deal with the many complaints which had come in from sites where the Brothers had worked. I was also to arrange for a representative to visit the families of the victims to ensure that there was some transparency with the process. I was also tasked with ensuring that the Police were assisted as fully as possible and that Order was confronted fairly with the nature of the complaints.
62. I was taken by surprise when the Victorian Police issued a search warrant to the Order to gain any and all records of the Brothers who had allegedly offended. In Melbourne, approximately two thirds (21 members) of the 40 or so St John of God Order Brothers who resided in Australia and New Zealand were named as alleged offenders. I had been assured by the Brothers the Order had been transparent with the Police at that time and had handed over documents to them. Given that the police required a search warrant to obtain relevant documents, it seems that this may not have been the case.

63. In relation to the families of the victims in Melbourne at that time, many of them wanted nothing to do with any of the St John of God Brothers and they did not wish to meet them individually. I note that they were never invited to.
64. On one occasion, three Brothers from Sydney including Brother Roger Maloney attended a public meeting in Melbourne to listen to parents as a group and to answer questions. Brother Burke told me that they were confronted by a very angry crowd which was not content to listen to the Brothers but instead "verbally abused" them. .
65. From that point on, the St John of God Order did not encourage the Brothers to engage with individual families or groups. Therefore, Slater and Gordon were approached to be the "middleman", to interview victims, to nominate damages, and to negotiate a settlement. It was a "hands off" intervention on the part of the St John of God Order. Despite my protests, my advice on this issue was not taken.
66. Slater and Gordon solicitors made individual notes of every meeting with each victim and their family. Howard Harrison, the St John of God lawyer from Carroll and O'Dea Lawyers, attended every meeting with Slater and Gordon and took notes. He always wrote a summary of each meeting and sent it to the Brothers. Mr Paul Gamble, the Solicitor for the Catholic Church Insurance firm known as CCI, was also present at every meeting, he took part in all negotiations with Slater and Gordon. He provided constant written advice to the Brothers.
67. CCI was the insurance company who covered most of the compensation amounts paid to the victims of sexual abuse by the hands of the St John of God Brothers in both Australia and New Zealand. I was allowed to attend a few of these meetings, and I took notes on personal pieces of paper which I later discarded.
68. Eventually the Melbourne matters ended. The St John of God Brothers paid out about \$4 million in compensation to about 40 victims. I have no way of knowing how these monies were divided. It was left entirely up to Slater and Gordon and the Catholic Church Insurance Group to distribute the compensation.
69. In other words, the Hospitaller Order controlled the entire process of settlement for victims of the Special School in Melbourne. They paid the victims' lawyers. They allowed Catholic Church Insurance lawyers to come up with the redress amounts in consultation with Slater and Gordon. The Order ran the process with no input from victims.
70. At the end of the day, victims and their carers were left with a "take this or walk away" approach. The timeframe for my involvement in the sidelines in Melbourne was between 1998 until about 2001.
71. I note that none of the 21 Brothers listed as perpetrators at the Special School in Melbourne were stood down from their ministries.

72. I attended one meeting of Brothers where the list of the names of the 21 Brothers was shown on an overhead projector. The names had been sent to the Provincial by Slater and Gordon who were threatening to begin a class action against the Hospitaller Brothers. The feeling in the room was one of total denial. Some Brothers rose to their feet to insist that the Order "fight" these allegations. Others appeared scared and frightened. Some were elderly and confused.
73. What was not being faced was that over 40 victims of a Hospitaller Brothers Special School had come forward accusing 21 Brothers of sexual, physical, psychological and/or emotional abuse. Denial was deeply entrenched. Cover up was well underway. Those responsible for the movement of brothers from one special school to another, particularly those with full knowledge that child sexual abuse had taken place, were completely protected by the Order.
74. In general terms, the St John of God Brothers continued to provide finances for ongoing counselling to victims in Melbourne and their families for several years.
75. Many Brothers were very offended that they had been named by the victims and all Brothers denied all charges.
76. Lawyers were hired to meet with alleged perpetrators (Brothers) and keep them calm. The Police were unable to act due to the very poor state of mind some victims were in.
77. In all, the matter was settled relatively quickly, but there were few winners if any, and it was agreed by the Professional Standards Committee of the St John of God Brothers that should any other St John of God Special School in any country erupt with complaints of sexual abuse, a very different approach would have to be taken.

### **The Pastoral Process**

78. I worked very closely with Brother Peter Burke in developing and devising a more transparent approach which attempted to include victims and their supporters in seeking redress.
79. The approach agreed upon by members of the Professional Standards Committee was one in which the St John of God Brothers would give the victims and their families every assistance possible from the time the allegations were made. This included the following:
- the St John of God Brothers would invite victims to meet with them or their representatives face to face, as many times as they wished.
  - All victims would be urged to go to the Police immediately - which was a new concept at that time.

- All victims would be offered independent professional counselling paid for by the Brothers.
  - The Provincial would make himself available to speak with victims and/or their families at all times via telephone.
  - A free-call 1800 telephone number would be provided and answered during business hours.
  - Immediate needs of victims were seen to, such as providing accommodation, access to Doctors, medication and hospitalisation, accommodation, reading glasses, and transport etc.
80. It was also agreed that a sum of money would be made to any future victim and that along with a formal apology, a pledge would be made to each victim that their needs would be catered for in the longer term. An attempt at restoring victims and enhancing their quality of life would be made, if this was the wish of the victim
81. This new approach adopted by the St John of God's Professional Standards Committee to deal with sexual assault victims was called "The Pastoral Process". This new approach was formulated by me and accepted by the Order shortly after Brother Burke's election to his Leadership role in the early 2000s.
82. The Pastoral Process remained a bone of contention between Brother Peter Burke and the majority of the other Brothers in the St John of God Order. This contention existed because rather than follow the failed Catholic Church's 'Towards Healing' model, which was set up by the Australian Catholic Church, or the New Zealand Process known as "Pathways to Healing", the St John of God process attempted to engage in a more holistic program with victims.
83. I consulted that I did not want victims to get bogged down in a mire of bureaucracy. For example, there was ample evidence in New Zealand that within the "Pathways to Healing" process, victims of sexual abuse were met with initially, but then discarded until such time as the offender was found guilty in court. No relationship with victims was offered. No accompaniment towards healing.
84. The Pastoral Process took a different direction. It would see to immediate needs, arrange counselling and any other health related issues, provide an opportunity for victims to tell their story as many times as they needed, provide a formal apology to victims, pay them an amount of money to assist them in their healing, and form an enduring relationship of care which would last as long as the victim required it to last.
85. St John of God Brothers at that time who were perpetrators, and other Brothers within the Order who protected them, did everything they could possibly do to discredit this pastoral process, Brother Peter Burke, myself, and the victims. This included, but was not limited

to the Brothers sending written complaints to the Professional Standards Committee complaining about how the process unfairly treated the Brothers, constantly attacking the victim's credibility, seeking to have my license to practice Psychology de-registered by writing applications to the Health Care Complaints Unit outlining what they considered my deficient, professional behaviour, at every possible opportunity.

86. The Order paid a lawyer to defend those Brothers who had been identified as alleged perpetrators at Marylands, including several who have subsequently been found guilty and served gaol time in New Zealand.

### **Sexual abuse at Marylands**

87. In 2002 a Sister Sue France RSM from the New Zealand "Pathways to Healing" process wrote a letter to Brother Burke telling him that she had been approached by men who were victims of sexual and other abuses at the Marylands School in Christchurch.
88. Soon after, some victims of sexual abuse at Marylands had gone to the media and complained about five decades of abuse, from the 1950s through to the 1990's, by a number of the Brothers at Marylands.
89. Some of the accused were Brother Bernard McGrath, Brother Roger Maloney, and Brother Raymond Garchow. Brother Edward Lebler and Brother Raphael Dillon were other Brothers who were persons of interest by the New Zealand Police. Most of these Brothers had had numerous complaints of child sexual abuse made about them in Australia by Australian victims up until that time.
90. Because Australia was the Headquarters for the Oceania Province, and the Professional Standards Committee covered the work of the St John of God Brothers in Australia, New Zealand and Papua New Guinea, it was suggested by the Professional Standards Committee to Brother Peter Burke (the Provincial) that he should have a leading role with me in the dealing directly with these victims in New Zealand.
91. Brother Burke had been born in New Zealand. It was agreed that he would accompany me to New Zealand to assist in implementing the "Pastoral Process".
92. I travelled to New Zealand thirteen times during 2002 to meet with victims and their families. I travelled both Islands from the far North to the deep South. Everywhere the stories from victims were the same. These were recounts of severe abuse, neglect, sexualization, and the abuse of children in the Marylands School.
93. Some of the victims at that time in New Zealand were affiliated with a support group chaired by Ken Clearwater. He was a peer support worker for Male Survivors of Sexual Abuse

Trust (MSSAT) in Christchurch. Word had spread that assistance was being provided to victims of sexual abuse by this Trust and numerous men from various parts of New Zealand contacted Mr Clearwater and made complaints through him.

94. Mr Clearwater made contact with Brother Peter Burke in Sydney and he provided information that an initial group of about 20 victims and their families wished to have a meeting with him
95. Mr Clearwater was treated by the Hospitaller Order with disdain. There was a view by Brothers who had never met him that he was trying to influence the victims through his encouragement of them. I do not believe this was the case.
96. The Male Survivors of Sexual Abuse Trust (MSSAT) at that time was constantly ignored by the Order. Ken Clearwater and what he was "up to" was discussed broadly at Professional Standards Committee Meetings. Brothers who were members of that committee wanted Mr Clearwater shut down. One suggestion that was put to the Committee by me was that the Order should be funding MSSAT and provide resources such as a centre with a trained social worker attached. This would be a kind of drop-in centre, for Marylands victims. This, of course, never eventuated. Over time it became clearer to me that the Order needed to control the entire process and the information presented by victims and to keep tight tabs on that information.
97. In 2002 or 2003 I participated in a pre-arranged meeting at the MSSAT office in Christchurch with a group of about twenty Marylands victims and their families. Brother Burke was also there.
98. In the presence of the entire group, each victim indicated their anger about being sexually abused by the St John of God Brothers when they were a child and named the Brothers who were perpetrators.
99. Brother Peter Burke indicated to the victims that he would personally see to it that each of them was dealt with compassionately and with immediacy. He asked for all victims to come forward and meet with him and myself, individually. He spoke to the media and invited anyone who had suffered abuse at Marylands to come forward. I took notes at that meeting and after all subsequent meetings that occurred. These notes have been passed onto the Hospitaller Brothers and to the Police.
100. A free telephone hotline was set up in New Zealand so that Marylands victims and their families could call a suitable person and lodge a complaint.
101. Individual victims made appointments to meet with me in towns and centres all over New Zealand.
102. The result was that initial pastoral payments were eventually dispersed to victims, with counselling and assistance provided to those who wished it. I note that the amounts offered

to New Zealand victims were considerably lower than those amounts paid to Australian victims and that they were further discounted by payments being made in New Zealand, not Australian dollars.

103. Brother Burke and his Australian lawyers decided on the amount of each pastoral payment. I was not included in these discussions.
104. Every person who came forward was asked by me to go to the Police in New Zealand if they had not already made a formal complaint.
105. What followed was a New Zealand Police Investigation which resulted in Brother Bernard McGrath, Brother Roger Maloney, and Brother Raymond Garchow, being charged with sexual assault offences.
106. Subsequently, court proceedings followed where Bernard McGrath and Roger Maloney were sentenced to gaol. Garchow died before his matter was heard. Two others, Brother Lebler and Brother Dillon escaped extradition from Australia to New Zealand.
107. Extradition proceedings were held later in that decade to force Maloney, McGrath and Garchow to return to New Zealand. Lebler and Dillon's extradition did not continue because they were said to be of frail health.
108. St John of God Brothers proceeded to pay around \$AUD1million lawyers' fees in Australia to prevent the extradition.
109. I subsequently gave evidence in the High Court in New Zealand relating to the extradition of Roger Maloney and Raymond Garchow. I also gave evidence at Maloney's trial in Christchurch in 2007. I did not give any evidence in Court pertaining to Bernard McGrath at that time but have recently given evidence about McGrath on two separate occasions in Australian Courts.
110. The only time I ever spoke personally to Bernard McGrath was when I first went to Christchurch in about 2003. Bernard McGrath had phoned Brother Burke to ask for a meeting with him. I attended this meeting as an adviser to Brother Burke.
111. The meeting was held at the St John of God Hospital in Christchurch in the parlour. At that meeting, Bernard McGrath told Brother Burke some of what he called "my story". At no time did Bernard McGrath make explicit admissions about sexual abuse; however, he presented as a person who was not in denial in relation to past offences.
112. Bernard McGrath finally asked Brother Burke for a sum of money, \$30,000, to assist him with getting on with his life. He told Brother Peter Burke that in the same way as victims were coming forward for a pastoral gesture, he too should qualify. Brother Burke told Bernard McGrath that he would consider his request. I understand that it was denied and that Brother Burke did not contact Bernard McGrath again. I understand from my

involvement as a witness for the Crown that Bernard McGrath is now serving another lengthy gaol term in Australia for sexual offences against children in Australia.

113. Brother Burke met with the Bishop of Christchurch, John Cuneen in 2002. I was not invited to these meetings but on this occasion I waited outside the Bishop's office while the meeting took place.
114. Brother Burke told me he discussed the Marylands situation with Bishop Cunneen including the needs of victims. He also updated him on the Police investigations. Brother Burke was upset after the meetings as a result of the Bishop's unwillingness to become involved. I am not aware of the Bishop ever taking any action in relation to the victims in his Diocese.

### **Marylands survivors**

115. I remember visiting victims in various gaols throughout New Zealand. Many were in a very poor physical and mental state and were deeply upset, recalling their story of abuse by McGrath, Maloney, and others.
116. Many of these men had been abandoned by their families and friends. Some were in gaol for attempting to burn down churches. (This is not uncommon behaviour for a small percentage of victims world-wide) who have been sexually abused by persons in faith-based organisations. Others had stolen goods to support drug habits or were sexual offenders, repeating with others what had been taught to them by some St John of God Brothers.
117. During 2002 – 2003, meetings were held with me in New Zealand venues in neutral territory and provided an opportunity for victims and their families to come forward.
118. Each victim and their families were provided with substantial time to describe to me their experiences of institutional abuse. Some meetings went for hours. Others were shorter. People were very upset. Some were very frightened. Some victims attended several meetings. There was hope in the air. Victims were being re-engaged with properly, treated with dignity and respect, their recounts of their experiences at Marylands were believed, they were listened to and they were heard. Promises were made of future quality time spent together. Brother Burke gave verbal apologies and these were followed up with apologies in writing.
119. I remember one victim had arranged to meet me at the meeting room of a Hotel at 1 pm in Wellington. I had a view of the street outside a meeting room and watched as a man in his late thirties approached the facility. He was walking all over the road and sniffing glue

from a plastic bag as he approached. He had suffered severe abuse at Marylands. He vomited all over the table. He had been known to Police and his life story was tragic. Brother Peter Burke promised him that he would have an enduring relationship with the St John of God Brothers, that they would look after his immediate needs and then his longer-term needs and that he could always look to them for support. This, of course, did not happen. There are no records of any interaction with this man once he received a sum of money. No attempts were made to contact him. When I would suggest that an attempt be made, I was told not to do so.

120. Another victim was visited in Invercargill gaol. He told us of being beaten and sexually abused by Bernard McGrath for the entire time he was at the school. At one stage after being abused, he was bleeding from the anus and had to be taken to St Margaret's Hospital by his perpetrator, Bernard McGrath, to receive stitches because his anus was torn. He was very distressed in telling us this recount. Again, Brother Burke promised this man that he could have an enduring relationship with the St John of God Brothers, that they would look after his immediate needs and then his longer-term needs and that he could always look to them for support. He promised him a long-term relationship of healing. This did not happen.
121. We met prisoners in Paparua, Invercargill, Hawkes Bay and Rolleston corrections facilities who told us, one after the other, horrific recounts of child sexual abuse, of being savagely beaten by St John of God Brothers and of being publicly humiliated, being forced to perform sexual acts in front of other children and the St John of God Brothers.
122. To all of these, Brother Peter expressed his deep regret and promised them that the St John of God Brothers would repair as much damage as possible by engaging in an enduring relationship of care, if the victim thought this would be helpful and healing. Each man accepted this offer. This was never followed through.
123. A victim we arranged to meet at Rolleston Prison told us that he had grown up as an orphan at the Orphanage next door to Marylands. The nuns who ran this orphanage would routinely send all the boys to Marylands for sport in the afternoons. They were unaccompanied and supervised only by the Brothers.
124. When a boy "misbehaved" (or as psychologists now understand such responses as normal reactions to post traumatic stressors) the nuns would send the boy over to Brother Roger Maloney. This victim told us that he was regularly molested by Maloney on many occasions and sometimes sent by Maloney to McGrath who would engage in physical violence with him as the target as "punishment" for upsetting the nuns.
125. One Māori man stands out in my mind. He was in Rolleston prison when we travelled throughout New Zealand to meet him but later we met him in Auckland. He told us a devastating story of being one of the few Māori children at Marylands. As such he was

made to dress in grass skirts and perform “dances” in front of the brothers, with no underwear on beneath the grass dress he was given to wear. He was aged about 9 or 10 years of age at that time. He was made to “act like a Māori”, display poi balls, and entertain the brothers with Māori songs. After the performance those brothers present would routinely engage in group sex with this boy.

126. As a man this victim wept deeply as he told his story. I remember the deep sense of shame that he held on to. He told us that he had a family to take care of. His daughter was not doing well with her mental health. He was having trouble making ends meet. Again, Brother Peter offered an enduring relationship of assistance to him. He was paid a small amount of money by way of a “pastoral payment”. That was the end of the relationship the Brothers had with him. They wanted no more to do with him and this was discussed with me.
127. Some years later I received news of him from the survivor network in New Zealand. This victim had shared the money given to him by the Brothers with his children. One of his children used that money to buy drugs and had subsequently died of a drug overdose. Sometime after that the victim we had met with [GRO-C] No contact was made with his family by the Brothers after an earlier payment was made to him despite suggestions and recommendations.
128. One of the victims we met in Christchurch was at Marylands and his brother was also there. McGrath abused both. His brother had [GRO-C] a few years prior to us meeting. Brother Burke attended the graveside of this victim and said prayers with the victim. He promised him an enduring relationship. This did not happen.
129. Some of the victims we met in Dunedin and in Christchurch were literally homeless. They were of no fixed abode. Brother Burke took them shopping and bought them clothing, warm coats, paid for haircuts, shoes, and bought them food. On one occasion he paid the bond for a rental and the first month of payments for an apartment. After that time a payment was made to this man with a promise that contact with him would continue over time until he no longer wished contact to continue. Once the monies exchanged hands no further contact was made with him, to my knowledge.
130. I remember attending a meeting with Brother Peter in Greymouth. We met with a woman who said that she was a retired social worker. She told us about her son who had severe mental health issues. At that time when boys at Marylands did not come from Christchurch, the Brothers insisted that they travel by air to Christchurch in order to attend the school. This woman was certain that this tradition was part of the Brothers ensuring that as few people as possible interfaced with the Brothers and was part of what she called “the cover up”. She relayed to us her recount that her son had told her at the end of the first Term that he was being sexually abused by the Brothers at the school and did not wish to return.

Upon investigation this mother discovered that her son suffered severe post-traumatic stress and developed dysentery. The diarrhoea was so constant that at one stage her son was locked outside the Marylands school so that he would not defecate inside and as punishment for his dysentery. I will never forget meeting with her or her story. This recount was confirmed by other victims who knew that this had happened. The mother complained to the school but nothing ever came of her complaint and she kept her son at home.

131. Brother Burke and I met a victim in Invercargill who lived in a share house with other men. He asked us to meet him at his home, or his room at the share house. His total possessions included one single bed with threadbare bedclothes, a side table and lamp and one chair. I remember how freezing cold this house was. He was in very poor physical shape. We sat on the floor in his room and he was very apologetic that he could not offer us chairs. He turned on a small electric heater that he had borrowed from someone especially for our visit. He was so proud to offer this to us. We listened to a story from him about ongoing abuse over several years at Marylands. We heard about the loss of his relationships and that his children had been taken from him. He lived on welfare and handouts. This was typical of the kind of victim that we met in New Zealand. I remember Brother Peter giving the man a \$50 upon departing the house and promised that he would be looked after". A payment was made to him. An ongoing relationship of follow up and care was offered to him which he willingly agreed to. He was never followed up or contacted again.
132. Several of the men that Brother Burke and I spoke to told us the same story about the way in which McGrath had intimidated and further traumatized them to keep them silent and not report their abuse.
133. They described a "boiler room" at the Marylands facility. McGrath had duck eggs in a crate and kept them in the warm room. When the ducklings were hatched McGrath invited some of the boys in to play with the ducklings. After some time, McGrath would take a duckling and plunge it into the boiler. Then another. He'd repeat this act, saying to the boys something to the effect that "this is what will happen to you if you say anything".
134. We met with the mother of one of the adolescents who was especially groomed by McGrath and was known as his "special boy".
135. This was not the first time we had heard that McGrath would focus on one of the usually better-looking boys, groom him to become his favourite, and then keep him on longer at the school under the pretences of working with the Brothers, with parental approval.
136. This woman described her son's disclosure to her that between the ages of 8 and 14 her son had been McGrath's "plaything". He slept in McGrath's room and was shown by McGrath how to sexually assault the younger boys.

137. If a child was unsettled or crying or homesick, then her son was sent by McGrath to his bed to comfort him. This boy became the school “bully” and handed out punishment to the younger children under the instructions of McGrath. We had heard of this young victim several times during our meetings with victims. The mother told us that when McGrath was suddenly removed from Marylands and sent back to Australia (where he continued his pattern of paedophilia) her son was “devastated”. He had returned home, completed some schooling, and gained employment. He saved up for a motorbike: this was the one goal he had ever had. He paid for the bike, took it home to show his mother, then went for a drive. He was found some hours later dead on the side of the road. [GRO-C]
- [GRO-C] She told us that the New Zealand Police were of the view that this was not an accident. In other words, her son had: [GRO-C]
138. In November 2002, Simon Feely, the Public Relations person hired by the Order to deal with the Media, suggested to Brother Burke that given Christmas was coming up it would be a good gesture, publicity wise, for each victim who had come forward to be sent a cheque for \$NZ1500. This was to be a “Christmas” present. This suggestion was made because there had been adverse publicity about the Order in New Zealand.
139. One New Zealand Newspaper that was covering the entire matter in 2002 had called out the “dash for cash” that they said was happening. In other words, they believed that word had spread that victims who came forward would be receiving cash payouts, thus the “dash”.
140. The Brothers knew that it would be about six more months before any payments would be made to the victims, so they set about sending cheques to each person who had come forward for the sum of \$NZ1500.
141. Inside the Order, Brothers were horrified at this, not because it was a gesture that served to make the Brothers appear to be the “good guys” but because they felt that Brother Burke was not defending them appropriately.
142. Brother Roger Maloney was highly critical. The arrival of \$NZ1500 in bank accounts raised the hopes of the victims that they would be looked after in both the short and longer terms. Most were finally paid an average of \$25,000 on or about 9<sup>th</sup> May 2003.
143. There was little or no contact with the victims after that time because of the amount of conflict inside the Brothers group. The perpetrators and their protectors were horrified that any victim received one cent. I was prevented from contacting or following up any victim unless they called the hotline.
144. One of the men who contacted us in Christchurch was part of a larger group of victims that were supported by the Male Supporters of Sexual Abuse Trust. His story was a textbook story of abuse at Marylands. We noted that his aged father (who had a walking

stick) always accompanied him to our meetings but would not engage with us. The father would stand outside or wait down the street.

145. This man who claimed he was a victim was eventually paid about \$NZ 20,000 by Brother Peter based on the information he had given him. As it turned out, it appears that this man was lying. He was a friend of victims in this group who sought to promote him as a victim and "one of us". Brother Peter took his complaint in good faith. When it was revealed by one of his "friends" that he was in fact lying, Brother Burke called the Police. The man was charged, found guilty and served a gaol sentence in Christchurch.
146. This gave lawyers defending the Brothers enormous leverage. They used this opportunity to show how "faulty" the process was. Many of the Brothers were delighted that a false allegation had been proven. This added to the intense in-fighting and conflict within the order between known perpetrators and Brother Burke.
147. A second victim presented to us in Wellington and I remember clearly his story. He was "thin" on details. Record keeping at Marylands was not one of its strong points. The New Zealand Police later told us that they thought he was "lying". Again, this was used to attack the process and the veracity of all complainants and to defend the perpetrators. Brother Burke took no action on this occasion.
148. Sometime in late 2003 or early 2004 Sir Rodney Gallen was approached by Brother Burke. The Public Relations consultant, Simon Feely, sensing that the New Zealand media were unrelenting in their coverage of Marylands, suggested to Brother Burke that it would be helpful for the Order to find an upstanding and credible person to represent their views. It was suggested this person needed to read through the entire matter, all notes taken on meetings with victims, details of contact made, and amounts of money given to victims and make a determination or give an opinion. The PR person researched this area and came up with the name of Sir Rodney, an eminent, retired High Court Judge.
149. Brother Burke met with Sir Rodney who agreed to look over the material but said he would not be making any comment about monies being paid. After some months, Sir Rodney wrote to Brother Burke saying that he had read the material and said something to the effect that "it looks reasonable" to him. This was then inflated by the PR person in media releases signed by Brother Burke, using Sir Rodney and his status to present to the public that this eminent person thought the Order was doing a great job dealing with victims. What the Public Relations person failed to include was the fact that the intention of the entire Pastoral Process, to work with victims and their families and advocates in the long term, was never to be enacted. This document was used inside the Order to defend Brother Burke's response to victims.
150. I was prohibited from contacting the victims we had met with in New Zealand or their families. If they contacted the Order I would respond on behalf of Brother Burke, however

I was prohibited from any follow-up with them. The Order had no intention whatsoever of engaging in any follow-up nor of maintaining an enduring relationship. I was naïve enough to believe that what was promised would be followed through. I now see this a fraudulent and cruel behaviour, that has been continued to this day by the current leadership team.

151. It is also behaviour approved of by the World Leader of the Order in Rome, Brother Donatus Forkan. I wrote to him complaining about the high levels of denial within the culture of the group of Brothers. He wrote back to me defending the Brothers and minimizing my claims.
152. I also visited Bishop Michael Malone in April 2007 in Maitland Newcastle Diocese. Bishop Malone was Chair of the Bishops Committee for Church Ministry. I told him of what I knew about the Hospitaller Brothers in relation to victims of sexual abuse. He volunteered to write to Brother Forkan in Rome to bring to his attention the "widespread culture of sexual abuse amongst the members of the Australian Province" in the Hospitaller Order and to request an Apostolic Visitation from Rome authorised by the Congregation for Institutes of Consecrated Life. (Letters attached). To my knowledge this did not eventuate.
153. After many years of trying to assist the order in understanding the depth of the problem of sexual abuse by perpetrators inside their own order, it became clear they were unwilling or unable to take any steps to remedy the situation. I had continued working for them on a reduced and part time basis, hopeful that what they said was what they meant. This was not to be the case.
154. There is still a culture of hiding information, of not trusting the Police or victims or their families. This was highlighted in the end after brother Peter Bourke finished his term of office in early 2007. At that time an election was held which elected Brother Timothy Graham to the role of Provincial (Leader).
155. Except for Brother Timothy Graham, to my knowledge, two of the other three Brothers also elected to the Leadership team including John Clegg, had allegations of sexual abuse made against them either in New Zealand or Australia. I phoned Brother Peter Burke the day before the election and warned him of the potential harm if perpetrators were elected and the potential ramifications of the elections. Brother Peter Burke told me that he had checked this out with the World Leader of the Brothers who were present in Australia at these elections, and that if this happened it would be all right because the world leader would sort it all out.
156. When John Clegg was elected to the leadership team (a known paedophile who has served time more recently in Australia for sexual abuse of minors at a St John of God School in Australia) I telephoned the Brother's Head Office to speak to Brother Peter in protest. I told his Secretary the reasons for my phone call: that they had just elected Brothers against whom allegations of sexual abuse had been made. Brother Burke

returned my call and did not hide his fury, "you had no right to tell the Secretary about complaints against John Clegg" he said. It was clear the cover up would be continuing and would not be addressed. I immediately resigned. Brother Burke made no further contact with me.

157. I wrote my letter of resignation to the new Leader, Brother Timothy Graham in March 2007 and took it to meet with him face to face. John Clegg was standing on the footpath outside the offices at 33 Burwood Road, Burwood, smoking a cigarette and pacing up and down the footpath, both before and after the meeting. I was clearly being watched.

158. At the meeting with Brother Timothy Graham, I was shocked by his response to my resignation - "you know, Michelle, there are just so many people out there who are wanting to get our money....We are SO vulnerable". I took this to mean that he, too, was continuing to deny most of the allegations. He saw the Order as vulnerable, and his concern was not for the victims. Their name, reputation and finances were at risk, that was the important thing. He added, "Anyway that's one less job I have to attend to", indicating that he was going to terminate my contract in any case. The meeting lasted about ten minutes and as I left the building, I noted John Clegg 'smirking' at me outside the building.

159. Clegg served time in NSW gaol in recent years for historical sexual abuse at another of the Brother's schools and I gave evidence for the Crown at his trial.

160. I attended the High Court in New Zealand to testify against Bernard McGrath at his trial.

161. At the arraignment of Roger Maloney in Sydney I was also asked by the police to appear as a Crown witness. I was accompanied to the Court by the Police Detectives I had worked with. The Police Officer and I both said Good Morning to Brother Graham. He, and the other Brothers present refused to speak to me. That was the last time I had contact with the St John of God Brothers except for my giving evidence for the Crown in the trial of John Clegg in Sydney in 2019 at which both Clegg and Brother Julian Liddiard from the Leadership team glared in an intimidating and threatening way at me throughout my evidence.

162. In 2007, I went to The Press newspaper in Christchurch and disclosed some of my information as a result of witnessing the way in which victims were being treated by this Order. Shortly after I received a letter from Lyndsay Freer the spokesperson for the Catholic Church in New Zealand. She complained to me in that official letter that I was bringing "disapprobation" to the Catholic Church in New Zealand. I responded that it was not I bringing disapprobation, but those men belonging to the St John of God Brothers (and their protectors) who had sexually, physically, emotionally, spiritually and psychologically abused little boys who were in their care in Marylands School.

163. I also wrote to Brother Donatus Forkan OH, the Prior General of the Hospitaller Order of the Brothers of St John of God in Rome, expressing my concerns. He responded to my letter by advising that an independent audit to examine all reports of abuse in the Order and that there would be measures put in place to make sure this did not happen again.

#### **Refer Exhibit WITN00771002 – Letter to Br Donatus and his response**

#### **Observations**

164. As a person who has worked clinically with victims of child sexual abuse by perpetrators in faith-based organisations for many years there are several experiences and observations I made which are now evidence based by weighty research worldwide and I would like to share these with the Commission and the people of New Zealand.

165. Young children such as those at Marylands and St Joseph's Orphanage next door would have seen a priest or Brother as someone close to God. And so, the sense of betrayal is particularly shattering for them because it's not just one bad person, but as one victim told me "It feels like God's bad".

166. The loss of faith and shattering of the belief is very damaging to a child. The child's family or their entire community could be strongly affiliated with the Catholic Church. That means that when children make disclosures, they very often get a bad reception and are told they are lying, it cannot be true. The negative response from family and community can really compound the damage enormously.

167. When this child grows up and feels confident to make a disclosure and then it is discussed and dismissed, and they are dismissed, then the damage is doubled or tripled. They have lost their childhood, their faith, their sense of self and they have lost God.

168. Abuse survivors are prone to various long-term mental health problems, and the tendency to keep the abuse a secret worsens the psychological damage. Childhood abuse affects every aspect of a person's development. Children will be affected in terms of their capacity to form relationships, their ability to function at school, their ability to progress in education and their ability to progress in employment. They are often anxious, depressed, they often turn to alcohol or drugs as a way of kind of medicating their distress and so then substance abuse becomes a problem. They can often end up in jail because of this.

169. Some impacts on victims are immediate and temporary, while others can last throughout adulthood. Some emerge later in life; others abate only to re-emerge or manifest in response to triggers or events. As victims have new experiences or enter new stages of

development over their life courses, the consequences of abuse may manifest in different ways.

170. The victims of abuse at Marylands continue to have to negotiate their lives managing many of these impacts. For many of the victims I engage with the impacts of sexual abuse are experienced as cumulative harm, resulting from multiple episodes of sexual abuse and other types of child maltreatment over prolonged periods.
171. I heard from many victims who were sexually abused at Marylands Special School and whose adverse life experiences before, during and following the abuse compounded its negative effects.
172. For some, their vulnerability to sexual abuse and its adverse impacts was heightened by their loss of connection to family, culture and country. I was told of Maori victims facing a heavier burden of cumulative harm due to a range of historical and contemporary factors. I also heard from so many that because children with special needs and with intellectual disability can face additional barriers to disclosure of child sexual abuse, they are vulnerable to further abuse and therefore cumulative harm. That is the experience of many victims of Marylands that I spoke to.
173. Research and studies into the effects of victims of child sexual abuse point to many complex and interconnected factors which can influence the way that victims are affected by child sexual abuse.
174. While no single factor can accurately predict how a victim will respond, some factors appear to influence either the severity or type of impacts they experience. These factors include: the characteristics of the abuse (such as the type, duration and frequency). I note that for many of the Marylands victims I met with, there was evidence of cruel, sustained, and relentless sexual abuse of some victims over many years by the Hospitaller Brothers.
175. I noted the nature of the relationship of the perpetrators to the children. Marylands victims relayed to me repeatedly the stories of children being groomed by the Brothers, offered cigarettes and alcohol, taken away to the Bach owned by the Brothers for a special holiday and sexually abused there. I witnessed the close and intimate relations formed between some Brothers and some individual children at Marylands; the social, historical, and institutional contexts of the abuse the victim's circumstances, experiences, and characteristics (such as age, gender, disability, prior maltreatment, and experiences with disclosing the abuse).
176. The sources of strength and resilience that some of the victims of the Brothers abuse drew on over the course of their lives played a key role in how they coped with and managed the effects of the abuse. I heard from victims that these sources of strength and resilience include strong relationships and social support from families, peers, and others;

therapeutic activities; education, work, and leisure activities; spirituality; cultural connection; and a variety of inner resources, such as optimism and hope. Child sexual abuse by Hospitaller Brothers affected many areas of their life, including their:

- Mental health
- Interpersonal relationships
- Capacity to trust anyone in authority
- Physical health
- Sexual identity, gender identity and sexual behavior
- Connection to culture
- Spirituality and religious involvement
- Interactions with society
- Education, employment, and economic security.

177. As clinical professionals now know, some victim's child sexual abuse can have fatal consequences. I met with the parents of some victims of Marylands whose children had died at a very young age - some GRO-C and others destroyed themselves more slowly through drugs and alcohol.

178. Many victims I met had poor social relationships and marriages and partnerships had broken down.

179. Most of the Hospitaller Brothers victims I met with were unable to hold down a job and had spent years as transients. The general physical health of many that I met with would generally be described as poor and the psychological health of so many was at a very low level due to a lack of treatment, lack of medication or therapy and a lack of understanding by others following their experience as victims of child sexual abuse by Hospitaller Brothers.

180. The private sessions I attended with so many victims, their supporters and or family members highlighted the mental health impacts of abuse at Marylands on victims. Of the 70 or so victims who provided information to Brother Burke and me in private sessions about the impacts of being sexually abused, approximately 95per cent told us about mental health impacts. These impacts included depression, anxiety, and post-traumatic stress disorder (PTSD); other symptoms of mental distress such as nightmares and sleeping difficulties; and emotional issues such as feelings of shame, guilt, and low self-esteem.

181. Notably, mental health issues were often described as occurring simultaneously, rather than as isolated problems or disorders. After mental health, relationship difficulties were the impacts most frequently raised by survivors in private sessions with us, including

difficulties with trust and intimacy, lack of confidence with parenting, and relationship problems. Education and economic impacts were also frequently raised.

182. As a specialist in Trauma and its effects, I understand that part of the explanation for the profound and broad-ranging impacts of child sexual abuse in the Marylands victims that I met with lies in the detrimental impacts that interpersonal trauma can have on the biological, social, and psychological development of a child.
183. My training as a clinical psychologist informs me that child sexual abuse can result in profound trauma, affecting the chemistry, structure and function of the developing brain and potentially interrupting normal psychosocial development at every critical stage of a child's formative years.
184. While the impacts of child sexual abuse in institutional contexts are similar to those of child sexual abuse in other settings, there is much evidence that point to particular effects when a child is sexually abused in faith-based institution such as Marylands. These include impacts on spirituality and religious involvement, such as a loss of faith or a loss of trust in a religious institution. Distrust and fear of institutions and authority are particular features of the effects of child sexual abuse in an institutional context. This was the case for so many of the men we met who were victims of the Hospitaller Brothers at Marylands.
185. Due to professional training and long experience as an Organizational Psychologist, I understand the way in which institutions responded to complaints by victims of child sexual abuse – including their reactions to disclosure, action taken following abuse, and broader prevention and protection measures – and the profound effect it can have on victims. My experience with victim groups in Boston, USA and across Australia confirmed that in general, Catholic Church responses have significantly compounded the impacts of the abuse. This includes the responses of the Catholic Church where the abuse took place and the Religious Orders that have authority over, or responsibility for, that institution. It also includes the cumulative responses of the Catholic church, police, criminal justice system, complaint and oversight bodies, redress structures, support services, health services and even Royal Commissions.
186. In 2002 the Hospitaller Brothers held an international conference at one of their sites in Dublin. The gathering was for Leaders of the Hospitaller Orders from around the world and some of their key staff members. I requested that I attend the Conference but was not permitted to do so because my work was not considered “key” within the Province. I was then permitted to attend at my own expense.
187. My intention was to gauge the worldwide status of the response of the Hospitaller Brothers to child sexual abuse victims and to meet other consultants who were advising the Brothers. Upon attending I was struck by the fact that the issue of responses by the Order to victims was not on the Agenda. I was also struck by the number of lay people I

met at that conference who were very worried about the lack of a prompt, congruent and empathic response to victims all over the world.

188. I noted that this problem was not unique to Marylands in New Zealand. This was a systemic and worldwide issue. I was witnessing a global pattern of the way in which the Hospitaller Brothers respond to victims. This has been confirmed over many years of professional connections with staff members and others that I met at this conference. It became clear that the Hospitaller Order was behaving no differently to the Catholic church worldwide in its dismissal of victims, its focus on the protection of pedophiles and in saving their reputation.
189. I trusted Brother Burke in his motivation to assist victims. I had thought I had an ally in genuinely responding to victims in New Zealand. Why this was never accomplished nor followed through I can only surmise.
190. As an organizational psychologist with over twenty-five years' experience, it is important to note that the response of any institution to reports of sexual abuse by victims is central to the capacity of the individual to heal. The Impacts of institutional responses are important in several ways as recognized by a range of Enquiries, Reports and Royal Commissions held worldwide in recent years. It is now irrefutable that the most pertinent impact on any victim of child sexual abuse dealing with an institution includes damaging experiences of the following:
- **Institutional betrayal:** for example, as in the experience of the majority of Marylands victims being asked and encouraged to come forward to make a complaint, being promised an enduring relationship; receiving an apology, being paid a very small amount in compensation, and then never contacted again.
  - **Continuation of abuse:** including being kept waiting long periods of time for a response; being separated by other victims through lack of transparent information; being told you were the only victim of a certain perpetrator when this was not true. All of this took place at the hands of this Order.
  - **Re-traumatisation:** including having to recount one's story of child sexual abuse repeatedly; being made to give graphic details of the events in writing; not being believed. This was the experience of some victims.
  - **Fear, distrust, and contempt:** Many Marylands victims told me that they were too frightened to spend any of the funds given to them in compensation in case it was taken away from them. Those who went away and thought through the small amounts they had been given and who wished to go back to ask for more were equally terrified that the initial amounts would be taken from them. Having to sign a legal deed of release to the Order raised alarm and fear; having to sign confidentiality agreements terrified

victims. The contempt for some victims by the Hospitaller Order was visceral and caused enormous distrust and harm to the victims as reported to me by them.

- **Ostracism** includes the withdrawal of connection with victims by the new leadership in the Hospitaller Order in 2007, the failure on the part of the Hospitaller Order to keep its promise made to victims of an enduring relationship, the organizational denial that was going on behind the scenes in New Zealand and Australia, caused what I view to be a “second injury” as it is known within the psychological profession. Worldwide research informs us that sometimes the “second” traumatic injury causes more harm than the initial injury. For the Hospitaller Order to re-engage and then disengage with victims was cruel and harmful.

191. Institutional responses to victims of child sexual abuse are critical to the healing and repair of such victims.
192. Following my meetings with victims and their supporters I heard from many survivors for some years about further impacts they experienced because Hospitaller Order failed to respond appropriately to their complaints of child sexual abuse as time went on.
193. I also heard how the Hospitaller Order responded in ways that were actively damaging – for example, by denying the abuse happened or punishing victims for disclosing it by offering them pitifully small amounts of compensation, especially in New Zealand.
194. Some victims I spoke to were terrified that if they asked for more compensation then the Hospitaller Order would demand they returned the compensation they had been paid and which had already been spent. This threat paralyzed many victims from returning to the mediation table and in my opinion is abusive organizational behaviour. This tactic, of course, is not new. It is used worldwide by Catholic Church organizations. For those victims who attended a Special School because of a spectrum of intellectual and behavioural difficulties, this kind of response becomes torturous.
195. Inappropriate or damaging responses by institutions can result in the sexual abuse continuing for the victim, as well as placing other children at risk. This is what happened at Marylands with the paucity of reporting by the leadership at that time.
196. Victims and their families would most likely be left feeling betrayed by the institutions they trusted, resulting in fear and distrust of, and contempt for, institutions. Victims told me that these responses can not only compound the impacts of the abuse but cause additional impacts and re-traumatisation. I understand that some victims have been totally ostracized by the Hospitaller Order because of disclosing the abuse, and especially going public with their complaint.
197. My clinical and organizational training, worldwide research and my long experience inside the Catholic church informs me that when institutions do respond appropriately to

child sexual abuse, it can ensure children are safe. It can also promote healing for victims, by helping them to manage the effects of the abuse.

198. Sadly, this has not been the experience of victims of the Hospitaller Order. The Pastoral Process I set up to be followed in New Zealand when engaging with the victims of abuse at Marylands, failed because it relied on the integrity of the Hospitaller Order in being transparent and committing to seeing this process through long-term. Like the Catholic church it cannot be relied upon. Although appropriate institutional responses can be instrumental in assisting victims, the profound and adverse impacts of child sexual abuse mean that victims may continue to find any involvement with institutions such as the Hospitaller order damaging.
199. If the risk of adding further trauma is to be minimized, institutions need to respond to child sexual abuse appropriately. Such responses include agility, flexibility, compassion, transparency, and accountability. Sadly, my peers inform me, the failure of the Hospitaller order to be able to commit to this continues to this day, worldwide. This is known as systemic abuse.
200. I expect that the Royal Commission will be requesting evidence from those Hospitaller Brothers who were leading Marylands at the time when so much abuse was taking place. These leaders visited and stayed at Marylands for periods of time as part of 'canonical visitation' and subsequently received the first complaints in the 1970's. This includes Brother Brian O'Donnell who was the Leader of the Order at the time when complaints originated and who went on to be the world leader of the Order. He currently resides in Australia.
201. Likewise, Brother Joseph Smith was the person who received further complaints about Bernard McGrath in 1992 and accompanied him to the USA to receive treatment while leaving victims to fend for themselves in New Zealand and elsewhere. Joseph Smith has since been elevated to being on the Leadership team for the worldwide administration of the Hospitaller Order and resides in Rome. His evidence in relation to the responsibility the Hospitaller Order worldwide takes for the behavior of his own Hospitaller Brothers at Marylands in New Zealand would be essential.

**Statement of Truth**

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed :  **GRO-C**

Dated: 15 September 2021