

Ko e Fakakatoatoaaga

1. Ko e aoga Marylands School ne kamata ai he matakau Catholic Hospitaller Order of the Brothers of St John of God (Order) ke he maaga ko Kalasiosi he tau 1955. Ko e Order nai ko e taha matakau a ia he Lotu Katolika ne kua leva lahi e fakatū. Ko e tau tutaki kua omonuo a lautolu ke nonofo mativa, nakai maeke ke taute ha gahua faivao mo e mahani omaoma, mo e gahua ma ha lautolu ne kua gagao mo e nakai hagahaga mitaki e tau momoui. Ka ko e aoga nai kua eke ia mo kaina ke eke fakakelea, fakatāpilo, keli fakamamahi kia lautolu e tau fanau ikiiki mo e tau fanau ki lalo hifo he ha lautolu a levekiaga. Ko e tau gahua he matakau Hebron Trust, ne fakagahua ai he Order, ne kamata ai he tau 1986. Kua eke foki e aoga nai mo kaina ke fakatāpilo mo e keli fakamamahi atu e tau fanau ki lalo hifo he levekiaga ha lautolu mai he Order. Kua fakatatai atu e lautolu e tau fanau e tau kaina nai ke tuga a ‘Seoli he lalolagi nai’.

2. Ke hoko atu ke he tau tau fakahiku he 1980, pehē mai e tau fakatufono he magahala ia kua lata tonu e tau fanau ne nakai malolō e tau alaga tino mo e tau fanau fuata ke taatu ke he tau faga kaina pehē nai ka e ua toka ke he tau loto kaina ha lautolu po ke fakafano atu ke he tau aoga. Ko e tau fanau ikiiki mo e tau fuata kua leveki ai he Marylands School (kamata mai he ono e tau moui) mo e Hebron Trust (lahi ni ke he tau fuata mui, ka e fai tama ne kitia ko e 8 e tau moui), ko lautolu ia ne kitia kua hagahagakelea lahi e tau momoui. Tokologa he tau fanau taane ne kua taatu ai ke he aoga Marylands kua nakai katoatoa ha lautolu a tau alaga tino, mo lautolu he kaina Hebron Trust tokologa ko e tau fanau ‘nonofo puhalatū’. Tokologa foki e tau fanau Maori fuata mui kua nakai fai kaina ke nonofo ai pihia mo e manako lagomatai.

3. Ko e tau fanau ne kua fakafano atu ke he aoga Marylands, kua tuahā lahi a lautolu ko e aoga nai kua lata tonu mo lautolu, tau levekiaga mo e tau fakaakoaga to moua mai ia lautolu he St John of God Brothers, ka lautolu ia ki lalo hifo he Lotu Katolika mo e Atua. Ka ko e mena ne tupu kua lauia a lautolu ke he tau ekefakakelea he tau tagata ne kau tū tonu ke leveki atu kia lautolu.

4. Kua tuahā e Lotu Katolika mo e tau tagata gahua he faahi malolō tino kua moua he tau fanau nai e tau levekiaga mitaki. Ka e kehe ni e taofiaga he fakatufono haggao ia ke he aoga nai. Ko e tau mamatua kua manatu ni a lautolu kua mitaki e tau fakaholoaga fakaako he aoga Marylands mo e lotomatala e tau Brothers ke fakaako ia lautolu ne nakai katoatoa e tau alaga tino. To fakafano atu he Faahi Leoleo, Faahi Fakafili mo e falu a tau matakau kehekehe a lautolu e tau fanau ne haofia ke he tau levekiaga kelea he tau Brothers ke he matakau Hebron Trust ha kua iloa ai e mitaki he tau levekiaga ha lautolu ke he tau fanau fuata, pihia foki e mitaki he tūaga ha Brother McGrath ke he tau tagata.

5. Ka ko e mena ne tupu, ko lautolu i Kalasiosi, tau mamatua, tau pulotu mai he faahi malolō tino mo e falu a pulotu kehekehe, kua fakapouli he Order e tau mata ha lautolu. Kua nakai moua he tau fanau e tau fakaakoaga kua tonu mo e tokologa he tau Brothers ki loto he Order kua fakapilo e tau fanau nai, keli fakamamahi mo e leveki fakakelea atu kia lautolu. Lahi he tau magaaho kua nakai talitonu he tau tagata e tau hokotaki mai he tau fanau nai. Tau kitiaga he Lotu Katolika ne pehē ko e fakatapilo ko e ‘hala’ ka e nakai ko e mahani kolokolovao, kua lali fakalahi e tau Bishop mo e tau takitaki he Lotu mo e Order ke puipui atu e tau Brothers he magaaho ne logona ai e tau hokotaki mai he tau fanau.

Ko e aoga ko Marylands

6. Ko e tau 1954, kua uiina atu he Bishop ha Kalasiosi e Order ke fakalaulahi atu ha lautolu a tau fakaholoaga ki Kalasiosi mo e aoga Marylands. Kua talia ai he Order ti fakatū ai e lautolu e aoga Marylands, ko e aoga ma e tau fanau taane ne nakai katoatoa e tau alaga tino. Ko e fakatūaga he aoga kua kitia ki ai kua utakehe ai e tau fanau mai he tau magafaoa ha lautolu, tau maaga mo e tau kapitiga, muiua atu ke he tau manatu he tau tagata kua onoono hifo kia lautolu ne nakai katoatoa e tau alaga tino.

7. Eugenics, ko e tau taofiaga mo e tau puhala fakagahua ha ko e manako ke fakamitaki e tau momoui he tau tagata oti. Ableism, ko e taofiaga ne pehē kua nonofo tokolalo a lautolu ne nakai katoatoa e tau alagatino. Ko e tau onoonoaga ke tuku fakamua a lautolu ne tū mitaki e tau alaga tino mo e tau manamanatuaga.

8. Ne fakafano mai he Order 5 e Brothers mai i Osetalia ke gahua ia he aoga nai. Tokologa ia lautolu ne nakai fai fakaakoaga ke fakaako tama, moe nakai fai lotomatala ke fakaako e tau fanau ne nakai katoatoa e tau tino. Kua moua oti a lautolu he tau hokotaki ne pehē kua ekefakakelea e lautolu e tau fanau he tau fakamua ne fakaako ai a lautolu he aoga nai. Putoia ai foki e tau hokotaki ne pehē kua ekefakakelea e lautolu e tau fanau he tau aho oti.

9. Ko e pulotu ko Dr Michelle Mulvihill ne gahua ai ma e Order i Osetalia, kua talahau e ia ke he kumikumiaga ke he aoga Marylands, “Kua fakagahua ai he Lotu Katolika i Niu Silani e tau tagata ne nakai fai fakaakoaga ke fakaako e tau fanau ne kua hagahagakelea e tau momoui he aoga Marylands. To fakaaoga ai he tau tagata nai ha lautolu a tau tutūaga ke ekefakakelea mo e moumou e tau momoui he tau fanau nai, oti mogoia ti tolo ki fafo.”¹

10. Tata atu ke he aoga Marylands e taha kaina ne higoa ko e St Joseph’s Orphanage, ne leveki ai he taha matakau mai he Lotu Katolika ko e Sisters of Nazareth.² Pete ni he nakai kumikumi atu e Royal Commission kia lautolu ne leveki he matakau Sisters of Nazareth, kua logona ai foki falu a hokotaki mai he tau fanau ne pehē kua lauia foki a lautolu ke he tau ekefakakelea mai he tau tagata taane he Order.

11. Pete ni kua fai falanakiaga e kautū, pihia mo e tau Ikipule he fakatufono, ke he fakatūaga mo e fakatupe he aoga nai ke 30 e tau, tau puhala ne muiua a lautolu ki ai, mo e tau fanau ke he aoga kua kitia ki ai kua nakai hako. Magaaho ne fakakite ai he tau fanau ke he tau leoleo mo e tau tagata gahua leveki ke he tau momoui tagata e tau hokotaki ke he tau mena kelea ne felauaki mo lautolu, kua nakai talia he aoga e tau hokotaki ia.

12. Ko lautolu ne oatu ke he aoga Marylands ko e tau fanau mai he tau faahi oti ha Niu Silani pihia mo lautolu mai he tau aoga fakatufono, mo e tau fanau ne nakai mitaki ha lautolu a tau manamanatuaga.

13. Nakai fakamau hifo he Order ko e tau fanau katoatoa ha lautolu a tau alaga tino po ke nakai, po ke tau fanau hā a lautolu, mo e nakai fai kumikumi ke iloa po ke tau lagomatai fefē kua lata tonu mo lautolu. Kua hehē lahi e aoga nai ha kua nakai maeke ia lautolu ke fakaako e tau fanau ne kua fakafano atu ki ai. Lahi he tau magaaho kua gahua ai e tau fanau ke he fale unu koloa tui, fale kaitunu mo e gahua he fonua ka e nakai fakaako a lautolu ki loto he poko aoga. Lahi he tau magaaho kua nakai fai fakaakoaga ne moua he tau fanau nai.

14. Mai he toko 537 he tau fanau ne oatu ke he aoga Marylands, mole fakatote e taha mai he lima (118) ne pehē kua moua a lautolu he tau mahani ekefakakelea he magaaho ne nonofo ai he aoga na. Pehē mai a lautolu kua fakapilo tumau he tau brothers a lautolu, mulukutō mo e keli fakapilo e tau fanau ne oatu ai he aoga ia. Kua fakaiaia he brothers e tau fanau ke mulukutō mo e fota fakapilo a lautolu. Ha kua mahani e tau fanau he taute he tau mena kelea pihia, kua taute foki e lautolu e tau mahani ia ke he falu a fanau foki. Falu a

magaaho, tokoua po ke molea e tau brothers ne fakatapilo taha e tama po ke fekau e tau fanau ke taute fakapilo a lautolu ka e onono e tau brothers. Fa mahani foki ke taute e tau gahua pilo nai ki loto he tau poko kua nakai hafagi. Falu a magaaho, kua keli fakapilo ki mua he falu fanau ke eke e mena mo fakahala po ke fakamatakutaku atu kia lautolu. Kua fakamatakutaku mo e keli e tau fanau ke omaoma ke he tau manako he tau brothers mo e kua nonofo hopoate e tau fanau ha ko e tau faga mahani pihia.

15. Ke lalafi atu ki luga ke he tau keli fakamamahi, kua fakaaoga he tau brothers e tau fakaaoga he lotu ke ekefakakelea e tau fanau, mo e taofi a lautolu ke nakai fakapuloa e tau mahani nai mo e fakahopoate ke pehē to fakahala he Atua a lautolu. Kua pehē mai falu he tau brothers, ko e fakatapilo kua tatai mo e fakamea he tau agaaga, fakaaoga e tau vagahau mai he Tohi Tapu ke fakamooli aki e tau mahani kelea ha lautolu po ke ekefakakelea he tau fanau ko e taha vala a ia he tau fakaholoaga he lotu. Taha e tama ne pehē kua fakapilo a ia ki luga he laulau fatapoa. Pehē mai taha foki: “Kaeke ko e tama mitaki a koe, to haele atu a koe ke he lagi.”

16. Ko e tau brothers nai omai he motu ko Osetalia (ko Brother McGrath ko ia ko e tagata Niu Silani) ti nakai iloa a lautolu ha mena haggao ia ke he tau aga fakamotu ha Aotearoa Niu Silani po ke ha fakaaoga te ao Māori, po ke tau aga fakamotu he falu foki. Ko e Lotu Katolika mo e Bishop ha Kalasiosi kua nakai fai fakaaoga ke he tau tutaki he Order e mahuiga he Te Tiriti o Waitangi ke he levekiaga he tau fanau Maori mo e nakai muiua e tau levekiaga ke fetataiaki mo e Te Tiriti o Waitangi. Falu a brothers kua fakaaoga e lautolu e tau mahani onono tagata ke he tau fanau Māori mo e amuamu atu a lautolu pehē ko e tau ‘niggers.’ Kua nakai fai fakalilifuaga a lautolu ke he tau mahani fakamotu, ti taha e magaaho ne fakakite age e lautolu e tino he tagata mate ke fakamatakutaku aki e taha tama taane.

17. Ke lalafi atu ke he tau keli fakamamahi mo e tau keli fakapilo, nonofo matakutaku e tau fanau he aoga Marylands. Kitia mata he falu fanau e tau mahani keli tagata, ti tokologa ne pehē liga ko e kakano ha ia ne mamate falu a fanau. Ko e tau koloa fakapilo mo e tau koloa tau eke kua kitia ki ai he aoga ia. Tokologa e tau fanau taane ne kua tutala ke fakaoiti ha lautolu a tau momoui. Nakai fai puhala ke fehola kehe. Kua mamanofua ha lautolu a nonofoaga, mo e nakai fai ne talitonu ke he ha lautolu a tau hokotaki. Ko e tau mena kelea oti ni toka he aoga ia.

Hebron Trust

18. Mole mai e magaaho ne ō kehe mai e Order he aoga Marylands he tau 1984, kua uiina atu he Bishop ha Kalasiosi a lautolu ke fakatū taha matakau ke lagomatai atu e tau fanau ne kua haggahagakelea e tau momoui, tokologa a lautolu ko e tau fanau Māori.

19. Kua mailoga ai he fakatufono a Hebron Trust ko e matakau kua lata tonu ke leveki atu e tau fuata mui he tau 1990, mo e fakamooli ai e matakau nai ke eke ia mo taha matakau fakaaoko he fakatufono.

20. Kua fakaaoga ai he Order e Hebron Trust ke leveki fakakū atu a lautolu e tau fanau fuata mui. Ko Brother Bernard McGrath, ko e taha he Order ne lahi e fakapilo³ he tau fanau, ko ia tokotaha ne leveki atu ke he tau fakaholoaga oti. Kua fakaaoga e ia haana a tuaga ke fakapilo, fakatapilo mo e keli fakamamahi e tau fanau. Ki loto he Hebron Trust, kua fakatumau a ia ke ekefakakelea e tau fanau, mo e fakaholo ki mua e kelea he haana a tau mena taute.

21. Kua maeke ia Brother McGrath ke matutaki atu ke he tau faahi oti ha Kalasiosi, nakai fai kumikumiaga po ke huhū ke he haana a tau gahua, ke tutuli atu e tau fanau fuata mui, mua atu ke he tau fanau Māori. Kua hopoate e tau loto ha kua iloa he tau takitaki he Order

haana a tau mena kelea ne taute he aoga Marylands ka e nakai fai kumikumiaga ki ai. Ko e mena ia, kua fakatumau a Brother McGrath ke taute e tau mahani kelea nai ke he Hebron Trust.

22. Liga to nakai iloa oti e tau mena kelea ha Brother McGrath ne taute. Ka e iloa ai ko e toko 28 ia lautolu, tokologa ki lalo hifo he 18 e tau tau, ne tuku age e tau hokotaki ke he Order ne pehē kua ekefakakelea e Brother McGrath a lautolu he Hebron Trust fakalataha ki ai foki taha tagata gahua. Tokologa he tau fanau nai nakai fai kaina ke nonofo ai, tau fanau ne fakailoa mai he falu a faahi gahua leveki tagata po ke faahi fakafili. Ko e tau mahani ekefakakelea ha Brother McGrath ke he tau fanau nai kua kelea lahi mahaki mo e to logona e lautolu e tau mamahi ke he loga e tau tau.

Tau mena tutupu mai he tau ekefakakelea

23. Ko e tūkinō (ekefakakelea, fakapākia mo e fakagaveve) kua kitia ki ai e loga he tau mena ne tutupu mai he magaaho fakamui ke he tau fanau he aoga Marylands, Hebron Trust mo e St Joseph's Orphanage. Tokologa ha lautolu ne kua mahani vale mo e fakakite ai e tau mahani fakatapilo. Ke he tau tau loga, kua kitia ai e tau kalavalava mo e mamahi ke he tau tino ha ko e tau ekefakakelea kia lautolu. Fuafua ki ai liga tolu e kuata a lautolu ne ula e tau tapaka kona po ke inu e tau kava ke galo e tau mamahi, falu ha lautolu nonofo agaia he aoga he magaaho ia, ti taute ai e tau mahani kolokolovao mo e hū atu ke he falu a tau kau. Kua fakamatala foki a lautolu ke he tau malolō he tau manamanatuaga, tau momoui tino mo e tau puhala fakapilo.

24. Falu a lekua ne tutupu mai he tūkinō tuga e nakai fai falanakiaga ke he tua pihia mo e uka ke fai fehagaiaga mo e falu a tau tagata, tau kapitiga, tau fanau mo e tau hoa. Ha kua nakai moua a lautolu ha fakaakoaga mitaki he aoga Marylands, kua kitia ki ai kua uka a lautolu ke kumi gahua mo e lahi ni ke moua e tau gahua nakai mitaki e totogi po ke moua he tau gahua ne lata ni mo lautolu ne nakai fai fakaakoaga.

25. Tokologa ne pehē kua manamanatu a lautolu ke fakaoti e tau moui po ke lali ke fakaoti e moui.

Complaints and accountability

26. Kamata mai he matahiku he tau 1970 ke he mataulu he tau 2000, kua fitā he fakailoa age ke he tau takitaki he Order e tau hokotaki hagai ia ke he tau brothers.

27. Tokologa e tau fanau ne fakakite age e tau ekefakakelea ke he tau brothers he Order, tau takitaki ha lautolu, tau tagata gahua he fakatufono mo e tau leoleo. Lahi he tau magaaho kua nakai talia e tau hokotaki nai mai he tau fanau mo e kua fakatikai ke he tau fakakiteaga nai. Ha kua nakai katoatoa ha lautolu a tau tino, ko e mena ia ne nakai talitonu ai he tau takitaki ha lautolu a tau hokotaki.

28. Fai fakailoaaga fufū ne fakafano atu ke he ofisa he Order i Sydney he tau 1977 hagai ia ke he tau mahani fakatāpilo ha Moloney mo McGrath, ka e nakai fai taliaaga a lautolu ki ai. Ko e mena ne tupu he tau ia, kua fakaaoga he Order e fakaholoaga ne higoa ko e 'geographic cure'. Kakano kua fakafano atu a Moloney ke gahua he ha lautolu a ofisa he Vatican. Ko McGrath kua liuaki atu a ia ki Kendal Grange i Osetalia ke he kaina ne toka ai e tau fanau nakai katoatoa e tau alaga tino. Kitia ki ai kua fakatumau haana a ekefakakelea ke he tau fanau a to liu mai ki Kalasiosi ke fakatū mo e takitaki e Hebron Trust.

29. Mai he toko 37 e brothers he Order ne gahua i Kalasiosi he magaaho ne fakagahua ai e lautolu e aoga Marylands, toko 21 ne kua fai hokotaki ki ai hagai ia ke he tau mahani ekefakakelea. Toko 19 ne fai hokotaki ke he mahani fakatāpilo e tau fanau ikiiki.

30. Ke he 28 e tau ne hafagi ai e aoga Marylands, lahi he tau magaaho ko e toko fitu e brothers ne gahua ai ki Kalasiosi, mai he toko fitu ia, toko lima a lautolu kua iloa ne fae taute e tau mahani ekefakakelea, mo e fā mai he toko lima ia ne iloa kua taute e tau mahani fakatāpilo. Kitia ki ai foki ko lautolu ne fae taute e tau mahani ekefakakelea to nonofo leva a lautolu he aoga ia ka fakatatai atu kia lautolu ne nakai.

31. Ko e ua lā e kumikumiaga he faahi Leoleo, ka e kua kanau e tau kumikumiaga nai ha kua nakai kaufakalataha e tau brothers mai he Order. Kua fakaaoga he Order i Osetalia e tau tupe loga ke totoko atu ke ua fakafano falu a brothers ki Aotearoa ke hopo he fakafiliaga ha ko e tau agahala ha lautolu. Ka e ko e magaaho fakamui kua liliu atu ki Aotearoa Niu Silani a lautolu.

32. Kua fakahala ai a Brother McGrath i Kalasiosi he tau 1993 ke he tolu e tau ki loto he fale puipui ma e 10 e tau hokotaki ke he tau mahani fakatāpilo e tau fanau kamata mai he valu ke he 16 e tau tau moui. Ko Brother Garchow mo Brother Moloney ko e liliu mai la a laua ki Aotearoa Niu Silani he tau 2006 ke tutū ki mua he fakafiliaga fakalataha mo Brother McGrath mo Brother IU.

33. Ko Brother Moloney ne takitaki e aoga Marylands he tau tau 1970 mo e liu atu ki Kalasiosi he tau tau 1980, kua agahala a ia ke he fitu e hokotaki⁴ haggao ia ke he toko lima e tau fanau⁵ mo e fakahala ai ke he ua e tau mo e lima e mahina ke he fale puipui.⁶ Kua fakatoka mai a ia ki fafo he mahina a Sepetema 2009 mo e liu atu ki Osetalia. Kua talahau ai he Order ke he tau pepa tohi tala: “Ko e tutaki agaia a Brother Moloney ke he Order mo e to leveki ki ai he Order a ia i Osetalia.”⁷ Ne okioki ai a ia ki Sydney he tau 2019.

34. Nakai fakahoko e fakafiliaga ha Brother Garchow mo Brother IU. Ha kua moua e falu ha lautolu ne tālaga e tau hokotaki mo Brother Garchow he tau gagao, ko e fifiliaga ke taofi e fakafiliaga kua talia ki ai he mahina Iulai 2008.⁸ Kua okioki ai a ia he mahina ha Masi 2011. Ko e kitiaaga he tau leoleo e tau lagatau ha Brother IU ke ua fai talitonu ke he tau hokotaki kia ia, kua kautū haana a tohi ole ke taute e tau kumikumiaga ke he ha lautolu a tau manamanatuaga. Ha kua pihia e tau fifiliaga, kakano kua tō tua lahi e tau fakaholoaga ti maeke ia Brother IU ke tohi taha tohi ole ke utakehe oti e tau hokotaki kua ligo kia ia he aho ne kua fakatoka ke tu a ia ki mua he fakafiliaga.

35. Ke he fifiliaga he tau 2006 kua agahala a Brother McGrath ke he 22 e hokotaki ke lata mo e tau magaaho ne gahua ai a ia ke he aoga Marylands ha kua “taute e ia e tau mahani fakapilo ke he tau fanau taane i lalo hifo he 16 e tau tau moui”.⁹ Ko e keli fakatāpilo, putoia e amoamo, fotafota, mulukutō mo e tukipapa ka e nakai agahala a ia he hokotaki fakapilo e muimui.¹⁰ Kua fakahala a ia lima e tau ke he fale puipui.¹¹ Kua fakakite ai he iki fakafili e tau “hokotaki fakaagitau mai ia lautolu ne kua lauia ai... tau manatu ita, matakutaku, manatu tupetupe, tau miti kelea, tokolalo e tau manatu fakatagata, haofia e tau manamanatuaga ka liu manatu e tau mena kelea mo e tokologa ne haofia ke he tau mena kelea he tau tau loga fakamui”.¹² Kua fakatoka mai a ia ki fafo he fale puipui he tau 2008.¹³

36. Ke he tau 2018 ki Ausetalia, kua agahala a Brother McGrath ke he 64 e hokotaki haggao ia ke he 12 e tau fanau taane he magaaho ne gahua ai a ia he kaina Kendal Grange mo e fakahala ai ke he 33 e tau ki loto he fale puipui. Ko e tau 2019 kua lalafi atu foki 29 e tau ke he fale puipui ha ko e tau agahala haggao ke he toko 15 e fanau taane i Kendall Grange. Falu a fakahala ke lata ia mo e agahala fakatāpilo he muimui.

37. Kua agahala a Brother McGrath ke he lima e fakafiliaga, ua i Aotearoa Niu Silani mo e tolu i Ausetalia ha ko e tau agahala kua molea 100 ne taute ai e ia ke he molea e 30 e tau. Liga to nofo tukumalagi a ia ke he fale puipui.

38. Ko e tau kumikumiaga he tau leoleo mo e tau fakaholoaga he faahi fakafili kua nakai hagahaga mitaki kia lautolu ne lauia ke he tau ekefakakelea. Ko e falu a tau fakamooliaga kua tuku kehe ha kua pehē ko e tau fanau nai nakai katoatoa e tau alaga tino ti ko mena ia kua uka a lautolu ke falanaki atu ke he tau fakamooliaga nai. Nakai fakamau foki he tau leoleo e tau mena kua nakai katoatoa ke he ha lautolu a tau alaga tino, mo e nakai fakaaoga e lautolu e tau pulotu lotomatala ne maeke ke fakatutala mo e tau vahega tagata pehē nai. Kua nakai fakaaoga he tau leoleo e tau puhala kua tu tonuhia ma e tau tagata Māori mo e Pasifika.

39. Pehē mai e Faagi Gahua Leoleo to nakai mukamuka e tau tagata ne nakai katoatoa e tau alaga tino ke moua taha fakafiliaga kua hako ha ko e tau hopo fakafili pehē nai kua lata ke maama mitaki e tau vagahau he tau magaaho oti, maama mitaki e tau huhū, mo e kua lata foki ke fai maamaaga ke he tau puhala he faahi fakafili.¹⁴ Ko e fakaholoaga he faahi fakafili nakai lata mo lautolu ne kua lauia ke he tau keli fakapilo.

40. Kua fakatukuogo mai e lautolu mo e tau magafaoa mo e pehē kua nakai mailoga he faahi fakafili e ha lautolu a tau tino kua nakai malolō po ke nakai fakaatā e tau tagata leveki ke nonofo fakalataha mo lautolu ki loto he fale fakafili. Pehē mai foki a lautolu kua nakai mailoga he faahi fakafili a lautolu he tau magaaho huhū, mo e mafiti lahi ke nakai fakaatā ha lautolu a tau tali.

41. Ko e taha matapatu gahua he faahi leoleo ke kumikumi fakahokulo ke he tau hokotaki kua moua, ka e nakai onono a lautolu ke he Order po ke tau takitaki ke fifili ko e agahala a lautolu po ke nakai.

42. Ko e kamataaga he Order i Aotearoa Niu Silani na lagomatai atu he Pisopo ha Kalasiosi, mo e ko ia foki ne nakai fai ononoaga ke he tau gahua he Order ke he aoga Marylands mo e HebronTrust. Lalafi atu foki, magaaho ne iloa ai e tau hokotaki ekefakakelea he tau 2000, kua nakai talia e Pisopo Cunneen ko ia ka fua e kavega he tau agahala he Order. Ka e kua kitia ki ai, kua nakai fafia e Bishop ke he faahi gahua tohi tala mo e lali a ia ke puipui e tuaga he Lotu.

Liga kua holia e maituaaga ke he tonuhia he tagata

43. Kua kitia ki ai liga kua holia he Fakatufono e tau maituaaga haggao ia ke he tonuhia he tagata ma ha lautolu he aoga Marylands mo Hebron Trust. Kua fai huhū foki haggao ia ke he tuaga he Order of St John of God mo e tau tutaki he Order ke he tau ekefakakelea kia lautolu e tau fanau ne leveki he Hebron Trust. Onono ki ai, liga lauia a lautolu ke he matafakatufono New Zealand Bill of Rights Act ke he tau mena taute he mole atu e fakagahua he matafakatufono nai he aho 25 Sepetema 1990.¹⁵

44. Fitā he iloa to ha hā i ai e tau fakalavelave kia lautolu ne tā e tau hokotaki, ti nakai ko e gahua he kumikumiaga nai ke iloa ko e agahala po ke nakai, pihia foki a mautolu ki lalo hifo he matafakatufono tohi Inquiries Act 2013. Ko e gahua he faahi fakafili a ia. Ka ko e tau tala ka moua e mautolu to eke e tau mena ia ke tali aki e tau huhū haggao ke iloa po ke agahala nakai, mo e putoia ai foki e fakakikiveka tagata mo e holia he tonuhia he tagata. Kua fitā he fafā e mautolu i loto he Hokotaki Fakahiku e manako ke fai kitekiteaga foki ke kumikumi po ke agahala nakai e Fakatufono, Order mo e falu a tagata foki.

45. Ke he magaaho nai, kua fakaohoho atu a mautolu ke he Fakatufono mo e Order ke taute e taha mena kua tonu mo e fifili tonu ko e fai agahala nakai a lautolu. Fakaohoho atu

foki a mautolu ke taute falu a gahua ke moua e lautolu ne lauia ke he tau ekefakakelea he aoga Marylands mo e Hebron Trust falu a lagomatai ke he tau faahi fakafiliaga.

46. Kua lata ia tautolu ke liuaki age ha lautolu a tau tūaga ko e tau tagata moui, mo e mauulu ha lautolu a tau mamahi. Kua lata e tau aoga mo e tau matakau ia ke hiki ha lautolu a tau fakaholoaga ne kua fakamamahi atu e tau fanau ka manako a tautolu ke ua liu foki ha tama ke lauia he tau ekefakakelea pehē nai. Ko e tau hikihikiaga ia to lagomatai atu a Aotearoa Niu Silani ke eke ia mo taha kautū kua mua atu e mitaki he tau levekiaga ke he tau tagata mo e kua monuina, mitaki e tau momoui, nonofo fiafia mo e fakalilifu atu kia lautolu.

Te Tiriti o Waitangi

Ko e Fakatufono, Lotu Katolika mo e Order kua nakai foaki e lautolu e tau levekiaga ke fetataiaki mo e tau fakakiteaga he Tiriti o Waitangi.

48. Ko e tau fakaakoaga ke he tau matafakatufono mo e Treaty kua kitia ki ai kua putoia oti a lautolu ke he tau talahauaga he Treaty moe fai taofiaga ke he tau fanau Māori ki lalo hifo he levekiaga he Fakatufono po ke tau Lotu kehekehe. Ke he e tau Lotu kehekehe pihia mo e Lotu Katolika, ko e fehagaiaga nai kamata mai he magaaho ne fakamooli ai e Tiriti o Waitangi.

Tau mena ne moua e mautolu

49. Kua moua e mautolu 42 e talahauaga mai he ha mautolu a kumikumiaga. Kua kitia ki ai tau hepehepe he Lotu Katolika, Order mo e Fakatufono.

50. Ko e fakakatoatoaga, kua tohi fakamau mo e fakatupe he Fakatufono e aoga Marylands. Kua nakai mitaki e tau fakaakoaga mo e tau levekiaga kia lautolu e tau fanau ne kua fakafano atu ke he aoga ia- kua ekefakakelea mo e fakagaveve, mo e nakai muiua atu ke he tonuhia he tagata. Ku a tohi fakamau he Fakatufono e Hebron Trust ti fakafano atu he falu a faahi gahua he fakatufono e tau fanau ne hagahaga kelea e tau momoui ke he Hebron Trust mo e nakai tupetupe ke he ha lautolu a tau levekiaga. Kua hepe e Fakatufono ha kua nakai fai tauteaga ke kitia e tau puhala leveki he aoga Marylands mo e Hebron Trust ke fakatatai atu ke he Te Tiriti o Waitangi, po ke tau puhala ke lata mo lautolu he Order ne ekefakakelea e tau fanau.

51. Ne fakatū he Lotu Katolika mo e Order e aoga Marylands mo e Hebron Trust ka e nakai fai puipuiaga ke he tau tamariki mo e rangatahi ne leveki e lautolu, mo e nakai fai fakaakoaga po ke maamaaga ke he te ao Māori. Kua mamafa lahi e mena ne higoa ko e tūkinu kua lauia ai e tau tamariki mo e rangatahi mai he tau brothers, mo e lali fakamakamaka foki a lautolu ke kalo kehe mai he tau agahala mo e nakai fai lagomatai foki ke he tau fanau nai mo e ha lautolu a tau magafaoa.

52. Nakai fai magaaho e Order ne kumikumi atu e tau fanau nai ne omai he Hebron Trust ke lagomatai atu kia lautolu, po ke puretumu torowhānui he vagahau Māori. Pihia foki e Lotu Katolika, mo e Order, po ke tau Pisopo mo e falu matakau foki he Lotu Katolika, nakai kumi atu a lautolu kofē e tau fanau ne omai he aoga Marylands mo e Hebron Trust. Nakai fai kumikumiaga foki e Lotu Katolika mo e Order ke iloa ko e hā ne ekefakakelea ai pihia e tau fanau ne oatu he aoga Marylands.

53. Ko e kumikumiaga nai kua kitia ki ai kua agahala a lautolu mai he Order ke he falu a hokotaki, mai he loga e tau hokotaki kua fakakite mai he tau fanau mo e ha lautolu a tau magafaoa. Ka e nakai hagaa e tala nai ke he 'tau fua apala kelea'. Ko e kumikumiaga nai ne kitia kua lata tonu e Lotu Katolika, Order mo e Fakatufono ke talia ko lautolu ati lauia ai he loga e tau fanau ke he mena ne higoa ko e tūkinu (mahani vale, fakapilo, fakakikiveka,

ekefakakelea), tau mena tutupu ke he ha lautolu a tau momoui, mo e tau magafaoa pihia mo e tau tagata lagomatai, ha kua fakaātā he Lotu Katolika mo e tau matakau he Fakatufono e tau ekefakakelea nai ke he tau aoga, fakateligatuli atu ki ai mo e fufū ki ai foki.

54. Ko e Lotu Katolika, Order mo e Fakatufono kua nakai agahala a lautolu ke he tau mena kelea oti ne kua kitia ai ke he aoga Maryland mo e Hebron Trust, po ke nakai fai talahauaga ke he tau lekua ia. Ka nakai fai taliaaga, to nakai fai falanakiaga ke lata mo anoiha. Kua kitia ai e mautolu ko e puretumu torowhānui, tau lagomatai katoa, tau fakaholoaga mo e tau fakatokatokaaga ne fakataitai e mautolu ke he hokotaki he mahina Tesemo 2021, kua lata ke fakaaoga he tau matakau mai he Fakatufono pihia foki mo e tau matakau mai he tau Lotu kehekehe.

55. Ko e tau talahauaga he kumikumiaga nai kua kitia ki ai e tau mena kua nakai tonu mo e kitia agaia he magaaho nai, to fakakite foki he Hokotaki Fakahiku mo e to liu foki a mautolu ke fatiaki foki e tau talahauaga nai.

56. Kua lata a Aotearoa Niu Silani ke omaoma ke he tau manako ma e tau taliaaga mo e fakafili tonu. Kua lata ke fai hikihikiaga ke he tau matakau ia ke ua liu ha mena pehē nai ke tupu foki ke he ha tautolu a tau tamariki mo e rangatahi.