

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

Under The Inquiries Act 2013

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

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

Counsel:

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

Ms Sonja Cooper for Survivor Mary Marshall

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

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

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

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

Date: 2 December 2020

TRANSCRIPT OF PROCEEDINGS

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3 **ANN-MARIE SHELLEY - AFFIRMED**

4 **EXAMINED BY MS GLOVER**

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

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

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

11 A. Good morning.

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

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

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

15 **MS GLOVER:**

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

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

29 Q. Thank you.

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

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

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

6 A. I do.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 Am I too fast?

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

32 A. Oh, it's fine.

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

35 A. For sure, for sure.

1 **CHAIR:** Thank you.

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

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

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

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

16 **MS GLOVER:**

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

19 A. Yep.

20 Q. What was that like?

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

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

27 A. Yep.

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

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

30 children, especially Dad.

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

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

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

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

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

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

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

34 Shortly after, I was sent to Peter Hercock.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Q. Can we bring up now a photograph of Ann-Marie in 5th form.
22 How old are you in this photograph, Ann-Marie?

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

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

25 A. I'm lost.

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

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

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

30

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

32

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

35 A. Yes.

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

3 A. Thank you.

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

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

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

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

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

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

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

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

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

1 A. Okay.

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

4 A. Okay, thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 And I'm okay to keep going.

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

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

22 A. Actually, maybe I will.

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

24

25

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

27

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

29 A. Yes, thank you.

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

31 A. Thank you.

32 **MS GLOVER:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **MS GLOVER:**

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

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

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

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

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

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

3 How did you feel when you received this letter?

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

10 Q. And what happened next?

11 A. In September -

12 Q. Maybe looking at paragraph 3.5.

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

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

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

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

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

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

32 My assumptions later proved to be very wrong.

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

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

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

6 A. Yep.

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

9 A. Yes.

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

11 A. Yes.

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

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

20 Q. And then carrying on then at 3.10?

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

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

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

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

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

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

13 A. Yes.

14 Q. You are clearly seeking further information?

15 A. Yes.

16 Q. From the Church?

17 A. Yep.

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

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

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

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

7 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

22 A. Yes.

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

27 A. During.

28 **CHAIR:** During the investigation?

29 A. Yes, during.

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

31 A. Yeah.

32 **MS GLOVER:**

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

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

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

12 A. Yes.

13 Q. Can you talk about that?

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

17 Q. Yes.

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

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

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

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

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

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

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

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

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

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

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

14 So, it wasn't a pleasant matter.

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

17 A. Yes.

18 Q. Can you tell us about that?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 We have there an image of Hercock himself.

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

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

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

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

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

20 A. Thank you.

21 **MS GLOVER:**

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

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

29 A. Yes.

30 Q. On a couple of occasions?

31 A. Yes.

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

33 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 A. Yes.

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

1 A. Yes, sorry, Jane.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 A. No, there were four of us.

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

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

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

25 A. No.

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

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

28 **CHAIR:** Thank you.

29 **MS GLOVER:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 A. Yes.

14 **CHAIR:** Thank you.

15 **MS GLOVER:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 A. None whatsoever, none at all.

25 **COMMISSIONER STEENSON:** Despite asking?

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

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

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

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

3 A. Well, it was in the newspaper.

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

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

9 **COMMISSIONER ALOFIVAE:** Full stop?

10 A. Yeah.

11 **COMMISSIONER ALOFIVAE:** Thank you.

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

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

14 A. John Dew.

15 **COMMISSIONER ALOFIVAE:** Thank you.

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

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

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

22 A. Yeah.

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

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

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

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

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

4 A. Yes.

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

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

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

14 A. Yes.

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

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

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

28 A. Yes, definitely.

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

33 A. Yes.

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

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

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

13 **COMMISSIONER ERUETI:** Thank you.

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

18 A. Absolutely not.

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

20 A. (Nods).

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

22 A. Never, never.

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

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

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

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

14 A. Yes.

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

17 A. I hope so.

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

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

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

26 A. Thank you.

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

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

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

4 A. Thank you.

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

7 A. Sue Goodwin.

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

9 A. Absolutely.

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

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

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

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MARY MARSHALL - AFFIRMED**EXAMINED BY MS COOPER**

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CHAIR: Good afternoon, everybody. Ms Cooper, I can hardly see you. Welcome back.

MS COOPER: Thank you.

CHAIR: And we have Mary Marshall with us.

A. Hello.

CHAIR: What would you like me to call you, Mary or Mrs Marshall or Ms Marshall?

A. Mary, thank you.

CHAIR: That's nice, okay. Mary, before Sonja Cooper asks you questions, I will just ask you to take the affirmation; is that all right?

A. Yes. (Witness affirmed).

CHAIR: Thank you very much. I will leave you now with Ms Cooper.

MS COOPER:

Q. Just to confirm, your full name is Mary Elizabeth Marshall?

A. Yes.

Q. And you are giving your evidence from Sydney, Australia?

A. That's correct.

Q. Mary, I know that you have an opening statement that you would like to read before we start on your evidence properly, so I'll ask you to do that opening statement.

A. You would like me to commence with it?

Q. Yes.

A. Okay. Tena koutou katoa. I am speaking to you from Sydney Australia and acknowledge the Gadigal people of Eora Nation on whose land I am living. Dia Daoibh to all Irish diaspora living in Aotearoa New Zealand.

1 A salute to all survivors and for victims who had no
2 voice and for those who have suicided, we are your voices
3 and you are all here with us.

4 My name is, as stated, Mary Elizabeth Marshall. I am 61
5 years old. Just staying alive is winning. My life is
6 severely impacted by depression which came on me completely
7 by 14 years of age. Despite my best efforts, it has never
8 left.

9 The abuse inflicted on me throughout my attendance of
10 Roman Catholic schools has continued to haunt me and shape
11 a poor quality of life. I still feel like an absolute
12 freak that I was sexually abused by a nun. The shame,
13 however, is not mine. For me, just staying alive is
14 winning.

15 Q. Thank you Mary. Just going through your evidence, you're
16 going to describe your experiences of going to Catholic
17 schools.

18 A. Right.

19 Q. And just to help show who you are, we're going to start
20 with a couple of photographs. If we can first call out
21 document 29. We will wait for that to come up, Mary.
22 Mary, if you could just explain to those looking at it how
23 old you are and what this ceremony is?

24 A. This is called a Holy Communion and it's very significant
25 to Irish and Scottish, Welsh people who adopted Catholicism
26 as their religion because it's a rite of passage and before
27 Christianity we had our own rites of passage, so the Holy
28 Communion is sealing that spirit and future as belonging to
29 God and it's really very significant.

30 Q. We will next call out Document 31, I think it is, document
31 30. So, that's two photos there. So, if you can talk
32 first to the top photo, how old you were?

33 A. Yep, sorry. The top photo is myself. I'm 14 years of age
34 and it's very unusual for a 14-year-old on a summer's day
35 to be wearing huge baggy clothes. That's all I'm going to

1 say. I think anyone can see there's something wrong. And
2 I remember that day because it was an effort to smile.

3 The second photo is myself. I was arrested at 16 in
4 Auckland. That's - I'm actually very stoned in that
5 photograph and I know that person is me but there's no-one
6 home in that girl and I was on a mission to kill myself and
7 almost succeeded. So, that's a photo, I put those
8 decorations round it when I went into therapy. That is a
9 significant part of my life, 14 years of addiction, and
10 that's a very sad photo but it's the truth, that I was
11 killing myself. And the reason I was arrested, was I
12 had - I was a relatively naïve user. I did the, you know,
13 stock standard stereotype graduation towards heroin, I
14 didn't understand things like rohypnols and how to use
15 them, so I ended up having a seizure and was arrested on
16 the pub floor unconscious, yeah, and was ordered into
17 treatment through the Courts.

18 Q. We'll talk more about the impacts of what happened to you
19 but let's go back to then your experiences in care.

20 You're going to talk, first of all we'll just set the
21 scene, you attended St Patrick's Cathedral School in
22 Ponsonby Auckland at around 12 years of age and you were
23 there for approximately a year and a half, weren't you?

24 A. Yes.

25 Q. And then after that, you went to St Dominic's Catholic
26 College in Henderson Auckland?

27 A. That's correct.

28 Q. So, you were in form 4, aged 14?

29 A. Yes.

30 Q. And you were there for just over two years, weren't you?

31 A. Yes.

32 Q. You explained the abuse that you suffered at both those
33 schools?

34 A. Yes.

1 Q. In a letter that was sent to the National Office for
2 Professional Standards or NOPS which is the organisation -

3 A. Yes.

4 Q. - that runs the Catholic redress process. But, as best as
5 you can, I'd like you first to talk to your experiences at
6 St Patrick's College?

7 A. Right.

8 Q. Sorry, St Patrick's Cathedral School, I should say.

9 A. Ponsonby. I experienced throughout my schooling, levels of
10 violence that cannot be justified, psychological abuse to
11 the extent it cannot be justified and a crushing of my
12 spirit. The abuse was physical, it was deliberate, it was
13 sadomasochistic.

14 Q. Mary, can you give some examples of that physical abuse?

15 A. One example I gave is I passed a note to a friend when a
16 nun was speaking, you know, in a lesson and I passed a note
17 to a friend and my head was smashed into the blackboard, I
18 was grabbed by the hair, I was told to come out front,
19 grabbed by the hair and I was smashed into the blackboard.
20 There has been numerous other things that happened but it's
21 strange how after years of that sort of thing happening to
22 you, one or two stand out and I think it's because they've
23 killed something in you and you get a flashback of it. I
24 always remember that, I just remember my head going
25 smashing into the blackboard and her clawing at my hair.

26 You see, describing it now, at that stage and at that
27 point in my life it was normalised. Children had no
28 rights. I mean, I would go home with welts all down the
29 back of my legs, on my hands, bruising. They knew how to
30 hit you so that your school gym covered it and I did not
31 receive any significant injuries to my face and I do not
32 recall my face being attacked. It was your upper torso,
33 arms, legs, buttocks and this was calculated abuse of a
34 child and they were confident, I notice now as an older
35 woman, you know, they were confident to do it because they

1 were confident no-one would ever challenge what they've
2 done and they knew the child would cover up the marks. And
3 even if your Mum or your Dad saw them, that you would
4 always be in the wrong because the nuns were Godly saintly
5 women who have dedicated their lives to serve Jesus, to
6 serve the great I am and you must have done something to
7 deserve that. So, this was normalised and this was how not
8 just myself but many lived for years as children growing
9 up.

10 Q. So, you've described being strapped with thick leather
11 belts and straps and you've said -

12 A. Yes, sorry.

13 Q. And you said that this was at least two times a week for
14 the year and a half you were at St Patrick's?

15 A. Yes, yes.

16 Q. And you've also described being shamed and humiliated in
17 front of others, can you talk about that?

18 A. I can only speak my truth, I can speak for no-one else but
19 my own story but I just want to say that I believe the more
20 sensitive you were, it's like they smelt it out in you, and
21 the more sensitive your spirit was, and I had like - I'm an
22 artistic person and I'm a dreamer, I was a dreamer type
23 child and I couldn't tell the time until I was about 13. I
24 didn't think how the majority thought about. I couldn't
25 see numbers. I saw in colours and pictures and I just want
26 to make this comment now so that it's documented, I believe
27 they chose children like that because they could break,
28 they tried to break us. It was like they read our spirit
29 or something, I really believe that. And the humiliations
30 were about not comprehending, like asking you a sum, like I
31 don't know, 9 and 9, they could see the torment on your
32 face, it was so sadistic. I knew they'd come for me and
33 they came every time, it was predictable, and for others.

34 So, the humiliation was deliberate and also saying
35 things to you, that you were sort of, I was going to say

1 something, there were comments made that you would never
2 amount to much in life and this was often mixed in with
3 scriptures. So, it was just this twisted masochistic kind
4 of spiel onto a developing mind of a child and into your
5 spirit because words have power and they never returned,
6 boy that's what the holy scripture said and yet they did
7 this to myself and to many others. I'll leave it at that,
8 thank you.

9 Q. Can we turn then to St Dominic's Catholic College. Are you
10 able to tell the Commission about your experiences there?

11 A. Yes. My experience of St Dominic's college, I am playing
12 for time here Sonja while I find the document. I've got it
13 here in front of me, sorry everyone. My experience at St
14 Dominic's College changed my life forever. I was targeted
15 by a nun who does not have - they no longer have upheld
16 this suppression thing, is that correct, Sonja, I can state
17 her name?

18 Q. Yes, you can.

19 A. Thank you. Her name is Sr Grignon, her real name is
20 Kathleen McAleese and I'm going to refer to her as Kathleen
21 McAleese because a paedophile has no privileges and should
22 never be awarded them. However, I want to say to the
23 McAleese clan or any relatives, this is not about you.
24 This is about one member who has betrayed your clan and
25 destroyed my life. It is not about you. So, Kathleen
26 McAleese was a biology teacher. I have to stop because
27 even just when I speak I get a picture, you know I get a
28 mini flashback so just bear with me, who taught in the
29 biology lab and she began to take an interest in me which
30 progressed to her stalking me. I'm not going to go into
31 deep details but I will give you enough to anyone listening
32 so that you can understand the significance of what
33 happened. I waited for my Dad to pick me up after school
34 in the old car, in his old car. She must have been
35 watching me the whole time because all the other children

1 had left, all the kids had gone home and I'd wait for Dad
2 out in this field or if it was raining Dad said wait in the
3 alcove and I'll pick you up there.

4 We started - I would see her walking around and there
5 was no-one at the school, everyone had left and I saw her a
6 few times and I just said, you know, being respectful
7 "hello Sister" but I really hated nuns by then but you just
8 went through the "hello Sister" but I never thought
9 anything of it. I thought it was strange that he was
10 around. But then the bell rang one day, I go out to go out
11 into the field and all the kids are leaving and she said
12 "go into the science lab". And I was, I thought, I didn't
13 know, you know, I was 14, I was innocent, I need to say I
14 was a virgin. I'd never even kissed a boy, I was extremely
15 naïve. And she locked the door. I walked in, I thought I
16 was in trouble but I couldn't think of what I'd done. So,
17 I walked into the science lab and she locked the door and
18 she proceeded to try and access my body but I had the
19 presence of mind to run and run round and round those
20 tables and I screamed with all my might. I'd been brought
21 up to protect my body and protect myself and to always
22 fight back, you know, and that's probably what saved me
23 that time, is it just kicked in. What my Dad would say is
24 never give up, you never give up, you always fight back, so
25 that kicked in and I screamed because that's one thing Mum
26 told me, you always scream, if anyone attacks you, you
27 scream. So, I screamed and screamed and screamed and she
28 looked scared and she opened the door. And my Dad picked
29 me up and I couldn't tell him.

30 And then a few weeks later - do I continue with this,
31 Sonja?

32 Q. As much as you feel able to, Mary.

33 A. Okay. A couple of weeks approximately passed. I couldn't
34 tell anyone. I knew something was terribly wrong and I
35 knew all my holy picture cards and all that rosary beads

1 and all the saints and angels and Jesus himself, I knew
2 something terrible was going to happen and no-one could
3 help me. Approximately two weeks later I thought, you
4 know, I thought I was safe, I'd become hypervigilant, I was
5 terrified when the bell rang and I thought I was - I was
6 beginning to think she won't do it again. I let my guard
7 down and suddenly it was raining that day, it was lightly
8 raining, and I stood in the alcove. She must have been
9 hiding somewhere. How the hell she knew, anyway, and I
10 stood there and suddenly she was there before me. It's
11 truly like something out of Dante's hell and she laughed,
12 profoundly evil, and she sexually assaulted me and I fought
13 her off but I was unable to prevent her touching my body
14 etc.

15 I ran and I've been running all my life. And I ran to
16 the car and I got in the car and I just kept saying, "Dad,
17 I've got to tell you something. Dad, I want to tell you
18 something" and then I just kept saying his name "Dad, Dad"
19 and he was exhausted from work, you know, and he was
20 driving along, and I think he thought I wanted him to give
21 me one of his cigarettes because sometimes he'd say, "All
22 right, you can have one" because he knew I was smoking
23 cigarettes, you know, sneaking them, and I think he - and
24 when we were at the lights he sort of looked at me and
25 went, "What's wrong? What's wrong?" and I couldn't tell
26 him because my mind, my mind broke apart when that nun
27 sexually assaulted me. I died at 14, I literally felt the
28 splitting of my psyche, my mind, my soul, my spirit,
29 everything, like nothing made sense anymore. I just, you
30 know, it's just beyond putting words around and I'd left my
31 body. It's the strangest thing, I left my body and I don't
32 think I've ever come back in.

33 So, I was unable to tell my father, I just couldn't and
34 the shame I felt and what did it all mean? And whose fault
35 was it? And it was mine, it was mine, there must be

1 something wrong with me, you know, and nothing made sense.
2 And in the context of what was happening, the war and the
3 troubles in Ireland was happening and our people were being
4 killed like animals and hunted down and incarcerated
5 without charge all because they were a Catholic and they
6 were native Irish and that just added to the torment of it
7 all, so I could say nothing. And I'll leave it at that,
8 thank you.

9 Q. Mary, the next part I just wanted you to touch on, and
10 you've already started to talk about how that then impacted
11 on your life.

12 You've talked about drug abuse from the age of 16 and
13 ending up in treatment, so can you just talk as much as you
14 can about the longer-term impacts of what happened to you?

15 A. Well because I was unable to tell anyone, but I am not here
16 to give anyone a lesson on what trauma does to you but you
17 need to understand when there's no intervention at the time
18 of the trauma, the longer you leave it, the more entrenched
19 layers of damage kick in, and that's simply what happened
20 to me. I was alone with the angels and the holy picture
21 cards and the rosary beads and our martyrs and our martyrs
22 in Ireland and humans and Mum, I could hear Mum whispering
23 to the people in Ireland, I could hear her whispering the
24 rosary beads, and I'm in my living hell with no-one to tell
25 and that's how I began using actually when I was 14, I just
26 took whatever I could get my hands on. And I drank and I
27 drugged and I left home. I started screaming, my behaviour
28 became out of control, it's textbook case but it needs to
29 be documented that it all came out sideways and
30 myself-destruction, I began to hate my parents because I
31 felt it was them, it was somehow their fault too that I was
32 in my prison and I couldn't tell them anything, so they had
33 to be punished too. So, I took, I told my Dad, you know,
34 that I hated the Catholic Church and I'd scream, I'd

1 deliberately blasphemy, I knew how to wind them up,
2 particularly Dad.

3 It's very sad, it's very sad how the damage comes out
4 sideways. And I told my mother I would dance on her grave
5 when she died and she whacked, and I couldn't believe what
6 I was turning into and I became violent and I left home at
7 16 and I was already an alcoholic. I was sick with
8 depression. I self-harmed. I would do anything to get the
9 drugs, and we all know what that means and we all know that
10 damaged young men and women on the streets, what happens to
11 them. And so, that's what happened to me. And so it just
12 progressed from there. I did progress to intravenous using
13 as I grew older and numerous suicide attempts and in and
14 out of detox and rehabilitation, both in New Zealand and
15 then here in Australia. I got clean by myself at 28.

16 Q. And you also educated yourself as well, didn't you?

17 A. Yes, I did. I was brought up with a lot of value on
18 education and my parents worked their guts out to give us
19 education and they trusted that Catholic Church and that
20 institution. And my revenge has been to stay alive to get
21 educated. I got a degree. And not only that, I installed
22 the integrity of our culture without Catholicism's claw on
23 it and their colonising Jesus which has destroyed
24 generations of our people and other tribes, people over the
25 earth. So, I did Celtic studies in my language and things
26 that built my spirit up and tried to reclaim the dignity.

27 Q. And then you did a lot of work yourself, didn't you, with
28 vulnerable people?

29 A. Yeah, I did and I have never had the us and them thing
30 happen. I've worked, I love Aboriginal Australia and I'm
31 proud to say I worked with Stolen Generation. I have
32 Aboriginal friends and I've been very privileged for them
33 to trust me and that we're brothers and sisters.

34 I've also worked with a lot of homelessness and it's
35 never, I'm no Mother Teresa and I think Mother Teresa was a

1 phony myself. Another propped up propaganda thing, you
2 know. I worked in homelessness for a long time. It's
3 never a one-way street. Just because someone doesn't have
4 material wealth or education does not lessen their value
5 because the riches are in your spirit and the riches are in
6 your culture but it empowers you to be educated and stuff.
7 So, I felt a sense of duty to go to those who suffer most,
8 not because I'm a Mother Teresa type at all, I am a very
9 broken person and a flawed person and I've never hidden
10 that, but I learnt professionalism and I learnt how to
11 assist and when to path people on where it was too
12 triggering for me. And, yes, I am proud of that and I hope
13 – the privilege is mine.

14 And one thing I'd like to say here was I have always
15 been aware the society I grew up in New Zealand was so
16 sick, it was so sick and the damage came from the sickness
17 of the systems and scientific racism and Anglo-Saxon
18 mentality, a cruel evil system, and that underpinned the
19 destruction of so many lives and I'm well aware the day
20 that I was arrested in New Zealand I am certain that if I'd
21 been Māori or Pasifika I wouldn't have had the privilege of
22 a Judge saying, "Well, let's put her in, let's get her some
23 help". They would have torn, if I'd been Pasifika or Māori
24 they would have torn my family apart and I would have been
25 incarcerated at some point, you know probably by the time I
26 was 18. I really need to say this to you Aotearoa
27 New Zealand, you have failed the people of the land, you've
28 failed everyone. You need to listen. You need to stop it.
29 Sorry.

30 Q. That's all right, I know you want to –

31 A. I have leave it at that.

32 Q. – you wanted to say that.

33 A. Yeah, I did.

1 Q. Let's talk about bringing your claim against the Catholic
2 Church. How did you come to make your complaint? What
3 motivated you to do that?

4 A. Well because I had worked with the Aboriginal community and
5 I also worked in lower socioeconomic, I've learnt all the
6 speak, you see, I know all the rhetoric, I am a lower
7 socioeconomic person myself but I went to lower
8 socioeconomic areas, so many of these people had been
9 abused as minors, either through being in care or through
10 religion. And so, what had happened was that people were
11 coming forward in Australia. It was truly like a
12 nightmare. I would turn on the news and it was just too
13 much, I just couldn't take it and I began to fall apart
14 because you can't out-run this type of damage and I began
15 falling apart and I'm lucky I had a neighbour downstairs, a
16 really old guy, and I would just go and sit with him and
17 tears would just roll down my face, I couldn't believe I
18 was crying. I couldn't tell him, but he knew. I said,
19 "It's unbearable, it's unbearable". I was just losing it
20 and then I began with flashbacks, my own history came to
21 the fore. And I knew, I was lying in bed, I just want to
22 say this quickly. To my Aboriginal friends Sharon and Ray,
23 now you understand why I couldn't do anything more. I
24 stopped work, I stopped everything. I felt - I don't know,
25 I suppose in layman's terms I was having a breakdown. I
26 couldn't function anymore and I was forced to face up to my
27 own history.

28 I was lying in bed and I just sat bolt upright and I
29 thought I'm going to die and take this all with me and
30 nothing will change, nothing. This stuff will go on
31 forever, from generation to generation. And the courage
32 and the bravery, particularly for stolen generation, I felt
33 ashamed that I felt like I couldn't do this. I rung the
34 Police. They told me to come in. They were highly
35 professional. I brought as much documentation as I could

1 and I filed a formal, I think it took 3-4 hours to do, a
2 complaint.

3 Q. Let's put this in time. This is late 2015, isn't it, Mary?

4 A. Yeah, it is, yes.

5 Q. And so, you made a detailed sworn statement to the Sydney
6 Police?

7 A. Yes.

8 Q. And what happened?

9 A. Well then they said to me because I just couldn't bear the
10 thought of going to New Zealand and now my brother and my
11 two sisters will understand why I hated home so much. I'd
12 rather die and go there because it's so triggering.

13 So, the Police said they will contact someone from the
14 Sex Crimes Unit, Historical Sex Crimes, whatever, and it
15 was Detective James Watson and he contacted me and he was
16 lovely, and I just want to say to James Watson, I never
17 sent you a proper thank you, so thank you, from my heart
18 thank you so much. And he was so kind and he was so
19 compassionate and he went out there to the school and spoke
20 to the people. He rung me and said, you know, that he had
21 a picture of the perpetrator and, you know, gave me time to
22 prepare for the shock of seeing this person after all these
23 years.

24 And then he mentioned to me, and so did the Sydney
25 Police, that there was a Royal Commission possibly coming
26 up. Because the perpetrator, because Katherine McAleese is
27 deceased, there was nothing he could do at that point but
28 he told me about the Royal Commission and quite frankly I
29 thought it was going to take years for New Zealand to ever
30 get that happening. Detective Watson told me that it would
31 be forever on record. And then the Royal Commission did
32 happen and here we are.

33 Q. So, you came to contact Cooper Legal after you were told by
34 the Police that no prosecution could be brought, so how did
35 you come to contact our firm?

1 A. Well, how I came to contact Cooper Legal was I know you
2 can't trust the Catholics with things and the Catholics –
3 we're not anti-Catholic, we cannot trust the hierarchy of
4 the Catholic Churches, it's a river of pus and they will do
5 anything to shut down any victim survivor.

6 So, I knew from what I'd seen happen to other people
7 that wasn't an option.

8 Unfortunately, it still lingers in me, this thing to be
9 loyal to them and I sort of thought maybe I should just –
10 there's got to be – no, don't do it, I'm telling you, any
11 survivor out there, don't trust them, don't do it.

12 So, I started researching online thinking there's got to
13 be someone. I'm not a legal person and I thought well now
14 I'm truly screwed because I can't fund my own legal thing,
15 so I started reading what survivors were saying about the
16 legal process and that's how I came about researching
17 Cooper Legal and I trust the voices of survivors who used
18 their process. And then I researched you, Sonja, because I
19 wanted to be sure that it wasn't some predatory money
20 grabbing Legal Team leasing vulnerable clients, I was all
21 paranoid. So, I researched you thoroughly too but you
22 don't know that.

23 Q. I do now.

24 A. Yeah. I was deeply impressed that you've been fighting for
25 the people of New Zealand, for Aotearoa, for the people of
26 New Zealand, for Pasifika people, for all people abused and
27 the ones ignored most, you know in prison, in care and
28 things like that, and so I thought, nah, this is it, this
29 is right. I knew in my spirit this is the right move, you
30 know.

31 So, I think I sent an email. I felt really embarrassed
32 because I don't understand legal stuff at all and I just
33 bluffed my way, sort of, like, they said you'll need this.
34 I looked words up and things like that, so I think I sent a
35 letter or – no, I sent a letter. Did I send a letter? And

1 I decided to go, yeah, I emailed and then I said about
2 finding, they sent me this thing saying, you know, about
3 finances and I thought, well, do you know what? The
4 government owes us, the government owes us. It was Church
5 and State that did it to us all and now we're old, so I
6 have no shame in taking Legal Aid and no-one should, no
7 survivor should. Take that Legal Aid, that money belongs
8 to us and so does the Vatican money. So, I took the Legal
9 Aid and this is where I – there's been three years of legal
10 process and I'm very grateful.

11 Q. So, just to get that timeframe, we've got you instructing
12 us at the end of October 2018, funding coming through in
13 November?

14 A. Yes.

15 Q. And then time is spent to prepare what we call a Letter of
16 Demand, but it set out what happened to you that went
17 across to NOPS in July 2019?

18 A. Yes.

19 Q. You'll recall that you were advised by us that your claim
20 in relation to the Sisters of Mercy had to go direct to the
21 Sisters of Mercy?

22 A. Yeah.

23 Q. Because *A Path to Healing* only deals with sexual abuse by
24 clergy?

25 A. That's correct, yeah.

26 Q. And so, what happened then was that that part of your claim
27 was sent direct to the Sisters of Mercy, wasn't it?

28 A. Yes, yeah.

29 Q. And then an investigator was also appointed in August 2019
30 to look into your claim, do you recall that?

31 A. Yes.

32 Q. And, as you say in your statement –

33 A. Yes, I do.

34 Q. – you were told at that stage, so we're obviously
35 pre-Covid, that you would need to meet with the

1 investigator and that there would be some discussions about
2 how that would work because you were living in Australia?

3 A. Yes.

4 Q. And you then remember that as part of the investigation
5 process, in early October 2019 the investigator was
6 provided with a bundle of documents, including your claim
7 document, a copy of the statement that you had made to the
8 Police?

9 A. Yeah.

10 Q. Records of your school attendance and medical records that
11 you had at that time?

12 A. Yes, yes.

13 Q. And you were happy for that information to go across to the
14 investigator, weren't you?

15 A. Yeah, I assumed it would be taken seriously and treated in
16 a professional manner, I did because it was coming from a
17 legal perspective and I expected a professional response,
18 yeah.

19 **CHAIR:** Ms Cooper, I am sorry to interrupt your evidence,
20 Mary. I just want to check, who appointed the
21 investigator? Was it —

22 **MR COOPER:** NOPS.

23 **CHAIR:** It was NOPS to do that?

24 **MS COOPER:** Yes, NOPS always appoints the investigator and
25 typically they are retired Police Officers.

26 **CHAIR:** I see this is one of those.

27 **MS COOPER:** Yes.

28 Q. We will deal with the claims separately, we will deal with
29 your engagement with the investigator in relation to St
30 Patrick's.

31 A. Okay. Excuse me a minute while I lean over the table.
32 Yes, got it, yes.

33 Q. Excellent.

34 A. Sorry.

1 Q. Before we look at that actual report, we're going to look
2 at the series of emails that you had to respond to.

3 A. Okay.

4 Q. First of all, you were sent a draft statement to look at
5 which the investigator had prepared?

6 A. Yes.

7 Q. And you were asked to answer a number of further questions
8 to clarify and expand on the draft statements. And at this
9 stage if we can call out document 8 and questions 1-7.

10 Mary, that's the email of 10 November 2019, document 8;
11 have you got that?

12 A. Yes.

13 Q. Excellent.

14 A. I have, Sonja. Yeah, I've got that.

15 Q. These are the questions you were asked to clarify and
16 expand on?

17 A. Yes.

18 Q. Were you able to recall what years you attended St
19 Patrick's College? With regards a particular assault you
20 refer to, this is your head being smashed into the
21 blackboard?

22 A. Yes.

23 Q. The note there was it was clearly witnessed by other
24 classmates, did you know the names of any of those girls?
25 Did you recall the name of the Sister who did this? Were
26 other girls at St Patrick's also subjected to the same type
27 of abuse you underwent? Were the assaults and abuse
28 undertaken by just the one nun or a number of them? If so,
29 how many? Did you recall any of their names? Did you tell
30 anyone about the abuse you were being subjected to at St
31 Patrick's? Did anyone, your parents, siblings, friends
32 notice or remark on the welts you suffered as a result of
33 the beatings?

34 How did you feel about those questions, Mary?

1 A. I felt they were appropriate but yet, it didn't seem to – I
2 thought they were appropriate and I probably would ask the
3 same if someone, you know, what can you recall? But we're
4 talking historical abuse and we're talking years and years
5 and years of this sort of treatment and so, I felt that
6 was, you know, fair play, you know, he's just asking but
7 it's not a realistic, the historical trauma and abuse like
8 that, when it's not just one incident or the one named,
9 there was years of it and so I sort of felt overwhelmed. I
10 thought, well, you know, we'll be here until Armageddon
11 trying to write down all the incidences. I did recall a
12 classmate and I can see faces and I can see, like, flashes
13 of things but we're talking day after day year after year.
14 We're talking ongoing trauma so that it becomes a blur.
15 And so, I gave them as much as I could and, yes, I did
16 think the questioning was appropriate in the way it was
17 written and I think, you know, that it was right to ask
18 those questions. I hadn't realised at that point what a
19 dropkick you were Shadbolt shame on you, shame on the
20 Catholic Church.

21 Q. So then you sent a revised statement about St Patrick's
22 College and you read that, made some alterations, signed it
23 and that was that one done, wasn't it?

24 A. Yes.

25 Q. Then we turn to the St Dominic's claim.

26 A. Yes.

27 Q. Again, you're sent a draft statement completed by the
28 investigator to review, and that's in relation to St
29 Dominic's College?

30 A. Yeah.

31 Q. And you're again asked a number of further questions to
32 clarify and expand on that. So, again, now we call out
33 document 10, questions 1-8. Have you got that?

34 **CHAIR:** Do you have the exhibit number?

35 **MS COOPER:** Exhibit 10.

1 **CHAIR:** Exhibit 10 but there's a case number as well?

2 **MS COOPER:** I just have the witness number that's in the
3 brief. Witness 0014010.

4 A. Have you got it?

5 Q. Yes, I do, it's up on the screen. You'll just have to
6 squint, Mary. There we have eight questions this time.

7 A. Right.

8 Q. Were you able to provide the name of the best friend from
9 St Dominic's who was expelled? When was the last time you
10 had any contact with her? Were you aware of any other
11 girls that were abused by Sr Grignon? If so, did you have
12 any names? Did the girls talk amongst themselves as to
13 what was happening with the nuns and any abuse they were
14 subjected to? Were you able to recall roughly when the
15 incidents took place? Were they in your first or second
16 year? Who was the first person you told of the incidents
17 with the Sister and when? In your statement to New South
18 Wales Police you referred to a Sr Grenuell, was this a
19 typographical error? Did you have a photo with Sr Grignon
20 in it, if so could you please provide? In regards to the
21 remedy sought, what would you like to obtain from the
22 process?

23 Again, how did you feel about those questions?

24 A. At that point, I still felt, I found the questions and all
25 the craziness of it, at this point I still felt that it was
26 - it was overwhelming, it was overwhelming, but I still
27 felt at this point that they were taking it seriously and
28 that it was going to follow a professional progression of
29 investigation. And I gave as much information as I could.

30 Q. And you say in your statement that you were feeling quite
31 overwhelmed, as you've just, with the memories and sorrow?

32 A. Yeah.

33 Q. And you were feeling angry, rage I think is the word?

34 A. Rage, yeah. What happened was going through this process,
35 just a word to survivors who haven't yet, get as much

1 support as you can before doing it. It's raw and I was
2 being ripped apart, layer upon layer of grief. It's
3 shocking, it's shocking how deep the damage is. And so, I
4 was just, I was getting nightmares and flashbacks and I
5 began feeling the feelings I felt as a child, of just
6 wanting to die over and over again and crawl out of my skin
7 and fly away and you're better off dead, you know the whole
8 thing. And a word of warning to survivors who have not
9 taken, if you have a history of addiction like myself, you
10 will be triggered to use again. And so, I was grappling
11 with all that.

12 Q. So, we move -

13 A. And I answered those questions as best as I could.

14 Q. So, the next thing you were asked to do was to look at an
15 aerial photograph of St Dominic's and we'll just call that
16 out, it's document 12, so it's WITN0014012. You were asked
17 to mark on that photo where your father would pick you up,
18 the location of the alcove and the location of the science
19 lab.

20 Before I read out your email response to that -

21 A. That is just ridiculous.

22 Q. What was your response to that photo?

23 A. Okay. Well, my one was even more blurred than that. I
24 will let you read out the response, Sonja.

25 Q. If we can call out WITN0014013 and we are at the bottom of
26 page 2, to start call out from "Sam have just sent you
27 document" through to where - yes, that's exactly right.

28 So, your response was, "That map is ridiculous for an
29 investigator to send. It is hard to enlarge and confusing.
30 Why did he not provide me with an older map? We are
31 talking about decades ago. You can tell him from me to get
32 real and professional. I might be damaged but am educated
33 with a degree in welfare work = equals not a fool. I gave
34 detailed description in Police report of the layout of the
35 building and where the abuse occurred. Surely he can

1 locate an older map of the buildings from St Dominic's or
2 find one online. Thanks Mary Marshall (not angry with you
3 Sam but just the pathetic level of professionalism by an
4 ex-copper now investigator for crimes of the Roman Catholic
5 religion - does he think we are all morons)". You're
6 covering your mouth?

7 A. Listen, I'd figured out by then what they were doing and I
8 just thought they're playing me. And if they're playing
9 me, they're doing it to every other person that comes
10 forward. It's sinister, it's evil, it's disgraceful and
11 people are suiciding from being treated like this, you
12 know, that have suffered so profoundly and I don't know how
13 they sleep at night. I'll tell you how they sleep at
14 night, they're Satan's children, that's how they sleep at
15 night. Human life means nothing to them and that was my
16 big alert. No-one would send a victim of trauma a blurry
17 modern map when you're dealing with historical abuse and I
18 knew then this was only going to get worse.

19 Q. So, moving on. After that, you're then asked to provide
20 consent for the investigator to talk to your brother about
21 how you behaved from the age of 14?

22 A. Mm-hmm.

23 Q. And then you were asked for more information and we'll call
24 out WITN0014014, so document 14, Mary, and it's the second
25 page.

26 A. Got it.

27 Q. Call out the bullet points. So we've got more questions.
28 When you attended St Dominic's, where was the family
29 living? Your father picked you up each day, what was his
30 occupation? Did any of your siblings attend St Dominic's?
31 Details of the names, ages of your siblings and whether you
32 were in contact with them. And did you know where they
33 live? After leaving St Dominic's did you go to another
34 school or work? And when did you leave your parent's home?

1 What did you feel about being asked to provide the
2 details of your father's occupation and your siblings?
3 A. If it wasn't so evil, I'd pee myself laughing. It's the
4 Catholic hierarchy, they're pacing you out, it is
5 profoundly disgusting, they're pacing you out, culturally,
6 financially, what status does your family have in the
7 Catholic Church? What does occupation, what has my
8 father's occupation got to do with me as his grown adult
9 daughter speaking of being abused? How dare they try and
10 nut you down using your family. It's just appalling. What
11 relevance has my siblings got to do to abuse by a
12 paedophile? It is just appalling and then I knew that they
13 were just playing me and I could do nothing. I was raging
14 inside and I had to make a choice of I either pull out now.
15 But, no, I'm not going to pull out now, I'm going to keep
16 going with this. I sat there night after night, I couldn't
17 sleep just thinking about it and I knew what they were
18 doing and I thought I'm taking you bastards on, is what I
19 thought. And you can document that. I'm going to take you
20 bastards down because if they're doing this to me, they're
21 doing it to others and they're only letting a few cases
22 through, you know, with compensation and look what we did
23 for them. The rest of us are just – this is how they're
24 casing people out. Anyway, sorry for that rant but I'm old
25 and I could die tomorrow so I have to say my truth. So, I
26 let them contact my brother, but I want to say to the
27 Catholic community you have to rise up against this, this
28 is just shameful evil. This has got no relevance, you
29 know, to – yeah.

30 Q. Sorry –

31 A. I let them contact my brother.

32 Q. It's all right, Mary, I was going to ask, it went a next
33 step, didn't it, because the next thing that the
34 investigator wanted to look into was a comment, one comment

1 from your medical notes from 1980 which stated that you
2 were terrified of your father who beat you?

3 A. Yes. True to form, the river of pus never disappoints.
4 They always use the same tactic. You know, shame on you
5 bros. I can lay a fire for you in the next life too.

6 So, what he'd done was he'd tried to nut me down with
7 information on the family and then I didn't speak to my
8 brother, I didn't tell my brother nothing because I wanted
9 them to get an unbiased view. So, he contacted my brother
10 and then, this is so sick, he went out to Wolfe Home, I was
11 in two treatment centres when I was very young. Well, 21
12 is not that young any more but I was in there 16.5-17, and
13 then I tried to get clean for my 21st, and I think this is
14 where that note is from.

15 So, when you're doing group work and stuff like that,
16 you write generalised notes of what people say in a group.
17 So, an RN [registered nurse] has written, I have this in
18 front of me here, that she - sorry, I've got the wrong - oh
19 yeah, that she is scared of her father and all that. My
20 Dad was coming out there with a great big carton of
21 cigarettes for my 21st and it was my Dad that stood by me
22 and of course I was scared of my Dad because he would have
23 done anything to stop my self-destruction and that's what I
24 had been discussing in the group, that I'm really scared of
25 Dad because one night Dad went round trying to find me
26 because he'd heard about me using, dropping on the ground
27 and stuff like that, and he went round all those pubs.
28 Contextually, Bruce Shadbolt went in there, the Catholic
29 investigator, trawled through old files and took out of
30 context comments made by a health professional on things
31 I'd said. That's all you could find Bruce love, you make
32 me sick to my gut. And the tactics moved from trying to
33 terrorise and shame you, shame you about your background,
34 find some dirt on you, and so now he was out trawling
35 through files trying to portray my father, my family, as

1 though they were perpetrators, as though the fault lay with
2 them. Well, let me tell you something, we want the money
3 back we gave to the Catholic Church for the uniforms, for
4 the titan, all of it, it belongs to us. Sorry.

5 Q. So, you talk about in your statement that this was actually
6 starting to make you feel quite overwhelmed, these
7 continuing requests for further information, including
8 information from a former psychiatrist.

9 A. Oh yeah, I'd forgotten that, yeah.

10 Q. And then in the end you said no more, finish the report
11 without it, didn't you?

12 A. That's right because, you know, because survivors are
13 fragile and when you play with them again posing to be
14 representing them and to be professional, you know it was
15 devastating to me to be treated like this. I can only
16 speak for myself, you know, and I thought the only revenge
17 is they're doing it to us all again, they'll do it to us
18 all again, and they did. I've been screwed over again.
19 It's so sick and so when – with my self-medicating, like,
20 you just have layer upon layer of trauma and you can easily
21 be portrayed as an unstable person and I knew what he was
22 doing. So, I recommended Dr Angelo De Gioannis, who is a
23 highly skilled respected psychiatrist, he probably ended up
24 in treatment himself (my sister said) after treating me,
25 and I saw him to contain myself and to learn how to live
26 and to learn how not to use and, you know, I did a lot of
27 work with that man and it was huge for me to trust and to
28 reach out, and I did trust that man and I still do and I
29 felt that he was exceptional because I did have a – I did
30 have a suicide attempt about a year into therapy with him,
31 I stole a vial of [inaudible] and took an overdose. It's
32 crazy. I thought there's someone who knows me really well
33 and stood by me and I gave him that person to contact. I
34 gave him other therapists to contact. He's a liar, you are
35 a liar Bruce Shadbolt. He said he couldn't get hold of

1 Angelo and he asked me, he asked me to contact, to sort
2 something out. This is laughable and he was given
3 alternative people to contact. There's something else that
4 I know I want to say about that.

5 This is not easy to say but it needs to be said and you
6 need to hear, let me say it, Sonja.

7 Q. There was one thing that was a last question it -

8 A. Sonja, can I just say it?

9 Q. Sure.

10 A. I just need to say it, sorry, because it's overwhelming.

11 Bruce Shadbolt was privy, the Catholic investigator was
12 privy to other trauma that followed on, which is really
13 common with people that are traumatised, that self-medicate
14 with illicit. You're out there, you're vulnerable, you're
15 on the streets. At 15, I went with a dealer and NOPS is
16 privy to this information which is documented and can be
17 validated and I was violently raped while I was scoring
18 drugs. I was promised drugs but I was raped instead. I am
19 very fortunate to be alive. It was a violent rape. And I
20 told him that I was treated, I was terrified to go to the
21 Police and also I was using illicit drugs. So, I went to
22 this clinic in Karangahape Road in Auckland and a school
23 friend gave me the buff money and I sneaked out of school
24 because she told me you can take this pill and you won't
25 get pregnant. That was good enough for me. I still had
26 the marks, I covered it up with my long hair, the man had
27 tried to strangle me to stop me screaming. And I went to
28 that clinic and I cried my guts out and they were so kind
29 to me and I refused to tell the Police but I took that
30 morning after pill. And then there's another medical
31 centre in Auckland because my Dad took me there when I was
32 sick with Hep C, The People Centre it was called and Dad
33 had friends and he was all into it, for the people, by the
34 people, you know it was all, Dad really admired it, and he
35 took me there for treatment when I was sick with Hep C,

1 that was another address I gave him. Bruce Shadbolt, you
2 wrote in your report none of these people were contactable
3 and that I had not given you enough information. You are a
4 disgrace. A quick Google on the internet will pull up both
5 organisation. It's just disgraceful. It's beyond the word
6 disgraceful.

7 Q. And so, before the –

8 A. Sorry, I want that on the record.

9 Q. Yes, it's all being documented, Mary. So, the last
10 question that was asked of you before the report went off,
11 was why you thought your friend had been expelled and you
12 provided the answer that same day?

13 A. Oh.

14 Q. And the reason that's become significant is something we'll
15 come to when we look at the investigator's report. And
16 then you're told, aren't you, that the report is being
17 finalised and it's gone off to the Complaints Assessment
18 Committee?

19 A. Yeah.

20 Q. So, we're now just going to look at the report and then we
21 might take a break after that. So, that's –

22 A. That would be really nice.

23 Q. So, that's –

24 A. That would be good.

25 Q. WITN0014018. So, you received –

26 A. I'm feeling a bit overwhelmed, sorry.

27 **CHAIR:** Would you like to take a break now rather than wait
28 for it?

29 **MS COOPER:** Perhaps, Mary, shall we take the break now.

30 A. No.

31 Q. No? You'd like to get this bit done.

32 A. I'm sorry, I do need to have a break.

33 Q. You do need to have a break.

34 A. Thank you.

1 **CHAIR:** We will take the break now. We will take a 15-
2 minute break and let us know when you're ready to continue.

3 **MS COOPER:** Thank you, Judge.

4

5 **Hearing adjourned from 2.36 p.m. until 2.50 p.m.**

6 **CHAIR:** Hello, Mary. Are you okay?

7 A. I'm okay, thank you. Thank you for the break.

8 **CHAIR:** Not at all, no, you deserve it. So, I'll put you
9 back in the hands of Ms Cooper again, thank you.

10 **MS COOPER:**

11 Q. So, Mary, you'll remember that we were just about to look
12 at the investigator's report?

13 A. Right.

14 Q. And this is what you received, the information you and
15 Cooper Legal received in terms of what had gone to the
16 Committee. This is WITN0014018 and if we can start with
17 page 9, with the heading "Accused Person", if that can be
18 called out, please. Have you got that?

19 A. Yeah, on the screen, yeah, yeah.

20 Q. You'll see there that in terms of Sr Grignon, all we got
21 was her name, wasn't it?

22 A. Yeah.

23 Q. And then we've got the heading "Dominican Sisters
24 Enquiries" and so if we go over to the next page and we
25 highlight that section. So, again, the only information
26 that you're given is "On the 29th of November 2019 I spoke
27 to (redacted) Sr Alphonsus, she recalls that she was
28 Principal at St Dominic's for three years, since 1972-1974.
29 She does not remember a student named Mary Marshall. She
30 does not believe that Sr Grignon could have ever done
31 anything like has been alleged". The rest blacked out.
32 And then, "As Sr Grignon was in charge of the boarders, she
33 could not have lingered around anywhere after school had
34 finished as she would have had to be back with the boarders
35 catering for their requirements". And then redacted again.

1 Added that "there were no complaints against any of the
2 staff whilst she was principal" and then the rest blacked
3 out.

4 We have the "School friend enquiry" at the bottom of
5 page 10 and over to page 11 which is now up?

6 A. Yes.

7 Q. And, again, it's got what you said and then what your best
8 friend said. So, again, it looks like three bullet points.
9 Recalls you as a friend, that her mother remembered you
10 staying with the family but she does not remember this and
11 that you never mentioned anything to her about anything
12 that may have happened to her at school. And then more
13 information blacked out, "a bit rebellious, as was Mary".
14 And then this is the critical bit, "Contrary to what Mary
15 said in her statement, your best friend was not expelled
16 from St Dominic's College".

17 And then we move over to page 16, where we get to the
18 summary. So, if we call up from "Witnesses/Corroborative
19 Evidence", call out from there to the end of the document.
20 Again "no independent witnesses to this offending. No
21 evidence of related incidents or offences from St Dominic's
22 Catholic College and the Dominican Sisters have no records
23 of any complaints against Sr Grignon". The information
24 provided by you and your written complaint regarding your
25 best friend being expelled has been found to be inaccurate
26 and you had been asked through your lawyer why you thought
27 your best friend had been expelled, at that stage the
28 investigator said he was yet to receive a response but once
29 that was received that would be forwarded to NOPS.

30 Then "credibility and reliability", you will see the
31 comment made there was, "I cannot comment of the
32 credibility or otherwise of Mary. As Mary lives in Sydney
33 all my dealings with her had been through her solicitor at
34 Cooper Legal. Cooper Legal were unwilling for me to meet
35 or talk to Mary without their presence".

1 And finally, "Credibility of the accused", "The accused
2 Sister is deceased, having died in 1983".

3 What was your response to that report, Mary?

4 A. I just felt sick to my gut. I will first address my
5 friend. We didn't discuss, I do not recall discussing any
6 of the abuse that was heaped upon us with any other person
7 receiving it or not receiving it. And my friend at that
8 time had been distressed and told me that she was leaving
9 the school and I thought, to the best of my knowledge, she
10 was being expelled and I told my mother because I'm
11 consciously not saying her name, sorry I have to remember
12 don't say the person's name, and I was so upset and my
13 friend also told me that things were happening in the
14 boarding floor, she was a boarder, that were really, really
15 wrong and she was upset and I was just horrified. And then
16 she said "they will expel me" and then she wasn't there
17 anymore. So, my statement stands that I described it as a
18 friend saying "I'm going to get expelled". What more can I
19 say? You know, I want to know what else my friend said
20 that was blacked out and I have not seen this childhood
21 friend since that time. I don't believe that it means my
22 experience of abuse is no longer valid. There's obviously
23 I misconstrued as a young child, you know, or as early
24 teenage years at school, I misconstrued a conversation with
25 a school friend who was never seen at that school again and
26 I assumed had been expelled. And she did use the word
27 "expelled" and she did state to me there were things
28 happening at that boarding school that were terrible and I
29 felt sick, I felt sick to my heart, but no-one clarified it
30 and that's all I can say about it. And I believe that that
31 was used. He spoke to my brother, there's two things which
32 matches up with things I didn't even know that my brother
33 said, Mum said at 14 she went from a lovely girl, I can't
34 remember the statement, I just cried for days about it.
35 What happened to her? Why didn't he look at those? Why

1 did he pick that? A conversation at a school, my best
2 friend had just left and I thought it meant she had been
3 expelled because she had said the word "expelled", "They
4 will probably expel me" and I just stated it as I
5 remembered it and then they contacted her, she said, "No, I
6 never said that". But, to the best of my memory, that's
7 what she said. Everything else matched up. So, I believe
8 that was used to try and portray me as not a credible
9 person and what I'm saying can't possibly be true. Why
10 would the emphasis be put on that and not on investigating
11 the acts/crimes of the Roman Catholic Church? Why was the
12 emphasis put on that? My brother himself, who I never
13 contacted to they will him any of this so they got an
14 unbiased view, he himself said "my sister is honest".

15 Q. And what –

16 A. You know, nothing – sorry.

17 Q. I was going to ask you, what was your response and what is
18 your response to the complaint that you didn't meet with
19 the investigator in the absence of your lawyers?

20 A. I deliberately chose a legal secular path because everyone,
21 the dog on the street knows, they play you for fools, never
22 meet with them, never meet with them on your own. They're
23 going to play you over. Nut you back, screw you down, this
24 is how they roll and it's evident even in that report what
25 they're doing.

26 Q. Because –

27 A. And I know, I need to – sorry, I need to say this, I know
28 that I'm not the only victim of that nun because no
29 paedophile is satisfied with one victim. And so, do you
30 know, if there are women, now women, you know, that have
31 been abused by her, come forward because, you know, I'm not
32 saying do it for me, do it for yourselves because this is
33 how they keep abusing minors by dulling down the reality,
34 by moving away from the facts and the facts are I was
35 sexually abused by a nun at St Dominic's College Auckland

1 Henderson, in Henderson Auckland, sorry. And the
2 ramifications of that abuse destroyed my life and I've
3 destroyed other people's lives acting out from it. So,
4 there was no point, there was no point in meeting with
5 people that treat survivors like this and why the hell
6 someone who hasn't scraped together some education is all I
7 can say because they're devils, they tried to find dirt on
8 me, they tried to find dirt on my family. And if that's
9 the only thing they can take me down with, is a
10 misconstrued of two young girls discussing something when
11 that friend was no longer there after she told me, you
12 know, it's laughable, that's all I can say.

13 Q. Just one thing I did want to clarify with you, you were
14 prepared to come to New Zealand to meet with the
15 investigator, weren't you, and he said that wasn't
16 necessary?

17 A. That's right. He backed me into the corner, where I just
18 felt so desperate, now I'm just raged and angry but I felt
19 so broken and desperate and retraumatised that I said of my
20 own volition, I will scrape together a couple of hundred
21 and come over, and this was huge, I was just like I'm going
22 to have to bust through the triggers and traumas and
23 sorrows. I have enormous sorrows, I lost friends over
24 there who had tragic lives, so I said I would do that? If
25 I was playing games, why would I put myself through all
26 this suffering and they know that, and to pick out that
27 person and say, oh well, that discredits her and, as for
28 no-one else coming forward, well hello, I'm 61, does it
29 feel good to be sitting here saying a paedophile nun
30 terrorised and sexually abused me? No, it doesn't, so
31 you're not going to have a queue waiting, knocking on the
32 door asking for buskers because the misplaced shame, it's
33 still on me. I still want to die, even just sitting here
34 knowing that people back home and knowing my family will

1 see all this but it has to be done. And that's all I can
2 say.

3 Q. So then, let's move forward then to -

4 A. Sorry.

5 Q. So, moving forward now to how the settlement processes
6 resolved or did not resolve themselves.

7 We'll start with the Sisters of Mercy because we've left
8 them for some time. So, you'll remember that on the 20th
9 of December last year you received a letter or Cooper Legal
10 received a letter on your behalf with a former offer of
11 settlement for what had happened to you at St Patrick's?

12 A. Yes.

13 Q. We're just going to call out the bottom paragraph of that
14 letter.

15 A. Yes.

16 Q. Yes, that's correct. And then, so those two paragraphs.
17 You'll see there that the response on behalf of the Sisters
18 of Mercy was that because your allegations were general and
19 concerned largely corporal punishment and emotional or
20 psychological abuse and those who may have been responsible
21 were now unavailable to put the allegations to, it was the
22 Sisters of Mercy's view that the best response, rather than
23 contest any of the allegations, was to accept that your
24 time there contributed to the harm you suffered,
25 particularly psychologically, and for that the Sisters of
26 Mercy sincerely apologised. They also offered you
27 settlement of your claim by paying \$10,000 and they
28 enclosed a Draft Deed of Settlement.

29 And you will see there on the next page they offered you
30 the opportunity to meet face-to-face at a venue of your
31 choosing with a member of the current leadership team for
32 the purpose of a personal apology which you had said you're
33 not interested in, and I'll ask you to comment on that and
34 that that offer was repeated in the Draft Deed.

1 So, Mary, before we move on about how you felt about
2 that, I just did want you to comment on why you felt
3 strongly that you couldn't have a face-to-face apology?
4 A. Well, the damage is so profound, the flashbacks, the
5 nightmares, the triggers, anything to do with Catholicism
6 makes my skin crawl. The sight of a nun makes me want to
7 vomit. The same for anything to do with the Catholic
8 Church. There's no point. I don't want to be in their
9 presence. It's too late, it's too late. You can't get
10 back what was taken like that. It's forever, we live with
11 this forever, it doesn't go away. And I'm a smart person,
12 you know, I've been brought back to be a fighter and I'm
13 telling you it doesn't go away and I don't want to see
14 anyone represent them, their organisation, and what those
15 Sisters of Mercy didn't do, I ask for concrete changes for
16 the protection of minors. Yes, we deserve money, but the
17 more important thing is the next generation of children.
18 This is just going to go on forever. You know, the money
19 was pathetic. What's \$10,000? What's \$1 million to low
20 socioeconomic people like me but it was better than nothing
21 but the thing is, it didn't address the whole, at least
22 they did that but let me tell you, they didn't own what
23 they'd done and like concrete, this is what we'll be
24 putting in the school, this is how we'll protect people,
25 this will be if anything happens any student can go there.
26 They didn't look at all the concentrated facet of language
27 barriers, cultural barriers and things you need in place,
28 you know, for all different children. Nothing. Here, take
29 this money, we're terribly sorry and let's make it sound a
30 bit more genuine. Let's come and meet her in person, you
31 know. And it's not that I'm bitter because there are some
32 people who are sincere, but you've just got no concept what
33 you've done. You've got no concept of the pain we're in.
34 It's just, it's just outrageous and I don't want to say any
35 more about it. Thanks.

1 Q. So, are you all right to look at the deed that you signed?

2 A. Excuse me, Sonja, it's the Sisters of No Mercy - not mercy.

3 The Sisters of No Mercy.

4 Q. We are just going to get you to look at the Deed of

5 Settlement. Are you all right to do that?

6 A. Yep.

7 Q. That's WITN0014020 and we're just going to look at

8 paragraph 2. So, there it expressed the apology to you for

9 the harsh treatment you experienced and again repeated that

10 offer to hear from you directly and offer you a personal

11 apology. And you didn't get a separate letter of apology,

12 did you?

13 A. No and I suspect, and I told you this Sonja, they don't

14 want to give me a letter because they know some people,

15 like myself, I would have put that online and I think

16 that's why they don't do it because they know more and more

17 of us just can't take this anymore and we're willing to put

18 our names and faces. I suspect that's another reason why

19 they didn't do it and that they offered a face-to-face.

20 It's always about them, it's never about the survivor.

21 Q. Just another point that you say in your statement, is that

22 the \$10,000 didn't cover your Legal Aid debt so that had to

23 be a request made to Legal Aid to write that off to make

24 sure that you got the \$10,000 in your hand, didn't it?

25 A. Yes.

26 Q. And that was done?

27 A. Yes.

28 Q. Legal Aid made that decision, didn't they?

29 A. Yes, they did.

30 Q. So then let's turn to the Dominican Sisters. There are

31 three letters from the Dominican Sisters and we're just

32 going to look at two of them. But the first letter arrived

33 on the 18th of June 2020 and that said that the Committee

34 had considered the investigator's report but could not find

35 your complaint proven on the balance of probabilities and

1 that the Dominican Sisters agreed with the decision that
2 the complaint was not proven.

3 A. Yes.

4 Q. And then the next day we received another version of the
5 same letter. We're just going to call that out, that's
6 WITN0014022. And if we can just highlight the second and
7 third paragraphs, those sections, thank you. If we can
8 call those paragraphs out too.

9 This is the second version?

10 A. Yes.

11 Q. Which says, "We have no other reported complaints against
12 the Sister. The many living Sisters who still remember her
13 totally reject any suggestion that she would have acted in
14 the way that has been alleged".

15 And then the next paragraph down, "We are also very
16 sorry that you feel that your experience of the Catholic
17 Church has been one of oppression and cruelty".

18 And if we can just pull that letter out in its entirety,
19 you will see there it's not signed. It's addressed to you
20 though, isn't it?

21 A. That's right, yeah.

22 Q. And then we'll call out the next document which came on the
23 Saturday 20 June 2020, so this is version three?

24 A. There were three versions.

25 Q. WITN0014023 and there is the version that was ultimately
26 sent to you as your response. And again, if we highlight
27 those same paragraphs and call them out, a slight
28 difference in the wording.

29 So, instead of "the many living Sisters who still
30 remember her", it now says, "We who remember her totally
31 reject any suggestion that she would have acted in the way
32 that has been alleged". And then instead of, "We are also
33 very sorry that you feel that your experience of the
34 Catholic Church has been one of oppression and cruelty", it
35 now reads, "We are also sorry to read that your experience

1 of the Catholic Church has been one of oppression and
2 cruelty".

3 And, again, if we pull the entire letter out, do you see
4 it's still unsigned; isn't it?

5 A. Yeah.

6 Q. And that's the letter you received?

7 A. That's the letter I received.

8 Q. So, I just want you, you've already commented briefly but I
9 just want you to compare the responses of the Sisters of
10 Mercy on the one hand, and you've already said a little
11 about that in terms of the response from the Dominican
12 Sisters.

13 So, starting with the Sisters of Mercy, is there any
14 further comment you want to make about the way they
15 approached -

16 A. At least they were relatively willing. They made gestures.
17 They made - there are more degree of closure. I mean, if
18 you want to analyse it, when I say laughable, I'm not
19 talking funny laughable, it's laughable the compensation.
20 But, even if it had been \$100,000, I would still be saying
21 that, you know. But they made the effort. It gives us
22 some dignity, well it gives me, I can only speak for me, it
23 gave me some dignity, it gave me some validation and I have
24 to leave it at that. I've fought hard. The legal people
25 fought hard. They know what they're doing. I thought,
26 okay, I've had enough, that will do.

27 Q. And then -

28 A. So, it doesn't, hang on, sorry Sonja, but I don't want that
29 a precedent to the Catholic Church that you think you can
30 keep doing that, fobbing people off. You can't anymore.
31 You better sell some of your buildings because there's a
32 lot of people coming for you. You need to know that. We
33 own you now, you don't own us. Okay.

34 Q. So then compare that with the response from the Dominican
35 Sisters. What was your response to that?

1 A. The most important thing I wanted documented and heard
2 about this, is that this is why people are suiciding. This
3 is unbelievable that they could think they could send this
4 out to someone after putting them through a protracted
5 denigrating utter bullshit process and call it
6 professionalism and then send them a letter out like this.
7 The letter is unacceptable to be sent out like this. We're
8 talking about human beings and you talk about Jesus Christ.
9 You know, you're just devils and you know the fragility and
10 the vulnerability of survivors, yet you thought nothing
11 about sending this out to me.

12 Another thing that's very, very clear to me with the
13 three versions, is the colluding together. They've
14 obviously, "Oh, you know, it's dreadful", I know, I know
15 what goes on. You think we don't know? Well, the party is
16 over, we know what you're doing. "Oh, they're trying to
17 take down the Catholic Church" and you're just feeding the
18 congregations, you've got together and you've concluded
19 because the evidence is strong, I'm telling the truth, and
20 I am telling the truth, as God as my witness. And you've
21 got together and you've thought fob her off with the
22 balance of probabilities because no-one else has come
23 forward. I'll tell you why they haven't come forward,
24 they're either in the grave or they've drank themselves or
25 drugged themselves to death or they're enacting out abuse
26 on their kids or doing something destructive. Who would
27 want to come forward and they know all this. This is why
28 it's so shocking to me that they think they can get away
29 with this. Well, you just got the wrong person and I'm
30 just, it's just flabbergasting and patronising, "We are
31 very sorry that you remember all the pain as part of a
32 life", you know that patronising, oh God, you're truly the
33 vomit of the earth, you really where, to send this out to a
34 survivor of abuse from your organisation. "We are all so
35 sorry", yeah, well, I bet you are. It's all about

1 protecting the reputation of the Church. It's all about
2 that. It's nothing about the survivor. And I know that
3 you're cooked by my coming forward. You're not yet in the
4 lake of fire but I'm cooking you while you're still alive.
5 This is the truth and it's going to be exposed and others
6 are going to come forward now. It's an insult. Sorry but
7 it has to be said.

8 Q. One of the things that I did want to touch on because I
9 think it's important for this Commission, and you say it in
10 your evidence, is that you felt suicidal for a week after
11 receiving the letter and you had to get support through a
12 therapist?

13 A. Yes. Halfway through the investigator thing, I actually
14 felt like - the suicidal ideation just came on me so strong
15 and I've been dead a long time but it's just the second
16 death when you pull the pin and I thought, no, I'm worth
17 more, we're all worth more, all survivors are worth more
18 than going out that way. And I went down, I was hoping to
19 God there would be no-one there that knew me, I worked in
20 healthcare at some stage and drug and alcohol work, I
21 thought oh please, please, don't let there be anyone that
22 knows me, and I just said to them, I said, "Look, I can't
23 take any more, I can't take any more" and they knew it was
24 real. You're always concerned, I knew I was going to do it
25 if I didn't get help. And they come over, a team come over
26 to my place and because of the stress of all this, I wasn't
27 sleeping and I was having nightmares and flashbacks. I
28 just felt like I was, I just cried my guts out and luckily
29 I got a good psych nurse. You know, I had documents all
30 around me and, you know, and he said, "Look love", he said,
31 you know, "We've got to bring it down". He spoke into me,
32 he could see all the pain. And so, that really helped me.
33 And then I went and saw a psychiatrist at the unit to make
34 sure I hadn't gone mad. And I believe that this is what
35 they do to people. I thought, you know, as I was talking

1 to him I realised this is all part of it, where you start
2 beginning to doubt who you are, what's going on, am I
3 losing it? As I spoke to him I realised no, no, you know,
4 he said it's PTSD being retriggered over and over and
5 you've got depression you've been living with depression.
6 I didn't walk out of there healed or anything but I'll tell
7 you what, I walked out of there with fire in my belly and
8 that's why I am here today because I can see what they're
9 doing so clearly.

10 **CHAIR:** Mary, can I just ask a question and thank you for
11 the clarity in which you are seeing things. I am
12 interested in these three version. I am not sure how it
13 works, if it you can just explain, maybe Ms Cooper can
14 explain.

15 The third letter went to Mary, is that correct?

16 **MS COOPER:** So, all three versions of the letters were
17 emailed to us.

18 **CHAIR:** To Cooper Legal?

19 **MS COOPER:** To Cooper Legal.

20 **CHAIR:** Did they come with any rider? Did they say, "This
21 is what we're proposing to send" and ask for a discussion
22 or how did it work?

23 **MS COOPER:** So, my recollection is that -

24 **CHAIR:** You are now giving evidence from the bar.

25 **MS COOPER:** I know.

26 **CHAIR:** That is at my invitation, so I'm happy for that.

27 **MS COOPER:** So, my recollection is that the first one came
28 as a proposed apology. Very soon after that, as I say the
29 next day we got an email saying, "Disregard that one, there
30 was some typographical errors in it, here is a revised
31 version". And on the Saturday we got version number 3.
32 That in and of itself was disconcerting.

33 **CHAIR:** Yes. So, they came very close order one after the
34 other?

1 **MS COOPER:** Yes, yes. And I think it was 18, 19, 20 they
2 came.

3 **CHAIR:** The third version, did you then forward it on to
4 Mary?

5 **MS COOPER:** We did.

6 **COMMISSIONER ERUETI:** They were meant to be apologies, is
7 that correct?

8 **CHAIR:** That is another matter.

9 **MS COOPER:** Well, it's a response.

10 A. They rang me, Sam rang me on that. Sorry.

11 **CHAIR:** It's all right, you are allowed to speak.

12 **MS COOPER:** So, yes, so because we anticipated that that
13 would be upsetting, Sam Nightingale, one of our lawyers did
14 bring to say to Mary –

15 **CHAIR:** And prepare her for it?

16 **MS COOPER:** Exactly.

17 **CHAIR:** Thank you for clarifying that.

18 **MS COOPER:**

19 Q. Mary, before we get to the last part of your evidence, you
20 had some really useful comments in your statement about the
21 *Path to Healing* process and I just think it would be useful
22 to touch on some of those in the context of this public
23 hearing.

24 So, one of the things you comment on about is the
25 process being extremely protracted, we are at your
26 paragraph 81?

27 A. Yeah.

28 Q. And that there's no recognition of the suffering for the
29 survivor by having to constantly relive the past through
30 questioning?

31 A. Yeah.

32 Q. And you also refer to being exposed to you documents from
33 the past. Is there any more you'd like to comment on that?

34 A. Yeah. Well, it's obvious that the Catholic Church does not
35 understand trauma or historical trauma. They understand

1 very little about anything except the [inaudible]. When
2 you're exposed to documents from the past or admissions to
3 hospital and things like that, I haven't done time. I've
4 been arrested and in a jail cell overnight but I haven't
5 done time but eventually, you know, if you got in prison
6 and things, it's all traumatic, it's all linked to
7 everything that went wrong in your life and it brings back
8 memories and family or family you didn't have, so you're
9 constantly in this sort of – because you spend a lot of
10 your life blockading which is why drugs worked so great for
11 me. They just shut it down and they shut it down and they
12 shut it down, you know, and that's – so, seeing all these
13 documents, it's very, very traumatising. And for me, I can
14 only speak for me, the grief is huge as you get older.
15 We've got no damn good memories. We've just got a river of
16 sorrow.

17 Q. Mary, one of the – sorry, I don't want to talk –

18 A. These documents trigger it, they trigger it, they trigger
19 it all and I'm trying to think how to explain it. It's
20 really hard to live with what you did with yourself to cope
21 with what was done to you. I'm 61 and I dreaded getting
22 old because I started to think it's going to get worse as
23 you get older and guess what? I'm right. Although I never
24 told anyone that I worked with in a professional sense.
25 You know, I told them it was great to get clean and life is
26 wonderful and blah, blah, blah but deep in my heart I
27 thought, oh my God, they're going to hate me in another
28 40 years but it's better to die with your dignity and feel
29 the feelings and, you know, but I'm just saying they just
30 had no concept of digging up stuff. Why don't you prepare
31 a person? Why do you not understand? How hard is it to
32 have compassion of people that have been damaged as
33 children? How hard is it? You know, my God, what sort of
34 society of people is this? You know.

1 Q. One of the other things you say, Mary, is that you suggest
2 there needs to be rigorous monitoring by external
3 organisations who represent survivors and you suggest that
4 there should be cultural representation as well.

5 A. Yeah.

6 Q. And you've already talked about the importance of that.

7 A. Sorry.

8 Q. Are you all right?

9 A. Mm, all good, sorry, yeah, yeah. These are important
10 things.

11 Q. And you also suggest -

12 A. Hang on, what did you just -

13 Q. So, I just said there should be external monitoring and
14 that there should be representative of survivors and
15 cultural representation. And you also say that there
16 should be at least one member who is medically and/or
17 psychologically qualified in the trauma field on the
18 Committee?

19 A. That's right.

20 Q. As well as a survivor of Catholic abuse and you also
21 suggest it's important there be a non-Catholic member or
22 non-Catholic members on the Committee?

23 A. Yeah.

24 Q. So, why do you think that's important?

25 A. Because my own experience has been they played me for a
26 fool. I bet they wish now they'd just fobbed me off with a
27 bit of money and said "Go off into the sunset, you rat".
28 Well, why it's important is because they've accessed
29 indigenous cultures and native cultures, so they know how
30 to work us over. So, we need people from our individual
31 cultures to protect us from their cores. They know how to
32 twist and turn and play different cultures because many
33 indigenous people are very loyal people and have respect
34 for spiritual leaders. You know, so, you need someone
35 monitoring individuals' cultures and looking after them and

1 not letting them play with people's cultures to stop them
2 from telling the truth or seeking answers.

3 And you need a more – I believe in [inaudible] but I'm
4 not here to preach or anything. You need secular. I just
5 want you to know, I am not an atheist because that's
6 another thing they'll say, you know, these evil people.
7 I'm not an evil person and we need secular. Let me say
8 something for atheists, they fought hard for us, that's the
9 irony of it, they fought for us long before anyone did, you
10 know. And then, what was it? Culture. Am I rambling?

11 Q. I just be wanted to ask you, the last thing you talk about
12 is the issue of monetary compensation, you talk about that
13 needing to be a case by case assessment and looking at
14 survivors as individuals?

15 A. Yeah, that's right. You see, what they're doing is a one
16 size fits all and they're not. And I've only watched a few
17 people share here at the Commission and it broke me up so
18 much I couldn't watch it all, you know, because I'm feeling
19 it. We're all unique and individual and so, to dole out
20 money like it's going to wind back the sorrow and just
21 we'll do it overall, you can't do it like that. People
22 need to be assessed and the actual survivor should be
23 present and have a list of demands. You know, we should be
24 the ones saying this is what I want now at this point in my
25 life, knowing all I know now. We should be leading it.
26 And you can't trust them to deliver. So, the survivor, the
27 survivors need to set this up. This is what I personally
28 think. In Aotearoa New Zealand survivors should be given
29 funding to set up their own little Committee to decide and
30 they can represent each survivor. You know, like there's
31 things like some people have been so damaged by this, it
32 affected their ability to learn to read, to write, it's
33 affected them, their quality of life, you know, so
34 dramatically. So, you know, they're living, they're living
35 impoverished lives in that sense. This is just an example.

1 Give them opportunities. If they don't want to learn that
2 sort of stuff, that's fine, what would you like to do?
3 What did you want to do? What did you dream of before
4 everything is taken from you? This is how you treat people
5 that have been cruelly robbed of their childhoods, you
6 know. The Catholic Church has no idea how to and money has
7 to be part of it because the Catholic Church loves their
8 money and we are coming for it and there's plenty of it, so
9 don't worry survivors, we'll get our cut. And so, money
10 has to be part of it because that's the only way they will
11 learn. You know, I feel very strongly that these things
12 have never been brought to the fore. Money is not enough.
13 Everything should be looked after and I believe that a
14 survivor who has children, the trauma has gone through.
15 It's – you know, they've cursed us. It's in our DNA. And
16 so, the families should be looked after as well and not
17 from the Catholic Church, nothing to do with the Catholic
18 Church. The survivor has the right to ask for different
19 areas of help and that means in health, culture, education.
20 For example, in culture someone might want to learn their
21 language, the Catholic Church pays for that. Someone might
22 want to learn a trade, Catholic Church pays for it. A
23 survivor's family are struggling financially, the Catholic
24 Church pays for it. It needs to be done. Yeah, I'm not
25 talking unrealistic stuff, I'm talking reality. And that
26 money, by the way, does not come out of their compensation
27 payment either. Most of us have had horrific lives and
28 you're not going to hear all of it because this is public
29 and we have to protect ourselves and our clan and
30 relatives. You know, we have to keep walking on through
31 life. We're suffering profoundly in ways that won't be
32 known publically. Okay, done.

33 Q. Thank you, Mary. So look, before we get to the last part,
34 I do think it's important as part of your evidence you
35 shared some of your paintings and your illustrations and I

1 just did think it was important that we had just three of
2 them that we bring up.

3 So, the first one is 00140024. We'll just have that
4 come up.

5 A. Oh.

6 Q. We will just highlight the picture.

7 A. Um -

8 **CHAIR:** To be clear, these are your paintings, are they,
9 Mary?

10 **MS COOPER:** Yes, they are.

11 A. I am not a professional artist, I just need to say that.
12 Some of these paintings I did as therapy. That one is not
13 a therapy one, that's a statement on the society I grew up
14 in. That's Aotearoa New Zealand theatre 1959, the year I
15 was born and that is what dominated society. A disgusting
16 society.

17 Q. We'll call out the next picture we were going to show is
18 00140027. Again, we'll just highlight the picture there.
19 So, Mary, what were you representing in that picture?

20 A. That picture is from an exhibition I did through young
21 Irish to learn our language and the importance of our
22 language and the word is Sinsearach which means ancestry.
23 I believe that even though I have Irish citizenship I grew
24 up over there, we've been traumatised by colonial powers
25 and we have learnt to stay silent because we have
26 transferred our loyalty to what was taken from us and our
27 culture, we transferred it to the Catholic Church. And so,
28 DNA, our DNA sorry, is embedded with trauma and passed on
29 but, of course, I don't want to talk any more about it.

30 Q. So then we'll call out 31, 0014031.

31 A. Yes.

32 Q. That also has a wee picture of you?

33 A. Yeah, that was in Christchurch and there was me, my eldest
34 sister and me and my other sister, my second youngest
35 sister, I was the youngest, and that was a really happy day

1 and it was very wonderful and I knew I was loved and we
2 were altogether as a family, you know, I'm very blessed
3 like that, I have a family and it was just happy. I never
4 had - I could have never known what was ahead. And the
5 second is my body is not my property, and that's a very old
6 one from art therapy. I just knew, I began to realise I
7 didn't own my body, the Church owned -

8 Q. And then the last one, Mary, that we'll show is 000140032.

9 A. Yep.

10 Q. And, again, I think - I don't need you to read out the
11 words because it's on the painting, so that's your image of
12 the nun and you saying that your neck has been severed.
13 So, you're talking about leaving your body?

14 A. Yeah, that's correct, and it's of nightmares that I've
15 suffered, so I don't want pity from anyone but I've
16 suffered from these damn nightmares for so long and I
17 talked to - I don't know why no-one ever suggested to me,
18 they told me paint it out, you know, paint it out Mary, you
19 know how to paint, and it just come out of me, you know,
20 and it lessened the power of it all. Yeah, I donate that
21 painting to the Catholic Church.

22 Q. So, Mary, I know that you've prepared a closing statement,
23 so unless you had anything else I'd just ask you to read
24 that and then I know that you have a musical composition
25 that you want played as well. So, if you just want to read
26 out your closing statement? Are you all right to do that?

27 A. Yes, I am. To all survivors, kia kaha. I believe we will
28 win this struggle for justice and bring about changes to
29 the systems to protect all children from what we suffered.
30 It was Church and State who sealed our childhood fates but
31 the eugenics driven societal constructs must be exposed too
32 and destroyed. Church and State were and still are the
33 criminals.

34 To all Roman Catholic Irish living in Aotearoa
35 New Zealand, the code of silence regarding crimes of the

1 Roman Catholic Church must be done away with completely and
2 forever. Any misplaced loyalty regarding Catholic abuse of
3 minors is killing us. Work with us all in the demand for
4 justice and for changes to the system.

5 Thank you to Sonja, I am not sucking up to you Sonja but
6 you deserve a lot of credit, and her team because you've
7 been fighting for survivors long before anyone else gave a
8 damn. Thank you to all those who fought for a Royal
9 Commission and thank you so much to Rizpah and Alex
10 Rodriguez for helping me.

11 A quote from the Roman Bible, and I'm not saying is
12 cynically, it's living word, "Woe to you
13 Pharisees/hypocrites - you have neglected the weightier
14 provisions of the Laws of God, justice mercy and
15 faithfulness". That's Matthew, chapter 23, verse 23.

16 Q. Thank you, Mary. Is there anything else you'd like to say
17 at this point before I ask for the video to be played?

18 A. Yeah, I was just going to say, I was just going to say,
19 there's lagging, it's lagging.

20 Q. Okay. So, do you want the video to play now?

21 A. Lagging. No because I've got to salute. Can you hear me?
22 Irishman Don Baker, himself a survivor of Catholic abuse as
23 a minor, has given full permission for his song to be
24 played here. I salute you Don. Damien Dempsey and Sinead
25 O'Connor sing this song and it's called "Woe to the Holy
26 Vow".

27 Q. Thank you, Mary. Will you now answer questions?

28 **CHAIR:** Mary, I don't know if you can see me, I am the
29 Chair. I just want to say that we are not going to ask you
30 any more questions, we have asked as we've gone but you
31 have been so eloquent and so vocal that we want to just
32 leave your statement and your song with us as a true record
33 of what you had to say, so I do no more now than just to
34 invite Commissioner Steenson to thank you.

1 **COMMISSIONER STEENSON:** Tēna koe Mary. Whakawhetai ngā mihi
2 ki a koe i tēnei rā, ka aroha. thank you for your courage
3 and bravery, we really appreciate it and the privilege was
4 ours today. Nō reira tēnā koe.

5 **CHAIR:** We are now going to, you might like to stay with
6 us, we are now going to end our proceedings for the day
7 with a karakia and waiata. If you would like to stay with
8 us and be part of that, you're most welcome.

9 A. Thank you.

10

11 (Closing waiata and mihi)

12

13

14

Hearing adjourned at 4.08 p.m.