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Statement No.: [WITN0831001]**Exhibits:** [WITN0831002] – [WITN0831075]**Dated:** 8 October 2021**ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE**

**WITNESS STATEMENT OF SONJA COOPER AND SAM BENTON OF
COOPER LEGAL — relating to the St John of God Order Investigation**

Introduction

1. Thank you for the opportunity to provide evidence regarding the experiences of a number of current and former clients of Cooper Legal, while they were placed at Marylands School in Christchurch ("Marylands").
2. In this statement, we will summarise the experiences of abuse suffered at Marylands by clients (including former clients) who are unable to give evidence themselves, due to the impact of the abuse they suffered at Marylands and elsewhere, their intellectual or learning difficulties, or because they have since died. We will also, briefly, summarise the experiences of some who are giving their own evidence, as context.
3. While this investigation is focused on Marylands School, we will also examine certain experiences of our clients who were placed at the neighbouring St

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Joseph's Orphanage ("St Joseph's"), an institution run by the nuns of the Sisters of Nazareth Order. This discrete section of the statement will be looking only at allegations made of abuse by male adults while they were placed at St Joseph's, as there is some indication that Brothers from Marylands may have been involved in carrying out abuse of residents at St Joseph's on occasion, and/or of St Joseph's residents but on the Marylands property.

4. We will also provide a summary of abuse suffered by clients of Cooper Legal while Brother Bernard McGrath ("Brother McGrath") was working at Hebron Trust ("Hebron") between about 1986 and 1993, a time at which we understand that the Hospitaller Order of St John of God ("the Order") were aware of allegations that Brother McGrath had previously sexually abused children in his care.
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5. It is worth noting in passing that no Hebron clients were also at Marylands or St Joseph's. As far as we are aware, only one client (anonymised in this statement as 'MA') was at both St Joseph's and Marylands, but did not allege any abuse at St Joseph's. Aside from this one client, there is no overlap between the three parts of this statement.
6. This statement will also summarise the experiences of our clients in raising their concerns about the abuse they suffered at Marylands with the police, with social workers and the Ministry of Social Development, and with the Order both directly and through Cooper Legal.
7. In reviewing our clients' files, we have identified a number of inconsistencies in the approach of the Order in resolving claims, including settlement payments that – on reflection - are considerably lower than they ought to have been, particularly when considering other settlements. We have highlighted some of these in this statement and invited the Order to consider reviewing its approach those cases. In several cases, we have also suggested that the Ministry of Social Development should review its position. We would be very happy to discuss this further with either organisation.

Overview

8. As far as we are aware,¹ Cooper Legal has acted for 18 clients who were placed at Marylands, ranging from when it first opened in late 1955 through to clients who were there when it closed in 1984.
9. The first Marylands client (MC) we acted for was referred to Cooper Legal in July 2004 by his counsellor, Terence Featherstone (**WITN0764**). We settled our first Marylands claims in 2009. Some of the Marylands clients have since died and others are no longer in contact with the firm, so we have had to rely on the existing information we hold to make this statement.
10. Of those 18 Marylands clients we are aware of, two reported that they were not abused at Marylands, and one reported receiving only physical abuse. As discussed below, the Order would not consider that last client's claim through its settlement process, because his allegations did not relate to sexual abuse.
11. Of the remaining 15 clients, our firm negotiated settlement payments with the Order for seven clients. More details of these settlements are provided below. One of these seven had previously received two settlement payments from the Order before we were instructed. We also negotiated a "top up" payment for another of these seven clients in 2018, having negotiated an initial settlement for him in 2009 that, it turns out, was out of step with other settlements from the Order.
12. The other eight clients had already received payments from the Order between 2002 and 2004, before they instructed us in relation to represent them in their psychiatric hospital and/or Social Welfare claims. Some of these eight clients had legal representation at the time through Christchurch lawyer Grant Cameron and his firm, GCA Lawyers (originally Grant Cameron Associates). We have some information in our records about their experiences in Marylands and later of their

¹ Given the thousands of clients Cooper Legal has acted for in relation to a range of non-recent matters, it is probable that some had been placed at Marylands and not disclosed this to us – either because they do not recall suffering any abuse there, or because they had already resolved their concerns with the Order before instructing us.

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experiences in trying to resolve their complaints with the Order, which we have incorporated into this statement.

13. In August 2010, we received our first instruction from a client who was abused at Hebron. This client, HA, was referred to us by the law firm acting for the Order. Several years later, in September 2016, another Hebron client (HB) was referred to us, through a counsellor in Christchurch Men's Prison with whom we had an existing relationship in terms of other non-recent abuse claims. In 2017 subsequently, several other Hebron claimants were referred to us by this counsellor, and a number of others have instructed us directly, after hearing about the non-recent abuse litigation our firm specialises in.
14. In total, we act or have acted for 23 clients who allege abuse or witnessing abuse by Brother McGrath while he was working at Hebron, between about 1986 and 1992.
15. Most of our clients who were abused at Marylands, St Joseph's or Hebron still live or lived in the Christchurch area when we acted for them. Some of them, particularly the Hebron clients, were inmates in Christchurch Men's Prison at one time or another.
16. We act for large numbers of clients who suffered non-recent abuse. All of them have had their lives profoundly changed by their experiences. It will be no of surprise to the Royal Commission that many have since spent periods in prison, psychiatric institutions, or both. Many suffer from ongoing health concerns, including substance dependence and psychiatric illness. They are, quite typically, living in impoverished circumstances and have limited resources from which they can improve their lives. They are often socially and economically disadvantaged, poorly educated, and inarticulate. Many struggle to comprehend legal progresses or to participate fully in them. They share a strong sense of grievance over their abuse.

Marylands

17. The above description applies equally to those clients who were at Marylands, with the exception that these clients were placed at Marylands because they were intellectually disadvantaged and/or emotionally disturbed or deprived, making them even more vulnerable to the impacts of abuse and grooming and often making their damage more severe.
18. Marylands was a residential special school for children in need of a special education programme. **[WITN0831003]** This covered children who had either intellectual disabilities (including those resulting from brain injuries) or emotionally disturbed behaviour, and occasionally both. Some of these children had been prescribed medication, including tranquilisers to sedate them, while at Marylands.
19. It would appear that the Department of Social Welfare, and indeed, the State, became increasingly more involved in Marylands over the years, particularly after the Order came into financial difficulties in the early 1970s.
20. At the risk of over-generalising, and bearing in mind our clients make up a very small proportion of all total residents, it appears that prior to about 1970 there may have been a greater proportion of residents with intellectual disabilities and, after that time, more residents with emotional disturbance. The reasons for this shift, if it is accurate, are unclear. It may have coincided with the use of other residences such as Campbell Park School, along with growing professional awareness of emotional disturbance, or with increasing State involvement in the care of children with emotionally disturbed behaviour.
21. A similar and presumably related shift that we have observed across roughly the same period relates to the method by which children came to be placed at Marylands. From what we have seen, many early placements were private or with the support religious organisations such as Catholic Social Services and the Presbyterian Social Services Association.

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22. In contrast, placements from the 1970s were more likely to have been made at the direction – and with the funding - of the Department of Social Welfare or Psychological Services (a service of the Department of Education), typically because those children were State Wards. Importantly, it appears that boarding fees paid for State Wards increased in the early 1970s, which brought payment levels more in line with private fees. By 1983, there were 22 State Wards placed at Marylands.
23. Marylands became Hogben Special School in 1984 after the Order ceased operating it as a residence.
24. While we do not have records of the ethnicity of all our clients, from what we can ascertain only four of our Marylands clients identify as Māori, and the rest as Pākehā / New Zealand European. The four Māori clients were all placed at Marylands from 1970 onwards. Again, we do not have the data to confirm this point or to identify the reasons for this disparity. It is possibly related to the school's location in Christchurch, socioeconomic differences affecting the ability to pay private board and potentially, as well, what appears to have been the State's tendency to treat Māori children with behavioural difficulties as being delinquent, rather than in need of special education.
25. The St John of God grounds were off Nash Road, in Halswell, Christchurch. The grounds were separated from St Joseph's (run by the Nazareth Sisters) by the Heathcote river, although there were several bridges between the two grounds and, allegedly, a tunnel between the properties as well.
26. The Order also had a bach on Waikuku Beach, north of Christchurch, which the Brothers occasionally took residents to.
27. Marylands School and the residents' living area (including five villas) were located on the Western side of the St John of God grounds². By the 1970s at least, the private St John of God Hospital for Elderly and Spinal Patients made

² We have seen some suggestion that Marylands School was originally located in the neighbouring suburb of Middleton until 1966, although we have not been able to confirm this. This may explain the differing descriptions of the dormitory arrangements, set out below.

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up most of the East side of the property. The two areas appear to have been connected through a central building and chapel. There was a smaller chapel or church on the Marylands side as well, along with a swimming pool, gymnasium, squash court, laundry, garages, and classrooms. There were also, reportedly, unmarked graves somewhere on the Marylands or St Joseph's property. One client reported being made to clean coffins in the church down the corridor from the Red Section dormitory.

28. The St John of God institutions were run by a Prior, such as Brother Brian from November 1959, or Brother Moloney from 1971. The Prior had responsibility for Marylands school, all of the Brothers, and the St John of God Hospital.
29. Most of the Brothers living on the St John of God grounds, including the Prior, had living quarters in the monastery on Nash Road, behind the hospital. This appears to have continued to be the case after the closure of Marylands. Those Brothers who had 'housemaster' responsibility for particular school residents' dormitories, or sections of the dormitories, also had small rooms within those dormitories.
30. In addition to residential 'housemaster', the Brothers also took on a number of roles, such as headmaster, school teacher, school nurses and apparently a live-in chaplain or priest. There were other staff employed at Marylands, male and female, working as teachers, gardeners, caretakers, administrators, laundry, and kitchen staff. There was also a number of women working as the "Ladies' Auxiliary", whose tasks included transporting children to and from the Christchurch Airport.
31. With one or two exceptions, noted below, we are not aware of any complaints about the staff at Marylands who were not Brothers of the Order.
32. Some clients recall that certain Brothers were kind to them. Perhaps surprisingly, some of these 'kind' Brothers include those who other clients name as their abusers.

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33. As will be seen below, in some cases this 'kindness' was in fact grooming and manipulation, often escalating to serious and repeated sexual assaults.
34. In terms of age, our youngest client was admitted to Marylands on his 6th birthday. Several were 16 years old when they were released. Some older boys were permitted to stay at Marylands after they had stopped attending school and were employed at a nearby business, such as the local Fruit and Vegetable Market. Some of these boys paid their own board to Marylands from their earnings.
35. The first residents in late 1955 included a number of boys who were transferred from the St Joseph's Orphanage due to their age.
36. Some of our clients were placed at Marylands for a matter of months, but most stayed for at least four years. One client stayed for nine years.
37. For some clients, Marylands was their first (or only) residential placement. Others had been in Boys' Homes beforehand. Some would be placed there after they left Marylands. Some clients described Marylands as being an intimidating or scary place – describing it as more like a borstal or prison than a school – with large numbers of boys residing there.
38. Children and their families did not have to be Catholic to be placed at Marylands, and the majority of our client were not from Catholic families. Very few of this firm's Marylands or Hebron clients have a positive view of religion now. Several of them have repeatedly targeted churches with vandalism or arson.
39. Parents and family members were generally permitted to make scheduled visits to Marylands, including when they were deciding whether their child should be placed there, and for planning meetings. Boys were able to send and receive mail and telephone calls, although some clients report some of the letters addressed to them being destroyed by the Brothers and care packages never reaching them.
40. Some boys who lived locally were permitted to return home for weekends. Boys generally spent the holidays away from Marylands, with family if possible. The Prior's views as to suitable holiday placements, as well as the length of a boy's placement at Marylands, were often given significant weight by any social

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workers. Holidays for those in State care were often spent in foster home or Family Home placements, or occasionally in Boys' Homes, if no suitable placement could be found or if the original placement broke down due to behavioural or family issues. Concerns were often reported by social workers about the condition and quantity of clothing that boys had been sent home with.

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41. Social workers visited Marylands on occasion, but they did not always see every child on their caseload, and they rarely spoke to them without a Brother present. Some social workers expressed the view that their role in relation to boys placed in Marylands (or, similarly, St Joseph's) was limited, even for those in the custody of the State. This inattention is often evident from the Social Welfare files and can sometimes be seen in the lack of documentation surrounding the placement.
42. Sometimes, this attitude was expressly documented. For example, while we no longer have a copy of the Social Welfare record in question, we have an internal document quoting from a 1973 memorandum found on the file of a former client, describing how his social worker had had no contact with this client while he was placed at St Joseph's, and that the boy – who was a State Ward at the time – was “nominally on the case load only as he is living at St Joseph's Boys' Home”.
43. The Ministry of Social Development has previously, for the purpose of settlement of Social Welfare claims, accepted that at least some of its social workers failed to properly supervise boys at Marylands, during which time they suffered sexual abuse, although the abuse itself is not recognised in the settlement payments.

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44. The Brothers were highly respected and trusted in the Christchurch community and throughout New Zealand. They were largely left to run their own affairs. The Brothers were well-known for their dedication to helping young boys with special educational needs, as well as their vows of asceticism, hospitality, obedience and chastity.
45. As with many Orders at the time, the Order gave new members a new "religious" forename, often in honour of a saint. This probably contributed to the regard and

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authority given to them by the community, and the subsequent difficulty in those disclosing abuse being believed. Other Brothers, inconsistently, appear to have been known by their Christian name (e.g. Brother Peter) – which may be the more modern approach - or by their surname (e.g. Prior Moloney). It appears that these multiple names may have confused some claimants when disclosing their abuse to the police or to lawyers as an adult – for example MD, below.

Routine

46. One client, a resident at Marylands when it opened in 1955, recalled the daily routine as follows:

We were made to get out of bed at about 7am. We had to wash or shower in a communal washroom. The washroom was just along the corridor from the dormitories. There were two or three washrooms. We had to line up and wait our turn to wash.

Breakfast was at 8am. I do not know who made the breakfast. We all ate in one eating hall at the same time. After breakfast we got ready for school which started at 9am.

We went to school five days a week. The school day started with a prayer. After that, we learnt the catechism in Latin. Then we had English and spelling. We were taught by a Brother.

We had a morning tea break from 10 until 10.15am. Then we went back into class until lunch time at 12. Our lunch break finished at 1pm and we returned to class until 3pm.

After school, we went outside for a break until 6pm when we had tea. After tea, we started being moved to the dormitories to get ready for bed. We went to bed in pyjama pants and tops.

We were watched all the time by the Brothers. We were not even allowed outside without permission.

On the weekends we sometimes had an outing to the beach or somewhere else. We were away most of the day and did not get back until around teatime. If we were not taken out on an outing, we just had to spend time around the grounds.

On Sundays, we had Mass at 8 am, which lasted for an hour. Sometimes we didn't have breakfast until after the service.

We all had to sleep in dormitories which were upstairs. There were two dormitories to accommodate the boys living at Marylands. The Brothers told us which beds we had to sleep in. We went to bed anytime between 7.30 and 8pm. At 8pm, one of the Brothers would turn the lights out.

Sleeping

47. Residents in the early 1960s also reported there being two or three dormitories – a smaller one for the younger boys, called the St Augustine dormitory, and a larger one for the older boys. However, by 1970 the sleeping arrangements appear to have changed somewhat.
48. An undated brochure noted that Marylands provided Special Class education for 90 boys on a boarding school basis, with four separate residential units capable of holding 18-20 boys, each led by a Housemaster and each with its own TV lounge, playroom and dining room. **[WITN0831003]**
49. Clients who were at Marylands in the 1970s remember the Residence Section was made up of four or five different coloured sections, each run by a different Brother. The youngest boys (up to age 9) were found in the Red Section, the Green Section was for 10-12 year old boys, the Brown Section was for 12-13 year old boys and the Purple Section was for students from the age of 14 up. Some clients recall a Yellow Section being on the other side of the Purple Section. This was for boys with very special needs, who were also taught in a different part of the school.
50. Clients who were in the Red Section describe it as being a shared dormitory, with the Brother in charge having a room at the end of a corridor beside it. Older boys in some of the other sections appear to have had individual bedrooms.

Other boys

51. While it does not appear to have been as pronounced as in Social Welfare residences, there was a degree of bullying between boys at Marylands, particularly from the older boys who acted as the “kingpins”, used by some of the Brothers to keep the other boys in line. They would use standover and intimidation tactics to get their way, often in small groups, and occasionally violence. There are also several reports of older boys sexually abusing younger boys in the dormitories at night, or outside in the bushes. Some boys reported

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that the rule about not disclosing the abuse from the Brothers extended to abuse and bullying from other boys as well.

52. Boys who were seen as particularly unstable would be sworn at, picked on, and teased mercilessly by other boys, in the hope of provoking them into explosive behaviour. The Brothers were reportedly slow to prevent this, or to punish such behaviour.

Schooling

53. One client recalled that the school uniform of Marylands while he was there consisted of a grey jersey, grey shirt, blue tie, grey pants, and black shoes. The undated brochure referred to above describes the school uniform slightly differently – “short grey worsted trousers, blue skivvy, and grey pullover”.
54. Some clients reported that their involvement in school sports such as soccer and swimming was one of their few fond memories at Marylands.
55. While not forgetting that children were placed at Marylands due to intellectual disability and/or emotional disturbance, most clients describe the education they received at Marylands as being very poor and basic, and that they did not learn much. Some clients recall that they did not have to attend school at Marylands once they reached Form Two.
56. As noted, some of the Brothers, such as Brother McGrath, also acted as teachers and headmasters and, at least by the 1970s, there were also teachers who were not Brothers.
57. In addition to being a location for strict discipline and physical assaults, described below, some of the classroom teachers and headmasters were sexually abusing their students. In some instances, that sexual abuse actually occurred in the classroom. In that context, it is perhaps not surprising that clients report that the level of education they were offered at Marylands was poor, or that they simply could not concentrate on it.

Psychological abuse and punishment

58. Despite reports that corporal punishment was supposedly banned by the Prior or Superior from 1959, [WITN0831006] the strap and the cane were frequently used at Marylands throughout its existence. This most commonly took place in an office in the large administration block, or in the classroom. This would be given as punishment for things like not listening, running away, or having fights with staff members. Some clients recall getting this punishment nearly every day, six to eight strokes at a time, with their pants on, to the point where they could hardly stand up.
59. Clients receiving corporal punishment in class describe being lined up and made to bend over a desk. The Brother who was teaching the class would take the leather strap from under their desk and give them the strap six times in front of the rest of the class. One client recalls getting the strap in the classroom several times a week.
60. Some housemaster Brothers also strapped and caned boys in the dormitory blocks. One client remembered Brother McGrath removing his pyjama pants and strapping him in front of everybody in the young boys' dormitory. This was as punishment for not going into Brother McGrath's room, where Brother McGrath had told him to go, in order to sexually assault him. As noted below, Brother McGrath sometimes incorporated the cane or strap in his more violent sexual assaults, leading the boys to believe that the sexual assaults were simply part of the punishment.
61. The strap was commonly deployed on the boys' bottoms, but they were also sometimes strapped on their legs, arms, and backs. Some of the Brothers soaked their leather strap in water to make it more painful. Some Brothers hit boys with a cane for no reason at all, just because they were walking past them.
62. Clients also described a punishment where all the boys were made to stand outside – often in the pouring rain and in their pyjamas - for three or four hours, sometimes missing dinner as a result.

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63. Others recall unpleasant punishments such as having their mouth washed out with soap, having their face rubbed in faeces, or having a very hot poultice put on their wrist and bandaging put over it, causing the skin to burn.
64. One client recalls being locked in a broom cupboard for hours on end – for 16 hours, on one occasion – a number of times, as punishment for swearing at the Brothers.
65. Some clients recall the Brothers would call them names or say things intended to make them upset, such as blaming them for things they had not done, and that they would then punish them when they got upset. Several clients described how Brother McGrath would choose individual boys, seemingly at random, to violently punish in front of the other boys when he did not know which boy was responsible for some incident of misbehaviour.
66. Several clients started smoking at Marylands, usually getting them from other boys. Often cigarettes were shared by boys whose families brought them in. Some boys also stole cigarettes from Brothers, staff, visitors' cars and from other boys. Two clients recall Brother McGrath catching them with cigarettes when they were about eight or nine. As part of their punishment, they were forced to smoke several entire packets of cigarettes in front of all the other boys in their section, causing them to vomit and become addicted to nicotine.

Physical abuse

67. Physical assaults from a Brother, or sometimes from several Brothers acting together, was a particularly common occurrence. Nearly all of our clients report both suffering and witnessing other boys being physically assaulted (beyond strapping and caning) by the Brothers, sometimes by several Brothers at the same time. This was given as punishment for perceived or actual misbehaviour, including smoking, swearing, stealing, not singing in church, disclosing sexual abuse, and absconding.

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68. The physical assaults occurred all over Marylands, including in the classrooms and outside the chapel. Some Brothers were known to be particularly and unpredictably physically aggressive, such as Brother McGrath.
69. Most commonly, these assaults ranged from slapping, kicking, punching with a closed fist, through to dragging and throwing boys around. They could happen anywhere on a boy's body – for instance, a boy might be slapped across the head or face, kicked in the testicles, and punched in the gut. The boys would sometimes end up lying on the ground from these assaults while the Brother or several Brothers were punching and kicking them, and the other boys could do nothing about it. Bleeding and bruising were occasionally suffered, and some clients recall boys being sent to the hospital from these beatings.
70. Sometimes the beatings from staff involved the cane or the strap being used far more violently than normal corporal punishment. Prior Moloney is reported to have beaten some boys with a hearth brush, as was a staff member named Mrs **GRO-B**. Another staff member named Mrs **GRO-B** hit a client on the hand and bottom as punishment for wetting the bed.
71. Some clients report even more serious physical assaults. One talked about Prior Moloney holding his head under the swimming pool until he nearly drowned. Another client talked about a Brother pushing him through a glass window, requiring hospital treatment, and of another Brother putting his hand through a wringer washing machine at the Waikuku beach bach, causing him pain but no injury. A third client reported being hit around the head with a baseball bat several times by Brother McGrath as punishment for refusing to perform oral sex on another boy.

Sexual abuse

72. In spite of the Order's emphasis on the vow and praxis of chastity, nearly³ every client of this firm who attended Marylands reports being sexually assaulted by

³ One client (a resident who went home to stay with his mother every weekend) reported receiving only physical assaults from Brothers and staff, and two clients taking claims in relation to different institutions had limited recall of Marylands due to their brief placements there and only recall receiving corporal punishment.

Brothers at Marylands. Many are not able to name all of, or sometimes any of, the Brothers who sexually abused them.

73. Some clients report that they believe they, and other similar boys, were carefully selected for sexual abuse because they were particularly vulnerable, due to their level of intellectual disability or emotional disturbance and need for affection. There are certainly indications that the Brothers selected certain boys as their 'favourites' for regular sexual abuse, before moving on to others.
74. One of the most common allegations is that certain Brothers wandered the dormitories at night, sometimes with a torch, and sometimes in brown or black robes, or else in civilian clothes. This was one of the first locations that the sexual abuse would often begin. The Brothers each had their own circuit of the dormitories, and particular boys they would target. Most nights, they would spend time sitting on or leaning over the beds of specific boys. The Brothers would cuddle and caress the boys, building up to fondling and masturbation. After some months or longer, these Brothers would then move on to concentrate on other boys.
75. There are some reports of more serious sexual assaults happening in the dormitories, including oral sex and anal rape, sometimes with lubricant. However, presumably for privacy, it was more common for these assaults to take place in individual rooms – particularly the small housemaster's bedroom at the end of the dormitory corridor, or in the boys' individual rooms once they were older. This more serious sexual abuse generally occurred after a period of the cuddling and indecent touching type of abuse described above, as if those Brothers were testing how much they could get away with in relation to that particular boy.
76. Clients describe boys being directed to certain Brothers' rooms at night, often initially under some innocent pretence or bribe of milo, biscuits, sweet cakes or similar, and later under implicit or explicit threat of discipline or violence for non-compliance. Certain boys had this happen to them most nights, usually ending in being raped. Boys reported sometimes falling asleep in the bed of the abusive

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Brother, as a result of the terror and exhaustion of the abuse, and either waking up there later or back in their own beds, where they had presumably been carried.

77. In addition to being abused by the Brothers themselves, our clients report seeing other boys being sexually assaulted, hearing the screams of boys being abused, and hearing boys talk about being abused by the Brothers. Many reported seeing certain boys being taken away by known abusers at night and coming back looking very frightened and acting disturbed.
78. Below we have provided a summarised description of the allegations made against a selection of named Brothers at Marylands. We have not included every Brother that we have seen named as a sexual abuser, nor every Brother that we are aware has been the subject of a settlement from the Order.
79. The dates mentioned below are, sometimes rough, approximations only. In terms of dates, there have been occasional reports of abuse from named Brothers before they 'officially' began working at Marylands, or after they had apparently left and gone overseas. While in some cases this could be the result of mistaken identity, it also appears that some Brothers may have been at the St John of God grounds for periodic visits outside the 'official' dates, for instance during their postulancy or possibly as a vacation from their new placement. We do not know whether the Order kept records of such visits, but we are aware of cases where the Order has settled claims for abuse by named Brothers outside of their 'official' dates – for instance, see paragraph 264.

Sexual abuse – Brother William John “Thaddeus” Lebler (c. 1955-1965)

80. We understand that Brother Lebler was either a Headmaster of the school or the Prior. Allegations against Brother Thaddeus included that he sexually assaulted certain boys on a nearly daily basis. The abuse included fondling, forced masturbation, digital penetration, forced oral sex, rape and forcing boys to have sex with each other in front of him. The sexual abuse occurred in his office, in the swimming pool changing rooms, in the showers and in the photography room at the back of his classroom.

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81. The abuse was backed up by threats of being caned, or receiving other punishments, at school. Brother Thaddeus told one boy that he would get in trouble if he disclosed the abuse because Brother Thaddeus had made the boy have sex with a younger boy, so the boy was “like him” now – i.e. an abuser. Brother Thaddeus also told the boy that the sexual abuse was fine in God’s eyes, and that everyone else at Marylands was doing it anyway.
82. The police unsuccessfully sought to extradite Brother Thaddeus (William Lebler) from Australia in 2003. However, we are aware of two individuals receiving a payment from the St John of God Order in relation to sexual abuse from Brother Thaddeus.

Sexual abuse – Brother Flannan Delaney (c. 1970)

83. Brother Delaney was the Headmaster of the school during this period. A client recalled that he used to come into the showers and watch boys showering. Other clients recalled that he fondled them, while masturbating himself, and performed oral sex on them. This occurred in the dormitories at night.

Sexual abuse – Brother Raymond John “Richard” Garchow (c. 1970s)

84. Brother Garchow was the school nurse. Allegations against him include that he masturbated and anally raped a client in the sick bay, after medicating them with tranquilisers. Brother McGrath reportedly⁴ would later disclose that Prior Moloney also pressurised Brother Garchow to participate in sexual activities, before Prior Moloney arranged for him to be moved to another diocese.
85. Criminal proceedings against Brother Garchow were permanently stayed in 2008 due to his poor health.

⁴ Sydney Morning Herald Article dated 2 December 2012, ‘Spreading the rot of child sexual abuse’ - <https://www.smh.com.au/national/nsw/spreading-the-rot-of-child-sexual-abuse-20121201-2anl0.html>

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*Sexual abuse – Brother **GRO-B-1** (c. 1970s)*

86. Brother **GRO-B-1** was the Director of Nursing at St John of God Hospital for Elderly and Spinal Patients.
87. A client alleges being masturbated by Brother **GRO-B-1** in the St John of God Hospital, where he was recovering from an injury he received at Marylands.
88. The police unsuccessfully sought to extradite Brother **GRO-B-1** from Australia in 2004.

Sexual abuse – Brother “Celsus” Griffin (early 1970s-1974)

89. During this period, Brother Griffin was the ‘housemaster’ in charge of for the Red Section, the dormitory housing the youngest boys at Marylands. He was reported to take boys out of their beds at night into his small bedroom down the corridor from the dormitory, on a regular basis. He masturbated boys and made them masturbate him, often to ejaculation. He also anally raped boys in this room.
90. Brother Griffin was an older man and was acting Prior at some point in 1971. He was moved from Marylands to Australia in about 1974.

Sexual abuse – Brother Bernard Kevin McGrath (c. 1974-1977)

91. It is difficult to overstate the scope of the sexual, physical, and psychological abuse from Brother McGrath between 1974 and 1992 (at a minimum), or the damage it has caused. However, because it is so well documented in court records and in other statements to the Royal Commission, we have chosen to reflect his abuse in Marylands in summary form. Brother McGrath’s abuse in relation to Hebron is covered in more detail later.
92. Brother McGrath replaced Brother Griffin as the housemaster of the Red Section in January 1974. He was a tall man with glasses and, as noted above, was particularly violent to the boys. He was also a prolific paedophile, and he continued Brother Griffin’s approach of taking boys out of the Red Section to abuse them in his room down the corridor, sometimes luring them to his room

with the promise of tea or Milo. He appears to have started this systematic abuse almost immediately on arrival at Marylands.

93. We pause to emphasise that it is curious, to say the least, that Brother McGrath's sexual assaults were initially so markedly similar to that of those his immediate predecessor in the Red Section, Brother Griffin. This is unlikely to have been an opportunistic coincidence. It suggests some awareness by Brother McGrath of Brother Griffin's *modus operandi*, whether through his witnessing it or discussing it directly with Brother Griffin (we do not know if their paths crossed), or through the involvement of a third party or parties who informed Brother McGrath of Brother Griffin's approach. This hypothetical third party may well have been Prior Moloney.
94. As noted below, Brother McGrath claimed⁵ decades later that: he himself had been a victim of Brother Moloney's sexual assaults when he was a young trainee, and those of another Brother; that Brother Moloney, as Prior of Marylands, acted to suppress any allegations of abuse at Marylands by a number of Brothers; and that Prior Moloney had pressurised Brother McGrath to join him in carrying out sexual assaults on boys at Marylands. Prior Moloney appears to have denied all such allegations.
95. Unlike some of the other Brothers with more specific methods, Brother McGrath's sexual assaults are reported to have occurred in an extensive array of locations on the St John of God grounds, and at any time of day. He was a classroom teacher, and occasionally abused boys there, or in the school-house toilets. He also abused boys in the Red Section TV room, in a bath in his own room, in the old priest dormitory, in the swimming pool pump room, in the gym, in the squash court, in the bushes at the back of the playing fields, in an attic, in both chapels/churches, and at the Order's bach at Waikuku Beach.
96. For many, Brother McGrath's abuse started with him being friendly, particularly to those who were homesick or in need of a father figure. He would groom these young boys, going out of his way to comfort and cuddle them, and then move on

⁵ See footnote 4.

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to caressing, groping and sometimes kissing and licking them all over. This would often happen in the dormitories and the dormitory TV room.

97. However, this often escalated before long. Most clients recall his sexual abuse as becoming considerably more violent and terrifying. It was frequently accompanied or followed by threats of severe punishment, physical assaults or even death for not complying, or for any subsequent disclosure of the abuse to other boys or to any adults. As noted above, the abuse was sometimes presented as being punishment for apparent misbehaviour, or under the apparent pretence of being sex education, occasionally taking place in front of other boys or involving other boys.
98. The abuse from Brother McGrath ranged from fondling to anal rape, including oral sex and everything in between. It also occasionally involved blindfolds and doors being locked, a technique that Brother McGrath would incorporate into his later abuse at Hebron. In addition to the threats mentioned above, it was sometimes accompanied by violent beatings, sometimes severely using a cane or baseball bat. It sometimes included anal penetration with objects.
99. The Order transferred Brother McGrath to work in Sydney in October 1977. Given the sheer scale and audacity of Brother McGrath's abuse – in terms of its frequency and the number of boys alone, let alone the disclosures made by the boys he abused – in our view it is inconceivable that it would have gone unnoticed by the other Brothers until that time.
100. Indeed, the abuse would not have been allowed to reach the levels it had, if Brother McGrath had not been protected by the Head of Marylands at the time, Prior Moloney.

Sexual abuse – Prior Rodger William Moloney (c. 1971-1977)

101. Brother Moloney was appointed the Prior of Marylands in late 1971, where he remained until being seconded to the Vatican by the Order in September 1977 – the same time as Brother McGrath was transferred from Marylands.

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102. We understand that these transfers happened, shortly after an anonymous complaint was made by at least one other Brother, a teacher and several members of staff, about both Brother McGrath's and Prior Moloney's abuse of boys. It appears that these written complaints had been received by the Provincial of the Order, Brother Brian O'Donnell. **[WITN0831002]**
103. Prior Moloney fondled and masturbated boys in their beds or in his office, sometimes in exchange for treats like chocolate biscuits. He also forced boys to touch him and perform oral sex on him.
104. As the Prior, Brother Moloney should have been a safe route for boys to disclose ill-treatment and abuse by other Brothers at Marylands. As an abuser himself, he was anything but safe. Instead, he suppressed any allegations of abuse. For example, a client referred to telling Prior Moloney about the abuse from Brother Donnellan on two or more occasions, but Prior Moloney told him that he was "just telling stories".

Sexual abuse – Brother John Joseph "Bede" Donnellan (mid 1970s)

105. Brother Donnellan is described as having white hair and glasses and was the Headmaster at the school. A client recalled asking Brother Donnellan if he could have his own room, while he was still living in the dormitory with other boys. Brother Donnellan replied that he could have his own room if he had sex with Brother Donnellan. While the client refused, he was later moved into his own room anyway. Brother Donnellan came into this boy's room and insisted on sex, or else he would beat the client up. He then anally raped this client repeatedly, over a two-year period.
106. Another client recalls Brother Donnellan groping him in the TV room associated with a dormitory, and repeatedly being directed to go to Brother Donnellan's room of the dormitory where he was anally raped, under threat of a serious beating.
107. Brother Donnellan was another prolific sexual abuser in New Zealand and Australia. He also appears to have been moved to other institutions by the Order after allegations were made against him.

Non-disclosure of abuse

108. There were a considerable number of barriers that acted to prevent boys from disclosing abuse. Some clients reported that they had heard other boys at Marylands talking about how they had been abused by the Brothers, or saying that a certain Brother was an abuser so should be avoided but, at first, they did not really believe the other boys. Essentially, they considered it to be just rumours or idle talk between boys - until it happened to them.
109. Clients who had already been sexually abused before they were placed at Marylands were more likely to believe boys reporting that they had suffered such abuse from the Brothers. However, it made little difference, as the abusive Brothers could not be avoided. There was no place to hide.
110. The boys were all in an institutional environment, some for lengthy periods, where their every movement was monitored and directed by the Brothers, with very limited involvement from any outsiders such as social workers. It felt like the Brothers had absolute control.
111. Boys who were sexually abused, particularly by more than one Brother, felt unsure who they could trust. This was especially significant for boys who were abused by Prior Moloney, as he was the most senior person at the St John of God grounds. Unfortunately, he seems to have intentionally cultivated an environment where abuse could flourish unreported.
112. The residents of Marylands were particularly vulnerable, due to their intellectual functioning, emotional disturbance, and/or a past history of abuse and/or neglect. A number of boys' Social Welfare files mention their need for male role models who would give them affection, or their need for physical contact. Some boys craved the attention of those who would become their abusers. **[WITN0831007]**
113. This vulnerability was capitalised upon by the abusive Brothers, who were careful to groom and befriend particularly vulnerable boys, making them feel special and loved, and giving them cuddles or treats. Some of the Brothers told the boys, while they were abusing them, that they could tell the boys were enjoying the

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experience. Many of the boys had erections or ejaculated during the assaults, and for most of them it was their first sexual experience. This made them feel guilt and confusion about whether what had happened to them was good or bad, although this sometimes changed when the sexual assaults were combined with serious physical violence or were otherwise seen as punitive.

114. Some Brothers made boys perform sexual acts with other boys. This sometimes had the effect of normalising the sexual experiences and of making the boys feel complicit.
115. Some of the abusive Brothers, most notably Brother McGrath, told the boys that the abuse was their secret. They said that if they did disclose the abuse, no one would believe them that they would be badly beaten or worse, as punishment. These threats were particularly credible when the Brother had already been violent to the boy he had abused, or if the boy had been seen him perpetrate violence on other boys.
116. Some of the boys had already experienced being beaten and treated as a liar for disclosing abuse in previous residences. Some boys had previously been placed in Boys' Homes where a strong culture of 'not narking' existed. Some clients say that this culture also existed at Marylands – an early resident recalled having to swear an oath of allegiance to the Brothers on admission, which they understood included that they would be beaten by the Brothers if they disclosed what was happening at Marylands. Some clients saw other boys being beaten for this very reason and quickly learned to keep their mouths shut. Other clients reported that, for whatever reason, some of the older boys made a pact amongst themselves that they would not disclose abuse once they left Marylands.
117. Some clients report thinking that the Brothers were legally allowed to abuse them, which is not uncommon among children, particularly in institutional settings or for those with prior experiences of abuse. After all, the Brothers were seemingly allowed to punish boys with the cane and the strap, and they exercised frequent strict and severe discipline, which included physical assaults as part of the official punishment regime. In some cases, several of the sexual assaults were clearly

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understood by the boys to be punishment for misbehaviour. The sexual assaults were sometimes carried out in front of other boys, in the same way that other punishments sometimes were.

118. Similarly, there was sometimes a religious aspect to the abuse, with it sometimes occurring in the chapel, or with Brothers saying that the sexual assaults were acceptable to God, or them even thanking God during the sexual assaults.
119. Boys who were too afraid to disclose the abuse externally, or who had done so unsuccessfully, often then tried other ways to get out of Marylands. Most of our clients absconded at one point or another. Others told their family members or social workers repeatedly that they did not want to be at Marylands, but they were either too afraid to say why, or they were not believed when they did say why – as discussed below.
120. Without anyone to trust or listen, the confused and scared boys often turned the abuse on themselves, or on others. Some GRO-C at Marylands, or GRO-C or self-sabotaged. Others developed disordered nervous behaviour like bedwetting, insomnia, hair pulling, or they started smoking cigarettes. Some turned to explosive violence against anyone who looked at them the wrong way or exhibited sexualised behaviour. **[WITN0831008 and WITN0831009]**
121. This often turned out to be the most effective way to escape – a number of our clients started exhibiting such disturbed behaviour in response to the abuse that the Brothers would not allow them to return to Marylands from their holidays. Unfortunately, this usually meant that they ended up in a series of Social Welfare or psychiatric hospital residences, where they often experienced further abuse.
122. Some boys who had already been abused and neglected at home or in Social Welfare care were reluctant to say anything bad about Marylands because they did not want to be returned to those other placements. For whatever reason, possibly because they were confused about whether they were receiving positive affection and attention or abuse, some boys seemed to prefer to stay at Marylands than be placed elsewhere.

Attempted disclosure of abuse

123. As mentioned, if a boy was overheard by the Brothers warning other boys about the abuse, or if they told Brothers who they thought they could trust about what was happening, they were usually told to shut up, and/or were beaten up, or subjected to corporal punishment for 'lying'. A number of clients have reported this as being the punishment to their disclosing sexual abuse to Brothers McGrath, Garchow, GRO-B-1 and Prior Moloney.
124. At the very least while Marylands and the Brothers were ruled (1971-1977) by Prior Moloney, a sexual abuser himself, there was certainly a concerted effort from the top to prevent disclosure of abuse being made and protect the abusers. There are indications that to some extent, this same protection was available under prior Priors, and the subsequent Priors as well.
125. Brothers like McGrath, Moloney and Donnellan were moved around between institutions and jurisdictions after allegations of abuse were made -- something that is well established as having occurred within the global Catholic Church, and which is supported by Brother McGrath's own statements.⁶ While we can only speculate as to this point, given the scale of abuse committed by these Brothers, it is hard to escape the conclusion that the protection of sexual predators within the ranks of Marylands was also extended by those outside the school, by individuals even more senior than Prior Moloney within the Catholic Church. Indeed, as noted below, Michelle Mulvihill would reportedly state in 2007 that the culture of cover-up and collusion was endemic in the Order even at that time.
126. A number of boys only felt able to disclose their unhappiness, rather than the extent of the abuse. For example, a client who was a resident between 1966 and 1974 reported:

At the end of each home visit, I would cling to my mother and cry. I would beg my family not to send me back. During the school term I would beg the family to let me come home. Marylands staff told my parents that it was normal for boys to behave that way when they went to

⁶ See footnote 4.

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boarding school. My family did not know anything about the sexual abuse and never suspected anything was going on.

127. On the other hand, some boys did disclose the abuse externally – to family members, police officers, or to their social workers, generally while they were on leave from Marylands. Although our clients often recall their complaints being documented at that time by the police or social workers, we have only been able to locate one clear record of sexual abuse allegations being documented (see below).
128. Whether because the boys did not describe their abuse in as much detail as they remember, or because the detail of their allegations were considered too implausible to bother recording in detail, a number of files simply record boys as being ‘unhappy’ at Marylands or at most alleging ‘severe punishment’, being ‘mean’ or suffering ‘cruelty’. **[WITN0831010], [WITN0831011] and [WITN0831012]**
129. Others, such as the police, simply recorded that the boy was an extraordinary liar who would not change his story. **[WITN0831013]**
130. So when disclosing abuse to professionals who were meant to be protecting them, these boys were treated as if they were liars or at best exaggerating, perhaps viewing them as trying to manipulate a return home. They were not heard. There is a real sense from the records that the universal view was that ‘the St John of God Brothers may be strict, but they would not do a disgusting thing like *that*’.
131. As far as we can tell, such allegations were never followed up on, other than the parts that were considered possibly credible being sometimes referred back to the Prior for his information and follow-up. Some parents raised concerns with the Prior directly, which were also ignored. **[WITN0831014 and WITN0831004]**
132. One client, who was a resident from between about 1968 and 1976, told us:

I remember one time a boy went home to his parents, and they asked where he got his bruises from. He told them that Brother McGrath had given him the bruises. His parents went to the school and complained, but Brother McGrath denied it.

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133. This client also reported regular sexual abuse from Brother Donnellan, starting at age 14, accompanied by threats of violence if he did not comply. He told us:

I tried to tell Brother Moloney, the Prior, about the sexual abuse on at least two occasions, but he told me I was “just telling stories”. Because of Brother Moloney’s reaction and Brother Donnellan’s threats, I never told my parents about any of the sexual abuse I was subjected to.

134. Another client repeatedly asked his father to be removed from Marylands and said that he was finally removed in 1978 after repeatedly telling his father, who didn’t believe him at first, about the sexual abuse he had suffered at the hands of Brother McGrath.
135. One client reported telling his social worker about the sexual abuse he had suffered from the Brothers in 1982 or 1983, and reported that instead of doing anything about the allegations, his social worker uplifted him from Marylands and temporarily admitted him to Templeton Hospital where he was medicated to address his ‘disturbed behaviour’, such as absconding from Marylands. He was returned to Marylands after this hospital placement.
136. Another client disclosed sexual abuse to his social worker while he was on holiday from Marylands, but no action was taken and the abuse was not documented. However, he reported the sexual and physical abuse from Brother McGrath to the same social worker and also to his foster carers a second time, in February 1981. This time, the disclosure was documented on his file, but still no action was taken. Instead, this boy was taken to a Boys’ Home and locked in the Secure Unit, supposedly due to his own offending (which he strenuously denies). He received no support or counselling after this disclosure. While this documented disclosure was several years after he had left Marylands, other boys and State Wards continued to live at Marylands for over three years after his disclosure of sexual abuse from a Brother at Marylands. **[WITN0831015 and WITN0831016]**

Marylands – individual experiences

137. We have summarised the experiences of a selection of anonymised former clients (whose experiences are not already before the Royal Commission) below,

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chronologically by time of initial placement. We have included, in selected cases, quotes from statements that we prepared with these clients for their claims, which we provided to the Order or its Investigator.

MA

138. MA was born in Christchurch in 1944 and was placed in St Joseph's as a baby. MA was transferred to Marylands when it opened in November 1955, at 11 years of age, and recalls helping the staff tidy the property up before the other children arrived. There are very few records of either the St Joseph's or the Marylands placement.
139. MA did not know MA's parents or why they left MA at the Orphanage, or whether they were Catholic. MA was not placed at Marylands with any siblings. It is not clear whether MA's siblings or other family members visited MA during this placement, or whether MA was placed with any family members on holiday. MA was Pākehā.
140. Formal neuropsychological testing later (May 1967) assessed MA's overall IQ as being 64, which was in the category of 'Mental retardation'. This is likely to be one reason for MA's placement at Marylands.
141. MA lived at Marylands until December 1959, after which time MA remained in Christchurch and gained some employment.
142. MA was regularly and repeatedly caressed, fondled and digitally penetrated at night in bed, by several Brothers who MA could not identify. This sometimes happened several times a night. Sometimes a Brother put his hand over MA's face and told MA not to scream during these assaults.
143. Even during the day, MA reports Brothers putting their hands down MA's pants and fondling MA's penis, asking if MA enjoyed it:

When I told other boys about what was happening, I was told to shut up by the Brothers. They would cane me until I couldn't stand. On several occasions they nearly killed me. I kept trying to talk about what was happening and tell the other boys to be careful. As a result, I was beaten regularly.

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We were also sexually abused in front of all the other boys as punishment. We were punished like this for doing things like swearing at the Brothers. I can remember standing with all the other boys outside, watching another boy be forced to strip naked. Then a Brother pushed him onto the ground and masturbated him. He also put the boy's penis in his mouth and gave him oral sex. I saw this happen to other boys on other occasions too. We were unable to stop this happening, because if we tried to interfere, we would be punished with the strap or cane.

I was punished on a regular basis for trying to intervene. The punishment was pretty brutal. I was given 6-8 slashes a day for 3-6 days in a row. I was slashed with either a strap or a cane which left marks. We could not stop the Brothers doing what they wanted to do. I was also sexually abused in front of the group in this way on several occasions.

144. MA recalled [GRO-C] at Marylands due to the abuse, at the age of 14. [GRO-C] some of the Brothers, who called MA "stupid" but did not investigate why MA had done this. [GRO-C]
[GRO-C]
[GRO-C]

I have [GRO-C]. I was on anti-depressants for 6 years, from 1984 or 1985 to 1990. I am currently on anti-depressants as well and have been on them since December 2006. In 2003, I was diagnosed with Post Traumatic Stress Disorder ("PTSD").

My mind goes blank at times and sometimes I forget to eat. I also stop eating when I am stressed out or uptight. I used to go to the Sisters of Mercy/ Home of Compassion soup kitchen nightly. They noticed that I was losing weight at one stage. I think I was trying to make myself sick because I worry a lot.

Sometimes my body goes out of kilter and when it does, I find that I cannot sleep at night and have to sleep during the day. I also suffer from nightmares when I am like this. I frequently suffer from flashbacks. I get flashbacks and nightmares when I feel under pressure.

I do not have relationships because I do not believe in them. I also have a lot of trouble trusting people. I am also anti-authority to the extent that I have no trust or faith in any Government Department or the Courts. I believe that people are not safe, even when they are just walking in the street. There is nothing to help people when they have been hurt.

145. MA was contacted by the police in 2003 as part of 'Operation Authority'. MA recorded a police statement in October 2003 alleging the regular sexual abuse by several unnamed Brothers, as well as physical abuse, described above. MA did not recognise any of the Brothers' names proffered by the police, who advised

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that they were looking into other complaints from the era that MA was at Marylands (late 1950s).

146. The police suggested that MA might want to contact Australasian Head of the Order, Brother Peter Burke. MA did so, later in October 2003, but never met with him, as MA's claim was caught up in the 'pastoral pause' described below. MA instructed us in late 2006 on a legal aid basis.
147. The process from this time onwards is detailed in another section below. In brief, we sent the Order a summary of MA's allegations, taken from an interview and from the police complaint, and we assisted MA to meet with the Order's Investigator in June 2008.
148. In his December 2008 report **[WITN0831006]**, the Investigator (John Jamieson, a former Commissioner of Police, as discussed below) recorded that the Brothers he interviewed from MA's era all denied the alleged abuse, although the Investigator acknowledged that there had been complaints made from other residents in the same era. MA – who did not trust police - was very critical of the Investigator's report, stating that he had twisted MA's words.
149. After a meeting between the Head of the Order, his lawyers, our firm, and MA in December 2008, followed by several months of negotiation, the Order agreed to a full and final settlement of MA's claim of \$20,000, and a written apology. Significantly, this amount was inclusive of legal costs, so MA had to repay \$5,000 to Legal Aid. The settlement deed included a confidentiality clause as to quantum, however we understand that the Order has waived confidentiality and privilege for the purposes of the Royal Commission.
150. MA's payment of \$15,000 after legal costs was the lowest offer we received – or that we have heard was ever received - for a Marylands survivor, let alone a Hebron Trust survivor.
151. Understandably, MA was extremely unhappy with the offer, and angrily described the offered payment as being 'blackmail', a 'bribe', complaining of being 'silenced' and 'held to ransom' by the Order. MA wanted to take the Order to court, and we

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had to advise that there would be significant legal hurdles for MA to overcome, and the legal aid funding would not be available to do so. After considerable discussions with our firm, MA very reluctantly accepted the settlement, which was realistically the only option available.

MB

152. MB was born in Lower Hutt, in GRO-C 1959. As we did not act for MB in relation to his Marylands claim, we have little information on record about his placement at Marylands or the abuse he suffered, except that it involved sexual abuse from four or five different Brothers over many years.
153. MB was placed at Marylands between about 1966 and 1974, when he was aged 7-15. MB was placed at Marylands following a family meeting with his teachers, the family doctor, and an educational psychologist.
154. MB was not placed at Marylands with any siblings. It is not clear whether MB's siblings or other family members visited MB during this placement, or whether MB was placed with any family members on holiday. MB was Pākehā.
155. MB had significant intellectual disabilities after contracting severe meningitis as a baby. He also suffered from petit mal seizures as a child, which required periods of hospitalisation while he was at Marylands.
156. A November 1973 psychological report described MB, age 13, as being "a boy of considerably below average ability who displays some symptoms of psychotic behaviour". The report recommended that MB remain at Marylands until he was old enough to leave school and advised that he would probably need sheltered or protected employment.
157. MB recalled returning home from Marylands for the August 1974 school holidays and stated that his parents refused to send him back to Marylands because of his continuous pleading to let him stay at home. Although MB was adamant about this, his records suggest a different reason for his return, namely that his mother panicked after MB had a particularly bad epileptic seizure and sought his return. It is likely that both reasons played a part in his parents' decision.

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158. On his return, MB started attending work skills training at the Disabled Rehabilitation League. However, several months later he was admitted to Porirua Hospital, where he lived as an informal patient for nearly 20 years, despite his repeated requests to leave. We later acted for MB in relation to his experiences in Porirua Hospital.
159. MB made a police complaint and he was a witness in the trial of Brother McGrath. We do not know if he was also a witness against Prior Moloney.
160. The Order offered MB \$80,000 in 2003, but his family instructed GCA Lawyers and, following negotiations, MB accepted an increased offer of \$140,000.
161. MB's mother told us:

[MB] is my only son. I am still affected now by the devastation of his disability and abuse. I think I have overcompensated with guilt. What a waste of a life and we were part of it, we have to live with it.

I have great sorrow and disappointment for what has happened to MB. From time to time, it causes huge conflict and stress in our relationship, and has done over the years. I have a terrible fear of being left alone to care for MB. [MB's father] and I have always shared the responsibility.

162. Until Brother McGrath was found guilty in 2006, MB's parents originally did not believe MB's allegations, which they thought were exaggerated at best. MB's mother initially thought that, rather than MB being a victim, MB should be locked up in prison to protect himself and others, due to his own sexual acting out combined with his level of understanding.
163. In addition to funding MB's counselling, the Order agreed to provide MB's mother with six sessions of counselling to work through her difficulties with processing these feelings and particularly own guilt.

MC

164. MC was born in Blenheim in GRO-C1960. He was placed in Marylands at age 7, in 1967, living there until he was 16 years old. He was placed there by his parents because of his severe intellectual disability.

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165. MC was not placed at Marylands with any siblings. It is not clear whether MC's siblings or other family members visited MC during this placement, or whether MC was placed with any family members on holiday. MC was Pākehā.

I lived in the dorm with three other boys when I first got to Marylands. When I was about 11 years old I saw another boy, **GRO-C** in Brother Griffin's bedroom. Brother Griffin was going up and down on him, having sex with him. **GRO-C** was on the bed facing down. I know that Brother Griffin sexually abused various boys on a weekly basis. He would take boys out of their beds in the Red Section of the dormitory and take them to his room. Red Section was the dorm for small boys, who were about 8-9 years of age. I remember hearing boys being taken by him in the night.

Brother Griffin repeatedly sexually abused me from when I was about 11 years old. He forced me to masturbate him and he would masturbate me. After he abused me the first time, there was a gap of about a month before he abused me again. He ejaculated when I masturbated him and it was very scary. The sexual abuse always happened at night. He would come and take me out of bed and take me to his bedroom, which was down the other end of the corridor from my dorm. It was a small bedroom with a chest of drawers in it.

Brother Griffin also anally raped me. It happened a lot of times. He would lie me down and take my clothes off. He would put his penis in my bum. It hurt a lot. Each time it would seem like ages. Brother Griffin was an older man and he was the head of the Red Section. The sexual abuse happened a lot until he went to Australia. I think he left when I was about 14 years old.

Brother McGrath took over the Red Section after Brother Griffin left. Brother McGrath was very physically abusive. I remember seeing him kicking boys. He would kick them in the stomach, back and around their bodies. I remember that he did not use his hands to hit boys, he used his feet. I remember seeing boys called **WITN0716** and **GRO-B** being kicked by Brother McGrath. I remember one time a boy went home to his parents and they asked where he got his bruises from. He told them that Brother McGrath had given him the bruises. His parents went to the school and complained, but Brother McGrath denied it. Brother McGrath would take me out of class and I would go back to the dormitory.

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I was also sexually abused by Brother Donnellan. This started when I was about 14 years old. I was still living in the dorms, and I asked Brother Donnellan if I could have my own room. He told me I could have my own room if I had sex with him. I said no. A while later, I got a room of my own.

Brother Donnellan came into my room one night and asked me if I would have sex with him. I said no, and that I wanted to go to sleep. He said that if I didn't have sex with him, he would beat me up. He made me get out of my bed and go to his room, which was down the hallway and around the corner. He led me there and stayed close to me. When I got into the room, I stood by him. He took my clothes off and then he took his own clothes off. He pushed me down onto the bed so I was on my back, looking up at him. He pushed his penis into my genital area and, although I tried to push him away, he anally raped me. I was incredibly scared. He must have ejaculated inside me because when he got up, he said something like "what about the shower?" I pushed him away. He got back onto me and he raped me again. He raped me several times that night. I pushed him away finally and got my clothes and ran back to bed. I was upset, scared and in pain.

A few nights later he came and got me again. He took me to his room and raped me again.

Brother Donnellan sodomised me on a regular basis. He often threatened me and told me that he would beat me if I told anyone about it. I tried to tell Brother Maloney, the Prior, about the sexual abuse on at least two occasions, but he told me I was "just telling stories". Because of Brother Maloney's reaction and Brother Donnellan's threats, I never told my parents about any of the sexual abuse I was subjected to. Brother Donnellan had white hair and glasses. He raped me about once a week until I left Marylands at age 16.

166. After leaving Marylands, MC worked at a supermarket in GRO-B while living with his parents. His mental health was affected by the abuse, but it was relatively stable compared to how it would become after he disclosed the abuse in 2004.
167. At that time, MC heard about the Marylands abuse claims on the radio and told his wife "that happened to me". MC contacted counsellor Terry Featherstone (a witness, **WITN0764**, giving evidence with Denis Smith, **WITN0184**), and also

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Brother Peter, in early 2004. Over the next four years, the Order funded MC's counselling, paying nearly \$16,000 for this purpose.

168. Terry Featherstone took MC to the police station, where MC gave a detailed statement about the abuse he suffered at Marylands. The police advised MC that Brothers Donnellan and Griffin had both died, but that Brother Donnellan was one of the known abusers at Marylands. MC decompensated after this interview, having big mood swings, and completely avoiding any physical contact with his wife.
169. Mr Featherstone – who had previously supported another client of his to meet with Brother Peter - contacted our firm in July 2004 when he was told that Brother Peter would no longer be meeting with claimants.
170. We have set out in detail below our involvement with MC's case from this time. Briefly, after a lawyer from this firm met with MC and obtained information from him, we prepared a statement for MC from this information and information we had obtained from other sources. In his statement, MC said:

Having to go over the abuse again and again has left me feeling stuck. I have felt stuck for so many years and I want to move on with my life. I can't do this until the St John of God Order engage with me and begin to repair the damage that has been done by the Brothers at Marylands. I want an apology from the Head of the St John of God Order, where he genuinely acknowledges how much I have suffered. I want compensation to help me move on with my life. I want my counselling, which needs to be funded by the Order, to continue.

I am very sad at how my life has turned out and that I didn't get an education at Marylands. Now I am left with jobs like the trolleys at Woolworths, or cleaning. I feel that people don't give me a chance because of my disability.

Because of the sexual abuse I have suffered, I get horrible nightmares. I toss and turn and cry and scream out in my sleep. My wife tries to cuddle me but I push her away. I wake up covered in sweat.

I am so traumatised by the abuse. I want to tell people about it, but I am so ashamed that I find it incredibly difficult. I'm frightened to tell anyone about it even

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now; I'm still scared that I might get into trouble. I have got into various difficulties in my life because I don't tell people my problems.

When I was a boy I used to believe in God, but after the Brothers had sex with me I couldn't believe in God anymore.

I don't trust people. I find it very difficult to open up about my problems. I find it hard to ask for help. I think people will hurt me like the Brothers did. I wonder now, if I had not been so messed up by the sexual abuse, whether I would have had a closer relationship with my family.

I have very low self-esteem and my counsellor tells me that there is a lot of blocking and confusion associated with my memories from Marylands. The abuse I have suffered has affected my learning and my relationships. I have lived with the shame and embarrassment of the abuse. I kept it all to myself. I didn't think I would be believed. I had to carry around inside me all the disgusting things they did to me. I blamed myself, I wish I had been stronger so that I could have stopped it.

Until I met [my wife] I didn't have a girlfriend. I was too shy and embarrassed. I thought no-one would love me and that I was disgusting...[We] have had sexual problems as I get memories of the abuse when we have sex and this makes me feel terrible. We do not have children.

I am easily stressed out and when that happens I just close off, I dissociate. It makes it hard for me to work when I'm like that. I just go into my own space and shut everything out. I'm not able to do my job. I have done this ever since I was abused at Marylands.

I have waited and waited for the St John of God Order to help me rebuild my life. I've waited far too long. Even though Brother McGrath was found guilty in March 2006, the St John of God Order has refused to move forward. Until they begin to repair the damage they have done to me, I can't get on with my life.

I don't believe what people say. I don't really think the St John of God Order will apologise and pay me compensation.

171. MC's mental health continued to deteriorate significantly over the period we acted for him. MC finally met with the Order's Investigator John Jaimeson in September

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2008, more than four years after making initial contact with Brother Peter, along with a lawyer from this firm, his wife and five support persons.

172. As discussed below, MC collapsed and died in October 2008, without him ever receiving an apology or compensation from the Order. MC's wife, who also had intellectual disabilities and no financial means or income, could not afford to pay for MC's funeral, but the Order agreed to pay for this.
173. MC's wife told us that he would have wanted his claim to continue and instructed us to act on behalf of his estate.
174. In his December 2008 report [WITN0831017], John Jamieson summarised MC's allegations, the impact of the alleged abuse, MC's subsequent disclosures and the September 2008 meeting. He noted that another client of Cooper Legal, **WITN0716**, whose own allegations against one Brother had been proven beyond reasonable doubt in a recent criminal trial, described witnessing MC's abuse. Mr Jamieson reported that Brother McGrath could not recall kicking any boys but acknowledged using a cane as a standard form of punishment which was acceptable at that time. Mr Jamieson concluded that MC's allegations against Brother Donnellan were justified given the corroboration from the other client, but that MC's allegations against Brother Griffin were not, on the balance of probabilities, because there was no such corroboration and because he was deceased.
175. After considerable negotiation, in 2009 MC's claim was settled for \$50,000. Again, nearly \$10,000 of this was paid to Legal Aid, as we were unable to convince them to write off much of MC's debt. Nearly \$7,000 went to pay for MC's funeral, leaving MC's wife with roughly \$34,000 to compensate for the abuse MC experienced at Marylands.

MD

176. MD was born in 1960 and grew up in Hastings. MD was severely intellectually disabled and has been assessed as having an IQ of 51. MD was Pākehā.

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177. MD had learning and speech difficulties as a child, an uncle suggested he be placed at Marylands, which MD described as being “a school for boys with intellectual difficulties as well as other problems.”
178. MD’s parents went to visit Marylands on two occasions before agreeing to send him there. They paid his board to the school for eight years, in the belief that he would receive the best care and education that money could buy.
179. MD lived at Marylands between August 1968 and August 1976 (aged 8-16). MD was not placed at Marylands with any siblings. We do not know whether MD’s siblings or other family members visited MD during this placement, or whether MD was placed with any family members on holiday.
180. MD disclosed experiencing significant physical and sexual abuse at Marylands:

I was sexually abused by several of the Brothers over the time I was at the school. However, I can’t remember exact dates or how old I was on each occasion.

The first abuse I can remember was when Brother Flannagan woke me up while I was asleep in my room. I was only wearing my pyjamas at the time. Brother Flannagan took me from my room to his room which was in another part of the school. When I got to the room, Brother Flannagan made me undress. He then began to fondle my penis. He also made me fondle his penis.

After Brother Flannagan made me do this, he laid me on the bed in the room. He got on top of me and held me down by my arms. He rubbed his penis against me and tried to insert it into my anus. Once he had stopped, he made me get dressed and go back to my room. I remember he did this about three times. On two other occasions he forced his penis into my anus and anally raped me. This was incredibly painful.

I remember that Brother Flannagan wore a singlet. He would take his glasses off while he did this to me, but he would continue to wear his watch. Sometimes he would rub a cream around my anus and genitals, but I’m not sure what it was. I know he raped me and tried to rape me more times than this, but I can’t remember how many.

I was also sexually abused by Brother Killian. I remember that Brother Killian wore glasses, had black hair, and he was kind of short. He came into my room one night and he took me to his bedroom. I was wearing pyjamas, but he made me take them off. He took hold of my penis and masturbated me. Once he had done this for a short time, he anally raped me. He did this while I was lying on his bed. I can’t remember the details of this, but I remember it happening. It also happened on one other occasion.

There was also a lot of physical abuse at Marylands. Brother McGrath, who was a school teacher, was physically abusive toward me. Brother McGrath wore glasses, and I remember he got the boys to line up outside during school hours. He came up to me and slapped me in the face with an open hand. I don’t know why he did this. I

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remember another day when I was in class with Brother McGrath as my teacher. I had done something wrong, so I was sent to the headmaster's office. The headmaster at that time was Brother Delaney.

At the time I went to Brother Delaney's office, I was wearing my school uniform. The uniform of Marylands consisted of a grey jersey, grey shirt, blue tie, grey pants and black shoes. While I was in Brother Delaney's office, he forced me to take off my pants and shoes. He hit me with a cane on my bare bottom a lot of times.

Another time I was in Brother Delaney's office he made me take my pants down. Brother Delaney sucked my penis and fondled me and then anally raped me.

I was also sexually abused by Brother Maloney. There was a headmaster at Marylands who died, and then Brother Maloney became the headmaster part-way through my time at Marylands. Brother Maloney would come into my bed and begin to play, fondle and masturbate me while I was in bed. This happened a few times, but not many.

I remember Brother Gashou [sic] was the doctor at the Marylands. He left the school while I was there but returned occasionally to see sick pupils. On one occasion while I was at the school, I went to see Brother Gashou in the doctor's office because I was sick. While he examined me, Brother Gashou masturbated me and he anally raped me.

On a second occasion, after Brother Gashou had left the school, he returned to examine me. I remember that he wore a black jacket, black pants, black shoes, and white shirt with a black tie. Brother Gashou examined me in the doctor's office at the school. When he examined me a second time, he again masturbated me and anally raped me. I remember that both times I was sick with a stomach bug.

I was also sexually abused by Brother Keane. On one occasion, I was in my room asleep when Brother Keane came into my room. I was wearing my pyjamas but Brother Keane made me take them off. He took hold of my penis and masturbated me. He then climbed onto my bed and forced his penis into my anus, and anally raped me. Once he was done, he made me masturbate him.

As I have already said, Marylands was a very physically abusive place. I remember one day, I was walking down the stairs adjacent to a glass window. Brother ^{GRO-B}₁ was behind me and for some reason he pushed me forward. This caused me to fall through the glass window. My right arm got badly cut and the top of my right index finger was severed off. As a result of the injuries I received, I ended up in the hospital at the school and was sent home for a short time a couple of weeks later. I still have the scars on my arm and the top of the right index finger is missing down to about the first knuckle. I don't know why Brother ^{GRO-B}₋₁ pushed me, but I feel that it was an intentional thing. Brother ^{GRO-B}₋₁ took me to the hospital part of the school where he worked and put me in a hospital bed. While I was there, he masturbated me. I was too scared to tell anyone about any of this.

I remember an occasion when Brothers Griffin and Sebastian took me and some other boys on a holiday to a beach house. I can't recall where the beach house was and I am not able to describe it, apart from knowing that it was at the beach. While we were at the beach house, I remember Brother Griffin taking me outside to where a wringer washing machine was. Brother Griffin grabbed my right hand and forced it through the

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wringer section of the machine. This didn't cause any injury requiring medical attention that I can remember but it really hurt.

I remember that, as well as Brother McGrath, who would slap me on the face with both hands, Brother Maloney would hit me and Brother Keane would hit me with a black belt. These physical beatings were pretty frequent. Brother Raphael Dillon also hit me with a belt.

I remember Brother Ambrose, mainly because he was kind.

181. After leaving Marylands, MD lived with his uncle and trained as a joiner. He later spent time in IHC care and Timata Hou. His brother was later appointed as his welfare guardian.

As a result of the sexual abuse I have suffered, I have had major difficulties trusting people. I tend to think that everybody is against me, including my family and the staff at the IHC and Timata Hou.

I suffer from post-traumatic stress disorder. I have nightmares and flashbacks about the abuse. I am known to be hyper-vigilant and over-react to perceived threats. I can be violent, both physically and verbally if I don't get my own way, and I particularly hate people entering my bedroom.

I have tried to avoid the issue of the abuse, and did not talk about it at all until I attended counselling. My counsellor says that my aggression is also a way of avoiding, what he calls traumatic affect.

I have had considerable difficulties with my sexuality and sexual behaviour as a result of the sexual abuse I have suffered. This has made it difficult for me to be integrated into the community, as there are often complaints about my inappropriate behaviour. I have never touched anyone sexually, but I have difficulties with boundaries and being too friendly. This behaviour has meant that I have struggled to be independent. My mother says that when I got out of Marylands, I was fascinated by transvestites.

I have suffered from intense episodes of depression. I can spend a lot of time crying about what happened to me at Marylands. I have spent most of my life blaming myself for what happened there, and thinking that it was my fault. I feel intensely ashamed by the sexual abuse, and I often feel intensely alone as well. I don't believe that people like me, and I often feel distressed about my life.

What the Brothers of St John of God took from me is priceless. I have not been able to move on from the trauma of what happened to me while I was in their care, or the drawn-out process and non-resolution of matters pertaining to the abuse, such as an apology and acknowledgement of the wrongs perpetrated on me.

I would also like to see my parents reimbursed for the 8 years of school fees that they paid, in the belief that I was receiving the best care and education that money could buy. For all that time they were paying the St John of God Order money, all the Brothers were doing was abusing me.

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182. In terms of the last quoted paragraph above, we note that the requested reimbursement of the school fees that were paid by MD's parents was frequently raised with Brother Peter and later Brother Timothy and his lawyers. These understandable requests were never acknowledged by the Order or its representatives.
183. MD contacted psychologist Brent Cherry in late 2003 or early 2004. Mr Cherry told MD about the Marylands claims and wrote to Brother Peter in February 2004 on his behalf, setting out MD's allegations and how it had affected him, and MD's immediate needs.
184. Brother Peter's response to Mr Cherry, and to MD's mother, in February 2004 was that he would not be able to meet with MD until the court cases were over. Brother Peter paid for some of MD's counselling for a time. **[WITN0831018]**
185. In a letter to MD's mother in June 2004, Brother Peter said he would continue to pay for MD's counselling until the court cases were over and he was able to meet with MD. **[WITN0831019]** It appears that this promise would be broken just over a year later.
186. In July 2005, MD made a detailed statement to the police about his abuse. MD identified eleven Brothers by name from photographs that the police showed him.
187. In August 2005, MD's mother contacted this firm on the advice of MD's psychologist, after Brother Peter had written to say that MD's counselling would be stopping in 6 weeks. There is some evidence that Brother Peter changed his mind about the withdrawal of counselling for at least some claimants after several months, but we do not know when or if MD's counselling was resumed.
188. Despite MD's intellectual disability, we were able to draft a detailed and coherent statement outlining the abuse he experienced at Marylands and its impact, which we have quoted from above. This information was largely taken from his police statement, his counsellor's communications and from his medical records, with some input from MD, his family and support persons. However, it was always going to be impossible to get a perfectly accurate statement in light of MD's

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intellectual and mental health difficulties, the passage of time, and the significant funding and time constraints we were under. As detailed below, this may have resulted in errors with the names of the Brothers, which resulted in the Order having significant concerns about MD's overall credibility.

189. After considerable negotiation, in 2009 MD's claim was settled for \$22,500 (which included legal fees), and a written apology. Legal Aid wrote off some of MD's debt for our representation of him, but they required \$5,500 to be repaid.
190. Despite his serious allegations against Brothers named by other boys as being abusive, MD's payment of \$17,000 after legal costs was the second lowest offer we received – or that we have heard was ever received - for a Marylands survivor.
191. We have detailed below the reaction of MD's family to the settlement process and the amount. Given what we now know about other settlements, and the significant issues identified below about John Jamieson's report, we agree with MD's family that this settlement was far too low. In fairness, it should be reviewed.

ME

192. ME was born in 1957 and was raised on a farm near Hamilton by his grandparents. ME is Māori.
193. Because of ME's intellectual difficulties (he was assessed at the time as having an IQ of 57-67), and because he started getting into trouble, he was placed at Marylands in 1970. He was only there for a term before he was withdrawn by his grandparents, who could not afford the school fees.
194. The sexual assault on ME occurred during this first placement at Marylands. ME thinks that Brother Delaney saw that he was vulnerable and that is why he singled him out for abuse. ME had already learned from his experiences in a Social Welfare Boys' Home not to disclose any bad things going on, although he did try to phone his grandmother to get him out of Marylands after the abuse occurred.
195. On one occasion, Brother Delaney came into the dormitory, in the early hours of the morning. ME was asleep. Brother Delaney woke up ME by shining a torch on

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him. ME woke up to find Brother Delaney touching ME's genitals, underneath ME's pyjamas. After this, Brother Delaney pulled down his pants and took his penis out. Brother Delaney started masturbating himself, while he was continuing to masturbate ME. Brother Delaney masturbated ME until he ejaculated. He remembers this was ME's first sexual experience and that he was very scared and confused. After the sexual assault, Brother Delaney left the dormitory.

196. A couple of days later, Brother Delaney came back to ME's bed, again in the early hours of the morning. ME was awake because he was afraid that he was going to be sexually assaulted again. When Brother Delaney saw that ME was awake, he left. Brother Delaney did not try to assault ME again.
197. ME remembers he experienced sleepless nights and was anxious and afraid for the rest of his time at Marylands. He believes that Brother Delaney moved into other parts of the dormitory and possibly sexually assaulted other boys.
198. ME recalls that his response to the sexual abuse was to become quite withdrawn. He was completely unable to process the sexual abuse.
199. The following year, ME became quite distressed when he learned he had to return to Marylands, however the abuse did not reoccur. ME states that once he got used to being at Marylands again, he became the 'kingpin' there. The records we have available confirm both these statements. **[WITN0831020 and WITN0831021]**
200. ME returned to Marylands in September 1971, remaining there for nine months, as a State Ward, aged 14.
201. As a result of this sexual assault ME lost his ability to trust people, he lost his ambition and he became extraordinarily angry. ME went on to offend, spending time in borstal and then prison. ME has been affiliated with gangs for almost 30 years and has struggled to hold down any regular employment.
202. ME still finds it difficult to have personal relationships. He has been very 'anti' those in positions of authority, which has continued to get him into trouble with

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the law. ME he has had long-term problems with alcohol which he has used to bury the memories of the abuse.

203. ME's daughter contacted us on his behalf in May 2019.
204. In 2020, ME's claim was settled for \$80,000 plus legal costs, along with a letter of apology.

MF

205. MF was born in GRO-C 1963. He was placed at Marylands in February 1973, and he lived there until August 1977.
206. Unusually in our experience, MF has received three separate settlement payments from the Order, not including the small November 2002 payment that all Marylands pastoral payment claimants at that time received. It appears that these three discrete settlements were partly due to his gradual disclosure of further abuse from additional named Brothers.
207. As we did not act for MF in relation to his initial two Marylands claims, we have little information on record about his placement at Marylands or the abuse he suffered, except that it involved prolonged and serious physical and sexual abuse from Brother McGrath, including being hit around the head by a baseball bat and being made to frequently perform sexual acts on other boys, as well as sexual abuse from Prior Moloney and two other named Brothers.
208. As set out in more detail below, following legal mediation MF received a confidential settlement of \$50,000 from the Order in about August 2000, as well as payment of his legal costs and an 'unreserved apology' from Brother Peter. This may have related only to the abuse he disclosed from Prior Moloney.
209. In August 2002, MF met with Brother Peter under the pastoral process and disclosed further abuse, apparently relating to Brother McGrath. Brother Peter apologised, gave MF the details of the detective in charge of Operation Authority and offered support with counselling and MF's hearing. **[WITN0831022]**

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210. Like all other 2002 pastoral process claimants, MF received a payment of \$1,500 in November 2002 and was offered a full payment in March 2003 – although even this second payment was expressly not in full and final settlement. In MF's case, it was an additional \$30,000, which he accepted. **[WITN0831023]**
211. In August 2017, MF was referred to this firm by the New Zealand Catholic Church's National Office of Professional Standards. We acted for MF in relation to several other matters.
212. We contacted the Carroll & O'Dea, the Australian lawyers for the Order, on MF's behalf. We noted that MF had serious health issues and financial needs and we sought the final resolution of MF's claim under the pastoral process that Brother Peter had started in 2002.
213. In 2019, the Order offered a further \$35,000 to MF, to be paid to a relative of MF, to be managed and used for specific agreed purposes to assist MF, plus our reasonable legal fees. This offer was accepted.

MG

214. MG was born in **GRO-C** 1965. He was placed at Marylands by his parents between 1974 and 1978, as a result of his significant intellectual disability. He returned to his parents' care during the holidays.
215. On about six occasions, Brother McGrath took MG from his dormitory bedroom at night to Brother McGrath's bedroom for a 'Milo'. Brother McGrath locked the door, blindfolded MG, and raped him on each occasion. MG also reported other occasions, including during the daytime, where Brother McGrath performed oral sex on MG. MG stated: "He told me that if I told the other kids he would kill me. I was quite scared."
216. MG repeatedly asked his father to be removed from Marylands and was finally removed after telling his father about the sexual abuse he was suffering at the hands of Brother McGrath, although his father didn't believe him at first.

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217. MG has suffered significant trauma as a result of this abuse, including anger and trust issues.
218. MG instructed us through his advocate in May 2015, after MG and the Order met to discuss MG's allegations. More details of this are set out below.
219. MG's claim was settled for \$80,000 in 2015, plus our legal fees and those of MG's advocate.

MH

220. MH was born in GRO-C 1966. He was placed at Marylands by the Department of Social Welfare in September 1974 and lived there until October 1982.
221. MH reports being physically assaulted by Brother McGrath, as well as being sexually abused by him on over 100 occasions, in an array of different locations around the Marylands grounds. This abuse consisted of fondling, mutual masturbation, mutual oral sex, and anal rape.
222. MH also reports being sexually abused by about three other Brothers that he could not name, but whom he could clearly describe – one from the Yellow Section dormitory (who we believe was Brother Donnellan), one from the Brown Section dormitory, and a third Brother who only had one lung. He was also sexually abused by a Brother who wore a black hooded robe with a cross on the side, who gave MH sweets and cakes to get him to come to that Brother's room, where the abuse took place.
223. MH was also physically assaulted by various Brothers, as well as some older boys, one of whom forced him to perform oral sex on him.
224. MH reports repeated attempts to run away from Marylands and recalls telling his social worker about the abuse he was suffering from the Brothers, which the social worker wrote down. We have been unable to locate this in MH's Social Welfare records, although there are vague references to MH being upset about being at Marylands **[WITN0831024]** and reporting bullying from a named boy as well as "encounter[ing] the displeasure of the staff through no fault of his own.

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This may be a fabrication, but I pass it on for what it is worth." The social worker took no further action. [WITN0831014]

225. In December 2003, MH received \$95,000 from the Order. This appears to have been settled under Brother Peter's pastoral process, without any deed having been signed. It is not clear whether MH was legally represented at the time.
226. The Order also paid for medical treatment for MH for several years, until Brother Timothy abruptly cut this support off in May 2008 as part of the 'belt tightening' Brother Timothy instigated after becoming the Head of the Order in 2007, discussed further below. [WITN0831025]
227. MH contacted us in July 2015 through a support worker in relation to his experiences in DSW care and at Marylands. He was suffering flashbacks and anxiety at this time.
228. In December 2015, after we had made contact with the Order's lawyers, they advised us that MH had already had a settlement in 2003, and we could not progress his claim in relation to Marylands any further. This position was inexplicably inconsistent with the approach the Order took with a number of other claimants.

MI

229. MI was born in 1968. He was made a State Ward and was placed at Marylands between September 1976 and December 1977. He returned to his mother every weekend, from Friday afternoon until Sunday evening. We suspect that this close family contact ultimately protected MI from suffering any sexual assaults.
230. MI recalled being hit by female staff members with a hearth brush and a metal spoon, as well as being kicked and hit by a Brother who wore glasses (possibly Brother McGrath), which made his nose bleed once. He reported seeing boys being taken to the church by a Brother Ray (possibly Ray Garchow), that the boys were disturbed and played up when they returned, and said that they had been abused by Brother Ray.

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231. MI contacted us in February 2005. At the time he was receiving counselling from Brent Cherry, although it is not clear whether the Order was funding this or whether this was through ACC.
232. Ultimately, we were unable to progress MI's claim to a successful resolution. The Order abruptly decided in 2008 that it would only consider claims of sexual abuse under its *Towards Healing* process, and as we acted for MI on a legally aided basis at the time we were unable to challenge this position. As stated below, this position is at odds with that of other organisations seeking to resolve historic complaints. In fairness, it should be reviewed.
233. MI did receive a settlement from the Ministry of Social Development in 2018 in relation to other experiences in State care. In its letter of offer, the Ministry expressly stated that it did not accept any allegations relating to MI's placement at Marylands while he was a State Ward, as "The Ministry is not responsible for the actions of staff at the Marylands School." [WITN0831026]

KERRY JOHNSON - WITN0084001

234. Mr Johnson has already given evidence in the State Redress Hearing. We reference his claim here for completeness. He was placed at Marylands in January 1980, aged 7, and lived there until February 1981, aged 8. Mr Johnson's mother was Catholic, and he was placed there on the recommendation of Psychological Services, because of his intellectual disability and literacy issues.
235. Mr Johnson was sexually abused by two Brothers who he described as a bald Pakeha man in his 40s and another Pakeha man with glasses, who was a chaplain or priest who lived at Marylands and who may have had a moustache. The bald Brother abused Mr Johnson in the dormitory on two occasions, involving fondling, oral sex and, on the second occasion, anal rape. In light of Mr Johnson's age and the nature of the allegations, we wonder whether this unnamed Brother took over from Brother McGrath as Red Sector housemaster. The chaplain or priest abused Mr Johnson in the dormitory on three occasions, involving fondling, oral sex and anal rape each time.

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236. A third Brother, or possibly a staff member, who had long blonde hair and was in his late 30s, made Mr Johnson and other boys perform oral sex on each other in front of him. This occurred both in the dormitory and in a church beside a field, about once a week.
237. As previously stated in evidence, Mr Johnson was given a confidential settlement of \$28,500 in 2009 and had to pay \$3,600 of that back to Legal Aid.
238. Notably, Mr Johnson reinstructed us nine years later, to ask the Order to review the 2009 payment. We provided the Order with a recent report from Mr Johnson's counsellor, which demonstrated the degree of damage Mr Johnson had suffered as a result of the abuse at Marylands.
239. In late 2018, the Order agreed to pay Mr Johnson an additional \$25,000 as well as our legal fees in relation to the reinstruction.

MJ

240. Lastly, MJ was born in GRO-C 1970. He was placed in Marylands in around 1982 and lived there until it closed in 1984. He was a State Ward with an intellectual disability.
241. We have limited information about MJ's allegations, and we have not seen his records. He reported being sexually abused by several of the Brothers, who fondled his genitals and threatened him with violence. The Brothers also hit him and threw him around a room, requiring stitches.
242. MJ stated that when he told his social worker about the abuse, he was placed in Templeton Hospital.
243. MJ suffers from PTSD, including depression, anxiety, and alcohol abuse.
244. In 2003, MJ contacted Brother Peter on the 0800 number for Marylands claims, then contacted GCA Lawyers after waiting several months for Brother Peter to meet with him.

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245. MJ met Brother Peter later in 2003 and, in December 2003, was offered \$65,000 through the pastoral process. MJ, through his lawyers, accepted the money in January 2004 on a strictly interim basis, to be renegotiated with a number of other clients' claims at a meeting between GCA Lawyers and the Order the following month. That meeting was cancelled, as described below, and the Order then refused to enter into any renegotiations – another broken promise.
246. GCA Lawyers referred MJ to us in November 2007 to represent him in relation to his Social Welfare claim, as well as in pursuing a top-up of his Marylands settlement, once the Order resumed settlement negotiations.
247. Unfortunately for MJ, the Order decided in 2008 that it would not 'top up' or revisit earlier claims, so we were unable to progress the negotiations of his settlement any further. Again, this position is inconsistent.
248. Unfortunately for MJ again, at around that same time we identified from MJ's Social Welfare records that his primary allegations were a combination of social work practice failings and a failure to properly supervise MJ while he was a State Ward at Marylands, as a result of which he experienced abuse. At that time, neither of these failings were considered sufficient to justify Legal Aid to pursue a Social Welfare claim, so we had to close his social welfare file as well. Based on our experience of the current MSD settlement process, we consider that these social work failings would now be likely to result in a modest settlement from the MSD and payment of his legal aid debt, however we have not been in contact with MJ for many years.

Other witnesses – WITN0716, WITN0744 and WITN0745

249. We are assisting three other Marylands clients to give evidence to the Royal Commission. Accordingly, we have not covered their allegations or settlements in detail in this document. However, given what we now know about other settlements, we consider that settlement made to them in each of their cases were too low. In fairness, once again, they should be reviewed.

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St Joseph's Orphanage — Marylands Brother or Priest

250. We have been asked to address whether any of our clients suffered abuse at the hands of a Brother or visiting Priest from Marylands, while they were residing at the nearby St Joseph's Orphanage ("St Joseph's").
251. We have acted for a number of clients who were placed at St Joseph's and suffered physical and sexual abuse there, primarily at the hands of the nuns. Some have settled their claims with the Sisters of Nazareth Order.
252. St Joseph's was located southeast of the St John of God grounds. As noted above, the properties were separated by the Heathcote River but connected by Nash Road and at least two other bridges. It appears that initially, St Joseph's housed both boys and girls, but became a Home for boys only in around 1955.
253. Some clients recall being taken to Marylands from St Joseph's to use the swimming pool, although it appears that St Joseph's had a pool of its own as well – perhaps this was under maintenance for the period in question. Indeed, the former St Joseph's grounds currently appear to be the location for a swimming school, as well as a Christian School.
254. Residents remember being taken to school from St Joseph's by bus, to an external location in Brougham Street, Addington, known as Nazareth House.
255. St Joseph's was run by nuns and a Mother Superior. While the nuns went to mass at 7am every day, it appears that the residents only attended Sunday Mass. It is likely that this was at a chapel or church on the St Joseph's or St John of God grounds, but we do not know if there was a chapel or church as St Joseph's.
256. Two clients who were placed at St Joseph's in 1970 recall that, while the institution was run by nuns, there were always a few priests or brothers around the place, although their main interaction with them was at church. We do not know what Order they belonged to. We have seen a Reverend Father Cahill referred to in documents as having some involvement with a St Joseph's resident in 1975, attending a planning meeting at the Orphanage with Catholic Social Services and the Department of Social Welfare. To be clear, we are not aware of

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any allegations being made against Reverend Father Cahill, and we do not know the nature of his relationship with St Joseph's.

257. We have identified eight current or former clients who allege sexual abuse by a man who was possibly a St John of God Brother at St Joseph's, between the years 1966 and 1980. None of these clients were also placed at Marylands.
258. Particularly due to the ages of the boys at the time of their abuse, and the circumstances in which the abuse occurred, it is difficult to determine the identity of the men who these clients allege sexually abused them. Those who have some recall of what their abuser looked like, recall them as being either a Brother or a priest, but only one client was able to name them (see below).
259. To complicate matters, there were clearly some sexually abusive men at St Joseph's who recalled were not Brothers or priests. For instance, two of these eight clients also allege abuse by a **GRO-C** at St Joseph's - one in the late 1960s and the second in 1974. In addition, a number of boys were sexually assaulted in around 1978 by a **GRO-C** at St Joseph's, who was also a Cubs or Scout leader, in this man's house, or on Scout camps. He was convicted after one of our clients told the nuns about the abuse.
260. Of the eight clients, one lived at St Joseph's between 1966 and 1969 (aged 6-9). He recalls being asleep in his dormitory bed one night, when he was woken up by the light from a torch. A man was at the foot of his bed, holding a torch. This person was touching our client's genitals, fondling his penis and anal area. Our client did not know how to react, so he froze, and the perpetrator eventually left. Our client recalls that normally a nun patrolled the dormitories during the night. He is unable to identify this man or whether he was a religious.
261. Another client from 1970 (age 7) recalls a man, who he believes was a Brother of St John of God rather than a staff member such as a gardener or nightwatchman, although he did sometimes keep an eye on the boys at night-time. He recalls this man taking him from his dormitory bed at night to a little room at the end of the dormitory, where the man sexually assaulted him. He recalls this man, who he describes as Pākehā with dark hair, was also around during the

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daytime, and abused him then as well. He would take the boy from outside in the garden into a garden shed, or into a room in the back of a church. The abuse consisted of fondling, licking the boy all over, oral sex and attempted anal rape. The client does not recall what this man wore as clothing.

262. A client at St Joseph's in 1971 (age 10) alleged repeated sexual assaults from two men that he named as being Brother McGrath and Brother Moloney. This consisted of rape, being made to masturbate the two Brothers, and being forced to engage in mutual oral sex. He alleged that these two Brothers took him out of bed at St Joseph's a number of times, but not together, and abused him in an older wooden house in Wigram.
263. This client also reported being taken from his bed on a number of occasions by several nuns, down a gravel path to a chapel at Marylands School, where other boys from St Joseph's and several Brothers or priests were present. The pews had been removed from the chapel and there were candles and incense burning. He recalls being given red wine in this chapel and being injected with a sedative in a sick bay next door, before being forced to carry out sexual acts on the other boys, the nuns and the Brothers or priests.
264. The St John of God Order paid this client significant compensation in relation to this abuse in 2003, through the pastoral process, and further compensation again in 2009 through GCA Lawyers (as well as his reasonable legal costs, which is something the Order was not paying when settling claims for Cooper Legal clients at that point). It is noteworthy that Brother McGrath does not appear to have officially started at Marylands until several years after this client's experiences. As we did not act for this client in relation to the St John of God allegations, we cannot ascertain the basis of these settlements, given the dates in question. We query whether this man gave evidence in the trials of Brother McGrath or Moloney, which might explain the 2010 top up payment.
265. One of the clients who alleges sexual abuse by a male GRO-C also alleges being repeatedly sexually assaulted by two Brothers or priests, who wore brown 'gowns', when he was placed at St Joseph's in 1974 (aged 5-6). He described

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that both 'Brothers' would fondle his genitals, but that the older 'Brother' would go further, performing oral sex on him and anally raping him. This abuse took place at night, with the 'Brother' getting him out of bed to take him to a room that seemed to be an office, down a long corridor. Given the time frame, we query whether these two 'Brothers' might have been Brother McGrath and Prior Moloney.

266. This client received a \$20,000 settlement from the Sisters of Nazareth, \$3,000 of which went to Legal Aid, however it is not immediately clear whether the Sisters accepted the fact of – and liability for – the abuse from the two Brothers, or whether the settlement was for the abuse from the gardener alone. If that was just in relation to the **GRO-C** which may be the case in light of the quantum, we query whether the St John of God Order would consider a settlement for the abuse from the Brothers. We have not raised this question with the Order before now, and we note it here primarily to highlight the difficulty in having opaque settlement processes where it is not clear what has been accepted for the purpose of settlement, and also in the difficulty of having two distinct settlement processes for each Order – despite both being represented in New Zealand by the firm Saunders Robinson Brown.
267. Another client (age 4-10) who lived at St Joseph's between 1974 and 1980 recalls that a nun took him down a hallway and left him with a Brother or priest, as punishment for doing something. The Brother or priest fondled this client's genitals. The client also recalls the nuns always threatened him that, if he did not behave, they would take him next door to Marylands, where they said the Brother or priest lived and worked.
268. A 1975 resident (aged 9) recalls being abused by a Pākehā male with glasses in St Joseph's. This man seemed to have some sort of authority in the institution, including his own office. On about ten separate occasions during the daytime, our client was taken to this man's office, where the man gave our client sweets in his office and fondled his genitals. He also told our client not to tell anyone what had happened. Years later, in 2006 or 2007, this client read about a Brother facing charges in a newspaper (therefore likely to have been Prior Moloney,

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Brother McGrath or Brother Garchow). Seeing this Brother's photograph gave him flashbacks to the abuse, so he believed it was the same person. However, when we acted for this client in 2009, the St John of God Order refused to consider this resident's claim for settlement, on the basis that this man was abused in St Joseph's, and not as a resident at Marylands. We are now aware that this was inconsistent with the approach in 2010 to the 1971 St Joseph's resident represented by GCA Lawyers, described above. Again, we do not know if this client's very modest settlement from the Sisters included any recognition of his Brother's abuse, but we think it probably did not.

269. Another 1975 resident (aged 11) reported being raped by a middle-aged, bearded Brother or 'Priest' on two occasions. On one occasion, this occurred in an office, and the other time in a room off a nun's room (we understood this to have been an office-type room, rather than a bedroom).
270. Finally, a 1978-1979 resident (aged 11-12) described that a Brother or priest made him and several other boys strip naked on a stage at St Joseph's. The 'Priest' fondled the boys' genitals, and our client felt profoundly helpless and fearful. However, the abuse was interrupted by a nun, who looked at the Brother or priest and then at the boys, telling them to get dressed. This resident also recalls that he was walking around a path on the grounds beside the river on two separate occasions, when he was grabbed by a male adult, who took him off the path and raped him. Due to the nature of these assaults, the resident did not see this man – or potentially, the two separate men - and cannot describe him.
271. As an aside, we note that when investigating a complaint by 1980-1981 Marylands resident Kerry Johnson in 2008, Investigator John Jamieson was advised by a Brother Ray that allegations made by Mr Johnson about being sexually abused in the church were part of 'myths' that had been spread around that Brother McGrath had sex with dead nuns on the altar at Marylands. **[WITN0084018]** It is not clear whether 'Brother Ray' was Brother Raymond Garchow or another Brother. Aside from the acknowledgment that there were rumours of Brother McGrath having sex with (dead) nuns in the church at

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Marylands, it is interesting to observe that Brother McGrath had, officially, left Marylands three years before Mr Johnson was a resident.

272. It is also interesting that some Brothers were still referring to allegations of sexual abuse relating to Brother McGrath (or, it appears, to any sexual abuse taking place at Marylands, or at least in the church building) as being part of some fantasists' mythology, despite Brother McGrath's 1993, 1997 and 2006 convictions on numerous charges by the time of 'Brother Ray's' comments.
273. We conclude this section by noting that the inability of any claimant to name or otherwise identify an abuser makes it considerably harder to satisfy the relevant defendant that abuse occurred. In the case of these eight St Joseph's clients, it also means that we are unable to identify which Order had pastoral, or legal, responsibility for that abuser, regardless of which institution the abuse occurred in. The inability to determine who had responsibility can be fatal to resolving any claim - it is not sufficient to state that it was a member of a Catholic Order.
274. Even if one of the two Catholic Orders running St Josephs and Marylands were willing to assume responsibility for the purpose of settlements, which is unlikely, each Order assesses and resolves claims very differently, despite both being represented (at least for certain matters and at certain times) by the same New Zealand law firm. Being an Australian Order, St John of God were, or at least are now, more generous and more sympathetic to survivors than the Sisters of Nazareth, whose 'wellness payments' have been very modest. In part, this is also due to the differences in approach between the Terms of Reference for the New Zealand and Australian pastoral processes, discussed below.
275. These eight clients did not get any help by having Social Welfare claims, either: the Ministry of Social Development absolutely disclaims any vicarious liability for abuse suffered by State Wards from caregivers in religious institutions. This position is wrong in law – case law in multiple jurisdictions is clear that they are joint tortfeasors in such cases – and a complete abdication of legal and moral responsibility. The State should urgently review its position in relation to such cases.

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276. With all three organisations disclaiming legal or pastoral liability and blaming the others, the result of this is that a survivor who was in St Joseph's, regardless of whether they were also in the care of the State, may be left unable to obtain any remedy for the abuse they suffered, if they are not certain as to which specific religious Order their abuser belonged to or able to name them.

Hebron House

277. Brother McGrath worked mainly in New South Wales between late 1977 and about 1986, at the Kendall Grange Home in Morriset (where Brother Moloney would later work) – an institution now infamous for its own extensive history of sexual abuse of boys, including from Brother McGrath.
278. In around 1986, the Order transferred Brother McGrath back to Christchurch to work at Hebron House. We do not know the circumstances in which Brother McGrath was transferred, but it is plausible that it could have been the result of the Order receiving reports of his abuse at Kendall Grange.
279. In this section, we will cover Brother McGrath's abuse of boys while working at Hebron House ("Hebron"). Hebron was at 187 Halswell Road, run by the Hebron Trust. We understand it was beside Timberlands, and next to what would later be a gang pad. The documents that we have seen describe it as being a "learning centre for street kids" that ran "a residential life skills course for young people".
280. As best we can have been able to piece together, Hebron Trust was a local community group initiative, with a community worker assigned to link young people into various services. Its youth outreach workers were supposed to help 'at risk' young people. Hebron provided a series of youth services involving outreach workers, alcohol and drug assessment and education, and accommodation. It ran a three-week residential drug and alcohol course named Whakatipu, or "directed growth", involving lifestyle skills, building up self-esteem and knowledge of drugs and alcohol.
281. The 'correct' terminology for Hebron Trust and the Hebron property or properties is not always clear from the few records we have been able to locate. Some

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clients referred to it as simply being called "St John's". We have seen Hebron and Hebron Trust sometimes referred to in records as "Halswell Road House", "Waipuna House", "Hebron Community Trust", "Hebron Youth Ministry", "Hebron Youth Services", "Hebron's youth refuge" or "Brother McGrath's Youth Home".

282. Brother McGrath's abuse while working at Hebron occurred in a number of locations around Christchurch as well as Hebron itself. This included a house at 17 Havelock Street, Linwood, which appears to have been owned by the Order or by Hebron Trust as well, a marae on **GRO-C** Road (which appears to have been be **GRO-C**), and a monastery on Nash Road in which Brother McGrath lived. This is likely to have been the same building the Marylands Brothers resided in. The abuse also occurred in a church or churches, in Brother McGrath's red Kombi van and in parks around Christchurch. It also occurred in an office in town, which may have been off Madras Street – and which appears to have been referred to as '6A' - or at the Christchurch Youth Centre on Worcester Street. **[WITN0831027 and WITN0831028]**
283. As noted above, over the past 11 years Cooper Legal has acted for 23 clients who allege suffering or witnessing abuse by Brother McGrath while he was working at Hebron House, between about 1986 and 1993. At the time of this statement, we have settled nearly half of these claims to date. We have had a number of additional enquiries from individuals wanting to take claims in relation to abuse from Brother McGrath at Hebron, who have yet to return initial documents instructing us to act.
284. While we do not hold all relevant information, our analysis would suggest that approximately one-third or more of this group were Māori, up to three were of Pacific Island heritage, and the rest were Pākehā.
285. Once again, Brother McGrath commanded considerable respect in the community. He wrote letters to judges in support of youth in his care, signing them off as "Bernard McGrath, O.H." (the post-nominal abbreviation OH stands for "the Hospitaller Order of the Brothers of Saint John of God"). He attended Family Group Conferences as a support person, and supervised youth justice

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clients on remand, or while they were carrying out community work at Hebron. Some clients were placed with him at Hebron by family members, or by Catholic Social Services.

286. The trust and respect given to Brother McGrath as a religious youth worker and a father figure to troubled young people was a key tool in his abuse being able to occur, as well as a particular image he would invoke as part of his grooming. As noted below, he would befriend boys by putting hands on their shoulders and calling them 'son'. He would also refer to God during his sexual abuse sometimes.
287. Brother McGrath gave speeches at colleges about his work, sometimes taking college students with him on holiday career placements as he provided outreach to the several hundred⁷ 'street kids' throughout the city. This 'outreach' included transporting the street kids to temporary accommodation, supplying them with fish and chips and takeaway food, and evangelising to them. He also supplied them with money, cigarettes, alcohol, glue, alcohol, and other solvents.
288. These street kids were often absconders from foster placements, boarding schools, Stanmore Road Boys' Home, Kingslea Residential Centre, or had otherwise been recently discharged from care. They frequently congregated in areas like Cathedral Square, Hagley Park, Linwood Park, or in **GRO-B** and Papanui. They were usually teenagers but sometimes as young as 10 years old. They were often survivors of abuse and neglect, at home or in Social Welfare care, or both. Largely as a result of this history, almost all had issues with substance abuse, mostly alcohol, cannabis, and solvents. While some of them had committed offences such as theft and burglary, usually in order to survive on the streets or to obtain substances abuse, or occasionally taking cars for joy rides, they were all vulnerable.
289. Brother McGrath's name and face quickly became a familiar sight in Christchurch. For children and teenagers in need of shelter, food, and substances, he was a

⁷ We have heard estimates from former a youth worker that there were around 600 street kids in Christchurch at any one time during this period.

friend, at least initially, or at least someone they could get support from who would not impose restrictions on them like in a residence.

290. Most of the street kids knew each other by street nicknames. They did not trust the police, as they reportedly mistreated and brutally assaulted the street kids in custody and otherwise treated them as invisible. This attitude would have made it much harder for the street kids to have reported abuse to the police or any authority figure, or for it to have been properly documented, with their real names, if they ever did.
291. A number of clients (eg **WITN0715**) reported losing friends in the Ferry Road hostel fire of November 1992,⁸ in which seven street kids (one of whom was known as **GRO-B**) died after smoking, drinking and sniffing solvents in a shed. These clients reported that the street kids had been squatting in the shed because they were trying to avoid Brother McGrath's abuse.
292. Other clients report that some of their friends or family members **GRO-C** **GRO-C** as a direct result of Brother McGrath's sexual abuse during this period.
293. Half of our client group met Brother McGrath while they were living on the streets and / or were associated with street kids. Three other clients were taken to Brother McGrath by siblings or friends. Often, those siblings had met Brother McGrath while on the streets, or associating with those on the streets.
294. Four of our client group came in contact with Brother McGrath through their parents, who turned to Brother McGrath when their sons were misbehaving or in trouble. Three of our clients had contact with Brother McGrath through community work. One client was placed at Hebron Trust through Catholic Social Services.
295. We have summarised the experiences of this client group, including current and former clients below, chronologically by the approximate date of instruction, rather than by date of initial contact with Hebron - as this is generally not known.

⁸ See

https://www.researchgate.net/publication/273123751_FIRE_SAFETY_IN_NEW_ZEALAND_TRANSIENT_ACCOMMODATION_BUILDINGS

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We have chosen to cover this group's experiences, and the settlement process, in considerably more detail than the Marylands clients. A number of this client group are providing their own Witness Statements, to which we will refer, to demonstrate the themes and redress process for those whose claims have already been settled.

296. The age of this group is relevant. As already stated, most of this group were between 10 and 14 years of age when they were abused by Brother McGrath, although one client was about 5 or 6 (HT) and other clients (e.g. HA) were a little older, with one of the clients being abused over a long period into his later teens (HB).
297. As noted, the clients were also particularly vulnerable due to being homeless, or in trouble at home. They were already often abusing alcohol and/or solvents and if they weren't, they were always introduced to substances by other young people or by Brother McGrath himself - either in Brother McGrath's Kombi van, at Hebron House, or the other properties used by Brother McGrath.
298. It is also of note that Brother McGrath often used 'currency' including money, food, cigarettes and/or alcohol and substances, to entice these vulnerable children to come with him in the van and/or to one of the places he eventually abused them.
299. Most of this group describe being under the influence of substances when they were sexually abused by Brother McGrath. This also made them more vulnerable and less able to protect themselves from the assaults. A number of the clients refer to the assaults happening without any awareness that this was going to happen. On some occasions, as with the Marylands assaults, Brother McGrath used restraints and locked rooms to detain his victims. Some clients were not only sexually assaulted but they were physically assaulted by Brother McGrath as well, often in a very violent manner.
300. A number of clients were forced to participate in sexual acts with other children, including family members, or were made to watch while Brother McGrath

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assaulted their family member. This has caused considerable ongoing trauma for many of our clients.

301. Brother McGrath was often very cruel to his victims, calling them names and threatening them. As we comment below, Brother McGrath seemed to instinctively know which children he needed to threaten to ensure the abuse was not reported and which clients he could just abuse and know he would get away with it. Those who had closer family relationships were more likely to be threatened.
302. The final comment we make at this point is to emphasise the brutality and severity of the abuse carried out by Brother McGrath on this client group. Given that we have dealt with literally thousands of victims, we rank Brother McGrath's abuse as right at the top of the scale, in terms of its nature, severity, and long-term damage to the client group.

HA

303. HA was born in GRO-C 1975. He is Pākehā.
304. HA came into contact with Brother McGrath after leaving St Bede's College in Christchurch. HA was placed at Hebron House by a Catholic Social Services social worker. HA had at least two three-week placements in 1990 and in 1991. HA would have been fifteen or sixteen years old. He stated that the house he was placed at was with kids who were mainly older than he was and were off the streets. **[WITN0831029]**
305. HA stated that the abuse started when Brother McGrath took him to a church. In a room out the back of the church, Brother McGrath hugged HA because he was upset about missing his parents. Following on from that, Brother McGrath would visit HA in his room, every night, asking if he was alright. This is a common pattern we have observed, where Brother McGrath would initially behave in a friendly, almost fatherly manner, before progressing to abuse his victims. Before long, Brother McGrath was climbing into HA's bed and hugging him. He would then

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touch HA's penis and masturbate HA. He would also place HA's hand on Brother McGrath's penis, teaching HA how to masturbate him.

306. The attention continued. Brother McGrath would buy HA cigarettes and special food privileges. As already stated, this is another common pattern. We note the supply of cigarettes particularly, which were being provided to a child who was too young to legally smoke. He started to come into HA's room in the middle of the night and then would ask HA if he could perform oral sex on him. Without permission, Brother McGrath did so. Brother McGrath would then masturbate himself and ejaculate. He would clean up and go back to his room.
307. From there, the abuse got worse. Twice, Brother McGrath penetrated HA with his penis and was also masturbating himself every night. HA states that the abuse would sometimes happen in the middle of the day as well. Brother McGrath would take HA to an office in town, where the abuse would continue.
308. The abuse stopped only after HA became very unwell. HA was shifted then to a different room with other street kids. Again, this is common. Once a young person was 'out of favour' their privileges would be removed.
309. HA contacted Cooper Legal at the end of August 2010, advising that he had received an email from someone in Australia, telling him to contact Cooper Legal. It transpired that HA's contact with the firm was at the suggestion of Carroll & O'Dea, the Australian lawyers for the Brothers. Up until then, HA had been unrepresented, and it was clear the settlement negotiations were not proceeding smoothly.
310. HA had a lengthy telephone conversation with Sam Benton on 31 August 2010. He explained that he was not going through a very good time. He stated he had had various meetings with St John of God which had been going on for months. He was suspicious that Cooper Legal had been recommended by St John of God, explaining that he had been angry because of the abuse for the whole of his life.
311. HA explained that he wanted compensation. He also wanted to meet with Brother McGrath as he had some questions for him. He wanted some compensation. HA

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also wanted counselling for as long as he needed it. At that time, the Brothers were paying for his counselling.

312. HA explained that he was a qualified chef but had lost many jobs because of his anger. He explained that he had been through the *Towards Healing* process, the equivalent of the New Zealand *A Path to Healing* process. He also explained that he was brought up Catholic and that an aunt was a senior nun in another Catholic Order. Because of the abuse, he had broken away from the Church.
313. HA explained that earlier that year, he had met with Brother Peter Burke. He remembered telling Brother Peter briefly what had happened and signing a statement.
314. HA explained that he had been in contact with someone called Yolande in Australia – a Case Manager in the Professional Standards Office for the Australian Catholic Church. HA had also met with John Jamieson, the Investigator appointed by the Professional Standards Office a few months earlier. He understood that his aunt had written him a letter in support. HA was frustrated that John Jamieson was saying that HA's claim was unsubstantiated because Brother McGrath had denied the abuse of HA. While Brother McGrath had some recollection of HA being at Hebron House, he denied abusing HA, stating he remembered HA stating he had been abused beforehand. HA explained that he was furious at being told that. HA explained that Peter Burke had made no decision about his claim. He also explained that he had contacted Yolande, but that she was not coming back to him. Yolande suggested that HA write down a whole lot of the stuff about how he had been affected. HA explained that he was then thirty-five. He had done a lot of drugs to block out his past memories. He had lots of criminal convictions. He suffered from anxiety. He also explained that he had two children but could not see them because of the impact of his abuse.
315. Mr Benton warned that the process would be a long one but indicated Cooper Legal could help.
316. Following that conversation, Cooper Legal contacted Carroll & O'Dea to advise that we had been in touch with HA. We asked what was expected of us. On 6

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September 2010, we received a letter dated 1 September 2010, asking for further contact from us. We were told there may be documents which would be copied to us. There was then a suggestion that there should be a meeting involving HA, Brother Timothy, Michael Salmon (the new *Towards Healing* representative) and Cooper Legal to work through a resolution plan.

317. As HA's was our first claim involving Hebron House, we arranged for his claim to be funded for our work through Legal Aid. We also offered HA the option of entering into a private retainer with the firm, on the basis that the Brothers would meet our costs in due course.
318. Funding through Legal Aid took many months to be confirmed. We contacted Carroll & O'Dea by email on 5 October 2010, asking them to send through relevant documents.
319. On 22 October 2010, Cooper Legal received a number of documents, including: the assessment report prepared by John Jamieson, the Statement of Complaint dated 6 May 2010 signed by HA, and an extract from the Statement of Complaint. The extract was identical to other information but contained additional information about HA's expectations for resolution. At that stage, HA indicated he wanted financial reparation for the sum of NZD \$1,000,000 to cover his hurt, anxiety, fear, drug addiction, depravation of his children, depression, loss of enjoyment of life, social isolation, his inability to maintain relationships, and the impact on his employment to provide financial security for the future of his two children and to cover his own feelings of being dirty and unworthy as a human being.
320. Additionally, HA was seeking a further sum to cover counselling when required. He indicated at that stage he could use in excess of 100 hours of counselling over the next two years. Finally, HA requested a face-to-face meeting with Brother McGrath as he had unanswered questions.
321. We were particularly interested in the report from John Jamieson. The report stated that John Jamieson had forwarded the four details of HA's complaint to Bernard McGrath. Brother McGrath replied in writing to Mr Jamieson, observing that while he had some recollection of HA, he did not offend against him. He did

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recall, however, that HA had disclosed to Brother McGrath that he had been offended against during his time at school. The report indicated that John Jamieson had invited HA to respond, particularly in relation to the statement that he had disclosed to Brother McGrath that he had been offended against during his time at the school (presumably St Bede's). HA was clear he had definitely not done so.

322. As part of the investigation, John Jamieson contacted an uncle of HA, asking if he could remember visiting HA at Hebron. The uncle replied that he had visited his nephew on three occasions, including once at Hebron. He described Hebron as "disgraceful, with young boys sleeping in all rooms and some on the floor". He said the place was untidy and unclean. He also said he had "bad vibes" about the place.
323. Mr Jamieson also contacted HA's aunt, the senior nun. HA's aunt confirmed that HA had complained about being abused by Brother McGrath, possibly twenty years before.
324. Mr Jamieson's conclusion was that there was a strong allegation (made by HA) and an equally strong denial. There was no independent evidence to draw a conclusion. For that reason, his assessment was that the complaint was not upheld on the balance of probabilities.
325. Mr Jamieson further stated that HA had presented well at evidence and answered all questions in a straightforward manner. He noted that HA had low self-esteem and had difficulty seeing himself in any positive life. He had acknowledged he had been to prison and admitted to many poor choices. Mr Jamieson observed that those past offences detracted from his credibility.
326. With regards to Brother McGrath, Mr Jamieson recorded that he was a "serial offender and has previously admitted a large number of sexual abuse offences for which he has been sentenced to terms of imprisonment". Mr Jamieson noted that Brother McGrath's record of offending also detracted from his credibility. Frankly, it is surprising that Brother McGrath's denial was given any credibility at

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all, given that he had denied much of the offending he had been convicted of beyond reasonable doubt.

327. The recommendations were that HA be advised that no evidence could be found to corroborate his complaint, but this did not mean he was disbelieved. The suggestion was that consideration be given to further pastoral support and that Brother McGrath be advised of the outcome.
328. We were clear, by the time HA came to Cooper Legal, that he was well aware of this state of affairs.
329. On 4 November 2010, Sonja Cooper and Sam Benton spoke with Howard Harrison from Carroll & O'Dea. At that stage, Mr Harrison stated that the assumption was that the best way forward would be to set up a meeting in our office involving HA, Brother Timothy, Michael Salmon and representatives from our office. Mr Harrison noted that the Brothers would pay the costs to cover a support person being present for HA. It was proposed that the meeting take place in December, or more likely the following year.
330. Sam Benton advised HA of this update on the same day. The proposal, at that stage, was to have the meeting at our office in Wellington. After several communications, HA eventually confirmed that he was happy to meet at our office in Wellington. We proposed dates in January and February 2011.
331. Eventually, we were able to settle on 28 February 2011 as being a date that all parties were available to meet. We advised HA that the Brothers would fund the cost of him flying to and from Wellington so he could be up and down in a day.
332. On 20 December 2010, we received a letter from Carroll & O'Dea dated 15 December 2010, advising that the St John of God Brothers had approved funding for five additional sessions of counselling.
333. In January 2011, Cooper Legal made the appropriate arrangements for HA to travel to Wellington for a meeting at our office on 28 February 2011.

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334. The meeting duly proceeded on 28 February 2011. Sonja Cooper and Sam Benton had a preliminary meeting with HA, before meeting with Brother Timothy and Michael Salmon. During the course of the meeting, HA explained that counselling was really helping. HA talked about his counselling being 'really good' and that he was finally ready to open up. HA explained he would need a lifetime of counselling. He also explained that he had some good mentors and that he was hoping to get some justice.
335. After that discussion, we proceeded with the meeting. Mr Salmon discussed the process undertaken by John Jamieson. He said that the Brothers accepted 'something happened', albeit that Brother McGrath had not put up his hand to everything. Mr Salmon also explained that Hebron House should have been a place of safety for HA, and it wasn't. It was acknowledged that Brother McGrath 'let down' the Brothers by his conduct.
336. Brother Timothy then spoke. He said he felt completely comfortable believing HA's story. HA explained that it had taken him a long time to remember all the details. He was clear that he did not want to end up in prison. Again, he stressed the importance of counselling continuing. He indicated that he wanted a sum of money to buy a plot of land. He also wanted a letter of support from the Brothers so that he could travel. In addition, HA wanted some assistance to visit his mother in Australia.
337. Following this, there was a discussion about potential courses HA could undertake. From there, the discussions moved to reaching agreement on an ex-gratia payment, and Brother Timothy left the room for this part of the discussion.
338. On behalf of the Brothers, Mr Salmon acknowledged that the abuse was at the more serious end in terms of the abuse. Michael Salmon also acknowledged that HA was a vulnerable kid. He indicated that Brother Timothy was thinking of \$30,000 as a minimum payment. Sonja Cooper indicated that \$50,000 was more appropriate. Michael Salmon discussed the possibility of paying that sum of money, so long as that included legal costs.

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339. We observe that while this sum was towards the higher level of the Marylands settlements our firm had negotiated for several clients the previous year, it is now clear that it was considerably lower than the average payment made to previous claimants against the Order. This was our first client who had suffered abuse at Hebron Trust and so there were limited comparisons that we could make when proposing the level of settlement. We do not know how many Hebron settlement payments the Order had made prior to HA, but given the Brothers eventually accepted some of the abuse HA that alleged, we can assume that his claim wasn't the first.
340. In terms of counselling, the discussion had been around approving counselling in batches of ten. It was acknowledged that HA would have the ability to re-apply for further counselling funding as part of a settlement.
341. At the end, HA indicated he would accept \$50,000 in the hand, plus the legal costs. It was agreed that a settlement deed would need to be signed. It was hoped that the resolution could take place within the next few weeks.
342. Following the meeting, Carroll & O'Dea sent us a Deed of Settlement, in the usual way. The Deed recorded that HA would receive a total sum of NZD \$56,000, including legal costs. In addition, it was agreed to fund an additional ten counselling sessions (although the Deed did not contain provisions for requests for further counselling funding). It was a condition of the settlement that the terms were confidential to the parties.
343. Cooper Legal picked up the error in the draft Deed regarding counselling and asked for that to be amended. Following that, further amendments were asked for, including that: Brother Timothy was to provide HA with a letter of support for a passport application, Brother Timothy was also to help arrange a potential family meeting in the future, if HA felt this was helpful, and the Brothers were going to provide funds for a Trades course, by negotiation with HA.
344. We did not hear back from Carroll & O'Dea and needed to chase the firm for a response. In the meantime, HA was becoming reasonably anxious as he was not

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in a good headspace. He had smashed several things in his house. He was keen to get further counselling support.

345. By email on 22 March 2011, we received a revised Settlement Deed. This contained the additional components that had been agreed at the meeting.
346. On 24 March 2011, the Deed was sent to HA, via email, with instructions as to how to sign it. HA found the wording of the agreement difficult, and he was again not in a good headspace when he agreed to sign the Deed in its then form.
347. On 30 March 2011, Sonja Cooper spoke with HA to explain the terms of the agreement (which was one of the conditions). After that, the settlement documents were sent back to Carroll & O’Dea, both by email and by mail. Sonja Cooper explained that HA was in a poor financial and mental state. Accordingly, a request was made that steps be taken for the matter to be finalised as soon as possible.
348. On 11 April 2011, Cooper Legal received an apology letter for HA, which was forwarded to him by email. The apology letter, signed by Brother Timothy Graham, reiterated his previous apology to HA for “all hurt and harm” sustained by him. The letter also hoped that HA would now be able to move forward. Finally, Brother Timothy stated that he would keep HA in his prayers and wish him all the best for the future. **[WITN0831030]**
349. Excluding costs, the settlements we have been able to negotiate in relation to Hebron Trust ranged from \$50,000 for HA and HE, below, to \$105,000 for HS, below. Some of these settlement levels are wildly inconsistent – HA’s offer, as an example, was the lowest, despite the Order acknowledging that the abuse (at least, that which they were willing to accept) was at the more serious end. We invite the Order to review it.

HB **[WITN0759]**

350. As HB is providing a Statement, this is a summary of the key points of his story.
351. HB was born in **GRO-C** 1973. HB is Māori.

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352. As HB explains in his Witness Statement, he is one of a large number of Christchurch young people who ended up on the streets after running away. HB was fifteen. He estimates living rough on the streets for about three years with other street kids.
353. HB describes Brother McGrath picking him up with the other street kids and taking them back to his place, a common theme. About a year after he first met Brother McGrath, HB was invited by Brother McGrath to have community meals with other Brothers or staff (he cannot recall which) in the monastery on Nash Road, where Brother McGrath lived.
354. HB was raped by Brother McGrath in the monastery on numerous occasions. The abuse took place between 1989 and 1992, so a similar timeframe to the abuse of HA and others.
355. HB was also raped numerous times at the Havelock Street property in Linwood, in a cottage at the back of Hogben School (which appears to have been known as 'Pampuri'⁹ or 'the farm cottage'), and at the address in Halswell Road (which appears to have been known as 'Silverwind'). Brother McGrath told HB not to tell anybody about what had happened, which is another common theme. HB was too scared to tell anyone and thought Brother McGrath might kill him if he tried. He also felt that he would not be believed or heard if he did tell anybody.
356. It is important to emphasise that the rapes from Brother McGrath had an added violent, ritualistic and fetishistic component. During most of the rapes, Brother McGrath would put a scarf in HB's mouth and tape his mouth with duct tape, presumably to prevent him from making a sound. Brother McGrath also had handcuffs and would handcuff HB to the bed and blindfold him. He was very rough towards HB once he was bound, gagged and "trussed up".
357. It is also relevant to note that Brother McGrath provided HB – who was addicted to substance abuse - with alcohol and pills, including Rivotril, as a way of

⁹ Presumably named after Richard Pampuri, a member of the Order who was canonized in 1989.

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maintaining some power over HB. HB reports that he believes Brother McGrath would put drugs in his drinks, as he would sometimes feel dizzy.

358. Before long, HB ended up living in the small cottage at the back of Hogben School, which was linked to the hospital by a gravel road, and which was owned by the Order. This accommodation became a mechanism of control over HB, serving as a reminder to him that he was dependent on Brother McGrath in a number of ways. HB had nowhere else to go. **[WITN0831031 and WITN0831032]**
359. As well as officially providing HB with accommodation, and supposedly drug and alcohol counselling, Brother McGrath acted as HB's representative and advocate, writing letters of support for HB to the Court and being the contact person for social workers – when they rarely tried to contact HB - and for HB's counsel for child. He also supervised HB's community work at Hebron and attended Family Group Conferences with him, along with a Hebron support worker named Ricky Howe. **[WITN0831033]**
360. The fact that Brother McGrath was so open and public about his supposedly supportive relationship with HB, effectively 'parading' him around before other Brothers or staff at the community meals and in other circumstances, emphasised to HB that Brother McGrath could get away with the abuse and that HB could do nothing about it.
361. HB wonders if the reason that the other Brothers or staff did not do anything, when Brother McGrath's abuse should have been obvious, is because they were themselves abusing other residents. Unlike with Marylands, however, our firm has had no reports of any abuse from anyone at Hebron other than Brother McGrath.
362. HB recalls that the abuse stopped after he built up the courage to stand up to Brother McGrath by throwing a glass at his head in front of the other street kids, telling him to leave HB alone and never touch him again. This appears to have been in early May 1992. HB was imprisoned later that month, after Hebron told

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the police he had breached his curfew. Brother McGrath visited HB in jail in June and July 1992. **[WITN0831034]**

363. HB reported the abuse in around 1993, when he was about 19 or 20 years' old, although it is not clear whether he was reported it to the Hebron staff or to the police. Either way, HB's whistleblowing precipitated an investigation into Brother McGrath and Marylands and enabled other victims to come forward and make police complaints. In December 1993, Brother McGrath was jailed for three years in relation to abuse against two children at Marylands (between 1974 and 1977) and Hebron Trust (four teenage boys, in 1991). Brother McGrath pleaded guilty to those charges. HB was not a witness in that trial.
364. HB was under the legal supervision of the Department of Social Welfare for at least 12 months while he was placed with, and being abused by, Brother McGrath. He did not see a social worker for nearly all of this time, as one was not assigned to his case for most of this time. When HB met with the "Care Claims Unit" of the Ministry of Social Development in 2013, without legal representation, he was given a \$30,000 payment to recognise earlier abuse in a Social Welfare residence, as well as the 'practice failure' that he was not properly supervised by a social worker during this 12 month period. As can be seen in the MSD apology letter, there plainly was no recognition of, or apology for, the abuse from Brother McGrath. This is in stark contrast to the acknowledgment in the previous paragraph that DSW had an obligation to keep HB safe from harm while he was placed in another Social Welfare placement where he had also suffered abuse. The Ministry of Social Development is urged to revisit HB's claim in this regard, and also in light of other failures HB identifies in his witness statement. **[WITN0831034]**
365. HB contacted Cooper Legal in September 2016 through his prison counsellor in relation to several issues. In about October 2016, Cooper Legal ascertained that HB had been abused while in the care of the Order. Cooper Legal was asked to help with that claim.

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366. On 13 December 2016, we notified Carroll & O'Dea that HB had instructed us to bring a claim in relation to his sexual abuse by Brother McGrath.
367. As part of the information that we collected in about HB, we received a psychiatric report completed by Dr Richard Porter on 5 December 2016. That report diagnosed HB with Post Traumatic Stress Disorder, secondary to the extreme and protracted sexual abuse he suffered (both at the hands of Brother McGrath and a Housemaster at Campbell Park School), Major Depression (again precipitated by the sexual abuse), alcohol misuse, opiate dependence, and Hepatitis C.
368. Cooper Legal participated in a teleconference with Howard Harrison to discuss HB's claim on 11 April 2017. At that stage Howard Harrison, on behalf of the Order, accepted there had been 'some sexualisation' of HB. It was stated, however, that it was "difficult to work out what else [had] happened". It was agreed that both parties would obtain instructions as to a settlement. It was also accepted that there was enough to proceed towards resolving the matter via a settlement.
369. A formal offer was made to settle HB's claim on 15 May 2017. At that time, the Order offered NZD \$70,000, plus payment of the reasonable legal costs. A counter-offer was made on behalf of HB by Cooper Legal on 24 May 2017. At that stage, Cooper Legal pointed to the extent and duration of the abuse, particularly the fact that HB was raped by Brother McGrath, on an almost weekly basis, over three years. In addition, the rapes were violent and involved the use of implements to both detain and gag HB. Cooper Legal also pointed to the fact that HB was one of the initial 'whistleblowers' who reported Brother McGrath's abuse. Finally, Cooper Legal pointed to the long-term effects of the abuse. At that stage, Cooper Legal also pointed to the fact that we were now aware from newspaper reports and the files of other clients that the Order had settled other claims at above \$100,000.

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370. The response to that came back reasonably quickly. On 30 May 2017, Carroll & O'Dea advised that the Order would not agree to a figure of \$100,000. The offer was made of \$80,000, together with \$5,000 towards the legal costs.
371. After providing advice to HB, he accepted the offer, thanking us "from the bottom of [his] heart for the work that we had to do". His instructions were communicated to Carroll & O'Dea on 4 July 2017.
372. Following that, the usual process of signing a Settlement Deed was undertaken. HB received the settlement funds in mid-September 2017.
373. HB received a face-to-face apology on behalf of the Brothers on 13 December 2017. That apology was conveyed by Brother Timothy Graham, Provincial, and Brother Julian Liddiard. Cooper Legal was not present when the apology took place.

HC

374. HC was born in **GRO-C** 1973. We believe he is Māori.
375. HC came into contact with Brother McGrath at about age 13 or 14, between 1986 and 1987, so somewhat earlier than the previous 2 clients.
376. HC met Brother McGrath while he was living with other street kids and was running away from home. He describes Brother McGrath as seeming nice and caring to begin with. He picked up street kids in his van and took them back to his house. He would give the street kids food and allow them to drink alcohol at his house.
377. Brother McGrath sexually assaulted HC twice. Both assaults happened at the property where Brother McGrath lived near the Linwood side of Christchurch. This is likely to be the Havelock Street property.
378. On the first occasion, Brother McGrath woke HC who was sleeping in a bunk bed. Brother McGrath put HC's hands on Brother McGrath's penis and then forced HC to masturbate Brother McGrath and then perform oral sex on him. While this was happening, Brother McGrath digitally penetrated HC.

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379. The second assault occurred when Brother McGrath collected three street kids and took them back to his house. Brother McGrath asked HC if he wanted anything to eat. He took HC to the food storage room, where he locked the door behind them. Brother McGrath forced HC to perform oral sex on him. Brother McGrath inserted his fingers into HC's anus and eventually raped him via penile penetration.
380. After the rape, Brother McGrath instructed HC to dress himself. He told HC he was a 'bad kid' and that 'no one wanted him'. HC ran away and never returned to Brother McGrath's property after that assault.
381. HC did not tell any of the other street kids about what had happened. This was mainly because he had been taught that 'narking' would be wrong and he would be beaten if he did.
382. HC tried to suppress the memories of the abuse by Brother McGrath, by using drugs and alcohol. He tattooed himself all over his body, to make himself unattractive. HC resorted to violence. He described not trusting others and suffering from low self-esteem.
383. As a consequence of Brother McGrath's abuse, HC hates everything Brother McGrath stands for, including religion. For a long time, HC was angry at his own family for believing in God.
384. HC contacted Cooper Legal at the end of 2016 through his counsellor. At the outset, HC did not disclose the sexual abuse by Brother McGrath. It was only when he was interviewed by a lawyer from Cooper Legal that he was able to disclose the abuse. He provided further details about the abuse in writing.
385. We notified Carroll & O'Dea on behalf of the Order about HC's claim on 12 June 2017.
386. Cooper Legal forwarded details of the claim to Carroll & O'Dea on 13 July 2017.
387. On 4 October 2017, Cooper Legal forwarded additional information in the form of a report from HC's counsellor. That report identified that the violation done by

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Brother McGrath reinforced for HC that the world was an unsafe place, well into his adulthood. The counsellor also stated that HC still felt powerless and angry in his daily life. [WITN0831036]

388. While waiting for the Order to respond to HC's claim, he was in frequent contact with the firm. It is clear he found the process and anxiety-causing.
389. In early November 2017, the Order made an offer to settle HC's claim by paying him NZ \$70,000, plus his reasonable legal costs. That offer was accepted by HC and communicated to Carroll & O'Dea on 8 November 2017.
390. HC was required to sign a formal Settlement Deed, which was signed in November 2017. The settlement documents were then returned to Australia for signing by the Order counterparts.
391. The settlement funds were ultimately transferred to HC in early December 2017.
392. In January 2018, the Brothers sent an apology letter for HC. The letter was signed by Brother Timothy Graham as Provincial. In that letter, it was acknowledged that HC was young and vulnerable and needed care and protection. Instead, he had been 'cruelly betrayed'. The letter expressed sorrow that this had happened to HC. [WITN0831037]

HD

393. HD was born in [GRO-C] 1977. We believe he is Māori.
394. He is another client who came into contact with Brother McGrath when he was hanging out with other street kids in Christchurch between about 1987 and 1990, so when he was between 10 and 13 years old.
395. HD is clear that the street kids knew who Brother McGrath was. HD met Brother McGrath a number of times before he was abused. Brother McGrath used to come into the centre of Christchurch, where HD spent a lot of time around the [GRO-C] and Linwood Park. Brother McGrath often turned up at places where it was known that street kids were congregating.

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396. HD went to Brother McGrath's house with a group of street kids, because he was told by other sniffers that there was a can of petrol there in Brother McGrath's garage. He recalls that he would have been about 10 or 11 years old at this time. The house was on Havelock Street in Linwood.
397. HD knew from other street kids that he could go to this house and that Brother McGrath would give him food and a place to stay the night.
398. HD recalls that the other street kids left him at Brother McGrath's house, after introducing him to Brother McGrath. Thinking back, HD is clear that the other street kids would have known what was going to happen to HD and that is why they left the house.
399. HD had few recollections of the first assault, but states that Brother McGrath was extremely approachable and friendly. He recalls that he was raped by Brother McGrath but no longer clearly recalls the details. The location of the rape was the converted garage, used as a sleep-out by the kids.
400. HD suffered a more serious encounter with Brother McGrath, two to three years later, when he was between 13 and 14 years of age. On the second occasion, HD took his cousin J with him to Brother McGrath's house. Brother McGrath forced HD to put Brother McGrath's penis in HD's mouth. This happened in front of his cousin.
401. After that, Brother McGrath raped HD's cousin. HD states that Brother McGrath made HD stand right beside him, while Brother McGrath had his hands in HD's hair and made him watch what was happening. HD recalls Brother McGrath saying "it's okay son" while this was happening. Once again, we see Brother McGrath misappropriating the language of a caring adult figure while committing a violent act.
402. HD carries considerable grief, shame, and anger about this incident. He took his cousin with him to Brother McGrath's house to avoid being raped himself. These feelings have been intensified, because J could never cope with the impact of the rape **GRO-C**

403. HD's cousin J GRO-C sometime between 2007 and 2008. This was some 15 years after the abuse had occurred. J also blamed HD for the rape, until the day he died.
404. HD had a third and final contact with Brother McGrath about three years after the first two incidents of abuse. HD was caught offending, and, like others, was directed to undertake community work, painting a house on Halswell Road in Christchurch. HD was 14, attending the nearby Hillmorton High School, and the community work was the outcome from a Family Group Conference. The property turned out to be the Hebron House, where Brother McGrath was working and possibly living.
405. HD recalls that when he went to do the community work and saw Brother McGrath at the house, he was shocked by what he saw. He saw other street kids there who were all sniffing solvents, while they were painting the house. This triggered memories of the abuse that he and his cousin had suffered, because he had not sniffed petrol or any other substance for some years.
406. HD recalls that Brother McGrath took him into a room to talk to him. Brother McGrath was asking HD how he was going and what he was going to do. Brother McGrath unzipped HD's pants and put HD's penis into Brother McGrath's mouth. HD recalls this happened so quickly he had no time to work out what was going on.
407. HD snapped at this time. He grabbed Brother McGrath's face and squeezed it. He told Brother McGrath he was a "fucking kid fucker" and other abusive words and threw him across the room. He recalls that Brother McGrath got up and asked HD to stop, repeatedly calling him "son".
408. HD states that following this confrontation, he and Brother McGrath then reached an agreement that HD would leave the property and never see Brother McGrath again, and Brother McGrath would say to police that HD had completed the community work.

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409. HD went to leave the property and saw another boy, HS (referred to below), going in to see Brother McGrath. Later that day, HD bumped into HS and 'knew' that he had also been sexually violated by Brother McGrath.
410. HD recalls that he and HS retrieved a weapon, with the intention of "putting Brother McGrath out to pasture". Brother McGrath was not at Hebron House when they returned, so HD GRO-C told the other street kids there to tell Brother McGrath they were out to get him. HD never saw Brother McGrath again.
411. HD reported to us that he had met at least twenty men in prison who were abuse victims of Brother McGrath. He described Brother McGrath affecting a "whole generation" and that his abuse is "the biggest secret that everybody knows". HD reported that there is a large group of victims of Brother McGrath, now doing long years in prison (or life), because they have been unable to handle the effects of his abuse of them.
412. At the time of coming to Cooper Legal, HD had already spent half of his life in prison. Because of the abuse, he felt he no longer fitted into society and had started to hang out with the gangs. That led to crime and subsequent imprisonment.
413. HD said that because of Brother McGrath, he has despised and hated the Catholic Church and Christians, since the time of the abuse. HD explained that Brother McGrath wrecked Christianity for him and he cannot tolerate any form of religious person, as he thinks of them all as "kid fuckers". HD used to misattribute his anger towards any clergy with collars, swearing at them in the prison, and having homicidal thoughts.
414. Following the abuse, HD has found it hard to trust people in authority. The thing that affects him most, to this day, is that his cousin J GRO-C because of Brother McGrath's abuse.

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415. HD can no longer have long hair, as Brother McGrath wrapped it around his hand when he sexually assaulted him. HD also reacts very badly to anyone calling him "son".
416. Because of HD's hatred for the Catholic Church, he has turned his whole body into a **GRO-B** HD has covered his whole body in tattoos of **GRO-B**, all because of Brother McGrath. HD still carries hatred towards Brother McGrath and will never forgive him.
417. HD described his tattooed body as being one of anger and hatred. He stated it is a map of his life, but he does not like looking at it, because it reminds him all the time of what happened to him and to his cousin.
418. HD reported that many, everyday events trigger memories of the abuse of Brother McGrath. This even happens when he has a shower.
419. HD stated that he hurt others because of the abuse he suffered at the hands of Brother McGrath. Because of that, no one comes near him, and he is socially isolated and lonely.
420. HD contacted Cooper Legal in January 2018, through his counsellor – the same counsellor responsible for referring a number of other victims of Brother McGrath to the firm.
421. At the point of dealing with our firm, HD still lived with the memories of the abuse and its aftermath. He said it was with him all the time. Not only that, HD has to live with the fact that his cousin J **GRO-C** because of what happened. While HD can acknowledge to himself that he was a child when this happened, and that he is not responsible for Brother McGrath's actions, he still lives with the impact of Brother McGrath's abusive conduct and breach of trust.
422. HD was interviewed by a lawyer from Cooper Legal at Christchurch Men's Prison in March 2018. Steps were also taken to collect in any records that might assist HD's claim.

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423. At the end of March 2018, Cooper Legal prepared a draft statement for HD, which was sent to him for his input. Once HD's input was received, the statement was finalised and it was forwarded to Carroll & O'Dea on behalf of the Order, on 10 April 2018. In the covering letter forwarding the statement, Cooper Legal observed that HD has been diagnosed with PTSD, Social Anxiety Disorder, Major Depression, and Claustrophobia.
424. In May 2018, HD's counsellor provided us with a report to support HD's claim. **[WITN0831038]** He explained that HD has been an intensely angry man growing up, hating religion and religious practices. He was enraged and angry throughout his teen years and developed a penchant for demonstrating unpredictability and ferociousness. At age 16, he assaulted members of a motorcycle club in the middle of the city. As a response, he was stabbed thirty-two times and left in a pool of his own blood.
425. The counsellor stated that HD carried on "seeing ugliness and grey in the world around him, developing a generic attitude of distrust and animosity". HD interpreted vulnerability as weakness for years and balanced his life between highs and lows, using legal and illegal drugs to self-medicate.
426. The counsellor also referred to the powerlessness HD felt. He counteracted that by being the fastest, fittest, and most emotionally detached person for years. Older inmates took him under their wing because he was doing a long sentence. His name became synonymous with risk-taking and fearlessness.
427. At the time of the report, the counsellor described HD as "warm and inviting". The report concluded with the statement that HD was "literally blown away to know that some St John of God brethren have spent the better part of more than a decade making amends through apologising and taking responsibility for Brother McGrath's actions". For that reason, HD was inspired to give back to others on eventual release from prison. This report was sent to Carroll & O'Dea in May 2018.
428. On 23 July 2018, Sonja Cooper and Howard Harrison spoke about the claims of HD and HF, discussed below. The Order proposed a settlement for HD in the