

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

Under The Inquiries Act 2013

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

Royal Commission: Judge Coral Shaw (Chair)
Dr Anaru Erueti
Ali'imua Sandra Alofivae
Paul Gibson

Counsel: Mr Simon Mount QC, Ms Kerryn Beaton QC, Ms Katherine Anderson, Ms Tania Sharkey, Mr Michael Thomas, Ms Kathy Basire and Ms Alisha Castle for the Royal Commission

Ms Rachael Schmidt-McCleave and Ms Julia White for the Crown

Ms Sally McKechnie and Ms Brooke Clifford for Te Rōpū Tautoko, the Catholic Bishops and Congregational Leaders

Ms India Shores for the Anglican Church

Ms Maria Dew, Ms Kiri Harkess and Mr Lourenzo Fernandez for the Methodist Church and Wesley Faith.

Mr Brian Henry, Mr Chris Shannon and Ms Sykes for Gloriavale

Venue: Level 2
Abuse in Care Royal Commission of Inquiry
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TRANSCRIPT OF PROCEEDINGS

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25 But ma'am and Commissioners, now we have evidence on behalf of the
26 Silverstream, St Patrick's Silverstream College. Closest to me is Sean Mahony, Chair of
27 the Board, formerly Board of Trustees, Dr Clare Couch, and Rob Ferreira, the Rector.
28 Clare is Chair of the Board of Proprietors.

29 **CHAIR:** Right.

30 **MS McKECHNIE:** Ma'am, you will want to affirm their evidence?

31 **CHAIR:** Yes, I will.

32 **DR ROB FERREIRA, DR CLARE COUCH, and MR SEAN MAHONY (Affirmed)**

33 **MS McKECHNIE:** Ma'am, I have been speaking to my friend Mr Thomas, given the timetable

1 pressure we are already under. The witnesses have prepared short statements, much shorter
2 than Father Duckworth's, and they are going to read each of those in turn and I understand
3 between us we are aiming to finish by midday with this particular session.

4 **CHAIR:** I appreciate that, and it's always awful when we're pressed for time, but I think it does
5 concentrate the mind rather and thank you for that. Thank you for the preparation of your
6 statements. So I'll leave you leave you just to lead them in that.

7 **QUESTIONING BY MS McKECHNIE:** Thank you, ma'am.

8 Clare, if we could start with you, please, if you could introduce yourself to the
9 Commission and then read, please, the short summary of your evidence that you've
10 prepared.

11 **DR COUCH:** Tēnā koutou katoa, talofa lava, malo e lelei. Ko Clare Couch tōku ingoa. My full
12 name is Dr Mary Clare Couch. I am the Chairperson of the Board of Proprietors at
13 St Patrick's College Silverstream. I am a 55-year-old Pākehā female, pronoun she/her, of
14 medium height. I have medium-length hair that is brown and grey and I have no disability.
15 I am wearing a dress that has a black top and a blue floral skirt.

16 The Chairperson of the Board of Proprietors is a voluntary and unpaid position. I
17 have been in that role since March 2020. I was appointed to the Board of Proprietors in
18 2019 and was Deputy Chairperson of the Board of Proprietors from that date.

19 I also hold the role of being one of three Proprietors' appointees on the School
20 Board, Board of Trustees, since November 2012.

21 On behalf of St Patrick's College I would like to express my deep sadness at the
22 abuse that has occurred at the college. It is shocking and shameful the way some young
23 boys have been treated in our college as well as in other organisations in Aotearoa.

24 Sadly, this is part of our accepted history. We do not doubt the pain that it has
25 caused and continues to cause to those who are survivors and to their whānau. Our hope is
26 that they will continue -- that we will continue to learn from the past and protect the
27 vulnerable and prevent harm happening in the future.

28 Our goal for our young men in our college is to be just, compassionate citizens.
29 This involves being compassionate with each other, holding each other to account for
30 things when we get it wrong, being merciful by giving each other another chance and the
31 space to repair and restore relationships, and treating people with respect.

32 This is embodied in our college values. These values were identified by students in
33 2016 as ways that we live our Marist values.

1 I want to list them for you: they are whakapono/faith/fa'atuatua;
2 kotahitanga/unity/tutufa'atasi; manaakitanga/support/lagolago; hautoa/courage/loto tele;
3 ngākau pāpaku/humility/ loto maualalo.

4 The Board of Proprietors is responsible for the special character of the college, the
5 boarding school, the grounds and the buildings. We work collaboratively with the School
6 Board, the Rector and the wider college community.

7 In relation to prevention of abuse, the students' welfare is the paramount focus for
8 the Board of Proprietors and the wider college in relation to the prevention of and
9 responding to reports of abuse. We aim to do this in a well-informed and balanced manner.

10 As a Proprietor, we want to ensure that the college provides an environment that is
11 safe from abuse for its students, staff and wider community. This is to ensure that our
12 young men are in a safe environment, and can thrive to become just and compassionate
13 citizens.

14 The Board of Proprietors are responsible for the policies and procedures within their
15 area of responsibility, including Redwood boarding house. The Board of Proprietors'
16 policies are to provide the Rector/Tumuaki with direction and authority for the management
17 of the boarding house and other areas the Board is responsible for.

18 We have a number of Redwood boarding house policies which relate to the
19 prevention of, and responding to, abuse. These are referenced in my witness statement and
20 have been provided to the Inquiry.

21 As set out in paragraphs 71 to 86 of my witness statement, we have processes for
22 responding to contemporary reports of abuse and responding to historical allegations of
23 abuse.

24 When responding to reports of abuse, the students' welfare is paramount within the
25 college while balancing a just and compassionate response to those allegations.

26 We intend to implement policies and procedures with best practice and complying
27 with the relevant legislation. We do that by providing training for the Board and the staff,
28 reviewing our policies and practices on a review cycle, being involved with external
29 organisations, consulting and seeking advice from the School Board, and implementing
30 policies that align with templates and guidelines provided by NZ School Trustees
31 Association, although we are not a member of that organisation.

32 I acknowledge that a current issue for the Board is our response to historical
33 allegations of abuse, especially in relation to aspects of the college's history, for example

1 portraits of past Rectors. This is an ongoing issue and we are committed to implementing
2 best practice.

3 Overall, I consider that we are working well as a college community to provide a
4 good college for our students. As we have recently received our boarding house licence
5 with no recommendations, I am confident that we are on the right track to providing a safe
6 environment for the young men in our Redwood boarding house.

7 **MS McKECHNIE:** Kia ora, thank you, Clare.

8 And Sean, if I could ask you also to introduce yourself to the Commissioners and
9 the people listening and watching and then read your short statement.

10 **MR MAHONY:** Thank you, Sally. Ata mārie, talofa lava, malo e lelei. I whanau mai au i Te
11 Awakairangi, i tipu [ake] au i Te Whangananui-a-Tara. Ko Akatarawa te maunga, ko
12 Kairangi te awa, ko Sean Mahony tōku ingoa, nō Petone me Whakatū ahau. Nō reira,
13 mōrena ki a koutou katoa.

14 Good morning, my full name is Sean Denis Mahony. I grew up in the Hutt Valley
15 and now live in Petone at the north end of Wellington harbour. I am the Chairperson of the
16 School Board, until recently known as the Board of Trustees, at St Patrick's College
17 Silverstream.

18 I am a 54-year-old Pākehā New Zealander male. I am quite deaf in my right ear,
19 about 6 foot, and of medium build. I am bald, have a grey goatee and moustache and wear
20 glasses. I am wearing a black suit, a blue shirt and a purple tie.

21 I have been the Chairperson of the School Board since 23 August this year. This is
22 a volunteer role. While I have a long family association with the college, I am here to
23 speak in my role as the Chair of the School Board.

24 I would like to reiterate Clare's comments and express my deep sadness for the
25 abuse that has occurred at the college and to say that I am sorry to those who have been
26 affected.

27 The School Board is entrusted to work on behalf of all stakeholders and is
28 accountable for the school's performance. It emphasises strategic leadership, sets the vision
29 for the school and ensures that it complies with legal and policy requirements. The Board
30 has a governance role as opposed to the day-to-day operational management of the college.
31 All the day-to-day management is carried out by the Rector/Tumuaki, the senior leadership
32 team and other school staff.

33 The Board has responsibility for the key focus of what the school is actually about,

1 which is teaching and developing fine young men. That clearly has to be in an appropriate
2 and safe environment so that all students are safe at all times at the college.

3 As outlined in my witness statement, the Board is responsible for the relevant
4 policies to do with the prevention of, and response to, abuse. In my witness statement,
5 I have referenced a number of policies that are relevant to the prevention and response to
6 abuse and have provided the Inquiry with a link to access the website where those policies
7 are available. The website is also accessible to all staff, all parents and all students.

8 As well as formal arrangements to prevent and respond to abuse, the school is
9 consciously trying to create an environment where if a student has something they want to
10 talk about there is always somebody available that they feel they can talk to. The
11 Rector/Tumuaki, teachers, and other staff have formal and informal interactions with the
12 students so they feel comfortable that they can come and talk to someone if they need to.
13 We also have counsellors at the school available to the students.

14 There also needs to be a strong relationship between the Board Chair, the Members
15 of the Board, the Rector/Tumuaki and the senior leadership team. Maintaining an open and
16 frank line of communication between governance and management assists to ensure that all
17 the relevant parties are informed of issues at the college. Rob and Clare both know they
18 can call me at any time about anything.

19 I think the best thing that we can do at Silverstream, like any other school, is to try
20 to constantly improve the college's culture and not become complacent about the possibility
21 of abuse. We are committed to creating a wider safe environment to make sure that abuse
22 doesn't occur. Our processes, both formal and informal, are focused on creating a safe
23 environment at the college to prevent harm to our students in the first instance, and to
24 provide a number of safe avenues to report harm, should it occur.

25 Kia ora and thank you.

26 **MS McKECHNIE:** Thank you, Sean. And Rob, if you could do the same, please.

27 **MR FERREIRA:** Tēnā koutou katoa, talofa lava, malo e lelei, ko Rob Ferreira tōku ingoa.

28 My full name is Robert Martin Ferreira, I am the Tumuaki, which is also known as
29 the Rector, at St Patrick's College Silverstream.

30 I am a Pākehā male, about 6 foot tall, with grey hair, and I'm wearing a blue suit,
31 white shirt and a black tie.

32 I've been in this role since 2 May 2022, five months before the date of this evidence.
33 I'm still learning about the college including the different governance arrangements and the

1 policies and procedures at the college.

2 I have been a teacher for 33 years, I was born in South Africa and trained as a
3 teacher there. I came to New Zealand in 1993. My first teaching role was at Palmerston
4 North Boys High School. Before being the Tumuaki at the college, I was the principal at
5 St John's College in Hawke's Bay. I was in that role since January of 2020 after having
6 been the deputy principal since May of 2017.

7 I am aware that, historically, when the Society of Mary were directly involved in the
8 school, the head of the community and the college was called the Rector. However, my
9 current role is not as a member of a Religious Congregation, I have never held any position
10 in the Church outside of schools.

11 My role as Rector/Tumuaki is to implement these policies and procedures in terms
12 of the management of the college. I have a limited role in creating policies, but in general
13 terms, my responsibility is to ensure the safe management of the college for its students and
14 staff through managing procedures.

15 My primary focus is on the current operation of the college. I am responsible for
16 monitoring the employment of staff to ensure that they are complying with all of the
17 relevant policies.

18 As the Rector/Tumuaki, I am the employer of the teaching and boarding hostel staff.
19 If matters are raised about current staff, I am responsible to the relevant Board for
20 responding to these.

21 Every member of staff, with the exception of the chaplain, are the college's
22 employees, volunteers or contractors and are lay, ie not members of Religious
23 Congregations and/or clergy. The chaplain is a member of the Society of Mary.

24 Anything that may be untoward or anything that may need to be investigated in
25 terms of abuse will have to go through a process. This would be with reference to our
26 policies and procedures. These would ordinarily be dealt with as employment and
27 contractual matters. We may have to work with the Teachers Council or the New Zealand
28 School Trustees Association for them to give us advice as to how to proceed with an issue,
29 depending on its nature.

30 We may also need to work with the Police or Oranga Tamariki depending on the
31 nature of the allegations. In my time as Rector/Tumuaki, I have not had a complaint or
32 allegation against a current staff member of such serious wrongdoing that could have been
33 a criminal offence. I certainly have not had any such allegation in my short time at

1 Silverstream.

2 I have received a letter about alleged historic abuse by former staff members, but
3 that did not disclose any allegations and related to the issue of portraits discussed in Clare's
4 evidence. I have referred the matter to the Silverstream Board and the Board of
5 Proprietors.

6 I'm also ultimately responsible for disciplinary matters with students. This is
7 usually managed under the year-level deans, the Dean of Boarding and the assistant Rector
8 of pastoral care under my supervision. Sometimes this involves verbal or physical
9 altercations between boys. I would expect serious matters of student discipline to be
10 escalated to me by staff.

11 Sometimes this role could include receiving information relating to older complaints
12 that do not relate to current staff. In these cases, I would refer the information to the
13 appropriate agency, such as the Police, Society of Mary, or whoever else is required to
14 receive the information.

15 As I set out in my witness statement, as I begin my role as Rector/Tumuaki I'm
16 trying to actively foster and encourage positive relationships and trust between students,
17 staff and I. We must all create a professional and trusting relationship with the students.
18 The students need to know they can come to you if there's an issue. So I think all of those
19 sorts of aspects put together help to ensure that the policies and procedures work in practice
20 so that if there is something untoward happening the students will tell you.

21 On behalf of the college, we are eager to learn from the experience of participating
22 in this Inquiry and are open to receiving any recommendations from the Inquiry. There is
23 always room for improvement to protect children attending schools like the college and
24 improve responses to the reports of abuse.

25 **MS McKECHNIE:** Thank you, Rob.

26 Madam Chair, Commissioners, the three witnesses also have -- this is a selection of
27 the policies that the witnesses referred to. The Commission have them and the witnesses
28 have them in the witness box if they need them.

29 **CHAIR:** They can refer to them if they need to, thank you.

30 Thank you, Mr Thomas.

31 **QUESTIONING BY MR THOMAS:** Thank you, Madam Chair.

32 Welcome to the witnesses and thank you for your time. I'm going to start with some
33 questions, I should say that I'm happy to, I guess, leave it to the three of you to determine

1 who may be best to answer each question, unless otherwise directed. I'm going to start with
2 some questions about how the college gives effect to Te Tiriti.

3 Firstly, as a Crown entity I understand that the School Board is responsible for
4 ensuring the school gives effect to Te Tiriti. I wanted to ask, how does the college do this
5 in practical terms?

6 **MR MAHONY:** So in practical terms, ensuring that we have a fair representation of Māori and
7 Pasifika. So from the Board point of view, we have a member of the Board who's Māori, a
8 member of the Board who's Pasifika, and a member who's both Māori and Pasifika. In
9 terms of the day-to-day activities in the school, obviously kapa haka, there are the parent
10 groups, the, I can't remember the names -- Rob, I might have to look to you -- but there is
11 the Pacific parents and the whānau parents groups who, I suppose, liaise with the school
12 and work with the school.

13 That's -- sorry, that's probably as much as my knowledge as on the Board. Rob,
14 anything to add?

15 **MR FERREIRA:** With reference to our students, Māori/Pasifika students, so we have whānau
16 hui which take place on a regular basis, we meet with Pasifika parents as well, the kapa
17 haka group is particularly active in the school. We practise with St Bernard's College and
18 Sacred Heart College in Lower Hutt and then they perform at the Hutt festival. The same
19 occurs with our Pasifika students.

20 It's actually pretty pleasing to see how many of the parents have actually been quite
21 supportive of our boys when they were practising for their performance. It surprised me
22 compared to the previous school I was at.

23 Samoan Independence Day was a whole day of speeches, food, which the boys
24 really liked, and again, the students performed at the Hutt festival. Don't want to be biased
25 but I thought they were stunning, thought they were the best really, it was an amazing
26 performance. So I've got them to perform at assembly next week.

27 Students who are new to the school, I interview every student who is new to the
28 school, and I specifically say to them that I do not want them to leave their culture at the
29 gate, they need to come in and we celebrate who they are. That's really important for us.

30 **CHAIR:** Mr Ferreira, sorry to interrupt you. Just be mindful that everything you are saying is
31 being taken down, so if you could -- the stenographer is over there. If you see puffs of
32 smoke coming out of her ears you know you are going too fast. Before that happens, if I or
33 counsel raise our hands -- but just be mindful. Thank you.

1 **MR MAHONY:** I might also just add just in terms of performance at the school, in terms of the
2 performance reporting that comes to the Board, it's obviously on the students overall but
3 then it's also shown from a Māori and Pasifika perspective as well.

4 **DR COUCH:** I also want to add from a -- the Board has a history of adding extra resource to -- so
5 we added an extra resource management unit into staffing so that they could make room for
6 people to have capacity to increase tikanga across the school. So while we have te reo
7 Māori as a core subject, we recognise that what that means across the school is bigger than
8 that, so we dedicated funding to that. And there's recently been set up a Māori komiti for
9 the students so that they can have a voice on how we are meeting the needs for them as
10 Māori students. That's quite new but an exciting initiative.

11 And in the boarding hostel as well we focus on, I suppose, quite a concerted effort
12 of understanding where each of our boys come from and similar to what Rob is saying,
13 that's an important part of identity for our Māori and Pasifika boys, and it's an area that we
14 see -- and have plans to improve on as well, we don't profess to having this sorted yet and
15 it's a work on also.

16 **MR FERREIRA:** Just to add to that, just about all of the staff professional development this year
17 has been on Te Ao Māori and there's been a lot of work that has gone into incorporating
18 local curriculum into the junior schemes and curricula, but that's an ongoing process.

19 **MR THOMAS:** Thank you all for that. Specifically in relation to the Treaty principle of that
20 active protection, how would you see that the school implements that and by that I'm also
21 including the concept of protection from harm?

22 **MR MAHONY:** So in the first instance, from a School Board point of view, our policies are very
23 clear in terms of making sure that students are protected and so that harm cannot come to
24 them. So in terms of their -- so the other side of that from a practical point of view, the
25 teachers, anybody who's working at the school, people working on the grounds, people who
26 are involved with the students, they're all vetted, so they go through a Police vetting
27 process.

28 We also, as part of the interview process, we say on the interview form that we will
29 be, as well as checking their formal referees, we'll also be doing informal checks as well.
30 So you can appreciate that New Zealand's quite a small place and a lot of careers or
31 vocations or businesses, a lot of people know each other, so I know Rob does, and I know
32 in other schools as well, where they will, if someone applies for a role, they'll referee-check
33 them but they will also do some other background checking as well, because we've got to

1 make sure we get the right people who are involved with our children.

2 And as Rob has mentioned, those are probably more the formal side of things. The
3 other side is the informal, and that's just making sure and trying to create the environment
4 where if something happens, then we know about it quickly, and then we can respond to it
5 quickly.

6 **MR FERREIRA:** Just to add to that, the whole notion or concept of policies or the importance of
7 policies can't be understated, but if you don't have a relationship with your students where
8 they know they can come and speak to you if there is something untoward, will always
9 slow things down and you'll tend to find that information far later than what you wanted to.

10 So the students know for a fact that I have an open door policy, they can come and
11 see me any time they wish. I spend lunchtime walking around the playground talking to
12 boys, I'll spend from 3 o'clock to about quarter past 3 at the gate saying goodbye to them,
13 and it's important, and staff know it, that if you have a good relationship with the students,
14 they will come and talk to you, and they will alert you to something that may well be
15 untoward. It takes a lot of time, but it is important.

16 And I think in essence most schools nowadays will put a huge emphasis on the
17 relationships that you form with your students.

18 **MR THOMAS:** Thank you.

19 **MR MAHONY:** I might just add, also there is both in terms of both the School Board and also
20 with the boarding hostel as well, there are policies about whistleblowers, so if a teacher
21 suspects another teacher then there is a policy there for them to come forward and let us
22 know.

23 **DR COUCH:** I'd like to answer in terms of a specific -- when you say Te Tiriti o Waitangi, that I
24 think part of that protection as well is recognising the cultural, like, the protection of what
25 culture means for each of our students as well, and I think as our staff train and learn better
26 Te Ao Māori and mātauranga Māori, that's important because then we can understand
27 better and create an environment that also allows for some protection for our boys too, and
28 their identity.

29 **MR THOMAS:** Thank you. I want to move to another topic now and it's about the school's
30 involvement or responsibility for allegations of abuse relating to the pre-integration period
31 and what I want to ask is, what do you see as the school's responsibility for complaints of
32 abuse received by the school post-integration but relating to pre-integration conduct of
33 Society of Mary members?

1 **DR COUCH:** So I think, as outlined in my papers that we gave, it's been -- so post-integration but
2 relating to the Society members?

3 **MR THOMAS:** Correct. Sorry, yes go ahead.

4 **DR COUCH:** Is that right?

5 **MR THOMAS:** Yes, that's correct.

6 **DR COUCH:** So an allegation of abuse that has been there in the past, we would still inform the
7 Society of Mary about that, being a staff member from them. So definitely with that and a
8 responsibility, we ask them for that so that we can know how to, based on that, how we
9 make decisions about their staff, they give us that information.

10 I could speak to a bit in terms of around the portraits and what are there but I don't
11 know if you want that now or later.

12 **MR THOMAS:** I will actually come to that shortly, yeah, separately. But I guess the crux of my
13 question is, although there's been reports -- sorry, where there's been reports of abuse
14 relating to Society members pre-integration, does the school still see that it has a
15 responsibility if that is reported now to the school separate from the Society's
16 responsibility?

17 **DR COUCH:** So are we talking pre- or post-integration? Sorry, I'm a bit confused.

18 **MR THOMAS:** Yeah, the school's responsibility post-integration for pre-integration complaints,
19 conduct if you like.

20 **DR COUCH:** How we are now and how we are acting now --

21 **MR THOMAS:** Yes.

22 **DR COUCH:** -- for the conduct that happened pre-integration?

23 **MR THOMAS:** Correct.

24 **DR COUCH:** As I said, so we inform the Society of Mary about that. So then they investigate
25 that, it's not our job to investigate that.

26 I guess what I would say on this is that, and we've spoken to the history within our
27 school, is acknowledging -- so St Patrick's has a long history of which many of our
28 students, past students are really proud of, it's a school that they've found identity and a
29 place that has meaning and they have warm and fond memories of that. But we're really
30 aware that's not the case for men now who experienced abuse when they were at the college
31 and their experience and their memory of the school is quite different. And current -- and I
32 think where we would see that now is that that's all of our history. And so as a current
33 school it's knowing that's all of our history and accepting that as our history.

1 So I think for that to be known is important.

2 **MR THOMAS:** Related to this, does the school now put any money into providing redress for
3 someone that comes forward, or is that left to the Society?

4 **DR COUCH:** As far as I'm aware that's to the Society, I don't think that's us.

5 **MR THOMAS:** I'm going to ask another question now. This is relating to school records. I took
6 from the witness statements filed that the school has very limited archived records and no
7 records for events prior to 2005. Does it surprise you that there's no records for the
8 pre-2005 period?

9 **MR MAHONY:** That's 17 years ago. Does it surprise me? I haven't actually thought about it,
10 Mr Thomas. It probably doesn't surprise me. 17 years ago is a long time to be -- you
11 know, it's long period of time for records, so part of the normal retention and document
12 disposal and so forth processes, then not having anything from 17 years ago probably isn't
13 unusual.

14 **MR THOMAS:** I guess my next question is, where there may have been important records
15 relating to either allegations of abuse or communications with the Society of Mary about
16 that, should they have been retained for longer than the usual document process?

17 **MR MAHONY:** I don't feel I can actually answer that, sorry, Mr Thomas, I -- yeah, I actually
18 don't know, I'm sorry.

19 **CHAIR:** Can I ask a question that is along this line. We were told by Father Tim just before, or
20 did I read it in a brief of evidence, that information about complaints and complaints
21 against staff members or former brothers etc were kept on the employment file of that
22 person so that in order to find out about past -- did you want to say something?

23 **MS McKECHNIE:** I was just wondering if I could assist, ma'am. Because Father Tim was
24 talking about the Society of Mary files, the priests' files, those are not held by the school.

25 **CHAIR:** Right. I'm coming to that. So that's what he said. What I want to know, and
26 I appreciate there's problems in the past that you don't know about, but at the moment if a
27 complaint is made against a staff member, is it held on that staff member's employment file
28 or is there a central register of complaints so that if somebody wants to know the history
29 they can go to find out about it? That's what I want to know.

30 **MR MAHONY:** Rob, I might have to ask you whether, at this stage, we have a central register of
31 complaints.

32 **MR FERREIRA:** Not that I'm aware of. What I'm aware of is that if there is a complaint against
33 a staff member then it goes on their file.

1 **CHAIR:** So that's a lesson that we've been learning throughout the whole of our hearings and
2 whole of our investigation, that that's all very well and that's probably good employment
3 practice, but in terms of monitoring, oversight, getting sense of pattern and the like, there is
4 a great wisdom in holding a central register, isn't there, so that somebody can look at it
5 objectively from outside.

6 So at the moment you don't have a central one, but just know that's something on
7 our radar.

8 **DR COUCH:** Thank you, that's helpful.

9 **MR MAHONY:** Thank you, Madam Chair.

10 **CHAIR:** Yes. Mr Thomas.

11 **MR THOMAS:** Thank you, Madam Chair.

12 Moving to another area now which Clare had mentioned about the portraits of
13 offenders, members of the Society of Mary. As summarised in Clare's statement, this is in
14 paragraph 80, in 2019 the Board of Proprietors removed the portrait of a former Rector
15 where abuse was acknowledged and upheld by the Society but it did not remove the portrait
16 of another Society member as, and I quote from Clare's statement at paragraph 82:

17 "The Board of Proprietors received advice from the Society of Mary that there was
18 insufficient evidence of the allegations against that Priest."

19 Without going into the specific details of those two cases, I want to ask you about
20 whether you think the school's process there is too reliant on the Society of Mary
21 determining the level of evidence sufficient for removal of a portrait?

22 **DR COUCH:** In terms of having any evidence about it, the school doesn't hold that information,
23 so we refer to the Society of Mary for that information, because we don't have another way
24 to know whether or not there's evidence around an allegation.

25 The response to that and what we do on a day-to-day thing is the responsibility of
26 the school, and we own that as a responsibility. We have named that in the – in the process
27 we have done before –

28 As I talked about before, the portraits being in the school hall of all the past Rectors
29 of the college are a way that's recorded the history and shown some history of our college
30 and I've said before that's a mixed history for people, it's different people's experience of
31 that.

32 We've been asked again to reconsider that decision and respectful of that question
33 being asked for us. And we acknowledge this is -- it feels a challenging situation to be in.

1 To remove a portrait in a way seems a simple answer, but this doesn't feel like a simple
2 situation, because we talked in terms of different people's experience of a just process, of
3 natural justice around that, totally acknowledging that somebody has expressed, or told us
4 that they've been abused.

5 So this is -- it feels tempting to take down a picture, but this is more than a picture, I
6 think. And so it's something that we -- we've been much more heightened to this as part of
7 this process as well. I'm not saying we haven't been aware of this in the past, but in
8 preparation for the Royal Commission this has made us much more aware, learn a lot more,
9 learn a lot more.

10 So we want to respond in this way to be openly and honestly to consider what has
11 happened and to bring that into the future. We don't know what that looks like yet, and it
12 feels a little bit daunting, because I don't really know where that's going to take us.

13 But we have talked about that we want to do that and do it well. We have scheduled
14 meetings for our Board of Trustees and Board of Proprietors over the next two weeks and
15 this letter that's been raised with us will be a matter of priority for that. At the moment we
16 think that we may actually adopt a specific subcommittee to look at this, so that we can say
17 what do we need to know, who do we need to talk to, what do we need to learn to do this
18 well.

19 Because this is part of our history and we have a proud history of the college, I don't
20 want to take that away because so many people have had such a good experience -- staff,
21 students, community -- of our college, and we need to own that with -- there's a part of our
22 history that's also important that we name.

23 **COMMISSIONER ERUETI:** Can I just ask on that point, Clare, when I hear you talking about
24 historical redress, it still feels like it's being done by them rather than the school, it's
25 something for the Order and it's not really something that the school currently has a lot of
26 knowledge and detail of, whereas you're actually striving for that too, aren't you, in
27 resetting a different course for the future?

28 **DR COUCH:** Yeah, and I think it's about, our history is broad and so we need to own that. And I
29 think -- we talk still with -- we have a close relationship with the Society around that, and
30 also we respect there may be some information they hold that -- around privacy, we don't
31 need to know all of that, nor does it need to be in the public domain, that's part of what we
32 need to work out. But we want to do this well and we want to work out how we respond
33 appropriately.

1 And timing is important. We don't want to drag this out – that may cause more
2 harm – and we don't want to do something that would cause harm in our process, that
3 would not be our intention, but we also don't want to be too swift because that would feel
4 wrong too.

5 **COMMISSIONER ERUETI:** My point is, you still seem arm's length from the historical redress
6 process as the school when in fact you are claiming the abuse is a part of accepted history
7 but you're not involved in historical redress, it seems?

8 **DR COUCH:** We haven't been, yeah.

9 **COMMISSIONER ERUETI:** Do you think that, to reclaim it then and to be part of your identity
10 as the school, that it makes sense to be closer to that process perhaps?

11 **DR COUCH:** Perhaps. To be honest I don't know for sure yet, because we don't know. But that
12 may be something, I don't know yet.

13 **COMMISSIONER ERUETI:** Thank you.

14 **MR THOMAS:** Thank you. I think you mentioned it, but just to clarify, there's been a more
15 recent request from the Network of Survivors, a current year request for removal of other
16 portraits and that decision is pending, if you like; is that correct?

17 **DR COUCH:** Yes.

18 **MR THOMAS:** I want to ask now about some broader questions about how the school now
19 prevents and responds to reports of abuse. Firstly, in terms of your awareness of current
20 barriers to disclosure of abuse at the school, I took it from your statements largely you were
21 unaware, I think, from all three of you, that you were unaware of any specific barriers to
22 disclosing abuse at the college. Is that correct?

23 **MR MAHONY:** I suppose for me it comes down to the individual. I think that we have to
24 be -- accept the fact that there may still be individuals who might, if something happened,
25 they could still feel the stigma or something. So look, it's not one size fits all in this case,
26 which is why you can have the policies and things like that and people can read how they
27 should go about doing something, but that's not going to help unless you've got an
28 environment in which they feel they can come forward, be it to Rob, the Rector/Tumuaki,
29 or to one of the teachers or to a counsellor. So it's about trying to create that environment,
30 or even if they talk to one of the other boys and one of the other boys come forward.

31 So there's no -- I don't think there's any magic answer to that, but it's just trying to
32 create an environment where people they can actually come forward and say something that
33 could be uncomfortable for them and could be uncomfortable for the other person, and as

1 Rob said, we try to do that by getting that good balance between formal interactions with
2 the students with informal interactions with them as well.

3 **CHAIR:** Are you aware or are any of you aware of the historic reasons for the barriers that we've
4 discussed quite a lot in our report at the end of 2021 and that's been discussed openly
5 throughout our hearings, the barriers to reporting that have historically existed? Are you
6 aware of those sorts of things, like the imbalance of power, the shame, the cultural factors,
7 there's a vast list of them. Are you aware of those?

8 **MR MAHONY:** My apologies, I'm not aware, I haven't actually read the report from the
9 Commission on those, but all those things you say I can understand from a realistic point of
10 view and in fact that all of those things will create in an individual, and it will be different
11 for different individuals, but create in an individual a reason why they won't do it --

12 **CHAIR:** My point is this, we have already identified that there are many obvious and common
13 barriers that many survivors, thousands of survivors have spoken to us about. I think it's
14 important that you know of those --

15 **MR MAHONY:** Yes.

16 **CHAIR:** -- so that you cannot assume they don't exist anymore and just deal with it by being
17 friendly but really specifically concentrate on making sure those barriers are either not there
18 or mitigated.

19 **MR MAHONY:** Thank you, Madam Chair, I will make sure --

20 **COMMISSIONER ERUETI:** That's a great point, and there are other things that are not so
21 obvious, like if you're relying on your own intuition and experience, there are things that
22 we learn that are not clear, you know, to -- so it seems that we might need to get a copy of
23 the redress report to you.

24 **MR MAHONY:** Yes, that would be great. Thank you very much.

25 **DR COUCH:** I think there's been some learning in this process in preparation for it around the
26 historic reasons for it, yes, and some of it we have stated, some of those barriers around
27 building -- particularly in that power relationship that you talk about and recognising in a
28 school situation with children to adults is -- so have acknowledged that in our witness
29 statement, that there is definitely things that might make it difficult for young people and
30 we'd welcome to know more around that, and to have the report.

31 **CHAIR:** Mr Thomas.

32 **MR THOMAS:** Thank you.

33 I'm going to ask now about contemporary reports of abuse received by the college.

1 And I'm mindful here that I don't want to go into the detail of these -- of the more current
2 reports, but in a summary way I'm going to ask about them.

3 So an appendix to Mr Mahony's evidence, written statement, refers to reports of
4 abuse from 2000 to present and in total there have been 10 reports of abuse, of some form
5 of abuse by staff in relation to students which resulted in disciplinary action, and we've
6 heard that from my friend this morning as well; five allegations related to physical assaults
7 and one was of a sexual fondling nature. The other allegations related to inappropriate
8 language.

9 My first question is, are there any learnings that you take from the contemporary
10 reports of abuse?

11 **MR MAHONY:** I suppose one learning is that no matter what we actually do we can't be
12 complacent, these things unfortunately can still happen. And the, our learning is that we
13 need to respond quickly and get them resolved, and I know from my limited time as the
14 Chair and talking with Rob, the school does respond quickly to events and things that they
15 need to.

16 **MR THOMAS:** It appeared again from the written statements that there were no records about
17 whether the school had reported any of the post-2000 complaints to Police. Does that
18 concern you?

19 **MR MAHONY:** I don't actually know the details because none of these things came to the Board
20 during my time, so I don't know sufficiently enough about the details of them in terms of
21 whether they've been reported to the Police or not.

22 **MR THOMAS:** Okay.

23 **MR FERREIRA:** With reports of abuse or untoward behaviour by a teacher to a student,
24 currently the first thing that you'd do as the Rector/Tumuaki would be to ring the NZSTA
25 [New Zealand School Trustees Association] because it's a possible employment issue and
26 they would give advice from there. Whether the NZSTA was available 15 to 20 years ago I
27 can't comment, but that would be the process you'd follow today.

28 **MR THOMAS:** I want to move on in the interests of time, sorry, to some -- a couple of questions
29 around safeguarding. I guess, in your words, in brief, can you summarise what you
30 consider are the key safeguarding elements at the school that you would rely on to prevent
31 or minimise the possibility of abuse?

32 **MR MAHONY:** So I don't mean to repeat what I was sort of saying before. So having the formal
33 side of it in terms of the policies and things and making those available to everyone, so

1 everyone actually knows what is expected of them. In terms of with the adult employees at
2 the school that are all vetted and, as I said before, in terms of various types of background
3 checking of them, trying to create an environment where people can actually -- they know
4 how to report things and create an environment where they can report, and I suppose also
5 with, you know, if the teachers are aware of another teacher, there is the whistleblower
6 policy.

7 So – we can't be complacent, we have to accept that it may occur, but we have to try
8 and put as many measures in place.

9 And from the boarding side?

10 **DR COUCH:** Yeah, from a boarding perspective, I think, again, it's policy driven, I think
11 ensuring that staff are appropriately trained, that we have professional standards that -- and
12 code of ethics that teaching staff might apply to and in terms of our boarding staff we'd also
13 be ensuring that our staff are informed of correct procedures and what our policies are and
14 also the day-to-day procedures that they do, and having safe practice with that.

15 Also creating relationships with boys so that it becomes a safe place to disclose,
16 understanding that power imbalance and that keeping their welfare at the front and I think
17 that's what we talked about in terms of with the safety of the boys is to ensure that that will
18 be held, we hold them, we will keep their whānau involved as well, I think in their
19 safeguarding. Especially from a boarding perspective, families entrust their boys to us, to
20 live with us at the college, so keeping whānau involved in that also creates a safety, I think,
21 that's important.

22 **MR THOMAS:** Thank you. I'm going to conclude my questions there and leave with you the
23 Commissioners for any final questions. Thank you for your time and for coming along
24 today.

25 Madam Chair, I might just signal briefly that we're going to have, if possible, a
26 slight change of plan following your questions and have Ms McKechnie's opening address
27 for the next session before the lunch adjournment and then perhaps take a shorter lunch
28 adjournment if that might be possible.

29 **CHAIR:** Yes, we're going to need to buy some time and I'm afraid that usually means the lunch
30 break gets shortened, but it's important everybody gets a full chance to speak.

31 I'll just invite the Commissioners if they have any questions.

32 **COMMISSIONER ALOFIVAE:** Good afternoon, talofa lava. Thank you for your responses
33 earlier. So with a school like yours that has a very, very proud history, no doubt there are

1 intergenerations -- there are lots of generations of families that would come through your
2 school. So I'm really interested in how you frame culture and how you're trying to create
3 these really important safe spaces.

4 So we get that in a Palagi context in terms of school structuring, your policies and
5 your Boards and building the relationships between teachers and students. Then you've got
6 another layer of a cultural component, right, so like you said, you say to your young men,
7 "Don't leave your culture at the gate, bring it all in with you."

8 I'm really interested in how you nurture that, because they're such collective
9 cultures, Māori, Pacific, and a whole range of Pacific, and your values, how you've outlined
10 them in Samoan, which speaks about a strength of perhaps that little community in your
11 church. Are you able to share with the Commission how you actually do that? And what
12 I'm really asking is, what's the interface there with community to be able to bring that
13 Pasifika perspective in or that Māori perspective in?

14 So I know you've talked about Pasifika groups and whānau groups, but actually
15 when that plays out, what does that look like?

16 **MR FERREIRA:** So at our school on Mondays, Wednesdays and Fridays we have -- the day
17 starts with what we call "ranks", so the boys all line up in the quad, we will start off with a
18 prayer and we will have students come to the front and say a prayer and they will say it in
19 te reo, if they are of Māori descent, or it could be in Tongan or it could be in Samoan.
20 During Samoan Language Week, for example, we will have a student stand up at ranks
21 every day and he will tell us about a phrase and then he will get us to repeat it and then
22 repeat it, and if he's not happy repeat it again until we get it right, and then on the next day
23 we have ranks, the same thing occurs again.

24 During assemblies as well, we will showcase certain aspects of different cultural
25 parts of the school in terms of the different language groups, the different parts of society
26 that they come from.

27 It's fed out in newsletters as well and then, like I say, when we have Tongan
28 Language Week or Samoan Language Week we try and make sure we celebrate that and
29 make our students aware of what it's about and we -- where we can, we have as many staff
30 involved in some of those cultural groups, and we're not privileged enough to -- we've got
31 one lady who's a Samoan teacher so we don't have a number of teachers who are of Pasifika
32 ethnicity.

33 So when we have our Pasifika group it's quite often when -- practices are held after

1 school because they take a long time, we have teachers who are on duty and will help to
2 supervise the practices and help the members of the community that come into the school to
3 perpetuate that.

4 **COMMISSIONER ALOFIVAE:** And when you've got issues like bullying and like sex, as a
5 topic, do you have other groups come in, community groups come in to basically bring that
6 awareness to the students about those spaces and how they're then able to connect?

7 **MR FERREIRA:** So to give an example, recently we had teachers speak to us about some
8 students referring to an individual who is an influencer on social media and we actually got
9 Hutt Valley SASH [Sexual Abuse Support & Healing] to come in and talk to the boys in
10 assembly because Hutt Valley SASH they deal with victims.

11 **CHAIR:** Just say what that is, Hutt Valley...?

12 **MR FERREIRA:** They are Hutt Valley SASH, they're an organisation that deal with victims,
13 whether that be -- victims of various types of abuse and also abuse on social media and so
14 on, so that gave our boys the perspective of what these people are feeling like.

15 We had the Police come in and speak to our students about, you know, if you're on
16 social media what is okay and what is not okay, what is consent, all of that sort of -- all of
17 those sorts of ideas were discussed. We could probably do it as the staff but then it is just
18 the Rectors over and over again sort of telling them what to do. We get in these outside
19 organisations and it gives them a different perspective on it.

20 So that's another aspect that we've brought in.

21 **COMMISSIONER ALOFIVAE:** Thank you, I'll come back if I have another question.

22 **COMMISSIONER ERUETI:** My question's about -- so we have regulations here. Let's start
23 with the hostel, and those regulations are there for safety in -- regulating the hostels
24 generally from 2005, I think. I'm wondering whether they, to your mind, for the
25 Proprietors, whether they're up to scratch or whether there are gaps and whether more work
26 is needed on those regs?

27 **DR COUCH:** The regulations?

28 **COMMISSIONER ERUETI:** Mmm-hmm.

29 **DR COUCH:** I don't know in terms of all of the regulations that are there. I think while we have
30 around the licensing that we've done for our hostel has recently been reviewed and -- our
31 policies are under review and open to -- we've had feedback from students and from parents
32 within that and have reviewed them. So I think that's important, to keep reviewing those,
33 and to be open to new information that might come with it. I don't get to see what the

1 regulations are, but also I think the regulations set a standard, it may be a minimum
2 standard and then it's about what we would do in terms of with the college as well, that
3 day-to-day interaction in the boarding hostel, building relationships with boys and fostering
4 a safe environment.

5 **COMMISSIONER ERUETI:** Yeah, because that seems to be, from our experience, it's one of
6 those sites where abuse is -- where people are particularly vulnerable, right, in the hostel
7 environment. I notice there's a complaint process, are you familiar with the complaint
8 process there if you want to raise a complaint within the hostel?

9 **DR COUCH:** I haven't had to deal with a complaint from staff -- from a staff member to a student
10 and therefore haven't looked at that. We've dealt recently with student-to-student incidents
11 that happen within the hostel, most of that happens at management, occasionally that might
12 come to a Board level if we think it needs another process. I don't hold that process in my
13 head but I know where to go to find it should I need it.

14 **COMMISSIONER ERUETI:** You meant student complaining about a staff member rather than
15 the other way around?

16 **DR COUCH:** Yeah. Did I say it the wrong way? I'm sorry.

17 **COMMISSIONER ERUETI:** The Children's Act as well about the requirements for reporting, it
18 seemed from our hearing with the State that that also needed work, elaboration and
19 clarification. I wonder whether you had any comment on that too in terms of your policies
20 and procedures?

21 **DR COUCH:** Can you explain that a bit more, sorry?

22 **COMMISSIONER ERUETI:** Identifying abuse for members of staff, being able to identify it
23 and then report.

24 **DR COUCH:** I think it's important that staff be trained on that, I think that, yeah, because
25 that's -- we can't assume that people just know that, I think training on that is important.

26 **COMMISSIONER ERUETI:** You do have your own training of that, is that right?

27 **DR COUCH:** I can't say specifically, just because I don't have the knowledge to hand.

28 **COMMISSIONER ERUETI:** The other thing is the large numbers of Māori and Pasifika at the
29 kura, so is that right, like 27% currently and 20 for Māori?

30 **DR COUCH:** Mmm.

31 **COMMISSIONER ERUETI:** It follows from my colleague's question about whether
32 that -- you've got one Māori tutor, lecturer, teacher I understand for te reo Māori, is that
33 right, about whether that's meeting the needs within the student body, including Pasifika

1 languages?

2 **MR FERREIRA:** It would be great if you could hire them and find them, that's the issue. I think
3 most schools are really struggling to find teachers to be able to teach te reo and be able to
4 speak Tongan or Samoan. You just can't get them.

5 **DR COUCH:** I was speaking recently with one of our Māori parents and they were – this is a
6 little bit anecdotal, but they were at a sports field and -- with their students, they were
7 coaching the team and a -- some old boys came – it's not uncommon that old boys came –
8 and did a walk around the school, and they were a group of middle-aged men, white men –
9 and he reflected that that's quite different to what our kura looks like now. We are of a
10 different make-up. So it is on us as a school and as Boards to be aware of that.

11 Yeah, limited resource, and in the absence of not being able to get Māori or Pasifika
12 students -- staff in there, I think it's also important for all staff to become more
13 knowledgeable to you know, there's a movement in the curriculum, training with that to be
14 more aware of Te Ao Māori, Pasifika ways of being, how to respond appropriately, to
15 increase – I think that's the environment we're in and building our staff for that is important.

16 **COMMISSIONER ERUETI:** Kia ora, thank you, thank you to all of you, kia ora.

17 **CHAIR:** I have just got one area that hasn't been covered at all. You talked about the changes and
18 you're no doubt referring to cultural changes over the years, the school looks different now
19 in terms of its recognition of diversity, cultural diversity. What about the rainbow students,
20 is there provision for giving them a safe space, giving them support, et cetera? Everyone's
21 nodding so who wants to speak about that?

22 **MR FERREIRA:** Recently it was actually -- it was the middle of last term I had a guidance
23 counsellor come and speak to me about that topic, about that issue. I met with a group of
24 students who wanted to set up a diversity group and I said yeah, that's great. I did it in my
25 old school. We had a staff member who was particularly active in that. And all I wanted
26 from them was -- I just said, look, we need to make something that's sustainable, I don't
27 want it to fall over next year. It needed to be led by senior students, there needed to be
28 some sort of succession planning, and that the guidance counsellor and myself were, we
29 were particularly keen that it did happen because our students do need to have a safe space.
30 As a school we need to be accepting of all students.

31 So my hope is that will continue and that next year -- well, this year, and next year –
32 that will then follow on so that we can ensure that those students will want to come to
33 school and feel accepted.

1 **CHAIR:** Thank you.

2 **DR COUCH:** And in the recent past we've had students who are openly gay who are part of the
3 senior leadership in the school and that's certainly accepted.

4 **CHAIR:** Thank you for that.

5 Right, we've now eaten into even more of our valuable time, but that's all right.

6 **MS McKECHNIE:** Ma'am, I just have two small questions in re-examination arising from Mr
7 Thomas's questions, if I may.

8 **CHAIR:** Yes.

9 **MS McKECHNIE:** First, perhaps, if I can just refer the Commission. In relation to the more
10 serious contemporary allegation of sexual fondling, it was reported to the Teachers
11 Council,-- that's recorded at paragraph 19 of the appendix for your records.

12 The other question I just wanted to ask you all, I'm not sure Mr Thomas quite fairly
13 summarised your evidence in relation to knowledge of barriers. Your evidence was that
14 you,- and this is from 41 in your evidence, Rob, and 67 in yours, Sean, that you're not
15 aware of barriers specific to the college about reporting harm. So just to clarify, you are
16 aware of the wider barriers for teenage boys. But it's your evidence that you're not aware of
17 anything structurally at Silverstream that is different that is a particular barrier that you can
18 remove; is that your evidence-?

19 **MR FERREIRA:** That's correct.

20 **MR MAHONY:** Yes, that's correct.

21 **CHAIR:** Thank you. In the fine tradition of leading questions that we've all indulged in
22 throughout this Commission, that's fine. All right.

23 May I, on behalf of the Commissioners, thank you three most sincerely. I
24 appreciate it's difficult coming in with things happening in the past that have been so bad,
25 but also acknowledging things that are happening now and your desire to make sure that the
26 children in your care are safeguarded, and we appreciate that.

27 We appreciate your interest in the Commission and it's gratifying to hear that the
28 Commission itself has made you more aware and more interested in specific details that
29 have come to light and I think that's an important part of the Inquiry's work, not just waiting
30 for the final report but learning as we go. And I think the Commissioners appreciate your
31 openness about that, so thank you very much, and you are now free to leave, so you can
32 vacate the witness box. We'll stay where we are.

33 And I'll invite Ms McKechnie to give her opening statement of the second part of

1 today's proceedings.