

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

Under The Inquiries Act 2013

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

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

Counsel: Mr Simon Mount QC, Ms Hanne Janes, Ms Katherine Anderson, Mr Winston McCarthy, Mr Tom Powell, Ms Lauren Eastlake, Ms Emma Powell, Ms Jane Glover, Mr Michael Thomas and Ms Echo Haronga for the Royal Commission
Mrs Fiona Guy Kidd QC and Ms India Shores for the Anglican Church
Ms Sally McKechnie, Mr Alex Winsley and Mr Harrison Cunningham for the Catholic Church
Ms Sonja Cooper, Dr Christopher Longhurst and Ms Kate Whiting for SNAP

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

Date: 23 March 2021

TRANSCRIPT OF PROCEEDINGS

1 behalf of all of those people can we thank you for your generous time. I appreciate that you
 2 have given this time willingly and we really appreciate that. So, thank you so much from
 3 all of the Commissioners.

4 A. I want to say thank you for inviting me to give my testimony, but much more important is I
 5 would like to thank the Commission and those involved for what you're doing and trying to
 6 do for the victims, those are the people that are most important. And I think anything that
 7 offers an increase of healing, of peace, of peace of mind, of peace of soul is very important
 8 and something of this nature is certainly very, very important. So, I, as one who's been
 9 involved with this for a long time, I'm grateful to you for what you're doing. And I wish
 10 you all, everyone in that room, the very best of luck in this historic moment that you're
 11 involved in.

12 Q. Many thank yous and I wish you farewell.

13 A. Thank you very much.

14 CHAIR: I think we'll take the adjournment at this stage.

15 **Adjournment from 3.02 pm to 3.17 pm**

16 CHAIR: Yes, Ms McKechnie.

17 MS McKECHNIE: Good afternoon, Chair. The Commission have asked that Brother Horide for
 18 the Marist Brothers gives evidence now, ma'am. He's joined in the witness box by Brother
 19 John Hazelman who is the District Leader of the Marist Brothers. Brother Hazelman is
 20 going to briefly mihi to acknowledge the Commission. As I indicated in my opening
 21 yesterday, he had intended to make an apology but we have subsequently had an indication
 22 that you would prefer that he not do that now, so accordingly he will mihi both in English
 23 and Samoan and invite survivors to come forward to the Commission, again in English and
 24 in Samoan, and then Brother Peter will give his evidence.

25 CHAIR: Thank you. So good afternoon Brother Horide, I believe you want to be called Peter; is
 26 that correct?

27 A. Yes.

28 Q. Mr Hazelman, thank you for attending in support of Brother Horide.

29 **PETER HAMILTON HORIDE (Affirmed)**

30 MS McKECHNIE: Brother John, would you like to begin with the Chair's approval.

31 CHAIR: Yes, you were going to do a greeting.

32 MR HAZELMAN: Ma le agaga fa'aaloalo lava, oute fa'atulou ma fa'apa'i mālu atu i le pa'ia
 33 mamalu o ē uma na a'afia ma e o lo'o soifua mai sa a'afia sauāga. Faatulou atu fo'i I tagatā
 34 nu'u, le mālo, fa'apea suimamalu i le pa'ia o le komisi su'esu'e o Aotearoa Niu Sila i ona

1 tupu ma ona ilagutu. Tulou, tulou, tulouna lava. The briefing I have just stated in Samoan is
2 a respectful acknowledgment of the mana of the survivors and victims, people of Aotearoa
3 New Zealand, the Government of New Zealand and distinguished members of the Royal
4 Commission. Nō reira , tēnā koutou, tēnā koutou, tēnā koutou katoa.

5 Before Brother Peter gives his evidence, I invite all those who have been abused by
6 a member of the Marist Brothers Order, and have not yet done so, to please come forward.
7 As District Leader I give my assurance that we will listen. Mo so'osetasi ua fa'amanu'a ina
8 e se sui i le au aiga Felela Malisi ma e le'i fa'ailoa mai sona mafatiaga matou te ofo atu i
9 lenei avanoa taua tatou te feiloa'i ai. O lo'u tulaga ta'ita'i o le alii Felela Malisi ou te
10 ta'utino atu o le a matou fa'alogo ma le agaga fa'amauualalo ia te oe. Tatalo atu fo'i ia i
11 latou o lo'o iai pea le tigā ma mafatiaga ona o se amio lē pulea a lenei aiga ua tula'i mai, ia
12 liligi mai le lagi manuia mai le Atua mo outou mamalu ae o ola i lona alofa. Nō reira, tēnā
13 koutou katoa.

14 **CHAIR:** I'll invite Sandra Alofivae to respond.

15 **COMMISSIONER ALOFIVAE:** Fa'atalofa atu i lau susuga Felela John Hazelman, malie
16 matogofie. Fa'afetai i lau susū mai i lagolagoina i le molimau a le Felela Peter Horide, e
17 tusa ai ma taualumaga a le Royal Commission. Fa'afetai tele lava.

18 **CHAIR:** Thank you.

19 **QUESTIONING BY MS McKECHNIE:** Peter, you were asked to prepare a brief of evidence
20 for the Royal Commission and were asked to cover a number of specific topics. You did
21 that in a brief of evidence dated the 12th of February 2020. Do you have a copy of that in
22 front of you?

23 A. I do.

24 **Q.** Are you able to confirm as we commence, Peter, that the content of this document remains
25 true and correct to the best of your knowledge?

26 A. Yes, to the best of my knowledge. I'm not entirely happy with, say, some of the phrasing or
27 typos and various other things like that.

28 **Q.** I'm sure the Commission will forgive you some typos, Peter. Peter, I'm going to start by
29 asking you to introduce yourself briefly to the Commission, to describe your career as a
30 brother and what you have done as a member of your congregation in your 50 years with
31 the Marist Brothers?

32 A. Thank you. As you say, I've been in the Brothers for 50 years, I'm over aged 70. I began in
33 the Brothers in the late 1960s and in my career with the Brothers, after the initial training, I
34 was involved as a teacher mostly at secondary school level in Auckland but also in

1 Gisborne and Invercargill, in secondary school subjects like chemistry and biology, mostly
2 at year 12 and 13 level, and in religious education. And I've done some other things as well
3 in my time with the Brothers, including particularly working as a counsellor in a family
4 counselling service, which is not church related but in Auckland with colleagues who knew
5 that I was a brother, and in this area of professional standards as well as some financial
6 matters.

7 **Q.** So, what is your current role in the context of professional standards, Peter?

8 **A.** I'm the Delegate for Professional Standards. So, the way in which we're organised is that
9 we have the District Leader is the person who has the ultimate responsibility in matters of
10 professional standards for the Brothers, but he delegates to one brother in the district to
11 investigate, to deal with and to lead the work of professional standards for the district, and
12 that's me.

13 **Q.** We'll discuss the role of delegate quite a lot more later.

14 **A.** Sure.

15 **Q.** Peter, but before we do, just touching on District Leader, John is the present District Leader
16 of the Marist Brothers, how does somebody become the District Leader, how do you
17 choose?

18 **A.** District Leader is chosen by the Brothers by, you might call it a straw poll. There's a
19 process within the order that is international, that the leadership of the Brothers in Rome is
20 part of this process. And so when the Brothers throughout the district are asked to give
21 their comments and their recommendations, including what the characteristics that they
22 might like to see in the next leader, those results are processed outside of New Zealand by
23 what you might call the independent oversight from our Brothers' leadership in Rome and
24 then out of that comes the appointment of the next District Leader, usually with about
25 almost a year's forewarning for the fortunate person who has that responsibility.

26 **Q.** Have you ever been the District Leader of the Marist Brothers?

27 **A.** No, I haven't.

28 **Q.** I'm going to touch on three main areas in this examination-in-chief, Peter, we only have
29 about an hour so we're able to summarise your evidence. You have prepared a much longer
30 brief covering other matters at the request of the Commission and for those listening that
31 will be available online if they want to read the rest of your evidence.

32 **CHAIR:** And I can assure you that we've read them, read the full brief.

33 **A.** Thank you very much, great, thanks.

34 **QUESTIONING BY MS McKECHNIE CONTINUED:** Madam Chair has saved me from

1 reassuring that she has read the full brief. So Peter I'm going to ask you some questions to
2 explain the Marist Brothers, and you are the first lay religious, in fact you are the only lay
3 religious who will be giving evidence this week, and then I'm going to ask you some
4 questions about the complaints and disclosures that have been made to the Brothers and the
5 redress process and how that's changed in the last few decades.

6 A. Sure.

7 **Q.** But to ask some questions first about the Marist Brothers, we've just heard significant
8 evidence for some time from Tom Doyle, and I understand you were present listening to
9 that within the building?

10 A. Correct.

11 **Q.** There was quite a lot of discussion about clerics and the like. Can you, in the context of the
12 evidence you heard from Tom, please explain to the Commission as a lay congregation how
13 you are organised and how that is arranged within the church structure?

14 A. Sure, thank you. So, the Marist Brothers are not ordained clergy. We're not clerics. So, a
15 person who joins the Marist Brothers, they know that the trajectory of the different things
16 they might do through their lifetime they will always be a lay member of a religious
17 congregation in the Catholic Church but never a cleric. So, there are different slightly
18 cultural elements, I suppose, to those two lifestyle choices, if you like to put it that way. In
19 the ordained clergy, they would exercise leadership in a number of ministries and
20 sacramental ministry particularly, that is not the area in which the Brothers would be doing
21 too much work at all, other than making contribution in the same way as any other
22 parishioner. So, we, as Brothers, focus on what might be another way of serving in
23 ministry but not an ordained lifestyle.

24 **Q.** There's two areas of that sort of service that I particularly wanted to discuss with you this
25 afternoon, Peter. Firstly, the Marist Brothers have had a significant involvement in Māori
26 education and Māori communities, if we could talk first about that Māori communities
27 across the history of the Brothers, particularly since 1950, if you could give a thumbnail
28 sketch for the Commission about the work the Brothers have done in that environment?

29 A. Sure. I'm just going to take some of this from my witness statement if I may.

30 **Q.** Absolutely.

31 A. Sure, thanks.

32 **CHAIR:** If you could just refer to the paragraph number.

33 A. Yes, sure, sure.

34 **Q.** Thank you.

1 A. Okay, thanks. So, from paragraph 6 —

2 **QUESTIONING BY MS McKECHNIE CONTINUED:** If you're able to summarise —

3 A. Sure.

4 **Q.** — those next few paragraphs, —

5 A. Yes.

6 **Q.** — Peter, in relation to this that would be very helpful.

7 A. Sure, right. So, the Marist Brothers came to Aotearoa New Zealand in the late 1830s and
8 then they started to work amongst the Māori communities, especially in the north. They
9 worked alongside the priests of the Society of Mary. In the mid-1800s with a large influx
10 of European settlers, this initial project of the Marist Brothers alongside the Society of
11 Mary was amended and moved more towards serving the settler communities. This was
12 done in addition to the work with the Māori communities.

13 The last of the pioneer Brothers who had been linked directly with the initial
14 Catholic Māori Mission in New Zealand, died at Meeanee in Hawke's Bay in 1898. So
15 that's a significant trajectory across the 19th century of the 1800s from 1838 to 1898 in
16 which Brothers had some engagement with the Māori but that was diminishing.

17 In 1876, Marist Brothers came to New Zealand specifically for teaching and
18 teaching in schools and again, as I've said, this was mostly with the Catholic settler
19 community. So, they began setting up schools in the growing townships. The Marist
20 Brothers taught boys and many different congregations of sisters taught the girls. Māori
21 boys from urban and rural settings did attend some of these new schools, particularly
22 Sacred Heart College which educated some 200 pupils at any one time in the first half of
23 the 20th century.

24 So that's just a brief introduction to the engagement of the Marist Brothers with the
25 Māori. I'll just go on a bit further about the Marist Brothers in Hato Petera College. So,
26 from paragraph 10.

27 "After the Second World War, there was an increasing demand for secondary and
28 boarding schools. A heavy emphasis was placed on recruiting Brothers and providing them
29 with an education appropriate to that task.

30 From 1946 the Brothers became directly involved once more with the Māori
31 Mission. That year, they took over the teaching at St Peter's Māori College in Auckland,
32 run by an order of priests called The Mill Hill Society. The Brothers initially taught in the
33 school while The Mill Hill fathers ran the boarding. By 1972, the college, renamed as Hato
34 Petera College, which is St Peter's in Māori and under the complete control of the Brothers

1 was the largest and one of the best-known Māori schools in the country. The Brothers at
2 Hato Petera had a commitment to education that involved the whole family. During the
3 summer holidays, groups of Brothers would travel to the different communities where the
4 boys came from and spent time interacting with their parents and wider whānau. There
5 existed a partnership where the boys gained through education and the Brothers learned
6 about themselves and Māori through the culture and spirituality that was shared in these
7 interactions."

8 **Q.** Thank you, Peter. If I could ask you some questions about schools now, because that is
9 very much what the Marist Brothers are known for. You've had — The Marist Brothers
10 have been associated with a significant number of schools, at paragraph 15 you start to talk
11 about this. There's 37, sorry 36, schools at the height of this time?

12 **A.** Correct.

13 **Q.** Just to explain to the Commission, did the Marist Brothers own those 36 schools?

14 **A.** No, so by the 1960s there were almost 300 Brothers in New Zealand and there were some
15 also in association with us in New Zealand who were in the Pacific and we had 36 schools
16 spread across New Zealand and those Pacific Island countries that are part of this district.

17 In New Zealand, these schools that we're talking about were predominantly
18 primary schools for boys usually around the ages of 9 through to 12 and they were not
19 owned by the Marist Brothers. They were owned by the bishop or, in some instances, by
20 the parish. There are three schools in New Zealand that are owned by the Marist Brothers
21 and that's still true to this day and those three are Sacred Heart College, St Paul's College
22 and Marsden College and they're all in Auckland.

23 **Q.** So, Peter, how did the Marist Brothers come to be operating schools on behalf of the bishop
24 or a parish?

25 **A.** I suppose the question is partly a reflection on the Catholic culture of that post-war period
26 that we were talking about before. As I said, the majority of them were primary schools,
27 but there were also secondary schools established in most provincial towns and in
28 obviously the large cities like Lower Hutt, Christchurch and so on. The Marist Brothers
29 were there by the invitation of the bishop. The bishop had the proprietorship, the Brothers
30 had the management.

31 **Q.** When you say proprietorship, are you able to explain to the Commission in an education
32 context what are you talking about, what does that mean?

33 **A.** Proprietorship up until 1981 is very clear. As a bishop owns the school, the school is part of
34 the ministry of the church, the school employs all of the staff, that's up to 1981. I heard you

1 mention in your interaction with Tom that we have the Conditional Schools Integration Act
2 of 1975 which came into effect effectively in 1980 and '81.

3 **Q.** I was just about to ask you about that Peter.

4 **A.** Sure.

5 **Q.** So, that's colloquially known as "integration"?

6 **A.** Correct.

7 **Q.** What was the impact of integration on the schools the Marist Brothers were operating?

8 **A.** The integration really was like — I'm just trying to think, it was like a generational event
9 that any brother who would have experienced it would be saying that was a once in a
10 lifetime moment where the school was now a Ministry of Education enterprise, we were
11 now employees of the New Zealand State-integrated school and we therefore had to adjust
12 our management practices, our governance practices, pretty much every detail of how we
13 thought and how we operated in these schools.

14 **Q.** Given those various arrangements and changes, how and who do the Marist Brothers take
15 responsibility for if there are complaints coming from schools?

16 **A.** If a complaint comes from a school, an historic complaint is really what I'm talking about,
17 an historic complaint will come, if it's related to sexual abuse it may come through the
18 church channels, it may come to the Marist Brothers and then ultimately to me as the
19 delegate, it may come through the diocese. How it comes, though, to answer your question,
20 the responsibility pre-1981 sits squarely with the Marist Brothers, especially if the offender
21 is a Marist brother, historic offender Marist brother, pre-1981 it's our responsibility.

22 **Q.** And after 1981?

23 **A.** After 1981, and then subsequently after 1989 with the Tomorrow's Schools legislation
24 being introduced and those practices, what we can see is that the governance of the schools
25 was placed in the hands of boards of trustees. Those boards of trustees are the ultimate
26 authority under the Ministry of Education in terms of responding to all forms of complaints,
27 historic and current. So, if there's a continuity, that school is still in existence, there is a
28 board of trustees that you can see has a whakapapa back to 1989, that complaint really
29 should go to the board of trustees.

30 **CHAIR:** Can I just clarify please, Peter, when you say historic, do you mean even those
31 complaints about behaviour that took place pre-1981?

32 **A.** Pre-1981 they come to the Marist Brothers.

33 **Q.** So, by "historic" you don't mean pre-1981?

34 **A.** I do mean pre-1981, historic like the incident?

- 1 **Q.** Yes.
- 2 **A.** What has been complained about?
- 3 **Q.** Yes, something happened in 1970, for example.
- 4 **A.** Yes, comes to the Marist Brothers.
- 5 **Q.** And anything that happened after '81 or '89?
- 6 **A.** '81, from 1981 onwards the brother — if it's a brother who's an offender obviously we need
7 to be engaged with this in some way. The responsibility is not going to be completely left
8 or fall between two stalls. The responsibility of the Brothers for the fact that this is a
9 brother is clear, and especially when the process starts to get to the point of discipline or
10 anything like that. But we shouldn't leave the school governance structure out of the
11 equation either, the school governance structure is an important feature of the educational
12 landscape for the Catholic Church in New Zealand from 1981 onwards.
- 13 **Q.** Thank you.
- 14 **A.** Alright.**QUESTIONING BY MS McKECHNIE CONTINUED:** So, from 1989, any
15 teaching Brothers at that point became employees?
- 16 **A.** Yes.
- 17 **Q.** We talked about numbers at some point being as many as 300, is that the case now?
- 18 **A.** No, in New Zealand there are 55 Brothers.
- 19 **Q.** You set this out briefly at paragraph 22 of your evidence, Peter, can you just summarise
20 broadly what the make-up of the current Brothers in New Zealand is?
- 21 **A.** Sure. So, in New Zealand currently the median age is in their 70s, and at a high level I
22 would just report that seven Brothers are involved in administration, six Brothers are
23 involved in spirituality and volunteer work, four Brothers are involved in teaching part-time
24 or providing teaching assistance, four Brothers are involved in youth ministry, and three
25 Brothers are teaching full-time. So, there is an older generation that would remember when
26 we had larger numbers of Brothers teaching full-time, but there are only three.
- 27 **Q.** I just have one last set of questions about schools and the Marist Brothers. You were here
28 for some of the evidence in the end of last year?
- 29 **A.** Correct.
- 30 **Q.** And there was some evidence and some questions about why Brothers as part of their
31 teaching career moved between schools?
- 32 **A.** Mmm-hmm.
- 33 **Q.** Now, are you able to explain please to the Commission why that was done as part of a
34 Brothers' teaching career?

1 A. I think the whole process is complex and yet, in another sense, it's so much part of the life
2 that I've been part of that you don't think about it so much until you have to explain it. Why
3 the Brothers moved between schools, especially in the 1950s, '60s, '70s could be to do with
4 the needs of the place where he's most able to make a contribution, it's to do with his own
5 professional development, it could be to do with the community make-up of the brother's
6 community and the contribution he might make in leadership or in some way in helping
7 that community to gel. It could be for a reason that is particular to him and understood
8 between him and the leader, such as being closer to his parents for some family reason.
9 And finally, it could be for study, it could be attending university, or he could be going
10 overseas for an overseas course.

11 Q. Now Peter you have, and your brothers have, been reflecting on the evidence and on these
12 questions and I'd like to take you to 127 of your brief please?

13 A. Sure.

14 Q. And ask you to read 127 and 128?

15 A. So, this is continuing to talk about the movement of our Brothers, because seeing the
16 history now from my role as the delegate for professional standards, I can see that there are
17 difficulties, especially in the evidence that came forward over the last year and then in
18 December.

19 "To our deep regret and shame, we now realise that this system was vulnerable to
20 exploitation by abusers and by those who sought to cover up their abuse. The system of
21 moving Brothers regularly around the country meant that it was not unusual for Brothers to
22 spend as few as two or three years in any location.

23 This system would allow an abuser to move around Aotearoa New Zealand
24 undetected, continuing the abuse and avoiding the actions being reported. It also allowed
25 members of the Brothers' leadership to move a brother subject to complaints rather than to
26 deal directly with the conduct. This meant that abusers were not stopped when they should
27 have been. And people, sadly, were abused when this abuse was avoidable.

28 The Brothers recognise that this was wrong and that inadequate safeguards were in
29 place to protect against the vulnerabilities of the system. We sincerely apologise for the
30 abuse that was allowed to happen because this system was in place. The Brothers are
31 committed to learn from these past experiences and to ensure that errors like this are not
32 repeated."

33 Q. Thank you, Peter. You also make a further and more general apology in your evidence.
34 I'm going to leave the history of the Marist Brothers now and start to ask you some

1 questions about the disclosures of harm that the Marist Brothers have in your records.
2 Before I do that, I know that you wanted to read this apology so that the survivors and those
3 listening were able to hear a voice from the Marist Brothers acknowledging the wrongs of
4 the past. So, if you could turn to 148 of your evidence please?

5 A. Thank you.

6 Q. And read from there and to 151?

7 A. Sure, sure. I'd like just to begin as I read this, especially if any of these people are in this
8 room or watching on live stream, I'm aware of the presentation that was brought to the
9 Commission in the period of the 30th of November through to the 4th of December in the
10 Catholic presentations. There was Frances, there was John, there was Mr F, there was
11 Mr G, and there's also a written complaint from Ms K. And we're aware of the offending of
12 such Brothers as Brother Fabian, Brother Giles and Brother Bead. I just want to
13 acknowledge and to mihi all of those people who came forward and to thank them for their
14 courage and this apology applies particularly to those people who we honour and welcome
15 and, as Brother John said, we do wish people to come forward to the Commission. But this
16 is also a more general apology following up from what I've just said about the system that
17 used to allow abuse to occur.

18 "There are numerous instances where harm has occurred. The actions of our
19 members have caused distress, suffering, and in some cases have had lifelong effects on
20 people's lives. As an individual asked to give evidence to this Inquiry on behalf of the
21 Brothers and as a member of the Catholic Church, I would like to apologise for these
22 actions. I would also like to apologise for the Marist Brothers' shortcomings, failings and
23 mistakes. I apologise to the people present in this room, to those viewing this via live
24 stream, and to those who will watch this later and to those who have passed on.

25 For some, I acknowledge that hearing my words and even hearing this apology
26 will be distressing. I speak to you with deep humility. For you who have been abused by
27 Brothers, the terrible truth is that you were deeply hurt, and the harm will never be
28 forgotten. For your suffering, your memories, and the consequences this abuse had in your
29 lives, I apologise and I am sorry.

30 That all of this harm was caused by fellow members of our brotherhood leaves all
31 of us deeply ashamed. It also appalls us. The horrific damage that was done to many
32 young people has caused damage to the Marist Brothers and we accept that. The abuse that
33 occurred and that we now know about to a much fuller extent has diminished us as a
34 congregation.

1 Integral in our belief system is our calling to serve a higher purpose and to seek to
2 bring out the best in everyone we encounter. We are devastated to learn of the dreadful
3 ways in which our members have failed in their calling. This is particularly the case for all
4 of the Brothers who are still working to uphold the Marist Brothers' original aims. There
5 are members who have spoken to us about seeking the forgiveness of survivors. However,
6 we understand that it is unreasonable of us to expect forgiveness from anyone."

7 **Q.** Thank you, Peter. Peter, I'm now going to ask you about the records that the Marist
8 Brothers hold about disclosures of physical, sexual abuse?

9 **A.** Mmm-hmm.

10 **Q.** You have a document in front of you which is a section of the briefing paper that was
11 prepared by Tautoko and filed, Commissioners, for this hearing. The version you have in
12 front of you, Peter, has the information for the Marist Brothers congregation?

13 **A.** Correct.

14 **MS McKECHNIE:** Ma'am we have filed an extensive document in relation to the context of this,
15 but to explain to those listening I will ask Peter a few questions just to contextualise the
16 information.

17 **CHAIR:** Certainly.

18 **QUESTIONING BY MS McKECHNIE CONTINUED:** So, Peter, to explain, can you please
19 briefly outline what sort of records the Marist Brothers hold in relation to disclosures of
20 abuse?

21 **A.** If an abuse incident or report has come to us, we hold complaints files, we start a
22 complaints file for each new case, so therefore it could be just the first indication of
23 something being brought to us or something being disclosed. So therefore, we hold records
24 of all of those. They begin from the early to mid-1990s. They can be complaints of abuse
25 in the forms that you just spoke about, whether physical, psychological, sexual, or they can
26 include instances of complaints of harassment, misconduct. They may be of any jurisdiction,
27 they may be outside New Zealand in the Pacific Islands, for instance, there may be some
28 lay teachers who are the respondent, the person identified. They may be cases that are
29 referred to by third parties, particularly siblings and parents. They may be anonymous
30 complaints, they may be complaints where the respondent can't be identified but we would
31 accept that it must be or could be one of our members given the school where it occurred.

32 **Q.** Now that's a very broad approach.

33 **A.** Yes.

34 **Q.** Why did Tautoko and the Marist Brothers decide to take that sort of approach?

- 1 A. I think that we wanted to be thorough. This was a once in a lifetime, in a sense, opportunity
2 because each congregation in each diocese would have had its own records. They would
3 have been collecting them under different protocols, they may not have done what I've just
4 described which was our approach, but they may, I wouldn't have known. And this
5 opportunity to gather information of the Catholic Church, which is a rather notional, elusive
6 concept for us in our particular field as the schools where the Brothers taught, or the
7 Brothers had management responsibilities, we brought everything together and we reported
8 everything and we didn't filter.
- 9 Q. So, this includes formal complaints where there might have been a NOPS process or an
10 investigation?
- 11 A. Correct.
- 12 Q. And also, less formal complaints that may not have been pursued to that level?
- 13 A. Correct.
- 14 Q. In terms of those records, Peter, how many records do the Marist Brothers hold of all types
15 of disclosures of harm across the spectrum the Royal Commission is looking at?
- 16 A. In this document, the number is 146. That is the number that was gathered and reported to
17 Tautoko. There is always each week, each month, the possibility of a new report, so the
18 number may be more than that now.
- 19 Q. Did you assemble the records yourself to be provided to Tautoko for the Marist Brothers?
- 20 A. Yes, I collected those, but the actual data entry into a spreadsheet I got an assistant,
21 I employed somebody to help me.
- 22 Q. One of the things that the Marist Brothers records hold, Peter, and this is on page 4 of the
23 document in front of you, is how long it is between the alleged event or the harm that was
24 suffered, and the individual reporting that information to the Marist Brothers or to
25 somebody else within the church. Looking at your information, are you able to explain to
26 the Commission approximately how long most claimants take to approach the church?
- 27 A. Yes, we have a really clear pattern that one or two, a very small number of cases are
28 reported almost immediately or in a short timeframe up to six months or in the first year or
29 two, and then there's a huge spike that starts after about 21 years. There's a few that come
30 in before that, but after 21 years you then have very large numbers in that third decade, 21
31 years to 30 years, 31 years to 40 years, those are the two highest reporting groups.
- 32 Q. And those numbers, just for the record, are 37 complaints in the 21- to 30-year bracket and
33 42 complaints where it's taken between 31 and 40 years for somebody to approach the
34 Marist Brothers?

- 1 A. Yes. Just interesting to add, I suppose, that last column is over 50 years.
- 2 Q. How many people have taken —
- 3 A. There's 11. I've dealt with some myself, but I didn't realise there's 11.
- 4 Q. The records also show, Peter, that for the Marist Brothers there's a particular context where
5 this abuse takes place. Are you able to share with the Commission — this is the data on
6 page 5 of the document — the institutional setting where most of the harm has occurred?
- 7 A. Yes, thank you. So, for the Marist Brothers, 122 are in an education setting and the other
8 settings may be unknown, which is the second category, or they could be possibly a parish
9 or a residential care or I can imagine possibly the home of the respondent or the brother's
10 house.
- 11 Q. The last particular piece of information I wanted to ask you about, so you could share with
12 the Commission, was whether the respondents were dead or alive at the time of the
13 complaint. And to introduce this information before I ask you the questions, this is not
14 particular Brothers, it is complaints —
- 15 A. Correct.
- 16 Q. — against Brothers?
- 17 A. Yes.
- 18 Q. So, there may be a number of complaints against the same brother?
- 19 A. Correct.
- 20 Q. So, the numbers that I'm going to ask you about now are about the complaints rather than
21 the respondents as unique individuals?
- 22 A. Sure.
- 23 Q. But looking at the information that your records hold, can I summarise it's approximately
24 50% of the complaints made are against people who are dead at the time of the complaint?
- 25 A. Yes.
- 26 Q. What challenges does that create for the Marist Brothers in responding to allegations where
27 the respondent is deceased?
- 28 A. I think there's two parts to answer that question. The first is if this is the first known
29 complaint against that deceased brother, I think there's a very high set of challenges. The
30 person is not going to be disbelieved, but on the other hand, the challenges of establishing
31 what has occurred, that this brother's offending is needing to be reviewed and corroborating
32 details being able to be collected isn't so easy, isn't so straightforward.
- 33 So, going to the second scenario, if the brother is known to have offended and in
34 fact particularly if during his lifetime we already had some indication of that, but even if it

1 was the first case that was heard after he died but there are multiple accusations against that
2 brother, we then have corroboration. So, the challenges are the hardest particularly for the
3 one where it's the first complaint against that deceased brother. The second is if they are
4 deceased but there's some kind of track record. They're still challenges but they're not of
5 the same scale.

6 **Q.** I'm now going to ask you some questions about that redress process, Peter, and how those
7 investigations and the like have been done. Commissioners, Peter's evidence sets out the
8 process from paragraph 30 of his evidence to 51 which is the period between 1990 and
9 2016. There were changes made in 2016, Peter, and I will concentrate my questions on
10 those because that's the period that you have been the delegate?

11 **A.** Mmm-hmm.

12 **Q.** That's from paragraph 52 of your evidence?

13 **A.** Mmm-hmm.

14 **Q.** So first I'd like to ask you about the role of the National Office of Professional Standards or
15 NOPS?

16 **A.** Yes.

17 **Q.** And how, if a disclosure of harm comes to you or to NOPS, what role NOPS plays in that?

18 **A.** Sure. So, the Church's National Office of Professional Standards or NOPS, as I'll continue
19 to use the phrase that way when referring to them, they handle all sexual abuse
20 investigations. So, in other words, the responsibility for establishing what occurred and a
21 full, detailed understanding of all aspects of that, that is in the hands of NOPS or their
22 investigators that they appoint, so there's a level of independence from the Brothers. The
23 Brothers are not investigating our own member. So that is a role that's quite clear for any
24 allegation of sexual abuse, no matter who it came to, whether it came to the NOPS office or
25 to the Brothers or through a diocese.

26 **Q.** What role do the Marist Brothers play in that investigation?

27 **A.** While that investigation is in train our role is mainly as provider of information that we can
28 validate and we're really the only ones who can in some instances. We can access records
29 of identifying the respondent is the correct person who has been accused, confirming that
30 he was there at that time, and all sorts of other details, even which classroom he was
31 teaching in and things like that.

32 **Q.** If the brother's alive are they interviewed as part of that process?

33 **A.** The Brothers are generally able to be interviewed as part of a process of a NOPS
34 investigation.

- 1 **Q.** Are there any circumstances where that doesn't happen?
- 2 **A.** There are two instances that I can think of where, and I'm talking about since 2016, where
3 there's a health caveat, shall I say, where it would not necessarily be quality information for
4 one thing and there'd be other health factors to come into consideration.
- 5 **Q.** When you say, "not quality information", Peter, can you clarify what you mean?
- 6 **A.** There's a cognitive score that is used, this is beyond the Marist Brothers, there's a cognitive
7 testing and cognitive score that's used for older folk that — it's on a scale of 1 to 30, it's a
8 little bit of a tricky one unless you get professional advice, and when the person's
9 reportedly at a cognitive score of 14 or a cognitive score of 18 or a cognitive score of 23,
10 whatever it is, the quality of what they might be able to recall and to process and to speak
11 about is going to be variable.
- 12 **Q.** They have a form of dementia?
- 13 **A.** Well, I'm just saying, I'm just saying that there is a cognitive test and a cognitive score
14 which does come into play in what we're talking about.
- 15 **Q.** So NOPS undertakes the investigation through independent investigators?
- 16 **A.** Correct.
- 17 **Q.** What's the next step of the process after the investigation?
- 18 **A.** So that investigation is entirely under the umbrella of NOPS and it is the process that they
19 have procedures for. When that comes to its conclusion, the NOPS-appointed investigator
20 reports and that report goes to a body known as the Complaints Assessment Committee
21 which is, again, within the whole Catholic Church structure for all bodies that are part of
22 the scheme, and the Complaints Assessment Committee assess the report that comes to
23 them from that investigator through the NOPS office. Then it comes to us.
- 24 **Q.** When it comes to you, does it come with any comment from the Committee?
- 25 **A.** Yes, so the Complaints Assessment Committee would write to the church authority, which
26 is the diocese or the congregation, would write to our District Leader and report that this
27 has been the finding of the Complaints Assessment Committee and it includes
28 recommendations.
- 29 **Q.** Recommendations about redress responses?
- 30 **A.** Doesn't specify the quantum of the redress, that's for the church authority, but it does speak
31 about such things as apology, meeting with the complainant, counselling or other service
32 that might assist them with what's happening in their lives and that redress should be
33 offered in some form such as an ex gratia. That's for the congregation to decide.
- 34 **Q.** So what process do you go through as a congregation when you receive this report and

1 recommendations, what happens next?

2 A. So, I'm the delegate, the District Leader would pass it to me and my professional standards
3 team, my professional standards office and I would then be the, in a sense, the first
4 recipient of this within the Marist Brothers structure. So, we can absorb what has been
5 provided in the Complaints Assessment Committee's report or letter, we would then consult
6 more widely if we choose to, or at least bring into that process potentially the Marist
7 Brothers' trust board and we would then move towards meeting with the complainant and
8 also bringing to the complainant our apology from the leader of the district. So those are
9 the first sort of steps.

10 Q. And once those steps have happened, just continue to walk through the process, what
11 happens after that?

12 A. Sure. The complainant would receive the apology, but the process would continue with
13 seeking a way forward. That may not necessarily be one size fits all, it would involve the
14 professional standards office group, considering the situation as it's unfolding, possibly
15 seeking outside consultation from a psychotherapist, we have a group of consultants that we
16 speak with, and just saying what we think the next step is that would be appropriate to
17 where we're at. So, it's hard to say what the template is.

18 I've been listening today with care to some of the things that Tom was saying. I'm
19 not sure that the whole picture has emerged in some of those conversations coming from
20 Tom, but it is important to think about what will meet what's most required or most desired
21 in each case, and it's quite a difficult and thought-provoking challenge.

22 Q. I'll ask you some questions in a moment, Peter, about the types of redress.

23 A. Sure.

24 Q. But there is often a financial aspect to the redress offered by the Brothers?

25 A. Sure.

26 Q. Is there a legal document that the Marist Brothers have signed by survivors as part of that
27 process?

28 A. Yes, the Marist Brothers for the last 20 years have used pretty much the exact same
29 *ex gratia* deed.

30 Q. Commissioners, we have provided a copy of that with Peter's evidence. Does that deed
31 require a confidentiality clause, Peter?

32 A. It doesn't, it did.

33 Q. Why was it removed?

34 A. It's not within my area of experience of the time being in the role because I've only been in

1 the role since 2018, but so therefore I'm going to only answer the question anecdotally. It
2 goes back a long time that it was removed, and my understanding is that it was removed
3 because it was deemed to be superfluous. If you have a confidentiality clause, in a sense,
4 the aim back in the day in the late 1990s would have been to say this protects both sides. It
5 wasn't looking like it was doing that either side actually, is what I understand is anecdotally
6 why it wasn't needed any longer.

7 **Q.** If we could look at the types of redress that your records show that the Marist Brothers
8 have used in the past, this is in responding to all claims?

9 **A.** Mmm-hmm.

10 **Q.** There's different categories here in terms of counselling and apologies?

11 **A.** Mmm-hmm.

12 **Q.** But particularly can you share with the Commission please the most common level of
13 ex gratia payment that the Marist Brothers have paid and something of an explanation as to
14 why?

15 **A.** Sure. Are you reading from a paragraph of my witness statement?

16 **Q.** It's page 7 of the document, Peter.

17 **A.** That document, sorry, I just wanted to check which one we were reading from.

18 **CHAIR:** There are some numbers on page 14, do they relate to this or is that a different matter?

19 **A.** So, the document that you have invited me to comment on are the information gathered by
20 Tautoko, whereas what I hear you talking about on page 14 I think is my witness statement.
21 I can speak to either.

22 **QUESTIONING BY MS McKECHNIE CONTINUED:** If we could take you to the briefing
23 paper, Peter.

24 **A.** Yes, sure.

25 **Q.** It has a more granular level.

26 **CHAIR:** Yes, thank you, I just wanted to know the difference.

27 **QUESTIONING BY MS McKECHNIE CONTINUED:** The information on page 14, ma'am —

28 **A.** Yes.

29 **Q.** — is a summary in that first line of the total —

30 **A.** Yes, sure.

31 **Q.** — value, but this looks more at the individual payments in terms of that.

32 **A.** Yeah, sure great.

33 **Q.** Ma'am, if you're looking to follow this there is a briefing paper attached to Cardinal Dew's
34 brief that captures the information for everyone and we can make sure that you have that by

1 tomorrow morning. You currently have it, but we'll take you to the right part of it by
2 tomorrow morning. So, to return to my question, Peter —

3 A. Sure.

4 Q. — are you able to just outline for the Commission the usual levels of ex gratia payments
5 insofar as they can be shown statistically and why that level of payment?

6 A. Sure. So, compiling the ex gratia payments in this regime, and it's very very useful to see it
7 this way, the first category is \$12,000 or less as the ex gratia payment. So, we have 36 of
8 those and there's a very large bulk of those, because I am pretty familiar with them, that
9 would be \$10,000. And those \$10,000 ex gratia payments were what the Marist Brothers
10 were paying for sexual abuse claims for quite a substantial period in the early 2000s, and
11 there were a large number of cases in the early 2000s. Would you like me to keep going?

12 Q. Looking at the next category please?

13 A. So, the next category is between \$12,000 and \$20,000, there's 10. I would consider those to
14 be mostly, or if not all sexual abuse cases, whereas the previous category included physical
15 abuse cases. In more recent times, the starting figure would have been \$15,000 and so
16 those 10 I would think are probably around the \$15,000 mark and then some that might be
17 the \$20,000 mark. And then lastly, there's listed here one above \$20,000 but in fact I know
18 more recently that there's more than one, okay?

19 Q. These are made as ex gratia payments, Peter?

20 A. Mmm-hmm.

21 Q. Are you able to explain why the Brothers use that mechanism?

22 A. Sure. So, we've been careful to think through that what we are trying to achieve here is to
23 offer a token, a symbol, that we regret what harm has been done. We are not offering
24 compensation and we don't use that language. We also don't see it as a claim because
25 a claim starts to invoke other ideas that we don't associate with what we're trying to do here,
26 we're offering this as part of the Path to Healing. So that journey of healing, we're making
27 this contribution.

28 I must say that on top of the ex gratia, or supplementary to it, there may be other
29 gestures. Counselling is the obvious one but there are other types of offering that we might
30 put to the people who are part of this journey with us. So that might be travel, it might be
31 some kind of important family experience or something for the family or something for
32 people to feel that that helps them with their healing.

33 Q. We're getting very close to when I need to wrap up, Peter, so I'm going to ask you two sets
34 of questions that are more in type of reflection.

- 1 A. Mmm-hmm.
- 2 **Q.** You were here last week for some of the evidence and questions that were asked of the
3 Anglican —
- 4 A. Sure.
- 5 **Q.** — witnesses in relation to using a matrix.
- 6 A. Mmm-hmm.
- 7 **Q.** And I know that you've been reflecting on —
- 8 A. Yes.
- 9 **Q.** — whether the Marist Brothers would find that useful. I'll ask you to share those thoughts
10 with the Commission please?
- 11 A. Sure, sure. I think the idea of a matrix has a lot to offer. Looking at some of the overseas
12 examples that are being implemented in response to commissions similar to this one, there
13 are different ways of approaching this. One is the flat rate which is a bit like the \$10,000
14 that the Marist Brothers had for a little while in our case. That's in Sweden, it's a flat rate of
15 250,000 kroner, which is NZ\$40,000, and that covers who knows what in terms of the type
16 of claim or what that might comprise. But in most other instances, where something is
17 being developed by way of what can be reasonably offered to recipients, there's a banding
18 and I'm aware that what was mentioned last week was the Ministry of Social Development
19 in New Zealand already has something along these lines, and I found that very interesting
20 because our professional standards office team, our situation in terms of just trying to be
21 reasonable, consistent, think through what should we offer and how can we justify it and
22 how can we make some kind of sense of where it's going into the future, I think a banding
23 system has a lot to offer.
- 24 **Q.** Prior to the Royal Commission, Peter, were you and the Marist Brothers aware of the
25 quantum being paid by other Catholic Church entities?
- 26 A. Not all no, other than anecdotally way back 20 years ago, and that's not useful information.
- 27 **Q.** The last area I'm just going to touch on, and this is particularly your reflection in the three
28 years you've been in your current role about the redress process and engagement, I know
29 that you have been reflecting on the evidence that you heard at the end of last year,
30 particularly about the redress elements of that evidence.
- 31 A. Mmm-hmm.
- 32 **Q.** And you've made an acknowledgment in your brief which I'd like to close on, please, by
33 asking you to read paragraph 58 and 59.
- 34 A. Sure.

- 1 **Q.** This is specifically in relation to the redress process and engagement with the Marist
2 Brothers.
- 3 **A.** Sure. So, one of the things that I think was particularly noticeable about some of the
4 witness statements at the end of last year was we haven't moved as we should have, there
5 have been delays, people have had really detrimental experiences at our hands because of
6 delays. So, I want to acknowledge that delays have occurred in resolution of these ex gratia
7 and redress processes. And this delay for the complainant will always be difficult. We're
8 trying to work towards minimising any delay in the process and its effect on complainants.
9 So, we have increased the staff in our professional standards office, we have increased the
10 frequency of our meetings to make these deliberations, we have set up a tracking process
11 and we are documenting and tracking and reviewing as we go. Sorry, I've just lost my
12 page.
- 13 **Q.** 59, Peter.
- 14 **A.** Yeah, I know, 59's gone astray. So, these are inefficiencies that I regret, and I can see
15 they're a sad aspect of what we've been trying to achieve. We recognise, especially after
16 hearing the evidence of the witnesses in December, that our performance is not acceptable.
17 I have no doubt that our lack of promptness has failed these complainants and in fact
18 compounded their difficulties towards resolution. Regrettably, there have been a number of
19 occasions in the past year when this has occurred, some are in front of the Royal
20 Commission but there are others. So, we're committed to working to improve the
21 timeliness of our responses to complainants.
- 22 **Q.** Thank you, Peter. I imagine the Commissioner now has some questions for you.
- 23 **A.** Thank you.
- 24 **CHAIR:** Yes, thank you Ms Naughton. Ms Glover, I beg your pardon..
- 25 **QUESTIONING BY MS GLOVER:** Peter, my name's Jane Glover. I'd like to start by asking
26 you a few clarificatory questions about some of the things that you've just said. Starting
27 with your qualification about the phrasing and the typographical errors in your witness
28 statement.
- 29 **A.** Sure.
- 30 **Q.** Just so that we are all clear, can you describe the process by which this statement was
31 drafted please?
- 32 **A.** Yes, so on the 23rd of December I learned that I would be asked to appear at the
33 Commission and the set of questions. In order to do justice to those questions and, given
34 what time of year we were talking about in December, some of the material is financial,

1 some of the material is looking back at our processes at a high level and just trying to say
2 what happens and how it works. So, I sought assistance in January to try to make some
3 kind of reasonable and coherent response to those questions within the deadline.

4 **Q.** So, did you write this statement?

5 **A.** Not every word in this statement is mine, but that's — I am the delegate and I also lead the
6 office team, so I'll take responsibility.

7 **Q.** So, you do stand by what is said in it?

8 **A.** Yes, I know that there's a figure that I'd like to question, I think it doesn't look right, that
9 sort of thing, and those statements I am just not sure that I've worded them as I would want
10 in terms of that's not quite right or that's not what I'd say.

11 **Q.** Would you like to share with the Commission any of those clarifications or corrections?

12 **A.** Sure, okay. There's two that stand out in my mind, okay. One is in that table that the Chair
13 was referring to about our payments of fees. I'm aware that there's a figure there for
14 counselling and I think there's been a mix-up there about counselling for complainants and
15 counselling that might be brother counselling, and I think the whole lot might be in there in
16 the last two years.

17 **Q.** I see, so is that something that you can clarify —

18 **A.** I can clarify.

19 **Q.** — and provide the information to the Inquiry?

20 **A.** Sure, yeah. And the other one is that there's a statement there saying that the professional
21 standards team have completed the trauma-informed care module of Phoenix Australia.
22 We have, but how much we'd be able to say we've completed it when we might be, say,
23 5/7ths complete or something like that.

24 **Q.** I see. Another clarificatory point I think you were going to say, you mentioned two
25 situations in which a living brother might not be interviewed by the NOPS investigators?

26 **A.** Sure.

27 **Q.** And you specified one, you said that the brother would not be interviewed by a NOPS
28 investigator where there was a cognitive deficit?

29 **A.** Correct.

30 **Q.** What was the other instance?

31 **A.** Sorry, the other instance is that there is a brother who we put the kind of hesitation in front
32 of NOPS and the investigator on the basis of the brother had just had two major surgeries.

33 **Q.** I see. So that falls within that health caveat that you described?

34 **A.** Purely health, they're both purely health, yes.

- 1 **Q.** I was also interested in your comment that once the Marist Brothers receives a report from
2 the Complaints Assessment Committee, from the CAC —
- 3 **A.** Mmm-hmm.
- 4 **Q.** — one of the steps that is sometimes taken is to have an external consultant, a
5 psychotherapist involved at that point. What would the role of the psychotherapist be?
- 6 **A.** Trying to improve our delivery. I'm saying this is only recent, it's a bit like my apology I've
7 just made about lack of timeliness. So, when I was being asked about what our process is, I
8 was speaking in the present tense. If you take me back 12 months we didn't have that
9 relationship.
- 10 **Q.** What does the psychotherapist do now in terms of helping you with the presentation?
- 11 **A.** We have a small consultation group and we are going to meet and have been meeting
12 monthly and we will look at any cases that are in front of us as to how do we understand the
13 needs and what is being asked of us by this complainant, not just the Complaints
14 Assessment Committee report but knowing what it is that we're trying to achieve in terms
15 of this journey. And that's not something we're skilled in ourselves.
- 16 **Q.** So, are they giving you advice about what you could potentially provide in terms of redress
17 outcomes?
- 18 **A.** Not at all, no, they're not contributing to that conversation so much about redress, about the
19 Path to Healing.
- 20 **Q.** So, what are they contributing sorry?
- 21 **A.** The Path to Healing, the sort of sense of just understanding from the survivor's point of
22 view a lot better than we have been. It's not saying what the redress is going to be.
- 23 **Q.** But it's about identifying the survivor's needs?
- 24 **A.** Yes, survivor as a person, it's about — if we just go back to Tom he was saying go and talk
25 to them and realise that that is — listening is probably one of the most important things.
26 That kind of survivor focus is something that perhaps we haven't been delivering and been
27 able to accomplish in quite the way, or quite the sort of focus that we might have.
- 28 **Q.** So how would a survivor expect things to differ perhaps as a result of the involvement of
29 that psychotherapist?
- 30 **A.** I would characterise it as raising our game or being there for them more than we have been
31 and thinking about the task that we're on as being less administration, again using Tom's
32 examples, less towards our own administration and more towards this person and who they
33 are as a human being.
- 34 **Q.** You said in relation to ex gratia payments that you don't like using the language of a claim

- 1 because that introduces certain ideas —
- 2 A. Yes.
- 3 Q. — that you would prefer not to?
- 4 A. Mmm.
- 5 Q. What are those ideas that you would prefer not to have introduced?
- 6 A. So, I guess the idea of a claim is this harm has been caused, this is the recompense, this is
7 in a sense the obligation you have to set right the harm.
- 8 Q. So, the idea that you are seeking to avoid is this idea of obligation, is that right?
- 9 A. Yes, correct.
- 10 Q. You've given us some background in what you just said about the various roles that you
11 have held within the Marist Brothers.
- 12 A. Mmm-hmm.
- 13 Q. You've said that you were appointed as the delegate in 2018.
- 14 A. Correct.
- 15 Q. Do you recall when in 2018 that was?
- 16 A. I was appointed on the 1st of December 2017 actually, I've just said 2018 is sort of a bit
17 more easily able to be articulated.
- 18 Q. And as well as being a delegate for the Marist Brothers, you've previously been a member
19 of the Professional Standards Committee, is that right?
- 20 A. Correct. I've contributed to conversations in the Professional Standards Committee. My
21 involvement in actual cases in my time in the Professional Standards Committee would not
22 leave me being familiar with all those cases. Until I came into the role of delegate, I would
23 have been unaware of some cases or had only just the name and the brother and of one or
24 two kind of skeleton ideas about it.
- 25 Q. So, when were you serving on the Professional Standards Committee?
- 26 A. I was serving on the Professional Standards Committee, I can't remember the years, but in
27 early 2000s.
- 28 Q. So, you've said that's when a lot of claims were coming through?
- 29 A. Yes, correct, yes.
- 30 Q. And then you've also said that the Marist Brothers started using the NOPS process from
31 2016 —
- 32 A. Yes.
- 33 Q. — onwards. But prior to that time, the Marist Brothers undertook investigations and dealt
34 with claims itself?

- 1 A. Correct.
- 2 Q. And you were involved at some level with some of those cases?
- 3 A. Yes, that's a good way to describe it. I was involved at some level with some, correct.
- 4 Q. You've said in your written evidence that the members of the Professional Standards
5 Committee were all appointed because of long experience or professional expertise in
6 dealing with matters such as complaints of abuse, treating offenders, or organisational
7 leadership and management. What of those skill sets did you bring to bear to the
8 Professional Standards Committee?
- 9 A. So, I've firstly got a degree, Master's Degree in counselling, so I fit that category. But
10 secondly, I'm able to contribute a certain amount of what you might call institutional
11 knowledge. When we're talking about the offender, it is helpful to actually have somebody
12 who knows about the offender or some of those kinds of in-house aspects to it.
- 13 Q. I think you've also been a trustee of the Marist Trust Board?
- 14 A. That's correct. So, I know that the document was included recently in the document
15 package for me, that was the financials for 2018 I believe, or might have been '17, that I'm
16 listed there as a trustee on the Trust Board but I am not a trustee currently.
- 17 Q. When were you a trustee, over what period?
- 18 A. I've been a trustee for probably I would think 15 years.
- 19 Q. One of the survivor witnesses you referred to, John —
- 20 A. Yes.
- 21 Q. — who gave oral evidence at the phase one hearing —
- 22 A. Yes.
- 23 Q. — sent you an e-mail in June last year?
- 24 A. Sure.
- 25 Q. I don't think we need to go to it, but just for the record, the document reference is
26 CTH0003317?
- 27 A. Mmm-hmm.
- 28 Q. And John said you yourself, speaking of you, signed the Marist Trust Board financial
29 statements —
- 30 A. Yes.
- 31 Q. — in 2019 with a closing equity of \$167 million?
- 32 A. Mmm-hmm.
- 33 Q. I would like to have a look at your response to his e-mail?
- 34 A. Sure, could I have that put up please?

- 1 **Q.** Yes, absolutely, it's CTH0009823. So, this is your e-mail of 24 June 2020 and it raises a
2 few separate issues. If we could first orientate Peter by showing the beginning of the
3 e-mail and the date.
- 4 **A.** Thank you. So, November 22nd, 2020.
- 5 **Q.** Actually, the one that I want to look at I think must be further down the e-mail chain, 24
6 June 2020?
- 7 **A.** 24 June, thank you.
- 8 **Q.** And the context, just to give you some of the background, this is made in the context of
9 discussing an ex gratia payment and I believe at this time an offer of \$20,000 has just been
10 made and rejected?
- 11 **A.** Sure.
- 12 **Q.** If we can call out the paragraph beginning, "It is plain how hurtful and insulting this
13 process is feeling for you now"?
- 14 **A.** Yes.
- 15 **Q.** And the reference there to the ex gratia. You say "It seems very unfair, as I understand the
16 position, that people see significantly larger ex-gratias were given elsewhere under
17 whatever circumstances. Front of mind is Marylands. Many folks know this big example
18 happened, it is on the record. My understanding of the matter is limited. I am not
19 conversant. What we don't know is the rationale behind the ex gratias given. For our part,
20 just to be prudent, we don't compare, and we cannot comment on other organisations and
21 their settlements."
- 22 So, at that point you're reiterating what you've just told the Inquiry here, that the
23 Marist Brothers don't compare their financial payments made to survivors of abuse by
24 members of the Marist Brothers with payments made by other organisations within the
25 Catholic Church?
- 26 **A.** Correct.
- 27 **Q.** Then if we can move on to the paragraph beginning, "I note the reference to the Marist
28 organisation holding a diversity of assets with millions at hand." You're saying to John,
29 "This is how you see things, and this is also something for me to understand as a
30 perception. I'll hold to the understanding. I wonder if an over-simplified narrative is part
31 of this. I do 'get' the thrust of the remarks. It is ethical for me to say yes, there are assets."
32 What are you referring to here when you say there is an over-simplified narrative?
- 33 **A.** I'm sorry, I can't recall what I was implying by that, it's not obvious.
- 34 **Q.** Even reading it now it doesn't mean anything to you?

- 1 A. No.
- 2 **Q.** Looking then at the paragraph starting, "Another matter for me to understand is how it may
3 not be sitting well potentially that I've held another role. Yes, I was a signatory who
4 assured the 2018 financial records. I had knowledge to put my name behind the accounts'
5 integrity, in accounting terms. The work I do is in Professional Standards, I am not
6 working in finance and the roles are different. I do hold some knowledge about financial
7 matters, and I do get it, that for you this situation seems to be untidy." In what capacity did
8 you sign off the Marist Brothers financial records?
- 9 A. As a trustee, so the records were signed by two trustees and I was one of the two who
10 signed. There could have been any two.
- 11 **Q.** Have you ever had input into budgetary matters for the Marist Trust Board such as approval
12 redress settlement payments?
- 13 A. Since I've been the delegate of professional standards, yes of course, that's in the last --
14 since 2018, yes, I'm in that loop. Back in this period of these prior term when I was not the
15 delegate, then I would be sorry, I would like to have continued to see that.
- 16 **Q.** I'm sure it can be brought back up.
- 17 A. When I was not the delegate, did I have any input into those figures, no, of the redress, no.
18 I was just wondering when you were asking about budget involvement, I was involved with
19 the budget of the Brothers as in the Brothers' vehicles, insurance, healthcare, the Brothers,
20 the Brothers as the kind of subset within the Trust Board's accounts.
- 21 **Q.** Just to be fair to you so I don't misconstrue —
- 22 A. Yes.
- 23 **Q.** — what you've said. It seems from what you're saying that when you were a delegate and
24 you were in that loop —
- 25 A. Yes.
- 26 **Q.** — of approving —
- 27 A. Which is now.
- 28 **Q.** — the resettlement processes, you're doing that as a delegate, you're not doing that as a
29 trustee?
- 30 A. Correct, that's now, that's now and I'm no longer a trustee, but —
- 31 **Q.** No, but there was a period of time, I understand from your evidence --
- 32 A. Yes.
- 33 **Q.** — that there would have been an overlap when you're holding —
- 34 A. Correct.

- 1 **Q.** — both roles?
- 2 **A.** That's correct, so like I could comment on a question about my involvement in those
3 financial accounts wearing both hats. I could answer up as a trustee, then I could answer up
4 as someone with an interest in the area of professional standards, but I think I've reasonably
5 clearly answered the questions you've asked me.
- 6 **Q.** Have you ever held any other roles that are relevant to redress or safeguarding within the
7 Marist Brothers?
- 8 **A.** The current situation is that I do have a safeguarding role. The -- have I held them in the
9 past? Yes, in a sense of I have assisted when necessary in the professional standards area.
10 For instance, I think I mentioned in my witness statement that two of us went to a week
11 long conference in Rome, I was one of those two. So I was involved quite closely in the
12 matter of professional standards in terms of an interested participant or a major participant.
- 13 **Q.** Even separate from your official role within the Professional Standards Committee?
- 14 **A.** No, that was part of that.
- 15 **Q.** That was part of it?
- 16 **A.** That was part of it, yes.
- 17 **Q.** Moving on to a slightly different topic then. You've given quite a lot of detail just now
18 about the Marist Brothers' history in terms of its establishment in Aotearoa and especially
19 in Northland.
- 20 **A.** Yes.
- 21 **Q.** I'd like to ask you a few questions about that topic.
- 22 **A.** Mmm-hmm.
- 23 **Q.** Starting with just a few practical matters.
- 24 **A.** Sure.
- 25 **Q.** Do the Marist Brothers record the ethnicity of survivors who come forward to report abuse?
- 26 **A.** I would think the ethnicity can't be guaranteed in the sense of we don't record it, but we'd
27 have a very high intuitive level. If it's a survivor coming forward from Hato Petera which
28 I mentioned, there's an obvious ethnicity there, there's 90% plus Māori at Hato Petera. If
29 it's someone from some of those rural communities where we were working in Northland or
30 in Tolaga Bay, again —
- 31 **Q.** Sorry, can you just for the Inquiry's benefit can you remind us what those communities
32 were?
- 33 **A.** So the Marist Brothers in Northland have been in Panguru, Kaitaia, Moerewa, Kawakawa
34 and Kaikohe and on the East Coast at Tolaga Bay.

- 1 **Q.** So you don't ask the survivors —
- 2 **A.** No.
- 3 **Q.** I see.
- 4 **A.** Yeah, sure.
- 5 **Q.** Based on those intuitive assessments then, do you have any sense of the proportion of
6 survivors of abuse who are coming forward or have come forward who may be Māori?
- 7 **A.** My sense — can I speak just in terms of myself and without —
- 8 **Q.** To whatever level of knowledge you —
- 9 **A.** — quoting my -- not to be quoted in the sense of this is the final analysis which is separate,
10 if it was done really carefully, but my sense is that there are three and I would be able to
11 recall them straight away.
- 12 **Q.** In your evidence you describe the colonial or historical relationship with the Marist
13 Brothers and Māori as one of genuine significance?
- 14 **A.** Yes.
- 15 **Q.** The mission for which the Brothers came to this country?
- 16 **A.** Correct.
- 17 **Q.** And also that initial contact between the Marist Brothers and Māori was happening at a
18 pivotal time —
- 19 **A.** Sure.
- 20 **Q.** — in this nation's history at the same time around about as Te Tiriti o Waitangi was being
21 —
- 22 **A.** Sure.
- 23 **Q.** — signed? How then is this history reflected in the way that the Marist Brothers conduct
24 their ministry and in particular have any express commitments been made by the Marist
25 Brothers to Te Tiriti?
- 26 **A.** We have a general commitment to Te Tiriti o Waitangi but I wouldn't put it at the same
27 level when I look at some other congregations who are miles ahead of us.
- 28 **Q.** What do you mean by it's a general commitment?
- 29 **A.** If we take each of our areas of interest, I'm looking at professional standards right now and
30 I can see that there's a whole journey that we haven't started and that we should undertake
31 in Te Tiriti commitment, in professional standards. The same could be said across some of
32 the other areas of our work, in our ministries. I think we know where we should be going,
33 but we're not getting there as quickly as we should.
- 34 **Q.** Speaking for you personally, is Māori cultural competency something that you feel you

- 1 have personal expertise in, or is it an area where you need to draw in the expertise of
2 others?
- 3 A. I would draw on expertise of others. Like, for instance, if we have our current documents
4 and policies and we're working on reviewing and developing those, which I think is an
5 important urgent and major task for professional standards and safeguarding, we're going to
6 have to consult and make it far more a part of an intrinsic response to our Te Tiriti
7 commitment.
- 8 Q. To date do you feel that you've had sufficient resources made available to you when you've
9 needed them in this area?
- 10 A. There's a lot of things that we do as Brothers where we'll come at it a little bit like the
11 number 8 wire New Zealand approach. So we don't ask for resources, I think is part of my
12 answer to that. I wouldn't know that I'm complaining about a lack of resources. In fact
13 sometimes, I know there's a Brother who has Māori competence I might say "Can you help
14 us writing this policy." But actually we shouldn't have gone that way, I think maybe we
15 should have consulted with the Māori community. That's the sort of thing, we're I'm saying
16 have I been sufficiently resourced, I could have looked to be more resourced and then that
17 should have been driven by me.
- 18 Q. Are you speaking hypothetically then when you say you might have gone to a Māori
19 Brother to have input?
- 20 A. No, no I'm not, I'm speaking actually, a Māori Brother has contributed.
- 21 Q. Contributed to which redress policies?
- 22 A. To our -- I just can't remember the name of the document, but the document that that we
23 have which is our set of policies that relates to management and response to professional
24 standards matters.
- 25 Q. And how do you think that document has changed as a result of that input?
- 26 A. I think it's not necessarily changed, its nuanced, I think there's another round I think that
27 needs to happen now as I've just said.
- 28 Q. You've also talked about the very significant role that the Brothers have had in relation to
29 education, including educating Māori?
- 30 A. Yes.
- 31 Q. Including, as you said, at Hato Petera College?
- 32 A. Sure.
- 33 Q. In your written witness statement you've used this notion of partnership —
- 34 A. Yes.

- 1 **Q.** — to describe the relationship between the Brothers —
- 2 **A.** Mmm-hmm.
- 3 **Q.** — and the students. So is it fair to characterise that partnership as a relationship based on
4 reciprocity and mutual benefit?
- 5 **A.** I think that that was the whole point of a particular section that I really wanted to put to the
6 Commission today which was about that period in which our mostly Pakeha Brothers in the
7 1970s, 80s, that sort of period, were very open to engaging with Māori and to being shaped
8 by that experience, and they made a contribution back to the Māori community by their
9 enthusiasm and passion for Hato Petera College. So yes, I think that we've established
10 through experience that there's a lot to be gained by that sort of reciprocity between the
11 two.
- 12 **Q.** And at paragraph 14 of your written statement you include a whakataukī?
- 13 **A.** Sure.
- 14 **Q.** You say "Naku te rourou nau te rourou ka ora ai te iwi."
15 **A.** Sure.
- 16 **Q.** "With my food basket —
17 **A.** And your food basket.
18 **Q.** — and your food basket the people will thrive".
19 **A.** Yes.
- 20 **Q.** I do have a few questions about this, and I don't raise this to- in a way that seeks to
21 embarrass you, but because it potentially raises —it's potentially illustrative of a broader
22 issue.
- 23 **A.** Sure.
- 24 **Q.** And that's the fact that an expert within this Inquiry advises that you've in fact misquoted --
25 **A.** Correct.
26 **Q.** — this well-known whakataukī and also omitted the macrons that give it sense --
27 **A.** Sure.
28 **Q.** — and that the framing that you've used emphasises your food basket.
29 **A.** Mmm-hmm.
- 30 **Q.** First, and sort of respects or honours your own contribution before that of the other parties.
31 **A.** Mmm-hmm.
- 32 **Q.** Is it possible do you think that some Māori survivors might see the Marist Brothers'
33 approach generally illustrated by the use of this whakataukī as being perhaps somewhat
34 tokenistic and not truly collaborative?

- 1 A. I think so, and perhaps clumsy, obviously, if you are telling me that this has not been
2 applied correctly or isn't 100% spot on.
- 3 Q. Do you think that that is a fair -- if that is how some Māori survivors may feel —
- 4 A. Sure.
- 5 Q. — do you think that's a fair characterisation of tokenism within the Marist Brothers?
- 6 A. Tokenism is a rather strong term, it's got a pejorative tone to it. It's falling short, it's a
7 failure.
- 8 Q. From what you've — because this whakataukī is all about reciprocity and collaboration.
- 9 A. Yes.
- 10 Q. The things that we've been talking about.
- 11 A. There's some ironies in there, yes.
- 12 Q. You're probably going to tell me the answer to this, I think, I suspect I know the answer to
13 this from what you've said already about your acknowledgment that there needs to be
14 further work done in this area, but currently to what extent do tikanga principles, for
15 example, feature in the Marist Brothers approach to redress?
- 16 A. I suppose the first thing that springs to mind is if we're engaging with a complainant who is
17 Māori or in a context that's got a strong Māori element in it, how would we do that. I hope
18 that we won't be the bull in the China shop, but on the other hand to answer your question
19 honestly, I wouldn't think that on a day-to-day basis in our engagement with claimants or
20 complainants, or any part of the initial process, that our tikanga practices are strong, no, I
21 wouldn't.
- 22 Q. So thinking about practical —
- 23 A. Yes.
- 24 Q. — things such as the use of Te Reo —
- 25 A. Yeah, sure.
- 26 Q. — or meeting on marae, that sort of thing.
- 27 A. Yes, yes, yes.
- 28 Q. That's not something that has happened yet I take it?
- 29 A. Yes, yes, no sure. I mean I did —
- 30 Q. That's something you'd be open to?
- 31 A. — mention those three cases, but I am not familiar with how they were handled. I do know
32 the cases from the files but I don't know how they were handled.
- 33 Q. And looking forward, and I take this from the indications that you've been giving that the
34 Marist Brothers would be open --

1 A. Yes.

2 **Q.** — to incorporating these sort of culturally sensitive principles going forwards?

3 A. That's right.

4 **MS GLOVER:** Madam Chair, I've got one further short topic that I had anticipated getting to this
5 evening, but I'm obviously —

6 **CHAIR:** And would that bring your questioning to an end?

7 **MS GLOVER:** No, Madam Chair this witness is scheduled to —

8 **CHAIR:** That would be tomorrow, so I suggest you finish off now what you're going to do now,
9 then we'll take the adjournment. How long do you anticipate?

10 **MS GLOVER:** 15 minutes? Or I can come back to this topic in the morning.

11 **CHAIR:** I think perhaps, we've had a very long day, we started at 9 and I think we need to give all
12 due attention to our witness, so I think we should stop now if that suits you.

13 **MS GLOVER:** Thank you Madam Chair.

14 **CHAIR:** Peter, obviously you are asked to return tomorrow and grateful to you for agreeing to do
15 that. So we will come to an end.

16 **Hearing closes with waiata and karakia mutunga by Ngāti Whātua Ōrākei**

17 **Hearing adjourns at 5.04 pm to Wednesday, 24 March 2021 at 10 am**

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