

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
MARYLANDS SCHOOL**

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)
Ali'imuumua Sandra Alofivae

Counsel: Ms Katherine Anderson, Mr Simon Mount QC, Ms Kerry Beaton QC, Ms Jane Glover, Ms Anne Toohey, Ms Kima Tuiali'i, Ms Julia Spelman, Mr Winston McCarthy, Ms Echo Haronga, Mr Michael Thomas and Ms Kathy Basire for the Royal Commission
Ms Rachael Schmidt-McCleave, Ms Julia White and Mr Max Clarke-Parker for the Crown
Ms Sonja Cooper, Ms Amanda Hill, Mr Sam Benton, Ms Alana Thomas and Mr Sam Wimsett as other counsel attending

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

Date: 9 February 2022

TRANSCRIPT OF PROCEEDINGS

Adjournment from 3.40 pm to 3.59 pm

1
2 **CHAIR:** Welcome back everybody. And welcome to you. Thank you for coming. I start with
3 the affirmation, or do you wish to say something before we start?

4 **MS ANDERSON:** I think the affirmation is the perfect place to start.

5 **CHAIR:** I know that sounds a bit scary, but it shouldn't be, just I'm just going to ask you if you
6 promise to tell the truth and I'll use the formal words, but here they are.

MS DN (Affirmed)

7
8 **QUESTIONING BY MS ANDERSON:** Good afternoon, Ms DN, and welcome. Before I take
9 you through your brief of evidence, I'll just clarify for the Commissioners and the people in
10 the room and have you confirm that you're here giving evidence as a family member of
11 somebody who had time at Marylands, is that right?

12 A. Yes, that's correct.

13 **Q.** But the evidence you're giving is about your experience of the sister of the person sent and
14 the family experience?

15 A. Yes.

16 **Q.** As a consequence of what happened to your brother at Marylands?

17 A. Yes, that's correct.

18 **Q.** And you're not giving evidence on behalf of your brother?

19 A. No.

20 **Q.** Thank you. And to maintain your brother's anonymity, as we go through your evidence,
21 we'll refer to him as "your brother" or "my brother" and just to keep it like that, or Mr. DO
22 might be another way that we refer to him.

23 A. Certainly.

24 **Q.** Your brother attended Marylands from the period May 1965 to August 1974?

25 A. That's correct.

26 **Q.** Can you tell us a little bit about your family and the context in which your brother was with
27 you as one of your siblings?

28 A. Okay. We have a large family, and my brother was the eighth child, and I was the ninth
29 child and there was two others that came after us, so we were, you know, a large family, but
30 by that, that's not unusual, Catholic families in that time. My parents were both very
31 devout Catholics and brought us all up with morals and values and they themselves were
32 regular attendances to church and to teachings. We all had Catholic education.

33 **Q.** And by "Catholic education" do you mean going to Catholic schools?

34 A. Catholic schools, we went to church every Sunday and we maintained all of the religious

1 rituals that Catholics did in those days. From the moment my brother was born --

2 **Q.** Yeah, so just tell us a little bit about your brother and his disability that he had.

3 **A.** It was obvious from when he was born that he was not like the other siblings and the doctor
4 who delivered him, who delivered all my mother's other children, had said "He's not like
5 your other children" and the doctor himself was a well-known Catholic in Auckland at that
6 time, so of course my mother trusted him, believed him.

7 **Q.** And so, when your brother is being described as not like one of the rest of the siblings,
8 when you were young, he was living at home with the family?

9 **A.** Yeah.

10 **Q.** What was the family doing to try and support him in those early years?

11 **A.** Well, because we had six older sisters, they took it upon themselves to care for him and we
12 were just told he was behind, slow. So, my sisters thought they could get him to catch up.
13 So, he had lots of reading and trying to encourage him to talk, all of those sorts of things,
14 but of course he never really had the milestones that everybody else did, no matter what
15 input there was.

16 **Q.** And did he go to a school here in because-- the family's living in Auckland, aren't you, at
17 this point?

18 **A.** There was an attempt to have him in I-- think there was a, what was called an IHC, actually
19 an IHC school in Three Kings and there was one close by in Mt Eden. But it didn't really
20 work, and he was at kindergarten, but again it just he- wasn't responding, he wasn't
21 enjoying it and my mother felt -like my-- mother, education is everything to her, she
22 thought they couldn't meet his needs at these schools. So. she --

23 **Q.** So, yeah, tell us about, so that's the background.

24 **A.** Yes.

25 **Q.** Where did your parents go to for advice about what next to do?

26 **A.** Well, they went to the parish priest, as everybody did in those days, and the parish priest
27 then advised them to go and see the Bishop. That's exactly what Catholics did in those
28 days. So, she went to the Bishop who told my mother there's this fantastic school down in
29 Christchurch. It's a boarding school, they can offer everything for him, he will be educated,
30 he will be cared for, and importantly for my mother and father it will be in a Catholic
31 tradition.

32 **Q.** And obviously you weren't part of these conversations?

33 **A.** No, I was little.

34 **Q.** Yeah, so and-- I think you've said that you had extensive conversations with your mother

1 when you were nursing her later in life?

2 A. Yeah, yeah, I went to -- I cared for my mother, I moved in and lived with her for about
3 eight, nine years and towards the last two years of her life she wasn't as -- she wasn't -- she
4 died at 90, but she was pretty good health, but she didn't sleep very well and I used to go in
5 and listen to her and she used to tell me all sorts of things about her life, her regrets, she
6 used to talk about my brother and she had a lot of guilt.

7 Q. So that's where this information's come from about her conversations?

8 A. Yeah, and my older sisters, they knew about it because they were old enough to be told
9 about my brother going to this special school and how fantastic it was. So, it was sort of
10 passed on down to the family that this was a special school, and he was going to it, and it
11 was going to really help him to have a good future.

12 Q. He was about 8 when he --

13 A. Yeah.

14 Q. -- went there, and he was there for about eight years, he came back when he was about 16
15 or 17?

16 A. Yeah, I think, I thought it was about 17 that he came back.

17 Q. And what was the financial implication of sending him to this school in Christchurch?

18 A. It involved school fees every term, it involved flying him there and back, May, August,
19 Christmas holidays he came home for two weeks. It also meant supplying a lot of he-- had
20 to have an allowance that was sent with him, it was called like pocket money, but he also
21 had a huge list of clothing and toiletries and everything like that that was expected to go
22 with him every term. And I remember that more clearly because I can remember helping to
23 pack everything for him and buying like 12 cakes of, what was it, Knights Castile soap or
24 something like that, and all his undies and socks and everything being labelled. So, we had
25 a huge bag, everything had and- then as well as the school fees, which, because it was a
26 special school and boarding school, it was known that it would be quite expensive. And he
27 had to have pocket money, that wasn't given to him, that was sort of sent to the Brothers or
28 to the school, so it was -always yeah--, but the airfare there and back, it was May, August,
29 Christmas, that was how the school holidays were in those days.

30 Q. That sort of financial aspect, did that cause some difficulty for the family or was that an
31 easy aspect to fund?

32 A. Well, we'd all had a Catholic education, so it was and-- what in those days were considered
33 to be private schools, they're State integrated now, so we went to these schools, so it was
34 always just that's what you did. And fortunately, my mother was the most careful, frugal

1 person, she sewed, she cooked, she preserved, as women did in those days, so everything
2 was done. And we just expected that he was going to be given exactly the
3 same- opportunities that we were. There was no question, no question about it.

4 **Q.** And your mother and other members of your family travelled from Auckland down to
5 Christchurch to visit your brother at Marylands?

6 **A.** Yes, that's right.

7 **Q.** You've got some comments in your evidence about those observations that have been
8 reported to you. Do you want to just tell us about that?

9 **A.** One of the things that became obvious was you couldn't just spontaneously turn up at the
10 school. You had to make an appointment and the excuse was "We're doing special therapy,
11 we're doing special classes, the children can't be interrupted because it might interrupt the
12 programme of what they're doing." So of course, when you hear that you have this idea
13 that something amazing is going on.

14 **Q.** And so, the trip's been booked?

15 **A.** Yeah.

16 **Q.** And so, what are some of the observations that have been reported to you about, you know,
17 once somebody's got their appointment and is visiting at the school?

18 **A.** You couldn't just walk into the school, you had to meet in a room, and the overwhelming
19 thing that everybody said they came back, when we used to talk about it, was the noise and
20 the chaos that they could hear going on in the other rooms. My brother was brought into
21 the room, just kind of pushed through the door, not pushed, but sent through the door and
22 just there and then you got to see him. So, there was no interaction between my brother and
23 the teachers or the caregivers or the Brothers or whoever was around or matron or whoever,
24 there was no interaction there.

25 **Q.** And would school reports be the subject of those meetings, or would they arrive separately?

26 **A.** Oh, they arrived separately, but my mother always had to ask for them. I think
27 I said - mentioned that she was really into education, she really thought that that was
28 important. And she thought if I get a report then I can see the improvement that he's
29 making, or other things that can be offered to assist him. So, they were just like tick boxes,
30 and there was nothing that told us anything about how he was progressing or not
31 progressing. She wondered -why he'd- come home,- and we'd all be playing Monopoly,
32 playing Ludo, playing cards, drawing pictures, reading our books, and trying to get him to
33 take part.

34 **Q.** This is during school home visits during the holidays?

1 A. Yes. That worried my mother.

2 Q. So, she's a little bit worried and she takes further steps, doesn't she, to get a bit more
3 information from the school, you talk about that in your statement?

4 A. Yeah. So, in those days you didn't just really ring up, you wrote a letter. And of course, it
5 went to the senior person, senior teacher come senior brother and really there was no
6 response. She said "I want to know how he's progressing; I'd like to know if we need to do
7 more for him. We're trying at home to teach him, to read to him."

8 Q. And did she ask to see his file at the school?

9 A. Oh, she did, I don't think there was a file, I can't remember, I can't remember that part.

10 Q. But she had these concerns and --

11 A. Oh yeah.

12 Q. -- and she went to speak to somebody in the church, didn't she?

13 A. Oh, yes, the other option then, of course, because she was here in Auckland, was to go and
14 see Bishop Liston, or Archbishop Liston or whatever he was at that stage. And she made
15 an appointment to see him, dressed up and all very important and did the respectful thing,
16 and she came away totally humiliated, because his response to her was "You don't know
17 how lucky you are to have them caring for your son." She was mortified, she was mortified
18 that she exhibited possible concern about his treatment and maybe she had imagined it and
19 who did she think she was challenging the Catholic Church, challenging the Brothers,
20 challenging what was happening at Marylands and she was totally humiliated.

21 Q. So, against that background, you go on to talk in your statement about both the education
22 and the care, physical care as well --

23 A. Yeah.

24 Q. -- of your brother at Marylands. Can you just take us through the reflections that you've got
25 dealing first with education and then with care?

26 A. I think the care probably stands out the most for me, because I was the closest one to him in
27 age and being a sister, I naturally did a bit more nurturing of him. So, I used to take him to
28 every- school holidays- he had to go to the dentist because his teeth were just totally
29 neglected, and that's an example; they were just revolting. And even though we packed
30 toothbrushes along with toothpaste there was obviously no care for dental hygiene.

31 So consequently, when he came home, if it was May or August holidays, basically
32 the whole two weeks were spent taking him to the dentist to have a huge amount of work
33 done. I remember trying to teach him how to clean his teeth thinking why I am teaching
34 him this, you know, I don't see him for months on end and what happens when he goes

1 back to school. And then I can't remember what he- had so many teeth out and the dentist
2 said, "I don't know what they're doing there but there's -something he's-- not got good oral
3 hygiene habits." But he just got too old to try and teach, you know, and he got trench
4 mouth, which is just like from the trenches from the First World War, that's how bad it is.
5 It was just horrible.

6 **Q.** And you've packed him off to school each term.

7 **A.** Oh, each term.

8 **Q.** He's gone with a suitcase with the clothes.

9 **A.** Suitcase full of toothpaste, toothbrushes, everything.

10 **Q.** And so, when he comes back in the holidays, what's in his suitcase?

11 **A.** You'd be lucky if you found one sock and maybe his school jumper, which was not usually
12 his, it was somebody else's because it was completely the wrong size. His stuff never came
13 back with him. So, it meant okay, another couple of weeks pulling it all together for the
14 next time going down, back to school. But his – and – the other part was his personal
15 hygiene. Do you want me to talk about that?

16 **Q.** Yes please.

17 **A.** It was really embarrassing because we wanted to have friends around, as you can expect.

18 **Q.** That's in the school holidays when he's back home?

19 **A.** In the school holidays when he's home. But his personal hygiene as far as he used to
20 smear when – he'd go to the toilet and he'd empty his bowels he always seemed to have
21 problems with it when he came home initially, and then he didn't understand about using
22 toilet paper. He didn't understand about washing his hands. He'd -put - he'd smear his
23 hands on the towels and we tried really hard- to address that with him.

24 **Q.** And that was a change after he went to Marylands from before?

25 **A.** Oh yeah, before that, because prior to him going to Marylands, he was just one of
26 the he- was one of the family, and he just did what we did, maybe a bit slower, but he went
27 to the toilet like we did and ate his meals like we did and, you know, -watched we-- didn't
28 really have TV then, but just did all those things just a little bit slower than us but still did
29 them. But then he comes back and he's not doing that anymore, and you can't have friends
30 around when there's pooh smeared on the towels, it was just awful and you'd try to talk to
31 him about it, and he'd get really upset, and my mother would say "He'll be all right, he'll be
32 all right, don't be mean to him, don't be mean to him."

33 **Q.** Because you talk about in your statement about the changed behaviour after he went to
34 Marylands. So, when he's come home in these school holidays, what's the change in

1 behaviour that you noticed?

2 A. He's very angry with us because he can't do what we do. He can't read the books like we
3 can. He can't play Monopoly like we can. He has these rages, "I want to do what you do,
4 why can't I" and-- our brother, "Why can't I go to his school, what's wrong with me?"

5 Q. And he had a reaction, you talk about a reaction when he's home for the holidays and the
6 family's going off to Mass at church?

7 A. Yeah, it's just --

8 Q. Talk to us about that.

9 A. He just he-- would scream and hit against the wall if there was any mention of going to
10 church. He could hardly even say the word. So, in fact that's when we started having
11 half-- the family would go to one Mass and then the other half would go to the other so
12 there was somebody home to care for him. And when I used to say to my mother isn't that
13 weird because I-- didn't say weird, probably didn't use that word and thought what does he
14 do when he's at school and he has to go to Mass? But, you know, never really got the
15 answer to that. But we did think it was really peculiar. Because the rest of us had to go,
16 like she wouldn't not let us go, it was very and-- then he would just go crazy.

17 When he first arrived home, he'd be a bit difficult from the school holidays, then
18 he would calm down and we'd think okay, it's all right, everything's okay. And my mother
19 used to say "Don't tell him this-- is not something you would do now, but don't-- tell him
20 before he's due to go back. Let's just keep things as they are" and he'd be really good.
21 Then as soon as he knew when he was going back to school, it would just be "I don't want
22 to go, I don't want to go, I don't want to go." He'd hit us(?), just as siblings do, but he was
23 so angry, and he'd cry on my mother's lap. And we used to try and joke him up and say
24 "You're going on an airplane, that's so cool. You're going to boarding school and you'll be
25 able to do all those things", because we thought it was something like the equivalent of
26 being I-- mean they talk about Harry Potter, but obviously Harry Potter wasn't alive then,
27 but it was some sort of belief that you had this life with all these people that were your
28 friends, and you could, and-- we tried to get him excited about it. But it was and-- he was
29 unbearable, and he'd weep all the way to the airport, and we thought he was missing us, and
30 we'd try to say, "Oh it's not that great at home, you know, there's all of us and, you know,
31 you've got all your friends here, we don't have that." So, we tried really
32 hard --to because-- we thought that that's what it was like, we assumed that he was having a
33 fine old time.

34 Q. And on one of the visits home, you make a reflection on things that you now think were

1 signs of anal trauma. Can you tell us --

2 A. He sorry--.

3 Q. What's the basis of your perspective now that that's perhaps what was being exhibited back
4 then?

5 A. Well, coming from a large family you all have little chores to do, you know, and my, you
6 know, take the sheets and change the sheets and put them in to be washing, and his were
7 always leaking and soiled and I couldn't understand why. And I can clearly remember that.
8 And when we used because-- we had a beach house, when we used to go to the beach
9 house, we used to all change rooms. So, we'd sleep in, you know, the girls used to sleep
10 together and the boys and sometimes we'd swap, but we never wanted to go into **GRO-**
11 **B**'s sorry we -- never wanted to go into my brother's room because his bed linen was just
12 awful. But we didn't mock him or make fun of him. We just gathered it up and thought
13 and I --just but-- I also, looking back now, realised-- why I didn't like going to the toilet
14 after him, and he didn't seem to be able to empty his bowel properly and he always seemed
15 to have something wrong with it. But of course, what do you do?

16 Q. Well, you talk about your mother taking your brother to a GP --

17 A. Yeah.

18 Q. -- when he's home on one of these school visits?

19 A. She did, he was an old GP and he just said it-- was a coded way of saying "It's not
20 something I can deal with. I don't know what's going on where he is, but he needs to go
21 and see somebody else", and that was just left like that. So, I don't know what my mother
22 was expected to do there, but it wasn't something that a GP who'd been our family GP
23 could deal with.

24 Q. And when he's coming back for the school holiday visits, you observe an aspect of him
25 around smoking cigarettes, don't you?

26 A. I can remember to this day, we had a two-storey house and I was in my room, you know,
27 doing whatever you do, and I looked out the window and I did a second take and I looked at
28 him walking down the road smoking a cigarette, but we're talking about smoking a cigarette
29 like somebody really experienced, not like coughing, you know, whatever happens the first
30 time you have a cigarette. Which made me realise he's been smoking.

31 Q. And what age would he have been at about this time?

32 A. Gosh, you know, he wasn't very old, he was about 9 or 10, maybe 11, but, you know,
33 certainly, yeah, quite young, certainly not an age to be smoking. And it had been

1 concerning because my mother had not wanted obviously-- she knew smoking wasn't good
2 and we just knew it wasn't healthy.

3 **Q.** And you talk about finding out that he'd been given medication at the school.

4 **A.** Yeah.

5 **Q.** Can you tell us, you know, how you found out and what the medication was?

6 **A.** Well, he came back it-- was a Christmas break, so we were going to the beach house, and
7 we picked him up and thought -- he was so lethargic. And he'd put on this enormous
8 amount of weight, like he had, you know, love handles I suppose you call them, I don't
9 know, but his trousers didn't fit, everything was -- and he almost had a gynecomastia, it was
10 really pronounced. And when we went to the beach house normally, he would come
11 swimming and he wouldn't go swimming. "I can't do that anymore" and he could
12 barely, -- and -- it was just --complete so-- that would have been the December holidays
13 and that would have been the difference from, say, August.

14 And then my mother noticed and said, "I don't know what's wrong with him."
15 And then she contacted the school and they'd put him on some medication, and she said,
16 "But I was never asked, and I don't know anything about this medication." And it was
17 some sort of sedative that they thought, and we said Well, what's happening, what's he
18 doing, is he not sleeping, is he, you know, all the reasons why you think is he aggressive,
19 all sorts of things. Has he got a neurological, because in those days it was always, I think,
20 the idea that if you had an intellectual disability then you probably have some sort of
21 organic component as well. So, she was more than happy to listen, but no, no, they had just
22 decided.

23 Years later I found out from one of my sisters that one of the Brothers was
24 apparently a pharmacist and that's where the decision had been made, that a pharmacist
25 decided. But there was no consent on the part of my mother.

26 **Q.** And what was the point at which your parents decided to take your brother out of
27 Marylands?

28 **A.** My father had died by this stage, so what happened is we were members of the IHC society
29 where you pay a bit of money and then about four times a year, they send you a booklet on
30 what's happening around the country for IHC. We happened to be flicking through it and
31 we saw this big spread about Marylands. Now I will say I think it's the IHC, I thought it
32 was Women's Weekly, but thinking about it I could be wrong on that, so I'd be prepared to
33 admit it. But it was there and here was a picture of this fantastic place, Marylands, and
34 there was a picture we looked, and they were talking about the working of the place and

1 there was a picture of my brother working in the laundry.

2 **Q.** And so, your mother took steps to query that with the school?

3 **A.** Immediately.

4 **Q.** And what was she told?

5 **A.** "Oh well there's nothing more we can do for him."

6 **Q.** Did she learn how long that that working in the laundry as opposed to education had been
7 going on for?

8 **A.** Well, she was told about -- they said a year or two, but she -- the other thing is she was still
9 paying school fees, still believing that he was being educated, still filling up a suitcase
10 every term. So, -- it was hard to know exactly how long that had been, but it had been at
11 least six months to one year and the response was, "There wasn't anything more we could
12 do for him." And her response was "Well, why didn't you tell me? Why didn't you let me
13 know, we could have worked on that." And he still couldn't read and write.

14 **Q.** So, when he's come back you talk about the difficulties finding the right place for him, but
15 does he end up in a place that he's been for many years now?

16 **A.** Mmm.

17 **Q.** And you talk about your mother again engaging with the Church after he's returned and
18 whether they, you know, were interested in helping in any way. Can you --

19 **A.** Not interested at all, no. What could they do, they said, we don't does -- he need an
20 institution? Of course not, he doesn't need an institution. We said do you have some work
21 schemes; -- can you offer him anything? Some type of apprenticeship, anything to keep
22 him occupied, anything to help him through the day. Nothing, nothing, nothing, it's kind of
23 your problem now. And she did say to them "But he can't read and write yet, and he's been
24 there all that time, and nobody told me that he wasn't progressing." They said, well more or
25 less, "tough".

26 **Q.** So, he's back home, you've had the information that the Church isn't offering any other
27 suggestions, and I think you come to the point where you talk about, you know, what
28 ultimately happened due to his oral hygiene and the dental --

29 **A.** He had his teeth all removed.

30 **Q.** Yeah.

31 **A.** All removed, it was awful.

32 **Q.** And what did the dentist observe about that?

33 **A.** I've never seen teeth like this before, it's total neglect over a long period of time. And I just
34 remember saying "In all those times I had to take you to the dentist and sit there in

1 the" -- and -- they didn't give injections in those days, the poor boy, he must have had a
2 terrible time, and all that money wasted when probably, you know, yeah abscesses that he
3 had, abscesses that he had drained, it was just horrendous.

4 **Q.** You go on to talk about an absence that required treatment in Greenlane Hospital and the
5 experience of the attitude to your brother?

6 **A.** Yeah. GRO-C.

7 And so I think, even though I told them he was my brother, but nobody would go near him,
8 because they said on his file it was that he was a practising homosexual, and those days it
9 was the first time that we were talking about HIV/AIDS and he had an ischiorectal abscess
10 which required draining, and because it was very close to the rectum and it was coming
11 through, so it required a dressing to go through. So, someone would do his dressing, so
12 I ended up -- having to do his dressing for him.

13 **Q.** And he was treated at that time for genital warts?

14 **A.** Oh, yes, genital warts was --

15 **Q.** And herpes virus?

16 **A.** And herpes virus, yes. In those holidays when he went up to the beach house, I had to also
17 do his dressing then because you couldn't get any district nurses to do it.

18 **Q.** And your brother had some engagement with the criminal justice system as a result of --

19 **A.** Yeah.

20 **Q.** -- of engaging with a male prostitute?

21 **A.** Yeah, not far from here actually, he was found in some public toilets engaging in an act and
22 it was --

23 **Q.** With a male prostitute?

24 **A.** -- with a male prostitute. It went to court, yeah.

25 **Q.** As a result of it he was referred to a medical professional?

26 **A.** Yeah.

27 **Q.** Can you tell us about that?

28 **A.** That was in the time when the homosexual law reform was just starting to happen, but, you
29 know, there was concern that because of his low IQ and because of the Act that had
30 happened that he could be seen, he could be held accountable and end up to be incarcerated
31 because of it. So we were advised, and I can't remember who, might have been the lawyer
32 or something, advised us to go and see GRO-B who was then at -- he was a private
33 psychiatrist at what was Bexley Clinic, a private psychiatric clinic and he was known to

1 have -- be sensitive towards homosexuals, if you want to say, or people with that sort
2 of -- people that were caught up in that criminal, what was considered criminal activity.

3 **Q.** And that's the first time that a medical professional makes a sort of comment directly about
4 your brother having been exposed to sexual abuse in his childhood?

5 **A.** Yeah, it was the first time he actually I -- guess because he was a -psychiatrist -- it was the
6 first time my brother expressed openly that he -- had this -- had happened to him. Because
7 it was not that going into where he'd had --this -- with a male prostitute was obviously not
8 his first experience, so the psychiatrist was able to get evidence that it was something that
9 had happened for a number of years. And that was the first time we realized -- that it
10 wasn't always consensual for him.

11 **Q.** And so, you comment on your mother sort of just not thinking, even receiving this
12 information that he's experienced sexual abuse in his childhood, that it might have been the
13 Brothers at the school?

14 **A.** I don't think my mother would have believed it at that when-- she was told then, but of
15 course years later she realized -- the reality.

16 **Q.** What were the obstacles, do you think, for the family believing at that time that it might
17 have been the religious Brothers?

18 **A.** Certainly, my older sisters, who were working and working in mental health, they did
19 not -- worry them, they -- were totally-- thought well it was a possibility. But my mother
20 just, "Why would that happen? Why would they do that? It's my boy, he's got low IQ, he
21 needs to be cared for, why would they take someone so vulnerable and do that to them?"

22 **Q.** And your brother's not very well at the moment, is he?

23 **A.** No, we've had the first last-- week I was rung again by the hospital and he's now
24 in -- palliative -- he's -- going to receive palliative care.

25 **Q.** And what's that in relation -- it's -- a physical aspect, isn't it?

26 **A.** Yeah, he's got herpes virus that has caused anal cancer. He's got a huge tumour. He had
27 surgery well--, he's got a colostomy, but he's got the -- tumour is so big and it's he's -- had
28 radiotherapy, but it's starting -- it's growing to the outside and is starting to fungate right on
29 his rectal area. They could not -- if they tried to do more radiotherapy, that would just
30 destroy and kill the skin, which means the healing would be impaired. He actually asked
31 -- he -- can't he -- really struggles -- with caring for his colostomy, he's never learned fine
32 motor skills.

33 **CHAIR:** Ms DN, this is very painful for you, we have your evidence here, so you don't have to go
34 into all the --

1 A. I want people to hear this.

2 Q. You want people to hear?

3 A. I want them to hear it.

4 Q. Okay, I'm just anxious for you.

5 A. No, don't worry, I am fine, I just need people to know about this.

6 Q. Well, we're listening very carefully, I can promise you, so thank you.

7 A. He can't you -- know all those skills you learn when you're little like building blocks and
8 that sort of thing; when you have, which was obvious he never had that hand--eye
9 coordination, even though we tried to throw balls, all that sort of thing, but there was
10 months and months where he didn't have that. So, then he gets to the stage where he can't
11 learn that anymore. So now we have an adult who has surgery, and he -- doesn't have -- the
12 capability to change his colostomy bag. He knows what's going on and he knows that he's
13 passing bowel motions into a bag, and it needs to be cleaned and just the same way as you
14 clean your bottom, but he just can't do that. He asked me the other day if he was going to
15 have it put back together, so he knows what's -- happened.

16 **QUESTIONING BY MS ANDERSON CONTINUED:** And the medical professionals have
17 drawn a link, haven't they, between --

18 A. Oh, most definitely.

19 Q. -- his current condition and his experience at Marylands?

20 A. Yeah.

21 Q. Just in your own words, can you explain what that link is?

22 A. It's the same as a woman that develops cervical cancer. We do cervical smears on women
23 because we're looking for cellular changes and then we know that they're possibly at risk of
24 developing cervical cancer. So, what has happened to my brother is he has been sexually,
25 from a young age, exposed at a very young age to sexual penetration and he's been exposed
26 to the herpes virus. Perhaps if he had been, like other people attend sexual health clinics if
27 they know what's going on, you know, maybe. But he has never done that because he
28 repressed a lot of that that was happening and of course he would never have told my
29 mother "I'm having sex -- anyway, -- but anal-- sex." My mother wasn't a prude, but it
30 would probably never enter her head that he would have a sexually transmitted infection.

31 So that is what he's got, he's now got the advanced cases of cellular changes and
32 probably undoubtedly, if you read the literature, there's a link between genital herpes,
33 genital warts and the ischio-rectal abscess he had, which was internal penetration and
34 damage to the mucosa of the bowel and the anus and the rectum.

1 In fact, we have had because -- I've always been honest with his surgeons because
2 I don't have his Enduring Power of Attorney, my older sister does, but I always go to all of
3 his health appointments because I'm still working as a nurse, clinical nurse specialist, so I
4 can interpret what's going on. And we actually have received a lot of sympathy and support
5 from a number of the clinicians involved in his care. At one stage it was wondered whether
6 we would approach ACC for a sensitive claim, but I don't want to put him through that and
7 also -- knowing how ACC, he'll probably be dead before anything would ever come of that.

8 **Q.** But you did initiate a process, didn't you, I think you say in your evidence was it after your
9 mother died?

10 **A.** Oh, yes, with --

11 **Q.** With the Church.

12 **A.** Yeah. In the later years of my mother's life, and I discussed it with her and said, "How do
13 you feel if I go back to the Church, go back to the school and lay some sort of complaint or
14 investigation as to what's happened?" And she was so overwhelmed with guilt. It was the
15 guilt of not acting and not really doing anything about it and knowing something wasn't
16 quite right. And also accepting what the Church said back to her. And kind of accepting
17 being really patronised and intimidated by them when she tried to discuss it. She was really
18 regretful. And I said "How would you feel if" also-- my mother had a very strong-willed --
19 person, but my mother had a stammer, and if she got under any sort of stress she would
20 start to stammer, and I think she feared that that's what would happen. And I said "Well,
21 you know me, would -- you like me to do it?" And she said, "You have my blessing but
22 don't ask me to be any part of it", even before, and I said, "That's fine, I won't." Sometimes
23 I asked her things like dates, can she remember this, can she remember that -- But she left it
24 up to me.

25 **Q.** So, you've made contact through somebody you know in the church and you end up having
26 a meeting with Brother Burke?

27 **A.** Yeah.

28 **Q.** And Dr Michelle Mulvihill who have come to New Zealand?

29 **A.** Yeah.

30 **Q.** Can you tell us about that experience?

31 **A.** It was okay, but it felt a bit creepy talking to somebody from -- who --

32 **Q.** You attended this meeting?

33 **A.** Oh, yes, I would never send my brother there alone and he was a bit freaked out by it,
34 because when I mentioned it was going to be the Church and Marylands, he immediately

1 kind of freaked out. I said, "I'll be with you and none of those people from when you were
2 there will be there." And when the Brother – announced and – even saying "Brother",
3 I thought probably – not but – he assured us that he was going to – that – things had
4 changed, he was transparent, they wanted to get to the bottom of all of this, they wanted to
5 see what had happened. But importantly I think is – he did acknowledge that there was
6 abuse and neglect. He used those words.

7 And it was kind of - it was relief. When I explained to my brother, yeah, he –
8 said I-- don't think he understood what I meant, and I had to say to him "What happened to
9 you was wrong and it wasn't your fault and it's nothing that you did, it's those naughty
10 people that were meant to care for you did not care for you." So, and --

11 **Q.** And you go on to so -- there is this meeting and you've got some comments about the
12 difference in presence in the room between Brother Burke and Dr Mulvihill?

13 **A.** Yeah. I felt when she spoke, she did quite a good she –, yeah, appeared to have an analysis
14 of my brother that he was – able he's – really repressed a lot. And she tried to encourage
15 him to express it but told him he had probably learned how to not talk about it. But then
16 she made me believe that she was on the outer, that no matter what she said for the Church
17 that they weren't listening to her. And I thought, you know.

18 **Q.** But you did go on and there was a financial settlement?

19 **A.** Oh yeah, yeah, so but --, you know, yeah, and we had to make it very clear that we weren't
20 there for the money, because that's kind of not very nice, and my mother was really
21 unhappy about that, and said "What would I do with it? Like my gosh, what would I say,
22 can I put it into **GRO-B**'s account sorry-, my brother's account", and then my mother
23 showed, she said "Actually, maybe we can give – him we -- can give him some nice things
24 in his life." So, yeah, that was but – her she – was – so – her – worry was that being a --

25 **Q.** This is your mother's worry?

26 **A.** One of her worries was but if we take any sort of finance from them, that means people like
27 herself who gave money every week at church or Mass, she thought it was going to be
28 taken from those people. As she said, "They don't get paid any money, their, you know,
29 their Order doesn't get paid any money, they're just doing it because it's a vocation." So,
30 she had a huge amount of guilt about that.

31 **Q.** And Brother Burke recommended that you go to – that – your brother go to the Police,
32 report --

33 **A.** Yes, yeah.

1 **Q.** And he does engage in that process and you're on that journey with him as he goes to
2 Police?

3 **A.** It was a long journey; I think we were probably interviewed about six times for up to two or
4 three hours at a time. But most of the Police we engaged with were senior detectives or
5 whatever and they were all in communication with each other because we were here in
6 Auckland and a lot of it was happening from Christchurch, and then there was Burke, who I
7 think was in Melbourne or something, so it was kind -- of felt like there was something
8 going on. But Burke had made us believe that he was totally transparent, that he was
9 totally with us, that we could phone him any time day or night and he would listen to what
10 we had to say.

11 **Q.** And did you take up that offer to call regularly?

12 **A.** God I wasn't going to call a Catholic Brother.

13 **Q.** And so, your brother ends up being one of the complainants and a witness in the criminal
14 trial against Brother Moloney?

15 **A.** Yeah.

16 **Q.** And you've just got some comments about your brother giving evidence in that trial. Can
17 you just talk us through what your brother was able to express during that trial?

18 **A.** I tell you; it was awful. Poor boy. He just couldn't express, he kept looking for reassurance
19 and he was frightened, and of course I wasn't allowed to be in the room, understandably.

20 **Q.** Because you were going to be a witness as well?

21 **A.** Because I was going to be a witness as well, so he didn't know what to say and he kept
22 nodding his head because he thought he -- still does that now, if he thinks that you're going
23 to say something that you need to agree with him, and the worst thing was there was
24 Brothers in the room, -- and I just thought that was just appalling. And the counsel for the
25 Church was kind of quite bullying really and --

26 **Q.** Counsel for the church or counsel for Brother Moloney?

27 **A.** Sorry, Brother Moloney, yeah, sorry my mistake there.

28 **Q.** That's all right.

29 **A.** And he just gave up, that look, he just kind of faded, and he just he-- --

30 **Q.** So you weren't in the room, so you've got siblings in the room who --

31 **A.** Yeah, and I think Mr. Clearwater was there, and he came out and the Police were listening
32 and then I was in the room, and they said, "Poor boy, he's just not he -- doesn't know, he
33 can't recognise anybody, he can't acknowledge, he can't say yes or no, he can't be absolutely
34 certain." So, his statements were considered to be -- of no value.

1 Q. Yeah, and the judge directed that his evidence was not to be -- was not sufficiently reliable?

2 A. And it was so sad, and he came out and he said to me "I was all right, wasn't I?" It was just
3 so sad. Because he was, you know, I said "Of course you were, you were so brave. You
4 were amazing."

5 Q. And he didn't have a communication assistant or any of that kind of --

6 A. No.

7 Q. -- person helping him while he's giving evidence in his criminal trial?

8 A. No. Like nobody to explain, because if I had have been allowed to do that, but of course
9 I wasn't allowed to, but sometimes what I do now when I'm with him is you modify the
10 question in a way that he will understand it. And it's not always that he's simple or
11 anything, it's just because I know him, I know what to say to him, and I'll say, "This is what
12 they're asking you, what about" and -- it's really important, it's like with his treatment it's
13 been really important -- for him to have some control and some ability to consent. So,
14 we've said to him, we've explained everything, and said, "Do you want this, or don't you
15 want this or" and -- even let him sign his name, even though he can't sign it, he just puts an
16 X and capital letter for his name. But I've always we've -- always tried to involve him,
17 so but -- that was he -- was way out of his depth there and he just didn't know what to do
18 and he wanted to please me so much.

19 Q. And as a consequence of the direction in that prosecution against Moloney about the
20 unreliability of his evidence, because of suggestibility, his complaint in relation to one of
21 the other Brothers was not able to progress either was it?

22 A. No, no.

23 Q. In fact, you gave evidence in the Moloney trial, I think you've referred to not in the context
24 of the discussion of the trial, but elsewhere you've used this phrase "trolling for money"?

25 A. It was horrible.

26 Q. Where did that come up?

27 A. That was the lawyer that was appearing for counsel for the Brother, and said stood -- up
28 there and said, "when you were trolling for money." And I just my God, you know, and I'm
29 a reasonably assertive person, and said "I didn't troll for money". And I think in fact the
30 judge then made a statement and basically told him to stop. But it was just one thing after
31 another, he was quite nasty and quite humiliating.

32 Q. Just that sort of inference as to the motivation for coming forward?

33 A. Yeah, it was only there "Why have you waited so long, how can you be sure it actually
34 happened?" All of this sort of the -- doubtingness, and that's when I realised there's no way

1 I would have allowed my brother to be exposed to that, it would have been cruel, absolutely
2 cruel –. And also my mother, it would have been -- if that had happened to my mother and
3 they had spoken to her like that, she would have -- she would have probably got angry and
4 assertive and that, but it would have just been like oh my God, am I really doing that, is that
5 what I'm -- the perception, whereas she was trying to say "I'm a mother that cared for my
6 child, and I'm upset because my child was not cared for by the people I thought who would
7 care for him."

8 **Q.** Thank you. And we're just at the final part of your evidence, Ms DN. You've got some
9 reflections about looking forward and some final comments that you want to make. So just
10 want to share, you've got some thoughts about the Church itself?

11 **A.** I don't think they've really, really faced the damage that they've done. They still hide
12 behind a lot; they're still patronising and arrogant. It's so they – will say that – they they'll –
13 say from a religious point of view that they value Mary who's the mother of Jesus so
14 therefore they have a respect for women. But I don't think they have; I think that it's quite
15 misogynistic in many ways. And they're unapproachable.

16 And they've lost so many people and they can't be trusted anymore; I just don't
17 trust anything they say. Every time another thing comes out, like a couple of weeks ago
18 about Ratzinger who was the last Pope, it's just disgraceful. It's abnormal the way they live,
19 it's abnormal to have men that are just – go and be celibate somewhere. People choose to
20 be celibate, that's fine, you know, you quite like being celibate, a lot of people like it, it's
21 fine. These men weren't celibate, they were paedophiles, they were criminals, they
22 committed terrible acts on really vulnerable people, they weren't just "Oh I'm a man that
23 chooses not to be in a relationship with a woman so I'm actually okay", this was really
24 dysfunctional behavior – and I don't think the Church has addressed that.

25 My own experience of education also wasn't that crash hot, nasty bullying nuns,
26 but, you know, I got over it. Why does the Church still have this nonsense going on? It's
27 just it's -- wrong, absolutely wrong. I don't believe they're transparent enough.

28 I certainly they -- may pay lip service, "Oh we're wonderful about education and look at
29 what we've done up in Northland, we're really in touch with Māori" and things like that; I
30 don't agree, I don't see that. I work in South Auckland, and I don't agree with how the
31 Church runs some of the things I hear about what's happened in South Auckland. I think
32 they're still corrupt, and I still think they're not accountable for and they hide behind "We're
33 so we're -- so religious and we're so devout and we're such good people"; I'm sorry, I just
34 don't see that.

1 **Q.** We're just drawing to a close, I've got one question for you before I ask you just if there's
2 anything else you want to say before you finish and then we'll have questions the
3 Commissioners may wish to ask you. But you comment that they're not transparent.

4 **A.** Yeah.

5 **Q.** What would they need to do for you to have a sense that they were being transparent?

6 **A.** Well, you'd like to be able to go and see someone like one of the Bishops and actually have
7 a conversation and he will tell you exactly, not use Catholic jargon or religious jargon that
8 they would tell you as a human being, some sort of humanitarian stuff, but they talk about
9 blessed be this and it's just it's -- insincere and it doesn't mean anything.

10 So, I want them to, and -- I want them to actually say -- yes, we have investigated,
11 and you know what, that we weren't wrong, that my mother wasn't wrong, that we did ask,
12 we did know something was not happening right, but they did not listen to us. And my
13 brother is definitely facing the consequences of that. And we're a good family in
14 comparison, God knows what it was like. I mean he's got nine sisters that just do
15 everything for him and love him and care for him and a brother as well who does that, and
16 he's nurtured. And he's done some pretty shitty things, some pretty awful things, but we
17 still love him. What about all those kids that didn't have that? Or those men now, you
18 know, are they going to take any responsibility for that?

19 **Q.** So, some big questions there to land on.

20 **A.** Yeah.

21 **Q.** Is there anything else that you wish to say before we invite the Commissioners to ask any
22 questions, they might wish to ask of you?

23 **A.** I would just like you to see this link between I -- really want you to see this neglect
24 between his physical, emotional and educational needs, they were not met and the
25 consequences of what's happened to him now. And he's a lovely guy, he's
26 lovely, he's -- got a great sense of humour, he was never going to be a rocket scientist, but
27 he could have been something he really could have been. He's had to spend all of his
28 life he -- wanted, he was desperate to drive a car, to work in a workshop, "but I can't
29 drive" he -- couldn't drive a car because you can't read and write. You know, he had
30 aspirations, he wanted to be like the rest of us and have a job.

31 We used to pay people to employ him, and he'd go and help in factories, and he
32 said, "They gave me a Coke and a pie, and I sat with them at smoko." You know, it's not a
33 lot to ask and that's what he wanted. Unfortunately, some of his behaviour was such that he
34 just couldn't -- yeah, it just didn't happen.

1 **Q.** Thank you Ms DN. Commissioners. Do you have questions for Ms DN?

2 **COMMISSIONER ALOFIVAE:** Ms DN, thank you, thank you so much for expressing the
3 journey and it's very clear from your evidence that you've journeyed many decades with
4 your brother, not just you but your siblings and the love that you share for him. Just one
5 question. You just described him as slow, was there ever a formal diagnosis at some point
6 later on?

7 A. No, no. They did sort of metabolic tests and blood tests and x-rays and things like that, but
8 there was never any actual diagnosis, – there -- was no chromosomal studies done, which is
9 probably what you'd do now. The other thing is, I suppose it was it -- was almost accepted
10 when I grew up because, you know, we all hung out with other Catholic families who had
11 10, 11, 12, 13, 14, 15 kids, there was often an abnormal one and you just, you know, in
12 with the crowd really, it was not abnormal.

13 We always -- this is how silly – we always wanted him to be a Down Syndrome,
14 you know, as they were, because then we knew we had a diagnosis and you could be like a
15 Down's and people used to say to us, "Is he like a Down's Syndrome?" We'd say "Well, a
16 little bit but not really", you know, there was no formal diagnosis. And in fact, my parents
17 took him to a number of –, they just said he's slow, he's retarded as they used to use that
18 word in those days. But he was not physically, you know, like his walking was fine, he
19 didn't have an ataxia, he never had seizures, anything like that sometimes you might be able
20 to give a diagnosis, so there was nothing formal.

21 Having met people, yes, and we often say about it at home, "Oh I met someone
22 that's like our brother, he does this, or he does that, there's no reason why our brother
23 couldn't have done that." So, we have a sort of a comparison, a benchmark that we do think
24 that there was a capability, but too many months and too many years went past where
25 there's too many gaps. So no, he didn't have any formal diagnosis.

26 **Q.** Thank you Mrs. DN.

27 A. Okay.

28 **CHAIR:** It's an incredibly powerful story. And it strikes me that you began your story with
29 explaining to us how you were such a Catholic family. I just wonder what all this has done
30 to the spirituality of you, your family, your brother. Are you able to speak to that?

31 A. About three members of my family still, I would say, what we call practising Catholics.
32 One of them in particular, it's caused a lot of division. One of my siblings has been told by
33 members of the church, "It was so long ago, I don't know what you're going on about", it
34 was yeah –, and he – has he's – been made to feel why would he bring it up, "It's so long

1 ago, it's in the past, let it go."

2 And when there was some payment, one of my siblings was bullied and said,
3 "How can you accept that blood money?" So it's caused a lot of division in the family, and
4 even my mother in the last years of her life when I cared for her, she started having a doubt
5 of faith, which I thought God, if you can be 90 years old and say the rosary every day and
6 you start having a doubt of faith, but that's what -- but also a lot of things happened to her,
7 and it was the patriarchal system. One time I was happened -- to be along the road, and
8 I saw the Bishop and I said "Why aren't you why -- isn't someone coming to see my
9 mother, she's one of your most loyal people? Nobody comes to give her communion and
10 she can't walk to Mass; she says her prayers every day, what's wrong with you people?"
11 And I said to him in fact "You know, if you were Anglicans, at least if you were married
12 and you had a partner" they -- often took on the role of visiting within -- there I -- said, --
13 "You guys don't do that." I can tell you the next day there was somebody at the church.
14 But she started saying, "This thing that I've believed in for so long, why did I?" Like so,
15 you know, so it's caused big divisions in my family.

16 **Q.** Yeah.

17 **A.** You know, so we don't really talk about it. I think because of people like myself that have
18 gone ahead and done this, we're probably the more stronger people in the family, so we just
19 say, "Sorry, this is what it's all about, and we're not going to hide behind that it was a long
20 time ago" or, you know, whatever. So yeah.

21 **Q.** So, the reality is that, as horrific the impacts and effects of the abuse has been on your poor
22 brother, it's also had effects on your wider family, hasn't it?

23 **A.** Without a doubt.

24 **Q.** Yes.

25 **A.** Especially us younger ones. School holidays were just awful. And we felt guilty about not
26 wanting him there.

27 **Q.** Yes.

28 **A.** And the relief when he went back. And you know what I used to want, that he was dead.
29 Which I know people say often when there's a disabled child in the family, you say "I just
30 want him dead." Now that he's facing it, I just feel, poor lad. But yeah, that's what it --
31 was it -- was traumatic, it was horrible, and I wouldn't want that on any family. But, you
32 know, we had lots of good things. We had a good home, we had a beach house, we had
33 good food, we had books, we had lots and lots of opportunities, other families didn't have
34 that.

1 Q. Yes.

2 A. So, we were in many ways really fortunate.

3 Q. To say that you were fortunate shows what strength of character you've got and what an
4 extraordinary outlook you have on your life. Could I just thank you sincerely on behalf of
5 the Commission. I think you said you had to say it and it has to be out there and people
6 have to know.

7 A. Yeah.

8 Q. That is why the Royal Commission was set up, and so you are an exemplar, if I might say,
9 of somebody, although you are not a direct survivor, you are a survivor because of your
10 family effects.

11 A. Yeah.

12 Q. And having people with the courage and tenacity to come and say it as it is makes it
13 possible for us to do our work. We're sorry for your brother's plight, sorry for your family,
14 but grateful for you coming today.

15 A. Thank you.

16 Q. Thank you very much. We will now end, we have karakia, we have Luke Claasen who is
17 going to say the karakia for us. Would you like to stay there while we do that?

18 A. Yes, absolutely, I feel like – I – was going to ask you at the beginning, was this place
19 blessed before we started.

20 Q. Totally, and we always begin and end with a blessing.

21 A. Yeah, thank you.

22 Q. If you're happy to be there please stay.

23 **CHAIR:** Kia ora Luke. Kei a koe te karakia. [**Karakia mutunga by Ngāti Whātua Orakei**].

24 Thank you everybody, we will now adjourn. We will resume at 10 o'clock in the morning.

25 **Hearing adjourned at 5.10 pm to Thursday, 10 February 2022 at 10 am**