

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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'imuamua 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: 17 February 2022

TRANSCRIPT OF PROCEEDINGS

CLOSING SUBMISSIONS BY DR MULVIHILL

1
2 **DR MULVIHILL:** Thank you, Madam Chair, I appreciate this opportunity. Commissioners, I
3 have taken part in this Royal Commission and provided evidence based on my lived
4 experience of the Hospitaller Order of St John of God over a period of many years, so thank
5 you for allowing me to be a core witness.

6 This case study has been about how, over decades, a group of religious men called
7 the Hospitaller Brothers, were enabled by the New Zealand local Catholic Church to enter
8 your beautiful country to take up residence in Christchurch, to establish a boarding school
9 for boys who suffered neurodiversity or psycho-behavioural issues, take fees from parents
10 and grants from your Government and groom the general public, including the local church,
11 into supporting them, only to then commit what we have heard in this Commission many
12 times, the most heinous of crimes against children, leaving them for dead.

13 In the course of this Inquiry, you have heard many recounts of childhood abuse by
14 those who were sexually, physically, spirituality, emotionally abused as children within
15 faith-based institutions, and I have met many of these victims personally and I honour each
16 and every one of you who has come forward, in particular I remember those St John of God
17 victims whom I have met and spent much time with and I thank you for being so faithful to
18 yourself and to the other boys that you grew up with in such a strong way.

19 Commissioners, my evidence is not simply about the criminal destruction of
20 children's lives, or about the effect on children when they grow into adults. What I really
21 want you to know is how a worldwide Catholic organisation can collude unnoticed to allow
22 such cruelty to take place. You need to understand how this was not prevented before it
23 started, how it was not stopped when identified and how the disbelief of some victims
24 continues to this day.

25 Commissioners, the Catholic Church in New Zealand engaged a group of untrained
26 religious strangers to educate children in need of care. These men then used and abused
27 their power, destroyed the lives of children and then discarded them. I would hope that the
28 New Zealand Government is very certain that it is heavily committed to ensuring that this
29 cruelty inflicted upon children cannot ever happen again.

30 This is not just a dark chapter in the history of New Zealand. This is an opportunity
31 to write a new book, a different story, one that's built on the absolute insurance that the
32 dignity of every New Zealand child will be safeguarded.

33 I found out for myself what it was like to be enculturated into a system called the
34 Hospitaller Order of St John of God that I once trusted, whose values I even admired and

1 looked up to, only to have many attempts made by them in a continuing way at eroding my
2 professionalism, my trust broken, and my reputation and standing used and then abused by
3 these master perpetrators. You saw evidence of this yesterday for yourself at this
4 Commission. The vicious and cruel behaviour to which they refer belongs to them.

5 If I, as a mature, professional woman, fell into the grasp of these men without
6 seeing what I see now, what hope would a child have of escaping grooming and abuse.
7 What hope does any victim have of being believed and shown true dignity, what hope will
8 any child have in the future to be carefully and safely cared for and properly tended to, if
9 someone with the resources that I have was seduced into believing that these men attempted
10 to live their espoused values of poverty, chastity, obedience and hospitality, then how might
11 an innocent child desist?

12 Their displays of attempts to protect their outrageous wealth, their deviant sexual
13 behaviour, their obedience to closing ranks, and their hostile displays of cold and
14 inhospitable treatment of victims to this day is indefensible and unforgivable.

15 Commissioners, I have listened to and read the sham apologies to victims made by
16 these Brothers and many other Catholic Church representatives over a period of many,
17 many years. They continue to live in ideological hiding places and I feel aghast that you,
18 the people of New Zealand, the Catholic people of New Zealand, the parents of those
19 abused, the counsellors, the social workers, signers, doctors and nurses, victim supporters,
20 journalists, lawyers, and people who work in inquiry rooms such as the one you are in now,
21 have never been addressed or acknowledged or apologised to in any way for having to
22 listen to and deal with the cruel disinterest and dishonesty of this religious order. The
23 trauma itself of hearing such testimonies must have paid enormous effect to anybody tuning
24 in. That has never been addressed or apologised for.

25 This in itself to me, as an expert in post-traumatic stress and its effects, is evidenced
26 by the empathic charade that you have witnessed over the past days of this Inquiry by the
27 apologists who have appeared here.

28 It is also evidenced by the absence at this Commission of those key Brothers who
29 were in charge of things in the 1970s and 1980s and who are still alive today, and who have
30 failed to provide any comment or recount of why they did not intervene. They have not
31 been asked for statements.

32 The St John of God Brothers have fashioned for themselves a capacity to hide from
33 the challenges of the real world and from the detritus they have left behind in New Zealand
34 as a consequence of their criminally reckless involvement in the Marylands School. Their

1 genuineness, in my view, evaporates in the intense heat of serious examination, which now
2 means that the old clichés just do not stand up anymore.

3 New Zealand victims do not ask for their prayers, they ask for ongoing action and
4 justice towards righting the wrongs of the past in a human way, right now and in an
5 enduring manner.

6 Systemic abuse happens when good people place their trust in organisations and
7 believe and hope that they stand for good, not for evil. Systemic abuse continues to take
8 place when it is in the very DNA of the culture of the organisation.

9 The St John of God Brothers demonstrate that they have a kind of organisational
10 amnesia and, sadly, many Catholic Orders have caught it too. They seem to have found a
11 collective mute button worldwide.

12 Such an abusive culture installs a filter on the lens that they use to see victims as
13 they truly are. They install a damper, some blinders, some organisational ear plugs, and
14 then they take a nap.

15 The St John of God Brothers as a worldwide organisation seem to have a need to
16 erase these stories in each and every country they operate, misplace the tapes, zoom out and
17 slowly dissolve to black, their slow burning secrets involve the blurring and pixelating of
18 these facts.

19 Commissioners, I implore those in power in New Zealand, especially your
20 Government, to listen deeply to all I have said and to listen to these victims and their
21 advocates. The psychological toll accrued in your New Zealand communities is immense.
22 The level of criminal activity must never be allowed to happen to children in New Zealand
23 and I have heard that many times today.

24 The second injury which victims, including all secondary and tertiary victims,
25 continue to suffer to this day and as witnessed by this Royal Commission of Inquiry,
26 requires serious attention.

27 To victim advocates and supporters, especially the Network of Survivors and their
28 supporters in New Zealand, I urge you to continue this most important of work.

29 To all victims and to those who have experienced, witnessed and continue to
30 witness this systemic abuse, whose voices still have not been heard, I say this: Come
31 forward, protest, approach the Police or this Commission, continue to demand that your
32 needs are met later in life because they were never met when you were a child.

33 Do not be afraid to speak. Be very afraid of what will happen to the whole of this
34 most uncomfortable truth if you do not. Thank you Commissioners.

1 **CHAIR:** Thank you Michelle, Dr Mulvihill, we're very grateful indeed, as I said before, for your
2 contribution to this hearing, to your evidence that you gave the other day and thank you for
3 that very stirring and thought-provoking submission which we will take very much to heart.
4 Thank you for joining us.

5 **DR MULVIHILL:** Thank you very much.

6 **MS ANDERSON:** Madam Chair, that now concludes this public hearing.

7 **CHAIR:** Yes. Thank you. I will make some closing remarks. E ngā mana, e ngā reo, e ngā hau e
8 whā, raurangatira mā, tēnā koutou, tēnā koutou, tēnā rā tātou katoa.

9 This has been a very significant hearing. It is the only full and proper investigation
10 of the behaviour of the Brothers of Order of St John of God at Marylands and at Hebron
11 Trust that has been undertaken. And for the very first time, many survivors have had the
12 opportunity to publicly speak about the shocking abuse that they suffered at the hands of
13 many of the Brothers who were supposed to be caring for them. That shocking abuse
14 included, and is admitted; it included grooming, child rape, vicious physical abuse, and
15 neglect, neglect of the vulnerable children's need for nurture and education.

16 We acknowledge and applaud the willingness of the survivors to share these painful
17 experiences and to describe the painful and lifelong impacts that they have to continue to
18 endure.

19 The survivors were at the Marylands school because they were children with
20 disabilities, or they had neurodiversity, they had learning difficulties and these particular
21 issues, which although opened and explored in part during this hearing, will be further
22 examined in a hearing on mental health and disability issues which had be held by the
23 Commission later this year.

24 We have also examined in part in this hearing the responsibilities and the roles of
25 the Catholic Church through its Bishops as well as the responsibilities of the New Zealand
26 Government for the children who were in care. These issues have been raised and explored
27 in part, but they are issues of accountability which will be examined even more fully in a
28 hearing towards the end of this year to be held by the Royal Commission.

29 This hearing has focused on bringing the accounts and experiences of the survivors
30 for a number of reasons, first to provide a factual background and a platform for our
31 findings, but particularly so that survivors know that they have been listened to and
32 especially so that all of New Zealand Aotearoa has the opportunity to hear, to feel and to
33 understand the depth of the hurt and pain endured by the survivors.

1 Another lesson that is painful but is apparent is that this is not just historic, this is
2 not just in the past, but that the pain, both personal and social, consequences which flow
3 from them, for the survivors, rests with all of us. It lives on and I implore those who have
4 listened, who have heard, who have felt and who understand to support all calls for action
5 for the future. This is a matter for all of us.

6 We thank you all of those who have contributed to this hearing. The staff, our
7 counsel on both sides, our technical people, and the interpreters. I also include and make
8 special mention, in this particular hearing, for those who have provided the well-being and
9 the support to the survivors as they have prepared their statement, made their videos, or
10 have given evidence either here in this room or via AVL, that well-being support is vital to
11 try and prevent any further harm coming to those survivors.

12 I want to assure everybody that this is just the beginning of this investigation. It
13 will continue and when we have finished we'll be producing recommendations to meet the
14 call of survivors, that the behaviour that has been described will never happen again and
15 that those who were responsible for it and those institutions in which it occurred will be
16 made fully accountable.

17 Kei te tika a muri ka pai ki mua. Nō reira, hurinoa ki to tātou nei whare, tēnā tātou
18 katoa. I te rangatira kei a koe te wā.

19 **MR GUBB:** Tēnā koutou, kua tae mai nei te wā ki a whakakapi a to tātou hui ngā, ko tātou
20 nohanga tū matanui. It's time to wrap up our hearing. He whakakapi te reo Maori, he
21 whakakapi karakia Māori, he whakapapa te waiata Māori. We'll finish with a Māori voice,
22 Māori karakia and a Māori song.

23 **[Karakia mutunga by Ngāti Whātua Ōrākei].**

24 **The hearing concluded**

25
26
27
28
29
30
31
32
33
34

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20