

**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'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: 9 February 2022

TRANSCRIPT OF PROCEEDINGS

OPENING SUBMISSIONS BY THE CROWN

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2 **MS SCHMIDT McCLEAVE:** E ngā Kōmihana, tēnā kōrua. Thank you, Commissioners, for the
3 opportunity to present this opening statement for the Crown. Like my friend, I have
4 provided this to the Commissioners in advance and I can indicate to those listening that we
5 will make that available on the Crown response website after today's hearing.

6 **CHAIR:** Thank you.

7 **MS SCHMIDT -McCLEAVE:** I'd like to begin by recognizing the courage and strength of the
8 survivors who will be giving their kōrero to this hearing in the coming days. It is no small
9 thing to choose to retell your painful personal experiences in this very public place. Your
10 voices are the heart of the Commission's work and without you it cannot succeed. The
11 Crown thanks you for your bravery in coming forward. The Crown also acknowledges
12 your supporters, your whānau and others who are watching or following this hearing.

13 As with all the Royal Commission's hearings, the Crown's role here is to listen to
14 the evidence and to learn from it. We appreciate that under the red light Covid restrictions
15 not everyone who would have liked to be present at the hearing can be, but I can assure
16 those listening that when Crown agencies can't be present in the hearing room, they are still
17 keenly interested and are listening to the hearing.

18 As I mentioned in the appearances, I appear on behalf of the Crown, I'd also like to
19 acknowledge my counsel Mr Clarke Parker who would have been here but for the Covid
20 restrictions and who remains in Wellington to assist those Crown witnesses who are
21 appearing next week. And as I've noted, Ms Julia White from the Crown Secretariat is
22 here.

23 This hearing is about events that took place in the three locations spoken about
24 today operated by the Catholic Church and the St John of God Order, the Marylands
25 School, St Joseph's Orphanage and the Hebron Trust.

26 Marylands operated as a private school from 1955 to 1984 and, as such, it was
27 subject to the policy settings and the regulatory framework for private schools that were in
28 place at the time it was in operation. And I note, Commissioners, that the duties owed by
29 the Crown under this framework were varied through different arms of the Government and
30 evolved over time.

31 The Ministry of Education has provided the Royal Commission with a statement
32 that sets out the Department of Education's role and functions in relation to such private
33 schools like Marylands and how this has changed over the years. And the Department has
34 always, I note, had considerably less involvement in private school settings by comparison

1 to the State school setting.

2 And to summarise very briefly that what that brief sets out is that statutory oversight
3 of private schools before 1989, when the Tomorrow's Schools Education Act came into
4 force and by which time Marylands had closed was quite limited. Before that 1989
5 legislation, oversight was restricted to matters of efficiency, meaning that the then
6 Education Department's purview was limited to functional things like the adequacy of
7 curricular, staff numbers and qualifications and property issues.

8 That has changed with recent law and practice changes, and those have broadened
9 and intensified the State's monitoring and performance of private schools. And I note in
10 particular that current arrangements have increased focus on the safety and wellbeing of
11 students within those schools.

12 So, Commissioners, next week you will hear from three Crown witnesses who have
13 been asked by the Commission to give evidence relating to the involvement of their
14 agencies or their predecessor agencies with events that took place at Marylands and the
15 Hebron Trust. As the events at Marylands of course did occur some time ago, those
16 witnesses do not have personal, first-hand knowledge of the events, but rather they seek to
17 explain elements of the Crown's responsibilities and responses to the events at Marylands in
18 relation to their agency and role.

19 In that regard, Commissioners, you will hear from Peter Galvin. Mr Galvin is the
20 General Manager Partner for Outcomes at Oranga Tamariki and Ms Linda Hrstich Meyer,
21 who Commissioners will remember from the hearing into redress. Ms Hrstich Meyer is the
22 General Manager Historic Claims at the Ministry of Social Development. Mr Galvin and
23 Ms Hrstich Meyer will give their evidence together next week.

24 Mr Galvin's evidence will be based on a summary of information that's been
25 provided to the Commission in response to notices to produce by Oranga Tamariki. So, he
26 will primarily give evidence on the regulatory framework that applied at the time for those
27 in State care who were placed with faith-based institutions and how that framework has
28 changed over time. This will include the safeguarding practises covering third party service
29 providers currently contracted by Oranga Tamariki to care for children in State care.

30 As I've mentioned, Ms Hrstich Meyer has already given considerable evidence to
31 this Commission about the Ministry's historic claim process. At this hearing, her evidence
32 will provide more detail about the scope of that process, the allegations which fall within
33 the Ministry of Social Development's process and its approach to faith-based institutions
34 and how that has changed over time. Ms Hrstich Meyer will also talk about the six claims

1 the Ministry has responded to, which include concerns about those claimants' experiences
2 at Marylands.

3 Commissioners will also hear next week from Detective Superintendent Peter Read
4 and he will give evidence on the Police investigations which Ms Anderson has noted taking
5 place in 1993 and from 2002 to 2008 into the abuse allegations against several St John of
6 God Brothers at Marylands and the Hebron Trust. Commissioners, Mr Read, or Detective
7 Superintendent Read established the team that conducted the second investigation, so the
8 2002 to 2008 investigation, and he oversaw that team through to the eventual conviction of
9 two defendants several years later.

10 Finally, Commissioners, I wish to note in line with established practice at these
11 hearings, the Crown will not be seeking to question survivor witnesses. Crown
12 representatives look forward to hearing their kōrero, to acknowledge their experiences, and
13 to learn from them. Tēnā kōrua.

14 **CHAIR:** Tēnā koe, thank you for your submission.

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