

**Witness Name:** Darryl Smith  
**Statement No.:** WITN0840001  
**Exhibits:** Nil  
**Dated:** 13/09/2021

## ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

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### WITNESS STATEMENT OF DARRYL WILLIAM SMITH

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I, DARRYL WILLIAM SMITH, say as follows: -

#### INTRODUCTION

1. My full name is Darryl William Smith. I was born on GRO-B 1963 in Christchurch. I am a survivor of abuse in the care of the state and the Catholic Church in New Zealand and Australia. I taught myself to read, write and paint, and to speak publicly about my experiences. I have a mild intellectual disability.
2. I am an advocate for human rights and the rights of victims and survivors of abuse. I am against child abuse in all forms.
3. My parents are GRO-B and GRO-B. There are five children, my sister, my three brothers and me in my family GRO-B is the oldest, I am second, GRO-B GRO-B, then GRO-B.
4. My family life before five years old was not an easy life.
5. I was born with breathing problems from day one, I was born with a large tongue, and they had to operate to cut my tongue away so I could breathe as I couldn't swallow as a baby. I was in an incubator, and within a few weeks of that I was sent

home, I had a hairlip that was operated on later on, so very much in hospitals in my early life.

6. The family life was not happy, GRO-B

7. GRO-B  
GRO-B

8. GRO-B I used to wander off – before I was getting into any trouble – I would wander around to see and experience new things or meet people. GRO-B

GRO-B

9. I used to climb the fence too, they couldn't stop me getting out.

10. There were pressures on the family at the time, my father had two jobs to keep the family stable but sometimes three or four jobs, and the mortgage, and the new baby, my brother. My parents fought a lot as well. GRO-B  
 I remember that's what was going on for us at the time.

11. By the time my younger brother GRO-B was born, who also has learning difficulties, GRO-B  
GRO-B I remember one day getting lost with another kid, of course I was made out to look like I was running away but we weren't. GRO-B  
GRO-B  
GRO-B

12. My parents say they're not Catholic, but they are, they are connected in some ways. We didn't attend church, but my grandmother did, on my Mum's side, she's Catholic. Going to mass with her once, I didn't know what it was, I was in Sunday school and expected to read from the bible, but I couldn't read I was only four and I had a learning disability. I cried the whole house down, wanting to go back to my grandmother.

13. I first became aware of my disability around six when my brother GRO-B came to Riccarton Primary School. My bond with him stopped there because he went to the same class as me, but then he went to a class above me. It made me look stupid, I

was his older brother. It showed me that I wasn't normal though. Our bond started damaging slowly, and of course Maryland's didn't help that. I had good memories from Riccarton Primary School, even though I didn't leave the same class the whole time. My teacher never made me feel like I wasn't normal. She did use physical discipline and once I hit the teacher because she had hit my best friend. It wasn't hard because I was just a little fella, she just laughed at me.

14. I found out about the disability later in life. It was drummed into my head that I was stupid, and I have been put into a box my whole life of being a slow learner. I started to realise that they had labelled me, throughout my different placements in care I was put into special learning classes. I tried to avoid being put in that box.

## MY EXPERIENCE OF BEING IN CARE

### *Pathway into care*

15. I was taken out of primary school because I kept wandering off. I was wandering off **GRO-B** I didn't know who to talk to, and no one would believe me if I said anything, I was labelled a liar.
16. My whole family thought I was a liar at the time, and sometimes I would make up stories and **GRO-B** so I'd stick to the truth, **GRO-B** **GRO-B** I wasn't bright enough to tell them what they wanted to hear.
17. My parents went to the Department of Education to find out where they could send me for school.
18. I was five years old when my parents and I first heard about Maryland's as a private residential school for boys with special needs, at the Department of Education office in Christchurch. My parents were told under the advice of the Department of Education it was a good school for children who had problems. So, my parents went out there for a visit with me – I didn't like it, I didn't feel happy, but my parents liked it. When I was seven, I became a resident at Maryland's. I arrived on the 18<sup>th</sup> of March 1971.

19. I was upset with my parents for leaving me there. I was in a dorm with around 10 boys my age, aged approximately six years old to 10 years old.
20. My first impression was it was very scary. I went up these stairs and was shown the dorm room, I didn't like it, I didn't understand why I was taken away.
21. I was luckier than some of the kids because I was allowed to go home on weekends, Friday to Sunday. Some of the kids were state wards, and some were orphans, and they couldn't leave.

## **ABUSE AND/OR NEGLECT I SUFFERED IN CARE**

### *Abuse from other students*

22. One time, an older boy who was about 15 years old told me that he is going to have some fun with me, and I will get what is coming to me. I didn't understand what he meant until that night. I was fast asleep and **GRO-B**, the boy who was in the bed beside mine, told me that the older boys were in the dorm and taking some of the boys to the TV room to have some fun with.
23. I hid under the bed so he the older boy couldn't find me, but he did. I told him I will tell on him, and I heard a voice say, "who will you tell, no one will believe you because you tell too many lies".
24. I was made to take off my clothes and so were the other boys in my dorm they were all going to have fun with. I didn't understand what they meant by "fun" until they did it to me. This older boy told me he was going to "fuck me" and I didn't know what that meant. I was only seven years old. So, he raped me, and I was bleeding and it hurt very much.
25. The next day me and **GRO-B** went to breakfast, and it hurt a lot when walking and I didn't tell anyone, because who would believe me anyway. The older boy who raped me, walk pass me and called me his bitch. I didn't know what he was talking about because the only bitch I knew was a female dog.

26. A week later the older boy saw me at the swimming pool, and he made me go into the pool, but I couldn't swim. The next thing I knew one of the Brothers had to come and save me and I was ok again, that was lucky.
27. The goldfish pond was a great place to hide from the older boys and the staff, the Brothers, because we, the little boys, could hide in the bush around the pond. The fishpond was the safest place to hide as the older bigger kids and Brothers couldn't get through the bush.
28. I was on the farm helping out with the animals that I love doing. Along come the older boy again and a local farm hand called David was feeding out to the stock in a field. When the 15-year-old boy came up to me a 7-year-old boy and told me to get everything off and lay on the grass, the local farm hand David come over and hit the older boy to the ground and told him never to hurt little boys again or he will kill him. He was a good guy; he was not an abuser in any way. The abuse from that predator stopped after David's intervention, but that wasn't until later after I had been at Maryland's for a while, and it didn't stop the other predators. I think he might have lost his job because of it.
29. There were several older boys who abused me. There wasn't just one. The older boys picked on you like crazy. I can't go into detail or remember any names because it's too hard to bring it up, but the memories discussed above are what I have already recorded in my book.

#### *Abuse by the Brothers*

30. On the first night, night watchmen woke me up and stated I have to go to the Brother's office because he wants to talk to me about my grandmother, I had a phone call from my grandmother. I thought something bad was wrong with my Nana. But it wasn't that at all. A Brother, who's name I can't remember even now, stated to me "we are going to play a little game and if you do as you are told you get some sweets, and how would you like that".
31. He told me to come around to the front of the desk in this office and take off all my clothing I had on. He said, can I have my hand on your bottom for a lolly.

32. He stated that he has permission from my parents to do this to me. What did I know? I was only 7 years old at the time. So, I did as I was told. He would play this game every night until I left Maryland's.
33. I remember on the first night, another boy hopping into bed with me, touching my genitals. He was older than me, to me that's rape.
34. I don't remember his name. I've blanked out a lot of stuff that I haven't gone down through it. I'm working on being able to remember more but it's a lot of work that opens up trauma and at the moment it's blanked out. I was told by a Brother that ran the school that if I didn't do what God told me to do and get off all my clothing and lay with him, I will never see my family again. His statement was "let the Devil take your hand and God will make you pay." I didn't understand what that meant.

#### *Abuse by Brother Keane*

35. In 1971; I was a student in his classroom and was told by him to stay back in the classroom with him because he wished to talk to me about my artworks, that is not why he wanted to talk to me at all.
36. Brother Keane moved towards a chair near the desk that I was using and told me to take off my pants and get on my knees and I told him that I am a little boy and don't understand him.
37. He stated that if he doesn't play with me, I will NOT be going home for the weekend with my parents and see my brothers at all and I spotted another boy outside and I was looking at this older boy for help and he laughed and said, "you will get to understand that this is what happens to all the boys in his class." That boy didn't report what he'd seen.
38. So, I was raped by Brother Keane. Brother Keane give me a bag of lollies and stated to me to stop crying all the boys have fun with him and get a bag of lollies afterwards and grow to enjoy the special times they have with him.
39. He said, "don't tell anyone not even your parents and if you do, they will not believe you anyway." "I wanted to go home back to my Mummy and Daddy" I told him. He laughed and stated little boys in his care never return to live with family and made me more upset. I just wanted to go home.

40. Brother Keane made me do oral sex on him and it made me sick. He ejaculated over my face, and he got a cloth from a bucket and cleaned my face with it and told me not to say a thing.
41. Brother Keane was Caucasian and appeared old to me because I was only seven years old at the time.
42. When I had my first weekend away with my parents since I had arrived at Marylands and I told them, and I was told to stop lying and I was hit for it because I was told priests do not touch little boys. They didn't believe me.
43. I started to hate them for it because they didn't listen to me. And Brother Keane called his game with me "therapy" to build my character with a game of swords with his penis.
44. He would say to me that the environment is safer in his office for the "therapy". He was into childish games with small boys in the classroom and his therapy started to give me nightmares and I started to wet the bed again.
45. Brother Keane was in control of everything to do with my class and in control of where I was before, during and after class.

#### *Abuse by Brother Moloney*

46. Brother Rodger Moloney was the prior of Marylands School. At first, he was nice to me and gave me lollies but not long after meeting him for the first time he started to sexually abuse me.
47. He would get me alone in a classroom and play with my penis. He would do oral sex on me and masturbate himself.
48. He also made me do oral sex on him. He would ejaculate over me, and I would have to then go and have a shower.
49. Other times he would take me for walks around the farmland. When we were alone, he would rape me by putting his penis in my arsehole. He did this a lot. It could have been seven or eight times.
50. I remember him raping me around where the chicken house was as there were ducks and chickens around at the time. We couldn't be seen and there were no other boys around.

### *Experience of Catholic Religion at Maryland's*

51. There was a Mass and you had to go to it, if you got picked to be an altar boy it was supposed to be a great thing to be, of course, it turned out to be abuse as well.
52. The Priest used lollies and would offer the lollies with one hand while helping himself to you with the other. I have known his name but I can't recall it due to blocking out my memories. This was a Priest who came in from outside, not one of the Brothers, because Brothers can't do Mass. The Brothers treated the Priests with total respect. I was expected to show the Priests respect and do what they say.
53. I used to hate going to Mass, I still can't do it. Being made to sing "Kumbaya", and afterwards being told, "what a pretty little boy you are, with your blond hair". Being reminded about Mass and this memory being brought up even now is frightening to me.
54. The Brothers at Maryland's would use God as an excuse and say "God wants you to do this, if you're a good little boy, you'll do as God tells you", or "if you be a good little boy, you'll get to heaven". This is spiritual and religious abuse, emotional abuse, psychological abuse, mental abuse, especially when the abusers were trying to get compliance. It left a spiritual scar.
55. They knew what they were doing, they were using the image of God to get away with it.
56. It took me years to believe that Jesus Christ was a good person and not a bad person, or that God was a good being not a bad being. It took that long to understand that Jesus Christ didn't do this to me, man did this to me. I have a faith now, I'm a Christian.

### *Connection with St Joseph's*

57. They used to put us over at St Joseph's all the time. We were taken over there, by car or sometimes we walked. I have no recollection of a tunnel, not that it would surprise me. There's a lot of stuff that happened there but I've blocked it out, I don't know what, I can't speak about it.



58. We were never at St Joseph's for education, we had our own classes at Maryland's, where sometimes the nuns relieved for the Brothers.

*Punishment and other abuse at Maryland's*

59. Being made to run around the sports ground was a common punishment. I tried to paint the statute of Mary yellow, and was caught in the act. I was told to run 50 laps then visit the office after. I said "like fuck I am coming to see you" but they would say, they'll send a boy to come and get me, one who will "like me".
60. Mental, psychological, and emotional abuse was common, as well as spiritual and religious abuse.

*Other experiences at Maryland's*

61. One of the Brothers came and told me my auntie GRO-B was here to see me and that go and wash up from playing on the farm and go and see her. So I did. I wanted to go home with her so bad. My auntie left and told me she will see me that weekend at my home.
62. Another time we went on the bus to town to meet ladies from the Catholic Church who were going to look after each boy for a day. I was with this fat lady, and we went to this café, and I coloured in this cartoon picture and won a prize and all the kids at the café won a prize. This was a nice outing. It found it weird that they didn't want anything from us or expected anything and wanted to do something for us. We did these charitable outings more than once. We were taken on outings every now and then, in a white van, or big bus. It took us to the mall, we went to see Santa. I didn't want to sit on his lap, this weird man.
63. The farm work was the best part of Maryland's, I was allowed to go down to the farm anytime I wanted, the kids had their run of the farm. We used to head to the duck and geese area, and the geese were very protective of us kids. They attacked the adults but us kids were part of the flock. The animals liked us. I had my very first horse ride there, I became frightened of horses there because one of my abusers was connected to the horse, it took me a long time to feel okay around horses.

64. Once I was told I wasn't allowed my pet chickens, by one of the St Joseph's nuns, and I told her to fuck off.
65. The only good experience was the farm. The hall, the gym, the back of the hall, was the most weirdest place ever. I can't talk about that either, it's too scary.
66. I remember the goldfish in the pond were all different colours and that was the only thing there, the animals on the farm, that made me happy.
67. Some staff were good, and some staff were bad. Some Brothers were okay, and some nuns were okay but others were very bad. Once a nun came to fill in for Brother Keane and she used a metal ruler for discipline instead of the normal wooden cane. I was hit with the metal ruler for misbehaviour, and I fought back against that, I was wild.
68. Maryland's was to me the most frightening experience of my life. I never want to go through that ever again. Although I went on to experience that at other locations for my time in state care.

*Access to healthcare services and education at Maryland's*

69. I saw the nurse about once a week at Maryland's, for regular things, like a cold or a broken arm. I would say the door was open for medical care as needed by the nurse, and if an accident happened and it was serious enough there'd be an ambulance. I don't remember if I was given regular medicine. Some of my recollections there aren't quite right and it wouldn't surprise me if I was given drugs, although I have no memory of taking them.
70. There was no good experience of schooling at Maryland's.
71. I did not receive any particular special needs education at Maryland's. There were children who were really bright, they got the same treatment as all of us, they got hidings, rapes, discipline with the ruler.

*Treatment of Māori, Pacific children and those living with disabilities at Maryland's*

72. Thinking of my dorm of twenty boys the time I was there, there were six or seven Māori boys and a few boys of Pacific descent, but not many. So maybe ten in my dorm of Māori and Pacific descent, but proportionately more Māori. I think this same

proportion would have been reflected generally across the school, this is just my impression, I wouldn't know for sure.

73. I believe that Māori and Pacific boys came through both the Church care and from the state interventions.
74. Racist terms were used, the staff called them "niggers". They were treated like shit. One Māori boy was made to scrub the toilet out on his hands and knees because he was Māori. If he wasn't finished he was made to sleep in there. I remember him because his mother came to argue with the Brothers, he had told his mother about what happened. If they didn't like you for being a different colour, that was it.
75. There were punishments for using te reo Māori or a Pacific language. The Māori boys if they got caught using their own tongue got a hell of a hiding, a good kicking. Back in those days it was frowned upon to speak Māori. There was one boy who was wanting to do the haka at school, near the church not far from the fishpond. The haka was started and we hear a voice yelling "get to my office now you little nigger!" we all put our hand on his shoulder, we felt sorry for him and said so, we knew what was going to happen to him. We never saw him again after that, we all thought he went to a home with his parents. Or hoped, rather.
76. I saw children being harmed because of their disability too, like a slap across their face for not doing something right, not being able to sing properly.

#### *Disclosure of Abuse*

77. When I told [GRO-B] for the first time that sexual abuse was happening, I got called a liar and given a hiding. "They don't do that sort of thing, you're lying" was the message I got. They were saying Priests and religious don't do that. [GRO-B] [GRO-B], I was trying to tell them what was going on. It wasn't just one hiding, it was several, and eventually I stopped telling them anything. But I disclosed to them many times and received many hidings before I stopped telling them about what was happening to me.
78. My [GRO-B] Aunty [GRO-B] also saw something weird going on at the school but didn't mention it for years and years afterwards. She told [GRO-B] that she

saw a Priest acting inappropriately with a boy, but she didn't do anything about it, absolutely nothing. At the time if she was a true aunty, she should have got me out, just grabbed me. She didn't mention it until 2007 during the Maryland's investigation.

79. You couldn't report to anyone. I tried to report to the Nurse and she never did anything. The Nurse would say, "I'll let your family know you're alright" when I had injured myself on the stairs in a kind of suicidal thinking, I wasn't allowed to see my family for 3 weeks because the injury on my head was visible.
80. I didn't tell anyone else until 1999 when I first spoke to an ACC counsellor in prison.

## **EXPERIENCE OF ABUSE/NEGLECT IN CARE AFTER MARYLANDS**

### *Experiences at Templeton*

81. I know I was on medication after Maryland's for my anxiety because that is part of how I ended up in Templeton.
82. My sister was born in 1973 and Templeton was the only place that could handle me at the time, I'd flipped out on my father and decked him **GRO-B**  
**GRO-B** I was reacting out from what had previously happened, my father couldn't figure out why I'd hit him at the time.
83. To my recollection my going to Templeton was from my parent's choice rather than state intervention, no one could handle me, so I was sent to Templeton.
84. I was raped there by a staff member who lived at the back of the dining room by the kitchen. I suffered from that. It wasn't pretty.
85. Physical abuse also happened there. They kept threatening me with Templeton Centre or Templeton Estate, I don't know what they called it, I don't know if I ever went there.
86. There was a swimming pool, I used to push the nurses in. There are parts that I can't remember, which might be because I'm still keeping it locked in but it could be because I was receiving shock treatment.
87. I remember other kids getting it because we'd go in a line to this place and they'd act different afterwards. I don't remember getting shock treatment though. I've been

told there has never been a complaint of shock treatment on children from Templeton, but I remember other kids getting it.

88. I was going to school during the day and my best friend from Riccarton Primary, he told me something that weird back then, "don't get fried". I didn't know what that meant back then but I know now. I have no memory of getting shock treatment though. Would I remember something like that? Or not?
89. There was a playground but we weren't allowed to play there. Marylands was different, you could walk around. Templeton I can say it was like prison now because I can compare it to when I was in prison later in life.
90. The shower and the toilet wasn't in the dorm. You were locked in all the time. Put in a day room full of toys, boys and girls together.
91. I took off out a side door one day that was open and Paparoa Christchurch Men's prison found me. The prison was nearby although it was a long way to travel on foot for a young boy in his pyjamas. I think the inmates found me and notified the staff who returned me.
92. I was there about a year, and I was there a second time in 1974, but there was no school for me the second time. I was cut off from my best friend as well, who then was in a different house, and I wasn't allowed to see him.
93. There was nothing positive of Templeton. It was a hellhole. I had some contact with my parents who visited at times, although I had stopped telling them about abuse, because I didn't think anyone would believe me.
94. No education, no nothing for a whole year, the second time. Just the toys in the room with other stupid kids, I didn't have any other way to describe them, I thought they were stupid. Kids just saying the same thing all the time, "where's mum where's dad", sobbing themselves to sleep. Very lonely, very upsetting. It was the staff there that were cruel, not the other kids like at Maryland's or Campbell Park.
95. There was a dining room, and the doors were locked when were inside. The staff member would start two kids fighting for sport. Later we got him back for it, we pissed over him in the toilet blocks. We didn't get any reprisal; we were supposed to be mentally retarded. He was very physically violent to children.
96. There were a lot of orderlies sexually abusing children.

97. Nurses were giving medication, which I hated. My file said I was not meant to be receiving additional medication other than for my anxiety attacks but there were other pills in there that I had to take and if I didn't take them there would be an injection.
98. We would see the adult residents as well, but we didn't know who they were at the time.

#### *Experiences at Campbell Park*

99. I was sent to Campbell Park School and was raped, bullied and physically abused there. My life worsened, it didn't improve. I was so angry I tried to burn the place down, but the matches were wet. If it wasn't the staff raping, you it was the boys. You're supposed to be safe in your own bed but boys in your own house would abuse me. I can't go into detail about that.
100. After getting into a lot of trouble in Christchurch my parents at the end of 1971 moved to Nelson, they then moved to Australia in 1977. I joined them in 1978 after finishing school at Campbell Park and being released from the care of the Department of Social Welfare. I was 14-15 years old at the time.
101. I worked hard in my classes at Campbell Park because I valued learning. Although I was in a special learners class I worked so hard my learning went up while I was at Campbell Park.
102. At Campbell Park I was older and would warn other boys about not going to Marylands. I would do my best to try to warn them, if I liked them.

#### *Experiences in Australia*

103. In 1979 I went to Australia to join my family who had moved to Queensland while I was at Campbell Park. I travelled there alone and used the airports by myself.
104. I moved to live with my family but got into trouble with the Southport Police, and they sought to put me into the care of the Queensland - Department of Families as a State Ward. This was confirmed in Beenleigh Court, and I was taken first to Wilson Youth Hospital, Windsor, Brisbane.

105. Brother Bede Donnellan was sent to meet me by the Saint John of God Brothers, while I was in Wilson Youth Hospital. From there I went to Granada Hostel for Young Men run, owned and operated by the Hospitaller Order of Saint John of God (Saint John of God Brothers) who sent Brother Bede Donnellan to meet me at Wilson Youth Hospital. This monster preyed on a young teenage boy already suffering from abuse in New Zealand in care. He sexually abused me on the second night of my stay at Granada Hostel.
106. I had a feeling that Brother Bede knew me, the way he looked at me it was like he knew me. I have later found out that he was at Campbell Park, possibly at the same time as me, and maybe he knew me from there.
107. There I was physically and sexually abused by older boys and staff.

## **IMPACT OF THE ABUSE ON ME AND OTHERS**

### *Impacts while Abuse Ongoing at Maryland's*

108. The bed I slept in wasn't soft and I think it was metal. I hated the bed. One night after being upset I wet and shit the bed because of what the older boys and staff, brothers were doing to me.
109. One other time I was very upset and playing on the top of the stairs and I made myself fall and cut my head open so I could be returned to my family. The nurse fixed my head and told me to stop playing at the stairs, it is not safe for little kids to play at the top of the stairs.

### *Impacts after leaving Maryland's*

110. Because of that abuse I suffered I couldn't stay in school or anywhere for long.
111. After Maryland's I went to Riccarton Primary School and got involved in the drama group which was a good experience because it took me completely out of my head, out of my life. But one day the teacher says, "Darryl we're going to Maryland's", for a performance. My face completely dropped, I nitted off. She couldn't figure out

- way. I actually still acted in the play, Three Little Pigs. I loved being involved in the acting class but the trip to Maryland's put an end to all that due to my mental state.
112. I was even sent to Templeton Hospital for mentally ill children, and I was sexually abused there. I blame St. John of God for that. Also because of them I had to take anti-anxiety drugs because of Maryland's abuse.
113. My poor family and my poor mother were put in front of a Judge at the Nelson court for not having proper control over me and I was made a State Ward of New Zealand.
114. I was at the [GRO-B] Family Home over night and was then put on a flight to Christchurch and was put into Stanmore Road Boys Home of hell. I was treated very badly by the bigger boys, so I ran away.
115. I was then sent to a foster home on [GRO-B] Street and was physically abused from my foster mother and would run away from her.

#### *General Impacts over Lifetime*

116. I was never believed about how I had suffered abuse at the institutions.
117. I started getting into trouble with the law and had problems with the authorities of school, police over the way I was dealing with issues in my life, and they didn't know of this at the time.
118. I have suffered from nightmares and addiction to drugs and alcohol because of the abuse; and crime to replace love and also have many times wished to commit suicide over the abuse they did to me.
119. The impact has been devastating with my life not being my own life, because of evil people and not having my control of the past and my life at all.
120. I believe why I stole and had a history of criminal offending was because when I was seven years old, I was sexually abused at Maryland's School by the St John of God Brothers. This was the reason I turned to committing crime. I had problems prior to Maryland's but I was completely out of control after Maryland's, it tipped me over the edge.
121. I blame them for my life for being upside down.



122. I still sleep with the light on, when I have power that is. I talk it out with my cat who's a constant support, but he also gets the effect of my nightmares because he can't sleep on the bed.
123. I have the effects of PTSD. I have a hard time remembering what day it is and have to cross the days off. From as early as 1973 when I was 10, there are reports of my suffering anxiety.
124. You've always got it. If someone moves something in my home, I might go ballistic. I don't have relationships – don't want one. They're scary. That's very much to keep myself safe, I'm scared what they're going to do, so frightened that they'll hurt me, so I have no relationship. My relationship is with my animals, they follow me around the property.
125. My family experience has been really rough over the years. They blame me for having to move around a lot, because of the trouble I was getting into, but I don't see it like that. Their reason to move to **GRO-B** in Australia had nothing to do with me, it was a fallout between a relation and my parents about property. I was required to finish school at Campbell Park and I was being abandoned again while my parents were moving on to Australia, I was so upset, I wanted to set fire to Campbell Park. My parents didn't want me.
126. Drug abuse, alcohol abuse, I was using those even before going to prison, only to stop the nightmares. The nightmares haven't stopped. I had to teach myself to read, write, and paint.
127. When I watch horror movies I laugh, because my whole life has been a nightmare. I see my life as one big horror movie.

### **Maryland's Investigations**

128. If it wasn't for Ken Clearwater, I wouldn't be here. He sat me down and he believed me, he said "you're not the only one Darryl". I was in prison at the time in Invercargill Prison. My parents were already advocating for me with the Church and with Ken. I didn't know who Ken was, but he met me in prison, Male Survivors was only a group in those days.

129. My family contacted me and told me about the Maryland's investigation. I had been trying to forget it, but I got a letter from my mother saying she believed me. I had no TV in my cell, I kept to myself, I hadn't heard anything. I later cried in my cell – I couldn't cry on the phone in front of anyone, not in prison. I knew who the predator was visually, but I didn't know his name.
130. I got in touch via the 0800 number with Peter Burke and Michelle Mulvihill. It was a positive experience overall and I consider Michelle to be a very good friend to this day. What they did that was good was they believed me straight away. The moment I pointed to Brother Moloney they accepted what I said. Not mentioned in my book is that the Order also sent a letter supporting my release on parole for my next appearance before the Parole Board, and I was released then from Invercargill Prison. I was getting out anyway, regardless, I'd served my whole sentence.
131. My family had been helping on my behalf with contacting survivor advocate Ken Clearwater and the Police, because they finally understood my disclosures when I was a child were true, and after I left prison, I spent more time with them. Before then we had had a poor relationship because they didn't believe me. They said sorry, and I said, GRO-B
132. I remember in both my Peter Burke and Police interviews I laid some photographs out, I showed them exactly where everything was.

#### *Making my Police Statement*

133. I was interviewed as a witness for the Police investigation into Maryland's and I completed a formal written statement.
134. With Detective McPhail from the Police my experience was very good, he didn't give me any stress. He was supportive and understanding. He didn't give me a rough time for being in prison, didn't make me out to be a liar just because I was in prison.
135. A Police Chaplain sat with me during the Police statement, he said he believed me and that was a good experience.
136. I got the name Lebler from the media before I had spoken to the Police and that was the name I told them, but this was wrong.

137. I expected the Brothers were going to be arrested but later I found out I had muddled up the names due to age, mentally I couldn't picture who they were properly at the time, the details of the abuse was correct but the names were wrong. Moloney and Keane, they were my predators.
138. So initially I had good dealings with McPhail who was a nice guy a great guy. To my recollection I made the whole statement, and then correction to my statement with McPhail.
139. I was on my own during the Police statement, I didn't have any legal advice or support from anyone to help me understand what was happening, and I was in prison.
140. This statement is outlined in my book *A Shattered Life*, pages 202-207. My statement was made while I was incarcerated in Invercargill Prison in 2002.
141. It was difficult to speak to the Police and trust the Police because people in authority are who harmed me as a child.
142. After I completed the statement with McPhail, Detective Sergeant Earle Borrell, who was in charge of the Marylands investigation, came to see me about it. I was still in custody then.
143. Borrell said this didn't happen, you got the names wrong, you're lying. I can't remember exactly the words used but Borrell came to visit and interview me and tried to call me a liar. I said, "I'm not lying, I'll say this until the day I die".
144. To my mind, he found my statement to be a lie. He blatantly put it out there to me that I lied.
145. I said, "I did not, I got the names wrong, not the facts." I said, "I'll say this until the day I die that this happened".
146. My experience with Borrell was really negative because he didn't believe me. He had a smug look on his face, and I wish Police knew when they were dealing with a survivor that they were dealing with a victim of historic offending that is so real to us in the present day as if it had just happened. It can come back at any time.
147. On 9 September 2003 I was sent a letter from Detective Sergeant Earle Borrell which stated that the Police would not lay criminal charges against my abusers Brother McGrath or Brother Moloney.

148. When they told me that I was furious, I wanted to hit the Police. I wrote letters to complain which are outlined in the book. I wanted an apology from the Police about how they had behaved. The reply from the Police including a reply from Borrell is in my book too.
149. In his reply Borrell reworded everything to make it look like it was about getting the best outcome in the case, to me this was trying to save face, it was different to my experience with him in person and different to what he said to me.
150. I believe the Police didn't want me getting angry with them too much and were hoping I would go away. I felt very wild. I was still in prison at the time I got those letters, and I was still fighting with the Church at that time. I don't think the Police understood how upsetting this was, it was bad enough fighting the Church to be believed.
151. I felt like Borrell had no integrity, I later said that to him, at the trial, and Ken Clearwater had to pull me away.
152. Although I wasn't a witness, I had gone to the trial wanting them get imprisonment for life, but what they got was not the result we wanted. The Maryland's ex-students were all there and we were all wild.

## **REDRESS**

153. In 2003, I received \$120,000 NZD in compensation from St John of God for my experiences at Maryland's. Grant Cameron the lawyer had organised that with the support of my family happening in the background. Over the course of the redress process with Peter Burke and Michelle Mulvihill, I received other financial payments in smaller amounts for some of the costs associated with getting my life back on track.
154. I gave my family \$20,000 and behind my back they took another \$20,000 out of my trust. They spent it on going to Europe for a holiday.
155. I also went through a redress settlement process for the sexual abuse I suffered as a child from the St John of God order in Australia and received compensation in relation to that, and also from the Queensland social welfare.

156. Sonja Cooper represented me for my claim against the state regarding Campbell Park. Sonja's investigation through the files proved I had been raped.
157. Mostly my lawyers received my files on my behalf, from the Dept of Social Welfare. Sonja Cooper represented me and got the Crown documentation.

*My experiences trying to relieve the trauma*

158. The painting helped me a lot. Child Youth and Family resolutions team noticed on my file that I got 3<sup>rd</sup> at art in Campbell Park, and they said, would you like to review that. I thought they weren't being serious but before I knew it, I was walking around choosing the paints that I wanted, and it helped me heal.
159. The painting helped me understand morality, I didn't believe that I could think like I think now, that I could have a conscience. I have given paintings to people all around the world who have suffered tragedies, or terrorism. I gave a painting to the FBI dedicated to fallen agents and I received a letter thanking me, they called me a "citizen of the world". I received one from the Queen of Norway. Thank-you letters are accolades in and of themselves.
160. I became a survivor advocate, I was speaking to media and sharing my story, talking about what has happened to survivors. I was helping out with Ken and Male Survivors Aotearoa.
161. Through media interviews with journalist Chris Morris, it brought me into contact with Murray Heasley. Being an advocate has given me untold strength to continue.
162. After Maryland's my reading and writing wasn't very good, it was rough at Riccarton Primary. They took me to special lessons at Campbell Park. It was only 20-30 years later that my reading and writing started to pick up, really hitting home, until I started doing art later in life. I was writing but not writing as such, I had *A Shattered Life* in my head, but I couldn't write it until after I started art. I didn't want no one to know how I felt. I taught myself how to use computers too, I'm at Level 10 for computers.
163. When I pick up my book *A Shattered Life* now, I remember the book launch, where I was crying, and I was crying because I was overwhelmed by emotion because people finally believed me. Looking at my book now the fight just to get this done, it's amazing, I'm lucky to be alive.

164. I had counselling which was positive for a while. The prison had started getting worried about me, my behaviour, waking up screaming. They wanted to know why I was upset as I was normally quiet during the day but was having episodes at night. ACC were easy to work with, they wanted to hear my story. I have a sensitive claim with ACC which I get for life. The counselling sessions from ACC were positive in prison and when I got out, but I haven't been in over ten years. What happened was I had offered an upset woman a hug because I could see she was crying and upset, and she agreed. Later she complained to the counselling service that I had grabbed her. It was not handled properly, it wasn't brought up by my counsellor, it was by another counsellor, and I complained to the Police because of what she had said about me. I haven't been to counselling after that as it is all too stressful.

### **Ideas for Transformative Change**

165. If it wasn't for the courtesy of the Queensland government I wouldn't be where I am now. That was a recent settlement where my lawyer's fees were paid, and I received a settlement as well. Queensland has more support for survivors than in New Zealand, take for example the Forde Foundation that was set up after the Inquiry.
166. At the Lotus Place, there is support there for financial grants, medical costs, dental, start-up costs for a flat and furnishings, educational grants. I received an educational grant for a laptop, for example.
167. It has a physical location in Brisbane where there is a complete building dedicated to survivors where they can walk off the street, get a coffee, get help, speak to someone.
168. There's an 0800 number, there are services available there, like meetings for survivors and cooking classes, all sorts of things going on.
169. They also help with advocacy for Centrelink, which is Queensland's equivalent to WINZ. They tell the government what supports survivors need, Lotus Place would meet with Centrelink on behalf of the survivor, or the survivor might be there too.

Together they work out what would be available between the state's interests and the survivor's needs. Lotus Place shows that they're there for the long haul.

170. The Royal Commission Act also shows survivors in Australia that the changes are there for the long haul. New Zealand also needs to commit to redress in legislation.
171. I have the same hopes for the outcomes for survivors from the Royal Commission in New Zealand.
172. Redress can't be left to the offending institutions because, say St John of God for example, they did a runner as soon as they changed heads of the Order, when they changed the guard, they changed their tactic of how they look after survivors.
173. I think there should be an independent body run by both the government and survivors together, the churches should have representatives involved but they shouldn't be allowed to control it, it must be independent.
174. You can't have any allegiance to any church, it would probably be best to have an atheist to run it. It needs to be open-minded towards forms of abuse, not splitting between types of abuse like sexual or physical, abuse is abuse.
175. In the New Zealand context, a type of thing like Lotus Place in Brisbane would be a good place to start. I want to see a physical place where survivors can go to get their health sorted, with funding that they don't ever have to pay back. A wraparound system is needed, whether entitled to a pay-out for abuse or not, shouldn't be relevant. Survivors have so many debts and issues to pay for that the institution's financial pay-outs are not making a change in their lives. It comes down to how do you value the effect of child abuse – I'm not saying survivors are here for money, I'm saying that we need looking after. I had my childhood completely stolen from me and the institutions such as Church and State are responsible for that. The effects have been life-long.
176. We need a national redress scheme like Australia, but a person can't be punished for having received a payment previously. We can use that template of the National Redress Scheme. It should be available to all survivors abused here including foreign nationals abused in care here.
177. The judges should give harsher sentences to child abusers, they should be getting the full sentence, 14 years or more.

178. I feel deep down that there has been some stuff that has been brought back up that I don't want to remember. This process of doing the statement has brought some of it back up.
179. The thing is at the end of the day that I feel strong and empowered to keep on the fight, making a stand against child abuse, I will never stop doing this until I die, and I hope my legacy will live on in my books.
180. I hope that the Royal Commission will do what needs to be done, recommending things like Lotus Place in Australia and the ideas I've discussed here.

## DOCUMENTS

181. I provide to the Royal Commission for consideration my two books and the exhibits contained within:
- a. *A Shattered Life*
  - b. *Silent No More*



**STATEMENT OF TRUTH**

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

## Annex A

### Consent to use my statement

I, Darryl Smith, confirm that by submitting my signed witness statement to the Royal Commission of Inquiry into Abuse in Care, I consent to its use in the following ways:

- publication on the Inquiry website;
- reference and/or inclusion in any interim and/or final report;
- disclosure to those granted leave to appear, designated as core participants and where instructed, their legal representatives via the Inquiry's database or by any other means as directed by the Inquiry;
- presentation as evidence before the Inquiry, including at a public hearing;
- informing further investigation by the Inquiry.

I also confirm that I have been advised of the option to seek anonymity and that if granted my identity may nevertheless be disclosed to a person or organisation, including any instructed legal representatives, who is the subject of criticism in my witness statement in order that they are afforded a fair opportunity to respond to the criticism.

Please tick one of the two following boxes:

- if you are seeking anonymity
- if you are happy for your identity to be known

Signed.....

Date.....