

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

Under The Inquiries Act 2013

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

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

Counsel: Mr Simon Mount QC, Ms Katherine Anderson, Ms Jane Glover, Mr Michael Thomas and Ms Echo Haronga for the Royal Commission
Ms Sally McKechnie and Mr Harrison Cunningham for the Catholic Church

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

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1 **Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei**

2 **(9.35 am)**

3 **CHAIR:** Tēnā tātou katoa, ata mārie ki a koutou. Good morning Ms McKechnie.

4 **MS McKECHNIE:** Good morning ma'am. The next witness is Cardinal John Dew.

5 **CHAIR:** Kia ora, tēnā koe Cardinal. How would you like to be addressed?

6 A. John is fine. Madam Chair.

7 **Q.** Thank you. John, I'll just ask you to take the affirmation.

8 **CARDINAL JOHN DEW (Affirmed)**

9 **MS McKECHNIE:** I'd just like to begin with a brief housekeeping explanation, Commissioners,
10 for you and those listening. The Cardinal John has filed two briefs of evidence and
11 attached to the briefs are a significant number of briefing papers. And these are not just for
12 the Archdiocese, these are the mechanism that Tautoko has used to provide evidence for all
13 of the 49 members and these are publicly available, so I'm just going to list them now so
14 people know that they are there to be read. This first significant bundle I've got in my
15 hand, this is the non-Path to Healing, non-sexual abuse protocol documents or policies for
16 all the different dioceses and congregations who have them. This document is on the
17 Commission's website or will be shortly. And there are three others that Tautoko was
18 asked to provide which we have and are online or will be. The first briefing paper, number
19 2, is a summary of funding and costs associated with redress, briefing paper number 3 is a
20 summary of legal costs associated with redress, and briefing paper number 4 is a summary
21 of ACC levies such as they are paid by the Catholic Church authorities in New Zealand.
22 These are attached to the Cardinal's brief but he can't speak to things beyond the
23 Archdiocese, but I wanted you and the public watching to know that this information is all
24 available if they want to see it.

25 **CHAIR:** Thank you very much, Ms McKechnie.

26 **QUESTIONING BY MS McKECHNIE:** John, turning to your evidence, you have filed two
27 briefs of evidence with the Commission. The first one is dated 23 September 2020 and the
28 second 12 February 2021. Do you have both of those documents?

29 A. Yes, I do.

30 **Q.** Can you please confirm, John, to the best of your knowledge the content of them remains
31 true and correct?

32 A. Yes, it is.

33 **Q.** Thank you. John, you have filed a significant amount of evidence and you have a very
34 significant involvement in a number of these matters. Because we've heard quite a lot of

1 evidence from other people during the week, what I'm going to highlight in your evidence
2 this morning, I'm going to ask you to explain to the Commissioners and the public who you
3 are, and then I'm going to ask you to talk through some of the very early developments of
4 the redress process that you were personally involved in, up to when A Path to Healing was
5 created and we'll then pause, Commissioners, because you've heard a significant amount
6 about A Path to Healing.

7 Then, John, I'm going to ask you to talk through some of the matters from the
8 Vatican. Some of that involves Latin, I am going to ask you to say the Latin slowly. You
9 are very used to them and you say them quite fast. And then we'll discuss some of the
10 observations you've had on the evidence this week. That will take us to the morning
11 adjournment and then Ms Anderson will have questions.

12 A. Thank you.

13 **Q.** So if I could start, John, by asking you to explain what roles you currently hold within the
14 Catholic Church?

15 A. Thank you. I am currently obviously the Roman Catholic Archbishop of Wellington and
16 have been in that role since 2005. At the moment I'm also the Apostolic Administrator of
17 the diocese of Palmerston North which really means that I am the bishop of that diocese in
18 the meantime while we're waiting for a new appointment. So they're the two main roles I
19 have in the church in New Zealand at the moment. I also happen to be a cardinal which
20 gives me some appointments in Rome. Do you want me to elaborate on those?

21 **Q.** Yes please.

22 A. When people are appointed a cardinal, and I have been for six years now, we are also
23 appointed, well, we were told at the time—the day of the ceremony—Pope Francis, there
24 were 19 of us that day from all around the world and Pope Francis told us that we would be
25 some of his closest advisors. What that means is that we are then appointed to various
26 committees or sometimes they're called congregations as opposed to the religious
27 congregation that Father Tim was speaking about yesterday. The Congregation for
28 Evangelisation of Peoples, for example—or they're called Pontifical Councils, so I serve on
29 three of those, one of them is the Congregation for the Evangelisation of Peoples, one is
30 Pontifical Council for the Promotion of Christian Unity, and the third one is the Pontifical
31 Council for the Divine Worship and the Discipline of the Sacraments. Each of those
32 congregations or councils has a plenary session. The Christian Unity one is every two
33 years, so I've been to three of those in the last six years, Evangelisation of Peoples is only
34 every five years, there was one due last year but because of Covid that didn't happen, and

- 1 the third one, the one on divine worship, I've only been to one of those.
- 2 **Q.** So going back to your role as the Archbishop, John, what are the boundaries of the
3 Archdiocese of Wellington?
- 4 **A.** The physical boundaries?
- 5 **Q.** Yes.
- 6 **A.** Okay, the Archdiocese of Wellington begins just north of Levin on the West Coast and just
7 north of Masterton on the other side of the North Island. But we also have the top part of
8 the South Island. So Wellington Archdiocese goes down as far as just south of Kaikōura on
9 the East Coast and just south of Westport and Reefton on the West Coast.
- 10 **Q.** As an archdiocese, it is also what the church calls a Metropolitan. Can you explain what
11 that is and we'll talk later about the significance of it in a disciplinary process?
- 12 **A.** New Zealand is what we call an ecclesiastical province and, again, that term is different to
13 the province that Father Tim spoke about yesterday of a religious order. So the
14 ecclesiastical province is the six dioceses of New Zealand. One of those dioceses is called
15 the Metropolitan Diocese which happens to be Wellington and that means that I become an
16 archbishop because this is an archdiocese. It doesn't give me any authority over the bishops
17 in the other five dioceses at all, each bishop is autonomous in the governance of his diocese
18 and we very rarely meet as a province. We meet often as the Bishops Conference of
19 New Zealand, but we very rarely meet formally as a province.
- 20 **Q.** I'll come back to the Bishops Conference in a moment, John. There were, until 1980, four
21 dioceses in New Zealand. At that point the dioceses of Hamilton and Palmerston North
22 was created. Are you able to explain why that change happened?
- 23 **A.** Yes, in the few years leading up to 1980 it was generally felt by the bishops at the time that
24 the Diocese of Auckland and the Archdiocese of Wellington were two big in terms of the
25 geographical area, and strangely enough that's what I'm doing at the moment with
26 Wellington and Palmerston North. And I fully agree with what happened, that they—
27 Hamilton became a separate diocese from Auckland and Palmerston North from
28 Wellington. Because one of the responsibilities and the duties of a bishop is to get around
29 and visit all the parishes in the diocese on a regular basis and for various ceremonies
30 throughout the year and to oversee where he is the proprietor of all the schools, make sure
31 that there are systems in place that the Catholic schools are running as they should be and
32 in compliance with the Ministry of Education. So the general area, as it would have been in
33 those days of the Archdiocese of Wellington, going right up past—just past Wairoa and just
34 past New Plymouth, I think was just far too big for a bishop to have reasonable control of

- 1 and the opportunity to get around and visit the parishes and the schools.
- 2 **Q.** I'm going to ask you a technical question about this now because it may be relevant to some
3 redress questions later on. We've heard a lot of evidence about how a priest is incardinated
4 in a diocese?
- 5 **A.** Yes.
- 6 **Q.** So in 1980 the priests that were incardinated, let's say in the Archdiocese of Wellington,
7 who then became part of the diocese of Palmerston North, what happened in 1980 for those
8 priests?
- 9 **A.** When the two dioceses were created at the beginning of 1980, the clergy—take Wellington
10 as an example, so all the priests were priests of the Archdiocese of Wellington. If they
11 were in the new diocese of Palmerston North, or in Wellington, everyone was asked to stay
12 where they were for three years and to reflect on which diocese they would prefer to belong
13 to at the end of that time. That was to give the opportunity for the dioceses to settle in and
14 establish themselves as new dioceses. After three years, they were then given the
15 opportunity if they wanted to, if they were in Palmerston North to go back to Wellington or
16 if they were in Wellington they could go back to Palmerston North. Sometimes it happened
17 because that's where their families were, I, for example, came from Central Hawke's Bay
18 and I was perfectly entitled, if I wanted to, to say, “Yes, I'll go to Palmerston North”. But
19 as it happened at the time I was serving in the Cook Islands and I just decided to go back to
20 Wellington.
- 21 **Q.** Just to follow this line of questioning. From a redress perspective, if a priest offended in
22 1978 and a claim is made in 2010, in one of these border dioceses in Palmerston North,
23 who between Palmerston North and the archdiocese is responsible?
- 24 **A.** My understanding is the diocese where he came from at the time and where the—yes,
25 where he came from, what he belonged to at the time.
- 26 **Q.** Thank you. Now we've gone some way in the weeds on that point so if we could come
27 back up to your roles at present. Just for completeness, the appointment as Cardinal, does
28 that give you any authority over your brother bishops in New Zealand?
- 29 **A.** No, none at all. It's a completely Roman appointment and it is to do with being a member
30 of what is known as the College of Cardinals and, as I said earlier, as an advisor to the Holy
31 Father.
- 32 **Q.** You mentioned before the New Zealand Catholic Bishops Conference. If you could briefly
33 outline what that organisation is and what it does?
- 34 **A.** Bishops throughout the world are entitled—and this was a movement from the Second

1 Vatican Council—to come together in conference. So not long after the Second Vatican
2 Council in the 1960s the bishops of New Zealand applied to Rome to be established as a
3 Bishops Conference. What it means for us is that we work together as a body of bishops
4 and many things that we can do—those things we can do nationally we do do nationally.
5 For example, we have a New Zealand Catholic Education Office who oversee the
6 relationships with Ministry of Education, for example, with all our schools. We have a
7 national social justice body which is more than national, it's also international in terms of
8 the work they do which is called Caritas Aotearoa New Zealand. One of the things we also
9 worked on together, of course, was the A Path to Healing, Te Houhanga Rongo. So those
10 kind of things that we can do together we do do together.

11 Bishops meet in conference—formally in conference twice a year with a number
12 of agenda items that usually take us about a week. And we have worked together in
13 preparing with Te Tautoko for this information for the Royal Commission. So the Bishops
14 Conference is a method that we have of working together inasmuch as we can, the things
15 that we do do nationally, not the things we do in our own individual dioceses.

16 **Q.** And you are presently the President of the conference?

17 **A.** Yes, I am.

18 **Q.** And for completeness, you're also the bishops' representative on Tautoko Governance
19 Group, aren't you?

20 **A.** Yes, I am.

21 **Q.** Stepping back to when you first became a priest, John, you set this out in your evidence, the
22 very beginning of your first brief. If you could briefly outline for the Commission the roles
23 that you have had within the church from when you were first ordained?

24 **A.** Thank you, I was ordained in May 1976. When I had finished my time at the seminary in
25 late 1975 we were already ordained deacons, which is the immediate step before ordination
26 to priesthood. So I had been appointed to St Joseph's parish in Upper Hutt. Once I was
27 ordained in 1976 I was sent back there as an assistant priest. And I worked in that parish in
28 St Joseph's Upper Hutt until the beginning of 1980. The beginning of 1980 Cardinal Tom
29 Williams or Archbishop Williams, as he was then, who had just been appointed as the
30 Archbishop, came to see me at Upper Hutt and asked if I would be prepared to go and work
31 in the Cook Islands because the New Zealand bishops had told the bishop of the Cook
32 Islands that they would provide support for him, he had very few priests at the time. It was
33 quite unusual, but the bishops had promised the bishop of the Cook Islands, who was a
34 New Zealander, Bishop Denis Browne, that they would provide support. So a priest from

1 Auckland had already gone a year before me and at the beginning of 1980 I went to
2 Rarotonga and was there for three years. During that time I was parish priest of the
3 cathedral parish in Avarua in Rarotonga. At the end of that time I came back to
4 New Zealand and again I had been asked to do something a bit different, I had thought that
5 I would always just be working in a parish, but I was asked to help set up a youth ministry
6 team in the Archdiocese of Wellington.

7 And so for the next five years I worked with a group of—a team of generally four
8 young people, two young men, two young women and at two different times we had a
9 religious sister working with us, so we were a team of six, we ran retreats in some of our
10 Catholic secondary schools, we ran youth groups, young adult groups for that time of six
11 years and that time—five years that I was in youth ministry. For me they were a wonderful
12 time to be working with young people in the church and listening to the questions that they
13 were asking about the church and helping them, in what ways we could, to be part of the
14 church then in the early to mid-1980s.

15 **Q.** And you then went and joined the seminary in a teaching role. You were there for four
16 years and then did some study. When you came back from the UK and your study, what
17 roles did you take on then?

18 **A.** When I came back from the study I had done in the UK, I was appointed parish priest of the
19 Parish of St Anne's in Newtown, Wellington. Very much a multicultural parish with the
20 challenges that that brings, but it was, again, an extremely rewarding place to be. As well
21 as being multicultural it's almost right next door to Wellington Hospital. We did have a
22 full-time hospital chaplain but I was also very involved from time to time in ministry in the
23 hospital. So I was only there for two and a half years and in April 1995 I was appointed the
24 Auxiliary Bishop of Wellington.

25 **Q.** And what does an auxiliary bishop do, John?

26 **A.** Basically it's an assistant bishop, the term in the Catholic Church is auxiliary bishop. So
27 I worked alongside Cardinal Williams in working in the diocese with him as a bishop,
28 picking up particular roles that—one of the examples in those days, the Bishops
29 Conference, we sort of divvied up the responsibilities of the conference. One of the things I
30 was given because of my association with youth ministry was the National Council For
31 Young Catholics. That was also the time when I became involved in the formation of,
32 within a few years, of A Path to Healing.

33 **Q.** And then you were appointed to a role for a year before becoming Archbishop, what was
34 that role?

- 1 A. Yes, in 2004 I was appointed the coadjutor Archbishop of Wellington, which basically
2 means that—a coadjutor bishop is given the automatic right of succession when the
3 ordinary, the bishop of the diocese either retires or becomes—
- 4 **Q.** Let's hope retires.
- 5 A. Retires, and that's what happened, Cardinal Williams, then I was appointed Coadjutor
6 Archbishop in 2004.
- 7 **CHAIR:** Sorry to interrupt you John, how on earth do you spell coadjutor?
- 8 A. C-O-A-D-J-U-T-O-R, co-helper basically.
- 9 **Q.** Thank you, a new word for my vocabulary.
- 10 **QUESTIONING BY MS McKECHNIE CONTINUED:** There has been a new coadjutor
11 Archbishop appointed recently, Bishop Paul Martin?
- 12 A. Yes, Bishop Paul Martin of Christchurch has been appointed my coadjutor so that when
13 I retire he will automatically succeed me as the Archbishop of Wellington.
- 14 **Q.** Do you have an auxiliary bishop at present?
- 15 A. No.
- 16 **Q.** There is one auxiliary bishop in New Zealand at the moment?
- 17 A. Yes, in the Diocese of Auckland, Bishop Pat Dunn is the local ordinary or the Bishop of
18 Auckland, has an auxiliary bishop in Bishop Michael Gielen.
- 19 **Q.** One of the other roles that you held when you were in youth ministry, John, I'll just
20 highlight because I appreciate that the Commissioners will be interested in this. You spent
21 time as the chaplain to the Cook Island Catholic community of Wellington as well?
- 22 A. Yes, I did, during that five years that I was in youth ministry I was also chaplain to the
23 Cook Island community, basically in two parts of Wellington in the Porirua East and in
24 Newtown.
- 25 **Q.** And bishops and archbishops have a compulsory retirement age. So when will you be
26 retiring from your role?
- 27 A. In two years and one month. Yes, canon law expects us to—we're required to hand in our
28 notice of resignation when we turn 75. So that's a couple of years away for me. The Pope
29 doesn't always accept it, but that's also part of the plan as it was Cardinal William's plan to
30 have me appointed—to have a coadjutor appointed, it wasn't necessarily going to be me, so
31 that when he turned 75 there wouldn't be a delay in appointing another bishop to the
32 diocese because I was already appointed as his automatic successor and that's been my plan
33 too in asking for a coadjutor archbishop.
- 34 **Q.** We've heard a lot this week and indeed last week about schools within the faith-based

1 network. I'm going to ask you some questions about that now, John. You talk about this in
2 your brief in paragraph 41, for those who are looking at your brief. And in there you say
3 that at a national level in 2018 there were 237 Catholic schools in New Zealand. At
4 paragraph 49, John, you say that as Archbishop you are the proprietor of the third most
5 schools in Auckland after the ministry and Bishop Pat Dunn?

6 A. In New Zealand, not Auckland.

7 **Q.** Sorry, in New Zealand. Now you have this role in Palmerston North. Can you confirm
8 presently you're actually the second largest proprietor of schools in New Zealand after the
9 ministry?

10 A. That's a good question, I haven't counted the number of schools in Palmerston North but
11 possibly that is true. I have had something to do with the team in Palmerston North who
12 are responsible for coordinating and supporting our Catholic education efforts in the
13 diocese of Palmerston North.

14 **Q.** So as a bishop or archbishop, what does it mean to be the proprietor in 2021 of a Catholic
15 school?

16 A. Basically it means that the nine—no, there are nine secondary schools in the Archdiocese of
17 Wellington but only four of them I'm the owner of, the proprietor of, the other belongs to
18 religious orders. There are 37 Catholic primary schools. So I'm the owner or the proprietor
19 of those schools. They are all, of course, run nowadays by boards of trustees. But I have to
20 ensure that the funding that we receive from the Ministry of Education—policy 1 funding,
21 which goes to the maintenance and upkeep of schools and for the payment of teacher's
22 salaries—that that is all being done according to what is required by the Ministry of
23 Education.

24 **Q.** And as Archbishop, how much direct control and input do you have and how much do you
25 delegate to other people to do on your behalf?

26 A. Within the diocese I have a woman who is my Vicar for Education. Basically, she
27 represents me with most of the negotiations with the Ministry of Education. That could be
28 negotiating on an adjustment for a roll increase in the school, there's a maximum roll that
29 schools are able to have. Sometimes we believe that there's a need to increase that roll so
30 that we can take in more young people for Catholic education. She would represent me in
31 that, or in negotiations over some building issues or something with the Ministry of
32 Education.

33 The other thing is in the diocese I also employ other people, one who is our
34 primary schools religious education advisor and our secondary schools religious education

1 advisor. So on my behalf they run courses for teachers in our schools in the religious
2 education curriculum, they provide support for all of those staff in the schools who teach
3 religious education, and in the primary schools that's all staff, in secondary schools it's
4 some staff. So there are those people—we also have someone who assists boards of
5 trustees in the processes when they're appointing a new principal, that kind of thing, or
6 when boards might be asking questions about how they handle a particular issue. So
7 because I obviously can't be there for everything, I have those people who are delegated to
8 do that.

9 **Q.** You've mentioned a couple of times in your answer boards of trustees. And as we heard
10 yesterday from Tim Duckworth, that's a Ministry of Education structure and they're elected
11 like ordinary boards of trustees?

12 **A.** Yes.

13 **Q.** There are also proprietor boards for these schools. What role do they play in an integrated
14 school?

15 **A.** The proprietor boards are for those schools which belong to religious orders. So I don't
16 have proprietor boards, they belong to the religious orders. My schools are—my schools—
17 the schools of the Archdiocese of Wellington are all run by the boards of trustees as is
18 required by the Ministry of Education. On those boards, though—the boards of trustees,
19 and this is all part of the structure with the Ministry of Education and the Catholic Schools
20 Conditional Integration Act—I'm entitled to appoint proprietor's appointees, so it's different
21 to the boards of proprietors for those schools of religious orders. The proprietors that
22 I appoint to the boards of trustees are there really to look after my interests, particularly in
23 terms of Catholic character. They're full members of the board but they have a particular
24 responsibility in ensuring that Catholic character is preserved and maintained in each of
25 those schools.

26 **Q.** As we heard from Tim Duckworth yesterday, Catholic character is part of the special
27 character statutory requirements in the Integration Act?

28 **A.** Yes.

29 **Q.** We've talked about the schools within the Archdiocese, how many parishes are there within
30 the Archdiocese?

31 **A.** Up until about three years ago we had 48 parishes, now we have 22. We went through a
32 whole process of amalgamation, some parishes were quite small, we didn't have the number
33 of clergy that we used to have, so we went through a whole consultation process within
34 each of the areas of the diocese trying to work out which parishes would fit in the most

1 appropriate way together. So that meant that parishes had to be formally disbanded, a
2 canonical process and a new parish established. So for example, in Lower Hutt, for
3 example, there were eight parishes, now there are two, each of them made up of the four
4 previous parishes. New names, and new structures.

5 **Q.** So in addition to the schools and parishes which have parish priests, are there any other
6 within the Archdiocese parts of the Archdiocese that would be important to note for the
7 Commission; structures that you have as part of the Archdiocese?

8 **A.** Yes. I think one of the things to take note of would also be our Catholic Social Services
9 who provide social work services, but as well as that, a whole emphasis on today
10 particularly, working in parishes and supporting communities to reach out and to support
11 those who are poor and are struggling in various different ways. For example, just a couple
12 of weeks ago, and this would have been the fourth of these we had, Catholic Social
13 Services, along with a couple of other organisations ran in the Horowhenua area in Levin
14 what we call the Benefit Impact Week where we trained local people to work with experts
15 and made it known to beneficiaries in that area that they could come and talk to them about
16 what they were receiving as benefits and whether they were entitled to anything else. This
17 is completely in line with Department of Social Welfare who also provide assistance and
18 have people there to—they've been tremendously—I think we had about 70 people turn up a
19 couple of weeks ago in Levin. So they provide that sort of support in community. The
20 benefit of these has also been that it's enlightened a lot of people within the community just
21 to how many people are struggling, how many people are finding it very hard to make ends
22 meet and it means that they get involved. So Catholic Social Services does incredible work
23 in supporting them.

24 Catholic Social Services, and this is possibly what is helpful, also has the
25 responsibility of overseeing the employment and the evaluation each year of our prison
26 chaplains and our hospital chaplains. The diocese employs them, we get some funding for
27 both from the church hospital chaplaincy and from the Corrections Department, but we also
28 add to that. So Catholic Social Services, particularly the director of Catholic Social
29 Services, is responsible for their annual evaluation and for how they work as chaplains in
30 prisons and hospitals.

31 **Q.** Thank you John. It's taken some time to summarise both what you do and the complexity
32 of that. As I'm sure the Commissioners and the people watching appreciate, it's quite
33 different to a number of the other faiths that we have had, so thank you for explaining that.
34 Having established that you are not the head of the Catholic Church in New Zealand, you

1 are nonetheless going to apologise as the representative of the Catholic Church this
2 morning. Before you do that, can you please explain the process that you went through
3 with drafting this apology to have the authority on behalf of your brother bishops and the
4 congregational leaders to this apology?

5 A. Certainly. As the Commission will know, the Catholic Church set up an organisation called
6 Te Rōpū Tautoko to help the church nationally to prepare all the information that was
7 needed for the Commission. So the conversation in Te Rōpū Tautoko was what kind of
8 apology, and I'm very happy to make this apology and know that it needs to be made. One
9 of the members of Te Rōpū Tautoko and I drafted some ideas as possible apology. We then
10 sent it to all the bishops and the congregational leaders for comment and asked them did
11 they agree with what we had proposed and were they happy for me to make it apology on
12 their behalf. We got a number of responses back with suggestions as basically how words
13 could be put together to make it hopefully more effective.

14 Once we had collated the various responses that we received back from the other
15 bishops and from the leaders of all the congregations, we came up with a final draft of the
16 statement and went back to our annual meeting, which this year had to be held on Zoom
17 because of the fact that Wellington at that stage was in level 2 lockdown, but I had the
18 agreement of the bishops and the congregational leaders to read this statement on their
19 behalf.

20 Q. Thank you, because there's been some questions on this this week, were there any lawyers
21 involved in drafting this document?

22 A. No, there were not.

23 Q. If I could ask you to read that document now please Cardinal John.

24 A. Thank you, Ms McKechnie. So I read this, Madam Chair and Commissioners, on behalf of
25 the bishops and the congregational leaders of New Zealand. "To victims and survivors of
26 abuse and your whānau. Many people asked for this Royal Commission to be established
27 to give you victims and survivors of abuse a forum to be heard and acknowledged. Today,
28 recognising the importance of this moment, I apologise to you on behalf of the bishops and
29 congregational leaders of the Catholic Church in Aotearoa New Zealand. I also apologise
30 to you on behalf of those who preceded us as bishops and congregational leaders. We offer
31 no excuses for their actions or for ours that have caused you harm. We have heard the
32 survivors who have spoken to the Royal Commission so far. We acknowledge all those
33 victims and survivors who have spoken over the years, we acknowledge all victims and
34 survivors who have not yet been able to speak or may never be able to. We hear you in the

1 silence and through those who speak for you. We thank you all for your bravery and
2 courage. You have spoken of abuse perpetrated by bishops, priests, brothers, sisters and lay
3 people in the Catholic Church, people you should have been able to trust. We have heard
4 you and acknowledged that we caused you pain, hurt and trauma and that this continues to
5 impact you.

6 I repeat what I have said before. Any kind of abuse is unacceptable and
7 indefensible. We are deeply sorry. We acknowledge that the systems and culture of the
8 church allowed abuse to occur. These systems and culture failed you and must change.

9 We apologise for the times that we or our predecessors protected the church and
10 not you. We have spoken of times within the church when we failed to listen to you, to
11 learn from you, and refused to hear what you were saying. We acknowledge that this
12 compounded the hurt and suffering and acknowledge the ongoing physical, emotional and
13 spiritual trauma you experience. We apologise for our inappropriate responses, for all we
14 could have done but failed to do and for the times you were dismissed, ignored, not
15 believed, belittled, forgotten. As leaders in the Catholic Church in Aotearoa New Zealand,
16 we are committed to ensuring a safe church. We are committed to putting you, victims and
17 survivors of abuse and your whānau first, rather than focusing on the church's systems and
18 culture. We understand and appreciate the proposals from individuals and groups who are
19 calling for an independent body to provide address[sic]. We will listen to and work with all
20 parties who are considering and developing these proposals and continue to work with the
21 Commission as it deliberates.

22 We remain committed to listening to, to learning, to acting on what we hear from
23 you and to doing all we can to address the harm that has been done to you. Pope Francis
24 said in a letter to the people of God in 2018, 'Looking back to the past, no effort to beg
25 pardon and to seek to repair the harm done will ever be sufficient. Looking ahead to the
26 future, no effort must be spared to create a culture able to prevent such situations from
27 happening, but also to prevent the possibility of their being covered up and perpetuated.'

28 I am committed to a church that spares no effort to create a culture that prevents
29 abuse and any possibility of cover-ups, to a church that listens and learns from you and then
30 acts. I personally apologise for when I have failed to listen, learn and act in ways that
31 would have put you first. I am profoundly sorry and I am ashamed. I commit to acting
32 with you and your stories and experiences in mind." It is signed by me as the Archbishop
33 of Wellington and on behalf of the bishops and congregational leaders of the church in
34 Aotearoa New Zealand.

1 **Q.** Thank you John. John, I'm going to turn now to ask you some questions about that early
2 period. And you talk about this from paragraph 50 of your first brief of evidence. The
3 records from the Archdiocese and the other dioceses and congregations in New Zealand
4 show that there are very few records prior to 1995. I appreciate that you were not Auxiliary
5 Bishop or Archbishop before then, but from your knowledge, what was the approach taken
6 by the bishops prior to 1995? Prior to 1985 is probably the safest, we'll start there.

7 **A.** I really don't know too much about how cases were handled. I do believe that when an
8 incident of abuse was reported that the bishops of the time, those who were responsible,
9 needed to find some way to address this. I also acknowledge that in that period cases
10 weren't handled well, that sometimes they were denied and I said in that apology people
11 weren't believed. Sometimes priests were transferred to another place and I also believe
12 and I think the evidence we have now, medical and expert evidence, is that they—I think
13 they genuinely believed that if a priest said this did happen but it won't happen again that
14 they believed them and took them at their word. But if it was a case of paedophilia they
15 didn't understand this was a real psychological problem. In some places they were
16 transferred and offending happened again. And that was a terrible time and it should never
17 ever have happened like that.

18 **Q.** John, in 2008 you made a report to the United States Anglophone Conference of Catholic
19 Bishops, you refer to this at paragraph 51. Before I ask you a question about it, what is the
20 Anglophone Conference of Catholic Bishops?

21 **A.** In the early 2000s as the whole abuse problem started to be recognised around the world
22 and people came to see the trauma and the extent of it, Bishops Conferences started to work
23 together to see what could be done and how they should address the issue. I think one of
24 the first of those was actually held in Dundrum in Ireland in about 1997 or 1998 and Father
25 Pat Bearsley, who Tim Duckworth referred to yesterday, represented us at two of those
26 conferences in Ireland. So they started with English-speaking Bishops Conferences,
27 anglophone conferences, coming together every couple of years to address this issue and to
28 see what policies, procedures, what protocols were being put in place in order to handle
29 complaints and the whole question about how a perpetrator should be dealt with. So there
30 was a huge amount of work done in those areas every couple of years. I did go to—I was
31 supposed to go to one in Rome earlier, but because of a medical operation I wasn't able to
32 go, and the late Bishop Len Boyle of Dunedin attended that one, but I did go to that one in
33 2008 in Washington.

34 **Q.** As your evidence sets out, one of the first developments in New Zealand—and this is at

1 paragraph 56 for those who are following the evidence—was a pastoral letter that the
2 New Zealand Bishops Conference sent to priests. And you set out in your evidence briefly
3 what was in that letter.

4 A. Yes.

5 **Q.** Why was that letter sent in 1987?

6 A. The bishops at the time began to realise that this was a major issue and needed to be
7 addressed and needed to be addressed seriously. So that pastoral letter in 1987 was written
8 to clergy of the six dioceses and I guess of religious orders as well. It was addressing
9 matters of sexual misconduct which were beginning to come to the fore. In that letter the
10 bishops at the time in 1987 said that they would do whatever seemed reasonable to help the
11 victim of sexual misconduct committed by a priest, that any diocese would accept its
12 responsibility to help an offending priest, and especially in regard to medical or counselling
13 help, that they were beginning to understand the compulsive nature of some kinds of sexual
14 behaviour and the incurability of pedophilia. They admitted in some cases it would be best
15 not to give an offending priest an appointment again so that there wouldn't be repeat
16 incidents and that the diocese accepted that priests and bishops should accept the same
17 treatment before the law is given to anybody else in the country. That, from what I
18 understand, was the substance of that letter in 1987.

19 **Q.** In 1989, John, you had your first personal involvement with this narrative, if you will, and
20 attended while you were at the National Seminary, you went to a conference in Adelaide?

21 A. Yes.

22 **Q.** There was some evidence on Tuesday from Tom Doyle about formation in America. I'm
23 going to ask you some questions later about that, but this conference is relevant to that, so if
24 you could please tell the Commissioners in 1989 what this conference in Adelaide was
25 about and what changes that brought about?

26 A. The conference I attended in Adelaide in 1989 was when I was on the staff of the National
27 Seminary. The person giving the main input was a priest from the United States by the
28 name of Ray Carey, a psychologist, and it was basically on the way we accepted candidates
29 in the seminary and the kind of processes he believed that we should put in place. He
30 stressed that it was no longer enough just because someone came and said "I'm interested in
31 going into the seminary" that they were automatically accepted, that there should be a
32 whole process, a screening process and that we really needed to get, as he was saying at
33 that time, written evidence of their involvement in the church, written testimonies from
34 men and women—and he stressed that there needed to be some from women—and the

1 beginning of psychological testing before a candidate was accepted. That was the basis of
2 that conference.

3 I found it very helpful because of the work that I was doing at the seminary with
4 some students who should never have been there—and very quickly you get to know that
5 and suggest that perhaps they're in the wrong place. And I spoke to the bishops not long
6 after I came back from that conference. They happened to be having one of their annual
7 conferences in Dunedin and, because the seminary in those days was at Mosgiel, I went in
8 and spoke to them about the fact that we'd had this conference and that we really needed to
9 put some practices in place to have very thorough psychological testing before someone
10 was accepted for the seminary.

11 **Q.** When were those processes introduced?

12 **A.** They were gradually introduced over the next few years. You know, we had to look and
13 see who were the best people to do that, and people who understood what we were looking
14 for in terms of is this person capable of being formed, is this person capable of being able
15 to relate to people generally as we would hope they would do as priests, and not think that
16 because they're a priest they were important and God's gift to the world. You know, that
17 we had people who were capable of being of service and of living the gospel and helping
18 other people to live the gospel.

19 So now we have some very strict psychological testing that is done, each candidate
20 that is screened and goes through that testing, a very full report of the testing is given to—
21 with the candidate's approval—to the bishop that he's applied to, to the seminary, and that
22 remains part of their record. Because sometimes it brings up issues that the psychologist
23 says, “This can be worked on”, and we've had a psychologist working for quite some years
24 now in helping some of our candidates.

25 **Q.** We're in the early 90s period now and as your evidence says the New Zealand Catholic
26 Bishops Conference was preparing documents. This was before you were a member of that
27 conference. You were working in the Archdiocese in the early 90s, and you say at
28 paragraph 62 during this time the Archbishop was asking you to undertake some work and
29 some workshops and you talk about that at 62. Are you able to outline what sort of matters
30 were covered in these workshops for clergy that you ran with colleagues in the early 90s?

31 **A.** Thank you, yes, I think I say a little more further on. At the time I had just come back to
32 the diocese after my time at the seminary and my sabbatical year in England, and I was
33 elected the Chairman of the Council of Priests, so I worked closely with Monsignor Owen
34 Dolan who was the Vicar General at the time.

1 **Q.** Just pausing, John, what is the Council of Priests?

2 **A.** Every diocese has an elected—well, in the Archdiocese of Wellington—every diocese has a
3 Council of Priests. The Archdiocese of Wellington every five years is a new council. The
4 priests of the diocese elect five people, priests to represent them, and the constitutions allow
5 me as the Archbishop to appoint another five. What I've done in my time, and what
6 Cardinal Williams did in his time, was accepted the first five who were elected by the
7 priests and then just appointed the next five, because I believe that the priests had spoken
8 and these were the ones that they saw as the best to represent them. So they—I meet with
9 them six or seven times a year to talk about matters in the Archdiocese, for example that
10 whole process of amalgamating parishes, that sort of thing. So the Council of Priests.

11 One of the things that we saw was that there was a need to start educating clergy
12 into the fact that they were professionals and that they were expected to behave
13 professionally, ethically, that they had to live by professional boundaries. And so one of
14 the—I'm not even sure how we came to know this, but we used two videos, and I think
15 Marie Fortune has been referred to already in this Commission, a Baptist minister in the
16 United States had put together these videos in those days. One was called "Once You
17 Cross the Line" and the other one was called "Not in My Church". And they were
18 obviously about clergy who had offended against their professional boundaries. This was
19 an effort to start educating our clergy as to what professional boundaries were and what
20 professional behaviour meant. And many things have been done since then with
21 psychologists and people in terms of clergy gatherings and similar kinds of workshops.

22 **Q.** We'll talk a little bit more about that later, John. Thank you, just continuing in the
23 chronology, within the Archdiocese in 1993 the Wellington Protocol Committee was
24 formed and you were part of that Committee. Can you explain to the Commission at that
25 early time who was on the Committee and what your role was before their Path to Healing
26 process was formalised later that decade?

27 **A.** Yes, a committee was put together, gosh, who was on it?

28 **Q.** It's set out broadly at 67 of your brief, John.

29 **A.** Yes, the lay person I think was the woman who was the then Director of Catholic Social
30 Services, and the priests were, as I've said before, Owen Dolan, Chris Penders and myself.
31 And it was to begin to look at what sort of processes and protocols we could use to look at a
32 complaint as it came in, and how that would be handled and what we would then say to, if
33 it was—for us it was someone of the Archdiocese of Wellington, refer to Cardinal Williams
34 who was the church authority at the time.

1 **Q.** So when it was first formed it was quite a priest-dominated organisation and you've set out
2 in your evidence that that changed quite quickly, and from paragraph 71 you talk about that
3 change. Why was the make-up of the Committee changed in the early days?

4 **A.** We very quickly came to see that if someone had been the victim of a priest, the last thing
5 she—or he, if it was a young boy, but mostly in those days the cases we dealt with were
6 women—the last thing they wanted, last one they wanted to see was another priest, because
7 they'd been offended against by a priest. So we changed the nature of that Committee and
8 brought on people qualified in counselling, particularly in counselling, psychology.

9 **Q.** In 1995 a survivor representative joined the Protocol Committee in Wellington. Why was
10 that initiative undertaken?

11 **A.** As the Committee began its work and we were hearing from more and more people, some
12 people were saying to us, “Wouldn't you get a better perspective if you heard the point of
13 view of a survivor?” And basically that's what it was for, to give us a better understanding
14 of what people actually went through. We heard and believed their stories but we still
15 hadn't had their experience. So that's why a survivor was appointed to that Committee.

16 **Q.** You had quite a long involvement with the Protocol Committee in the 1990s and at
17 paragraph 80 of your brief, John, you summarise what you consider to be what you learned
18 about the appropriate way to be responding to complainants at that time. If you're able to
19 summarise those lessons that you learned in the 1990 period?

20 **A.** Yes, I think one of the very first things that I learned and that we all talked about were that
21 those who came to the Committee, those who were victims and who had suffered the
22 terrible trauma they had been through, they really wanted to be listened to, and believed.
23 So we said, “Look, whatever happens, there has to be some empathetic listening.” One of
24 the things many people wanted to know too was what had happened to that priest and it
25 would be helpful if we were able to tell them whether he was still in ministry or not.

26 But I think the biggest learning was that initially people wanted to be heard, they
27 wanted to talk about and to be believed. And there was a great relief when they were
28 believed because sometimes they may have already been to a priest. I know some who had
29 been just to talk to a parish priest and they weren't believed, and that should never have
30 happened because that was part of that culture of the time, the church culture that Pope
31 Francis says just has to change because if they're not believed we can be part of the
32 problem.

33 **Q.** Staying in the 1990s, you talk at paragraph 82 in 1997 your Committee in Wellington
34 developed a brochure that was sent to parishes to raise awareness of the work of the

1 Committee and how people could lodge complaints. We've heard quite a lot of evidence
2 about how people can know what is happening. In addition to this brochure in 1997, what
3 does the Archdiocese do to let survivors know that there is a process and how they can
4 contact the church?

5 A. We still have—I think it was mentioned yesterday—we still have notices in most churches
6 but I also acknowledge if people have been offended, the likelihood is that they're not going
7 to see a notice in a church foyer, they're not going there so we need other avenues. In those
8 days we also put some of those brochures around in counsellors' rooms etc, doctors' waiting
9 surgeries, just to let people, if people saw them they knew that there was a place to go.
10 Today it is mostly through advertising that NOPS are the place to go to, but also on our,
11 certainly on our Archdiocese website I presume on the other dioceses websites that there is
12 information, look if you have a complaint, this is where you go. So we try to make that as
13 well-known as possible.

14 Q. There have been questions about whether bishops have encouraged survivors to come
15 forward. In your extended time as a bishop, what have you done to encourage survivors to
16 approach the church?

17 A. There have been a number of opportunities, particularly when talking about a particular
18 incident, and if that has gone to the media, and sometimes it has, I have never hesitated to
19 say, when addressing this issue, "If anyone has suffered abuse in the church, please come
20 forward, or go to the Police." I've said that publicly on a number of occasions. There have
21 been times in my ministry as bishop when talking about the other clergy or with people
22 generally in parishes, if you know of someone, encourage them to come forward or tell
23 them to go to the Police. So we're trying to put that word out as much as possible that we
24 have processes, we want to hear from people, because we don't want this to continue.

25 Q. In 1998 the first version of the Path to Healing was agreed. And we've heard a lot of
26 evidence about A Path to Healing so I'm not going to ask you anymore questions about that.
27 But there is a document from 2000 which hasn't been discussed in evidence yet and this is
28 at paragraph 94 of your brief. I'd like to bring it up please, it's CTH0001485. This
29 document is a New Zealand Catholic Bishop Conference document called "Integrity in
30 Ministry". It's going to come up shortly, John. What was the purpose of this document?

31 A. This document was—just to go back a year or so before this, I had been at one of the
32 Australian Bishops Conference meetings. In those days we used to go—one of us used to
33 go every year to the Australian Bishops Conference. I had been at that and the Australians
34 had put together this document to educate clergy in professional boundaries, basically.

1 What it meant to act with integrity, that we had a particular role as ministers of the gospel,
2 to take care of people, never to take advantage of them, you know, to work in such a way
3 that as ministers of the gospel we were living with the integrity that the gospel asks us to
4 live by. So when I heard this discussed at the Australian Bishops Conference, I asked
5 would they be open to us adapting that for use in New Zealand. They readily gave approval
6 for us to do that. I brought it home, we spoke about it at Bishops Conference.

7 As you see on that front page we then took it to the Mixed Commission, the
8 congregational leaders, and it was agreed on that it would become a document for all of us.
9 That's 20 years ago. It hasn't actually been updated at all since then, and we know that it
10 needs to be, but it still is a very basic document for explaining and for helping people to
11 understand what our obligations are as ministers of the gospel and people to act with
12 integrity.

13 **Q.** You mentioned this document was agreed by the bishops and congregational leaders, as
14 was A Path to Healing?

15 **A.** Yes.

16 **Q.** Within the global church is that level of agreement common?

17 **A.** No, I don't think so. When I went to that anglophone conference in 2008, and talked about
18 A Path to Healing, most of the others present were astounded that the Bishops Conference
19 and the leaders of the congregations could accept a document and could have planned and
20 agreed on a document together. But I think that's because of the fact that we're a small
21 country, we're a very small Bishops Conference, and obviously we know one another but
22 we know all the leaders of the religious congregations as well and in some cases have
23 known them for years and years and years, so we're able to do these sort of things together.
24 I think it's to our credit that we have such documents, A Path to Healing. As that's been
25 reviewed over the years that's been a process of, again, the congregational leaders and the
26 bishops working together.

27 **Q.** I have a specific question now about what happens with respondents following a complaint.
28 Yesterday Tim Duckworth gave evidence about what he does as the Provincial to remove
29 someone from ministry. So I wanted to ask, as you are the first bishop from the Catholic
30 Church, what happens with diocesan priests. We heard yesterday about the risk assessment
31 done by NOPS, so I'm going to specifically ask you, if a complaint is upheld or a priest is
32 convicted in a criminal process, as the bishop, what steps do you take? This is set out from
33 122 of your brief, John. You are going to use some Latin probably in responding, so that's
34 appropriate, but please say it slowly so the stenographer in particular can try to keep up.

- 1 And those terms are written at 122 if that assists?
- 2 A. If a complaint has been upheld, and usually when it's being investigated I stand the person
3 down from ministry, so this is being investigated, you're not able to do anything at the
4 moment. I've had to do that a couple of times. Now if it's a series—if it's a case of a
5 minor's involved, if it's a case that comes under, this is *Sacramentorum Sanctitatis Tutela*,
6 which means it's against a minor, it's the rape of a woman, it's a crime of solicitation, say in
7 the confessional, or within a pastoral situation, that that—we would see that as a crime.
8 That now has to be reported to Rome under that. And in the meantime that priest is stood
9 aside from ministry. Every case is different, of course, and with the second document that
10 came out just a couple of years ago, *Vos Estis Lux Mundi*, that also means that and the same
11 conditions, or if something—if someone believes something's been covered up, either in the
12 past or currently, that needs to be investigated and it's a responsibility now, which is fairly
13 new, for the Metropolitan Archbishop to send that to Rome and to wait for their judgment.
- 14 Q. So one of the sanctions that priests can face is laicisation. You talk about this at 123. Can
15 you explain the process of laicising a priest, what does that mean?
- 16 A. That means that the priest would ask, and trying to make it in general terms, that he be
17 released from the—for us, for diocesan priests, the promise of celibacy that he had made
18 and for religious order priests, the vows that they have made to their superior, so that they
19 are returned to the lay state. That sounds terrible as though the lay people are lower than—
20 but that's not what it's meant to be.
- 21 That's what the process is all about. Normally they would go through our own
22 tribunal, we have a canon law tribunal in New Zealand, a national tribunal, that they would
23 begin that process through and make a petition, which several people would be asked to
24 comment on it. For example, if it was one of the priests of the diocese I would certainly be
25 asked to comment and provide information. So a canon lawyer would make this petition,
26 they would get all the information and send it off, send it to Rome, asking for him to be
27 returned to the lay state.
- 28 Q. So John, this is a process where priests want to leave for any reason they ask, but in the
29 context we're talking about where there's been offending, do some bishops laicise a priest
30 and remove them from the priesthood?
- 31 A. The bishop can't do the laicisation, he can remove them from ministry and not give them
32 faculties, that's another term we haven't spoken of. But he can and must if there's been
33 some major offence. Must—I believe must remove them from ministry, so that he's not a
34 danger to somebody else. He could still then apply for that but he's out of any ministry, but

1 then the application be laicised goes to Rome.

2 **Q.** Who makes the decision, ultimate decision about laicisation?

3 A. Basically, the Pope. It would go, for us, it would go to—in New Zealand we come under
4 the Congregation for the Evangelisation of Peoples, they would do all the processing of that
5 and then recommend to the Pope that this person be laicised.

6 **Q.** That's probably particularly important because we're now going to move to discuss those
7 Vatican developments and some of this language is very particular to the church.

8 **CHAIR:** Before you do, just to clarify; you've spoken of a priest who may apply to be laicised.

9 A. Yes.

10 **Q.** Rome still makes that decision in the end?

11 A. Yes.

12 **Q.** And then is there a provision whereby a bishop or some person in the church can ask, can
13 apply for that person to be laicised?

14 A. Yes, the bishop would recommend.

15 **Q.** Recommend, okay.

16 A. Yes.

17 **Q.** So there are two avenues in?

18 A. Yes.

19 **Q.** But they're both decided by Rome?

20 A. Yes.

21 **Q.** Thank you for that.

22 **QUESTIONING BY MS McKECHNIE CONTINUED:** Perhaps the difference between an
23 honourable and a dishonourable discharge. If you could turn to 136 of your brief, John,
24 start to talk about some of the Vatican processes. I set this out in opening submissions on
25 behalf of the church, the way the framework for the Vatican and canon law works. I'm
26 going to talk with you briefly about some of those. Before we start, might need a little bit
27 of explanation. So you've just referred to the Congregation of the Doctrine of the Faith and
28 you talk about this at 137. What is that?

29 A. Congregation for the Doctrine of the Faith—I think Tim Duckworth spoke a little bit about
30 this yesterday. Initially the Doctrine of the Faith was set up to investigate or to, yeah, to
31 investigate matters of church teaching and something that could be heretical if they heard of
32 a theologian in some part of the world that was preaching something that really wasn't
33 understood and accepted by the Catholic Church. Sometimes it was known as the Holy
34 Office, and sometimes it's still referred to as that, but it is the Doctrine of the Faith, to

1 protect and defend the faith basically. There's a prefect in charge of that, at the moment
2 Cardinal Ladaria; Cardinal Ratzinger, who became Pope Benedict, was in charge of that
3 congregation for a long time. It's certainly changed from that almost inquisition, it was like
4 the office of the inquisition almost at one stage, but it's changed from that now to look at
5 those things that might be seen as heretical or not being true to the faith. But they have also
6 taken on in recent times some of these cases, severe cases of abuse, to be reported to the
7 Congregation for the Doctrine of the Faith and they would make a final recommendation
8 once all the information has been sent from a particular country about a particular case.

9 **Q.** And what role does the Office of the Apostolic Nunciature play?

10 **A.** The Apostolic Nunciature is a diplomat, there are apostolic nunciature around the world,
11 the apostolic nunciature accredited to New Zealand is also—gets a little complicated,
12 because as well as New Zealand, he is also the nuncio for some countries in the Pacific, but
13 in other countries he's the apostolic delegate, he doesn't have the same diplomatic authority
14 as he does if he's a nuncio, but in New Zealand he's the Vatican diplomat to New Zealand.
15 And there are many things that we are required to send through him. If I want something in
16 one of the congregations in Rome, the easiest thing, it might only be asking for a papal
17 honour for Mary Smith who's done 100 years' work—she wouldn't be—you know, done
18 many years work in the parish or something. So I would send that through the nuncio
19 because it goes through the diplomatic bag and gets there much quicker. So he's a diplomat.
20 But we also now liaise with him in some of these matters. I guess at some stage we'll come
21 to—you might even be leading up to it—to the case with Bishop Charles Drennan a couple
22 of years ago. So I had to negotiate with the nuncio quite a lot over how this was to be
23 handled.

24 **Q.** Before we talk about that, you set out in your brief some developments in 2001 from Pope
25 John Paul II and then 2013 the Vatican Pontifical Commission for the Protection of Minors.
26 Considering the time, I note those but I'm not going to ask you questions about them. 2016
27 Pope Francis released a letter which you talk about at paragraph 152 of your brief.

28 **A.** Yes.

29 **Q.** This is a significant development, so I will ask you briefly to summarise, it's an apostolic
30 letter. Firstly, what is an apostolic letter and secondly, what did this one talk about?

31 **A.** An apostolic letter is something written by the Pope as the successor of Peter, an apostle.
32 And this one is an apostolic letter issued *motu proprio*—in his own right, this is something
33 he has done completely on his own without advice, the Pope has decided that the world
34 needs to hear something about whatever the topic is. It might be a matter of—he issued one

1 last year on St Joseph just because he believed that devotion to St Joseph should be
2 promoted in this year. But it could also be about something very serious, not that
3 St Joseph's not serious.

4 **Q.** What is this letter about, John?

5 A. Well, it was a letter he wrote, referring to the church, "As a loving mother", it provides for
6 the removal of bishops, or those equivalent, for example, myself as apostolic administrator
7 in Palmerston North, in cases where they've neglected something, committed acts which
8 have caused harm to others. So basically that was what it was, "As a loving mother", it was
9 about bishops in the world where something has happened which obviously should never
10 have happened. Just reminding people, I guess, that these things have happened, that
11 bishops have covered up cases at times and in times, in cases bishops have been involved
12 themselves as we've heard.

13 **Q.** In 2019, as you say from 153, there were some significant developments. The Pope
14 released *Vos Estis Lux Mundi* and *Vademecum*. I want to ask you about *Vos Estis* because
15 you have had to use it and probably the first time, I understand, it may have been used
16 within the church?

17 A. We think it was possibly the first time that it was used, it was issued on 1 June 2019, *Vos*
18 *Estis Lux Mundi* meaning "you are the light of the world". It established new norms for the
19 whole church to prevail and combat sexual abuse and to ensure that bishops and religious
20 superiors are held accountable for their actions. We were told at the time it was a
21 three-year experimental period. In order to provide the means where some of these more
22 serious cases, especially if it was against a bishop, or something had been covered up, had a
23 new process for a preliminary investigation and then for that to be sent to Rome for a final
24 opinion. Along with the *votum* of the Metropolitan so it puts a big onus on me.

25 **Q.** What is a *votum*, John?

26 A. Basically my opinion on whether this should be upheld or not.

27 **Q.** You set out the process that you had to undertake with Bishop Charles in your second brief
28 of evidence, if you could go to that please. It's from paragraph 78. Bishop Charles at the
29 time was the bishop of Palmerston North?

30 A. Yes.

31 **Q.** And you set out here firstly the process required as a result of *Vos Estis* in A Path to
32 Healing. That's on page 18 of your brief, I just want to take you particularly to the phrase,
33 because it's an awkward phrase and I would like you to explain it please, in that second
34 indented paragraph, "If the Metropolitan decides" —you are the Metropolitan—"decides the

1 complaint is not manifestly unfounded, he is to request direction from the Congregation of
2 the Doctrine of the Faith." "Not manifestly unfounded" is awkward, so in applying this,
3 what do you think that meant?

4 A. That if there was some—not manifestly unfounded. I'm just not sure what these words
5 actually do mean.

6 Q. What threshold did you use, John?

7 A. The threshold I used was having heard the outline of the case, that it had been reported, that
8 it was a very serious matter, and also that when it was reported to NOPS that I was asked
9 by the Director of NOPS to inform Charles Drennan about this. So he never denied it when
10 I rang him. So I thought yes, this is true. That's why we wrote to Rome about it and said
11 this has come in. I was first told that it was to go to the Congregation for the Doctrine of
12 the Faith which we've just spoken about, they wrote back and said no, this needs to go to
13 the Congregation of the Evangelisation of Peoples. I asked them to refer it straight away
14 because I didn't want it to be a hold up. So it did go, that's because New Zealand, we're
15 under the authority of the Congregation for Evangelisation of Peoples. That's why it went
16 to them rather than Doctrine of the Faith.

17 Q. Just so everyone is clear about the nature of the allegation at this point I'm going to briefly
18 summarise it and ask to confirm if that's your understanding. This was an allegation
19 involving inappropriate relationship and harm of a young woman who was young but not a
20 minor. Is that your understanding broadly of the allegation?

21 A. Yes, that is my understanding.

22 Q. I'd like you, John, to read please so we have the chronology of this very clear, from the
23 process you were just talking about. At paragraph 84 you continue and outline the role that
24 NOPS played in the investigation. Could you read from 84 please?

25 A. Certainly. "By this stage NOPS had commenced a preliminary investigation into the
26 allegations. I sought approval from the Congregation for Evangelisation of Peoples that the
27 NOPS investigation should continue. This was granted."

28 Q. Skipping to 86 please, John?

29 A. "As outlined in A Path to Healing, if the investigation is carried out on behalf of the
30 Congregation for the Doctrine of the Faith (or the appropriate dicastery) the Metropolitan
31 will provide a report to the dicastery on the process of the investigation every month and
32 ensure that the investigation is completed within 90 days."

33 Q. John, if you could read a little more slowly, it's very tempting when you're reading to speed
34 up.

1 A. Sure. "The Metropolitan bishop will then write a *votum* giving his opinion about the
2 complaint and the evidence collected, before forwarding the whole file to the Holy See as
3 soon as possible. The Congregation for the Doctrine of the Faith (or the appropriate
4 dicastery) will then follow its own procedures to decide the issue.

5 In this case, NOPS completed its investigation into the allegations. The
6 Complaints Assessment Committee then made its findings and forwarded them to me. The
7 investigation report was forwarded to the Congregation for the Evangelisation of Peoples
8 together with my *votum* (or opinion).

9 The Congregation for the Evangelisation of Peoples has since made its decision
10 and communicated the outcome to Bishop Drennan. I note that Bishop Drennan wrote his
11 letter of resignation to Pope Francis in September 2019. The resignation was formally
12 announced in Rome at midday on Friday 4 October 2019. I was appointed Apostolic
13 Administrator of the Diocese of Palmerston North as from that date and am still acting in
14 that capacity.

15 It took approximately one year for the Roman authorities to decide what the future
16 of Bishop Drennan was to be. On 25 September 2020 I received a letter from Cardinal
17 Tagle, the Prefect of the Congregation. This letter required me to inform Charles Drennan
18 of their decision, which I did so. The decision from the Vatican imposed the following
19 conditions on Charles Drennan. He was to move out of the diocese of Palmerston North
20 and find accommodation outside the diocese. He is not to participate in any public ministry
21 whatsoever. He is not to wear any episcopal attire or symbols, nor to participate in any
22 celebration or function as a bishop. If he wishes to leave the country, he is to inform in
23 advance the Apostolic Nuncio in the country who wishes to visit the details of the eventual
24 visit and to abide by his instructions.

25
26
27 GRO-B
28
29

30 **Q.** Thank you, John. Charles is no longer the Bishop of Palmerston North, but he does remain
31 a bishop. Can you explain why that is?

32 A. That is entirely Rome's decision. The Pope is the only one who can remove a bishop from
33 office. They have all the information that we have sent through GRO-B
34 that are referred to. So I really don't know why he is still a bishop. I can't say.

- 1 **Q.** Is it possible within canon law to be demoted from bishop back to priest, or is it bishop or
2 outside of the church?
- 3 **A.** I think there have been cases in the past where a bishop has been demoted. I think—I'm not
4 exactly sure, but I think there have been cases in the past where a bishop has been, certainly
5 been removed from office, is not allowed to do any of those things that Charles is not
6 allowed to do, and could possibly act as a priest somewhere. If they did, I think, wherever
7 it would be, I don't think in this case it could be in New Zealand, we're too small, we know
8 just about all the priests in New Zealand and he would have been high profile. If he was, I
9 think it would have to be—they'd have to be very careful where he put him and that there
10 were very clear safeguarding procedures or plans put in place.
- 11 **Q.** You were here yesterday when Virginia Noonan was asked some questions about the
12 suggestion at the beginning of this process or early in the process that Charles might resign
13 as the bishop. Have you got some reflections about why resignation at that point might
14 have been a good idea?
- 15 **A.** I think those who were talking about that felt that that would have been better for him to
16 have resigned. The process would still have had to continue, but that if he had pre-empted
17 being asked to resign, it may have been better for him in the long-run rather than being
18 requested to resign, it might have enabled him to get work somewhere else if he wanted to
19 do that.
- 20 **CHAIR:** Can I just check, this is further to my questions earlier; resignation is not the same as
21 applying for laicisation, is it?
- 22 **A.** No.
- 23 **Q.** And it's not clear from your evidence in the written brief, did he apply for laicisation or did
24 you or any other bishop ask for that to happen, recommend it?
- 25 **A.** No, he certainly hasn't, and I was told very categorically by Cardinal Filoni, who was the
26 then prefect of that congregation, that from then on he was their responsibility, but through
27 the Apostolic Nuncio here in New Zealand. So I didn't think it was my role to suggest that
28 he apply for laicisation because under—from there on he was under their authority.
- 29 **Q.** Was it your role to apply or to recommend, or are you in a grey area here? I sense a grey
30 area coming up.
- 31 **A.** It is a grey area. I had sent in my *votum* about the incident about the complaint and it was
32 up to Rome to decide what his future would be.
- 33 **Q.** I'll leave it to counsel to continue with that if they need. Thank you.
- 34 **QUESTIONING BY MS McKECHNIE CONTINUED:** Thank you, Madam Chair. So to

1 confirm, Bishop Charles has been removed from ministry?

2 A. Yes.

3 **Q.** And must operate under the conditions you outlined?

4 A. Yes.

5 **Q.** But he has not been laicised and remains a bishop?

6 A. Yes.

7 **Q.** I'd like to turn now to some of the reflections you have had on evidence that you've heard
8 earlier this week.

9 **CHAIR:** Before you do, I'm conscious we've been going since 9.30, our stenographers and our
10 signers. How much longer are you going to be?

11 **MS McKECHNIE:** Ma'am, I'm hoping, as was provided, that we would be two hours with --

12 **CHAIR:** I'm not suggesting you stop.

13 **MS McKECHNIE:** No, sorry, just to explain, ma'am, we're aiming for 11.30 for an ordinary
14 adjournment, at which time John will have finished his evidence-in-chief. I discussed this
15 my friends. If the stenographer and signers are able to carry on for 15 minutes, that would
16 be good please.

17 **CHAIR:** Well, I'm going to ask them because they have been going a long time.

18 **MS McKECHNIE:** Of course.

19 **CHAIR:** The alternative is we take 15 minutes now, we come back and finish and then we
20 resume.

21 **MS McKECHNIE:** We're in your hands ma'am.

22 **CHAIR:** Well, I'm in the hands—you're okay? [**Signers and stenographer confirm**]. Thank
23 you, in that case we'll continue for 15 minutes. Yes, and are you okay?

24 A. Yes, I'm fine, thank you.

25 **Q.** All right, thank you.

26 **QUESTIONING BY MS McKECHNIE CONTINUED:** There was evidence earlier in the
27 week, John, about formation.

28 A. Yes.

29 **Q.** And seminary, and you have given some evidence about the screening process that
30 New Zealand uses. Some of the evidence earlier in the week was about how men are
31 prepared for priesthood and particularly preparation for the celibate life expected of priests.
32 Can you, from your experience in the seminary and now, explain what process
33 New Zealand uses to prepare men who will be priests?

34 A. Yes. In the 1980s our process of formation for diocesan priests changed quite dramatically.

1 And a formator, a director of formation for first year students at the seminary was
2 appointed for the first time. The whole curriculum changed somewhat, and first year
3 students did, in that first year, did very little academic work. They might have done a
4 couple of academic papers just to get them into the major work they would be—but the
5 first year was very much a time of personal formation. Which is the role I took on after that
6 first director, so I went to the seminary in 1988, where the emphasis was very much on
7 personal formation, working with them individually, talking with them about their life of
8 prayer, what sort of prayer style was most helpful for them, giving them experiences of a
9 whole range of prayer traditions, and meeting with them individually on a very regular
10 basis. There was one year, my second year at the seminary, I had 19 first year students, it
11 was almost impossible to meet with each of them once a week, but that had been my pattern
12 in the first year. And so it was talking about their own personal lives, what might be some
13 of the things that had formed them, it was a high level of trust and a very privileged area.
14 I went to the seminary in fear and trepidation, but actually ended up loving the work that I
15 was doing because it was a privilege working with the people who were being formed for
16 ministry.

17 When we discovered that there might be something in their life that needed some
18 attending to, that they might have needed a psychologist or psychotherapist, we arranged
19 for that, and that still happens. We have a qualified psychologist who's been working with
20 our students, not necessarily major areas but if there were really major areas there might be
21 something in that psychological screening that meant that they wouldn't be suitable for
22 priesthood. But just some of those natural growing patterns in their lives.

23 We also started in that time sending students out on a regular basis for pastoral
24 work, even in their very first year. So some would go to a school, some might go to a
25 sheltered workshop for handicapped people, some might go to an old people's home, and
26 then we would have a session together about what they learned that day, how they were
27 challenged, what might have been things that really helped them or what were difficult
28 things. So that really started to change the way students were formed. That still is the
29 method today, the formators themselves have an extensive period of preparation overseas
30 for that work, either in Rome or somewhere else. We mentioned Bishop Michael Gielen,
31 he studied in Rome and prepared for that role as the formator at the seminary. So it's a very
32 intense personal spiritual year, the first year. The studies commence in much more detail in
33 the next year. But the formation of course doesn't—never stops, and there are all sorts of
34 formation opportunities and experiences.

1 In terms of being prepared for celibacy, of course their whole psychosexual
2 development is looked at and if there are issues that need to be addressed or talked about—
3 much, much more open than it was when we were being prepared for priesthood. One of
4 the things I would say is that we're always looking for people who are capable of relating to
5 others. It's about relationships, it's about being able to be comfortable with themselves and
6 therefore be comfortable dealing with people of all ages, of many different nationalities,
7 and know that they're there to serve those people.

8 There are also, and we certainly did this in my time back in the late 1980s, we had
9 a couple of two- or three-day seminars which we also did with—in one of those years in
10 particular with some Mercy Sister novices—so we had this whole two or three days of what
11 we called a celibacy seminar, but reflecting on what it all meant for us, what it meant
12 spiritually, what it meant for a person themselves. So there's a lot more work that goes into
13 those areas today.

14 **Q.** Having promised we're going to finish at half past 11 we're going to finish at half past 11.
15 So I'd like to ask please for your reflections on some of the comments made earlier in the
16 week about clericalism, particularly we heard a lot of evidence about religiosity and
17 clericalism in the United States, so I'd like you please to make some comments about
18 clericalism in New Zealand and also your personal views on clericalism?

19 **A.** Two or three years ago I was due to speak at an Archdiocesan Catholic Women's League
20 conference. The Catholic Women's League are wonderful people and mostly, mostly,
21 elderly women. Just before—I had prepared something—but just before I went up I read an
22 article by a priest in France who had said to his congregation, "Please don't call me Father."
23 And his reasoning was that he's not their father and if he's always been treated in this way
24 where he's sort of put above everyone else, a bit like Tom Doyle sort of referred to, where
25 people are in the past were trained to be almost superior. So I spoke about that, it was
26 off-the-cuff, but to these women at the Catholic Women's League conference. The reaction
27 was outstanding, most of them came and said "Thank God someone said that at last. We're
28 old enough to be your mother." They wouldn't have been, because they would have been
29 very old if they had, but I also got—I got a huge amount of support but I also got a huge
30 amount of flack, because people still wanted to call me Father, but it's the respect and it's all
31 this, you know.

32 So I think this whole thing of clericalism, it creates an expectation of
33 entitlement—that I'm entitled to better, it creates an atmosphere of exception, "I don't need
34 to do the same things because I'm a priest". So I recall Tom Doyle spoke about someone

1 not having to sit a driver's license or something. Well I've never had that sort of thing, I
2 have to pay everywhere I go like everybody else. But I don't think that we should be
3 treated like that. I think that in our formation we should always be preparing people who
4 are, as I say, capable of being with people. I have a quote I use from Pope Francis quite
5 often to the priests of the diocese and I've heard Pope Francis say this on a number of
6 occasions. He says the only authority we have is the authority of service. So our authority
7 doesn't come from the fact that we normally wear a collar or—some of us—or that we have
8 a title or we have a particular role, the gospel calls us to be of service.

9 I think if we, in our training, if we can continue to help our men preparing for
10 priesthood to know this is all about service, it's not about me. There's another—I'm using
11 these words because he can say it far better than I can. Only a few months after he was
12 elected, Pope Francis went to Brazil to World Youth Day and he spoke to the bishops of
13 Brazil. I had an ordination a few days later, and I used these words of his as the context for
14 the homily for this ordination. He said, “Are we capable of training people who are capable
15 of walking with people in the darkness of their nights? Are we able to train people who
16 journey with people in their hopes and disappointments? Are we capable of training people
17 who warm people’s hearts?” So I used that as the basis for this homily.

18 Four of my priests came up to me afterwards and they said, “That was a great
19 homily you gave to so and so.” I said, “It wasn't just for him, it was for you as well.”
20 Because that's what we're about. And if we're not about that and training people in our
21 seminaries to walk with people and be with people, we will always end up with clericalism,
22 but we don't want people who think they're better, just because of their title or their
23 particular role in the church. It is, our ministry today is always about working with others,
24 journeying with others, accompanying one another.

25 **Q.** You made some comments in your apology earlier, John, about independent entities and
26 hearing the call from survivor groups. There's been a lot of questions about whether an
27 independent entity would be appropriate. What role do you see that an independent entity
28 might play and what role would the church and the Archdiocese want to continue to play?

29 **A.** Thank you. I think that the—I said that we have heard the call from victims, survivors, for
30 an independent body. And I think that that does need to be looked at, because otherwise we
31 can always be in danger of, it's an in-house investigation sort of thing. But at the same
32 time, I wouldn't want to be removed from such an inquiry, because if the Church has hurt
33 these people, the Church needs to be there to listen to them as well. And it could just get
34 too far removed, I think, from the body that's been, that is the body that has done this

1 damage. So I would hate to see anything that got so independent from the Church that
2 there wasn't a voice. And I think the Church needs to be involved in it somewhere.

3 That's my initial sort of thought about it. I haven't really had time to talk about
4 this with the bishops, we've mentioned it briefly, but we haven't been together, we will be
5 together in a couple of weeks' time for one of our conferences and no doubt we will talk
6 about that.

7 **MS McKECHNIE:** An appropriate time to take an adjournment, ma'am?

8 **CHAIR:** I think it is. Can I just say on that last note, that we as Commissioners would welcome
9 the bishops to discuss that.

10 A. Thank you.

11 **Q.** And to come back to us with your views, with your ideas about that.

12 A. Sure.

13 **Q.** Because it is at the top of our mind and we need input and assistance from everybody and
14 the bishops would be, their views would be most valued.

15 A. Would you like us to meet with you or just feed in information?

16 **Q.** I think if you do it through Te Tautoko, that's the first call. We may be having some expert
17 panels later to discuss it, it may be an appropriate forum. I'm not going to commit to that,
18 but start with Te Tautoko which is your formal way of engaging with us.

19 A. Thanks ma'am.

20 **MS McKECHNIE:** I will discuss that with the congregational leaders as well because, as you'll
21 have realised, they would be slightly cross if the bishops got to speak on their behalf alone.

22 **CHAIR:** We wouldn't want them to be cross.

23 **MS McKECHNIE:** I certainly wouldn't ma'am.

24 **CHAIR:** We'll take 15 minutes, thank you.

25 **Adjournment from 11.30 am to 11.51 am**

26 **MS ANDERSON:** Madam Chair, Ms McKechnie has indicated she has a couple more questions
27 to put to this witness. Before we move to that I understand you have a section 15 order that
28 you're going to read out that's been agreed.

29 **CHAIR:** Yes, an agreed section 15 order.

Individual section 15 order

34

35 That's an order prohibiting publication. And a couple more questions Ms McKechnie.

1 **QUESTIONING BY MS McKECHNIE CONTINUED:** John, I asked you a question before
2 about integrity in ministry. You had overlooked the new process, so are you able to tell the
3 Commission what's happening with that document at the moment?

4 A. Yes, certainly. Sorry, I did overlook that. I said when we were speaking about integrity in
5 ministry that it hadn't been reviewed, but in actual fact it is in the process, it was reviewed
6 last year and the process of that being finalised, and once that is finalised it will go into a
7 series of workshops around the country for clergy and religious.

8 **Q.** Thank you. And the other area I'd like to ask you a question about, we talked when you
9 were talking about disciplining priests, we discussed removing from ministry and we
10 discussed laicisation, but there is a step that I omitted to ask you about or an option in the
11 middle called dismissal. We heard some evidence from Tim about it in his context. So can
12 you please explain what dismissal is for you as a bishop disciplining a priest?

13 A. As far as I understand, I've never had to use it, so if I was to do that I would need to check
14 with canon lawyers what the actual process is, but that a bishop can dismiss one of the, a
15 priest in the diocese from priesthood. But, as I say, I don't know the steps that would need
16 to be taken and I would need to consult a canon lawyer, but that is a step, removal from
17 ministry, dismissal and then laicisation.

18 **Q.** So as the bishop you could dismiss a priest, as the bishop or archbishop can you dismiss
19 another bishop?

20 A. No, I cannot.

21 **Q.** Who can do that?

22 A. The only person, in my understanding, is the Pope, is the only one who can remove a
23 bishop, dismiss a bishop from being a bishop.

24 **Q.** Thank you John.

25 A. Thank you.

26 **CHAIR:** Yes Ms Anderson.

27 **QUESTIONING BY MS ANDERSON:** Thank you Madam Chair. John, the point I was going
28 to start with you relates, dovetails with the conversation I'd had with Ms Noonan, which is
29 about the current A Path to Healing process. And you'll recall that at the end of her
30 evidence we had a greater understanding of what happens in the Complaints Assessment
31 Committee and the recommendations that come out of it. You talk beginning at paragraph
32 114 of your second witness statement about what you do once you get the recommendation
33 back from the Complaints Assessment Committee. I'll just give you a moment to find that
34 paragraph.

- 1 A. My second statement or first?
- 2 **Q.** Second statement, supplementary statement.
- 3 **CHAIR:** There's no 114 of that.
- 4 **MS ANDERSON:** Sorry, your first witness statement.
- 5 **CHAIR:** It's the first one, yes.
- 6 A. Yes, thank you.
- 7 **QUESTIONING BY MS ANDERSON CONTINUED:** So the Committee's made a decision, it's
8 made a recommendation. What do you receive from the Committee, is it a letter or is it a
9 letter with a bundle of materials that the Committee's had before it?
- 10 A. No, it's a letter with a summary of what the Complaints Assessment Committee has decided
11 and recommends to me as the bishop of the diocese.
- 12 **Q.** So when you say in your paragraph 114(a) that you consider the final report on the
13 complaint, there are you referring to the final report being the summarised material
14 provided to you?
- 15 A. Yes, I am.
- 16 **Q.** Does that communication with you set out the reasons for the Committee's conclusions?
- 17 A. No, not that I recall, and like the ones I've had in recent times have referred to cases of
18 many years past and they usually have just been the summary—that they have found that
19 this is upheld and the recommendation is to make an apology, or because both of those—I
20 think there's been two in recent times, that the priests have been deceased for quite some
21 time. So it was just a—this has been upheld and recommend an apology be made and
22 perhaps an ex gratia payment, but it is really, from all I recall, it is a summary rather than
23 the reasons why.
- 24 **Q.** And in relation to that being upheld and proposing an apology, is it almost always the case
25 that where a matter is upheld, or is it always the case that when a matter is upheld an
26 apology will be recommended?
- 27 A. Yes.
- 28 **Q.** And you've got in that paragraph 114(a) that you decide whether to accept the
29 recommendation or to seek further information from the Committee. Can you recall an
30 instance where you've had to go back and ask for further information from the Committee?
- 31 A. No, I can't. And I think that's mostly because, like in recent years I haven't had too many,
32 one recent one, as I say, was something that went back many years, both of them did
33 actually, went back many years. One of them also suggested a -- was Virginia talking
34 about a safety plan. But no, I don't think I've had to go back, or thought I've needed to go

- 1 back to seek any further information from the Complaints Assessment Committee.
- 2 **Q.** Because obviously that step in the process that we haven't previously seen indicated could
3 cause further delays --
- 4 **A.** Yes.
- 5 **Q.** -- to the whole process of the survivor being informed of the outcome?
- 6 **A.** Yes.
- 7 **Q.** So it's not the case that you've felt the need to go back to the Committee and ask them for
8 their reasons for their decisions?
- 9 **A.** No, I haven't felt I need to.
- 10 **Q.** What do you take into account when you're looking at that, what is it, a one-, two-, three-
11 page letter normally?
- 12 **A.** Yes, I take into account if there has been any past offending on behalf of that offender,
13 certainly look at that and that helps me to make a decision, because if there's been past
14 offending, as there was in one of these cases of someone I saw recently, I accepted that
15 because of the offender's past, so I would certainly take that into account.
- 16 **Q.** We'll go through the factors one by one just slowly. In terms of past offending, because
17 what's coming to you is a decision, well, a recommendation, an indication that the matter's
18 been found to be proven or not proven?
- 19 **A.** Yes.
- 20 **Q.** So if a matter is found to be proven, how would past offending be a relevant factor for your
21 decision-making about next steps?
- 22 **A.** Well, I would certainly think that if there has been, as in the case I'm thinking of, that there
23 had been past offending, this was a multiple offender and that naturally made me think this
24 is in the same pattern as previous behaviour that we'd heard about. The offender is long
25 since dead.
- 26 **Q.** And so is that a factor you're taking into account about whether to accept the Complaints
27 Assessment Committee recommendation, or is it about whether something, more perhaps
28 than what the Committee's recommending, should be made available to the survivor?
- 29 **A.** No, it is about accepting their recommendation.
- 30 **Q.** And so do you go off and do your own look at past offending, or are you relying on what's
31 in the letter, two or three pages, that have come from the Committee to you?
- 32 **A.** In this particular instance that I'm thinking of I went back to the files to the records and the
33 two women who have been working with us preparing all the information for Tautoko in
34 preparation for this Commission, I said look this has come, is this the same person

1 that -- and they assured me that it was. So that would be a step to go back to the file that
2 we have of that offender and check that, you know, there were similarities there and indeed
3 it was the same person.

4 **Q.** So that might in fact be information that potentially wasn't before the Complaints
5 Assessment Committee?

6 **A.** Possibly, possibly, yeah.

7 **Q.** So that's one of the factors that you look at, the past offending --

8 **A.** Yes.

9 **Q.** -- in terms of your decision-making. Are there other factors? What would be the next one
10 in your list of considerations?

11 **A.** I think that's basically what I would look for, not knowing this particular offender, you
12 know, been deceased for a long time, there's not much else I could discover about him or
13 the particular case.

14 **Q.** So your recollection is that you've only had two or three complaints in the last couple of
15 years that you've been making decisions on?

16 **A.** Yes.

17 **Q.** And that would be -- we're going to go to the information in the schedules that you
18 provided to your witness statement, but I think the Wellington data indicates that there is 17
19 complaints in the last three years. We don't need to go there yet. So that's a distinction
20 between what's coming in as complaints, but the clearance rate you're referring to is that
21 you're recalling two or three times of having to make a decision on a recommendation from
22 the Committee in the last couple of years?

23 **A.** There may have been more, I just don't recall at the moment.

24 **Q.** When the Committee hasn't made a recommendation in relation to making a financial
25 payment, because we've seen some of the recommendations, say certainly in the earlier
26 days, were nothing more than complaint proven, suggest apology. And then we've seen
27 over time a slight change, apology and counselling is in the mix, and then more recently
28 recommendations coming in to considering making an ex gratia payment. If you receive a
29 recommendation from the Committee that refers only to an apology, or only to an apology
30 and perhaps offering some counselling or funding for counselling, do you turn your mind to
31 whether something more should be offered than what the Committee's recommending or do
32 you simply confine your consideration to the boundaries that the Complaints Assessment
33 Committee recommendations put around them, next steps?

34 **A.** I think the only other thing I would do is to meet with the complainant and see if there is

1 anything else that they are looking for, that they are requiring, rather than going back to the
2 Complaints Assessment Committee.

3 **Q.** So you say in the next subparagraph that once you've accepted the recommendation, you
4 consider and then implement them. So at the point of deciding whether to accept them, are
5 you saying that acceptance might come after you've had a meeting with the survivor, or
6 does that decision on the recommendations come before you decide to offer to meet with a
7 survivor?

8 **A.** No, I think I always accept what the Complaints Assessment Committee have
9 recommended. I don't wait and go and see the survivor and then come back, I accept it as it
10 is.

11 **Q.** Are there instances where there may have been a recommendation from the Committee not
12 upheld, but you have had a different view and considered offering something to the
13 survivor?

14 **A.** Not that I can recall.

15 **Q.** You refer to that you may seek legal advice on a recommendation for an ex gratia payment.
16 What's the questions you'd be asking that you'd be seeking advice, legal advice on in
17 relation to making such a payment?

18 **A.** I think if I'm seeking legal advice as to whether a payment should be made is really to see if
19 this is going to be helpful, I guess. It certainly would not be that I was trying to get out of it
20 or anything like that, it's just, you know, am I doing the right thing in offering something.
21 And usually for me if something has been recommended or it might be asking what sort of
22 level of financial redress should I be offering, because I'm always uncertain about that.
23 What sort of level should we be offering. We're constrained in what we can offer and
24 sometimes I would like to be able to offer more, although I know that it's not just financial
25 redress. So sometimes that would be the kind of thing that I'd be saying to the legal people,
26 "Look do you think this is enough or should I think of more", that would be the kind of
27 thing. It certainly wouldn't be "I don't want to do this, get me out of it" or something.

28 **Q.** In a ballpark sense when there's consideration of an ex gratia payment, as opposed to
29 payment for counselling, you might not have the numbers at your fingertips, but what's
30 your sense of the percentage of times that you would seek legal advice before firming up
31 your decision to make a financial offer?

32 **A.** Maybe 50%.

33 **Q.** Is there a tipping point that might make you go one way or the other, as to seeking that
34 further advice?

- 1 A. No, I don't think so, the financial address -- redress we've offered is sort of ranged up to
2 \$25,000. And if that's what's recommended I say to our finance people, "Look I believe
3 that this should be paid."
- 4 Q. Two aspects that I'm going to touch on here in relation to the financial payment. One is,
5 the first question relates to what do you think in your own mind is the underlying purpose
6 or rationale or intent that you're intending to convey when you make this offer of payment?
- 7 A. In my mind this is -- we often spoke -- we don't seem to use the term so much now, but
8 before we started speaking of ex gratia payments we started speaking about a pastoral
9 gesture, something to help this person, to help them in their recovery, acknowledging that
10 they've been terribly hurt and a few thousand dollars is probably not going to make a big
11 difference in their life, but in a pastoral way it may help them to move on to do something
12 they've never been able to do, to buy something.
- 13 Q. But that's a perspective that it's in your mind as you're anticipating the purpose of that
14 payment?
- 15 A. Yes.
- 16 Q. Do you think survivors coming into the process and wanting a form of redress that includes
17 financial might have a different intention in their minds about the purpose of a payment?
- 18 A. Sometimes survivors have said "I would like to be able to do this, I would like to be able to
19 spend some money on something, or I need to." I think somewhere in my brief
20 there's -- I remember seeing, and I certainly cannot remember the details of the case, but
21 I remember seeing a gentleman in hospital, I'd heard from the Complaints Assessment
22 Committee, went to meet him, made an apology and is there anything else we can do to
23 help, and he was due to go home from hospital, but his living conditions were not good so
24 I said we would help him to put a new bathroom in. So, you know, it was something that
25 he needed and I saw it was a way of us doing something for him.
- 26 Q. But if someone said "What I need is for someone to pay for somebody to come in and help
27 in my house 8 hours a day for the rest of my life", is that a matter that would fall into the
28 basket you've identified of "Constraints wouldn't let us go that far"?
- 29 A. I'd certainly be prepared to look at it and see what we could do to help. You know --
- 30 Q. Because you did refer to, when we began, the conversation about money you said, "We do
31 have constraints."
- 32 A. Yeah.
- 33 Q. What are those constraints?
- 34 A. Budgetary constraints. We budget a certain amount each year not knowing what we might

- 1 need to offer to people, but we never know what that could be, and certainly as the
2 Archdiocese we do have budgetary constraints on everything we do.
- 3 **Q.** But that's partly a question of prioritisation, isn't it, because you accept, don't you, that
4 these are people who have been harmed in the care of the church?
- 5 **A.** Absolutely, absolutely.
- 6 **Q.** And that it can be -- they can have high needs as a result of that harm. So the question in a
7 survivor's mind of the purpose of a payment, we've heard it articulated well, "It could help
8 me restore a part of my ability to function." So if you're looking at it from a needs-based
9 perspective, and you're now indicating that you accept that needs base and you would look
10 at it but there are these financial constraints?
- 11 **A.** That's a tension for us. I've heard that word mentioned a number of times, it is a tension
12 that we face when I see someone with real needs and would love to be able to help them,
13 but we don't have unlimited resources. So we do the best we can for them.
- 14 **Q.** So what you say there is that you'd write a letter of apology that could include an offer of a
15 payment and offer to meet. So once you've made your decision to accept the Committee's
16 recommendation and the complaint's upheld, you're then putting forward a letter that will
17 go to the survivor?
- 18 **A.** Yes.
- 19 **Q.** And do you personally write those letters or does somebody prepare those for you?
- 20 **A.** I do.
- 21 **Q.** And is it right that most times that letter will include a written apology and an offer to meet
22 and apologise in person?
- 23 **A.** Yes.
- 24 **Q.** And should the survivor wish to have that meeting, you've indicated at your paragraph,
25 subparagraph (d), that from your perspective that meeting is a pastoral meeting and not a
26 place to negotiate payments?
- 27 **A.** Yes, because I believe that the offer to meet is what we've heard about here, meeting
28 face-to-face with a person to offer that apology. There may be a financial part to it, but my
29 greatest concern is to meet those people, whoever it is, and say, "Look this should never
30 have happened", and make that apology, and "Is there anything else that we can do?"
- 31 **Q.** So what you're indicating in terms of stepping through from your decision-making, your
32 letter, or you're apologising and offering to meet and presumably at times you may offer to
33 fund some counselling in that letter; is that what you're wanting to do is go into that
34 meeting and have that face-to-face encounter with a survivor after any issues of money are

1 off the table, they have already been negotiated, isn't that what you're saying at
2 subparagraph (c)?

3 A. Yes, but they could quite easily, and sometimes they do bring up, "Look, we'd like some
4 more money", you know, and so I wouldn't rule that out if that's what someone asks to do.

5 Q. I'm just curious about the framing and setting and intention of that meeting, in your mind,
6 might be inconsistent with what the survivor's intention and expectations are coming into
7 that meeting. Because in determining the financial component before you've met with the
8 person, you haven't had that face-to-face interaction with them, have you, to understand
9 their needs?

10 A. No, I haven't, no.

11 Q. It's not as if you go into that meeting after, on your schedule, money's been agreed, then
12 you're having the meeting and apologising in person, we've seen, haven't we, across the
13 evidence that it can be quite hard for a survivor to say "And I need this" or "I need a
14 cultural process" or "I need a payment for this." So I take it you're not going into that
15 meeting with a menu of things that you might be offering, it's simply from your perspective
16 a pastoral meeting?

17 A. I am open to whatever else they might want to talk about, though.

18 Q. That's requiring the survivor to be proactive and articulate something as opposed to a
19 facilitative approach where you could actually take some active steps in that meeting to
20 actually draw out, firstly identifying what are the options that might be available to them
21 and -- so that they've got an understanding of choices at that particular moment. Can you
22 see the imbalance where you're sitting and you're waiting for the person to say "Actually
23 I want this." I'm just thinking that's perhaps --

24 A. I would probably, though, ask them is there anything else that they want.

25 Q. But it's not about the asking, isn't it, it's about the empowerment or lack of that might be a
26 barrier for somebody articulating that to you?

27 A. Yeah, no, that's a good point, thank you.

28 Q. Do you keep data yourself of -- because you've articulated to us you're pretty sure you
29 accept the recommendations of the Committee, but do you as a general practice keep data
30 and a record of this has been recommended so you can see whether you are tracking in
31 accordance with the recommendations or not?

32 A. Yes, any information, any data about any complaint and its investigation is all kept,
33 absolutely.

34 Q. It's one thing to keep the data in separate files as opposed to having it in a form where you

1 can have a look at is your trend last year or over the last two years, has that been generally
2 to accept or reject where ex gratia payments have been suggested, how often has that come
3 to fruition, do you keep that coordinated data?

4 A. I don't -- I keep all the data, I don't necessarily keep it coordinated in that fashion, but
5 I could easily access that, and what you're suggesting is that maybe it needs to be accessed
6 in order to keep a record and track of what sort of payments are being made.

7 Q. Not only payments but around decision-making.

8 A. And whatever else, exactly, yes.

9 Q. Yes, and we discussed the topic with Ms Noonan, the issue of a national database, to
10 understand the collective picture across New Zealand of decision-making in relation to
11 redress. I think what you've -- you'll confirm that in fact in terms of preparing for this
12 Royal Commission is the first time really all of the relevant information is being pulled
13 together?

14 A. Yes.

15 **CHAIR:** Do you agree with that, John, that it's the first time it's been pulled together?

16 A. Nationally?

17 Q. Yes.

18 A. Yes. Yes, it is. And I think it's been a very good thing for us to do that, forming Te Rōpū
19 Tautoko has been a huge help to the church. We certainly saw when we asked to be
20 involved in this Inquiry that this would help us to learn and I think we are learning, the
21 whole process is evolving over time, and if this leads to national data and national
22 comparisons that will be a very good learning thing for us.

23 **QUESTIONING BY MS ANDERSON CONTINUED:** And quite separate to the question of
24 why the church didn't contemplate itself doing that before so that you could learn?

25 A. I think it's part of the learning process.

26 Q. I think you'll agree that the briefing paper that you've provided that relates to complaints,
27 that's briefing paper number 5?

28 A. Yes.

29 Q. This information arises out of it, doesn't it, the information-gathering process in preparation
30 for the Royal Commission?

31 A. Yes.

32 Q. And as I indicated in my opening earlier this week, there are a lot of caveats around this
33 data at this point, aren't there?

34 A. Meaning?

1 **Q.** Do you agree these numbers are yet to be settled? You're looking confused, shall I take
2 you back?

3 **A.** No, no I've got it here in front of me.

4 **Q.** The point that I'm making is that it's preliminary data only. I'm not suggesting there's
5 anything inaccurate, but it can't be taken at this point as a complete picture of the evidence?

6 **A.** That's true, and that's partly, I think, as we have discovered that, you know, in days gone by
7 the records weren't well kept, you know, and for lots of reasons they weren't well kept. So
8 yeah, I agree with you, it's preliminary data.

9 **Q.** And the number that's in the report, is that from what you've been able to pull together, it
10 looks like there's 1,119 written complaints across the different church authorities in
11 New Zealand?

12 **QUESTIONING BY MS McKECHNIE CONTINUED:** Can John have a copy, have you got a
13 copy of that in front of you?

14 **A.** Yes.

15 **Q.** Have you got the full copy, John, or is that just the Archdiocese copy?

16 **A.** I think I just have the Archdiocese one.

17 **QUESTIONING BY MS ANDERSON CONTINUED:** We're going to bring up on the screen
18 which is document EXT0015730, we'll just look at the front page of that. Can you just
19 expand so we can look at, sorry, can we look at the front cover page first. So this is the
20 briefing paper that's an attachment to your supplementary evidence.

21 **A.** Yes.

22 **Q.** Dated 12 February 2021. We're just going to move into part 2, the schedule part 2 to this
23 document. There is a physical set in the physical bundle, Madam Registrar, that might need
24 to be -- if you'd like a copy of the full report if that's easier for you we can make that
25 available?

26 **A.** Is it in my bundle?

27 **MS McKECHNIE:** Not in that version, John, those are your particular exhibits. But we have a
28 copy.

29 **QUESTIONING BY MS ANDERSON CONTINUED:** We'll see how we go on the screen. Can
30 we just enlarge page 10 so we can see all of that?

31 **CHAIR:** Let's start by finding -- are you familiar with this document?

32 **A.** Yes, I have seen it, yes.

33 **Q.** Okay, thank you.

34 **MS ANDERSON:** Seen it and provided it as an attachment to his supplementary brief.

1 **CHAIR:** Certainly, but I just want to know that John is personally aware of it.

2 **QUESTIONING BY MS ANDERSON CONTINUED:** You see the reference there at paragraph
3 45, the records that are available indicate there are 1,119 complaints of some form of abuse
4 made to 48 Catholic Church authorities from 1950 to 2020. There's obviously a caveat on
5 that because we know, as we've discussed, record-keeping in the early years was not
6 adequate. And we see at 49 that that figure of abuse does not include 379 instances where a
7 complaint was made to two or more church entities. So just again, numbers don't always
8 completely add up as we're looking through things. And if we go over to page 11, just
9 waiting for that to be expanded. We can see a reference there that 327 of those have been
10 recorded as being upheld, and 442 have been recorded as settled, being in addition to those
11 recorded as upheld. One complaint has been recorded as upheld, settled, and that a number
12 of the matters which were not upheld did not progress to any formal consideration or
13 investigation. That's for a number of reasons, including the complaint being referred to the
14 Police.

15 Just taking a side point from this document at the moment, we've heard, and it's in
16 the Path to Healing document itself, that the redress process for the survivor is put on hold
17 if there is a complaint to the Police in train. Is that right?

18 A. Yes.

19 **Q.** What's your personal view about whether that's the appropriate sequencing?

20 A. One of the things that you will have heard, and I think I've mentioned it this morning and
21 others have mentioned it, that we encourage people to go to the Police if they've got a
22 complaint. And that's therefore unfortunate if the redress process is held up or delayed
23 because of that. But sometimes people do just want to go straight to the Police. Ideally the
24 sooner we can help people the better. So I wouldn't want to see, and often there are delays
25 for one reason or another which I --

26 **Q.** Well, it can take a very long time --

27 A. A very long time.

28 **Q.** -- from a complaint in the door to Police to an outcome through a court system, can't it?

29 A. Yes, and we would love -- I'm sure we would all love to see them processed as quickly as
30 possible, to prevent the pain and the trauma for people.

31 **Q.** Do you accept that there's actually another policy choice, a policy option that could be
32 made, which is that the redress process and the Police investigation process could run in
33 parallel? We understand the reasons Ms Noonan's articulated that it doesn't, but that is
34 another policy option?

1 A. So that is something that we can look at. As I say, we're here -- I see this is as we're here to
2 learn together. So if that's an option for us, we should do that.

3 **Q.** Because if it was in relation to a purely employment context and a matter's raised that
4 might also be criminal, the employer will not always simply pause their employment
5 investigation due to the fact that the Police are also looking at the same matter?

6 A. Sure.

7 **Q.** Do you have experience of that in the employment context?

8 A. No, I don't.

9 **Q.** Returning to the document here, so I think can we agree that the generous interpretation, if
10 you combine the category 50 subparagraph (a) and (b) of 327 complaints being upheld with
11 the 442 as being settled, before we actually deal with that, do you understand that those
12 matters are settled, are treated within the system as being upheld or should we only be --

13 **MS McKECHNIE:** Commissioners, this information relates to all of the dioceses and
14 congregations in New Zealand and John was not involved in drafting this document, it was
15 prepared by my team under instructions from Tautoko. While he has read it he is not
16 intimately familiar with the details of other entities' information. He can speak for the
17 Archdiocese absolutely but not collectively.

18 **CHAIR:** I'm sure John can explain that to us as well. That's why I asked you were you familiar
19 with the document, John. It's one thing to know that it exists, another thing to know about
20 the detail and how the numbers were compiled, so how confident are you in speaking to the
21 numbers?

22 A. Well, in answering that, I'm not confident. I mean I have read it and I've seen all those
23 numbers, but I'm not confident in the sense that I know the details of the other dioceses or
24 other religious orders.

25 **QUESTIONING BY MS ANDERSON CONTINUED:** So looking at the bottom part of that
26 page, which is table 1, number of reports of abuse. So this is simply a table which
27 demonstrates the variety across the dioceses and the congregations and other orders, so if
28 we just -- perhaps can we just move slightly over so that we've got Dunedin which is
29 number 6 on the next page up on the screen.

30 **CHAIR:** Are you going to come back to the numbers in paragraph 50?

31 **MS ANDERSON:** Yes. Not at this time but I will come back to them.

32 **CHAIR:** Fine.

33 **QUESTIONING BY MS ANDERSON CONTINUED:** Are we able to get Dunedin on the same
34 page with -- there we go. Just returning to the bottom of page 11, we're looking at five of

1 the dioceses. John, you will have confirmed the numbers coming in here in relation to
2 Wellington and Palmerston North, wouldn't you?

3 A. Yes.

4 **Q.** Just moving through, so I'll read out the numbers while they're coming up. Almost had it.
5 But the number of complaints received identified for Wellington is 177?

6 A. Yes.

7 **Q.** With Auckland having 171 complaints, Hamilton 58, Palmerston North 19?

8 **MS McKECHNIE:** Madam Chair, may I give a physical copy to the Cardinal giving we're having
9 these technical issue?

10 **CHAIR:** Yes, if you've got a hard copy it might be easier for you, it won't be easier for us though.
11 I think we're just about there now. **[Copy provided]**

12 **QUESTIONING BY MS ANDERSON CONTINUED:** The short point from the numbers is
13 really Christchurch is slightly ahead of you in the number of complaints with Wellington
14 coming second, Palmerston North quite down the lead table.

15 A. Yes.

16 **CHAIR:** Now we have it.

17 **QUESTIONING BY MS ANDERSON CONTINUED:** You can see the distinction there in the
18 categories, so for Wellington of the 177, 106 relate to complaints of abuse of a child, 30 in
19 relation to complaints of abuse of an adult and 41 where the age is unknown. And similar
20 information for each of the dioceses.

21 I'm going to move to another page which is page 35 of the document. So what part
22 2 has done, John, that we've taken you to, to orientate, is the number of complaints. And
23 then this other table, if we could just expand page 35. You can see here where the
24 information's broken down by nature of redress components. So we can see, reading across
25 that first line in relation to Wellington, that of the 177 complaints, 45 people have received
26 an apology, 15 have received counselling costs and there are numbers across there in terms
27 of the ex gratia payments. So if we think about Wellington, just for the moment, so 45
28 people out of 177 are getting apologies. Do you agree that that's about 25%?

29 **MS McKECHNIE:** Excuse me, ma'am, that's not an accurate representation of what this data is.
30 This data is where there is a record on the file that somebody received an apology as
31 opposed to them having necessarily received an apology. This is only what is in the
32 historic files to demonstrate whether they got an apology. I think my friend is about to ask
33 a question about why the other people weren't apologised to.

34 **CHAIR:** Well, I think we should let her ask the question, Ms McKechnie, instead of trying to cut

1 her off at the pass, and I'm sure that John is able to say what you know and what you don't
2 know. It's important that you do feel free, if you are not familiar or you don't know, please
3 don't hesitate to say so.

4 **MS ANDERSON:** Madam Chair, yes, and, as I've indicated, the data is preliminary only and will
5 be worked up and be in a better form by the time we come to a reporting stage.

6 **CHAIR:** Yes.

7 **QUESTIONING BY MS ANDERSON CONTINUED:** But John's confirmed that he's
8 confirmed the figures for Wellington in this document.

9 A. I would say, if I'm able to, that in my brief it says 177 cases recorded since 1944. So in
10 some of these we might have data about some very early complaints, but that was before
11 the days of apologies and ex gratia payments, so I do think these figures need to be looked
12 at very carefully, and just saying we have 177 but only 45 have received complaints, it
13 would be good if we knew when those 45 apologies were made, because --

14 **Q.** I agree it would be good if we knew that. So I think I'm proving my point about the value
15 of having a central data collection, and you can actually look at it, because when you've got
16 figures that pop out as slightly unusual in the trend, it can cause a line of inquiry, can't it, as
17 to is something going awry here?

18 A. **[Nods]**. As I say, anything that we can learn and learn together will be very helpful.

19 **Q.** So with you and your leadership role as the Archbishop in Wellington, would you be
20 wanting to know whether the way you're responding to survivors coming forward and
21 seeking redress is consistent or inconsistent with answers across the country?

22 A. Yes, it would be very helpful.

23 **Q.** In your role you have not taken any steps previously to attempt to understand that?

24 A. We have talked about this from time to time, as you saw in some of the evidence yesterday
25 from Tim Duckworth, from time to time we've talked about how orders and dioceses are
26 handling what kind of payments they're making, you know, we have a national protocol
27 that we're all trying to follow. There's been years of great learning for us, and we may not
28 have learned quick enough but we still need to keep learning.

29 **Q.** So in terms of messaging that you think would be appropriate to give to survivors based on
30 this number here, can we agree that what you can say is we've counted up 177 records of
31 complaints, that's what we've been able to identify in our physical files, and we've counted
32 up what we've kept a record of, having made an apology, and that number, in terms of what
33 you've kept a record of, is 45 apologies only?

34 A. But I would also say that the figures that we have go back a long way before we began,

1 before we knew the seriousness of this and before apologies were made or ex gratia
2 payments. So I think the figures don't, as they are at the moment, and as you've said they're
3 preliminary data, they don't tell the full story because of the fact that some of these 177
4 cases may have been in the 1950s and 1960s, where we know records weren't kept and
5 maybe should have been kept.

6 **Q.** If records weren't kept, how have you counted them here in your 177?

7 **A.** Well --

8 **Q.** These are based on, in the document itself, they're based on written records?

9 **A.** The record obviously was there of an incident of, I would say of sexual abuse. But not very
10 many detailed records have been kept. And certainly, from my understanding, you know,
11 apologies and ex gratia payments weren't made up until the last 30 years or so.

12 **Q.** You referred to "when we knew about the seriousness of this".

13 **A.** Yes.

14 **Q.** What date or timeframe would you have in your mind when you refer to that?

15 **A.** Well, I spoke earlier, when Ms McKechnie was questioning me, about the letter that the
16 Bishops Conference wrote in 1987. I think that's when the church in New Zealand was
17 starting to become aware that this was a major issue and people needed to know about it.
18 Up until then, things -- there may have been complaints, and they would have been
19 handled, as we know, not well, and sort of secretly, or people not even listened to, and
20 that's to our shame today, but that's what people knew at the time.

21 **Q.** We're going to go to that 1997 pastoral letter which is CTH0002431. Can we just expand
22 the page on the right-hand side which is page 1 of the letter, all the way down to the
23 bottom. So when we get to the last page we'll see this is a March 1987 document?

24 **A.** Yes.

25 **Q.** You see at the front that it's identified as being confidential to priests on the top right-hand
26 part of the page?

27 **A.** Yes.

28 **Q.** Can I ask you to read out the third paragraph and just reminding you not to speed up as
29 you're reading?

30 **A.** "The fact that in New Zealand we tend to handle clergy misdemeanour rather informally
31 should not be mistaken for leniency. Sexual offences which injure other persons or injure
32 the good name of the clergy can only be regarded with seriousness. Even lapses which are
33 due to human frailty or to emotional disorders are especially damaging when they occur in
34 those who have been entrusted with ministries of leadership in the Christian community. It

1 must also be acknowledged that although not all sexual misconduct is criminal, some forms
2 of sexual misconduct are less socially acceptable than others. When measuring scandal,
3 even this fact must be taken into account."

4 **Q.** And if you could come down and start reading the last paragraph on that page and then
5 we'll move to the next page once you've done that?

6 **A.** "It is no longer appropriate to handle clergy sexual offences simply by reliance on the
7 sympathy of Police or judges, or by our ability to transfer priests from one appointment to
8 another, or to treatment centres. The appearance of cover up can be even more damaging to
9 the church's credibility than the incident itself. The Catholic community and the wider
10 community expect and deserve a certain accountability and a means of post-pastoral and
11 both legal redress to be provided."

12 **Q.** Just we're going to go slowly through this document but just in relation to those two
13 paragraphs. Do you agree that the paragraph you've just read about reliance on the
14 sympathy of Police or judges accords with the view that Tom Doyle spoke to about
15 indulgences given to clerics?

16 **A.** Yes, it does. Not my experience, but I think it was in the past.

17 **Q.** So it's a record as at the date at this time of being recognised as present?

18 **A.** And the bishop saying that we can't rely on, we shouldn't rely on that.

19 **Q.** And also we can't rely on the transfer of priests from appointment --

20 **A.** Absolutely.

21 **Q.** -- to another?

22 **A.** Yes.

23 **Q.** In the evidence-in-chief that you've given this morning you, I think, have accepted that
24 priests, clergy were transferred and allowed, enabled to continue to harm others. Am I right
25 that you accept that that is part of the history of the Catholic Church in New Zealand?

26 **A.** Yes, unfortunately it is part of the history. It should never have been. But I also indicated
27 this morning, from what we know now and have known for some years, that -- and that's
28 what the bishops were indicating here, that they must have been beginning to learn in 1987
29 that if it was a case of paedophilia or some other aberration within the person's personality,
30 that just transferring someone from one place to another was just not acceptable.

31 **Q.** And it may be that you're not able to shed any insights as to what prompted this letter being
32 sent at this time. Would you have been a recipient of this letter in '87?

33 **A.** Yes, I would have been, it would have been those years that I referred to earlier when I was
34 working at Holy Cross Seminary.

- 1 **Q.** But you will have no knowledge about exactly what prompted the authors of this letter --
- 2 **A.** No.
- 3 **Q.** -- to send it?
- 4 **A.** No.
- 5 **Q.** One of the curiosities arising out of the data that's been provided, is that there seems very
6 low numbers of records of abuse claims leading up to this period of '87 when this letter was
7 issued. From your recollection of being a priest at that time, was this an issue that was
8 being actively discussed in the church at this time?
- 9 **A.** I can honestly say I never heard anything discussed in my first years of priesthood. Never
10 knew of any incidents of anyone in those years -- no, that's not quite true actually, I did
11 know of one priest who had been in my hometown and subsequently went to trial and
12 served some time in prison. But it wasn't something that I knew of or was being discussed
13 generally, and by '87 I was ordained 11 years at that time, but to my knowledge for me
14 anyway, I didn't know anything about it.
- 15 **Q.** Do you recall receiving this letter back in 87?
- 16 **A.** I do remember the bishops writing it, yes, and receiving it personally when I was on the
17 staff at the seminary.
- 18 **Q.** And did that make it become a topic of conversation, or was that limited by the reference to
19 confidentiality on the front page?
- 20 **A.** I remember talking with some priests about it and what's happened, why have the bishops
21 written this letter and why is it confidential? But it wasn't a huge matter of conversation.
22 But at the time, as I say, I hadn't heard of many particular cases at that stage.
- 23 **Q.** Just moving through the document, also on the same page slightly further down the
24 paragraph, "You are aware of" -- if we could call that paragraph out -- "of the extremely
25 serious consequences in the USA where huge damages can be sought in the courts." And
26 noting there that, "The situation is worsened by the fact that insurance companies have
27 withdrawn all cover for liability in cases of sexual misconduct."
- 28 I'm just getting you to note that point, I'm going to move down the document. The
29 very last part of that page beginning "The present legal situation". What's happened in the
30 document is a contrast with the American scenario reference to insurance being withdrawn,
31 and then here we see a discussion, "The present legal situation in New Zealand is different
32 from that of the USA in that there is no cause for action in civil proceedings", and we'll just
33 go over the page, "...for sexual misconduct. (Apart from property loss arising from an
34 offence or misconduct) no-one can sue for damages as a result of the sexual misconduct of

1 another. Of course, the courts can order maintenance in terms of paternity.”

2 Then a reference to, "It's worth noting also that Church law itself recognises the
3 right of injured parties to reparation for damages resulting from offences" and reference to
4 canon law there. Can you explain to us what your understanding of the provision in canon
5 law for reparation is?

6 A. Again, I don't know canon law in detail, and I would be seeking advice from canon
7 lawyers, but reading this, I accept that if the bishops have written this in a letter that went
8 out to all clergy, that there is something in canon law that recognises that right of injured
9 parties to some sort of reparation.

10 Q. We'll come on down through the next part of the document, but I wanted to frame, first of
11 all, that reference to reparation, because leaving aside exactly how that might be defined in
12 canon law, there's certainly an ordinary understanding of reparation. In terms of in your
13 own language, talking about reparation, what do you understand that to mean?

14 A. That if someone's been harmed in some way or another, there would be something to make
15 up to repair that damage.

16 Q. And when we come down the page beginning, "From now on the policy is as follows:", and
17 you've referred to this first one in your witness statement, the policy is to “do whatever
18 seems reasonable and best to help the victim of any sexual misconduct committed by a
19 priest”. What's your understanding of the breadth or narrowness of what's reasonable and
20 best to do for a survivor?

21 A. My first point that with this, this would be taken on a case-by-case basis, because what's
22 reasonable and best for one person might be quite different for another. I would stand,
23 though, by what the bishops have written here in 1987, that we have an obligation, if there
24 has been sexual misconduct and someone has been harmed by that, that the diocese would
25 look to see what can we do to face the, in terms of this Inquiry, redress for these people.
26 What is the best thing, what is the most reasonable thing.

27 Q. With that concept of repair, so reasonable and best, as you say, might be very different
28 from case to case?

29 A. That's right.

30 Q. But the focus could potentially be on what is needed to help repair the harm that's been
31 done?

32 A. Absolutely, some people might just want to see that the offender is no longer in a position
33 to do that. Some people might be looking for something to help them personally, you
34 know, in terms of counselling, or some kind of ex gratia payment or something might be

- 1 reasonable and best for them.
- 2 **Q.** Leaving aside the language of ex gratia or whether it should be characterised as something
3 else, do you see the potential here that the framework that's being set up is actually, at this
4 point in 1987, quite broad, it's a focus on reparation, it's doing what's reasonable and best,
5 there's no reference to an investigation in the way in the processes that we see in current
6 practice, is there?
- 7 **A.** No, there is no reference to an investigation, that certainly didn't come until much later as
8 cases began to multiply and become known, that we had to have some system to
9 investigate. And I can understand why that needed to happen. You know, if a bishop or
10 the leader of a religious congregation was getting several complaints, there needed to be a
11 system to investigate and make sure that the investigation was done as thoroughly and
12 competently as possible.
- 13 **Q.** Leaving that aside, in terms of process, yes, it can be quite right that we have got a larger
14 number of people coming forward, you might contemplate having a system to actually
15 manage that. But do you think, in your view, looking at the words here in 1987 with a
16 focus on reparation and doing what seems reasonable and best, that this is actually
17 potentially a broader lens to be approaching the question of redress for the relevant person
18 than the frame that we have under A Path to Healing today?
- 19 **A.** Those words make great sense to me reading them today. I don't know what the authors of
20 this letter would have meant by "reasonable and best" in --
- 21 **Q.** But I'm not asking you what the authors meant by "reasonable and best", I'm asking when
22 you bring your own perspective to bear on what's reasonable and best, what that might look
23 like?
- 24 **A.** Well, I hope that that is what I do when faced with a victim, that we're looking to say what's
25 the reasonable and best thing for you to help you overcome this terrible thing that you've
26 suffered.
- 27 **Q.** When you're assessing reasonableness, is that reasonableness in light of the harm that the
28 person is suffering?
- 29 **A.** Yes, yeah, because we know that people have suffered great harm.
- 30 **Q.** But I think what you've said is that the ambit of the response, even in terms of
31 reasonableness, is influenced by financial considerations?
- 32 **A.** Unfortunately it is, which I wouldn't like it to be, but it is.
- 33 **MS ANDERSON:** Madam Chair, that's all the questions I have in relation to that document so it
34 might be a convenient place to pause.

1 **CHAIR:** Turning to a new topic. Time for a break, John. Can I just remind you, you've heard me
2 say it I think to others, not to speak to anybody about your evidence.

3 A. Certainly.

4 **Q.** Always with the proviso you can speak to counsel if something pressing comes up; apart
5 from that button up.

6 A. Thank you.

7 **Q.** Thank you, all right we will take a lunch adjournment resuming at 2 o'clock.

8 **Luncheon adjournment from 1 pm to 2.06 pm**

9 **CHAIR:** Good afternoon everybody. Ms Anderson. You remain on the affirmation you took
10 earlier, John.

11 A. Yes.

12 **Q.** Thank you.

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

14 **QUESTIONING BY MS ANDERSON CONTINUED:** John, before I move on to some other
15 documents I'm going to take you through, I just had a follow-up question in relation to the
16 information we were looking at before about outcomes. Do you recall the spreadsheet
17 where it indicated apology and then it had a list of different categories of ex gratia
18 payments, we don't need to call it up, I'm not asking you any specific details about
19 numbers. But in terms of the source of funding, you referred to having a budget. Is that a
20 budget on an annual basis for what you might need to have provision for in your budget for
21 redress outcomes?

22 A. Yes, it is and I'm speaking for the Archdiocese of Wellington in saying that.

23 **Q.** And it might be that you're not able to recall or have a sense of what ballpark that figure is
24 in for the current year or last year, is that information you have at your fingertips or not?

25 A. For the last couple of years we've allowed for a couple of hundred thousand dollars. It may
26 be more, it may not be that much, but that's what we've allowed for.

27 **Q.** And do you also budget separately for any support you might provide to persons accused of
28 abuse?

29 A. For -- yes, it would be separate, yeah.

30 **Q.** And do you, off the top of your mind, are you able to recall what you budget for that?

31 A. No.

32 **Q.** If you don't remember we can get that information off you separately.

33 A. No, I'm not, yeah.

34 **Q.** And in terms of the source of funding for line items like that, where does that funding come

1 from?

2 A. It's basically out of diocesan-generated revenue, our general reserves, and our diocesan
3 revenue comes from any investments that we might have, and of course that's decreased
4 very much in the last couple of years because of the financial climate at the moment.
5 Parishes are also levied to pay regular amounts to the diocese, but they are for particular
6 items to help support some of the things we do nationally. For example, for the seminary,
7 so parishes all pay levies for that kind of thing, so we can't really rely on that because they
8 come from monies generated by gifts from parishioners, so --

9 **Q.** So is it when you can't rely on that, is it that you can't rely on it or you can't contemplate?

10 A. We can't -- I don't think we can contemplate using money that parishioners have given for
11 the teaching and charitable works of the church. So we therefore rely on our general
12 reserves.

13 **Q.** And reserves are matters that you have investments, return on investment and that's the
14 source of funding for -- just check that that's the source of funding for any redress to a
15 survivor?

16 A. At the moment it is, yes.

17 **Q.** And would it also be the source of funding for any support, counselling or whatever as
18 being made available to a person accused?

19 A. No, we would find money through other means that are there for support of clergy rather
20 than general funds.

21 **Q.** So you have a fund for support of clergy, presumably that covers stipends, all sorts of
22 things?

23 A. Yeah.

24 **Q.** But that's the source you would look to?

25 A. Yeah, we don't like using that money because it is for the support of clergy for -- and in
26 actual fact, there isn't, well, I haven't had a lot to pay out in support of clergy because of the
27 fact that many of them, offenders are deceased. There have been in the past where my
28 predecessor sent someone to Australia for treatment for quite significant treatment. I'm not
29 sure where he would have found that resourcing.

30 **Q.** And in relation to Charles Drennan, who was still Bishop Drennan, in terms of the cost of
31 his accommodation and other entitlements in Palmerston North, is that just continuing to
32 come out of the fund that would have funded that regardless of his status as having --

33 A. At the moment it is, that was one of the stipulations from Rome that the diocese
34 needed -- the diocese of Palmerston North needed to continue funding him in the same way

- 1 as before, in the present moment.
- 2 **Q.** So he's resigned from his role as bishop of Palmerston North but he's still a bishop?
- 3 **A.** Yes.
- 4 **Q.** And he's still receiving all of the financial assistance whether in kind or monetary that he --
- 5 **A.** Yes.
- 6 **Q.** -- he would otherwise --
- 7 **A.** Yes.
- 8 **Q.** -- have received?
- 9 **A.** Yes.
- 10 **Q.** Turning now to a September 2015 document, CTH0001348, so just to re-orientate you, we
11 looked at the 1987 pastoral letter?
- 12 **A.** Yes.
- 13 **Q.** This is a further communication that's gone out to the New Zealand Catholic Bishops
14 Conference in September 2015 just coming up on the screen. Can we just expand the top
15 half of that. So you can see, as I said, it's gone to the New Zealand Catholic Bishops
16 Conference?
- 17 **A.** Yes.
- 18 **Q.** It arises out of a conversation in October 2015 at the National Professional Standards
19 Committee and it refers to information to hand that some priests have been convicted in
20 criminal courts for the sexual abuse of children, served prison sentences and have been
21 taken out of ministry but not laicised and have subsequently been allowed to return to
22 ministry.
- 23 **A.** Yes.
- 24 **Q.** In terms of your leadership role in the Catholic Church, because in your witness statement
25 you say as the Archbishop you are the senior bishop, is that right?
- 26 **A.** I'm the Metropolitan Bishop. If you're talking about senior bishop in terms of length --
- 27 **Q.** I can assure you do use that language in your witness statement.
- 28 **A.** As the Metropolitan Bishop then I am -- would be the senior bishop, yes.
- 29 **Q.** And do you accept as a general proposition that members of the Catholic community will
30 look to the Cardinal for leadership?
- 31 **A.** People tend to do that, but it's always been a difficulty because I don't have any authority in
32 the other dioceses at all, every bishop --
- 33 **Q.** Leaving aside authority in the sense of formal levers, because we all know, don't we, that,
34 as you say, leadership can be by influence as opposed to direct authority?

- 1 A. Yes, it can be.
- 2 **Q.** Do you see yourself in your Cardinal role as a leader of influence in the Catholic Church in
3 New Zealand?
- 4 A. I guess in some ways, in the sense that you're able to -- I'm able to say things and do things
5 that people might take notice of because of the fact that I'm a cardinal. But if it comes to
6 particular policy in a diocese, I'm just not able to, it's not my role.
- 7 **Q.** Yeah, you can't command?
- 8 A. No.
- 9 **Q.** But you can influence?
- 10 A. Yes.
- 11 **Q.** And as you say, it's not surprising that people will think "The Cardinal said that I should
12 listen to that"?
- 13 A. It's been happening for years.
- 14 **Q.** So in terms of this comment here, which is six years ago, reflecting that priests who have
15 been convicted are being subsequently allowed to return to ministry; the first question in
16 relation to that is, do you think that that is an appropriate matter to occur in the Catholic
17 Church, is that right?
- 18 A. The next paragraph goes on to talk about a priest who was allowed to say Mass regularly
19 for a community of religious and gatherings of his family. I wouldn't define that as
20 returning to ministry. Returning to ministry, I think, would mean a formal ministry in a
21 parish or a chaplaincy, and here it refers to something specific, a community of religious
22 and gatherings of his family.
- 23 **Q.** Well, leaving aside -- we'll come back to where to we find the definition of ministry.
- 24 A. Okay.
- 25 **Q.** But you see in the sentence following, in another case there's been an approach concerning
26 a priest that had been allowed to say Mass for one of their communities which are, of
27 course, open to the public. So leaving aside the nature of that.
- 28 A. Yeah.
- 29 **Q.** In your leadership role, what would your message be to all of the bishops and priests here
30 in New Zealand now in relation to this ability?
- 31 A. I don't think it should happen, I think if someone has, particularly been convicted in a
32 criminal court, as it says above, has not been laicised, I don't think that they should be able
33 to be in anything which is public ministry. And whether I can influence people in terms of
34 that I don't know, but that's my personal opinion.

- 1 **Q.** If we just scroll down to the bottom of the document so you can see that it's come from Phil
2 Hamlin in his role as Chair of the Committee.
- 3 **A.** Yes.
- 4 **Q.** And his view is the Committee considers it unacceptable, so that aligns with your view.
5 You'll be aware that the Australian Royal Commission, one of the recommendations was
6 that if you've been removed it's permanent removal?
- 7 **A.** [Nods].
- 8 **Q.** As in no ability to come back --
- 9 **A.** Mmm.
- 10 **Q.** -- into a role. Where is the New Zealand church sitting, in your understanding, in relation
11 to implementing that recommendation from the Australian Royal Commission here?
- 12 **A.** We're still in the process of, I guess, analysing and reflecting on the recommendations from
13 the Australian Royal Commission. There are a number of things that we have looked at,
14 have not necessarily actioned them at this stage because we're still going through some of
15 the opinions of what was recommended to the Australian church by the Royal Commission.
16 Many of the recommendations had been referred to Rome because they were canonical
17 issues and Rome has made some comments on those, Monsignor Brendon Daly, who's the
18 Judicial Vicar in our tribunal, has prepared a paper and commented on that, and I believe
19 it's been made available to the Commission. There's some great comments on that as to
20 where the church in Australia stands. Our --
- 21 **Q.** But leaving aside where the church in Australia stands.
- 22 **A.** Well, we haven't got to the stage yet, because of this Commission, of applying those
23 recommendations to the Australian church for ourselves. Because we know there's going to
24 be recommendations made from this Commission to us, and they were made to Australia.
25 There's some things we're looking at and saying what does this mean for us.
- 26 **Q.** So in the period from the final report from the Australian Royal Commission coming out
27 which -- do you recall the date of that?
- 28 **A.** 2018 I think.
- 29 **Q.** No, it's earlier than that.
- 30 **A.** Earlier than that, I don't know.
- 31 **Q.** So quite a long period between those recommendations coming out and the current period,
32 but what you're saying is, the strategic approach has been to not consider those but to wait
33 for this Royal Commission process?
- 34 **A.** We've looked at them, we had someone do an analysis, as you know, it was a major

1 document. But we have thought no, we really do need to wait and see what is said here and
2 applies to us here in New Zealand.

3 **Q.** Because we saw, didn't we, in Ms Noonan's, I think, 2019 report to the Mixed Commission
4 that she attached that document with the NOPS recommendations -- sorry, with the
5 Australian Royal Commission recommendations and with NOPS' view. So are you saying
6 that the Mixed Commission hasn't made any decisions in relation to what NOPS was
7 recommending in that report Ms Noonan provided?

8 **A.** I can't recall what the Mixed Commission has ruled on or decided about that. I don't think
9 it's come up at the Mixed Commission, it's more likely to be an issue, I think that
10 would -- well, perhaps it could in terms of the safeguarding things that NOPS is putting into
11 practice.

12 **Q.** I'm just going to jump back in time from 2015 to the period of 1996, calling up document
13 CTH0001532. Just as that's coming up on the screen, John, that's a Protocol Committee
14 meeting of the Archdiocese of Wellington in May 1996?

15 **A.** Yes.

16 **Q.** Can we just call out that first -- so you see that you're identified there as being present?

17 **A.** As being present, yes.

18 **Q.** And the purpose of the special meeting identified there is because Pat Bearsley, he's the
19 person who's going been going off in --

20 **A.** Yes.

21 **Q.** -- 96 and 98 to the international conferences, is presenting at the New Zealand Bishops
22 Conference, sorry, at an international conference. He's collecting data from the
23 New Zealand dioceses to present at that conference and there are questions that have been
24 provided. So it looks to me at that point the church is turning its mind to collection of data
25 about the nature and extent of abuse in New Zealand. Do you have any recollection that
26 you can share about what steps were being taken at that time and what information was able
27 to be identified and pulled together?

28 **A.** I'm fairly sure that as Pat Bearsley was going to that conference, that each diocese was
29 asked to feed in information about the number of complaints, the kind of offences
30 that -- and the kind of things that were coming to light at that stage that would have been
31 able to have been shared at that anglophone conference Pat Bearsley was going to.
32 I certainly did that when I went to the one in Washington in 2008, asked the dioceses for
33 information about the kind of things that we were facing, the questions we were facing.

34 **Q.** And can we just turn over to the top of the next page, number 2. We see a reference there

1 to number of cases that a question's been asked and the number 7 given?

2 A. Yes.

3 **Q.** Identifying that none of these are current abuse or past abuse. At least two of these involve
4 more than one victim and these two have had some Police involvement, none in the public
5 forum. So at that point in 1998 it appears that your dioceses was able to identify seven
6 cases as at that time?

7 A. Yes.

8 **Q.** Is it a likely -- would you agree with the inference, and you may not agree with the
9 inference, that of the 177 reports of abuse that have been provided as coming from
10 Wellington, it looks like 170 of them might have been after 1998?

11 A. No, I don't think so. I think with that many I wouldn't think that they would be after --

12 **CHAIR:** Sorry. Yes?

13 **MS McKECHNIE:** Madam Chair, the Commission has the dates and information already when
14 these allegations were made.

15 **CHAIR:** Of the 177?

16 **MS McKECHNIE:** Of the 177, it knows -- if the Archdiocese knows the Commission knows
17 what dates they were made on. I don't think asking the Cardinal to speculate when he
18 doesn't have that data in front of him is very helpful.

19 **MS ANDERSON:** Madam Chair, I don't need to take the point any further. I was asking the
20 witness in terms of his orientation as to whether that accorded with his understanding and
21 he's indicated, for reasons he's expressed, that it did not. But in the data that's been
22 provided there are very few cases at all prior to 1993 certainly, so that will all be lined up at
23 a certain point.

24 **CHAIR:** All right.

25 **QUESTIONING BY MS ANDERSON CONTINUED:** Do you recall at the time, would you
26 have any knowledge at the time of this number of cases being identified as 7, what steps
27 would have been taken to ascertain the number, where would the information have been
28 stored or looked for at that time?

29 A. I assume these were things that at this time, 1996, that had come to the Archdiocese in
30 some way, either directly to the Archbishop, or through a parish, or through people just
31 contacting someone saying that this had been the -- there'd been this incident of abuse.
32 That's all I can imagine had happened.

33 **Q.** Just coming forward to the document in 1996. The document itself was dated June 1996
34 but it relates to a report from Patrick Bearsley about a conference, the reference number is

1 CTH0002167. So you can see it refers to the New Zealand Catholic Bishops Conference.
2 This would have been a report back after somebody's been funded to go to a conference,
3 they're providing a report afterwards. Just turning over to page 3 of that report. We'll just
4 see the page in its entirety for the moment to orientate John to this.

5 You can see it's running through the matters that have been discussed at the
6 conference. And in the paragraph beginning "Among the many things in the session the
7 following points seem to be of special significance to the New Zealand situation." If we
8 could just call out paragraph 1 there. There's a reference here to Scotland and talking about
9 the welfare principle, where the paramountcy principle referred to there says the welfare of
10 the child should always be paramount. You'll be well familiar with that concept which is
11 here in New Zealand law in relation to under certain legislation.

12 My question to you in relation to this is we've seen in the principles of A Path to
13 Healing that truth is really identified as a paramount principle. I'm interested in your
14 reflections about whether, if the paramount principle was the interests of the survivor,
15 whether you think that might result in a change of practice and process under A Path to
16 Healing?

17 A. Whether it might change today?

18 Q. Yes.

19 A. I would think that that's always been the principle and still is the principle that we would
20 work on. So I don't know --

21 Q. Well, the Path to Healing principles specifies that --

22 A. That truth is --

23 Q. -- truth is a paramount principle. What I'm asking you about is if it was actually articulated
24 in a different way where the paramount principle over all of that process was the best
25 interests of the survivor?

26 A. Yes.

27 Q. Do you think that would lead to different outcomes for survivors from that process?

28 A. If the interest was in -- if the focus was on the interest of the survivor and the truth was to
29 find out what had happened to the survivor and the truth about the perpetrator, all of that
30 has to be taken into account, you know, truth is the principle that we work on everywhere.

31 Q. You appreciate, don't you, that various survivors have communicated, through their
32 evidence, that they feel that their interests are actually relegated to the bottom of the pile
33 and given much less emphasis than they deserve. Do you accept that that's the evidence
34 from survivors?

- 1 A. That's the evidence that has been given, yes.
- 2 **Q.** And are you saying that in your opinion that that is not a fair view held by survivors?
- 3 A. No, I didn't say it's not a fair view. I think it's a matter of we're continuing to learn all the
4 time, every case has been different, that was one of the things that we discovered early in
5 the piece, it was very difficult to prepare a protocol and to have protocols and principles
6 that were able to be applied to every case because every case was different. But we
7 certainly wanted to hear and respond to what we -- in my experience, respond to what we
8 heard and allow them to know that they were listened to, because that's, again, in my
9 experience, that's one of the things that we learned -- I learned and several of us spoke
10 about in those early days of protocol committees, everyone's experience is different but
11 everyone wants to be listened to, to be heard and to be believed.
- 12 **Q.** That's right, those are very strong matters that have been identified very firmly by
13 survivors, isn't it, they want to be believed?
- 14 A. Yes.
- 15 **Q.** And they want to be heard. You'll recall Ms Noonan's evidence that the NOPS office is not
16 running a listening service?
- 17 A. [Nods].
- 18 **Q.** So at what point during the NOPS process is the person being heard?
- 19 A. I think they're being -- in my knowledge of it, they're being heard every time. That's -- I
20 think, a listening process is very different to establishing the truth of what happened, the
21 listening process sounds more like counselling and that comes at a later date. But I think
22 that any time someone -- that's certainly what we all hope for. When I say "we" I'm talking
23 about the bishops and the congregational leaders who have signed up to A Path to Healing
24 document, Te Houhanga Rongo, that that's what we want for every survivor.
- 25 **Q.** In terms of the emphasis, very well-established, that the most important thing when a
26 survivor comes forward is that they are believed.
- 27 A. Yes.
- 28 **Q.** Where, across the process of making contact with a NOPS office through to the point on
29 the continuum at which they've received a letter from the relevant bishop or congregational
30 leader about the outcome, where is the point on that continuum that you expect they would
31 have that experience of being believed?
- 32 A. I would hope it's from their very first contact, whether it's with someone in a particular
33 diocese or religious congregation, or a parish, or the bishop of the diocese, that as soon as
34 they make that contact, there's something that helps them to know that they are believed,

- 1 but we say 'now then, what we actually need you to do is go through this, but you're
2 believed'. It's a little bit like --
- 3 **Q.** You can see it's a conundrum, isn't it?
- 4 **A.** -- Tim Duckworth was saying yesterday, the Society of Mary do something differently
5 because they want to meet those people straight away before they go through the particular
6 process. My hope is that it would be as soon as they make contact with someone, as soon
7 as they're referred that they are believed before they go into that process.
- 8 **Q.** But people are directed through NOPS to make initial contact with the NOPS office, so
9 mostly it's going to be that they're emailing somebody at the NOPS office, or they're
10 telephoning somebody at the NOPS office. Do we agree that that's the centralised
11 process --
- 12 **A.** That's the process.
- 13 **Q.** -- that the church is directing people to? And when they make that first approach to NOPS,
14 we've seen, haven't we, the emails come back, here's our summarised version of A Path to
15 Healing, sign the consent form and send that back. At that step in the process, do you think
16 a survivor will have a sense of being believed?
- 17 **A.** I certainly hope so.
- 18 **Q.** What would give them that belief, what in that exchange --
- 19 **A.** The fact that whoever they have contacted, whether it's Virginia Noonan or Jacinta
20 Stopforth, who's one of the workers there, that those people have -- are highly experienced,
21 they've had a long time in these processes. I would hope that they experience being
22 listened to, being heard and explained "Now the process from here is...". If it's not, we
23 have to look at that.
- 24 **Q.** And in terms of -- you want them at the very first instance to have a sense that they're
25 being believed because you understand the importance of that, but the message back to
26 them is "We will investigate what you're saying." Do you think that's conducive as a
27 mechanism to ensure that somebody has that fundamental core feeling that they're being
28 believed?
- 29 **A.** I think that pointing out that the next step is that this needs to be investigated is necessary,
30 but I think that that comes after that initial contact. I guess the way it's explained, that it is
31 necessary to have a process, is vitally important.
- 32 **Q.** So why is it vitally important to have an investigation?
- 33 **A.** We need to find out the details of what the accusation is, what the allegation is, so that the
34 offender can also be told about this. So we need that information to be able to pass on to,

1 or to, when that next phase of the investigation, the investigator then goes and speaks to the
2 alleged offender, we need to have something of where this happened, what happened, was
3 the -- there have been instances in the past where -- and this particularly came to light in the
4 time that John Jamieson was the Director of the -- his skills, I guess, as a former policeman
5 and Commissioner of Police, in investigating. And I know in two or three instances he was
6 able to establish well that priest wasn't even there at that stage, he was in a different parish.
7 So I think that those kind of things certainly need to be established in an investigation.

8 **Q.** Checking whether somebody's actually enrolled at an institution or there at a particular time
9 is really a sort of reconciliation of data, isn't it, it's not an investigation in a full-blown
10 sense, is it?

11 **A.** No, but it's part of the investigation I believe.

12 **Q.** I don't want to spend too long on this point because I've got quite a lot more I want to get
13 through with you, but it's proving quite fruitful in terms of bringing out your perspective on
14 various issues. Susan France's evidence that she's provided to the Royal Commission --

15 **A.** Yes.

16 **Q.** -- have you read her supplementary statement?

17 **A.** Yes.

18 **Q.** And she talks about, including in relation to non-A Path to Healing processes, of people
19 coming forward to the order and the order being practical people in looking at what they
20 can do to help. And she outlines that approach of things they've done to help, when
21 somebody's come forward saying "This harm happened to me in the church." And the
22 process she refers to doesn't include an investigation in the middle of the person -- between
23 the person disclosing and the order deciding what they might be able to do to reasonably
24 help that person. So that's the context in which I'm asking you this question to tease out,
25 because it's a, you know, it will be for the Inquiry in terms of what it might recommend
26 about future processes as to whether this type of interrogation of history is needed in a
27 redress scheme. So in that context, thinking about what Susan France has said, and
28 thinking about the difference with A Path to Healing process, what are your reflections
29 about whether at all times an investigation is needed?

30 **A.** It may be that not every time a full scale investigation is needed. However, I would say
31 that we do need systems that work, and if we were to, in terms of NOPS, not have a full
32 scale investigation every time, we'd need to spend some time reflecting on that and going
33 back to Sister Sue's brief of evidence and her expertise, because she has great expertise in
34 this area with her qualifications.

1 **Q.** We'll leave that topic there for the moment because it's a large topic in itself. Just turning
2 over to page 5 of the report back from the conference. Just item 5 there, could we call out
3 paragraph 5 and the paragraph underneath that, thank you. You can see at this conference
4 in 1996 the Australian delegate is sharing statistics about the number of offenders amongst
5 the clergy and religious. When this report comes to you as a member of the New Zealand
6 Catholic Bishops Conference -- sorry, you wouldn't have been in that conference at that
7 time, would you, 96?

8 **A.** No.

9 **Q.** If it was coming to you now in the Catholic Bishops Conference and you were looking at
10 those numbers, what are the questions that you would be asking about the New Zealand
11 situation?

12 **A.** Well, an obvious question for me would be why is this happening throughout the church
13 looking at all those figures and the higher number of religious brothers and religious
14 priests. We'd need to establish something that helped us to understand why, if there were
15 numbers like this, significant numbers, what is causing this, what's been driving this?

16 **Q.** And would you also want to know how does New Zealand stack up against these numbers?

17 **A.** Yes, yes.

18 **Q.** But to your knowledge nothing was put in train to ascertain the New Zealand state as a
19 result of this report at this time?

20 **A.** Not that I can recall.

21 **Q.** Would you have those figures, do you even know those figures today?

22 **A.** No, unless Tautoko has got them for us in the -- all the information that has been prepared.
23 And if they have, we can certainly make them available for the Commission.

24 **MS McKECHNIE:** Ma'am, this is a point of active discussion between counsel and has been for
25 some time, as my friend is aware.

26 **CHAIR:** Yes, it seems to me that there's a lot of complexities in these numbers. What do the
27 words "known offenders" mean, for example; does this mean they've been convicted or
28 they're known. So I think --

29 **MS ANDERSON:** The numbers, Madam Chair, as I said, are very preliminary.

30 **CHAIR:** Yes.

31 **MS ANDERSON:** Nothing can be drawn from them at this time. They are being worked through.

32 **CHAIR:** Yes, I think the bigger picture -- the principle proposition is the Australians have done
33 some work on this and has anybody in New Zealand done similar work, and I think your
34 answer was not at this stage.

1 A. Not at this stage.

2 Q. Yes, all right, thank you.

3 **QUESTIONING BY MS ANDERSON CONTINUED:** Coming through to a document in
4 January 1997, CTH0003713, just looking at that, we'll orientate you to the top and the
5 bottom of the letter. That's January 1997 from you, it's a three-page letter. Do you have
6 any recollection of this, based on what you can see, given the redactions?

7 **MS McKECHNIE:** Is counsel able to approach John and just tell him the name of the individual
8 off the recording so he knows who it is?

9 **CHAIR:** That may assist you. Do you recall this, John?

10 A. I don't, I don't, no.

11 Q. All right, in desperate whispers if you could just show him the piece of paper, yes.

12 **[Information provided].**

13 A. Counsel, I do recall this individual. I don't recall the details of this at all at this stage, as
14 you can see it's a long time, over 20 years ago.

15 **QUESTIONING BY MS ANDERSON CONTINUED:** I'm not going to take you into the
16 detail –

17 A. Sure.

18 Q. – of the background, it's more just the content of the letter –

19 A. Yeah.

20 Q. – and some reflections you might have on that now.

21 **CHAIR:** Do you want to refresh yourself with the letter before any questions are asked about it,
22 would that assist you?

23 A. Thank you.

24 Q. Do you have a copy of it there in front of you?

25 A. Yes, thank you.

26 Q. Just take a moment to have a look through it. I wonder if we could have that enlarged
27 slightly so we can read it more easily. Thank you.

28 A. Thank you.

29 **QUESTIONING BY MS ANDERSON CONTINUED:**

30 Q. Just to orientate the Commissioners to it, it's a person who's come forward in 1996, he's had
31 a response, including the offer of money, and he said "No, give a donation to the poor."
32 And then a year later in 1997 he's come back asking for some assistance. And the response,
33 you'll see here, is to repeat the history here and using the language from the person who
34 wrote advising in 1996 "Recognition is enough and I'll bother not you nor your church

1 again, thank you." So that's what the survivor has said in 1996. And then you're
2 expressing, in that second paragraph, surprise that there's been a re-approach after the
3 matter was apparently concluded.

4 Can we go over to page 2 of the letter, the second paragraph. I'll just read that into
5 the record. "It seems rather unusual that you are now asking for further assistance when
6 you have already indicated that you would not bother us again, and that you yourself had
7 directed the money to be spent on your counselling in Canada be redirected to the poor."

8 Can we go to the last part of page 3 please. So the letter ends with, "There is
9 nothing further the church is able to do for you." And asking him to recall the words that,
10 "Recognition is enough and I'll bother not you nor your church again."

11 Knowing now what you know about the impact of language on survivors, if you
12 were responding to a request from somebody coming forward again – and it's not unusual,
13 is it, that a survivor over time might change and reflect on what their needs are, if you were
14 responding to this kind of approach today, would your approach be the same or different to
15 that that's set out in this letter?

16 A. Reading this now I am surprised that I used such strong sort of language. I do remember
17 now that this is coming back, I remember the context of this at the Protocol Committee
18 meeting. We had had a lot of correspondence with this gentleman, and I would certainly
19 say that in those 20 and more years that I would respond in a different way today.

20 Q. Before we go on to what that response might be, do you agree, and we don't need to call it
21 up on the screen, but you've engaged Russell McVeagh, who have given advice, it's
22 referred to in the letter here, and there's quite a strong pushback on the bottom of page 2 –

23 A. Yes.

24 Q. – of the letter referring to the limitation issues and no liability etc?

25 A. Yes.

26 Q. What would your response be if you were crafting a response to somebody coming forward
27 a second time today?

28 A. I think I'd need to find out why he was coming, why he'd changed his mind about where the
29 money should go. He had indicated that it should go to a charity, then he's changed his
30 mind. I think it would be, again, would be a matter of listening to him and –

31 Q. So perhaps something other than just an exchange of correspondence?

32 A. I notice at that stage he must have been living in Canada, I think – oh no, it was sent to an
33 address in Auckland, but he'd obviously been in Canada at some stage. But yes, it probably
34 would be.

1 **Q.** Coming forward to a 2002 document, CTH0001469. We can see there, can't we, this is
2 meeting on 10 September 2002 about the financial implications of sexual abuse claims and
3 that you were present at this meeting?

4 **A.** Yes.

5 **Q.** Do you recall this document?

6 **A.** I do recall something of it, I don't recall the actual details. It's again 20 years ago, I don't
7 recall the exact details.

8 **Q.** Could we expand so we can see paragraphs 1 to 4 on the screen please. We see reference at
9 paragraph 2 to the fundamental approach continuing to be based on agreed protocols.

10 Again –

11 **A.** Yes.

12 **Q.** – you see the reflection that most of them want to be heard and assured that offenders are
13 not in a position to re-offend, but some look for financial payments. Clearly this meeting is
14 focused on addressing the third of those matters referred to, isn't it?

15 **A.** Yes.

16 **Q.** Would you like to read out paragraph 3 please?

17 **A.** “In discussing the limits of our financial commitments, our objective is not to evade any
18 moral obligation we might have to redress injustices, but is to exercise responsible
19 stewardship over the resources that have come mainly from the Catholic people. How the
20 people feel about payments is a proper matter to take into consideration. The Catholic
21 people have already contributed to the ACC fund set up by the Government specifically to
22 meet these needs.”

23 **Q.** If we just pause there before we look at other parts of the letter. There's reference clearly
24 there to a moral obligation to redress injustices.

25 **A.** Yes.

26 **Q.** And we've seen in the previous letter quite a legal response, haven't we?

27 **A.** Yes.

28 **Q.** Limitation periods, no liability. When you're weighing up the boundaries of moral
29 obligation versus legal obligations in relation to somebody coming forward with a
30 disclosure of abuse, do you see that those things are completely aligned or do you think
31 there's a difference between them?

32 **A.** I would say there can easily be a difference between them, and our moral obligation to
33 redress injustices is sometimes a real challenge and a tension for us if it was just down to
34 legal things.

- 1 **Q.** So if you were responding to the person in the letter that we've just looked at and coming at
2 that with a lens of a moral obligation, how might that shape the response to that individual,
3 relative to the response in fact received?
- 4 **A.** As I said when you asked me about him before, a matter of listening to him, trying to
5 discover just what he personally needed, what would help him in terms of being able to
6 move on.
- 7 **Q.** So it might be potentially a more holistic response than –
- 8 **A.** Yes.
- 9 **Q.** – than purely a letter of apology –
- 10 **A.** Yes.
- 11 **Q.** – counselling and a small –
- 12 **A.** Yes.
- 13 **Q.** – or relatively small financial payment? And there's reference there, which is the tension
14 you've previously identified you talked about, is to exercising responsible stewardship over
15 the resources that have come mainly from the Catholic people?
- 16 **A.** Yes.
- 17 **Q.** Is that a reference to the resources from the Catholic people in the parishes perhaps funding
18 payments to survivors –
- 19 **A.** Yes.
- 20 **Q.** – or is that something else?
- 21 **A.** No-no, definitely.
- 22 **Q.** So the practice you've identified of the source of funding currently in the Archdiocese,
23 would that have been in place back here in 2002, or is that a new development?
- 24 **A.** Well, the question was certainly asked then about our exercising our stewardship
25 responsibly, so back in 2002, clearly we were thinking about how do we meet these moral
26 obligations with the resources that we have in hand.
- 27 **Q.** And is the answer to how we meet those moral obligations, as we see going through this
28 document, is about we'll look to what our legal obligations are and we'll use that as the
29 touchstone for our response?
- 30 **A.** I think that was part of the thinking at this stage, but I would say it's quite – I think it's quite
31 different today, but we did – we came together for this meeting, from what I recall of over
32 20 years ago, to try and work out what both our legal and our moral obligations were.
33 Maybe we should have put moral obligations first, because we were starting to face a lot of
34 questions about what we did in terms of redress for victims and they were all new questions

1 for us.

2 **CHAIR:** Is that because you were getting more cases, you were getting more questions?

3 A. Yes. There were more cases coming to light and we knew that we had to responsibly
4 address them.

5 **Q.** Yes, thank you.

6 **QUESTIONING BY MS ANDERSON CONTINUED:** So we see if we call out paragraph 4,
7 and perhaps if you could read that.

8 A. "If a complainant seeking financial recompense has not lodged a claim with ACC, we
9 should explain that the help we want to give needs to be based on objective standards, and
10 for this reason we want to use ACC assessments. Lodging a claim with ACC should not be
11 delayed because ACC assistance dates from when the claim is lodged."

12 **Q.** Would you agree that what we're seeing reflected in that paragraph is a firm alignment with
13 ACC and that that's going to be the benchmark for the church's response?

14 A. That's certainly what appears from this paragraph here. And again, acknowledging that this
15 was the thinking of over 20 years ago, I would say that it's not our thinking today.

16 **Q.** So when you're deciding, going right back to the beginning of our dialogue, when you're
17 facing a recommendation from the Complaints Assessment Committee about making a
18 financial payment, or maybe they haven't even made a recommendation for money but
19 you're contemplating whether there should be assistance offered, are you saying that the
20 entitlements under ACC are not having any impact on your decisions as to what might be
21 offered by way of financial assistance?

22 A. They may be taken into account, but they're not the only thing that would be taken into
23 account. It would be the needs of the victim, the needs of the survivor.

24 **Q.** Moving down to paragraph 5. So paragraph 4's dealt with somebody who's not yet in the
25 ACC system.

26 A. Mmm-hmm.

27 **Q.** I'll just call out paragraph 5, make it a little bit easier to read. So if somebody's getting
28 entitlements under Accident Compensation arrangements you're going to pay the
29 "difference between what ACC offers and the actual costs of counselling of an approved
30 treatment programme." Is that a reference to a treatment programme approved by the
31 church or approved by ACC?

32 A. ACC. But I would also say that that's not the way that - certainly not the way I operate
33 today, and I don't think others, that we will pay this difference. We will look at each
34 individual case and see what is needed. I actually never even think of ACC payments today

1 when, you know, in terms of making a difference with something, I think of what is needed
2 by this person.

3 **Q.** But we've certainly seen from the evidence that Ms Noonan gave, haven't we, that at times
4 NOPS will refer persons coming to that office to the ACC –

5 A. Yes.

6 **Q.** sensitive claims unit? And paragraph (b), if you could read that out please?

7 A. "Any ex gratia payments we make are for the purpose of supplementing ACC assistance or
8 helping individuals who have missed out on ACC payments for injuries deriving from
9 sexual abuse claims. Any payments will be determined by independent mediators who will
10 have regard for ACC levels/percentages of impairment."

11 **Q.** In light of the comments that you've just made, are you confirming that this does not feature
12 in your decision-making?

13 A. It does not feature in my decision-making today.

14 **Q.** Do you have a sense of, over the time-period of this being a 2002 document through to the
15 current day, when might there have been that shift from the perspective and approach
16 outlined in this document to the one that you're saying you currently adopt?

17 A. I think for me it was shortly after I became Archbishop in 2005.

18 **CHAIR:** Can I just ask, and I really appreciate that you can only speak for yourself and your
19 practice, but do you have any sense of what bishops in other dioceses are doing in relation
20 to this ACC? If you don't then say so.

21 A. Not in any detail, madam, no.

22 **Q.** Thank you.

23 **QUESTIONING BY MS ANDERSON CONTINUED:** Just over the page at paragraph 7 we've
24 got paragraphs 7 and 8, if you could call both of those up please. John, if you could read
25 those two into the record please.

26 A. "Any ex gratia payment will be paid only when legal documentation that refers to this as a
27 full and final settlement of all the parties is also signed. The term "without accepting
28 liability" will also form part of this legal documentation. There will be no attempt to
29 require silence.

30 The amounts being paid out will not be made public by the diocese or religious
31 orders. There will be no public disclosure of agreed ceilings."

32 **Q.** So in relation to that approach of if you are paying money requiring someone to sign a
33 document that it's full and final settlement, is that your current practice?

34 A. No.

- 1 **Q.** And it appears that the reference to not requiring silence is that from this point in time it's
2 not the intention that there be confidentiality provisions in any such settlements?
- 3 **A.** Absolutely not, yeah.
- 4 **Q.** So again, in terms of the landscape of time from 2002 to present day, has it always been
5 your practice not to require settlement agreements, or is that a more recent development?
- 6 **A.** I think in my early time as Archbishop there may have been some. I can't recall details at
7 the moment. But there's never been that attempt to require silence, and yeah, I don't think -
8 you might prove me wrong in some of the material you have, but I don't think that I have
9 signed any legal documents like that for a long time, maybe that, you know, shortly after
10 I became Archbishop.
- 11 **Q.** And certainly if you're not requiring that kind of obligation confirmed in writing before
12 payment, that means, of course, that a person might come back to you a second or even a
13 third time?
- 14 **A.** Yes.
- 15 **Q.** The reference in paragraph 8 to not making public the amounts paid out and no public
16 disclosure of agreed ceilings, what's the reference to "agreed ceilings" there?
- 17 **A.** I've got an idea, and it's only an idea from this, I think it was this meeting. Others in this
18 room will have been there too. But I think at this meeting we made an agreement for an
19 amount, and top of my head I think it was about \$10,000, but someone from a religious
20 order immediately ignored that and started paying out very large sums of money. And so
21 that's really nothing to do with the whole idea of an agreed ceiling, but we had agreed on
22 something, and as I say, I'm not sure whether it was this meeting or another meeting of a
23 similar vein where we had said this will be the general sort of amount we would pay out,
24 but it was immediately ignored by a particular religious order.
- 25 **Q.** I think from the documents, without needing to take you to it, I think the earlier figure in
26 the documents was 12,000 –
- 27 **A.** 12,000.
- 28 **Q.** – as a cap and we're just about to come on to the revision to that figure. But before we do,
29 why do you think there was a need to agree a cap?
- 30 **A.** I suppose it was in 2002 we needed, as we've said in a previous document or it might have
31 been the same one, that we had to exercise responsible stewardship with the monies that
32 were available to us as dioceses and religious orders. So at the time we thought we needed
33 some sort of agreed amount that would enable us to make some payments. I think that
34 would have been the thinking behind it.

- 1 **Q.** Do you think that around this time, 2002, because we heard Peter Horide refer to this being
2 a time of a high level of claims coming in. Do you think that that's part of the context of
3 what you're expressing, and I'm interpreting it in my words so tell me if I haven't captured it
4 correctly, is a nervousness about how much this is all going to cost the church?
- 5 **A.** I think it was a question that we were beginning to ask, and whether nervous is the right
6 word or not, but it was a question we were all beginning to ask and wondering how are we
7 going to manage this as well as provide the services in a diocese that we need to provide,
8 because it all costs money. So nervousness may be the right word, but there was certainly a
9 question about how are we going to manage to run our dioceses if there are large numbers.
- 10 **Q.** Coming over to a document in June 2003, CTH0001472. So we can see that it's a memo to
11 all cardinals and bishops in June 2003 from Patrick Dunn on the subject of settlement of
12 abuse cases, again marked private and confidential. So just to orientate yourself, I can see
13 my – Ms McKechnie may be wishing to give you a copy of the letter, is that what you're –
- 14 **A.** I have it on the screen.
- 15 **Q.** You've got it on the screen, okay.
- 16 **CHAIR:** We can make it larger.
- 17 **QUESTIONING BY MS ANDERSON CONTINUED:** I'm going to come over to page 2, if you
18 can expand the first section on that page. I'll just give you a moment to read through that.
- 19 **A.** Okay.
- 20 **Q.** John, this likely accords with your recollection that there had been a ceiling set but that
21 somebody was doing something more generous –
- 22 **A.** Yes.
- 23 **Q.** – to the survivor than what had been agreed?
- 24 **A.** This tells you who it was.
- 25 **Q.** Yeah. And so again we see there the reference to the previously agreed maximum of
26 12,000. We won't go straight to it yet but we'll come on to the next page, but the new
27 agreed cap from this meeting is 30,000.
- 28 **CHAIR:** Do you agree with that?
- 29 **A.** This was a letter from Bishop Dunn to Cardinal Williams and the other bishops of the
30 conference at this time, 2003 I think the date was. Tim Duckworth had said that the
31 \$30,000 was the maximum payment. I guess this is what we must have, at Bishops
32 Conference, agreed with at that time.
- 33 **Q.** And we see that reference there to Father Duckworth in the third paragraph there about
34 someone who's determined to have suffered abuse at a level of 80 to 100%. Am I right that

- 1 you understand that's a reference to the ACC –
- 2 A. Yes.
- 3 **Q.** – level of impairment?
- 4 A. Yes.
- 5 **Q.** Is that how you interpret that?
- 6 A. Yes.
- 7 **Q.** Coming down to the last part of the page, the last two paragraphs about the suggestions for
8 scale of payments, if we could call that up. If you could read that into the record please,
9 John?
- 10 A. “My own Professional Standards Committee believes that the NZCBC must urgently agree
11 on a maximum level of payment for these abuse cases. We do not want to set a limit in
12 Auckland and then find that some other diocese sets a different limit. Each time someone
13 raises the goalpost we are all under pressure to follow. I do not believe that we should ever
14 publicise this agreed maximum amount, but it certainly would help if we could be of one
15 mind on what this maximum should be.”
- 16 **Q.** In relation to setting a maximum for payments, how does that fit with the concept of
17 responding to whatever the survivor's needs are when they come forward?
- 18 A. I think that when we're talking about what the survivors' needs are we're not just talking
19 about financial redress but what other needs there might be. And the idea of setting a
20 maximum amount I would say was because of this whole tension I've described before,
21 about we've got this many complaints and we've got to find this – we're going to have to
22 need to find this amount of money, but what resources do we have. And as we've said
23 before, our responsible stewardship of the resources that we have in a diocese or religious
24 order.
- 25 **Q.** Understanding those tensions that you've identified, do you appreciate that from a survivor
26 perspective it's possible that would be interpreted as favouring interests of the church over
27 the interests of the individual?
- 28 A. Yes, I can see how that could certainly be seen.
- 29 **Q.** Thank you. Just for completeness we'll pop over to the next page just so you can see the
30 figure that I'd foreshadowed of \$30,000. To your knowledge subsequent to this time in
31 2003, have there been other agreements about agreed ceilings?
- 32 A. Not to my knowledge, no.
- 33 **Q.** In your Diocese of Wellington, Archdiocese, what's the maximum figure that you've paid
34 out against all the data that you've provided?

1 A. I think in the data one of them is 50,000.

2 Q. We saw that on the screen earlier.

3 A. Yeah.

4 Q. And others somewhere across that spectrum?

5 A. Yeah, usually about 25, usually.

6 Q. And you may not be able to answer this so say if you're unable to, because you may not
7 recall the details of that relevant case and I don't have them here to raise with you. But if
8 you've got a recollection of the considerations that caused you to make a payment of that
9 scale relative to what you've said is usually around 25?

10 A. I do recall that. I think it was about four years ago when --

11 **CHAIR:** Also just to be careful, mindful of not betraying any details of any survivor that it
12 involved.

13 **MS McKECHNIE:** Ma'am, I was going to raise a similar concern, and also that that survivor may
14 be listening and, even without them being identified, I'm sure they will know who they are
15 and whether they have support, I have no idea whether the Commission is in contact with
16 them.

17 **CHAIR:** We'll find out from Ms Anderson.

18 **MS ANDERSON:** Madam Chair, I'm happy to leave that, we can deal with that off-line.

19 **CHAIR:** Yes.

20 **QUESTIONING BY MS ANDERSON CONTINUED:** But perhaps because we've got this ultra
21 position that most are within around the 25k, perhaps I'll recalibrate the question in relation
22 to factors that you take into account when you're making an offer that's in that --

23 **CHAIR:** Yes, as a matter of general principle.

24 **QUESTIONING BY MS ANDERSON CONTINUED:** -- in that ballpark of that central number
25 that you refer to.

26 A. This particular person came to see me having already had a --

27 **MS McKECHNIE:** John.

28 **CHAIR:** Sorry, you got tangled up in what's been a coded and arcane conversation between
29 lawyers. To make it simple, rather than talking about an individual case I think it's better if
30 you were able to identify, as Ms Anderson's asked you, just in general principles sorts of
31 factors that you put when -- come to mind when you are considering quantum. But don't
32 refer to any individual cases, thank you.

33 **MS ANDERSON:** Madam Chair, I was bringing that back to those cases of which there'll be
34 many that are in the centre at around 25.

1 **CHAIR:** That's right, yes.

2 **MS ANDERSON:** So not thinking about outliers down or up, but that grouping in the middle –

3 **CHAIR:** Yes, the usual case.

4 **MS ANDERSON:** – as to the factors that might lead to that sort of outcome.

5 **CHAIR:** Have you got that clear now?

6 A. Yes, thank you.

7 **Q.** Thank you.

8 A. So particular needs that an individual may have that's going to help them to re-establish
9 their life in some way or another and if that is something that is very evident I would
10 certainly take that into account as I did in this instance, yeah.

11 **QUESTIONING BY MS ANDERSON CONTINUED:** You've covered a little bit of that before
12 when we spoke earlier, haven't you, around the broad factors that you say that you're
13 looking at, which is what the person might need.

14 A. Yes.

15 **Q.** But you're certainly balancing that off against the financial resourcing component.

16 A. Yes.

17 **MS McKECHNIE:** Ma'am, if my friend is going to move on to another topic, I'm conscious we
18 started a little early and perhaps now would be a good moment to take the afternoon
19 adjournment slightly early?

20 **CHAIR:** Yes. Would you like a break at this point?

21 A. Be lovely, thank you.

22 **Q.** I think it would be lovely too. Very well, we'll take 15 minutes.

23 **Adjournment from 3.22 pm to 3.45 pm**

24 **CHAIR:** Thank you Ms Anderson.

25 **QUESTIONING BY MS ANDERSON CONTINUED:** Thank you, Madam Chair. Just about to
26 move – I've got two more documents I'm going to ask you questions about and then I'm
27 going to move on to some more thematic –

28 A. Sure.

29 **Q.** – topics. We're aiming to finish by 4.30.

30 A. Okay.

31 **Q.** But just on a topic that we touched on earlier in relation to the higher level of payment that
32 had been made to a particular survivor that had been identified at the top range, I can
33 confirm that we've got confirmation from that particular survivor that they're happy for
34 there to be discussion in relation to the factors that influenced the level of that payment.

- 1 A. Sure.
- 2 **Q.** Are you able to clarify what it was that took the response to that survivor outside of the
3 norm that you've identified that was somewhere in that 20 to 25,000 area for most of the
4 financial payments?
- 5 A. Yes, certainly. This particular survivor came to see me, a sum of money had been given to
6 her some years before when the complaint was first heard by my predecessor. I had heard
7 her name, I hadn't met her, but she came to see me three or four years ago, and really retold,
8 I suppose, her story, which was horrific to say the least, and she was struggling at the time
9 with her home and needed some money for repairs to her home, wasn't able to get
10 employment anywhere at all because of the consequences of the abuse, and was also
11 suffering because where she was living was not far away from where the perpetrator was
12 incarcerated. And all of those had an incredible effect on her, and when we talked about
13 what else we might be able to do to help her, I agreed on giving her another sum of money.
- 14 **Q.** As a response to understanding both the harm, the impacts on the survivor but also on the
15 needs.
- 16 A. Yes.
- 17 **Q.** Coming forward to 13 April 2005, calling up document CTH0002245. Just to orientate
18 you, this is a meeting in Hamilton on 15 April. You're identified as attending that meeting,
19 just in that bottom line.
- 20 A. Yes, yes.
- 21 **Q.** Do you recall this meeting, 16 years ago now?
- 22 A. I do recall being at a meeting when Judith Ablett-Kerr was present. I can't remember this
23 being in Hamilton but obviously it was. It looks as though it may have been a time when
24 the bishops were also meeting because it looks as though all the bishops were present and
25 we met with these other people for this particular topic.
- 26 **Q.** And we see there at the top, don't we, an emphasis on the confidentiality of the meeting
27 where notes are confined to those in attendance?
- 28 A. Yes.
- 29 **Q.** And can be discussed only after certain undertakings in relation to confidentiality. Would
30 it be fair to say this is a top-secret meeting?
- 31 A. Certainly looks as though it was, the people there and with that heading at the top
32 confidentiality of the meeting.
- 33 **Q.** And we can see that there's a discussion, isn't there, about liability in relation to pre-ACC
34 enactment

- 1 A. Yes.
- 2 **Q.** – circumstances, and coming down just under “Payments” we see the beginning of a
3 discussion about category 1 and category 2 cases. I'm not going to ask you questions about
4 it, just to orientate yourself if you read those –
- 5 A. Sure.
- 6 **Q.** – two. Then we can move over to the third and fourth categories when you've read those.
- 7 A. Yes, thank you.
- 8 **Q.** Categories 1 and 2, my apologies. When we come down on page 2, the second half of the
9 page 2 deals with establishing amounts to be paid, we can see there?
- 10 A. Yes.
- 11 **Q.** And there's a reference to where compensation is paid as differentiated from an ex gratia
12 payment. What's your understanding of the difference between an ex gratia payment and
13 compensation?
- 14 A. My understanding has been that we have never actually paid compensation, but that we've
15 made ex gratia payments to help victims in some way. I think I indicated earlier that we
16 sometimes refer to them as a pastoral gesture, something to help them to get their life back
17 together in some way if that's at all possible. So my understanding has certainly been that
18 we didn't pay actual compensation. I might be wrong.
- 19 **Q.** We see the reference in that third paragraph, “Modest payments can highlight reconciliation
20 and rehabilitation rather than creating a climate of punishing the church.”
- 21 A. Yes.
- 22 **Q.** Is it your view that at that time – did you hold to a view at that time there was a climate of
23 punishing the church?
- 24 A. No, no, I didn't think that at all.
- 25 **Q.** But clearly some people at that meeting did hold that view?
- 26 A. Some must have, yes.
- 27 **Q.** And we see – the part that I'm going to take you to in this document is the factors that are
28 specified here that a court might look at when determining quantum being the amount to be
29 paid. So we see factors around the age of a person at the time of abuse, the context, the
30 number of times, the length of times, the seriousness of the acts, the use of intimidation,
31 knowledge in the institution of the accused's attitude to sexual matters, others being abused
32 by the same person, negligence and acting on a complaint, knowledge in the institution of
33 the accused's attitude and the climate at the time. So thinking about the conversation we've
34 just had about the factors you might take into account now when you're looking at what a

- 1 financial payment might be, are there elements specified there that feature in your
2 decision-making, or are these outside of the frame that you work from?
- 3 A. No, I would certainly be thinking of some of those things. The age of the person when the
4 abuse occurred, the context, where it was and how the offender came to be in such a place
5 and whether he'd taken advantage of a person, a number of times, a number of these things
6 would be taken in account.
- 7 Q. There's no reference in that list there of factors that are identified that really refer to the
8 actual impact on the person, is there?
- 9 A. No.
- 10 Q. And would you agree that that harm, that factor of impact is probably one of the, if not, the
11 most important factors to respond to?
- 12 A. Yes, it is, and sometimes I think difficult to quantify, you know, that's where I would
13 certainly need an expert psychologist, a psychotherapist or somebody to explain what the
14 impact has been. I mean you can hear it and you can be horrified by how bad this has been
15 and how bad it might have been, but I still really don't know the full impact. We've talked
16 in the last few days, we've heard different evidence and contexts about the spiritual damage
17 that is done. How do you quantify that sort of thing.
- 18 Q. I'm going to come over to page 3 and just the last three paragraphs on that page, if we can
19 call that up. This is under the heading "Confidentiality" as you see tracking down. We see
20 a reference there, don't we, to accused persons who deny allegations are entitled to know if
21 there has been a payment in response to the allegation. Has that been your practice, to
22 advise a person accused of payments made?
- 23 A. Yes, it has been. Many of the cases that, of course, have been – that have come to light,
24 and those cases from a long time ago, the accused is already deceased. But if the accused is
25 still alive, yes, I would tell them, that a payment has been made.
- 26 Q. What's the purpose of that communication?
- 27 A. I just think that they need to understand and to realise how much harm and damage they've
28 caused to an individual, and just something of what the church has needed to do in order to
29 help an individual through this traumatic time.
- 30 Q. I'm not sure whether you followed all of the evidence that was given in relation to redress
31 in the Anglican Church context?
- 32 A. No, not all of it.
- 33 Q. There are a few instances in that evidence where in fact the accused person made a payment
34 to the survivor. In terms of looking forward to what the future state might be, what's your

1 personal view about whether that's something that would be a matter that might perhaps be
2 incorporated in a new future state?

3 A. I think if there was the opportunity for the accused person, if he was in the position to make
4 some contribution, it could be very helpful. May not always be in that position, but he
5 could be.

6 Q. And we understand from the evidence in the context of this Catholic Church part of the
7 redress hearing, that there's some complexity in the congregations about the collective –

8 A. Yes, yes.

9 Q. – aspect of income. Can I have you read out that middle paragraph on the screen please.

10 A. “If the case involves immoral (but non-criminal) conduct, there is a serious legal risk in
11 advising the parish or school about the reason for the priest or religious being moved or
12 resigning. 'Naming and shaming' should not be done by the diocese or order as the right to
13 privacy of the priest or religious should be respected. The diocese has no control over what
14 course a complainant may take in such circumstances.”

15 Q. That's right, isn't it, because you've indicated that survivors are not being bound to any
16 confidentiality provisions?

17 A. Yes, yes.

18 Q. In terms of wearing your, shall we call it your Cardinal leadership hat for the moment, what
19 would your advice be to the bishops and congregation leaders today about advising a parish
20 of a school or a school of the reason for a priest or religious being moved, or their
21 resignation?

22 A. I think today that we do need to make it known to a parish, if there's been a priest working
23 in a parish and he suddenly disappears and has been put on administrative leave, or
24 whatever, while this is being investigated, the people in the parish are naturally going to
25 start asking what's happened to him, where he's gone. And sometimes because of the
26 climate we live in there can be all sorts of accusations or speculation about what might have
27 happened, and I also think it's part of being open and upfront about clergy sexual abuse.
28 We've heard a few things about that this is a culture in the church. Pope Francis wrote that
29 letter to the people of God in 2018 and basically he was saying this is a problem of the
30 whole church. It's not just the perpetrator, but if someone doesn't challenge the behaviour
31 of another person or say something about it, it's a little bit – I didn't agree with everything
32 Tom Doyle said, but some of the things Tom Doyle said about if a person knows something
33 but just doesn't say anything in order to protect Father or to protect the church, then the
34 scourge of clergy abuse may never be corrected or people get away with it. So again, it's a

1 tension and it's a very – got to be very carefully done, but I think in some ways it helps to
2 address the whole question of clergy sexual abuse and the cause of it and what's happened,
3 if people know and we're upfront about it, we – I think we're going a long way to
4 preventing it.

5 **Q.** Fundamental to that is really reduction of the barriers that prevent people coming forward
6 to disclose, isn't it?

7 **A.** Yes.

8 **Q.** Whether that be due to clericalism, family dynamics in strongly –

9 **A.** Yeah.

10 **Q.** – Catholic families, shame. So again, wearing your leadership component, what do you
11 think you could do now to promote a culture of coming forward, because that must be a
12 fundamental aspect, isn't it, of understanding what's actually happening in the church?

13 **A.** I've said earlier today that I think all of the bishops have spoken, and not just the bishops,
14 but congregational leaders as well have spoken at different times when addressing this issue
15 and saying to people if anyone has suffered abuse or knows of it, please come forward, or if
16 necessary go to the Police. So repeating that, and addressing even this whole question
17 about how the church is responsible. That letter of 2018 that Pope Francis wrote to the
18 people of God, a few weeks later I have an annual meeting with the Council of Priests, I've
19 already mentioned today, our board of administration who advise me on all the financial
20 matters and the Archdiocesan Pastoral Council, which is a group of people who come
21 together for or five times a year to talk about pastoral initiatives in the diocese. Once a year
22 we have a meeting together, and that year I said why don't we this time, instead of talking
23 about business, look at this letter that Pope Francis wrote to the people of God, because we
24 need to talk about it. Overwhelmingly those 30 to 40 people who gathered that day said
25 “Thank you, we needed to talk about this, we needed this to be addressed.” So I think it
26 needs to be addressed even more in the church in different ways.

27 **Q.** And that would be including, wouldn't it, in the large Pacific community that you have in
28 the Catholic Church?

29 **A.** Yes.

30 **Q.** Where Frances Tagaloa's identified the cultural factors –

31 **A.** Exactly.

32 **Q.** – that create a barrier to coming forward?

33 **A.** Yes.

34 **Q.** Is there any active matter that is being put in train at the moment to address the barriers in

- 1 that Pacific community of coming forward?
- 2 A. It's a very difficult topic I find with Pasifika families, because often sexuality is not
3 mentioned or spoken about, and there's the added complexity of the culture of the church
4 where they don't want to speak about anything to do with sexuality and they want to keep
5 the church, and especially clergy, at a level that's not real and that's –
- 6 Q. We see clericalism in action in that community, don't we?
- 7 A. Absolutely, yes, yes.
- 8 Q. So in terms of – at the moment we'll just pause the conversation on that point. Because
9 what you've indicated is that there's communication going out, people should come
10 forward. What I'm suggesting to you is that in fact an active programme of engagement
11 with the relevant diverse communities that you have would be an essential part of that
12 cultural shift to enable people to come forward?
- 13 A. Yes.
- 14 Q. Because the church must be interested in knowing its own history of who its harmed?
- 15 A. Absolutely, I couldn't agree more. I think we do need to do that. But it's not just the
16 Pasifika community, as people will know, we have very large numbers of Filipinos, very
17 large numbers of Indians these days, Iraqis, you know, all of those communities need to be
18 involved somehow. So there does need to be a reaching out in some way, absolutely.
- 19 Q. Rather than bring a document up on the screen I'm just going to ask you about the last
20 document I want to mention to you. You'll recall that when you became Archbishop in
21 2005 a couple of years later you received some files from the previous cardinal?
- 22 A. Yes.
- 23 Q. Do you have a recollection of that or do I need to bring the document up?
- 24 A. No, I do, I do, yeah.
- 25 Q. And I'm going to read out something from here, and I'm sure Ms McKechnie will correct
26 me if I haven't got it quite right but I'm reading verbatim. “These notes refer to 29 files
27 which, because of the sensitive nature of their contents, were held by Cardinal Williams in
28 the safe in his bedroom at Viard until his resignation on 21 March 2005 and thereafter at his
29 home, Waikanae, until 31 May 2007.”
- 30 When you received these notes, which included recommendations about what
31 should happen to these files, were you surprised that the Cardinal had taken these files
32 relating to claims of abuse to his personal home?
- 33 A. Yes, I was. I realise that they were cases that he had dealt with in his time as Archbishop of
34 Wellington. And assumed, I didn't ask him, but assumed that he had decided that that was

1 not the place to keep them and that he was returning them to where they should be in the
2 Archdiocese of Wellington.

3 **Q.** I think at the beginning of your evidence-in-chief you referred to the upcoming resignation,
4 your resignation from your current role. What are you having in place as a hand-over
5 mechanism for the safety of sensitive files such as this?

6 **A.** All sensitive files are kept – we established – I'll go back a step. Those files that Cardinal
7 Williams returned to me, I never keep any personal files in the safe that he's referred to at
8 Viard, which is now my home, I've never kept any of those files whatsoever in that safe.
9 They are all kept in my office, either in the personnel files of the clergy or, in recent months
10 with the work of Tautoko, in the special room we set up in the Archdiocese in locked
11 cabinets and very highly sorted out and identified as documents that could apply to this
12 Royal Commission. So all of those documents will be kept in there. When I hand over to
13 my successor they will all be in that one – either in the personnel files if they're just routine
14 files of the clergy, or in that special room in locked cabinets where they are now in
15 preparation for this Inquiry.

16 **Q.** It sounds like quite a paper system as opposed to electronic documentation?

17 **A.** Well, now because of the work we've done in preparation for Tautoko, a lot of it has been
18 digitalised.

19 **Q.** Just changing topics now. In relation to Te Tiriti, what's your view of the Catholic
20 Church's commitment to Te Tiriti?

21 **A.** Thank you. In terms of Te Tiriti, we are fully committed to the principles of the Treaty. In
22 order to help the diocese understand that, I employ and have employed for possibly 20
23 years now someone we refer to as our Turanga Māori, it's a desk, a position in the
24 Archdiocese where the occupant, the first one we had didn't live very long, actually died
25 reasonably suddenly and then he was followed by two women, and now we have another
26 man who is actually an ordained deacon; all Māori people.

27 **Q.** Is that to give cultural advice –

28 **A.** Yes.

29 **Q.** – into the organisation?

30 **A.** Yes.

31 **Q.** Am I right that you've got commitments in your document, a bicultural commitment?

32 **A.** Yes.

33 **Q.** That the church made in 1990?

34 **A.** And that's been renewed over time, that commitment. In the Archdiocese of Wellington

1 we've had a Diocesan Synod roughly every 10 years since the late 1980s and every time at
2 that Synod we have re-committed ourselves to that bicultural commitment within a
3 multicultural setting. And so that person who occupies that Turanga Māori position
4 advises, not just me, but the other agencies within the diocese of what should be done in
5 terms of language and custom so that we are acknowledging the tangata whenua.

6 **Q.** So there's a New Zealand Catholic bishops commitment? –

7 **A.** Yes.

8 **Q.** – is also committed to that bicultural approach? So aside from having a person in your
9 organisation who might be able to assist with particular engagement or design of processes,
10 where within the Catholic Bishops Conference would the responsibility for that
11 commitment to bicultural commitment be realised, who would drive that?

12 **A.** We have had, and we have had for many years and still have, an organisation called Te
13 Runanga o te Hahi Katorika. So it's a group of Māori who – there's a representative from
14 each diocese on that, they meet at least twice a year, we have a bishop who attends their hui
15 twice a year, and every year they report back to the Bishops Conference. But they advise
16 us on – their role is advisory to the Bishops Conference, so they advise us on all those
17 Te Tiriti matters.

18 **Q.** When the New Zealand Bishops Conference has been considering *A Path to Healing*, for
19 example, how has that approach to biculturalism and the expression in the church's
20 documents been realised in the context of the redress process?

21 **A.** That's one of the things I've realised in sitting here this week, that we haven't been as
22 diligent in referring the *Te Houhanga Rongo* back to the Runanga, it is an area that we
23 could certainly do better in. What I do want to add there too, though, is when the document
24 was first written in the late '90s and then it was reviewed, I think the first review was either
25 2001 or 2003, we did have a Māori bishop as part of our Bishops Conference. Bishop
26 Takuiria Mariu was a member of the Bishops Conference, and I clearly remember we asked
27 his advice on some of the matters in those years. Unfortunately, he didn't keep good health
28 and died quite suddenly towards the end of 2005, as a young man.

29 **Q.** The landing point, though, is that there's no express reference in *A Path to Healing* to that
30 bicultural commitment, is there?

31 **A.** And I take that on board.

32 **Q.** And nor is there in the operationalising of it any evidence about how that's working to
33 enable Māori to actually engage in that process?

34 **A.** Yeah. Commissioner Erueti mentioned to someone the possibility of using the Hui Aranga

1 as a way that we might be able to engage. Hui Aranga is a very big gathering of Catholic
2 Māori every Easter. It was cancelled last year because of Covid and they've actually
3 cancelled this year's one too which is the first time in 70 years or something. But even
4 speaking with the organisers of that could be another avenue for us, so thank you for
5 mentioning that.

6 **Q.** We see a lot of this language in the Te Tiriti space that we can do better.

7 **A.** Yes.

8 **Q.** We've heard that quite clearly from –

9 **A.** Yes.

10 **Q.** – the church's witnesses. So in the context of that repetition of "We're taking that on
11 board, we can do better", what assurance can you give here today that Māori and Māori
12 survivors, that that biculturalism can be operationalised in the redress processes of the
13 church?

14 **A.** I'll make sure that we put that on the agenda. We have a Bishops Conference in a couple of
15 weeks' time, three weeks' time, I'll make sure that that goes on the agenda as a first step in
16 seeing what we might be able to do to address that lack in these documents.

17 **Q.** And you've outlined in your evidence the research proposal, or there is a research proposal
18 that Tautoko is –

19 **A.** Yes.

20 **Q.** – initiating to explore Māori experiences in the care of the church. And the reason that
21 research proposal is getting off the ground now is because the church hasn't kept or kept
22 any of that – perhaps never obtained it and certainly not kept it?

23 **A.** That's true. And so we have engaged an academic with very good qualifications to begin
24 this research project for us. I think you have her CV, it was made available. In the same
25 way we have engaged someone to do research into people with disabilities.

26 **Q.** But a research project like that can't overcome the fact that records might not – never have
27 been kept, can it?

28 **A.** That's true, that's true.

29 **Q.** And in terms of assurances or commitments that you might be able to give in relation to
30 Pacific peoples, or those with disability, that their needs are considered and valued in the
31 redress process, and in the church more broadly but at the moment we're focused on
32 redress, two questions: Firstly, do you agree that it would be accurate to say that there's
33 nothing evident that you can point to to say that the Pacific people's interests have really
34 been accommodated in the design and operation of your redress process?

- 1 A. That's true, and that is something we have started to speak a little bit about and clearly
2 needs to be something we need to address. That's very clear to me as I've sat here these last
3 few days, that is something we need to – redress is something we need to address.
- 4 Q. The same applies, of course, to the disability community?
- 5 A. Yes, and I think I said we have someone doing – starting that research.
- 6 Q. Just turning now to the topic that's come up a couple of times across the hearing this week
7 in relation to schools. Can you clarify what you understand your responsibility as
8 Archbishop in Wellington, and effectively Acting Bishop in Palmerston North, in relation
9 to complaints in Catholic schools?
- 10 A. I would understand complaints in Catholic schools to be a matter for the Boards of Trustees
11 to address.
- 12 Q. Wouldn't you want to know about abuse that's happening in a Catholic school?
- 13 A. And these days I think the schools would – well, they do, if there is something I do – I am
14 told about it. But the Board of Trustees are the ones, because of their policies and their
15 employment contracts with employees, they're the ones that need to address. But they do
16 usually inform either me or my Vicar for Education if there is something in a school that is
17 being addressed.
- 18 Q. So we've certainly seen, haven't we, that in the redress process survivors bringing claims
19 relating to abuse in a Marist Brothers school have been able to enter into the *Path to*
20 *Healing* process?
- 21 A. Yes.
- 22 Q. Are you saying that for current abuse in a school they would not be able to come into the
23 *Path to Healing* redress process?
- 24 A. The fact is that nowadays there are – I'm pretty sure I'm right, there are no Marist Brothers
25 teaching in schools.
- 26 Q. Leaving aside whatever the order is, just as –
- 27 A. Well, whoever they are, we don't – there aren't religious orders teaching in any of the
28 schools in the Archdiocese, I can say that categorically. So everyone is an employee of the
29 particular school.
- 30 Q. And so, if a child is harmed in a Catholic school, is it your view that the Archdiocese has
31 no moral responsibility towards that person who's been harmed?
- 32 A. I would want to know about it and I would want to know how serious this is and if a family
33 needs to be visited. But I'm not the employer of the staff in schools. So the process is, as
34 I've said, that the Boards of Trustees need to have some sort of investigation into that.

- 1 **Q.** Do you see yourself as having a role to ensure that the school provides adequate and
2 appropriate redress to a student who is harmed in that Catholic school? So not directly out
3 of the church's – the budget that you're operating, so even if it's coming out of the school
4 budget, do you see any value in an oversight role, in your role as Archbishop, in relation to
5 ensuring that actually the right response is being given?
- 6 **A.** It may be that it's something that, as I say, my Vicar for Education would oversee on my
7 behalf. There's only a limited amount of what one person is able to do. That is a
8 possibility. I do think the school would need to have some form of redress and some sort of
9 an apology and hopefully a meeting with parents and whanau. I know that has happened in
10 cases, so certainly.
- 11 **Q.** The pupils who are in those schools are all part of your Catholic community?
- 12 **A.** Yes.
- 13 **Q.** And you've probably got an interest in knowing they're getting a fair and just response?
- 14 **A.** The best possible, that's right, yeah.
- 15 **Q.** In the few moments that we have left, I just want to touch on what the future state might
16 look like. So firstly, in relation to the proposal that's clearly been operationalised in
17 Australia of a single redress for State and faith-based. What do you think, from your own
18 personal perspective, not speaking on behalf of the church?
- 19 **A.** Mmm-hmm.
- 20 **Q.** What do you think are the positive elements of that from a survivor perspective?
- 21 **A.** I think from a survivor perspective that it would be seen as they – presumably they would
22 see it as beneficial, that it's not someone within the church that they're dealing with straight
23 away, it's someone who has an independent perspective and is able to assist them in that
24 way. I think that would be one of the big things, because, as I've said before today and as
25 others have indicated, if it's someone within the church dealing with them when they've
26 already been hurt and traumatised by someone in the church, that's not very helpful. So
27 that's one of the reasons I think.
- 28 **Q.** And that independence can lead to higher trust?
- 29 **A.** Yes.
- 30 **Q.** Would you agree with that?
- 31 **A.** Yes.
- 32 **Q.** Is there anything else that you think, from a survivor perspective, might be valued?
- 33 **A.** It may be that an independent investigation or process might be quicker for them, because
34 sometimes it's – it can be long and drawn out, even though we hope that it's not from their

1 point of view, so it may be. But I would also want to add that, and I mentioned it earlier
2 today, that I wouldn't want to see it completely separated from the church because it is our
3 responsibility.

4 **Q.** So we've just talked about what might be the – you've identified two positives from a
5 survivor perspective. Are there any positives from the church's perspective that you think
6 might apply if an independent institution was established to deal with redress?

7 **A.** I suppose the positive could be the fact that it is independent and we're not relying on
8 people within the church, like in the past, I mean the National Professional Office –
9 Standards Office – is now a professional and paid position, but in those early days those
10 diocesan protocol committees were all volunteers and that was hard work for them. We
11 had many meetings and they had to – we all had to come up to speed very quickly with the
12 definitions of abuse and what it meant and what it meant to the victims, and we relied and
13 owe a great deal, I think, to those people who put their hands up, you know, people with
14 expertise in counselling and social work and psychotherapy, all sorts of things, but they
15 were volunteers.

16 **Q.** And in terms of, just as we finish in the last minute, perhaps one point from each side.
17 What might be a flaw, from the church's perspective, of having a separate redress scheme?

18 **A.** I wasn't here for the last part of Father Tim's witnessing yesterday, but I have heard him
19 quoted and saying that outsourcing something could be a flaw, and I think if – that possibly
20 could be too if it was outsourced to someone who was so independent that they didn't know
21 what we wanted and what we expected for victims and survivors.

22 **Q.** Thank you John, that concludes my questions just on the dot of 4.30, Madam Chair.

23 **CHAIR:** Excellent. Well done.

24 **MS McKECHNIE:** Ma'am, John was asked a question about the – and was giving an answer
25 about the Māori pastoral support that is in the Archdiocese and Ms Anderson perhaps
26 stopped him before he'd finished that answer. He had talked about the Vicar for Māori, and
27 I just wondered whether to complete your answer, John, you wanted to talk about Te Kahu
28 o te Rangi, your Māori Pastoral Council as part of that answer.

29 **CHAIR:** Yes, feel free to finish that off if you were –

30 **A.** Thank you. Yes, thank you, ma'am. Ms Anderson that was one of the other things in terms
31 of Te Tiriti and the advice we get, is as well as the Turanga Māori in the Archdiocese of
32 Wellington I spoke about, we also have the Te Kahu o te Rangi, which is known as the
33 Māori Pastoral Council. So they also meet on a regular basis throughout the year, my Vicar
34 General attends those meetings, I go occasionally, and they are also included in the annual

1 meeting I have with the other three bodies which are what we call canonical bodies, bodies
2 I'm expected to have by canon law, Council of Priests, a board of administration, or a
3 finance council, and the Archdiocesan Pastoral Council, and for us it's also Te Kahu o te
4 Rangi. So it's another way for us to get another perspective in terms of Māori and what
5 we're doing.

6 **QUESTIONING BY MS ANDERSON CONTINUED:** But I think we've established, haven't
7 we, that that perspective has not come through in any way at all in relation to the operation,
8 design or operation –

9 A. In relation to these, I agree.

10 **Q.** – of the redress?

11 A. In relation to these I agree, but in other ways in the diocese it has.

12 **Q.** And can I confirm that the entities, well they're not entities, but the parts of the church that
13 you've referred to, are the persons within those, they're all within the ambit of Simpson
14 Grierson's representation here before the Royal Commission?

15 A. Yes, I suppose in terms of organisations within the Archdiocese of Wellington, yes.

16 **Q.** And do you agree that in terms of the first evidence that the church was providing, there
17 was no limitations on who could give evidence to the Inquiry on behalf of the church?

18 A. True, yeah.

19 **Q.** So if there had been evidence from those persons and entities that were relevant to redress,
20 there's been an opportunity for the church to provide those?

21 A. Yes.

22 **Q.** Thank you.

23 A. Thank you.

24 **CHAIR:** Thank you, I'm going to ask my fellow Commissioners if they have any questions. I'll
25 ask with Commissioner Steenson.

26 **COMMISSIONER STEENSON:** No, tēnā koe.

27 A. Tēnā koe.

28 **COMMISSIONER ALOFIVAE:** Thank you, John, for your questions, for answering your
29 questions so fulsome. Really, it's just a matter of detail really. So in terms of your
30 ethnically diverse Catholic congregations you've mentioned Filipinos, Indians, Iraqi,
31 Pacific, Māori and no doubt there would be a number of others. Thinking ahead, you've
32 spent a lot of time in your evidence traversing actually the process that's in place now
33 around the formation of, you know, new priests. So I'm thinking forward for the Catholic
34 Church of 2021 ahead.

1 You know in the Pacific communities particularly, clericalism at its best, right?
2 And so understanding the mana and the power of the priest, the bishop, the archbishop,
3 would you turn your mind to those very specific communities where it's probably more
4 tapu than, say, other communities, the issue of sexual abuse, and the sustained approach
5 that would be required and probably expected from the top. So from your level across and
6 down that would actually help break those cultural barriers. Otherwise how else can we get
7 a change in ideology within the Catholic faith in those specific communities?

8 A. We have tried to involve some people, particularly within the Samoan community, some
9 younger people in some conversations in the hope that it will flow over into families. I also
10 have -- I was speaking of the Turanga Māori – I also have a Samoan man who is a Matai
11 who works for me as the, basically as the Samoan advisor and coordinates all the Samoan
12 chaplains work within the Archdiocese, and he is particularly open to doing things
13 differently and challenges some of those things, which you would know, are very difficult
14 in the Samoan community, you know, especially in the way I'm treated, which I don't
15 particularly always want to be treated, you know? So they're beginnings but, again,
16 I acknowledge that more needs to be done.

17 Q. It will be a work in progress for some time no doubt.

18 A. Yes. Thank you.

19 Q. Thank you?

20 A. Talofa.

21 **COMMISSIONER ERUETI:** Tēnā koe John, kia ora ano. It seems that – my question is about –
22 I know you've been involved in the shaping of these protocols for a very long time and the
23 early – I think you were the first Working Group that prepared the provisional protocol.

24 A. Yes.

25 Q. So it does – I'm assuming also that – correct me if I'm wrong – that there are significant
26 numbers of Māori who are coming, participating in your redress schemes over the years.
27 Would that be fair to say?

28 A. I don't know about significant numbers, but there are some, yes.

29 Q. And you have a large Māori congregation, could you tell us how large that is, the size of the
30 Māori membership of the Catholic Church?

31 A. There are three particular communities in the Archdiocese of Wellington, one is a parish
32 rather than – normally we have parishes which are a geographical area. This one is a parish
33 personal to Māori called Te Ngākau Tapu, and it's based at in the grounds, really, of Bishop
34 Viard College in Porirua. So that is a place which is also seen as – there's a little church

1 there, there's also a marae. So there's quite a community gathers there, the numbers vary,
2 but I have a couple of visits there every year. We have a priest there who – a Pakeha but
3 who speaks fluent Māori and spends a lot of time with the Māori community there.

4 Then there's another community called Te Kainga and Te Kainga, it was sort of an
5 urban marae with, again, a large number of people. Unfortunately, the building hasn't been
6 able to be used for the last couple of years because of earthquake issues. So they've been
7 using the Home of Compassion at Island Bay as a gathering place, especially for their
8 karakia. And then probably one of our very significant communities is at Pukekaraka in
9 Otaki where there is a special bond between the Archdiocese and to Kapa Manawa
10 Whawhiti (?) there at Pukekaraka. So they're the three places that we put a lot of emphasis
11 on in terms of where Māori gather and the kind of things that we're able to do together.

12 **Q.** And that's your Archdiocese?

13 **A.** That's just the Archdiocese.

14 **Q.** Yeah, my question is, given the engagement over many, many years between the Catholic
15 Church and Māori throughout the motu in so many different ways, including schooling and
16 social services, it's surprising to me that in the formative stages of developing *A Path to*
17 *Healing*, a redress scheme, that there was no engagement with Māori at that point, or
18 throughout. And I just wanted to ask you, why do you think that is?

19 **A.** I acknowledge that that was a lack. Initially there was that engagement with Takuirā
20 Mariu, initially, but since his untimely death there hasn't been. I'm not sure really why that
21 hasn't eventuated, but it will be something that we put on our agenda to really ensure that
22 the principles of Te Tiriti are looked at and addressed.

23 **Q.** Going forward?

24 **A.** Yeah. One of the things I would say is, just to go back to schools for a moment, that I think
25 all of our schools, both primary and secondary, do outstanding things in terms of Te Ao
26 Māori. Just about every school you go to these days there's whakatau or a full powhiri,
27 various things, and lots of kids learn through our Māori, and it's just a part of the schooling.
28 So the schools have been very well, I believe.

29 **Q.** Thank you. You've given your commitment for the meeting with the bishops, the meeting
30 that's a few weeks away. I wonder whether your influence could also extend to the
31 congregational leaders and schools also on this kaupapa?

32 **A.** I would certainly say because these documents that we've referred to, *Te Houhanga Rongo*,
33 *Integrity in Ministry*, because they are joint documents with the congregational leaders that
34 we are obliged to talk with them about it, absolutely.

- 1 **Q.** Kia ora. My last question is about the independence question. I assume you're familiar
2 with the Australian model, we've talked –
- 3 **A.** Yes.
- 4 **Q.** – a bit about it? And I just wanted your views on their National Redress Scheme, because
5 it's interesting listening to you talking about how you want a voice that can't be too far
6 removed from you.
- 7 **A.** Yeah.
- 8 **Q.** I'm just wondering what your views are on that redress scheme?
- 9 **A.** I like the look of it, but I think it's early days to see how it's going to work. But I do like
10 the look of what they are doing, yeah.
- 11 **Q.** Okay.
- 12 **A.** Thank you.
- 13 **Q.** Kia ora.
- 14 **A.** Kia ora.
- 15 **CHAIR:** I won't keep you or anybody else too long, John. My question relates to the nature of
16 forms of redress that the Catholic Church can offer to survivors. And it's quite plain, I
17 think, to all of us, those of us who speak regularly to survivors, and I'm sure you've had
18 interaction as well, that the impact of abuse is long-lasting, often results in issues that last a
19 person's lifetime, including health, employment, education, and many are in poverty
20 because of those factors. So what we're seeing is a need for social wrap-around services.
21 When you mentioned what we all know about but hadn't thought, with the Catholic Social
22 Services, I'm just wondering whether any thought had been given in terms of your redress
23 processes to engaging that wing of the church in perhaps providing another way of
24 providing redress, the current word is "wrap-around services" for some survivors, do you
25 know if that's been considered?
- 26 **A.** I don't think it has, but I do believe that that's a very good suggestion, and I can say without
27 a doubt that our current Director of Catholic Social Services in Wellington would jump at
28 that occasion. She's – if you want to see someone within the diocese who's taken on
29 principles of Te Tiriti – it's herself.
- 30 **Q.** Yes.
- 31 **A.** And I think we'd only have to say something and she'd be dreaming up ways that we could
32 do that.
- 33 **Q.** That sounds very promising, doesn't it. And it's something within your own church, within
34 your own culture –

1 A. Yes, yes.

2 Q. – within your own congregations, it's ready-made in a way, isn't it?

3 A. Absolutely, that's a very good idea, thank you.

4 Q. I will leave it with you.

5 A. Thank you.

6 Q. Now it will leave me to thank you and as you are Cardinal and the nominal leader, can
7 I thank the Catholic Church for its engagement with the Commission.

8 A. Thank you.

9 Q. It, I know, has been painful, I have watched the pain on the faces of all of the church
10 people, some of them are still here from previous witnesses. I know it's painful and it's
11 taken great courage, [eh] to commit to the Royal Commission, and to contribute. And in
12 particular I want to acknowledge that, as we have seen in many of the documents that have
13 been put up, many of them are records of highly private, confidential meetings, some have
14 been called secret. Some of them have related to otherwise legally privileged documents.
15 And the Commission really appreciates the fact that the Catholic Church has chosen not to
16 rely on those legal formalities of hiding behind privilege, hiding behind confidentiality.
17 And that commitment to transparency, as I say, is appreciated and goes a long way towards
18 informing our work, and for that I'm very grateful.

19 A. Thank you.

20 Q. And to you personally, thank you for enduring the time in the witness box, we are most
21 grateful for your time, and we wish you and all your colleagues the best for Holy Week.

22 A. Thank you very much, ma'am.

23 Q. We will now adjourn.

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

25 **Hearing adjourns at 4.46 pm to Monday, 29 March 2021 at 10 am**

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