

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY  
FAITH-BASED INSTITUTIONAL RESPONSE 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 Anaru Erueti  
Ali'imuumua Sandra Alofivae  
Paul Gibson

**Counsel:** Mr Simon Mount QC, Ms Kerryn Beaton QC, Ms Katherine Anderson, Ms Tania Sharkey, Mr Michael Thomas, Ms Kathy Basire and Ms Alisha Castle for the Royal Commission

Ms Rachael Schmidt-McCleave and Ms Julia White for the Crown

Ms Sally McKechnie and Ms Brooke Clifford for Te Rōpū Tautoko, the Catholic Bishops and Congregational Leaders

Ms India Shores for the Anglican Church

Ms Maria Dew, Ms Kiri Harkess and Mr Lourenzo Fernandez for the Methodist Church and Wesley Faith.

Mr Brian Henry, Mr Chris Shannon and Ms Sykes for Gloriavale

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

**Date:** 17 October 2022

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**TRANSCRIPT OF PROCEEDINGS**

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14 **Adjournment from 3.50 pm to 3.58 pm**

15 **CHAIR:** Welcome back everybody. Ms McKechnie.

16 **MS McKECHNIE:** To begin the last session, ma'am, we have in the witness box John Dew, Sue  
17 France and Paul Flanagan. Would you like to give the attestation?

18 **CHAIR:** Yes, thank you very much. Welcome back to two of you and welcome to the  
19 Commission Dr Flanagan.

20 **CARDINAL JOHN DEW, DR PAUL FLANAGAN and**  
21 **SISTER SUE FRANCE (Affirmed)**

22 **QUESTIONING BY MS McKECHNIE:** Ma'am, my intention in evidence-in-chief is to ask  
23 each of the witnesses to speak briefly to summarise the evidence that they have provided  
24 today. As I said in opening, this is in response to particular questions the Commission  
25 asked. Both John and Sue have previously provided evidence in writing before and this is  
26 the first time that Sue has been in the witness box.

27 So John, I'm going to start with you please. I know that in your previous evidence  
28 before the Commission you made a number of acknowledgements, I know you want to  
29 begin by acknowledging that.

30 **MR DEW:** Tēnā koutou, tēnā koutou, tēnā koutou katoa. Ngā mihi nui ki a koutou. In the  
31 interests of time, greetings to you all. I'm a 74 year old Pākehā male, I've got short,  
32 cropped, grey hair, I'm about 5 foot 8 inches, I'm wearing a charcoal grey suit, a white shirt  
33 and a black and white tie, unusually.

1 I gave evidence at the Royal Commission in March last year. I began that day and  
2 the evidence that I gave by presenting an apology on behalf of the Church, the Bishops and  
3 the Congregational Leaders of New Zealand had all agreed that I present that apology on  
4 behalf of the Bishops and Congregational Leaders.

5 I fully renew that apology and reiterate that I meant every word of it. Abuse is  
6 wrong. It should never be part of the Church. I and all of us are ashamed of it and we are  
7 working hard to put safeguarding practices in place and we will continue to work on that,  
8 we will continue to work on what we have discovered during the time of this Royal  
9 Commission.

10 Today gives us and the Royal Commission of Inquiry gives us the opportunity to  
11 learn together, to discover together how this abuse came about and what we can do to  
12 prevent it.

13 We see universally in the Church today that the mission of the Church is to build a  
14 safe Church. That's our task. I simply want to repeat those messages that I shared in  
15 March last year. You heard from me for several hours that day last year and you have  
16 heard my witness statements.

17 Today it's wonderful to have Sister Sue France and Mr Paul Flanagan alongside me  
18 to hear from them their professional responses and a different perspective, and I welcome  
19 that. So we can hear that in the sad and distressing time in the life of the Church. Tēnā  
20 koutou katoa.

21 **MS McKECHNIE:** Thank you. Sister Sue, I'll turn to you now. You are the current  
22 congregational leader of the Sisters of Mercy which is, am I right, the largest female  
23 religious congregation in New Zealand?

24 **SISTER FRANCE:** It is. Tēnā koutou katoa, ngā mihi nui. My name is Sue France. I have  
25 white hair, I'm wearing a black jacket with multi-coloured embroidery and a pink top. I  
26 have some hearing loss and I wear hearing aids.

27 I'm currently the congregation leader of Ngā Whaea Atawhai o Aotearoa, Sisters of  
28 Mercy New Zealand. And I'm in the third year of a five-year term. Religious  
29 congregations are generally self-governing, and we elect our own leadership for limited  
30 terms.

31 I'm also one of the religious congregation members on Te Rōpū Tautoko. I made  
32 my final vows as a Sister of Mercy in 1986. I have worked as a teacher in secondary  
33 schools for a period of 10 years and over a period of 20 years I've taught, studied and

1 practised counselling and psychotherapy and have a PhD in pastoral counselling from  
2 Loyola University in Maryland and for the last three years of that period worked as a  
3 psychotherapist in the United States.

4 I've worked with a wide variety of people who presented with issues including  
5 trauma, addictions, depression and anxiety, and I've worked predominantly providing ACC  
6 sensitive claims counselling. I have also been on the National Safeguarding and  
7 Professional Standards Committee for some years.

8 But I am here today really speaking on behalf of Ngā Whaea Atawhai o Aotearoa,  
9 Sisters of Mercy New Zealand. It's the largest religious congregation in Aotearoa. And as  
10 women's congregations throughout New Zealand over the years since we have been here,  
11 and the first sisters arrived in 1850 at the invitation of wāhine Māori, women in the Church  
12 have worked across the country bringing education and healthcare to many people.

13 Since 1950 as a result of the work we've done for this Commission, we can now say  
14 that over 1,000 members have served in healthcare, education, community and social  
15 services.

16 We were also one of the largest providers of care institutions and these included  
17 boarding schools, orphanages and children's homes. We also worked in secondary schools  
18 and staffed numerous parish schools around the country.

19 I am deeply saddened and regret that children were harmed in our institutions where  
20 they ought to have been cared for and safe.

21 I wish to acknowledge the survivors who have come forward to share their  
22 experience and I also wish to acknowledge those who have not yet been able to come  
23 forward. It takes courage to talk about these experiences. And I hope that survivors  
24 continue to come forward to the Inquiry, to the Police, and if it's appropriate for them, to  
25 the Church.

26 It's clear that because of mistakes made by the Church and by our Congregation,  
27 that children were harmed when tragically this could have and should have been avoided.

28 As a Congregation we've changed over time, and this Inquiry has highlighted more  
29 changes that were needed. And so I'm glad to have this opportunity to be able to speak  
30 with you today.

31 **MS McKECHNIE:** Thank you Sister Sue. Sue, I know it's important for you that you are the  
32 only female Religious voice that the Commission is going to hear, and I would ask if you  
33 could elaborate on your observations about the role of women and female Religious in the

1 Church and particularly in the future of responding to these issues and safeguarding.

2 **SISTER FRANCE:** I think we, as women Religious in the Church, can have a significant role,  
3 because we've traditionally been changemakers in society and in the Church, and I think we  
4 are -- while we're a small group now, and even our own group as the largest is much  
5 smaller, we are educated women, we are traditionally in positions where we can work  
6 alongside people rather than in positions of authority. We are skilled in community change  
7 and development and I think we can work within the Church to be able to continue to  
8 develop safeguarding, to bring about change and to ensure that this opportunity becomes an  
9 opportunity for transformation rather than a lost opportunity.

10 And I think as women Religious who tend to be a little outspoken at times, we can  
11 use our force for good and we have a commitment as a Congregation to make changes  
12 ourselves and have already implemented changes. I think women Religious are often at the  
13 forefront of change as they have been in the Church.

14 **MS McKECHNIE:** Thank you Sue. I'm just going to ask you two technical questions about  
15 sisters now because I'm conscious that these are not matters that the Commission has  
16 previously had evidence on. Are you clerics?

17 **SISTER FRANCE:** No, I'm a lay person in the Church, regarded as such.

18 **MS McKECHNIE:** So when you say women Religious, what does that term --

19 **SISTER FRANCE:** It means I'm a Religious in that I have taken vows and for me those vows are  
20 permanent life vows of poverty, chastity and obedience, and I have taken them within  
21 Sisters of Mercy as a Sister of Mercy. So my vows are to God but as part of the community  
22 of the Sisters of Mercy.

23 **MS McKECHNIE:** And a final terminology question, Sue, what's the difference between a sister  
24 and a nun?

25 **SISTER FRANCE:** A nun lives in an enclosed community, so would not be out -- lives in a  
26 convent that is enclosed and cloistered, makes solemn vows and would not move beyond  
27 the convent. I make simple vows and live a lifestyle which is out engaged in the  
28 community. That's probably the simplest explanation.

29 **MS McKECHNIE:** Thank you Sue.

30 Paul, if I could ask you also to introduce yourself to the Commission and then I'll  
31 ask you some brief questions about the role of the Committee.

32 **DR FLANAGAN:** Kia ora Sally, ngā mihi nui ki a koutou katoa, talofa lava. Ko Paul Flanagan  
33 tāku ingoa. My name is Paul Flanagan and I am a lay member on the National

1 Safeguarding and Professional Standards Committee. I am a 60 year old white Pākehā  
2 male with greying brown hair. I'm wearing a dark suit, white shirt and lime green tie. I  
3 have a moustache and wear glasses. I welcome this opportunity to speak about what  
4 Catholic faith communities throughout Aotearoa are doing to protect children and  
5 vulnerable people in care.

6 **MS McKECHNIE:** Thank you Paul. Paul, you are here in part to speak to your role on the  
7 Committee, but you also have professional qualifications and experience that are relevant.  
8 Can you briefly summarise those for the Commission so they understand, I suspect in part  
9 why you were appointed to the Committee.

10 **DR FLANAGAN:** My first degree was in theology, I was ordained a priest and after seven years  
11 left priesthood and I voluntarily requested dispensation. I'm married and have three adult  
12 sons. I have since qualified with a Master of Counselling and a qualification in  
13 professional supervision as well as a PhD in education around sexuality in childhood.

14 In my professional counselling work I was often involved in working with children  
15 and families and in school contexts related to child sexual behaviour, and am also an ACC  
16 counsellor and have worked with children in sexual abuse counselling.

17 **MS McKECHNIE:** Thank you Paul. I described in my opening the way that the Committee was  
18 created and has been tasked by the Mixed Commission. And as I understand it has two  
19 parts, professional standards and safeguarding and so I'm going to ask you about them one  
20 after the other.

21 Can you describe, please, the role of your Committee with regards to professional  
22 safeguarding; the Commission is very familiar with NOPS, so if you could also explain the  
23 relationship between the Committee and NOPS would be helpful please.

24 **DR FLANAGAN:** So the Committee's role is to approve a strategy and oversee the  
25 implementation of the work of NOPS, the National Office of Professional Standards.  
26 Members of the Committee are appointed by the Mixed Commission and are tasked by the  
27 Mixed Commission to monitor the work of NOPS. The Committee has a governance role,  
28 setting policy related to key areas of safeguarding and of preventative practices, and  
29 secondly around professional standards where safeguarding is practised in terms of  
30 responding to events.

31 The problem of sexual abuse and harm is a concern for the whole of our society and  
32 it's only really since the 1970s and 80s has there been a clearer understanding of the  
33 insidious and wide-reaching nature and effects of sexual abuse perpetrated on children and

1 vulnerable people. Research has documented that the incidents of sexual abuse and harm is  
2 mostly within family contexts followed by perpetration within faith and social service  
3 based sectors.

4 Such abuse of trust is never acceptable. Such abuse of trust in Catholic faith  
5 communities is shameful. It is shameful that people in authority who may have known  
6 about the abuse did not act in the victim's favour. Whether Bishops, priests, brothers,  
7 sisters, even parents, the level of abuse that we know of is painful to us all.

8 So we need to support those who come forward to disclose abuse done to them and  
9 to support them through whichever process they may prefer. And to continue the work  
10 undertaken in safeguarding to continue and develop this work so that it is transparent, it is  
11 accountable, and it is a robust process.

12 **MS McKECHNIE:** Thank you Paul. The final question; at paragraph 18 of your evidence you  
13 talk about the standards for creating and maintaining a safeguarding culture which you say  
14 there were promulgated in 2019 and revised in 2020. It's a key feature of safeguarding. So  
15 are you able to previously summarise for the Commission what those standards are and  
16 why they were brought in?

17 **CHAIR:** Sorry, can I just say we do have your full brief of evidence and the standards are set out,  
18 so if you could just summarise them that would be -- be assured we have read them all.

19 **MS McKECHNIE:** Thank you ma'am.

20 **CHAIR:** These are the ones from para 25?

21 **MS McKECHNIE:** 19 ma'am.

22 **CHAIR:** The five standards, yes, thank you.

23 **DR FLANAGAN:** So there are five standards of which responding to complaints or concerns is  
24 but one of the five. The others include communicating the Church's safeguarding message,  
25 so that the work of NOPS is to make sure that every Catholic entity within the country is  
26 aware of the policy and to sign the policy and is working to have a safeguarding practice  
27 within their entity.

28 The second is around safe practices and so in terms of some training through our  
29 parishes and the various entities within the dioceses, people are given examples so that they  
30 can think about what people might often just take for granted and question to see where  
31 there is safety possibly at risk.

32 The third I've mentioned is responding to complaints or concerns. The fourth is  
33 about monitoring compliance with the national policy, and so NOPS will review the various



1 entities over a cycle around their implementation of the policy and their checking their  
2 practices. And then there's formation and training so that those who are coming into  
3 ministry in various ways, whether it's in the seminary or whether it's in people who are  
4 visiting homes to take communion to the sick, have an understanding of the safeguarding  
5 policies and what they should be mindful of.

6 **MS McKECHNIE:** Thank you Paul. I will now hand you over to Ms Anderson who I understand  
7 will have some questions for you all.

8 **CHAIR:** Thank you. Yes Ms Anderson.

9 **QUESTIONING BY MS ANDERSON:** Thank you Madam Chair. Cardinal John Dew, are you  
10 happy for me to call you John? I think that was the term we used last time we had a  
11 conversation.

12 **CARDINAL DEW:** Yes, that's fine.

13 **MS ANDERSON:** Thank you John. Just a follow-up, a couple of process questions relating to  
14 the Sateki Raass evidence that we've just traversed. I think you'll recall after the Pacific  
15 hearing last year you received a letter from the Network of Survivors alleging that Bishop  
16 Dunn had failed to respond appropriately to Ms CU's report of abuse; is that right?

17 **CARDINAL DEW:** Yes, that's true.

18 **MS ANDERSON:** And then you initiated a process from there, didn't you, you wrote off to the  
19 Vatican?

20 **CARDINAL DEW:** I did, yeah. I was required to do that under vos estis lux mundi. If any  
21 Bishop has failed to follow-up on anything, that's one of the things that is required now,  
22 and that's what I did, and we were asked to follow that up using the NOPS processes.

23 **MS ANDERSON:** And do you recall that it was about October last year that you got that  
24 permission from the Vatican to proceed down that path?

25 **CARDINAL DEW:** Yes.

26 **MS ANDERSON:** I'm not attempting to ask you any questions about the substance of what's  
27 happening in relation to that, but just in terms of process, has that investigation been  
28 completed and remitted back to the Vatican, is that the status?

29 **CARDINAL DEW:** No, no, it has not been completed yet.

30 **MS ANDERSON:** And you don't have to answer if you think you're unable to give a  
31 commitment, but is there an expected timeframe for that process to be resolved?

32 **CARDINAL DEW:** No, I can't actually answer that, those processes often take a long time, by  
33 the time an investigator is appointed and various people are interviewed; many of those do

1 take a long time, so I can't answer your question definitively.

2 **MS ANDERSON:** And in terms of the instruction to you from Rome in relation to that process,  
3 would part of the investigation include interviews with Ms CU, or is that not something  
4 you're aware of as part of the process?

5 **CARDINAL DEW:** I'm not aware of who that would include, so I can't tell you whether it would  
6 include any particular individual or not. I simply ask that that process be undertaken and it  
7 is undertaken through the NOPS process.

8 **MS ANDERSON:** I'm just going to call up, just so that you've got it in front of you, a document  
9 CTH0019781. This is the letter from the Vatican to you granting the authorisation on 8  
10 October last year. Just let me know when that's come up in front of you. Do you have  
11 that?

12 **CARDINAL DEW:** Not yet.

13 **MS ANDERSON:** I don't think it needs to be on the screen for public display.

14 **CHAIR:** No it's not.

15 **MS ANDERSON:** You see just in that second paragraph it says in this process particular care  
16 should be taken to listen to the complainants with great understanding and compassion and  
17 to show maximum respect for the person of Bishop Dunn.

18 So my question relating to that is when you received that letter, who are the  
19 complainants that greater understanding and compassion should be shown to? Is that the  
20 Network that have written to you or is that Ms CU and other persons who have reported  
21 abuse relating to --

22 **CARDINAL DEW:** I would think it's the people who made the complaints. Ms Noonan may be  
23 able to comment on this as the Director of the National Professional Standards who's in the,  
24 I almost said the congregation, or the audience with us.

25 **MS ANDERSON:** Your clarification's been helpful, I don't need to take that any further, thank  
26 you.

27 **CARDINAL DEW:** Thank you.

28 **MS ANDERSON:** Am I right that, after the, I'm not sure if I've got the right technical term, the  
29 swearing in of Bishop Lowe into Auckland and the ceremony there, that you received a  
30 further letter from the Network complaining about the praise that was given to Bishop  
31 Dunn at that ceremony. Do you recall receiving that letter?

32 **CHAIR:** The word's consecration, isn't it?

33 **CARDINAL DEW:** Installation, installation as the Bishop of Auckland.

1 **CHAIR:** Right, thank you.

2 **CARDINAL DEW:** Yes, I do recall receiving that letter.

3 **MS ANDERSON:** And do you understand the concerns that were expressed there about the  
4 people who were participating in that ceremony who were praising Bishop Dunn at that  
5 time while he's under this investigation process which is publicly known?

6 **CARDINAL DEW:** I realise that some people were upset about that, but there would have been a  
7 large number -- well, there weren't a large number because it was under the time we were  
8 only allowed 100 people, but there were also a lot of people in the Diocese of Auckland  
9 who would have wanted to thank Bishop Pat for his almost 28 years of service and to  
10 acknowledge that he had given 28 years of dedicated service, but some people didn't see  
11 that.

12 **MS ANDERSON:** Is there any comment or message that you want to convey to those people who  
13 might have that other sentiment that you've just referred to in the sense of --

14 **CARDINAL DEW:** I would say that those people who are upset are certainly entitled to make  
15 their concerns known, but I would also ask them to hopefully recognise that that's not the  
16 complete summary of Bishop Dunn's life of serving the Diocese.

17 **MS ANDERSON:** And the head of the Congregation for the Evangelisation of Peoples was at that  
18 ceremony, is that right?

19 **CARDINAL DEW:** No, the head of the Congregation for the Evangelisation of Peoples lives in  
20 Rome and has certainly not visited New Zealand I don't think ever.

21 **MS ANDERSON:** Thank you. I think you were expecting me to have some questions for you  
22 relating to the investigation into allegations that Bishop Kavanagh had failed to respond to  
23 reports of abuse.

24 **CARDINAL DEW:** Yes.

25 **MS ANDERSON:** Madam Chair, I can indicate to Commissioners that I won't be pursuing this  
26 next set of questions that I'd intended to ask relating to that publicly-announced  
27 investigation into Bishop Kavanagh. It's not possible to pursue these questions now  
28 because the Church has claimed legal privilege over relevant documents which it has  
29 provided to the Inquiry to review but not to use, and that claim is yet to be resolved. We  
30 will be trying to resolve that claim as promptly as possible after the hearing so the topic can  
31 be addressed in the Inquiry's report.

32 **CHAIR:** Thank you.

33 **MS ANDERSON:** This next question is directed I think to both Sue and John. So just giving you

1 a scenario to contemplate, which is a scenario in which a group of survivors from a  
2 particular Catholic institution wish to meet with Church representatives and that there may  
3 be, within that group of survivors, people who have not previously disclosed abuse to the  
4 Church.

5 I'm just wondering whether there's anything either in Canon Law or in A Path to  
6 Healing or other safeguarding policies and protocols that you've got that you would  
7 consider would place a potential obstacle to you participating in that kind of  
8 survivor-driven wānanga?

9 **CARDINAL DEW:** I can't think of anything within A Path to Healing or within Canon Law that  
10 would prevent us doing that.

11 **MS ANDERSON:** So there's no -- so one aspect of that scenario is that you might receive  
12 information in that forum which is a report of abuse; would that make you feel that even if  
13 the survivor didn't necessarily wish to have you investigate it, that you would be required to  
14 go off and investigate that? I'm just trying to understand where the obligations kick in and  
15 what discretion there is around that.

16 **CARDINAL DEW:** Are you saying the survivors group would be presenting an incident of  
17 abuse?

18 **MS ANDERSON:** Well, it's possible, if you're meeting with a group of survivors who've asked to  
19 meet with you, that they might end up talking about what happened to them, mightn't they?

20 **CARDINAL DEW:** Our policy therefore is that should be reported to NOPS, that's what the Path  
21 to Healing requires, and we encourage people to do that or to go to the Police. That's what  
22 the National Office for Professional Standards is there for.

23 **MS ANDERSON:** So would that obligation affect your thinking about whether to participate in  
24 that kind of wānanga, or is it just something that you would deal with if it came up?

25 **CARDINAL DEW:** It would very much depend on what they were asking to meet about. If  
26 they're asking to meet about reporting abuse, we would be saying look the National Office  
27 for Professional Standards is here in order to take such accounts and then to investigate  
28 them, because that's what we would be doing anyway.

29 **MS ANDERSON:** There might be some circumstances, mightn't there, where survivors want to  
30 meet you and tell you about what's happened but don't necessarily want you to go off and  
31 do anything, you're saying that would create a difficulty for you under the protocols that  
32 you've got in place?

33 **CARDINAL DEW:** It would be very difficult if they told us that -- reported abuse but didn't want

1 us to do anything when we are required under vos estis lux mundi to report abuse and to  
2 investigate it.

3 **DR FLANAGAN:** If I can come in, I think where there might be the risk of someone practising in  
4 ministry who is at risk to children or vulnerable people, there is not only an ethical  
5 requirement but a moral requirement as well as a Canon Law requirement for the Bishop to  
6 act.

7 **MS ANDERSON:** Thank you. There has been a recent wānanga by a group of survivors of Hato  
8 Pāora and Hato Pētera that occurred earlier this month that was a survivor initiative rather  
9 than participating formally in the Royal Commission. I think you've seen a document, have  
10 you, that that survivors group have provided about what they're looking for in the future.  
11 Are you familiar with that document?

12 **SISTER FRANCE:** I haven't seen that document, no.

13 **CARDINAL DEW:** I have seen that document.

14 **DR FLANAGAN:** I haven't seen that document.

15 **MS ANDERSON:** I'm just going to call it up on the screen to be looking at page 2 of this. It's  
16 WITN1499011, and just turning to page 3 of the document paragraph 9.

17 **MS McKECHNIE:** Is Ms Anderson able to explain the context in which the document was made  
18 and who the authors of it are so the witnesses understand please?

19 **CHAIR:** So far we know it's a document that's originated from a wānanga. Are there any other  
20 details? Shall we wait until it comes up and we'll use that maybe to see what it is.

21 **MS ANDERSON:** It's a collective submission to the Inquiry from the wānanga which outlines,  
22 from a survivor's point of view, what it is that they're wanting to see happen in the future.  
23 Page 3, which is coming up, addresses the topic, how the harm can be addressed and  
24 remedied. If we can just turn to page 3 paragraph 9.

25 **CHAIR:** I'm not sure if you've given the date but it's 4 October 2022. We now have page 3 in  
26 front of us.

27 **MS ANDERSON:** Paragraph 9, if you could call that up please, enlarge that. You can see there  
28 that part of what they're saying is there must be a restorative justice process where Church  
29 representatives have to turn up and confront this and take accountability like offenders are  
30 required to with their victims.

31 Just in terms of conceptual, to you John and Sue, is that generally something that  
32 you would welcome the opportunity to attend, a restorative justice process for survivors?

33 **SISTER FRANCE:** I think restorative justice processes are always helpful for all involved where

1 people are able to meet and talk together.

2 **CARDINAL DEW:** I would second that, restorative justice processes are very much part of the  
3 Church. We know that they work well and they're opportunities for people to be heard and  
4 I would say that we certainly would welcome something like this. This is new to us, I saw  
5 this just a few days ago just last Friday. Obviously we would want to be able to talk about  
6 this with the Congregational Leaders and the Bishops as to how this would go about, and  
7 because this has come from one of the Māori colleges, we would probably also want to talk  
8 to an organisation that we call the Rūnanga o te Hāhi Katorika, the Māori body which  
9 provides advice to the Bishops' Conference, which has been in existence for several years,  
10 we meet with them every year, one of the Bishops meets with them twice a year, they meet  
11 with a whole Bishops Conference once a year, and in fact just in a couple of weeks' time  
12 we're spending a whole day with the rūnanga as we just go about our ordinary business and  
13 they give us advice. So this is the kind of thing we would want to be talking with the  
14 rūnanga about.

15 **MS ANDERSON:** And over in paragraph 13 on the next page, there's a desire for wrap-around  
16 support provided to survivors including those who are in prison and for those coming out of  
17 prison and for their whānau in order to stop the cycle. So you've probably, in terms of the  
18 care to custody pathway, you will have heard a lot of evidence about that in the Royal  
19 Commission.

20 What these survivors are saying who have ended up in prison, that they're really  
21 looking for that wrap-around support when they come out and to break the cycle. John, is  
22 that something else that you're not in a position to comment on at the moment but once the  
23 discussion with the rūnanga has taken place you might be in a better position to provide  
24 some information back to the Inquiry about the Church's view of what survivors are saying  
25 in this document they want?

26 **CARDINAL DEW:** Yes, it's certainly something, as I've already indicated, we would need to talk  
27 with the rūnanga about and get advice from them. The whole Mixed Commission, as I say,  
28 Bishops Conference and Congregational Leaders would need to talk about this, and I would  
29 also think it would be something that we would be looking forward to getting advice when  
30 the Royal Commission has done its work and made some recommendations to us.

31 **DR FLANAGAN:** Can I add, I'm aware that one or two cases of support for people coming out of  
32 prison who have been victims of abuse have already occurred with support from a local  
33 Bishop and putting in contact with an agency, a survivor agency.

1 **MS ANDERSON:** The document can come down now.

2 My next question is to Sue and Paul due to your, Paul, your current role on the  
3 Committee and Sue you've previously been a member of that Committee, overseeing  
4 NOPS. So the initial question is, do you accept that faith is very important to many Pacific  
5 peoples where their spirituality and faith is entwined with identity; do you agree with that,  
6 or accept that?

7 **DR FLANAGAN:** I think if we consider Professor Sir Mason Durie's model of wellbeing of Te  
8 Whare Tapa Whā it's integral, wairua. And I think the tragedy of sexual abuse by those in  
9 trust within the Church is that the four walls have been damaged not only for the individual  
10 but for their relationships to their whānau, to their friends, to themselves. So yes, we would  
11 agree with that.

12 **SISTER FRANCE:** And I would agree that rather than entwined with, I think it's part of the  
13 fabric of who -- we have sisters who work in -- who are Samoan and Tongan and who work  
14 in Samoa and Tonga and it's part of the fabric of who they are, that spirituality is integral to  
15 who they are, yes.

16 **MS ANDERSON:** So in that Committee role sitting at the top as the governance over the  
17 response to abuse and also safeguarding, what would you summarise has been done to  
18 ensure that Pacific survivors' relationship with their spirituality and faith following a  
19 disclosure of abuse is able to be maintained?

20 **SISTER FRANCE:** I'm not sure that it's the role of the Committee to ensure that somebody's  
21 faith is able to be maintained. I think the Committee's role is a governance role. I think it's  
22 the Church's role as a whole to provide a place that is safe for all people, particularly those  
23 who are most vulnerable to support them so that their faith can be nurtured and nourished,  
24 because I believe that spirituality is intrinsic to every person regardless of whether that's  
25 part of their faith or not. I don't think it's a governance Committee's role to ensure that  
26 someone's faith can be protected in that sense.

27 **DR FLANAGAN:** Can I just add to that. I think it's important to be aware that the Committee is  
28 aware of the different cultural and ethnic communities within the Church of Aotearoa  
29 New Zealand, and is looking at ways to how we support particular cultural communities so  
30 that our materials that are available on the NOPS website are being developed in multiple  
31 languages. We have four or five up there in different languages currently, and those are  
32 being developed as we have the resources to do so.

33 So while that doesn't answer your question directly, I think it does relate to the way

1 that we're trying to develop the relationships with the communities in a way that they have  
2 pathways to be able to speak.

3 **CHAIR:** If I can just add, from the Commissioner's point of view, this aspect is particularly  
4 relevant for what we generally call pūretumu, redress, and it's, as you may know if you've  
5 looked at the report last year, we talk about holistic redress. So just handing out a letter of  
6 apology and a sum of money doesn't cut it, it goes some way, but I think there's a  
7 widespread recognition now that there needs to be the healing of the whole person, the  
8 Whare Tapa Whā for example at least in Māori and the Fonofale in Pacific culture, this is  
9 the aspect that we're interested in for the spirituality. I take your point, it's not something  
10 you can govern --

11 **SISTER FRANCE:** No.

12 **CHAIR:** -- in one sense no, but in another sense when you're looking at what can be done for  
13 survivors of abuse in this Church, that's what we're encouraging people to think about.

14 **DR FLANAGAN:** And John, would you say that, you know, when the Church authority has to  
15 give a decision on an inquiry that's happened, that there would be some form of trying to  
16 work with the survivors to connect them well with their cultural communities?

17 **CARDINAL DEW:** Yes, definitely, we're trying to do that all the time and looking at ways, if  
18 they're from a particular ethnic community, what kind of support can be given, who do we  
19 need to bring in to help them to do that.

20 **SISTER FRANCE:** I think probably building on what Paul has said, I think to do the work of  
21 safeguarding in a cultural context and to be able to talk about human development and  
22 sexuality in a way which is culturally appropriate with the right people is really important,  
23 and that that helps to build a safe culture where children are free to talk about things that  
24 are not right and touch that's not right, and that the conversations are able to be had. I think  
25 that's really essential.

26 **CHAIR:** Thank you for that response.

27 **MS ANDERSON:** Paul, just coming back to your comment, the concept that the governance role  
28 of the Committee perhaps doesn't lead to ensuring that the response to a survivor ensures  
29 that holistic response to the spirituality; you did say that the role of the Committee includes  
30 monitoring NOPS and how it goes about its work. So from a governance perspective,  
31 doesn't the Committee have a governance role in looking at where the NOPS process is  
32 actually ensuring that that spirituality, faith and identity element is being accommodated in  
33 the response to survivors who come forward?



1 **DR FLANAGAN:** Yes, and when we have Virginia Noonan's report at each of our meetings  
2 about the work plan and how that's progressing, she does inform us around how that work  
3 is developing. I don't know whether, Virginia, you want to say anything more around this?

4 **CHAIR:** I think we'll just leave it. Ms Anderson?

5 **MS ANDERSON:** I think we've got enough witnesses to manage.

6 **CHAIR:** To manage in the meantime, all right. But if you wanted to add some more information  
7 later we'd be very happy to receive that, thank you.

8 **MS ANDERSON:** In terms of the transparency around the Committee and the Complaints  
9 Assessment Committee, Sue and Paul, you'll be familiar with the comments from survivors  
10 that it's very frustrating that the identity of the Complaints Assessment Committee and the  
11 identity of who's on the Committee that you sit on, Paul, is not publicly available  
12 information. Can you talk about why that there is not transparency around that element of  
13 the process?

14 **DR FLANAGAN:** I thought that the membership of the Committee I'm on is publicly available  
15 and was made available to this Commission last year.

16 **MS ANDERSON:** It's been made -- but nobody can go on a website and look at who's on that  
17 Committee, can they?

18 **DR FLANAGAN:** Not that I'm aware of.

19 **MS ANDERSON:** And in relation to the Complaints Assessment Committee there's a very  
20 deliberate approach, which Phil Hamlin spoke to in his witness statement provided earlier,  
21 around the approach taken to keep the identity of the members of the Committee private  
22 and secret.

23 **DR FLANAGAN:** Private I think rather than secret. I think the idea is that we're moving through  
24 a process in which they realise they will be identifiable in time to come, but we need to  
25 prepare for that and be ready that people who do that work will then be agreeable to that  
26 and willing to work that way.

27 **MS ANDERSON:** So is that a signal that change might be in the wind in that regard? Because it  
28 is a very sore point for survivors that they don't see who's making -- they don't know who's  
29 making the decisions in relation to their report of abuse.

30 **DR FLANAGAN:** The decisions are made by the Church authority.

31 **MS ANDERSON:** But the Complaints Assessment Committee recommendations are very  
32 powerful, aren't they?

33 **DR FLANAGAN:** They are quite powerful, yes. So yes, there is a developing change within the

1 Committee and our thinking around that.

2 **MS ANDERSON:** And in terms of the oversight and monitoring of NOPS' role, and the  
3 Complaints Assessment Committee role, we're still in the position more than a year after  
4 we spoke with Ms Noonan last year that there hasn't been an independent audit of NOPS,  
5 whether it's adhering to the policies and practises in A Path to Healing, and we haven't had  
6 any audit of the Complaints Assessment Committee decision-making processes. That  
7 seems to be quite a gap in the process of accountability.

8 **DR FLANAGAN:** My understanding is that there have been some reviews of particular cases and  
9 that we are again in the process in the Committee of talking about an audit or review of the  
10 work of NOPS. We have worked through a review of our safeguarding practices and have  
11 had an external reviewer come in for that and they've made some recommendations to help  
12 us in making those stronger. So it's about a work plan over time, we can't do it all  
13 overnight, or in a year.

14 **MS ANDERSON:** Well, it's only a year since it was discussed as to why there hadn't been an  
15 audit of the Complaints Assessment Committee process. But what you're saying is, and I  
16 think the Chair of the Complaints Assessment Committee in her statement in September  
17 this year, said that NOPS and your Committee are actively considering how such an audit  
18 might occur?

19 **DR FLANAGAN:** Yes.

20 **MS ANDERSON:** But no promise in terms of timeframe?

21 **DR FLANAGAN:** I would think something within the next 12 months.

22 **MS ANDERSON:** And is that -- would the intention be --

23 **DR FLANAGAN:** Some of it's resourcing, if I might say. Some of the decision is around the cost  
24 of these changes and how it's taken up.

25 **MS ANDERSON:** But it surely must be really important to know whether NOPS is actually  
26 following the principles and policies in A Path to Healing, you'd want to know the answer  
27 to that question, don't you?

28 **DR FLANAGAN:** Yes, and we do have some oversight of that, but as you're saying it's about an  
29 independent external review and that comes with some big money.

30 **MS ANDERSON:** And it must be important to know whether the Complaints Assessment  
31 Committee is making consistent decisions and that their approach to decision-making is  
32 appropriate?

33 **DR FLANAGAN:** Yeah, and as I said there have been a couple of instances where people cases

1 have been reviewed for that purpose.

2 **MS ANDERSON:** Yes, but an occasional review of a case is quite different from looking at, is  
3 the system actually working properly.

4 **DR FLANAGAN:** And again that's part of the work plan that we have, as is, if I might also say,  
5 increasing membership and diversity of membership for the Committee, and there's a  
6 budget. Currently we're all volunteers, but we're looking at a budget for that so that people  
7 who are not middle-aged Pākehā and overly male can join the Committee and have some  
8 support financially to do that, because most of us are probably privileged in particular ways  
9 where communities who have had effects of colonisation and the social economic effects  
10 that can be intergenerational who would be wonderful members on our Committee, can't  
11 afford the time, can't afford the travel and so on, so we're looking at ways to develop that  
12 diversity.

13 **MS ANDERSON:** In terms of the safeguarding dimension of the Committee's remit, what you've  
14 said, Paul, in your witness statement is that NOPS undertakes external reviews of  
15 safeguarding practices in the different Church authorities?

16 **DR FLANAGAN:** The entities, yes.

17 **MS ANDERSON:** But you also say in your brief of evidence at paragraph 39(d) that NOPS is an  
18 agent of the Church?

19 **DR FLANAGAN:** Yeah.

20 **MS ANDERSON:** And I think that's a correct characterisation. So we also often get, don't we,  
21 safeguarding recommendations from NOPS when they've received a report of abuse, they  
22 develop up a safeguarding plan and send that through to the relevant leader of the Church  
23 authority, don't they?

24 **DR FLANAGAN:** Safeguarding plans.

25 **MS ANDERSON:** Yes.

26 **DR FLANAGAN:** Yeah.

27 **MS ANDERSON:** So they can't be reviewing safeguarding that involves whether that plan was  
28 adequate?

29 **DR FLANAGAN:** Well, as I mentioned earlier, we had an external reviewer for the safeguarding  
30 framework and that was Deloitte, they were providing those recommendations last year  
31 and we're looking at how we might then develop an external review of NOPS overall. So,  
32 as I said, that's work in progress. We are responding to the calls that have come forward  
33 and we're aware of the recommendations that have come from this Commission and we

1 look forward to continuing that work and working in partnership with the Commission's  
2 recommendations and reports.

3 **MS ANDERSON:** And is your current intention in relation to the external reviews that might be  
4 being contemplated and maybe --

5 **DR FLANAGAN:** They are being contemplated.

6 **MS ANDERSON:** Yeah, understand that -- that they would be -- the information from those  
7 would be publicly available, is that the current intention?

8 **DR FLANAGAN:** That's a good question, I'll take that to the Committee.

9 **MS ANDERSON:** Are you aware that the equivalent of NOPS in England and Wales publishes a  
10 detailed annual report, detailed statistics on the claims of abuse and outcomes for both  
11 claimants and the alleged abuser, is that something you're familiar with?

12 **DR FLANAGAN:** It doesn't surprise me and I'm aware that we've also, through TRT, Te Rōpū  
13 Tautoko, have done something similar here.

14 **MS ANDERSON:** You've done a -- what's been released is a data up to a point in time, this is  
15 what occurs in England and Wales is an annual report.

16 **DR FLANAGAN:** Okay.

17 **MS ANDERSON:** So contemplating a 2023 report and for the following years. Is that something  
18 that the Committee is thinking would help with transparency around the response to reports  
19 of abuse?

20 **DR FLANAGAN:** I think that makes sense and something that we will explore and address.

21 **MS ANDERSON:** I'm just going to ask one question before I hand over to Commissioners for  
22 questioning so that they've got enough time, we might need to sit slightly late, Madam  
23 Chair, but just one question. The Chair of the Complaints Assessment Committee in the  
24 recent witness statement says that one of the reasons for abuse is, and this is a quote  
25 "forgiveness was prioritised over safeguarding."

26 So just from each of the three of you, your reflection on whether you agree with  
27 that, disagree and why?

28 **SISTER FRANCE:** I think that would be one of the reasons -- I think there were a number of  
29 reasons. I think there were also reasons around the huge imbalance of power that Religious  
30 and clergy had, the lack of resources of people being put in positions where they should not  
31 have been put in positions of care of children, or in situations where they were ill-trained  
32 for the work that they were doing. I think there were significant reasons, I think  
33 forgiveness is one of them, a care for reputation was another.

1 **MS ANDERSON:** Is that reputation of the individual or reputation of the Church?

2 **SISTER FRANCE:** I think reputation of the Church was one reason why abuse continued. I  
3 think they were some of the mistakes that happened.

4 **CARDINAL DEW:** I think the question that you've just put to us that forgiveness was seen to be  
5 more important than safeguarding was probably a thing in the past. When the whole sexual  
6 abuse was misunderstood, when there wasn't a greater understanding of what it meant, and  
7 the whole idea of saying sorry to someone was seen as more important.

8 I would say today we have a much greater appreciation of what needs to be done for  
9 the victim. And we've learned so much, and I've repeated that, I've said that in my witness  
10 statement in March last year, from the time we began the Path to Healing process, we've  
11 continued to learn, and I'm sure that all the work, the incredible amount of work that's gone  
12 into preparing over the last few years for this Royal Commission has helped us to learn so  
13 much more, and to learn that it's not just about forgiveness, it's about what kind of, as  
14 you've mentioned before, wrap-around care can be given to the victim, and continuing to  
15 learn that and grow in that area.

16 **DR FLANAGAN:** I think also that societal norms of the time with the understanding of family  
17 structure and respect for parents, respect for the institution of marriage. I know of people  
18 who have spoken about telling parents of abuse by an uncle but it wasn't taken any further  
19 because they didn't want to harm the marriage that that uncle was part of because they had  
20 children in that family. So I think there are a number of social and cultural things that  
21 contribute to that sense of forgiveness or not taking it further at that time.

22 I think in terms of the Church there is that history of respect particularly for those  
23 who were seen in authority, the clergy and the Religious. But we're in a different time now  
24 and certainly I think the messaging is all around speaking up and calling for transparency  
25 and honesty in response to what's happened.

26 **MS ANDERSON:** Thank you, the Commissioners are likely to have some questions for you.

27 **CARDINAL DEW:** Thank you.

28 **CHAIR:** Yes, thank you very much Ms Anderson.

29 **COMMISSIONER ERUETI:** Kia ora koutou. It's great to see the faith, despite the many entities  
30 and structures and members, cohere in this way when it comes to the kaupapa of redress.  
31 And to read the road map and see the commitment to puretumu torowhānui, it's really  
32 encouraging.

33 And also to hear today about -- because one of the lessons we've learned is the need

1 for innovation and adaptation when it comes to hearing from survivors, so it's not just a  
2 one-on-one hui, but also to be open to meeting face-to-face in a collective setting in such a  
3 way, because that's clearly what is desired within many communities, including Māori, I  
4 think. So I just wanted to signal my appreciation of the commitment made this afternoon  
5 and thank you for your time, kia ora.

6 **CARDINAL DEW:** Thank you, kia ora.

7 **COMMISSIONER GIBSON:** Thank you, I'd be interested in an article from both John and Sue  
8 on this. It's great to have representatives of women Religious here, so I'm keen for that  
9 perspective. Part of our terms of reference are for us to re-affirm international law, human  
10 rights law, and there's a carve-out in New Zealand's human rights law around exemptions to  
11 the Human Rights Act, and just looking -- we're learning ourselves over the range of this  
12 Inquiry and hearings, I think the next three faith-based institutions have leaders structured  
13 into their faith of both genders, whereas Catholics and Gloriavale as yet don't.

14 We heard from experts in the contextual evidence two years ago that this was one of  
15 the factors which contributed to environments of abuse against children and vulnerable  
16 adults. What's your view, both in terms of personal, what should be done and what can be  
17 done, to make sure that, or should the Catholic Church and Gloriavale be subject to the  
18 same human rights norms as everyone else? Should that change, and can it change, how?

19 **SISTER FRANCE:** I think the Catholic Church has the potential, if we continue along the path  
20 that we have here in New Zealand, which is quite unique of having our Mixed Commission  
21 of the Congregation Leaders and the Bishops meeting together and working together in a  
22 way which they don't in any other part of the Church in the world, that's a unique structure.

23 And the other piece of that is in terms of authority, which is something I think that  
24 people have sometimes struggled with, is that as a Congregation leader I have, in my own  
25 realm, the same authority that John has in his Diocese. So that in that setting in many ways  
26 we are equal in the Church.

27 But when it comes to structures in the way that society looks on us, it is looked on  
28 having the Bishop as being in charge, but that's not really what the reality is when it comes  
29 to work within the Church structure. And so we are probably a bit more vocal when it  
30 comes to ourselves talking to one another and expressing our views and finding our place.

31 So I think there is a way in which when Ms McKechnie asked about the place of  
32 women Religious, I may not have vocalised it as clearly as I could have, that there is  
33 potential for, and I think that's what the Vatican Council of the 1960 was calling for, was

1 that lay Religious and clergy, that it be a church of the laity where men and women, people  
2 of all cultures find their place together.

3 And that's our challenge, and it's within that, that we create a safe church where  
4 each person in their own right has their own inner goodness and dignity respected, and  
5 that's the challenge for us. That's where we -- the starting point of inner goodness rather  
6 than a starting point of sinfulness. And that's the transformation that needs to happen, and  
7 has been happening in the Church.

8 **CARDINAL DEW:** Sue's words have just reminded me that twice over the last few years, several  
9 years, and I know Paul has been to one and Virginia has been to a couple of what we in the  
10 world know as the anglophone conference where several years ago English speaking  
11 conferences came together to talk about the reality of sexual abuse. They were just all  
12 English speaking countries, but it's happened for quite some years.

13 The first one I went to was about 2005 in Washington. They were astounded to  
14 know that our protocols were made by the religious congregations and the bishops,  
15 women's and men's congregations and the bishops. We're the only country in the world  
16 where we had worked together and we had all come up with the one Conference -- with the  
17 one protocol. I think that's what illustrates really what Sue says about us working together.

18 One of the things that people don't see in our Church, of course, is that at this stage  
19 women are not in roles as priests, as ordained ministers, and that's not a decision that we  
20 make. I think there is a huge change going on in the Church universally. Pope Francis has  
21 appointed women to some very senior roles in the Vatican and that's giving a message to  
22 the rest of the world.

23 Certainly in the Archdiocese of Wellington I've got a woman who's the Chair of the  
24 Board of Administration, a woman who's the Chair of the Archdiocese and Pastoral  
25 Council, a woman who's the Director of Catholic Social Services; there's a whole lot of  
26 ranges like that. Where we can, we involve people with the right skills. So I hope that  
27 answers your question.

28 **COMMISSIONER GIBSON:** I suppose still I think the point is we talk about who is a Bishop,  
29 how would that change? It's still men who appoint those roles, and is it a kind of  
30 disagreement with the expert evidence we had a couple of years ago that this actually, the  
31 structural male dominance -- I appreciate that it's globally -- contributes to the environment  
32 which puts children, vulnerable adults at risk of sexual abuse?

33 **CARDINAL DEW:** It can. Pope Francis has appointed, I think, two or three women to the

1 Committee that appoints Bishops in Rome. We're appointed by a committee in Rome and  
2 some women have been appointed to that. That doesn't mean they can appoint women, but  
3 they're having a say. And we know that -- I think everyone knows that change in the  
4 Vatican is very slow, it's very gradual. But the thing -- he is starting to do things.

5 And the Church has emphasised, as Sue was saying, and this goes back 60 years to  
6 the second Vatican Council, that the Church is the people of God, it's the baptised people,  
7 it's not just the Bishops. And Francis has reclaimed that in his time, and I think that in the  
8 processes that have been happening in the last couple of years, which is known as  
9 synodality, it's everyone having a say in the life of the Church. So that is making a big  
10 difference.

11 **COMMISSIONER GIBSON:** And the experts also talked about a couple of other core things  
12 which they thought were contributing, that the attitude to the rainbow community, practice  
13 of homosexuality as well as the role of the confessional, how again can we, the  
14 Commission, you the Church in New Zealand, influence these practices which may have an  
15 impact on abuse.

16 **DR FLANAGAN:** I think one of the speakers from St Pat's Silverstream referred to the document  
17 that the Bishops released a week or so back around care and diversity in Catholic schools,  
18 which is particularly looking to how people who may have different identities sexually can  
19 be feeling safe and at home in their own communities and not be ostracised or isolated.  
20 This is a step, I know there's a lot more to do, but we heard about the establishments of  
21 diversity groups in some schools.

22 **SISTER FRANCE:** I think -- I'm just thinking in terms of the secrecy of the confessional and I'm  
23 thinking of working as a psychotherapist and where you hear a lot of things are disclosed,  
24 and there are some things that it's very clear that I can't keep secret as a therapist and I need  
25 to inform the Police or another body if it's a matter of this person's safety or the safety of  
26 somebody else.

27 But there's also a grey area where you really have to make a discernment. I think  
28 the confessional issue is a harder one, and I think it's a real quandary really.

29 **CARDINAL DEW:** I think also as Tim Duckworth said this morning, in 40 years nobody -- he  
30 hasn't had anyone who's confessed sexual abuse, and I certainly haven't in over 40 years, or  
31 someone who has spoken about sexual abuse. If they did, priests are encouraged to ask  
32 those people to go to the Police, you know, and to give them some support to do that, but  
33 the priest himself can't do that. And that's the question of the Australian, someone brought



1 up the Australian question this morning, and that was what the Australian Bishops were  
2 saying, the Church has this understanding of the secrecy of the seal of confession.

3 But we can certainly encourage people if they came with an issue of abuse, if they  
4 admitted that, it's not their fault, it's not their sin, but we can encourage them and even  
5 support them to go to the Police about that.

6 **COMMISSIONER GIBSON:** Just a final question, circulating back to the start, do you think that  
7 the exemption for faith-based institutions such as the Catholic Church, Gloriavale, should  
8 be maintained?

9 **CARDINAL DEW:** The exemption?

10 **COMMISSIONER GIBSON:** In terms of gender equity in employment, things like that?

11 **DR FLANAGAN:** Are you talking about the --

12 **COMMISSIONER GIBSON:** Under the Human Rights Act, yes.

13 **DR FLANAGAN:** Men only who are ordained?

14 **COMMISSIONER GIBSON:** Yes.

15 **CARDINAL DEW:** It's a Roman decision. There's lots of talk, there's lots of questions about will  
16 we ever have women priests as other churches have, that's really nothing that we can  
17 influence at this stage in our lives.

18 **COMMISSIONER GIBSON:** Thanks.

19 **COMMISSIONER ERUETI:** Can I just quickly bring up the confessional matter. So  
20 Duckworth this morning endorsed the idea of mandatory reporting and suggested that there  
21 was support for that across the Congregational Orders and Bishops, and including in the  
22 confessional, but you're making clear here that that's not the case when it comes to the  
23 confessional, that there's no proposal to endorse mandatory reporting that would include  
24 disclosures made in the confessional?

25 **CARDINAL DEW:** At this time in our history we're not able to disclose something that is heard  
26 in the confessional, but we can encourage people to, either to come and talk to us outside  
27 the confessional or go to somebody else.

28 **COMMISSIONER ERUETI:** Yes, but if there was legislation that required you to make a  
29 disclosure, would the disclosures be made? If you were to, in the confessional yourself,  
30 hear a disclosure and it was required under statute for you to make a disclosure, would you  
31 then make that disclosure?

32 **CARDINAL DEW:** I honestly don't know how we would -- that was what the Australian Bishops  
33 were saying they couldn't do, and I don't know what we would do if that became a

1 requirement by law because Church law says the opposite.

2 **COMMISSIONER ERUETI:** Are you having that discussion in a profound way about if there  
3 was law reform how you would respond to that?

4 **CARDINAL DEW:** We haven't had that in New Zealand at this stage, but some countries are,  
5 and I know that it's coming up in various forums, Bishops Conferences around the world.

6 **COMMISSIONER ERUETI:** Not in New Zealand as yet.

7 **SISTER FRANCE:** My experience working as a therapist in a State in the US where there was  
8 mandatory reporting of abuse was that either the offender or the survivor was that it  
9 inhibited both from talking about what had happened to them, naming who had abused  
10 them or the offender talking about what they had done. It just stopped it coming into the  
11 therapeutic setting, because they knew they were in that particular State and they couldn't  
12 talk about -- if they talked about that then they knew that as a therapist I had to report that  
13 and that I didn't have a choice.

14 So the impact of that, and it was other therapists, we would talk about it amongst  
15 ourselves professionally, is that the impact was that it actually stopped and prevented the  
16 reporting of abuse in those settings.

17 **COMMISSIONER ERUETI:** Thank you for that.

18 **COMMISSIONER ALOFIVAE:** Good afternoon, I'm conscious of time so I'll try to keep it to  
19 one or two questions. We've heard a lot and thank you very much for the evidence and I'm  
20 conscious that actually in many respects this is a future component, and it really begs the  
21 question for me; What does a healthy Catholic Church look like? No doubt that is a  
22 question that you ask yourselves and your congregations often.

23 And I think specifically about the context here in Aotearoa and you've got quite a  
24 significant Pasifika congregation -- congregations because of the multiplicity there; and the  
25 ability of the leadership, so looking at yourselves, to be able to be influence quite  
26 significant cultural change. So cultural change in terms of the processes and how things are  
27 done, not necessarily in terms of ethnicity and how they choose to worship.

28 And whether or not that is a discussion that is happening, or should happen, or can  
29 happen, to bring about the change that the leadership is often really concerned about, and  
30 we've heard this, I think we heard this from you, John, in your evidence previously, we've  
31 also heard it from Tim Duckworth, about the lengths that Pasifika people will go to, mainly  
32 Samoan and Tongan, that then puts them in debt and it's often around church honouring  
33 processes.

1           So in terms of your Committee and the rules, how do you take that into  
2           consideration when faith is so integral to our Pasifika communities in the Catholic  
3           community?

4           **CARDINAL DEW:** One of the things that we've done, and I'm just speaking here for the  
5           Archdiocese of Wellington, in the last couple of years we've had an ethnic review where we  
6           brought together a whole range of different communities, not just Pasifika, but Iraqi,  
7           Indian, a whole range, just simply to talk about some of these things, and what would be the  
8           most helpful things for them, for their children, for worship, for being involved in the  
9           communities that they belong to and the parish communities, rather than always meeting  
10          together as a particular community, because they do belong to a parish.

11          That's an ongoing thing, it's given us a lot of information. It was about two years  
12          ago and we had two people professionally interviewing and that was all reported back, it  
13          was all summarised. We met together about three months ago, all those representatives  
14          again to talk about that, we're releasing the findings to the parishes. It's all about ways that  
15          we can communicate with one another, make people feel welcome, help people to be heard.

16          That's some of the kind of things that we're doing and I guess it's probably  
17          happening in other dioceses and it's certainly happening in Religious Congregations.

18          **SISTER FRANCE:** We're in a different situation because we don't have a parish situation and our  
19          sisters work in different settings, so we're not in control of that in that sense. So we have  
20          individual proprietor boards in charge of schools and probably where it's most happening  
21          would be in community development settings really where predominantly working with  
22          Māori and Pasifika people and the staff in those settings are Māori and Pasifika people  
23          working together. And so they are there doing the work and making the difference  
24          themselves already.

25          **COMMISSIONER ALOFIVAE:** That's wonderful, thank you.

26          **DR FLANAGAN:** I was just reflecting on the parish that I'm part of and the multiple ethnic  
27          communities there are, probably predominantly Asian, but a number of Pasifika  
28          communities too, I'm thinking Cook Island as well as Tongan, and I'm thinking as I see  
29          them they're already connecting with each other and supporting each other.

30          So as a person in the queue, so to speak, I think it's my responsibility to support  
31          them and welcome them and engage and to, I think, question how we might be able to  
32          support further. But I don't know that I could direct anything, that's for them to come up  
33          with.

1 **COMMISSIONER ALOFIVAE:** Thank you very much for your answers.

2 **DR FLANAGAN:** Kia ora.

3 **CHAIR:** I was going to ask you some questions, I think they've all more or less been covered.

4 But I just need to thank you very much for, as Ms McKechnie's pointed out, and this is the  
5 last outing for Catholic Church before the Commission, has responded to large numbers of  
6 requests, notices, it provided a vast amount of documentation and other matters and I'm  
7 sure all of you more or less, particularly you, Sue, on the Te Rōpū Tautoko, has contributed  
8 towards that; I just want to thank the Catholic Church for engaging with the Royal  
9 Commission and putting so much work into it.

10 And then to thank you three for your personal contribution today, it is much  
11 appreciated, and thank you for repeating your apology, Cardinal Dew, because that's what  
12 you are for us, and it is for survivors to make of it what they will, but thank you for taking  
13 the opportunity to state it publicly again.

14 **CARDINAL DEW:** Thank you.

15 **CHAIR:** Yes Ms McKechnie.

16 **MS McKECHNIE:** Ma'am, just to highlight particularly for Commissioner Alofivae, the Pacific  
17 chaplaincy's briefing paper that was provided has significant information in relation to the  
18 answer to your question, ma'am, and particularly because it is from the Archdiocese to the  
19 Samoan chaplaincy, so that may be another area to have a look at.

20 **CHAIR:** As you can see we have a vast amount of reading to do, this does not end, the journey  
21 does not end here.

22 So kua mutu aku mahi i tēnei wā. Let us close off appropriately with a karakia.

23 **KAUMATUA NGATI WHĀTUA:** Kia ora mai anō tātou. Mea tuatahi mihi ana ki a koe te  
24 paepae o tātou tēnei kaupapa te rā nei taku mihi ana, kei te mihi.

25 Tuarua, ki a koe e te rangatira o te Hāhi Katorika, kei te mihi. Ki a koe tonu tō  
26 whaea āwhina, ki a koe te rangatira tae mai ki tēnei wā. Nō reira, kua mutu e tatou tēnei  
27 kaupapa, he [mihi] aroha ki a koutou, he [mihi] aroha ki a koutou, ki te noho ana ki te  
28 whakarongo mai te kaupapa o te rā nei. Āe, mamae te ngākau, mamae te ngākau ki a  
29 koutou.

30 My love goes out to all of you who are here today, to make and to listen for those  
31 who are listening, for those who are speaking, for the survivors who are here, and for the  
32 benefit of all of us out in the public who don't know what's going on here, that the love,  
33 I feel, needs to be passed amongst us all.

1                   And so in our karakia today, in our waiata, we'll sing Ka Waiata, which is part of  
2                   our Katorika faith and together we'll sing it with harmony and unity, kotahitanga mō te  
3                   aroha. (Waiata Ka Waiata). (Karakia mutunga).

4                   **Hearing adjourned at 5.24 pm to Tuesday, 18 October 2022 at 9 am**