

**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'imua Sandra Alofivae
Paul Gibson

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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
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AUCKLAND

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TRANSCRIPT OF PROCEEDINGS

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Lunch adjournment from 12.46 pm to 1.33 pm

31

CHAIR: Good afternoon, Ms McKechnie.

32

MS McKECHNIE: Commissioners. For this session, Commissioners, I will be supported by Ms

33

Sarah Gwynn, Ms Noonan and Mr Shore.

1 Bishop Pat and Bishop Steve are both in the witness box. Do you want to begin
2 with the attestation, ma'am?

3 **CHAIR:** Yes, we will.

4 **BISHOP DUNN AND BISHOP LOWE (Affirmed)**

5 **MS McKECHNIE:** Ma'am, just a couple of housekeeping matters before we begin.

6 **CHAIR:** Certainly.

7 **MS McKECHNIE:** Bishop Pat has an iPad with him that has a magnifying feature with him. I
8 have spoken to my friend Mr Thomas and, on Ms Anderson's behalf -- she is beaming in
9 from outside the room -- he's comfortable with that.

10 He also has a magnified copy of his witness statement in larger print if
11 Ms Anderson wants to take him to some paragraphs.

12 Bishop Steve has a copy of the Briefing Paper for Clergy and Religious. Both of
13 these documents, Commissioners, come in two parts. There is an open part which will be
14 published, as I understand it, on the Commissioners' website, and there is a confidential
15 part; the first in relation to Sateki Raass because it contains information about his victims,
16 and the woman who made complaints, and the other because it contains information about
17 the immigration status of priests, the witnesses both know they should answer generally if
18 possible, but there may be questions that -- they will indicate to me and to you if they don't
19 feel they can answer them in this forum.

20 **CHAIR:** Absolutely. We must respect the rights of those people who, for good reason, have had
21 their names suppressed.

22 **MS McKECHNIE:** I'm very conscious, ma'am, a number of them are no longer priests and so we
23 don't act for them and so we can't represent their interests.

24 **CHAIR:** Exactly. Thank you. And just for everybody to note, that Ms Anderson who is leading
25 this evidence today hasn't been well and feels safer to be in a room which is not too far
26 away from us but you can see her on the screen.

27 Pat, can you see Ms Anderson at all, can you make out her image?

28 **BISHOP DUNN:** Yes, ma'am, I can make out her image but not see her clearly.

29 **CHAIR:** That's fine. The main thing is if you can hear her and we'll test that out shortly thank
30 you.

31 **QUESTIONING BY MS McKECHNIE:** Bishop Pat, if I could start with you, please, could you
32 briefly introduce yourself to the Commission and physically describe yourself.

33 **BISHOP DUNN:** Physically describe myself. Commissioners, I'm Pat Dunn, the former Bishop

1 of Auckland. I'm wearing a blue jacket and a white shirt and as you look at this witness
2 stand, I am on your right.

3 **MS McKECHNIE:** Thank you, Pat. Bishop Steve.

4 **BISHOP LOWE:** Tēnā koutou katoa, Commissioners, I'm Steve Lowe, I was, for the last seven
5 years, Bishop of Hamilton but since February of this year Bishop of Auckland.

6 **CHAIR:** Thank you.

7 **MS McKECHNIE:** And Steve, in the opening I refer to you as the Apostolic Administrator of the
8 Diocese of Hamilton. It's quite a technical term, can you explain what that means.

9 **BISHOP LOWE:** I've still got technical oversight for the Diocese of Hamilton, it's looked after
10 day-to-day by a local administrator but for all the bigger decisions or issues it's my
11 responsibility.

12 **MS McKECHNIE:** Thank you, Steve.

13 I have 10 minutes, ma'am, to lead evidence from the witnesses and so I was going to
14 lead five minutes from each of them. I understand Ms Anderson is going to ask questions
15 across the range of issues, if that suits the Commission.

16 **CHAIR:** You use your 10 minutes the best way you think you should, thank you.

17 **MS McKECHNIE:** Thank you, ma'am.

18 Pat, I'd like to start with you. As you know, the Commission asked you to prepare a
19 brief of evidence in relation to Sateki Raass who is a former priest and was the Tongan
20 chaplain here in Auckland. And there were three allegations brought to you over a period
21 of time and, Commissioners, we're going to use the phrase "first allegation", "second
22 allegation" or "first complaint", "second complaint" to distinguish them.

23 The third complaint, Commissioners, was the one that Ms CU gave evidence about
24 in the Pacific hearing, so we'll use Ms CU's name or "third complaint", that's what I've
25 agreed with Ms Anderson as the best way to do it.

26 **CHAIR:** Yes.

27 **MS McKECHNIE:** In your witness statement, Pat, you have reflected on the experience of these
28 complaints and your actions and so in opening I'd like, if you could share those reflections,
29 with the Commission.

30 **BISHOP DUNN:** Yes. On reflection I felt that we tried to address each of the complaints as best
31 we could and I feel we did do as best we could. One further reflection I had when
32 preparing my statement was the feeling that perhaps it might have been helpful to have
33 sought advice from some Tongan advisor or leader because one of the challenges I and the

1 Professional Standards Committee in Auckland, which was existing before the National
2 Office was established, we felt we couldn't quite get into the Tongan mentality, if you like,
3 and sort of to, I don't know, to make progress.

4 So one of my reflections was that it might have been helpful for me to have had
5 some sort of a Tongan advisor, but since writing that reflection I've actually had further
6 reflections and I'm not sure that any one of the three complainants would necessarily have
7 wanted to have me seeking advice from a Tongan person, because they were all concerned
8 with confidentiality. And it actually reminded me that on one occasion we did have a
9 Tongan counsellor on our Professional Standards Committee and I can remember there was
10 a complaint that involved a Tongan person and they specifically did not want the Tongan
11 counsellor involved in processing their complaint.

12 So it still remains something of a challenge for me, on just what the way forward is,
13 or how best to proceed in this sort of situation.

14 **MS McKECHNIE:** You do talk in your witness statement, Pat, about the involvement that the
15 Tongan community in particular here has had in some of the safeguarding measures. Can
16 you summarise those for the Commission.

17 **BISHOP DUNN:** In recent years throughout the Diocese there's been a safeguarding plan
18 implemented and certainly members of the Tongan chaplaincy and Tongan Catholic people
19 in the chaplaincy but also in a whole variety of parishes have attended the formation
20 programmes, if you like, or the workshops, and so my sense is that they do have a good
21 awareness of the need for safeguarding and the steps that need to be taken. All the
22 safeguarding documentation has been translated into most of the, most of, many of the
23 languages currently being used within the Diocese and certainly in Tongan too.

24 **MS McKECHNIE:** Thank you, Pat. There's one very specific structure that you refer to in your
25 evidence about Sateki Raass and that's following him being removed as a priest and his
26 ministry being limited. There were some restrictions placed on that from the Vatican and
27 you used your powers as the Bishop to override some of those restrictions and it's quite a
28 particular canonical process, so I just want to ask you a couple of questions about that so
29 you can explain that to the Commissioners and to the public.

30 So, firstly, before we talk particularly about Raass, what is the practice of overriding
31 of restrictions as a Bishop and why might you do that in a particular situation?

32 **CHAIR:** First of all, if I can ask, what is an overriding restriction?

33 **MS McKECHNIE:** Overriding of the restrictions, ma'am.

1 **CHAIR:** Thank you.

2 **BISHOP DUNN:** When the Vatican issues, when someone applies to be dispensed from priestly
3 ministry, they receive a document granting that dispensation if it is granted, and then there
4 are a number of restrictions, basically that those who have been dispensed are instructed not
5 to play any public role in the life of the Church. And I sort of hadn't really noticed that, but
6 also it's like a default position on a letter, so the letter received by Sateki Raass, while it had
7 his name in it, it was a proforma letter.

8 A number of priests who have received dispensation from priestly ministry had
9 mentioned to me over the years that they felt very hurt by some of these restrictions that
10 they were not to play any public role in the life of the Church, and that they felt as if the
11 message being given was that "Just drop dead" almost.

12 So I thought that the Vatican really is dealing with a global Church and my
13 perspective is that they were wanting to avoid scandal so those proforma letters of
14 dispensation would be sent to priests who have been dispensed right around the world, in
15 North or South America, in Africa or in Asia or in Oceania or in, really, every country, and
16 where a priest left the priesthood could be a cause of great scandal in some cultures or in
17 some countries, my experience in New Zealand is that New Zealand Catholics generally
18 might feel sad if a priest leaves the priesthood, but that they really wanted them to get on
19 with their life and often if they had teaching skills, they had many pastoral skills, that they
20 should be encouraged to use those, but not in a form that would cause confusion for people
21 or cause distress or upset.

22 So it became my practice then when a priest did leave the priesthood and received
23 this dispensation that I would write a letter dispensing them from these restrictions, but also
24 my communication with them was not just by letter but also by conversation. So I would
25 have said, look, if the opportunity arises and if you're asked to help with a religious
26 education class or something like that, if it's not going to cause scandal then that's quite
27 okay by me and I suspect it's quite okay with many of the parishioners, but sort of be
28 guided by your own common sense and also by whatever the local parish priest might want
29 to say too.

30 So I did the same thing with Sateki Raass. In my statement I say probably with
31 hindsight that that wasn't the wisest decision, but that was the background.

32 **MS McKECHNIE:** So, Pat, just one final question of clarification. Sateki Raass has a conviction
33 which is why we can refer to his name. But this process of dispensation, is it only used for

1 priests who are leaving because of inappropriate behaviour or is it used more generally?

2 **BISHOP DUNN:** No, it's used more generally for any -- priests, you know, from time to time
3 someone decides that they don't want to continue in the priesthood, and it could be for a
4 variety of reasons, so they can then apply for -- if it's something they feel they have to
5 proceed with, they can apply to be dispensed from the obligations of the priesthood.

6 **MS McKECHNIE:** Thank you, Pat.

7 Steve, I also have some questions for you. This is changing tack somewhat and
8 speaking more generally about matters of immigration.

9 The Royal Commission asked for a briefing paper in relation to immigrant priests
10 and the process of immigration and the number of specific priests' particular details, so I'm
11 going to ask you those general questions rather than specifics.

12 But to start, why do priests from overseas or Religious from overseas come into
13 New Zealand to minister?

14 **BISHOP LOWE:** Traditionally the Church in New Zealand has never been able to be
15 self-sustaining in the number of priests or Religious that we have. The big change to that
16 was after the Second World War when there were a lot of Religious vocations to priesthood
17 and Religious life, churches were full, but the situation we have now is more normative.
18 So, in the past, many older Catholics will remember we had lots of Irish priests, now we
19 have priests from the Philippines, India, the Pacific.

20 **MS McKECHNIE:** What steps are put in place -- this is in two parts I think, I'll ask you first
21 about the Church processes. If a priest is coming into your Diocese, what Church processes
22 are put in place?

23 **BISHOP LOWE:** First of all, it's how the priest makes contact with us. We get priests just
24 sending out emails to various Dioceses saying I'd like to come and work in your Diocese.
25 At other times we might be looking for particular priests to come and work in our Dioceses
26 as well. So there's an initial assessment when the first request comes in, and a look at the
27 needs of the local Diocese, and then the process of screening them will begin.

28 In more recent years we've got a standardised screening questionnaire for the whole
29 country. But always, it's always been the tradition that we'd be looking for priests or
30 Religious in good standing. But, as I said, now we've got a more formalised process.

31 With myself in the Diocese of Hamilton and now in Auckland we also do Skype
32 interviews and in Auckland we've got a couple of women involved in that and a priest and
33 myself, and so we're looking for a whole lot of things, whether they'll be a good fit. But

1 there is the normal screening sort of questions, are they a priest in good standing, are there
2 any issues that they've got.

3 Then alongside that there's the Immigration New Zealand requirement of Police
4 vetting as well.

5 **MS McKECHNIE:** Steve, who do you ask, the priest of good standing question, who is that
6 directed at?

7 **BISHOP LOWE:** So we ask it of the priest himself, so he's got one questionnaire and also we ask
8 it of his Superior or Provincial if he's a Religious.

9 **MS McKECHNIE:** In terms of the immigration processes, there was a quite important change in
10 2011 with the religious workers visa coming in, and I know you know quite a lot about that.
11 Are you able to explain to the Commission, firstly what that is and, in your view, why
12 Immigration New Zealand brought it in.

13 **BISHOP LOWE:** Yeah, so the religious workers visa was a recognition that churches quite often
14 operate quite differently. So for priests in New Zealand, you know, whether a religious
15 priest or a diocesan priest like myself, we get a stipend, so we're not an employee, so we
16 belong to a Religious order. So a lot of the things for a worker visa didn't really fit. Also,
17 because we don't get a salary such as a normal -- a teacher, for example, or a lawyer, there
18 has to be all sorts of guarantees by the sponsoring Diocese or order that will look after the
19 person, their medical expenses, repatriation, all those sorts of things.

20 The other area, this was really interesting and important for, was for seminarians
21 who are going to come in from another country to train to be priests in here. Some of them
22 had already been in a seminary overseas. It was really problematic with what we wanted to
23 do with them, when we wanted them to have an experience of parish, so give them an
24 opportunity to assimilate into our local culture, but also let us have a good look at them.
25 Then they'd come to the seminary and we would want them to repeat the first year of their
26 studies which was more formative and, again, it was about forming them for the
27 New Zealand culture, and then finally they might be doing full-time study. So it was three
28 different visas that we needed. So it was an absolute disaster, and very difficult for us to try
29 and manage with those students so they got the best formation available when they arrived
30 in New Zealand.

31 So the religious workers visa solved all those issues.

32 **MS McKECHNIE:** Thank you, Steve.

33 Now, I understand Ms Anderson has some questions, I think, Pat, she's both on the

1 screen in front of you and over your right shoulder if it's easier to see her on that screen, but
2 I'll leave you with Ms Anderson.

3 **CHAIR:** Thank you, Ms McKechnie.

4 Ms Anderson.

5 **QUESTIONING BY MS ANDERSON:** Tēnā koutou katoa, ko Katherine Anderson tōku ingoa.

6 **BISHOP DUNN:** Kia ora.

7 **MS ANDERSON:** For those who are not able to see me, I am of short stature with medium-length
8 blondish hair, I'm wearing a cream jacket and a silver necklace over a black and white
9 dress.

10 Just in terms of how you'd like me to refer to you while you're answering questions,
11 is it -- would you prefer Pat and Steve or --

12 **BISHOP DUNN:** Pat is fine.

13 **BISHOP LOWE:** That's fine, thank you.

14 **MS ANDERSON:** And Pat, as we go through, in terms of your visual difficulties I'm going to be
15 talking to you about a range of evidence from the documents and we can have a
16 conversation, but if you need to see the document and refresh your memory, we can pause
17 and you've got a support person there who can either read some of the document to you
18 and, of course, Steve is there to make sure that the words that are being put to you as being
19 in the document are correct.

20 **BISHOP DUNN:** Thank you.

21 **MS ANDERSON:** We'll just move slowly through it, but don't hesitate to pause if you think you
22 need to see the document before you answer any of my questions.

23 First of all, just to set the scene, just some background information in broad terms. I
24 think we can agree that Father Raass was an ordained priest in Tonga by the Bishop of
25 Tonga in the mid-2000s. Is that your understanding?

26 **BISHOP DUNN:** Yes, that's correct.

27 **MS ANDERSON:** And he had a couple of appointments to various ministries in Tonga -- it was
28 mid-2000 when he was ordained, he had a couple of ministries in Tonga and a couple of
29 transfers. Now, I'm just going to -- one of the documents I wanted to ask you about is
30 there's a document on file that's been held by the Auckland Diocese and provided to the
31 Inquiry which is an anonymous letter, quite possibly a translation of a letter that was
32 written in 2005 raising some concerns about Father Raass in the period before he came to
33 New Zealand; do you recall that document?

1 **BISHOP DUNN:** The document was held in the archives of the Diocese of Tonga not in
2 Auckland. I only found out about that -- a letter when it was mentioned in one of the
3 Sunday newspapers and subsequently spoke to Cardinal Mafi, who is the Bishop of Tonga.

4 **MS ANDERSON:** That's quite late in the piece, isn't it?

5 **BISHOP DUNN:** It is, yeah.

6 **MS ANDERSON:** That you've had knowledge of that letter, and it was in that, when I say quite
7 late in the piece, this is probably in 2021, isn't it, that you've had the --

8 **BISHOP DUNN:** Correct.

9 **MS ANDERSON:** -- (inaudible) about that. And that you'd learned also at that time about
10 another document which was a letter of apology that Father Raass had sent to the Bishop of
11 Tonga relating to his conduct in Tonga.

12 **BISHOP DUNN:** I'm not sure I've seen that letter.

13 **MS ANDERSON:** It's a letter in the which Sateki Raass conveys his sincere apologies to the
14 Bishop of Tonga for any shortcomings in relation to his ability to fulfil his roles and
15 responsibilities in the parish. So it's a bookend, I suppose, of the anonymous letter that
16 we've just been discussing.

17 **BISHOP DUNN:** Sure.

18 **MS ANDERSON:** And as part of your process for Father Raass coming to New Zealand, you
19 have gone through a formal process, haven't you, where you've required the Bishop of
20 Tonga to provide what is this document that the person is of good standing, and that's in
21 about 2005. Do you recall that you would have required that formality before agreeing to
22 have Father Raass in the Auckland Diocese?

23 **BISHOP DUNN:** Yes, that's correct. Can I just put that into a larger context, that within the
24 Diocese of Auckland there are about 15 or 16 ethnic chaplaincies and one of the principles
25 that the Diocese adopted quite a number of years ago, like maybe 20-plus years ago, is that
26 we believe that ethnic communities have the right to celebrate the liturgy in their own
27 language if a priest is available to serve them.

28 Now, from before my time as Bishop, so maybe for 30-plus years, the Bishop of
29 Tonga has, I don't even know how the practice began, but the Bishop of Tonga would
30 appoint a priest to serve the Catholic Tongan community in Auckland in the chaplaincy and
31 then would nominate that priest to the Bishop of Auckland saying that he would like to
32 appoint Father X, Y, Z. And that was the situation with Sateki Raass. So that Bishop
33 Foliaki wrote to me and said that he would like to appoint Sateki Raass, whom I would not

1 have known. I sent the ordinary forms to him, you know, to vouch for his good character
2 and they were duly signed.

3 **MS ANDERSON:** That's right, that's because the Tongan chaplain in Auckland is appointed by
4 the Bishop of Tonga, not by you.

5 **BISHOP DUNN:** Correct.

6 **MS ANDERSON:** But you're responsible for granting what's referred to in the technical term of
7 faculties --

8 **BISHOP DUNN:** That's right.

9 **MS ANDERSON:** -- (inaudible) whoever comes in. And so what you've received is certification
10 that there was no knowledge of any complaints of sexual abuse made against Sateki Raass,
11 or circumstances that could lead to a complaint of abuse, so that's what --

12 **BISHOP DUNN:** Correct.

13 **MS ANDERSON:** -- you've received on the documentation. What are the faculties that you'd be
14 responsible for granting, using Sateki Raass as an example.

15 **BISHOP DUNN:** It's a technical term, it's really giving him permission to do whatever he needs
16 to do to work as a priest in the Diocese. So it would be to celebrate the sacraments, to
17 preach, to care for the parishioners to whom he was appointed.

18 **MS ANDERSON:** But he's not, again, this is sort of a technical term, he's not incardinated into
19 the Auckland Diocese, is he?

20 **BISHOP DUNN:** No, no, he's not.

21 **MS ANDERSON:** For those not familiar with what that means, let's see if we can agree, the
22 effect of incardination is that the person is under the jurisdiction of a relevant Bishop, and
23 you can't be incardinated in two places at once?

24 **BISHOP DUNN:** That's correct.

25 **MS ANDERSON:** And the mirror part of that is excardination, so the Bishop of Tonga would
26 have to excardinate Father Raass for you to be able to incardinate him and that would be a
27 seamless process?

28 **BISHOP DUNN:** Yes, and he would only excardinate him if he had checked that the receiving
29 Bishop was prepared to incardinate him. So, in other words, no priest can be just floating
30 free, as it were.

31 **MS ANDERSON:** So what does that mean in terms of who's responsible and accountable for a
32 person like Sateki Raass who's come to New Zealand to work in the Tongan chaplaincy but
33 he's not incardinated but you've given him faculties to work, could you explain your

1 oversight role and the Bishop of Tonga's oversight role in these particular circumstances?

2 **BISHOP DUNN:** I think my understanding would be that he would be responsible to me, that the
3 Tongan chaplain would be responsible to the local -- to the Bishop of Auckland but remains
4 by origin, if you like, a priest of the Diocese of Tonga. And the practice was that Tongan
5 priests would come and serve for a term under the authority of the Bishop of Auckland and
6 then the Bishop of Tonga would appoint them somewhere in Tonga, or often to another
7 Tongan chaplaincy somewhere else overseas, whether in Australia or the USA or wherever.

8 **MS ANDERSON:** So is it that when Father Raass was here, is it solely your responsibility to
9 supervise him and to hold him to account for any shortcomings, or do you do that in
10 collaboration with the Bishop of Tonga?

11 **BISHOP DUNN:** No, it would be my responsibility.

12 **MS ANDERSON:** So on that basis, do you say the fact of not being incardinated means that there
13 is in fact no actual practical gap in accountability and responsibility?

14 **BISHOP DUNN:** Yes.

15 **MS ANDERSON:** For you as bishop.

16 **BISHOP DUNN:** Sorry, would you repeat the question?

17 **MS ANDERSON:** So there's no gap in accountability for you as Bishop by virtue of the fact that
18 Father Raass was not incardinated into the Auckland Diocese?

19 **BISHOP DUNN:** I think that sounds correct.

20 **MS ANDERSON:** Was there a convention with immigrant priests such as Father Raass where if
21 there was a complaint, report of abuse made against them that you would inform the Bishop
22 of the place where they are incardinated?

23 **BISHOP DUNN:** Generally yes, or the Religious superior if they were -- belonged to a Religious
24 Congregation, yes.

25 **MS ANDERSON:** So in relation to the three complaints that we're going to be talking about in
26 relation to Father Raass, have there been communications from you to the Bishop of Tonga
27 about the fact of those complaints being made?

28 **BISHOP DUNN:** There was about the first and the third complaint, but not the second complaint,
29 because the complainant in the second -- the second complainant, if you like, did not want
30 the complaint to be acted upon.

31 **MS ANDERSON:** We'll come on to that subject a little bit later.

32 **BISHOP DUNN:** Sure.

33 **MS ANDERSON:** Because that's the issue that we'll be exploring in part with you and in part

1 with Steve, the difficult area of either anonymous reports or where somebody's reported
2 something which may in fact reveal a safeguarding concern that should be addressed, but
3 the person may not want resolution for themselves in relation to that complaint. So I'm just
4 foreshadowing that we'll spend a little bit more time on that topic.

5 And do you recall that you met with **GRO-C** in August 2009 and you made a file
6 note of that conversation and this conversation arose out of Father Raass' request to transfer
7 from Tonga to Auckland, so he's already been in Auckland from 2006 to 2009, and then it's
8 a question of whether he's here on the same or a different basis and you're having a
9 discussion in 2009; do you recall that?

10 **BISHOP DUNN:** I don't recall that -- vaguely, but I don't recall that specific encounter, but **GRO-**
11 **C** would tend to visit Auckland two or three times a year, and so we'd often have a
12 conversation. And I do remember that Sateki did begin to ask about the possibility of
13 transferring to Auckland, so I did discuss that with **GRO-C.**

14 **MS ANDERSON:** And your file note records that the discussion was -- because it was a desire to
15 talk in person rather than to put things in writing and your note records that you were told at
16 that point on more than one occasion in Tonga there'd been concerns about what was
17 described in your note as closeness with particular women.

18 Do you recall that conversation where that phrase would have been mentioned to
19 you?

20 **BISHOP DUNN:** Yes, I do.

21 **MS ANDERSON:** And your note records in a square bracket that "I didn't know any of this". So
22 this is clearly the first point in time which you're receiving information that there may have
23 been some conduct of concern.

24 **MS McKECHNIE:** Ms Anderson, could we have the document number, please?

25 **MS ANDERSON:** I had understood that Ms McKechnie really wanted us to proceed without
26 calling up the documents.

27 **MS McKECHNIE:** I am not suggesting you call it up, but I would just like to follow along on the
28 copy I have and I'm not sure what document you're referring to.

29 **CHAIR:** Just the number, Ms Anderson.

30 **MS ANDERSON:** CTH0019441.

31 **MS McKECHNIE:** Thank you. And certainly I don't want Bishop Pat to have to have a guessing
32 game about what the document says, so if you need to call up the documents, please do.

33 **MS ANDERSON:** And so did it seem to you at that point, knowing in 2009 that there had been

1 these concerns about his closeness with particular women, that you'd received certification
2 in 2006 that indicated there was nothing of concern at that point in time?

3 **BISHOP DUNN:** My understanding is that Bishop Foliaki was aware of these concerns but could
4 never substantiate them. So he didn't know whether there was substance to them or if they
5 were gossip and he felt that with Sateki it was a bit like the tall poppy syndrome, I think
6 that was his expression, that Sateki was the subject of gossip, but he could never actually
7 nail down, if you like, a specific complaint.

8 **MS ANDERSON:** Well, the certification says he's not aware of any circumstances that could lead
9 to a complaint of abuse. So where you've got something reported, and it hasn't been
10 investigated, does that mean that the Bishop of Tonga was free to certify in 2006, in your
11 mind?

12 **BISHOP DUNN:** Clearly I don't know what the Bishop of Tonga's thinking was in 2006, but what
13 I suspect is that a little bit like the anonymous letter that surfaced, is that there was a letter,
14 but it was -- I can understand his predicament that he didn't know what parish they were
15 talking about, he didn't know who the complainant was, so I could understand, and I think I
16 would feel the same, that I wouldn't know where to start, that it wasn't -- I understand that
17 the letter was not postmarked, didn't know if it came from Parish A or B or C or D.

18 **MS ANDERSON:** My question is really, if you were -- obviously you're not now because you're
19 Emeritus Bishop, but before your retirement, would you also feel that it was appropriate to
20 certify that somebody was of good character, and faculties could be issued where there had
21 been a report of abuse but there hadn't either been an investigation into it or a determination
22 of that report of abuse?

23 **BISHOP DUNN:** I'm not sure that there'd been a report of abuse or a rumour of abuse. I mean,
24 I actually don't know, I don't know what was going on in Tonga, but if there were a report,
25 and I don't think there was, then I don't think that letter should have been signed. But I'm
26 not 100% sure that Bishop Foliaki had actually had a report, he'd had rumours.

27 **MS ANDERSON:** But isn't that the very thing that happens after something is disclosed about a
28 particular priest or Religious and then people later say, "Oh, there were always rumours
29 about that person", the fact that something's a rumour doesn't mean that there's actually a
30 safeguarding issue that might need to be accommodated in some way.

31 **BISHOP DUNN:** I'm sorry what was your question?

32 **CHAIR:** I think this is where there's smoke there's fire, or where there is smoke there may be fire
33 and maybe you should look for the fire before saying there's absolutely nothing going on.

1 **BISHOP DUNN:** Yes, ma'am, I think that was the issue, that no-one could find the fire.

2 **CHAIR:** But there was smoke.

3 **BISHOP DUNN:** There was smoke, yes.

4 **CHAIR:** All right. Okay.

5 **MS ANDERSON:** In terms of 2009, so effectively there is agreement that Father Raass will stay
6 on in New Zealand from 2009, but there's no further certification process required as that
7 step, so you're really relying on the original certification at that point, even though you've
8 had the conversation with GRO-C.

9 **BISHOP DUNN:** Correct. But just remember he wasn't incardinated, he's still on loan.

10 **MS ANDERSON:** That's right, well I think the language you used in your letter to the Bishop,
11 CTH0019694, in March 2010 was that Father Raass would be, this is in quotes, "under the
12 umbrella" of your Diocese.

13 So my question to you is, what does "under the umbrella" mean?

14 **BISHOP DUNN:** What it meant is that he was moving out of the Tongan chaplaincy and working
15 within the Diocese of Auckland outside the Tongan chaplaincy. I suspect that's what it
16 means.

17 **MS ANDERSON:** And I think that's probably right, isn't it, because he is not any longer working
18 for the Tongan chaplaincy, you're putting him in a parish.

19 **BISHOP DUNN:** Correct.

20 **MS ANDERSON:** And we see from the record, and we don't need to go into it in detail, but
21 there's support there from the Church for those immigration permissions, the visas that are
22 needed for Father Raass to be able to take up that work under the umbrella of your
23 Diocese?

24 **BISHOP DUNN:** Correct.

25 **MS ANDERSON:** Coming to what, as Ms McKechnie's signalled we're going to refer to as the
26 first complaint that you received, so this is -- you've had the 2009 conversation with
27 GRO-C and been alerted to some concerns that are not exactly recorded in your note what
28 those concerns are and then you receive a report of abuse in 2011 and we're not going to,
29 plainly, refer to the name of that person.

30 My question to you is, there was no step taken at that time to stand Father Raass
31 down from ministry on receipt of that complaint. Do you agree that he wasn't stood down
32 at that time?

33 **BISHOP DUNN:** He wasn't, that's correct, but we had our own -- the diocesan Professional

1 Standards Committee was what I was calling it, so the complaint went to them and I was
2 always kept at a distance from the actual complaint so that I was not an investigator, as it
3 were. And the -- so the Committee then, which had people that I regarded as fairly
4 well-qualified professionals, they then met with the complainant to find out more about
5 what was going on, and Sateki was notified that the complaint had been received.

6 **MS ANDERSON:** Yes, but the standing down decision would be yours, wouldn't it, it's not the
7 whole Committee's decision?

8 **BISHOP DUNN:** Yes, he would be stood down if that's what they advised.

9 **MS ANDERSON:** No, that's at the end of the investigation and a conclusion on whether to
10 uphold the complaint or not, I'm talking about the period between when a report of abuse is
11 made and that period that runs until there is a recommendation back to you from that
12 Protocol Committee.

13 **BISHOP DUNN:** That's right. What I was --

14 **MS ANDERSON:** My question is, wouldn't it have been prudent to stand Father Raass down
15 while the report of abuse was investigated?

16 **BISHOP DUNN:** It was really the report of an affair, a complaint about an affair and I -- my
17 practice was to let the Committee investigate to find out what the facts were.

18 **MS ANDERSON:** But you've drawn a conclusion on the facts just by your characterisation of
19 what's been reported to you.

20 **BISHOP DUNN:** No, a complaint was received, so it was referred to the Committee to
21 investigate.

22 **MS ANDERSON:** Somebody's come forward and reported sexual conduct, they haven't come
23 forward to say, "I was having a consensual affair", have they? They've reported abuse to
24 you.

25 **BISHOP DUNN:** Yes, I must confess I'm not quite sure that the complaint was of abuse -- well, it
26 was in some way in terms of threats.

27 **MS McKECHNIE:** Is there a file note or a record of the original disclosure that the Bishop could
28 be reminded of, given that he hasn't been able to review the documents in detail in
29 preparation?

30 **CHAIR:** Ms Anderson.

31 **MS ANDERSON:** Yes, this is document -- we'll just have to be careful about how it's called up
32 and displayed.

33 **MS McKECHNIE:** We can give the Bishop a paper copy if that would preclude any issues.

1 **CHAIR:** If you have that at the ready that would be helpful, thank you.

2 **MS ANDERSON:** The document is CTH0019563. But I don't want to get into a semantics
3 discussion about what's alleged here, I want to just start with an in-principle question that A
4 Path to Healing deals with a process for reporting sexual misconduct by priests and do you
5 accept that the scope of A Path to Healing and the references in that to abuse of a pastoral
6 relationship and power dynamic is the very reason why that kind of behaviour is firmly
7 within the scope of A Path to Healing?

8 **BISHOP DUNN:** The Committee at the time certainly would have been operating on the version
9 of A Path to Healing that was current at that time. Now, I don't know what that version
10 was, but they were certainly following those protocols and they did not recommend to me
11 that Sateki Raass be stood down until they had investigated.

12 **MS ANDERSON:** The process took some years, wasn't it, so that --

13 **BISHOP DUNN:** No. Yes, it was constantly delayed, but the -- I think the Committee really
14 wanted to find out what the complaint was.

15 **MS ANDERSON:** And so he's not been stood down. Did you -- was there any -- it doesn't seem
16 from the record that there was any consideration given to whether Immigration
17 New Zealand needed to be informed about the --

18 **MS McKECHNIE:** Ma'am, in fairness, when this documentation was prepared for the
19 Commission, it was very clear to the Commission that Bishop Pat has not reviewed his file
20 in detail because of his difficulties with his eyesight. So statements like "it's clear from the
21 record" and asking Bishop Pat to agree with it are unfair.

22 **CHAIR:** Ms Anderson, is there any reason why Bishop Pat cannot have or should not see the
23 document you're referring to?

24 **MS ANDERSON:** There's no document on the question I've just posed, Madam Chair, because
25 the point is the documentation doesn't show this, but I'll phrase the question in a different
26 way.

27 **CHAIR:** Are you referring to --

28 **MS McKECHNIE:** Can I give the file note of the initial disclosure to the Bishop so he can
29 refresh his memory?

30 **CHAIR:** There's no reason why he shouldn't see his own file note, so he can look at that.

31 **MS McKECHNIE:** In clarity, ma'am, it's not his file note, it is the disclosure of the phone call,
32 it's a note to the Bishop dated 26 August 2011.

33 **CHAIR:** So, just be clear, there was a phone call, a note was made of it and that note was given to

1 Bishop Pat, is that right.

2 **MS McKECHNIE:** I anticipate it was given to him. It's not clear on the face of the document,
3 ma'am, we will need to ask him.

4 **CHAIR:** Let's quickly sort that out. In fairness to you, let's see if you are able, with assistance...

5 **MS McKECHNIE:** As you can see this is -- so it's got your name at the top (inaudible) -- can you
6 read that?

7 **BISHOP DUNN:** No, I can't.

8 **MS McKECHNIE:** Pat is not to read that, ma'am. So there is only --

9 **MS ANDERSON:** I'll read out the first bullet point and, it's in front of Steve, I think. The first
10 bullet point is:

11 "She says it is of a sexual abuse nature where she has been verbally abused."
12 So that's the first bullet point in the note of the phone call.

13 **CHAIR:** Do you recall that, Bishop Pat?

14 **BISHOP DUNN:** Quite frankly I don't, but I don't in detail, but the allegation seems to be that she
15 was verbally abused.

16 **MS McKECHNIE:** Ma'am, there are references in this document to affairs, the priest admitting to
17 having affairs, etc. So it's not inconsistent with the Bishop's memory and if there was
18 anything is going to --

19 **CHAIR:** Just a moment, just everybody, Ms McKechnie, the document, I think the way we deal
20 with this is, I don't want submissions on the document, what I want is for Bishop Pat to be
21 given a fair opportunity to comment on something that he dealt with in the past, and needs
22 refreshing his memory. The way he refreshes his memory is a matter of practicality, and
23 whether -- how long is the document, please?

24 **MS McKECHNIE:** It's single page, ma'am, but it's quite close text. My concern, ma'am, is that
25 Ms Anderson's questions are proceeding on the basis of characterising it a certain way.

26 **CHAIR:** I know what your concerns are. I'm trying to ameliorate them. If you just take a seat.

27 **MS McKECHNIE:** (Inaudible) to the Bishop?

28 **CHAIR:** Have we got the document that can be shown to the Bishop and can it be read to him or
29 somehow conveyed to him? Because, in fairness, he needs to see it.

30 **MS ANDERSON:** Madam Chair, I think we need to take care in terms of --

31 **CHAIR:** It's not in public, Ms Anderson.

32 **MS ANDERSON:** No, no but even anything read out relating to this for the witness survivor for
33 their information, so I think we need to take care. I hadn't intended that we needed to go

1 into the detail of it. What we can ask Pat at the moment is, you know, does he today agree
2 with his 2011 decision not to stand down Father Raass at that time?

3 **CHAIR:** That's the point of this questioning really, we've got a bit entangled, yeah.

4 **BISHOP DUNN:** Yeah, I suppose my recollection is I was depending on advice from my
5 Committee and I was waiting for their recommendations. So that was just the way I was
6 operating.

7 **CHAIR:** Did you ask them, "Should this man be stood down? What's your advice?" Did you ask
8 them for their advice?

9 **BISHOP DUNN:** Well, I tended to be briefed a bit, but I think that -- I can remember that the
10 Committee was constantly frustrated because they couldn't actually get clarity about what
11 precisely the complaint was, and then Sateki would need to have a right of reply. So they
12 were waiting for that process to occur and then they would make a recommendation to me.
13 So that was the modus operandi at that time.

14 **CHAIR:** The complaint wasn't taken -- we don't know what the face value was.

15 Right, Ms Anderson, do you wish to proceed further and if you're going to refer, if
16 you would either read out the relevant bit that you're referring to or give Bishop Pat an
17 opportunity to read it, or have it read to him.

18 **MS ANDERSON:** Just moving on in the timeline from that 2011 report of abuse, the second
19 report of abuse comes to you in October 2012, and that's the one that you've referred to as
20 understanding the person who'd come to you didn't want it taken any further.

21 **BISHOP DUNN:** Correct.

22 **MS ANDERSON:** And at this point in time the Sexual Abuse Protocol Committee hasn't
23 concluded anything in relation to the first report of abuse and you've now received this
24 second report of abuse; is that right?

25 **BISHOP DUNN:** Correct.

26 **MS ANDERSON:** And I'm going to call up a document and we'll be able to have somebody
27 beside you assist with interpretation of this. This is CTH0019564. We're going to be
28 looking at the very last page of that note, which is the file note that you've made of the
29 conversation that you've had about the second report of abuse. And just the very last part
30 of that document, is somebody able to read that out to you just before I ask you questions of
31 that.

32 **BISHOP DUNN:** What part of it do you want me to be --

33 **MS ANDERSON:** It's the last two paragraphs on page 3 of the document.

1 **BISHOP DUNN:** Thank you.

2 **CHAIR:** Do you want them read out loud or just to themselves, Ms Anderson?

3 **MS ANDERSON:** They can confer.

4 **CHAIR:** Just read it quietly to themselves.

5 **MS McKECHNIE:** Can you just explain to Pat what this document is before you read that last
6 piece out.

7 **MS ANDERSON:** It's your file note of the visit that you've had receiving the --

8 **BISHOP DUNN:** Yes, I'm aware of the document, thank you. (Document read). Thank you.
9 What are your questions?

10 **MS ANDERSON:** We can read these into the record. These are your -- am I right to say that you
11 have recorded your thoughts after receiving this further report of abuse.

12 **BISHOP DUNN:** Correct.

13 **MS ANDERSON:** And you've posed some questions which you've said --

14 **BISHOP DUNN:** Counsel, can I just make clear to the Commissioners about the status of the
15 second complaint so they understand? The second complaint came from a couple whom
16 I know very well, they wanted to come to see me -- I actually thought they were coming see
17 me about something completely different, but it was to make a complaint about something
18 that Sateki had said while visiting their place, but they were very clear that they didn't want
19 me to take it any further, they just wanted me to know about it, and this is trying to get into
20 the Tongan mentality too, I might add, but Sateki was their friend, they didn't want him to
21 know that they had spoken to me about their concern for him about this behaviour. But
22 they wanted me to know about it. And that left me feeling in quite an awkward position.

23 I probably mentioned it to the Chairman of the Professional Standards Group, or
24 whoever it was that was sort of advising me at the time, but we didn't know -- we
25 couldn't -- we felt we couldn't go any further because they didn't want Sateki to know that
26 they had spoken to me about what had happened.

27 So, in that sense, I was sort of a bit paralysed. Counsel, sorry.

28 **MS ANDERSON:** Thank you. And can we agree that what's described, and we won't go into it in
29 detail, in your file note clearly can be characterised as sexual abuse?

30 **MS McKECHNIE:** No, we can't.

31 **CHAIR:** Please, Ms McKechnie, would you let the witness answer the question.

32 **MS McKECHNIE:** Ma'am, he can't read the document. I can read the document, ma'am, and we
33 can put it on the screen.

1 **CHAIR:** Excuse me.

2 **MS McKECHNIE:** It's not sexual abuse. This is important.

3 **CHAIR:** Well, it may well be but that's something for the evidence, not for counsel to tell me.

4 In the piece of the document you just read, Bishop Pat, was there reference to sexual
5 abuse or sexual misconduct?

6 **BISHOP DUNN:** No, that's not what -- I'm sorry, what was your question, ma'am?

7 **CHAIR:** Ms Anderson's put to you that the complaint that you received, in these difficult
8 circumstances for you, in confidence, and not to tell anybody.

9 **BISHOP DUNN:** Yes.

10 **CHAIR:** Was the complaint about sexual abuse?

11 **BISHOP DUNN:** Yes, I would say it was.

12 **CHAIR:** Thank you.

13 **MS ANDERSON:** So the questions you've posed yourself, having listened to these people is, just
14 reading this into the record:

15 "Should SR -- being the initials of Sateki Raass -- continue in ministry?" Is your
16 first question.

17 Your second question is: "Should Sateki Raass go to ECB..." which I think is an
18 abbreviation for East Coast Base, is that right?

19 **BISHOP DUNN:** Correct.

20 **MS ANDERSON:** "... over December and January."

21 The third question: "Should Sateki Raass be incardinated?"

22 Fourth question: "Should Sateki Raass go to Sydney to start degree in Scripture in
23 February 2013 which is what Sateki Raass and I had discussed during retreat over this past
24 week."

25 So those are the four questions you've posed yourself.

26 **BISHOP DUNN:** Correct.

27 **MS ANDERSON:** Just in terms of -- what was the answer to that first question, should he
28 continue in ministry?

29 **BISHOP DUNN:** I think we -- I decided to leave him in ministry, but not to go to Australia
30 because again, this time I couldn't sign a thing saying there had been no complaints made
31 against him. The -- what were the other three?

32 **MS ANDERSON:** And he did go to East Coast Base over December/January, didn't he.

33 **BISHOP DUNN:** He went to East Coast Base over December/January.

1 **MS ANDERSON:** And that's to minister there.

2 **BISHOP DUNN:** Yes.

3 **MS ANDERSON:** And then the other question was, "Should Sateki Raass be incardinated?" So
4 that was obviously a question floating around at the time.

5 **BISHOP DUNN:** Yes, well, that was what he had requested and by now I was beginning to think
6 no, he wouldn't be incardinated, by then.

7 **MS ANDERSON:** And then, as you say, he doesn't -- you don't feel that you can agree to him
8 going to Sydney for the study because it was inevitable that you'd be asked was there a
9 complaint about him. Is that right?

10 **BISHOP DUNN:** That's correct.

11 **MS ANDERSON:** And so he couldn't go to Sydney because the community over there wouldn't
12 accept him if they knew of this report of abuse; is that right?

13 **BISHOP DUNN:** Yes, well, the question is, a complaint had been made against him.

14 **MS ANDERSON:** Yeah, do you recall that you -- the document reference is CTH0019742 -- that
15 you told Father Raass that "Until the present issue was resolved the Archdiocese of Sydney
16 will not feel at liberty to offer you the accommodation we hope to seek." Do you recall that
17 that was something that you've communicated to Father Raass at that time?

18 **BISHOP DUNN:** Not that specific detail, but I would have said to him that it wouldn't -- it would
19 not be possible for him to go to Sydney, to Australia, because of the complaints.

20 **MS ANDERSON:** And does that leave us in a position where he's not safe enough to go to
21 Australia but he's safe enough to minister here?

22 **BISHOP DUNN:** I'm not sure I concluded that he wasn't safe enough to go to Australia, but that
23 I couldn't sign that sort of document.

24 **MS ANDERSON:** But the reason that certification's required is so that people know whether
25 there's a safeguarding issue in relation to --

26 **BISHOP DUNN:** Whether a complaint had been made against him, and a complaint had been
27 made against him.

28 **MS ANDERSON:** So do you see any problem with him being able to minister here in
29 New Zealand but not being able to go and be in a Catholic community in Sydney?

30 **BISHOP DUNN:** Well, the -- what I was operating on was the advice of my Committee with
31 regard to the first complaint and their advice was that he have counselling. I was quite
32 surprised actually, I thought that their treatment of him was quite light, but that was what
33 they decided.

1 **MS ANDERSON:** And so we've had the 2006 to 2009 period, three years where Father Raass
2 was here in the Tongan chaplaincy, and then he's had three years in 2010 to 2013; do you
3 recall the arrangement in 2010 was that it would be reviewed in three years' time? Is that
4 your recollection?

5 **BISHOP DUNN:** What would be reviewed in three years' time?

6 **MS ANDERSON:** Sateki Raass' future.

7 **BISHOP DUNN:** Yeah -- well, no, I don't actually --

8 **MS ANDERSON:** You don't recall it? That's okay.

9 **BISHOP DUNN:** I don't recall that specifically, no.

10 **MS ANDERSON:** And so in December 2012 that's when Father Raass is appointed as parish
11 priest at Mt Albert.

12 **BISHOP DUNN:** Correct.

13 **MS ANDERSON:** Does that accord with your recollection of the timing.

14 **BISHOP DUNN:** Yes.

15 **MS ANDERSON:** And so you've made that appointment with knowledge of the 2009 discussions
16 with GRO-C and the two reports of abuse -- well, we might disagree about what they're
17 both --

18 **BISHOP DUNN:** The one, yes, the first one.

19 **MS ANDERSON:** Well -- and it didn't occur to you at that point that it might be better for Father
20 Raass to be back being supervised in Tonga where he was incardinated?

21 **BISHOP DUNN:** Not at that time.

22 **MS ANDERSON:** Did what had happened influence your decision about whether to incardinate
23 Father Raass here in Auckland?

24 **BISHOP DUNN:** Yes, it did, in the sense that he wasn't incardinated in Auckland.

25 **MS ANDERSON:** Did that signal anything, like what should we take from the fact that you didn't
26 incardinate him?

27 **BISHOP DUNN:** I think it was just sort of almost like "watch this space". There was the first
28 complaint and I followed the advice of the Committee with regard to that. The second
29 complaint I felt couldn't go anywhere, so it's still a bit like the smoke but no fire until the
30 complaint in 2018.

31 **MS ANDERSON:** I'm going to take you to a document which we'll give time for you to have a
32 look at in a hard copy and to have it read to you, it's a short half-page file note. The
33 document number is CTH0019863.

1 **MS McKECHNIE:** Would you like me to provide the hard copy?

2 **CHAIR:** Yes, I believe they had a hard copy over there.

3 Do you have one there?

4 **MS HOLMES:** Are you able to read the first line just to make sure.

5 **CHAIR:** Could you identify the document so we're quite clear, Ms Anderson, please.

6 **MS ANDERSON:** It's a file note dated 12 September 2013.

7 **CHAIR:** Yes, they have that.

8 **MS ANDERSON:** From the Chair of the Auckland Sexual Abuse Protocol Committee, and it's
9 about a telephone call about concerns with the case, and if you look at the third paragraph,
10 there's a one sentence there.

11 **BISHOP DUNN:** (Document read). Thank you.

12 **MS ANDERSON:** So just to summarise there, we can see that this note, this 2013, September
13 2013 file note records that at that point you were aware that Father Raass had been
14 suspended by the previous Bishop in Tonga.

15 **BISHOP DUNN:** Yes.

16 **MS ANDERSON:** Do you recall coming into that knowledge?

17 **BISHOP DUNN:** I can't remember when it was, no.

18 **MS ANDERSON:** But that you were aware -- you were told at least that he had been suspended
19 when he was in Tonga?

20 **CHAIR:** Do you mean before he came to New Zealand?

21 **MS ANDERSON:** Yes.

22 **BISHOP DUNN:** Yes. I'll just have to accept that file note as it stands.

23 **MS ANDERSON:** And the next sentence says that Father Raass had admitted to inappropriate
24 sexual conduct with that first complainant.

25 **BISHOP DUNN:** Yes.

26 **MS ANDERSON:** And that you'd agreed to apologise to the complainant on behalf of the
27 Diocese?

28 **BISHOP DUNN:** Correct.

29 **MS ANDERSON:** And the note records, just at the bottom, that you as Bishop were uncertain
30 what to do with Father Raass, and there's a concern expressed there about his future
31 behaviour -- not your concern, the person who's made this note, the Chair of the Sexual
32 Abuse Protocol Committee.

33 What was the uncertainty that you had at that time, do you recall?

1 **BISHOP DUNN:** No, not immediately.

2 **MS ANDERSON:** Is it what you'd been talking about what to do with a report of abuse where the
3 person doesn't want the person they've said abused them to know about it; might that have
4 been it?

5 **BISHOP DUNN:** I can't guess at this time.

6 **MS ANDERSON:** And it's about this time that Father Raass is sent to counselling, is that right?
7 Is that what you recall at the end of that, as a result of that complaint that he was sent to
8 counselling.

9 **BISHOP DUNN:** Yes.

10 **MS ANDERSON:** How was counselling an appropriate response at that point in time? Can you
11 help me understand that?

12 **BISHOP DUNN:** I can't, you'd have to ask the Committee that recommended it.

13 **MS ANDERSON:** But the Committee recommends and you make a decision, don't you.

14 **BISHOP DUNN:** Yes, but they're the ones that made the recommendation.

15 **MS ANDERSON:** So you would have just accepted the recommendation?

16 **BISHOP DUNN:** Yeah, they thought that counselling would be what was needed, so I accepted it,
17 but I don't know why that was what they thought would be sufficient.

18 **MS ANDERSON:** And then we've got, about three years later, and after the Abuse Protocol
19 Committee's resolved matters in relation to the first complaint in 2015, we've got the third
20 complaint coming forward in January 2018 and you recall that complaint, don't you?

21 **BISHOP DUNN:** I do.

22 **MS ANDERSON:** Do you recall, there was quite a flurry of activity around that time, January
23 2018, and I'll give a document reference so it's in the record, CTH0019741. It might be that
24 we call it up and have you look at a hard copy of this document also, it's 11 January 2018.

25 **MS McKECHNIE:** Sorry, Ms Anderson, could you repeat the number, please.

26 **CHAIR:** 0019741.

27 **MS McKECHNIE:** Thank you, ma'am.

28 **MS ANDERSON:** Perhaps the person with you could just orientate you to the document and take
29 you through the email at the top of that page.

30 For the record, this is an email sent to Pat Dunn on 11 January.

31 So the advice to you at that time included finding somewhere else for Father Raass
32 to stay, and just quoting from the email, "away from Mt Albert and any Presbytery with a
33 nearby school. Perhaps St John, Vianney House" etc. So do you recall getting that

- 1 recommendation that he needed to be housed away from any Presbytery near a school?
- 2 **BISHOP DUNN:** I don't recall that specific detail.
- 3 **MS ANDERSON:** And in fact your decision was to house him in a Presbytery near a school,
4 wasn't it? That's the Good Shepherd facility in Balmoral.
- 5 **BISHOP DUNN:** That was after the complaint -- that was about a week later, I think, wasn't it.
- 6 **MS ANDERSON:** That's right. So fast moving over a week because Father Raass has been
7 picked up by Police and interviewed on 18 January after (inaudible) gone to Police.
- 8 **BISHOP DUNN:** And the -- I can just remember saying to Sateki, "Where are you going to go?
9 Have you got family that you can stay with?" And he couldn't think of anyone at the time.
10 Then he suggested staying at Balmoral, so I thought, well, that would be fine.
- 11 **MS ANDERSON:** In fact, perhaps you felt it was important that Father Raass had companionship
12 at that time?
- 13 **BISHOP DUNN:** Correct. And the Police had no objection to that location.
- 14 **MS ANDERSON:** There was, later on, a flurry between Police and the Ministry of Education
15 about that location, wasn't there.
- 16 **BISHOP DUNN:** There was.
- 17 **MS ANDERSON:** So at this point in time, 18 January, when Father Raass has been picked up and
18 he's charged that day, was there any steps taken by you to consider whether Immigration
19 New Zealand needed to be informed?
- 20 **BISHOP DUNN:** No.
- 21 **MS ANDERSON:** Am I right that Father Raass had actually been on the Board of Proprietors, or
22 he was the Board of Proprietors representative on the Marist College School Board at the
23 time this unfolded in early 2018?
- 24 **BISHOP DUNN:** I'm not aware of that.
- 25 **MS ANDERSON:** Is that something you could find out for us?
- 26 **BISHOP DUNN:** Marist College.
- 27 **MS ANDERSON:** Yes.
- 28 **MS McKECHNIE:** If Ms Anderson provides us with the name of the school we can certainly
29 find out.
- 30 **CHAIR:** That's something we can follow up on later.
- 31 **BISHOP DUNN:** I'm wondering if you are confused, Ms Anderson, he would have been a
32 Proprietors' rep on the Board of Marist School, but I would be very surprised if he -- did
33 you say a Proprietors' rep at -- I doubt that.

- 1 **MS ANDERSON:** At Marist School.
- 2 **BISHOP DUNN:** Yeah, Marist School not Marist College. You said Marist College.
- 3 **MS ANDERSON:** Sorry, my mistake. Marist School.
- 4 **BISHOP DUNN:** Yes, that would be correct.
- 5 **MS ANDERSON:** There's a primary school and there's a college, it's a secondary school, isn't it?
- 6 **BISHOP DUNN:** Correct.
- 7 **MS ANDERSON:** And then turning to what the Catholic community was told about the reason
8 for Sateki Raass not being available in ministry, we may not need to go through the
9 documents for this. Do you agree that the messaging was that he was on a period of leave?
10 I'm happy to take you through the documents.
- 11 **BISHOP DUNN:** No, no, that's correct.
- 12 **MS ANDERSON:** So you granted him a period of leave in late January 2018.
- 13 **BISHOP DUNN:** No, I think the point was that's what I said to the parish, that he was on a period
14 of leave.
- 15 **MS ANDERSON:** So what was the reality? Was he stood down?
- 16 **BISHOP DUNN:** Yes, he was stood down.
- 17 **MS ANDERSON:** So why is it that the parish would be told that he was on leave rather than that
18 he'd been stood down?
- 19 **BISHOP DUNN:** I think because it was all a process that was taking place and I wasn't quite sure
20 what the outcome was going to be, so the immediate message to the parish was that he was
21 on leave.
- 22 **MS ANDERSON:** During this period of leave, you agreed to continue monthly payments to
23 Father Raass of about 2,000 a month; do you recall that? Is that right?
- 24 **BISHOP DUNN:** Yes.
- 25 **MS ANDERSON:** And at this time what support was being -- so that's support being provided to
26 Father Raass, what support's been provided to Ms CU at this point in time?
- 27 **BISHOP DUNN:** At this time Ms CU was very concerned about confidentiality and I think this
28 was the time, too, when the Commission was being established or -- we were told not to
29 make any approach to complainants, that Ms CU had approached my pastoral assistant
30 whom she knew from school days, so no approach was made to her because I thought we
31 were not supposed to, or not allowed to, but my presumption had been that if she wanted
32 communication with us that she would approach me or the Diocese through my pastoral
33 assistant.

1 **MS ANDERSON:** So, really, unless the person's coming forward expressing a need, as Father
2 Raass did in terms of needing financial support, it's really not a proactive matter that you
3 would take -- you wouldn't take a proactive approach to it at that time?

4 **BISHOP DUNN:** Well, I thought we were not supposed to.

5 **MS ANDERSON:** Well, I don't think there's ever been anything from the Inquiry to indicate that
6 survivors can't be responded to, but we don't need to get into that at this point.

7 So again, we see in March, the document reference CTH0019727, that Father Raass
8 sends a message to parishioners that you had graciously approved his request for a period
9 of leave. Do you recall that was the messaging he was giving to parishioners at that time?

10 **BISHOP DUNN:** I'll take your word for it, I don't actually recall that.

11 **MS ANDERSON:** Yeah, and the reason I'm asking questions about this "on leave" is because the
12 briefing paper on immigrant priests that I'll be discussing with Steve says at paragraph 73
13 that Mr Raass resigned as parish priest from 11 March 2018 and it doesn't seem to me that
14 that's what happened, he went on a period of extended leave, didn't he?

15 **BISHOP DUNN:** No -- yeah, that was what -- the point that I was confused about. No, he
16 actually told the parish that he was resigning as parish priest in March I think, I think that
17 was the sequence.

18 **MS ANDERSON:** We'll call the document up, it's CTH0019727. Again, you'll just need the
19 person supporting you just to help read that short note. For the record, this is a document
20 dated 11 March 2018, addressed to "All my loving parishioners of St Mary's, Mt Albert"
21 from Father Raass.

22 You'll see the second sentence there -- Bishop Dunn have you had an opportunity to
23 read that file note or have it read to you?

24 **CHAIR:** It's just happening now, Ms Anderson.

25 **BISHOP DUNN:** I think that he was confirming that he was on a period of leave and therefore
26 was stepping down as parish priest.

27 **MS ANDERSON:** That's quite different from resigning, isn't it?

28 **BISHOP DUNN:** No, I thought that would be resigning.

29 **CHAIR:** Just so that everybody knows what's going on here, Ms Anderson, could you just read
30 the lines that you're referring to?

31 **MS ANDERSON:** This is the message from Father Raass, sent to all the parishioners at
32 St Mary's, Mt Albert:

33 "I'm writing to humbly inform you that Bishop Pat has graciously approved my

1 personal request for a period of leave."

2 And then goes on to thank members of the parish. So this is his message.

3 **CHAIR:** He then says in the next line:

4 "I have been blessed being your parish priest for the last five years but I will now
5 have to step down from that role to embrace wholeheartedly this time of spiritual
6 nourishment."

7 Do you recall -- did you ever see this, Bishop Pat?

8 **BISHOP DUNN:** I do remember reading it.

9 **CHAIR:** What was your view of the way in which he conveyed what was happening?

10 **BISHOP DUNN:** I think my concern was that the parishioners needed to be informed but
11 not -- but sort of, I was going to say in a gracious manner. I remember talking to someone
12 who'd been to a parish in Australia with his family and there was some announcement
13 about a priest being suspended, but the parishioner actually felt quite affronted that that sort
14 of a statement was made to a Sunday congregation while he was there with his family and
15 his children. So I was very conscious of the ordinary parishioners at Mt Albert, many of
16 whom really liked Sateki, that they needed to be treated sort of with courtesy too, but --

17 **CHAIR:** So it was phrasing it in a way that was acceptable to a family of people sitting in the
18 pews of the Church.

19 **BISHOP DUNN:** Yes, he was stepping down as their parish priest so they were being informed
20 about that but not about the circumstances.

21 **MS ANDERSON:** Can we agree that later on, some months after the criminal conviction in May
22 2019, that in fact there was some expression of concern by members of the School Boards,
23 and also the Good Shepherd, about the fact that they hadn't known that he'd been facing
24 criminal charges and had been convicted.

25 **BISHOP DUNN:** Yes.

26 **MS ANDERSON:** Does that accord with your memory?

27 **BISHOP DUNN:** Yes, it does.

28 **MS ANDERSON:** Do you recall, turning your mind in November 2018, document reference, for
29 the record, CTH0019360, that you thought you were required to report the allegations of
30 abuse to Rome but that you hadn't done so before the matter was before the court. Do you
31 recall your decision-making around that?

32 **BISHOP DUNN:** Yes, I do.

33 **MS ANDERSON:** Is there a discretion under the Canon Law?

1 **BISHOP DUNN:** I think the idea of reporting to Rome, my understanding is it was often to seek
2 advice, whereas I felt that there was a process underway here in New Zealand and I didn't
3 want someone in an office in Rome just being informed and thinking, "What am I supposed
4 to do about this?" My thinking was to get things settled vis-à-vis Sateki Raass and then
5 inform Rome what had happened and what the outcome was, which was his leaving the
6 priesthood.

7 There's a principle in Catholic philosophy or whatever, the principle of subsidiarity
8 that if you can hand, sort of -- try to sort things out at the local level, and I was quite clear
9 by then what the pathway forward would be, namely that Sateki would no longer be
10 continuing as a priest.

11 **MS ANDERSON:** And so the motu proprio, which has got a complicated name which I will
12 attempt to read into the record, sacramentorum sanctitatis tutela, which required a
13 complaint of sexual activity with a person under 18 to be notified to Rome, that wasn't
14 something that you thought required you to report to Rome at that time?

15 **BISHOP DUNN:** Not immediately while it was still being processed.

16 **MS ANDERSON:** Under that motu proprio, that requires the Bishop to give an opinion on the
17 truth of the allegations and the proposed outcome for the priest.

18 **BISHOP DUNN:** That's correct.

19 **MS ANDERSON:** That's your understanding? And so are you saying that that reporting
20 obligation is complied with if it happens later down the track rather than at the time of the
21 report of abuse?

22 **BISHOP DUNN:** Yes.

23 **MS ANDERSON:** Because there wasn't actually a Church investigation into that report of abuse,
24 was there, because Ms CU had gone to Police, there was no action being taken under the
25 NOPS protocol that they don't investigate when matters are before the Police.

26 **BISHOP DUNN:** Correct.

27 **MS ANDERSON:** And you met all of the legal expenses of the defence to the criminal charges.

28 Do you recall what the value of that was?

29 **BISHOP DUNN:** It was around \$60,000 in the end.

30 **MS ANDERSON:** And that's on top of the 2,000 a month that's been paid to Sateki Raass during
31 this period.

32 **BISHOP DUNN:** Yes.

33 **MS ANDERSON:** And the payments to Mr Raass stop in about November 2019; is that right?

- 1 **BISHOP DUNN:** Correct.
- 2 **MS ANDERSON:** I'm just going to take you to a document CTH0019670 which is a -- just get
3 that document up.
- 4 **CHAIR:** Can you just describe this document.
- 5 **MS ANDERSON:** Yes, I will, I'm just waiting for it to be --
- 6 **CHAIR:** I see. It's going to be coming up on the screen, okay.
- 7 **MS ANDERSON:** No, I don't think it needs to come up on the screen. It's a file note that you've
8 made in June 2019 relating to Sateki Raass. Is that you, have you had a chance to
9 familiarise yourself with your file note?
- 10 **BISHOP DUNN:** (Document read).
- 11 **CHAIR:** Yes, Mr Thomas.
- 12 **MR THOMAS:** Sorry to interrupt, I'll let the witness continue reading. It's just been brought to
13 my attention, Madam Chair, that documents being brought up on the screen may be trying
14 to be viewed or photographed from the back of the room, so might just need a reminder
15 perhaps about that, Madam Chair.
- 16 **CHAIR:** Yes, please.
- 17 **MR THOMAS:** I don't have any details, but that's what I've been informed.
- 18 **CHAIR:** I did make it clear at the beginning of today that although the documents are being put
19 up so the witness, counsel and the Commissioners can look at it to make it easier for them,
20 they are not displaying them to the public and there are important reasons of privacy and
21 I ask everybody to respect that and that if you're trying to take pictures of it from the back,
22 please do not. I haven't seen it but if you are, don't. That would be in contempt of the
23 Commission's proceedings and it would be a grave breach of the privacy rights of survivors
24 who we are here to protect.
- 25 So if you have taken any photographs, please delete them immediately. Thank you.
- 26 **BISHOP DUNN:** Thanks, ma'am. Thanks, counsel.
- 27 **MS ANDERSON:** So Pat, it's recording your meeting with Father Raass to discuss his future
28 plans; that's right, isn't it?
- 29 **BISHOP DUNN:** Correct.
- 30 **MS ANDERSON:** And it's been agreed that it would be best for him to seek a dispensation from
31 the obligations of the priesthood.
- 32 **BISHOP DUNN:** Correct.
- 33 **MS ANDERSON:** This is a couple of months after the criminal conviction?

1 **BISHOP DUNN:** Yes.

2 **MS ANDERSON:** Can I ask you, why leave it to a voluntary process rather than have a Canon
3 Law process to, in layperson's terms, to defrock the priest.

4 **BISHOP DUNN:** It's still a Canon Law process but this is quicker, from Rome's point of view. If
5 the priest actually seeks a dispensation and the Canon Law case is clear, then it moves more
6 quickly.

7 **MS ANDERSON:** So a pragmatic reason?

8 **BISHOP DUNN:** Yes.

9 **MS ANDERSON:** And you see the discussion in the second paragraph there where what you
10 were told was that Mr Raass felt the judge was obliged to inform some sentence because
11 Mr Raass had pleaded guilty, but then we get this reference here "but the judge agreed it
12 was simply a big mistake on his part."

13 Is that what Mr Raass told you, that this was just a big mistake?

14 **BISHOP DUNN:** That was what he said to the judge. And the judge accepted it.

15 **MS ANDERSON:** Well, do you agree with that characterisation?

16 **BISHOP DUNN:** Partly, yes.

17 **MS ANDERSON:** How so.

18 **BISHOP DUNN:** Well, I think it was a big mistake.

19 **MS ANDERSON:** It was an intentional criminal act, wasn't it?

20 **BISHOP DUNN:** It was a big mistake that turned out to be a criminal act, correct.

21 **MS ANDERSON:** And then over the page, the third paragraph from the top, where you say that
22 you think the decision to leave the priesthood was correct, so you recall that was your view
23 at the time?

24 **BISHOP DUNN:** Absolutely.

25 **MS ANDERSON:** And then the note records:

26 "I said if he did have misgivings we could look at reinstating him."

27 So that was your view at that time that there was a process by which a person
28 convicted could actually apply for reinstatement. Could you just help me understand what
29 that process is, firstly?

30 **BISHOP DUNN:** I don't understand that actual comment, I must confess.

31 **MS ANDERSON:** So you don't recall thinking that there might be a way for him to come back
32 into the priesthood in the future?

33 **BISHOP DUNN:** I might have said that to him, but I had no intention of that ever happening. In

1 fact, I'm not sure that I would have said it to him anyway.

2 **MS ANDERSON:** But you've recorded it in your file note.

3 **BISHOP DUNN:** Yeah.

4 **MS ANDERSON:** So you probably did say it.

5 **BISHOP DUNN:** Yes, I don't know.

6 **MS ANDERSON:** I'm just conscious of time, Madam Chair, we've been going for an hour and a
7 half, just conscious of the signers and the stenographers may need a break, it might be,
8 perhaps, a point to pause.

9 **CHAIR:** Yes, is this a moment? Shall we take 10 minutes?

10 **MS ANDERSON:** 10 minutes.

11 **CHAIR:** Just to give everybody a break. All right, we'll adjourn for 10 minutes, back at quarter
12 past 3.

13 **Adjournment from 3.06 pm to 3.23 pm**

14 **CHAIR:** Ms McKechnie.

15 **MS McKECHNIE:** Could we just begin, ma'am, with some housekeeping. I'm conscious we
16 only have an hour and a half left in the day and I'd be grateful if we could have some
17 indications of what Commissioners' intentions were?

18 **CHAIR:** As I understand it we're having 15 minutes more on this, there will be two no more
19 questions from the Commissioners and then we'll move to the next set of evidence.

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

21 **CHAIR:** Ms Anderson.

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

23 Pat, you mentioned in your witness statement that you provided about giving events
24 in January 2021 -- I'm getting a little bit of feedback -- about providing a recommendation
25 for a teaching position for Father Raas. Do you recall that that's in your witness statement?

26 I'm just going to ask you a little bit about your thought processes leading to that
27 recommendation which, in reading the document reference into the bundle but we don't
28 need to go there I don't think, CTH0019573. So this is nearly two years after the conviction
29 and you're recommending him for a teaching position.

30 Do you recall which school this related to?

31 **BISHOP DUNN:** I do.

32 **MS ANDERSON:** And you said that he'd be a great asset to that particular college.

33 **BISHOP DUNN:** I was actually approached by the --

- 1 **CHAIR:** Sorry, I did remind the audience, I know that you need to react, just react quietly please.
2 Sorry, carry on.
- 3 **BISHOP DUNN:** I was approached by the principal of the school who knew Sateki and knew
4 about his history who said that he wondered if -- he'd quite like to have him in a teaching
5 position in the school, and I thought that could be quite okay.
- 6 **MS ANDERSON:** Do you appreciate many survivors would think it wouldn't be okay to be
7 recommending somebody for a position in a school who had a conviction involving a
8 minor?
- 9 **BISHOP DUNN:** I do understand that, but the principal was also aware of the situation and felt
10 that it would not be a problem.
- 11 **MS ANDERSON:** But the teaching position didn't eventuate did it?
- 12 **BISHOP DUNN:** No.
- 13 **MS ANDERSON:** Is that because Teaching Council requirements would have prevented
14 somebody with that conviction potentially from taking on a role in the school or for other
15 reasons?
- 16 **BISHOP DUNN:** I'm not sure really. The principal was just asking about the possibility but
17 wanted to pursue it.
- 18 **MS ANDERSON:** And you say in your statement that in hindsight Sateki Raass holding a
19 teaching position would have been unwise, so that's your current view is it?
- 20 **BISHOP DUNN:** In some ways yes, but on the other hand he's a pretty talented man and comes
21 from a family of teachers.
- 22 **MS ANDERSON:** Do you understand that that might be seen as sort of unrelenting support for
23 somebody who you've had personal knowledge of three reports of abuse, and you've been
24 aware at least in 2013 that he'd been suspended in Tonga, that you've got a very -- it's a
25 very strong sense of a commitment you've got to support this person. Is that a fair
26 summary?
- 27 **BISHOP DUNN:** It's not a strong sense of support for him per se, but all through my life I've tried
28 to help people who have had convictions to get their life back on to an even keel and sort of
29 to encourage them to learn from past mistakes and try just to move forward for the
30 sake -- for their sake and for the sake of their family. I've always tried to do that and
31 I didn't see it that I shouldn't do it for him too.
- 32 **MS ANDERSON:** So does that mean you don't really think it was unwise? Is this statement in
33 your brief of evidence, is that not quite accurate? How would you like to characterise it?

1 **BISHOP DUNN:** It might not be the right time.

2 **MS ANDERSON:** Do you recall in September of 2021 the document reference for the record is
3 CTH0019425, and again I don't think we need to call it up unless you need to refresh
4 yourself from the document, but it was a communication from the Chairperson of the Board
5 of Trustees of the Good Shepherd School after the media article about Sateki Raass. He
6 posed a question -- you don't need to see necessarily see the question but if you want to go
7 to the document that's fine.

8 But I'm really going to put to you now the question that was put in the letter and the
9 question was what are the reasons for Sateki Raass residing in the Presbytery, that's the
10 Good Shepherd Presbytery, and what measures have been made to ensure this does not
11 happen again?

12 It's a two-part question, I think you've probably already given us your thoughts on
13 why you -- it's appropriate for Sateki Raass to go to the Balmoral Presbytery, but is there
14 anything you want to say on that first part of the question just so that we're really clear on
15 your reasoning?

16 **BISHOP DUNN:** Sorry, I've forgotten the second part of your question. The actual choice of
17 Balmoral was made within hours so he had to move somewhere. The Police had no
18 objection to the move. Later the bail conditions were changed. I don't think the Police ever
19 saw Sateki Raass as a threat to primary school children.

20 **MS ANDERSON:** And the second part is, what measures have been put in place to ensure this
21 does not happen again? So what does not happen again is a person who's been charged
22 with a criminal offence involving a minor being put in a Presbytery next to a school.

23 **BISHOP DUNN:** I just guess it won't happen again, it's not an everyday event. Where he lives
24 now, I have no idea whether it's near a primary school or not.

25 **MS ANDERSON:** Yeah, but it's more about, does the Church have measures or a protocol around
26 this, or is it simply a case of ad hoc decision-making if and when it arises in the future?

27 **BISHOP DUNN:** It probably pertains to what the offence actually is.

28 **MS ANDERSON:** So is there a document or are you outlining --

29 **BISHOP DUNN:** No, it's just my thinking, yeah.

30 **MS ANDERSON:** After all of this has happened, this is when you get in touch with the Bishop of
31 Tonga and this is the point in the sequence that returning to the 2005 letters that we began
32 our conversation about, so this is -- just to landmark in the timeframe, does that accord with
33 your recollection that it's about this time that there are these further questions to the Bishop

1 of Tonga and that's when there's more information about these 2005 letters before Father
2 Raass came to New Zealand?

3 **BISHOP DUNN:** Yes.

4 **MS ANDERSON:** Just coming to the point that I foreshadowed earlier on in our discussion about
5 the scenario where there might be an anonymous report to you or now to Steve as Bishop of
6 Auckland, and it may be that that's the way some person who is a victim, or a third party
7 who knows what's happening wants to let the Church know; what is the approach that
8 should be taken to anonymous reports that could signal a real safety concern?

9 **BISHOP DUNN:** They need to be taken seriously and acknowledged, and if possible quietly
10 investigated.

11 **MS ANDERSON:** And that would be your current -- putting you back slightly before you've
12 retired, that would have been your approach, would it have been, in 2021?

13 **BISHOP DUNN:** Yeah, but even historically if there were an anonymous thing just to see well
14 what is the complaint, like what's the background, what's it referring to.

15 **MS ANDERSON:** I think we can all agree such reports should be taken seriously and may lead to
16 some safeguarding provisions that are put in place while that further investigation's going
17 on, even though you might not have very much information. I see Steve nodding there in
18 relation to that.

19 **COMMISSIONER ERUETI:** Can I just check that there is a policy that's clearly written about
20 how to respond to those complaints, the circumstances for standing someone down or
21 keeping someone subject to conditions and other safeguarding rules; are there such rules
22 now? Because it seems in 2009 there weren't these rules.

23 **BISHOP DUNN:** Is that a question to me or to Bishop Steve?

24 **CHAIR:** Whoever thinks they can answer it best.

25 **BISHOP DUNN:** Steve might be better on that.

26 **BISHOP LOWE:** First of all the question about if there's any rumours of a complaint or of abuse
27 going on, the Church requires us now to investigate that, so it would immediately go to
28 NOPS and we would start an investigation. If somebody -- a complaint is made about
29 someone, that it's assessed just what the complaint is, but basically a safety plan will be put
30 in for them and that would include where they're living, restrictions on what they're allowed
31 to do, depending on exactly what it is.

32 **COMMISSIONER ERUETI:** And criteria for standing someone down, is that there now?

33 **BISHOP LOWE:** Absolutely, absolutely and we would do that, if need be, straight away. But

1 it's, you know, in the end it comes down to what the individual thing is, what the incident
2 is, but basically if it's in any way that hints at something serious, then they would be stood
3 down immediately while the investigation happens.

4 **COMMISSIONER ERUETI:** Thank you, kia ora, thank you.

5 **MS ANDERSON:** Steve, just a follow-up question from me in relation to that. So that's in
6 relation to an anonymous report. What about the report similar to the complaint two that
7 we've dealt with in this conversation where the person wants to tell the Church that
8 something's happened, the sexual misconduct, but they don't want the person to know that
9 they've come forward and said anything. How does that get dealt with? Because that is a
10 tricky dynamic to deal with, isn't it?

11 **BISHOP LOWE:** It is a tricky dynamic but it's any complaint that comes forward we have to deal
12 with it, and if it is of a serious sexual nature, even if the complainant doesn't want it dealt
13 with in any way, we would still refer it to the Police.

14 **MS ANDERSON:** Yeah, because that's been quite a hard and fast rule from 2019, hasn't it.

15 **BISHOP LOWE:** Yeah.

16 **MS ANDERSON:** Allegations relating to a person under 16 that you would automatically refer to
17 the Police even if the complainant doesn't necessarily want that to happen?

18 **BISHOP LOWE:** Yes, and we would try to support the complainant to do that, you know, I can
19 understand at times for various reasons why people are afraid to do that, but we
20 would -- we really try to encourage that, but they would be informed it's our obligation to
21 report it.

22 **MS ANDERSON:** Thank you. So much more black and white lines about what should happen
23 now than back in 2011, 13?

24 **BISHOP LOWE:** Correct.

25 **MS ANDERSON:** And potentially in 18. Just a brief -- just to wrap this up, Bishop Dunn, would
26 it be fair to characterise your approach to persons who might have caused harm to others is
27 a very pastoral approach, in the sense that you're quick to forgive and give them another
28 chance? Is that fair to say, how to characterise your thinking and your approach?

29 **BISHOP DUNN:** I try to be pastoral. It would depend on the seriousness of the complaint about
30 giving another chance.

31 **MS ANDERSON:** And so in terms of having people working in the diocesan archives or the
32 office that might perhaps have been subject to previous reports, is that something that you
33 would contemplate as appropriate, or what would your thought processes be around that?

1 **BISHOP DUNN:** I would really take advice before making any decisions along those lines.

2 **MS ANDERSON:** And I think in relation to Bishop Drennan, the previous Bishop of Palmerston
3 North who resigned from the Palmerston North post, he's an example, isn't he, of you've
4 accommodated him in your Diocese and he's housed and looked after there; is that right?

5 **BISHOP DUNN:** Yeah, that was at the request of all the other Bishops.

6 **MS ANDERSON:** Because he remains a Bishop, he must be looked after by somebody; is that
7 right?

8 **BISHOP DUNN:** He needs to live somewhere and I think the feeling of the New Zealand Bishops
9 was that Auckland is the largest city.

10 **MS ANDERSON:** So just finally, in terms of that balancing between safeguarding interests and
11 the interests of the clergy or the seminarian, you might be wanting to help them and support
12 them in some way, and using Sateki Raass as an example, do you think that you've got the
13 balance between those two considerations right, or do you have any reflections about how
14 the balance hasn't been quite right?

15 **BISHOP DUNN:** I think generally I'm quite happy with the decision to try to be pastoral. I feel
16 that the Bishops in the United States made a big mistake in the 2002 with their Dallas
17 Charter, one strike and you're out, and they lost the confidence and the respect of many of
18 their priests. [Applause]

19 **MS ANDERSON:** So overall you think that the balance has been about right? Is that fair to
20 summarise that?

21 **BISHOP DUNN:** I think so.

22 **MS ANDERSON:** Thank you, that concludes my questions to Pat in relation to Sateki Raass and I
23 think in the interests of time, Madam Chair, we probably won't have time for the questions
24 on the immigrant priests.

25 So Steve, thank you for your time and patience to sit there with Pat through this
26 evidence. But I think it might be time to suggest a very short adjournment and
27 rearrangement so that we have John Dew, Sue France and Dr Flanagan.

28 **CHAIR:** We've just got one question. I'm sorry that you've sat there but I'm sure you've been of
29 great support to Pat, I'm sorry we didn't get to your questions. But Sandra Alofivae has one
30 question, she's allowed one question.

31 **COMMISSIONER ALOFIVAE:** One question, yes, I am.

32 Talofa Bishop Pat and Bishop Lowe. It would be difficult for me not to ask this
33 question around culture, around your Catholic ethnic communities and in particular the

1 Tongan community which has come up in today's questioning with Sateki Raass.

2 Pat, you've been the Bishop for 27 years but prior to that your entire life really has
3 been in the Catholic Church, right, here in Tāmaki Makaurau?

4 **BISHOP DUNN:** Ae.

5 **COMMISSIONER ALOFIVAE:** So you'd be very familiar with the culture in our different
6 ethnic communities but particularly the strength in your Catholic community.

7 **BISHOP DUNN:** Yes, definitely.

8 **COMMISSIONER ALOFIVAE:** So you'd be familiar then with clericalism but more
9 particularly how it's elevated within the culture and certainly your role as Bishop, and now
10 of course your role Steve, and how that would be interpreted and received.

11 So when you say that it's very difficult to break into the Tongan mentality or the
12 Tongan community, is that because you're so familiar with them that it was actually more
13 about friendship than it was about being able to set really good strong leadership in that
14 community?

15 **BISHOP DUNN:** No, I think it was because I couldn't get my head around the, pressures is not
16 quite the right word, that were being felt by Tongan complainants, like the question, for
17 example, would they have felt comfortable if a Tongan were to interview them, and I'm not
18 sure whether they would or would not. Part of me thinks a Tongan would understand the
19 culture and be able to communicate and understand the various niceties, but another part of
20 me thinks that they might not have wanted a Tongan because of those complexities. That's
21 what I don't quite understand.

22 **COMMISSIONER ALOFIVAE:** Would it be fair to say, Pat, that you often just go within your
23 own congregation, so you would use other Catholic professionals within the faith to deal
24 with issues like this? So you'd use your own Catholic lawyers, your own Catholic
25 counsellors -- what I'm trying to get at is when you say Tongan professionals, and it's hard
26 to understand why they wouldn't engage, but one of the things about the Tongan culture is
27 the strength of the hierarchy, and so understanding that leadership, which I am assuming
28 you understand very well; why you then wouldn't consider bringing in an external party to
29 then do that in your role as the Bishop?

30 **BISHOP DUNN:** We do, we do use counsellors or others who are not Catholic. But I suspect
31 another Tongan who was not Catholic would have the same issues, if you like. The
32 Samoan word I think is fa'aaloalo.

33 **COMMISSIONER ALOFIVAE:** Fa'aaloalo, yes.

1 **BISHOP DUNN:** Yeah, and that -- which, Madam Chair, means sort of being respectful or using
2 the appropriate language, and that's part of the culture. And I sort of feel it needs to be
3 respected but it can have a downside too, which is what I think you're alluding to.

4 **COMMISSIONER ALOFIVAE:** But one of the basic premises is just asking the people direct,
5 and is that a process that the Church engages to ask -- so in this case it was the Tongan
6 community, so to just put it to them direct, would they be comfortable by using a Tongan
7 facilitator or someone else, or not?

8 **BISHOP DUNN:** Yes, certainly, yes, certainly that would be a good thing to do.

9 **COMMISSIONER ALOFIVAE:** Was that a process that you used in this particular instance?

10 **BISHOP DUNN:** No, and that was my reflection that maybe it would have been a way forward,
11 but I also have a hunch that it might not have been welcomed.

12 **COMMISSIONER ALOFIVAE:** But you didn't use it, it's almost like a natural right, a natural
13 justice issue to put it to the person.

14 **BISHOP DUNN:** Yes, absolutely.

15 **COMMISSIONER ALOFIVAE:** Would they be comfortable as part of a process around
16 transparency and honesty?

17 **BISHOP DUNN:** I agree, yeah, absolutely.

18 **COMMISSIONER ALOFIVAE:** Would you also accept then that in terms of being able to set
19 examples, and we're just talking about your Pacific communities but we'll stick to the
20 Tongan, that actually the example needs to be set from the top. So if the Bishop is the
21 highest person in that particular line of authority, that that's where it needs to start and the
22 people inevitably would comply. I'm looking at you as well, Bishop Steve.

23 **BISHOP LOWE:** I've just got a similar example from another perspective, but it's on the thing
24 when a Bishop turns up, or a priest does a funeral or things and the amount of money that's
25 paid and I'm really concerned that families are going to debt collectors to get a loan to pay
26 for this magnificent funeral for mum or dad or someone they love. And I've written quite
27 strongly to the priests that we shouldn't be a part of this. It's got some kickback because of
28 the cultural considerations.

29 So it's a bit of a journey, but I think it is -- but it really is a thing of actually we have
30 to engage, and this is the culture and the gospel values engaging and I think --

31 **COMMISSIONER ALOFIVAE:** So what you're saying it's not unusual that approach, and I've
32 seen it done in other faiths where the example is set from the top. And I guess what I'm
33 asking you, is that a deliberate intention then on the part of the Catholic Bishops, if you're

1 wanting to drive that cultural change within your Pacific communities, that that's where it's
2 got to start?

3 **BISHOP LOWE:** Yeah.

4 **CHAIR:** General head nodding.

5 **BISHOP LOWE:** Yeah, I think so and one of the things that is happening in the Church at the
6 moment, Pope Francis is asking for us to be a more synodal Church. And I suppose the
7 simplest way to put synod in the New Zealand context would be a hui, you know a hui with
8 our people. I think that's where we're going to have to engage in a new way.

9 But certainly the way that priests are elevated in the Pasifika cultures in particular,
10 but also some of our Asian cultures now, it's not good and we actually have to break that.
11 In terms of the relationships with Europeans and to Māori that's not so strong as it once
12 was, thanks be to God, and that enables a lot safer Church to develop as we're able to talk
13 about these issues a lot freer.

14 **COMMISSIONER ALOFIVAE:** In the interests of time I'll stop there.

15 **CHAIR:** That's because she got the signal and the eye. I apologise for us being time constrained
16 and I apologise to everybody else who came with the expectation, but would you be
17 available, if we had other questions, would you be able to answer them outside this hearing
18 in writing or whatever?

19 **BISHOP LOWE:** Yes, absolutely.

20 **CHAIR:** Thank you very much, I'd much appreciate that. So that's bringing us to the end of these
21 two witnesses, Ms McKechnie, anything else?

22 **MS McKECHNIE:** Thank you, ma'am, just two small matters of housekeeping to conclude this
23 session. The documents that Bishop Pat was referring to in relation to not being asked to
24 speak to survivors, that was some correspondence between myself and Lisa Preston, so
25 Ms Anderson may not be familiar with those, they were before Ms Anderson joined the
26 Commission so we'll make those documents available to the Commission, you have them in
27 your archives but we'll return those.

28 **CHAIR:** That's the sort of thing to tidy up some loose ends would be much appreciated.

29 **MS McKECHNIE:** I'd also like to apologise for slightly losing my temper before. We were told
30 this witness would be shown a few documents and he was shown 21, and I shouldn't have
31 lost my temper about that and I apologise.

32 **CHAIR:** Thank you. Very well, and both of those witnesses, you're both now able to leave and
33 have a well-earned rest. Thank you both very much for your attendance today.

1 **BISHOP DUNN:** Thank you.

2 **CHAIR:** Do you wish us to go away while you rearrange, or shall we just stay here?

3 Ms Anderson?

4 **MS McKECHNIE:** Can I just clarify, is the Cardinal going to be asked questions about Bishop
5 Kavanagh or are we skipping over that, which probably because of time we may need to,
6 and in that case we can probably empanel all three?

7 **CHAIR:** Ms Anderson?

8 **MS ANDERSON:** My proposal is we empanel all three and there'll be a few questions directed to
9 Cardinal Dew, but only very few, and then there'll be more questions for the three.

10 **CHAIR:** So shall we leave while you do that or --

11 **MS McKECHNIE:** I understand John is out of the room so it will take us a couple of minutes to
12 assemble.

13 **CHAIR:** We'll just take literally 5 minutes, no longer.

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