

**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
414 Khyber Pass Road
AUCKLAND

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TRANSCRIPT OF PROCEEDINGS

INDEX

OPENING STATEMENT BY THE CATHOLIC CHURCH ON EDUCATION	109
FATHER TIMOTHY DUCKWORTH	
Questioning by Ms McKechnie	116
Questioning by Mr Thomas	121
Questioning by Commissioners	134
DR ROB FERREIRA, DR CLARE COUCH and MR SEAN MAHONY	
Questioning by Ms McKechnie	144
Questioning by Mr Thomas	149
Questioning by Commissioners	160
OPENING STATEMENT BY THE CATHOLIC BISHOPS AND CONGREGATIONAL LEADERS	166
BISHOP DUNN AND BISHOP LOWE	
Questioning by Ms McKechnie	173
Questioning by Ms Anderson	178
Questioning by Commissioners	208
CARDINAL JOHN DEW, DR PAUL FLANAGAN and SISTER SUE FRANCE	
Questioning by Ms McKechnie	212
Questioning by Ms Anderson	217
Questioning by Commissioners	230

14 **OPENING STATEMENT BY THE CATHOLIC BISHOPS AND**
15 **CONGREGATIONAL LEADERS**

16 **MS McKECHNIE:** Thank you, ma'am, we'll ensure that they are.

17 Madam Chair, Commissioners, those listening, we now move to the second part of
18 the evidence from the Catholic Bishops and Congregational Leaders today which I
19 understand the Commission is referring to as the institutional response.

20 Again, ma'am, Commissioners, you have heard the acknowledgements from the
21 many Catholic witnesses who have given evidence already in the Commission, and you will
22 hear evidence acknowledging and re-committing to those acknowledgements this
23 afternoon.

24 We are very mindful that this is the last time that members of the Dioceses and
25 Congregations of the Catholic Church will be speaking to you in a public hearing. In
26 closing submissions later this week we will attempt to draw together some of the themes
27 and threads of all of that evidence and the material that you've been provided with. But to
28 provide some context, particularly for those who are listening and are not aware of all the
29 efforts that the Commission is making in the background, I'll briefly summarise.

30 The Bishops and Congregational Leaders of the Catholic Church in New Zealand
31 have been served with 33 notices to produce documents in evidence. And in response to
32 that they have filed 60 submissions, 14 substantive submissions, like the one I'm giving
33 now, and more than 150,000 historical documents to the Commission. There have been 19

1 witness statements and 14 briefing papers.

2 The scale of this response underscores the seriousness with which the Bishops and
3 Congregational Leaders take this Commission and their engagement with it.

4 As you know, Commissioners, they asked to join this Commission and have
5 engaged as a matter of great seriousness and concentration with your kaupapa.

6 Much of the evidence that is prepared on behalf of the Catholic Church – and this is
7 evidence you're going to hear this afternoon, Commissioners – is done in the form of
8 briefing papers. I'm going to take a moment to explain those, because they are not a thing
9 that you find in an ordinary court because this is a Commission of Inquiry, and the scope of
10 your terms of reference.

11 It's a process that is being used where there's no single individual that has sufficient
12 knowledge, or if there was such an individual they're now dead.

13 So these are prepared by the legal team, Commissioners, from the historical records,
14 sometimes by interviewing a number of people if there are still witnesses alive or
15 individuals who are aware, and from secondary sources.

16 To prepare this material and the scale of the response, this has been coordinated
17 through the TRT [Te Rōpū Tautoko] process with which Commissioners are familiar.

18 For the approval process of these documents, across that huge range of our 50
19 clients, they are usually signed off by the Chair of the TRT Governance Committee. This
20 has been necessary due to the scale of your requests and the timeframes, tight timeframes
21 for responding. As a result, the witnesses who give evidence today can only speak to their
22 memories and their own opinions, as you heard Tim do this morning.

23 But in many cases, they're not familiar with the historical documents; even if they
24 have seen the historical documents in preparation, they're not familiar with the decisions
25 that those documents record.

26 So, unavoidably this afternoon, there will be more evidence where they cannot
27 speak to what was in the minds of the decision-makers.

28 Commissioners, part of the reason for this breadth and complexity is the size of the
29 Church. I was thoughtful in listening to the evidence on Thursday afternoon that there's
30 quite a contrast between the community that gave evidence on Thursday afternoon and the
31 community that is giving evidence today.

32 10% of the New Zealand population identify as Catholic, 470,000 people. And, of
33 course, it is a global faith of more than a billion.

1 In New Zealand, Commissioners, the Catholic faith contains many different cultures
2 and ethnic groups and they are all combined in their faith, but the particular nature of their
3 faith often differs, because it is informed and enriched by the ethnic and cultural practices
4 that they bring to the faith.

5 Within the community there are individuals, such as bishops and congregational
6 leaders, with specific leadership roles and responsibilities, but they're often shared and
7 they're overlapping, and they're simultaneously independent, which the Catholic leaders are
8 very aware makes it very complicated for the Commission.

9 There are six Dioceses in New Zealand, and more than 60 Congregations have had a
10 role in New Zealand at some point in the history of the Catholic faith here. 39 of them are
11 represented through TRT. They are all independent of each other, and simultaneously part
12 of the same faith.

13 That means that since 1950, the scope of your terms of reference, there have been
14 428 unique Catholic parishes, 393 schools and more than 65 care institutions, and as you
15 heard me say this morning, there remain 236 schools, the care institutions now are vastly
16 reduced in scale and there are no care institutions in the classical form still run by entities
17 within the Church.

18 But given this diversity and complexity, no individual can speak for “the Church”.
19 The leaders can speak for their own diocesan and congregational views and they will do
20 that this afternoon.

21 But there do continue to be collaborative processes and a response to harm, what
22 this Commission is looking at, is actually one of those examples. The Church first came
23 together in the 1990s when the knowledge of this issue began to surface, and A Path to
24 Healing was first promulgated. And over the last 25 years, that process has been refined
25 and improved, and the coordination has continued to improve.

26 That led to the National Office of Professional Standards being created in 2004 and
27 the National Safeguarding and Professional Standards Committee, perhaps another pithy
28 title for today, Commissioners, was also created in 2004, and Dr Paul Flanagan, who's
29 giving evidence this afternoon, is a member of that Committee. That is a national
30 governance body that has been tasked by the Mixed Commission – which, for those of you
31 who don't hold Catholic structures in your mind every moment, to remind you, is a
32 combination of the New Zealand Catholic Bishops Conference and the Congregational
33 Leaders of Aotearoa and New Zealand (CLANZ) – they come together to have meetings

1 and make decisions on occasion – they have tasked that Committee with governance of
2 both safeguarding and of professional standards.

3 So the evidence that you're going to hear today, Commissioners, is necessarily a
4 thin snapshot of all of that diversity. And it's going to focus in three areas, and I'll briefly
5 outline now for you and those listening, what you can expect to hear this afternoon.

6 And this is in response to what the Commission have requested of the Church.

7 The first session, Commissioners, is the retired Bishop of Auckland, Bishop Pat
8 Dunn, and the current Bishop of Auckland, Bishop Steve Lowe, they've been asked to give
9 evidence. Bishop Pat retired in February this year after 27 years as the Bishop. That was
10 due to the serious deterioration of his eyesight. As you will see when he's in the witness
11 box, his ability to review material is now essentially almost gone, very sadly.

12 As a result, he has prepared a short witness statement in relation to a priest you have
13 heard evidence about, Sateki Raass, a former priest from the Tongan chaplaincy in
14 Auckland, and those are the matters he's going to be asked questions about today. He's
15 going to be accompanied by Madeleine Holmes who is a member of our legal team who
16 will sit with him and assist.

17 Bishop Steve became the Bishop of Auckland on Pat's retirement and he remains
18 the Apostolic Administrator of Hamilton until a new bishop is appointed. Bishop Steve's
19 evidence today focuses on the briefing paper about Immigrant Clergy and Religious and in
20 particular the process for bringing immigrant priests into New Zealand to minister.

21 Now, Bishop Steve didn't prepare that document, Commissioners. It was
22 predominantly drafted by Ms Gwynn, who was sitting next to me before, by reference to
23 the historical records, but he does have personal experience of sponsoring overseas priests
24 into New Zealand and has recently brought in some strength and changes in that process.
25 He's also familiar with the Religious Workers Visa that Immigration New Zealand have
26 recently brought in and why that was brought in, and he will be answering questions about
27 that.

28 I'm also conscious, ma'am, that in the afternoon Sue France will be giving evidence
29 and you may have questions for her about the sponsoring of sisters into New Zealand,
30 which is a process she is familiar with.

31 The second session will be John Dew, the Archbishop of Wellington. He has been
32 asked to give evidence about a recent investigation into the historical actions of Bishop
33 Kavanagh. Bishop Kavanagh was the Bishop of Dunedin, and Kavanagh College on the

1 hill in Dunedin was named after him. And there were some allegations brought relatively
2 recently, firstly to Bishop Dooley, the Bishop of Dunedin, which were then sent to John,
3 about Bishop Kavanagh's failure to act or alleged failure to act in relation to two men who
4 had been offenders in Dunedin.

5 As John is the Metropolitan of New Zealand, he's responsible, under the direction of
6 the Vatican, for investigating the actions of Bishops. In this instance, because Bishop
7 Kavanagh is dead, the Vatican did not require this matter to be investigated. However,
8 John decided that it should be, and tasked NOPS with undertaking an independent
9 investigation. He then received the report, and the matter was transferred to Bishop
10 Dooley, and John is here to answer questions about that process.

11 Having received the report, Bishop Dooley in Dunedin has decided to change the
12 name of the college, and Bishop Dooley is here today and if the Commissioners have
13 questions in relation to that he is happy to accept those.

14 The final session, Commissioners, is about reflections looking forward and looking
15 back. And this, Commissioners, is in relation to a list of questions that we received, which
16 I understand all the faiths giving evidence this week have broadly received the same
17 questions, thinking about some of the big themes.

18 Now, Commissioners, as there is no single entity called "the Catholic Church"
19 you're going to hear from three leaders this afternoon and they're going to sit together in the
20 witness box. John Dew is going to give evidence, Sister Sue France, the Congregational
21 Leader of the Sisters of Mercy, is going to give evidence, and Dr Paul Flanagan, who is a
22 lay member of the National Safeguarding and Professional Standards Committee. They are
23 supported by Ms Virginia Noonan, who you know, who is the director of NOPS [National
24 Office for Professional Standards], and by Kevin Shore, and both Virginia and Kevin will
25 be sitting with me and, again, if there are specific questions the witnesses may refer them to
26 their advisors or the Commissioners may have questions.

27 Commissioners, we're adopting a similar process used in the Crown hearing, where
28 these leaders, particularly Sister Sue and John, are the chief executives, essentially, of very
29 large organisations and they delegate many of these matters. So if these advisors can assist
30 that is why they are here both to help the witnesses and to help the Commission.

31 In the last few minutes I have of this opening submission, Commissioners, I'd like
32 to emphasise four key features of the evidence you're going to hear this afternoon. The
33 first, and these are all changes currently being made which I anticipate will be of particular

1 interest to the Commission. The first is that the Path to Healing process is under regular
2 review and as part of the recent evidence that Ms Noonan gave, you may remember that a
3 number of requests were made of her and her office in relation to that. And this is
4 informing the review of a Path to Healing at present, it is currently going out for – I
5 understand it's in the process of consultation from stakeholders at the moment.

6 Dr Paul Flanagan speaks to some of that in his evidence.

7 Secondly, Commissioners, as you know from previous statements to you, the
8 Bishops and Congregational Leaders support the independent redress scheme for survivors.
9 And at present they are actively engaging with the Crown Response Unit through TRT
10 supported by a number of the managing -- the general managers of the Dioceses to do that
11 work on behalf of the wider Church, so John Prendergast-- John is General Manager of the
12 Diocese of Wellington as a part of that group -- engaging with how that redress scheme can
13 respond to survivors and what the Church entities can learn from that as it is being stood
14 up.

15 The Church is very aware that it's not going to be created tomorrow and,
16 accordingly, these processes need to be refined in the meantime as well.

17 Thirdly, Commissioners, following the release of your report, the Congregational
18 Leaders and Bishops have met and agreed on what they refer to as a road map. There is a
19 copy of that road map on the back of my opening submissions. It's a public document,
20 Commissioners, it's available for anybody to see and review on the TRT website.

21 Now, the purpose of this is how the Church can respond to the recommendations
22 and themes from you and your report while this Commission continues to be underway.
23 They don't want to wait until your final report and hence have committed to these steps.
24 They focus, Commissioners, on reviewing structures, reducing barriers to disclosures, and
25 improving processes of the Church to be more survivor informed while we wait for your
26 final recommendations and for whatever redress scheme is ultimately created by the
27 Crown.

28 To be publicly accountable, these are available online and we encourage anybody
29 listening, and the Commission, to engage with those. Bishops and Congregational Leaders
30 want to be held to account.

31 The fourth theme I'll emphasise in my opening is the importance of transparency.
32 The Bishops and Congregational Leaders have heard the greater calls for transparency from
33 the Catholic community, from survivors, from the Commission. And as part of that, as the

1 Commission is aware, during the last four years TRT has undertaken a statistical research
2 project across all the Catholic entities in New Zealand. That had never been done before
3 prior to the Commission. That was looking at all the records that are held of events of
4 harm. Those events are themselves very varied from the most serious to a much more
5 minor,- a swear word or an inappropriate tap on the ear,-- through to matters of great harm
6 and criminal activity.

7 The records themselves are very varied. Some of them are full investigation files,
8 some of them are a phone call where somebody rang and said, "I was hurt I want to talk to
9 somebody", and never rang back. We don't know necessarily even who that person was
10 that they were complaining about. But what the Dioceses and Congregations have done is
11 assemble all those records such as they hold them – and they acknowledge that they may
12 have never have been recorded – but such as they hold them, and that information has been
13 publicly released. It, of course, has been provided to the Commission but it also has been
14 published on the TRT website so the community, the Catholic community, the survivor
15 community, the wider community can see that information.

16 And that is a fundamental commitment that the Bishops and Congregational
17 Leaders took to transparency.

18 So those are the four themes in terms of the changes that are currently underway.
19 Looking to the future, in the last moments of my opening, Commissioners, as part of the
20 road map, the Church leaders have committed that changes are needed and I will close my
21 opening by just repeating one of the statements from the road map. The leaders have
22 acknowledged that the release of your report is an opportunity to reset the Church's
23 relationship with survivors, to bolster efforts of safeguarding and to re-shape their response
24 to reports of abuse and harm, historical, contemporary and into the future. And I anticipate
25 that you will hear more about that this afternoon.

26 **CHAIR:** Thank you, Ms McKechnie, gives us a very good outline of where we're going to go
27 once we've had lunch. So thank you very much for that and just to remind everybody, both
28 here and on the livestream, that we will resume again at 1.30.

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

30 **Lunch adjournment from 12.46 pm to 1.33 pm**