

**Witness Name:** Cardinal John Atcherley Dew

**Statement No.:** WITN0252001

**Dated:** 23 September 2020

**ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE**

---

**FIRST WITNESS STATEMENT OF CARDINAL JOHN ATCHERLY DEW**

**FILED ON BEHALF OF  
THE BISHOPS AND CONGREGATIONAL LEADERS OF THE  
CATHOLIC CHURCH IN AOTEAROA NEW ZEALAND**

---

Provided on the basis of provisional confidentiality: not for distribution

I, Cardinal John Atcherley Dew, will say as follows:-

### **Introduction**

1. My full name is John Atcherley Dew. I am the Archbishop of Wellington and the Metropolitan of New Zealand, serving in these roles since 2005. I was appointed Cardinal in 2015.
2. I was ordained a priest for the Archdiocese of Wellington (**Archdiocese**) in May 1976 and served in St Joseph's Parish Upper Hutt until the beginning of 1980. I then served for three years in the Diocese of Rarotonga. In January 1983, I returned to Wellington and worked in Youth Ministry for five years, while at the same time serving as Chaplain to the Cook Island Catholic Community.
3. In 1988, I began a four-year term at Holy Cross College, Mosgiel (the National Seminary for Diocesan candidates for the priesthood). My role there was as the Formation Director for First Year Seminarians, guiding them in spiritual, human and pastoral formation. From August 1991 until June 1992, I studied at the Institute of St Anslem, Kent, England; this was to enhance the kind of work I had already been doing at the Seminary. For the rest of 1992 I did a Scripture course at St George's College, Jerusalem, and then did voluntary work in India for four months.
4. From February 1993 until April 1995, I served as the parish priest of St Anne's Parish in Newtown, Wellington. In May 1995, I was appointed the Auxiliary Bishop of Wellington and served in that position until I was appointed the Archbishop of Wellington in March 2005.

*Acknowledgement of harm*

5. On behalf of the Catholic Church I would like to offer my sincere and unconditional apologies to the victims and survivors who have suffered abuse while in our care.
6. I have been shocked and horrified at the way people have been treated and how their trust has been betrayed by clergy and religious, to our great shame. I simply cannot understand how this could have occurred.
7. As a Church, we are committed to our ongoing journey of change, and we see the Royal Commission's faith-based redress investigation as an opportunity for further reflection and improvement. We hope that this process will help us in addressing complaints with justice and compassion, so that we can continue to listen and learn, and to be accountable, transparent and responsible in all that we do.
8. We are also committed to the safeguarding of the vulnerable and preventing this harm happening in the future. Much work has been done, but our journey has a long way to go.

*What my evidence covers*

9. My evidence on redress covers three broad themes. It focuses on the response to (or redress for) complainants.
10. First, I am giving evidence about the diocesan approach to redress – in particular, the approach adopted by the Archdiocese. Each of the six dioceses has its own approach to redress, but over the years we have attempted to have a national approach to redress.
11. Secondly, I am giving evidence about the national approach to redress adopted by the Catholic Church in New Zealand up until 2004, when the National Office of Professional Standards (**NOPS**) was established.

Confidential information: not for distribution

Phil Hamlin's witness statement will address the national approach to redress from 2004 onwards.

12. Thirdly, I will give a brief overview of developments in redress from the Vatican, touching on canon law where relevant. I do this because we, as the Catholic Church in New Zealand, are necessarily guided by the Vatican's approach to redress. It can be seen that some changes in redress have been prompted, or required, by changes announced by the Vatican. Our history also shows that the New Zealand Catholic Church has driven change to redress, independently of the Vatican.
13. In providing my statement, I have been guided by the Scoping Document released by the Royal Commission for the faith-based redress investigation. Understanding why harm occurs, however, and how to prevent it, is a vital aspect of keeping people safe going forward – I therefore also outline various safeguarding responses that the Church has put in place.
14. I am able to speak to a long personal history and involvement in the New Zealand Catholic Church's approach to redress. To the extent that I was not involved in an event or decision referred to in this statement, however, I have relied on documents that have already been provided to the Commission.
15. As my evidence is presented thematically across the diocesan, national and Vatican perspectives, the timelines overlap.

### **An overview of the Archdiocese and other dioceses**

16. In order to understand the redress processes of the Church, it is important to understand the Church's structure internationally and nationally. While we are all bound in communion with the global Church, there are many independent decision makers and responsibilities within the Church.

17. I am an Archbishop, as the diocese I am responsible for (Wellington) is an Archdiocese. It is one of six dioceses in New Zealand.
18. A diocese is a defined faith community whose pastoral leadership is entrusted to a bishop.<sup>1</sup> It is usually a geographical territory and comprises all the Catholics who live within that territory.<sup>2</sup>
19. The Catholic Church in New Zealand is territorially divided into one archdiocese (Wellington) and five dioceses. The Archdiocese of Wellington and the five suffragan dioceses (Auckland, Hamilton, Palmerston North, Christchurch and Dunedin) make up the New Zealand Province. The metropolitan archdiocese is the Archdiocese of Wellington.
20. A Bishops' Conference is the assembly of the bishops of a country. It is a permanent institution. Bishops' Conferences can only be established, altered or suppressed by the Pope. A Bishops' Conference has the authority to make decisions that are binding, but only in relation to matters prescribed in canon law or by special mandate of the Holy See. It does not have the power of governance over individual dioceses. In order for a general decree enacted by a bishops conference to be recognised as binding "particular law" for a national church, it must be passed by at least a two-thirds majority of the members of the Conference, and it must also receive the approval, or *recognitio*, of the Holy See.<sup>3</sup>
21. The New Zealand Catholic Bishops Conference (**NZCBC**) is the national assembly of the New Zealand bishops. Its current active members are the five Ordinaries (diocesan bishops), together with one auxiliary bishop in the Auckland Diocese. It was established in 1966, following the Second Vatican Council, in order to facilitate understanding and cooperation between the New Zealand bishops. Bishop Patrick Dunn is the current President of the NZCBC. I am the Vice-President, and the immediate past-

---

1 1983 Code of Canon Law, canon 369.

2 1983 Code of Canon Law, canon 372.

3 1983 Code of Canon Law, canons 447-460.

President. I am also the current Bishop of the Palmerston North Diocese, following Bishop Drennan's resignation.

22. A bishop who heads a diocese is also known as the local Ordinary. He is 'the senior ecclesiastical legislator, judge, teacher, pastor and administrator' within his diocese'.<sup>4</sup> A bishop is subject to the Pope, as his immediate superior, and to canon law. Bishops are required to take an oath of loyalty to the Pope.
23. A bishop exercises legislative power himself and can make "particular law" for his own diocese. He exercises executive power either personally or through vicars general or episcopal vicars according to the norm of law. He exercises judicial power either personally or through the judicial vicar and judges according to canon law.<sup>5</sup> The bishop's executive power may also be delegated.
24. A diocesan bishop is personally accountable to the Pope. There is independence between the bishops – for example, I cannot make a decision in respect of a whether a priest should be given faculties within the Diocese of Auckland. As a bishop, every 5-7 years I am required to make a report to the Pope on the state of the diocese, called a quinquennial report.<sup>6</sup> The bishops are required to go to Rome every 5-7 years as a group on an *ad limina apostolorum* visit to discuss their dioceses with the Pope and the dicasteries of the Holy See. The New Zealand Bishops last visited Rome in 2019.
25. Diocesan bishops are appointed by the Pope for an indeterminate period. They are required to submit their resignation to the Pope when they reach the age of 75, but it is up to the Pope to decide how long they continue in office.<sup>7</sup>

---

4 1983 Code of Canon Law, canon 391 §1.

5 1983 Code of Canon Law, canon 391 §2.

6 1983 Code of Canon Law, canon 399.

7 1983 Code of Canon Law, canon 401.

Confidential information: not for distribution

26. Canon 383 sums up the bishop's pastoral role by stating that he is to show concern for all those committed to his care.<sup>8</sup>

### *Priesthood*

27. The diocesan bishop is responsible for the priests incardinated in his diocese and for priests working in the diocese who are incardinated elsewhere. It is the role of the diocesan bishop, after consultation with his diocesan consultors, to appoint parish priests and assistant priests.<sup>9</sup>
28. Priests and deacons at their ordination are required to take an oath of obedience to their bishop.<sup>10</sup> Under canon law, every member of the clergy must be incardinated in a diocese, or in a religious congregation, or in a personal prelature.<sup>11</sup> The requirement to be incardinated means that there can be no "freelance" priests; the priest becomes accountable to his bishop or religious superior, while the bishop or superior is responsible for the priest.
29. A priest from outside a diocese, including those from religious congregations, must seek faculties from the bishop of the diocese in which he wishes to minister, even for a short period. Faculties authorise the priest to celebrate Mass publicly and to administer the sacraments. When a priest is incardinated in a diocese or religious order in New Zealand, he has "reciprocal faculties," meaning he is able to minister anywhere in New Zealand. A visiting cleric must receive faculties from a New Zealand bishop if he wishes to officiate at public Masses, administer the sacraments, speak at a conference or similar, or do pastoral ministry. To receive faculties he must produce written evidence from his bishop or religious superior that he is a priest of good standing, and there have been no allegations of sexual misconduct or sexual abuse against him.

<sup>8</sup> 1983 Code of Canon Law, canon 383.

<sup>9</sup> 1983 Code of Canon Law, canon 523.

<sup>10</sup> Congregation for the Doctrine of the Faith, *Profession of Faith and the Oath of Fidelity on assuming an office to be exercised in the name of the Church*, 29 June 1998, [VAT.0001.0019].

<sup>11</sup> 1983 Code of Canon Law, canon 265.

Confidential information: not for distribution

30. Canon 528 outlines a priest's responsibilities. These include celebrating Mass and administering the sacraments. They have responsibility for the pastoral care of people, including visiting the sick and burying the dead. When appointed to a parish, a priest will normally live in a parish house called a presbytery. A priest is not an employee of the parish, and only receives a very modest stipend.
31. When a priest retires, they will usually go and live in accommodation of their choosing, which may be provided by the Church. On occasion, they may assist with Mass and other priestly responsibilities.

### **The role of the province and the metropolitan**

32. A group of dioceses forms an ecclesiastical province. One diocese of a province is called an archdiocese (or metropolitan archdiocese), and the other dioceses are called suffragan dioceses. An archdiocese is led by an archbishop who is known as the metropolitan, meaning that he is the senior bishop of the province.<sup>12</sup> I currently serve in this role.
33. The metropolitan has only very limited functions and powers in relation to the suffragan dioceses in his province. I have the duty to inform the Pope about any abuses of the faith or of church discipline, including if a suffragan bishop neglects his duty, and in such circumstances, the Holy See may give its approval for him to conduct a canonical visitation or inspection. As the metropolitan, I have no authority to intervene on my own initiative in the governance of a suffragan diocese.<sup>13</sup>
34. The Motu Proprio *Vos Estis Lux Mundi*, issued by Pope Francis on 19 May 2019, gave the metropolitan duties to be carried out if an allegation of sexual abuse or sexual misconduct is made against another bishop in the province.<sup>14</sup> It was necessary for me to implement the requirements of *Vos*

<sup>12</sup> 1983 Code of Canon Law, canon 431-436.

<sup>13</sup> 1983 Code of Canon Law, canon 436.

<sup>14</sup> Apostolic Letter issued Motu Proprio, *Vos Estis Lux Mundi*, 7 May 2019, [001.0002.0114].

Confidential information: not for distribution



*Estis Lux Mundi* in New Zealand shortly after it was promulgated in May of last year, in relation to Bishop Charles Drennan of the Diocese of Palmerston North. As part of updating our redress processes, the *Vos Estis Lux Mundi* procedure is referred to in the 2020 version of *A Path to Healing*.

### **Religious congregations**

35. Autonomous religious congregations (or religious institutes or orders) have been part of the Catholic Church throughout its history. The 19<sup>th</sup> and 20<sup>th</sup> centuries saw a proliferation of new religious congregations whose charism, or purpose, was education, health care, the needs of the poor, or missionary activity in Africa, Asia, the Americas and the Pacific.
36. Religious congregations are not part of the hierarchical structure of the Church, although religious work closely with the hierarchy of the Church. The accountability lines of members of religious congregations of pontifical right are to the local, regional and global superiors of their congregation, and through them to the Pope.
37. A religious congregation has autonomy in its affairs, and especially in its governance and discipline. Local bishops are required to preserve this autonomy.
38. A diocesan bishop does have some rights in relation to religious congregations in his diocese:
  - (a) Religious present in a diocese are subject to the authority of the bishop in matters to do with public worship and the work of the Church.
  - (b) Religious priests must seek faculties from the bishop of a diocese in which they intend to minister.

- (c) A religious congregation can only establish houses or take up work in a diocese if it is invited to do so by the diocesan bishop, or he accedes to a request from the religious congregation to do so.
  - (d) The bishop may entrust a parish or a ministry to a religious congregation, with the arrangements for personnel and resources being the subject of a written agreement between the congregation and the bishop. If the bishop entrusts a parish or chaplaincy to a religious congregation he retains the right to oversee its work and to make canonical appointments, such as parish priest or chaplain.
  - (e) For a very grave reason, a diocesan Bishop can forbid a member of a religious congregation to remain in his diocese, provided the person's Major Superior has been informed and has failed to act. In these circumstances the matter must be reported to the Holy See.
39. In practice, the bishops and religious congregations in New Zealand work closely together in a number of areas, including in education and parish work. This working together came about in part because of the Vatican document *Mutuae Relationes* (Directives for the Mutual Relations between Bishops and Religious Superiors 1978);<sup>15</sup> the bishops and religious were working together long before *Mutuae Relations* as well.
40. In 1982, the NZCBC and the Congregational Leaders Conference of Aotearoa New Zealand (**CLCANZ**) formed the "Mixed Commission" as a vehicle for their partnership and as a forum for sharing their work with one another and resolving issues. The New Zealand Bishops greatly appreciate the way in which we are able to work with the Congregational Leaders. This is partly because we are a small country, and it is easy to know most of the priests and religious in the country and to work on projects together. *A Path to Healing*, which I will talk about later, is one of those projects.

---

15 *Mutuae Relationes* (Directives for the Mutual Relations between Bishops and Religious in the Church), 14 May 1978, [VAT.0001.0011].

### **The interaction between the Archdiocese of Wellington and schools**

41. There is a long history of education within the Catholic Church in New Zealand, which I outline below.
42. In 2018 there were 237 Catholic schools across New Zealand, educating 66,888 students, which represents 8.3% of the school population of New Zealand.
43. The first Catholic school in New Zealand was opened in Auckland in 1841. More schools followed, with most of the early schools being staffed by lay people. Religious congregations came to New Zealand, and for the first few decades religious and lay people worked together in schools which were partly funded by provincial governments. In 1877, the Education Act ended funding for Catholic schools. For nearly a century Catholic schools struggled financially.
44. In 1975, the Third Labour Government passed the Private Schools Conditional Integration Act (**PSCI Act**), which allowed the Catholic school system to integrate into the State system and saved the Catholic school system from collapse.
45. Since then, Catholic schools receive government funding and keep their Catholic character in exchange for having the obligations of a State-run school, such as teaching the State curriculum. The land and buildings continue to be owned by a Church authority such as the local bishop or a religious congregation. The PSCI Act 1975 allows schools to charge "attendance dues" to offset specific costs relating to the land and buildings.
46. All Catholic schools have a limited component of their roll open to those who are not associated with the Catholic faith. Either 5% or 10% of students,

depending on the historic nature of education provided, may be enrolled under what is called the non-preference category.

47. Catholic schools now have a Board of Trustees like State schools. They also have a proprietor who owns the land and buildings and is responsible for overseeing the school's Catholic character. Since integration, the proprietor of all Catholic primary schools in a diocese is the diocesan bishop. For some secondary schools the bishop is the proprietor, for others the proprietor is a religious congregation or proprietor trust board (usually set up by a religious congregation).
48. The school's Board of Trustees is responsible to the Proprietor for the Catholic Character of the school and for its property. It is responsible to the Ministry of Education and to parents for governance of the school (including the school's charter, strategic and annual plans, finances etc).
49. As the Archbishop of Wellington, I am the Proprietor of the third-most schools in New Zealand (behind the Minister of Education and the Bishop of Auckland). The Vicar for Education is my representative appointed to exercise local jurisdiction in "all things" pertaining to Catholic Education, particularly my responsibilities as Proprietor under Pt 33 of the Education Act 1989 (previously the PSCI Act).

## **The history of redress for the Archdiocese and relevant national developments**

### ***Early 1990s and prior***

#### *An insufficient response*

50. To the best of my understanding, most complaints made to Bishops were dealt with on an ad hoc basis prior to the establishment of protocols in the 1990s.

51. As I reported to the United States Anglophone Conference of Catholic Bishops in 2008,<sup>16</sup> complaints of sexual abuse and sexual misconduct were not well handled from the 1950s to the 1980s. Complaints may have been denied, or “solved” by the transfer of the respondent. There was very little treatment available for offenders and respondents, and there was insufficient credibility granted to the complainant.
52. Furthermore, in hindsight, there was a naïve presumption up until the 1980s that accused and/or convicted priests and clergy would be healed and rehabilitated after psychological treatment, and could return to ministry with no long-lasting issues. The church accepted that offenders could be readily rehabilitated. This, in my view, was a commonly accepted medical view about sexual abuse at the time, which was later proved unfounded.
53. In the early days, it is my view that there were times when bishops and religious superiors took respondents at their word as cases became known, or if they were released from prison and said to their Superior “This will not happen again.”
54. There was also a lack of guidelines around redress, which meant it was more traumatic for victims and survivors to come forward.
55. In my view, the records kept about allegations of abuse during this period were also inadequate, which hampered redress.

*Guidelines are developed*

56. In 1987, the NZCBC released a pastoral letter to priests concerning certain aspects of sexual misconduct.<sup>17</sup> The letter stated, among other things, that the policy of the dioceses from then on was that:

<sup>16</sup> Report of the New Zealand Catholic Bishops' Conference to USCCB Anglophone Conference, 26-30 May 2008, [NZC.0001.0647].

<sup>17</sup> A pastoral letter to priests concerning certain aspects of sexual misconduct, March 1987, [NZC.0001.0320].

Confidential information: not for distribution

- (a) the diocese will do whatever seems reasonable and best to help the victim of any sexual misconduct committed by a priest;
- (b) the diocese will accept its responsibility to help offending priests, especially in regard to medical or counselling help, and may require such treatment to be undergone;
- (c) in view of medical opinions regarding the compulsive nature of some kinds of sexual behaviour and the incurability of paedophilia, it will be necessary in some cases never to give an offending priest any appointment that could result in the offence being repeated; and
- (d) the diocese accepts that priests and bishops should expect the same treatment before the law as is given to other citizens.

57. In 1989, when I was working at the National Seminary, I attended a conference in Adelaide that focussed on the scrutiny of candidates for the Seminary and their acceptance. The basis of this new process was to collect as much written information and evidence about the person's background, his parish involvement, and his interests. This included written references from men and women about what they saw as his suitability for Seminary and priestly life were also required.

58. Between 1990 and 1992, the NZCBC sought advice from its members on the establishment of a 'protocol' for bishops to utilise when responding to complaints of sexual misconduct and sexual abuse against clerics and religious. The NZCBC set up a working party to review, adapt and revise overseas protocols to see whether they would be suitable for use in New Zealand.

59. In 1993, the NZCBC developed guidelines for addressing complaints of sexual misconduct against Church personnel. These guidelines were named "Catholic Church Guidelines on Sexual Misconduct by Clerics, religious, and Church Employees".<sup>18</sup> The guidelines stated that the objectives were to ensure that:
- (a) justice is done, and seen to be done;
  - (b) there is support and assistance for the victim and family;
  - (c) there is support and assistance for the accused; and
  - (d) no further offending takes place; that the wider Church community is helped to face complaints of sexual misconduct.
60. These guidelines are sometimes referred to as the 'provisional Protocol'. The guidelines recommended that each of New Zealand's six diocesan bishops set up an Advisory Committee to assist him in dealing with allegations. The committees were known as Sexual Abuse Protocol Committees ("Protocol Committees") or 'Professional Standards Committees'.
61. The Archbishop of Wellington accepted the provisional protocol on sexual misconduct that was proposed by the Advisory Committee on Special Issues that was set up by the Bishops Conference. This Committee essentially became the Working Party discussed later on in this statement.
62. At about the same time in the early 1990s, Monsignor Owen Dolan, Father Chris Penders and I ran a series of workshops for clergy throughout the Archdiocese.

---

<sup>18</sup> *Catholic Church guidelines on sexual misconduct by clerics, religious and church employees*, 1994, [NZC.0001.0212].  
Confidential information: not for distribution

63. These workshops were to help educate clergy on the effects of sexual abuse and “boundary violations”. The workshops were based on material prepared by Rev Marie Fortune, a Baptist Minister from the United States. By “boundary violations”, I mean sexual misconduct outside of criminal sexual abuse – it included any conduct that was inconsistent with the professional and ethical responsibilities of clergy.
64. One of the videos we used was entitled “Not in my Church”, which was a dramatic presentation of one church faced with a betrayal of trust by its minister because of sexual abuse and sexual misconduct. The video told the story of a cleric misusing his pastoral power to sexually abuse the women in his congregation under the guise of providing pastoral care. This was one of the first attempts in the Archdiocese to educate clergy regarding sexual abuse and “boundary violations”. Other workshops were run using local and international experts.
65. As we grew in knowledge we were able to improve the systems we were putting in place. Speaking from my own personal involvement and knowledge, I recall this period as one where we working out ways to deal with complaints – the number of complaints was much greater than we could have imagined.
66. In response to the 1993 “provisional Protocol”, the Wellington Protocol Committee was established the same year.
67. The initial Committee was made up of one layperson and three priests. I was appointed as a member of the Wellington Protocol Committee from the beginning. It developed procedures for handling complaints that included such things as guidelines for managing complaints, composition of the Committee, how to look after records, publicity, education and length of service of Committee members.
68. An important lesson from this first Committee, which became apparent very quickly, was that we needed qualified lay-people with other skills to assist, as

Confidential information: not for distribution



we realised that a complainant could be re-traumatised if they had to meet another cleric.

69. I met with other members of this Committee on 21 October 1993 to discuss the provisional Protocol and suggested some revisions.<sup>19</sup>
70. By March 1994, the Wellington Committee had another four members appointed. There was a suggestion that a survivor of abuse should be appointed and this happened in January 1995. This was to help the Committee members to understand abuse from the point of view of the victim.
71. In the early to mid-1990s, therefore, the Archdiocese was growing in awareness of the need for appropriate redress processes. On 6 December 1994, the Wellington Committee discussed procedures and guidelines.<sup>20</sup> The makeup of the Committee was discussed, noting the desire for fewer priests “as it was very difficult for someone who has been abused by a priest to have to come and talk to another priest”. At this time, we recommended to the NCZBC that there be a national protocol. The minutes recorded that “[t]here seems to be a general fear that if we have publicity then we will be flooded with complaints, but the Committee believes it is important in order to help people to heal their hurts and to prevent others being hurt.”
72. In the same time period, I note the Congregational Leaders Conference of Aotearoa New Zealand (**CLCANZ**) published a draft document “Suggested Procedures in Cases of Allegations of Sexual Abuse by a Religious”.<sup>21</sup> This document was revised in 1995 and approved the next year.

19 Letter from Ann Corcoran to Cardinal Tom Williams, 26 October 1993, [004.0002.0002].

20 Archdiocese of Wellington Protocol Committee meeting minutes, 6 December 1994, [004.0002.0003].

21 *Suggested Procedures in Cases of Allegations of Sexual Abuse by a Religious*, 8 March 1996, [NZC.0001.0015].

Confidential information: not for distribution

73. Just after I became Auxiliary Bishop in May 1995, I offered to leave the Committee (and did leave for a very short period), on the grounds that as bishop I might have to be the one disciplining a respondent, or imposing sanctions on him. I saw that is a conflict of interest. However, Cardinal Williams explained that as I was Auxiliary Bishop and he was the Bishop of the Diocese, he would continue to be the decision-maker and so I was free to continue on the Committee. I therefore continued to serve on the Wellington Committee for another ten years, until I was appointed the Archbishop of Wellington in 2005.

***The road to A Path to Healing and a national protocol***

74. There was further discussion in the mid-1990s about the need for a national protocol on sexual abuse that applied to all priests and religious. I was the Chairman of the Working Party, set up in 1996 by the Mixed Commission to prepare procedures relating to complaints of sexual abuse by clergy and religious. The other members of the Working Party were Sr Judith Leydon (Congregational Leader of the Sisters of Mercy), Mrs Mary O'Dwyer-Cunliffe (Christchurch), Mrs Jeanne Coles (Dunedin), Msgr Terry Leslie (Auckland), Judge Peter Trapski (Hamilton), Mr Brian King (Palmerston North), Br Joe Lauren (Congregational Leader of the Congregation of Christian Brothers), Fr Anthony Malone OFM (Canon Lawyer), Fr Pat Bearsley (co-opted, of the Society of Mary), Fr Peter Ewart (Convenor, of the Society of Mary), and Sr Marcia Wilson (secretary, of the Sisters of Mercy).
75. In the emerging consensus of the need for a national protocol for addressing allegations of sexual abuse against clergy and religious, it was thought that a national approach would give consistency as to how cases were dealt with by dioceses and religious orders, and that it would assist those in making complaints. We were aware of the problem where someone might make a complaint to the diocese they were currently living in, but because the event had happened in another diocese or the alleged respondent was a member of a religious order, they would be told that they needed to go and tell their story

again. This was not easy for complainants, and we were trying to make it as easy and straightforward as possible. All of us who were engaged in the process of writing the document were learning as we went, trying our best to formulate policies and procedures which would help the victim and not re-traumatise them.

76. In 1996, Fr Pat Bearsley of the Society of Mary attended an international meeting of English-speaking bishops on behalf of the NZCBC. In the same year, members of different protocol committees attended a Sydney conference on clergy abuse. The Working Party studied protocol documents from Australia, Canada, Ireland, and England as part of its work.
77. Progress on the national protocol was steady over 1997, with the Working Party receiving and reviewing various submissions made by congregations and dioceses.
78. Relevant minutes of the Wellington Committee's meetings record that:
- (a) The shape of the national protocol was discussed on 13 October 1995.<sup>22</sup>
  - (b) On 3 May 1996, the Wellington Committee noted its concerns in respect of responding to sexual abuse within the Church.<sup>23</sup>
  - (c) On 2 May 1997, there was agreement within the Wellington Committee that Australia's "Towards Healing" was the best example of a national protocol that existed at the time.<sup>24</sup>

---

<sup>22</sup> Archdiocese of Wellington Protocol Committee meeting minutes, 13 February 1995, [004.0002.0006].  
<sup>23</sup> Archdiocese of Wellington Protocol Committee special meeting minutes, 3 May 1996, [004.0002.0010].  
<sup>24</sup> Archdiocese of Wellington Protocol Committee meeting minutes, 2 May 1997, [004.0002.0013].

Confidential information: not for distribution

- (d) On 10 May 1997, the Wellington Committee discussed the matter of moving alleged offenders around.<sup>25</sup> We agreed that this should be referenced in the national protocol and we resolved to bring it to the attention of the Mixed Commission, noting that: "Bishops owe it to church members to let them know what is happening when offenders are released from prison, especially if they are continuing to work in the church. Either way, the church needs to be told. Transparency important here."
79. This was a time of deep learning. A phrase often heard at our meetings was "every case is different". Because every case was different, it was very hard to make policies that dealt satisfactorily with every case. Initially, complainants often said that they just wanted to tell their story, they did not want it to happen to anyone else and they wanted others to be safe. Not all victims wanted the respondents to be dismissed from ministry, but the demand for that to happen grew as the extent of abuse cases became known.
80. In the 1990s, pre-*A Path to Healing*, we found that what worked well with complainants was:
- (a) empathic listening;
  - (b) believing the victim's story, as people always felt great relief when they were told that they were believed; and
  - (c) if and when appropriate, being able to tell the victims that the priest was no longer in ministry.
81. We remained aware that having to tell the person that they would need to go to another diocese or religious congregation and tell their story again was a difficulty.

---

<sup>25</sup> Archdiocese of Wellington Protocol Committee meeting minutes, 10 May 1997, [004.0002.0014].  
Confidential information: not for distribution

82. While the road to *A Path to Healing* was in train, the Wellington Committee continued to develop its own processes for redress. In 1997, the Wellington Committee developed a brochure that was sent to parishes to raise the awareness of the work of the Committee and how people could lodge complaints.
83. The Wellington Committee also had connections with other dioceses and religious orders. We attended training with the Diocese of Palmerston North in 1994. In 1995, the Sisters of Compassion approached the Wellington Committee to ask if they could use the Committee when responding to complaints and if the Committee could provide assistance in undertaking investigations.

***A Path to Healing is established and then reviewed***

84. *Te Houhanga Rongo – A Path to Healing (APTH)* was approved by the Mixed Commission in March 1998 for a period of three years. It drew on various protocol documents from New Zealand congregations and dioceses, and also from England and Wales, Ireland, Canada and Australia.
85. *APTH* was promulgated in the Archdiocese of Wellington on 25 May 1998.<sup>26</sup> It provided principles and procedures in responding to complaints of sexual abuse by clergy and religious.
86. The key useful aspects of *APTH* were, in my view:
- (a) clearer and more uniform processes for receiving and investigating a complaint, with more consistent practices across the country;
  - (b) victims did not need to tell their story more than once;

<sup>26</sup> Cardinal Thomas Williams, Promulgation of *Te Houhanga Rongo - A Path to Healing*, 25 May 1998, [004.0002.0020]. Confidential information: not for distribution

- (c) greater clarity and uniformity about how respondents were to be dealt with, rather than each diocese or congregation deciding for themselves; and
  - (d) greater clarity about how to assist victims.
87. *APTH* was intended to be a living document, reviewable after three years. In 2001, the Mixed Commission approved the second edition of *APTH*.
88. I also note that in June 1998, the NZCBC published a short document entitled "In the Service of Christ and His People",<sup>27</sup> which emphasised the need for mutual support among clergy and for spiritual direction on a regular basis, as well as professional supervision.

***International developments in the late 1990s and early 2000s***

89. Later in 1998, a second meeting of English-speaking Bishops' Conferences was held in Dundrum, Ireland in relation to abuse. This was again attended by Fr Patrick Bearsley on behalf of the NZCBC. The meeting was important because the group made a request to the national Bishops' Conferences to ask the Pope to review Canon Law regarding procedures and prescriptions in cases of accusations of abuse against priests and religious. The NZCBC subsequently resolved to petition the Pope in accordance with the Dundrum resolution approved by the English-speaking Bishops' conferences. The NZCBC continued to correspond with the Vatican in 1999 on the proposed changes to canon law.<sup>28</sup>
90. In December 1998, I attended the Synod on Oceania in Rome, which was attended by all the serving bishops of Australia, Papua New Guinea, the Solomon Islands, the Pacific Islands and New Zealand.

<sup>27</sup> NZCBC, *In the Service of Christ and His People - Formation*, 1 Jun 1998, [NZC.0001.0648].

<sup>28</sup> Consultation of Episcopal Committees on Child Sex Abuse, 18 May 1998, [NZC.0001.0054]; Patrick Bearsley, Report to NZCBC on the Second International Consultation of Episcopal Committees on Child Sexual Abuse, 25 August 1998, [NZC.0001.0064]; Auxiliary Bishop John Dew, Report to NZCBC on Protocol Matters, 11 September 1999, [NZC.0001.0067].

Confidential information: not for distribution

91. The report (written after the Synod's conclusion) stated that:<sup>29</sup>

In certain parts of Oceania, sexual abuse by some clergy and religious has caused great suffering and spiritual harm to the victims. It has been very damaging in the life of the Church and has become an obstacle to the proclamation of the Gospel. The Synod Fathers condemned all sexual abuse and all forms of abuse of power, both within the Church and in society as a whole. Sexual abuse within the Church is a profound contradiction of the teaching and witness of Jesus Christ. The Synod Fathers wished to apologize unreservedly to the victims for the pain and disillusionment caused to them. The Church in Oceania is seeking open and just procedures to respond to complaints in this area, and is unequivocally committed to compassionate and effective care for the victims, their families, the whole community, and the offenders themselves.

92. Bishop Robinson of Sydney spoke out forcefully and convincingly on clergy sexual abuse during the Synod and initiated a proposition to relevant authorities in Rome.<sup>30</sup> One section of this was the abrogation of the sections of Canon Law that had been cited in Fr Bearsley's report, submitted to the NZCBC after his return from Dundrum.<sup>31</sup> The proposition was voted on and carried with good support and then went on for further consideration and action in Rome. The end result of this and other proposals made to the Vatican was the Vatican releasing *Sacramentorum Sanctitatis Tutela* in 2001, which I will address later in this statement.

### ***Integrity in Ministry***

93. *APTH* was focused on redress, and what would happen after a complaint is received. The NZCBC was also very concerned about how to prevent alleged abuse from occurring in the first place.

<sup>29</sup> The Holy See, *Post-Synodal Apostolic Exhortation - Ecclesia in Oceania*, 22 Nov 2001, [VAT.0001.0020], at 46.

<sup>30</sup> Vatican Information Service *Summary of Synod for Oceania*, 24 November 1998, [VAT.0001.0021].

<sup>31</sup> Patrick Bearsley, Report to NZCBC on the Second International Consultation of Episcopal Committees on Child Sexual Abuse, 25 August 1998, [NZC.0001.0064].

Confidential information: not for distribution

94. In 2000, the NZCBC released *Integrity in Ministry*.<sup>32</sup> This outlined ethical standards for clergy and religious. This was seen as a way to help clergy be more professional and to prevent further abuse.
95. Various workshops and clergy study days also attempted to educate and help clergy to understand the nature of abuse, that it was an imbalance of power often involving vulnerable people, and that it was not just about sex or an underdeveloped appreciation of sexuality.
96. I remember speaking at some sessions about “power over” others rather than “power with” others. The idea that when a cleric took power over others, he was not helping them to grow spiritually and psychologically, and he was betraying the trust they had put in him.

#### ***The path to the National Office for Professional Standards***

97. While *APTH* was a national protocol, there was concern from many dioceses and congregations that it was not being applied consistently.<sup>33</sup>
98. There was also heightened scrutiny on the global Catholic Church’s response to abuse, following the Boston Globe reporting in 2002 of sexual abuse within the American Catholic Church. A significant increase in complaints followed, which demanded action by the Church in rectifying past errors in the approach to redress.
99. In June 2002, the NZCBC released a pastoral letter regarding sexual abuse within the Catholic Church in New Zealand,<sup>34</sup> which stated:

The past we cannot change. However, with hindsight we deplore past mistakes, especially those that were made by ourselves or by our predecessors in handling complaints of sexual abuse. To those who are victims of abuse, and to their families we express our deepest regret and most sincere apology.

<sup>32</sup> NZCBC *Integrity in Ministry*, May 2000, [001.0002.0003].

<sup>33</sup> Letter from Fr Gerard Burns to Bishop Peter Cullinane, 8 August 2002, [004.0002.0032].

<sup>34</sup> NZCBC Pastoral letter on abuse from the New Zealand Bishops, 25 June 2002, [NZC.0001.0626].

Confidential information: not for distribution



We pledge our commitment to assist the healing of those who have been abused. This is the focus of all the procedures we have put in place for dealing with allegations of sexual abuse. These procedures are contained in a document called "A Path to Healing". This was published in 1998 and was revised last year. It calls for a prompt response and assistance to complainants, and provides protection and safety for the community from further offending. We respect the wishes of any complainant who asks for complete confidentiality, just as we will give assistance to those who might wish to take their complaint to the police. "A Path to Healing" can be viewed on our website, or obtained from your diocesan office.

100. The Working Party made a series of proposals to establish the National Office of Professional Standards (**NOPS**) following the Mixed Commission's meeting on 25 February 2003.<sup>35</sup> Some key points were that NOPS should:
- (a) ensure *APTH* processes are consistent and are in place for each diocese and congregation;
  - (b) be the first port of call for complaints before being referred to the appropriate Church entity;
  - (c) serve as a review body if a party was dissatisfied with the outcome of a complaint; and
  - (d) set guidelines for settlements.
101. As the Chair of the Working Party, I had taken the view that NOPS should be focussed on sexual abuse and violation of professional boundaries, and not the wider issues. Further, I thought NOPS should be auditing and assisting Protocol Committees, and not taking anything away from Diocesan Committees.<sup>36</sup>

---

<sup>35</sup> Proposals for Mixed Commission regarding a national office for abuse complaints, 25 February 2003, [004.0002.0034].  
<sup>36</sup> Letter from Auxiliary Bishop John Dew to NZCBC, 22 May 2003, [004.0002.0103].

Confidential information: not for distribution

102. In 2004, NOPS was established. At the same time, the National Professional Standards Committee (**NSPC**) was established. The NSPC was created to provide oversight to NOPS and to manage the process of complaints, ensuring the complaints were referred to the correct Protocol Committee.
103. I was on the NPSC from 2004 to 2016. John Jamieson, a lay person and former Police Commissioner (and not a Catholic), was appointed as the first National Director of NOPS in 2004. Our task on the NPSC was primarily to review complaints on request, and reviewing the guidelines at both a national and congregation/diocesan level. As recorded in the Wellington Committee's minutes on 3 November 2003, I was reviewing five cases where complainants were not satisfied with the outcome.

***The Wellington Committee going forward***

104. The Wellington Committee continued its work in the 2000s, using the second edition of APTH as its guiding document for cases of sexual abuse and sexual misconduct by clergy and religious.
105. In 2001, an 0800 number had been set up for complainants to make complaints on a confidential basis.
106. The Committee engaged with NOPS when it was established. John Jamieson met with the Committee to consult on the review of *APTH*, and the Committee continued to provide feedback to NOPS on the review of the document.
107. On 16 Aug 2006, the Committee's minutes record that the Committee was to use independent investigators to review complaints in future. The Committee was to meet with the complainant initially, and then send the terms of reference to a suitably qualified investigator.<sup>37</sup>

---

<sup>37</sup> Archdiocese of Wellington Sexual Abuse Protocol Committee meeting minutes, 16 August 2006, [004.0002.0045].  
Confidential information: not for distribution

108. The Wellington Committee undertook training and accessed supervision, and has used other professional people to provide support in its work. Over the years, the Committee was learning all the time. Much of that learning came about through the various discussions we had as a committee and through insights gained from professionals who were assisting us.
109. In 2007, the Society of Mary's Protocol Committee suggested that they meet with the Wellington Committee on a regular basis to share their experiences in dealing with complaints. The Committee also carried out the investigation of complaints on behalf of a number of religious orders – that was generally because those entities did not have sufficient resources or staffing to carry out investigations under *APTH*.
110. In 2014, the Wellington Committee was dissolved and was replaced by the Sexual Abuse Protocol Committee South, as per the agreement by NZCBC and CLCANZ. This Committee covered the Palmerston North, Wellington, Christchurch and Dunedin dioceses. From 2017, the North and South Committees were combined into one Complaints Assessment Committee (**CAC**). This was part of a broader focus to ensure greater consistency in how cases were handled.
111. In June 2016, the Archdiocese introduced a Child Protection Policy which applied to all its employees and in 2017 it began to look at establishing a safeguarding role.
112. In 2018, NOPS published National Safeguarding Guidelines and associated policies approved by the Mixed Commission and signed up to by all the bishops and religious orders. In June that year, the Archdiocese employed a specialist Safeguarding Advisor with an extensive background in child protection to introduce its parishes and Catholic organisations to safeguarding. All parishes in the Archdiocese have now done two safeguarding workshops, the first open to the whole parish and the second focusing on people whose leadership or volunteer roles bring them into

Confidential information: not for distribution

contact with children or vulnerable adults. Each parish has a trained Safeguarding Administrator who manages aspects such as police vetting, scrutiny of volunteers, and ongoing training. The processes and uptake in each parish are now being reviewed.

### **Current approach to redress under *APTH***

113. The Archdiocese is a signatory member of the 2020 revised version of *APTH*. The key changes and reasons for the revision are outlined in Mr Hamlin's witness statement.
114. As Archbishop and the decision-maker for the Archdiocese, I outline below the general process I follow after receiving the recommendation from the CAC:
- (a) I receive the recommendation from the CAC following an investigation. I consider the final report on the complaint and any recommendations made, and I decide whether to accept the recommendations or to seek further information from the CAC.
  - (b) Once I have accepted the recommendations, I will consider and then implement them. I may seek legal advice on a recommendation for an ex gratia payment. I may write a letter of apology, which could include an offer of an ex gratia payment, offer to meet with the complainant and offer to pay for counselling.
  - (c) The agreement on the ex gratia payment will be negotiated and, if needed, this will be done between the complainant's lawyer and a lawyer acting on behalf of the Archdiocese. The acceptance of the ex gratia payment will normally be concluded prior to the meeting between the complainant and me.
  - (d) The meeting with me is a pastoral meeting and not a place to negotiate any payments.

Confidential information: not for distribution

- (e) If the complaint is not upheld, I will write to the complainant to inform them of the decision and they will be made aware of their right to seek a review.
  - (f) If the respondent is a priest then, depending on the circumstances, he may be placed on administrative leave while the investigation is undertaken.
  - (g) If the CAC upholds the complaint, I will consider what actions need to be taken with the respondent. This may include removing them from public ministry, requiring them to undertake a course of treatment/counselling before being able to return to public ministry, requiring them to have professional supervision or a safety plan put in place. I will monitor the implementation of the actions. In making these decisions, I will sometimes seek advice from the Archdiocese's Vicar General (the principal deputy of the bishop of a diocese for the exercise of administrative authority), or a counsellor, or a psychologist – every case is different.
115. It is for each bishop to implement their own decision-making process in accordance with *APTH*. The decision can be delegated to a General Manager. I anticipate each diocese will have a very similar process to the one followed by the Archdiocese. This reflects the independence of the Church entities – this in part means, however, there has not been a nationally consistent approach to redress.
116. *APTH* extends to sexual abuse and sexual misconduct by priests and clergy. It does not cover non-sexual abuse and misconduct, and nor does it apply to lay persons. I also note that "sexual misconduct" is a much broader concept than non-consensual sexual offending.

### Current approach to redress outside the scope of *APTH*

117. The Archdiocese has published a “Procedure for dealing with complaints about clergy or religious”,<sup>38</sup> which outlines the process when the complaint does not fall within *APTH*. The most recent version was published in 2019.
118. In brief, the process is:
- (a) The Complaints Officer will interview the complainant together with another person. The complainant may have a support person present.
  - (b) The Vicar General will determine whether the complaint has substance, and make recommendations to me accordingly (that an assessment should be completed).
  - (c) An assessor is appointed to investigate the complaint, with interviews of the complainant and the alleged respondent to take place. The assessor completes a written report to the Vicar General, noting whether the complaint is upheld on the balance of probabilities. There is an opportunity for each person to comment, and parties can request a review.
  - (d) Recommendations can include a written apology, expert help, and restorative justice.
  - (e) If the complaint is upheld, then consideration is given as to the future ministry of the person.
119. The Archdiocese also has a “Policy and Procedure Framework: Complaints”, dated 16 June 2019, which was a revision of an earlier version of the policy.<sup>39</sup>

<sup>38</sup> Archdiocese of Wellington *Procedure for dealing with complaints about clergy or religious*, [004.0002.0061].

<sup>39</sup> Archdiocese of Wellington *Policy and Procedure Framework for Complaints*, 20 June 2018, [004.0002.0052].

Confidential information: not for distribution

- (a) This covers complaints that do not relate to clergy or religious, and complaints that do not fall within *APTH*.
  - (b) The complaints are to be dealt with at a personal level, with the intention to come to a quick resolution between the parties. If that was inappropriate, then the complaint is raised with the appropriate manager.
  - (c) If the complaint is against a priest/lay pastoral leader, the Archbishop is to be fully informed and the complaint processed in accordance with canon law.
  - (d) For historical complaints, the process is very similar to that under *APTH*.
120. As to safeguarding, the Archdiocese has adopted the "Safeguarding – Concerns and Complaints Policy",<sup>40</sup> which was approved by the NZCBC. The policy applies to clergy, religious, employees and volunteers within each diocese who work with or provide ministry to children and vulnerable adults. On 28 March 2019,<sup>41</sup> and having earlier adopted the policy, the Archdiocese extended the policy's coverage to include safety for everyone from all forms of abuse, with special attention to be paid to those groups who are especially vulnerable, such as children and adults defined as vulnerable under the Crimes Act 1961.

### **Decisions made in respect of respondents**

121. I have described the decision-making process in respect of respondents in the course of *APTH* above. It is more fully described in Mr Hamlin's witness statement.

<sup>40</sup> NZCBC *Safeguarding – Concerns and Complaints Policy*, October 2018, [004.0002.0075].

<sup>41</sup> Archdiocese of Wellington *Safeguarding – Concerns and Complaints Policy*, 28 March 2019, [004.0002.0053].

Confidential information: not for distribution

122. If a case concerns sexual abuse involving a minor, then the decision-making process will be done in accordance with *Sacramentorum Sanctitatis Tutela*.<sup>42</sup> If it is a complaint about a Bishop, then *Motu Proprio Vos Estis Lux Mundi*<sup>43</sup> applies, which, as I have already stated, needed to be applied last year.
123. I understand the Commission has requested files of all laicised priests within the Catholic Church in New Zealand where there was a complaint of abuse. The term “laicisation” refers to scenarios in which a member of the clergy, through the use of the church’s legal apparatus, is no longer permitted to act as a priest. The process is prescribed by canon law, with the ultimate decision resting with the Vatican (the Congregation for the Doctrine of the Faith (CDF)). Laicisation is different from being withdrawn from ministry – the Vatican is the only body that decide the former. That is in contrast to, for example, my decision to withdraw or remove a priest from ministry within the Archdiocese.
124. It has been the case that not all priests guilty of sexual misconduct and sexual abuse are laicised. Many are deceased by the time allegations come to light, for example. Furthermore, laicisation is a long process. Ultimately, I consider removal from ministry and the imposition of satisfactory oversight over an offender may be more important safeguarding measures than laicisation.
125. Regarding referrals to Police, the process is set out in *APTH*. If the complainant is under 18 at the time of the complaint and the alleged behaviour is criminal, NOPS will refer the complaint to Police (after assisting and advising the complainant to do so). If the complainant is older than 18 at the time of the complaint, we encourage the complainant to disclose the complaint to Police (and assist in doing so) – but this ultimately a matter for the complainant.

42 Apostolic Letter issued Motu Proprio, *Sacramentorum Sanctitatis Tutela*, 30 April 2001, [VAT.0001.0014].

43 Apostolic Letter issued Motu Proprio, *Vos Estis Lux Mundi*, 7 May 2019, [001.0002.0114].

Confidential information: not for distribution



**The criteria for monetary and non-monetary redress and whether these were applied consistently and transparently**

126. The Archdiocese has not had a consistent set of criteria for monetary and non-monetary redress.
127. As far as back as 1996, the Wellington Committee was exploring what levels of monetary redress should be offered to complainants.<sup>44</sup>
128. As Auxiliary Bishop of Wellington, and together with Bishop Cullinane of Palmerston North, I wrote to the Wellington Committee on 20 October 2002.<sup>45</sup> We included a policy paper that details how we proposed to deal with the financial implications of sexual abuse claims so that there would be a common position.
129. In November 2002, the dioceses and religious orders held a meeting to discuss the financial implication of sexual abuse claims. The fundamental approach agreed upon was to continue based on protocols, pastoral concern for the victims and sensitive dialogue. The objectives for the limits of financial commitments was not to evade any moral obligation the church might have to redress injustices. Financial recompense should be, we agreed, based on objective standards, and ex gratia payments should be made for specific purposes and should be seen as supplementing ACC assistance. There was a suggestion that a small group of independent mediators would be set up to ensure reasonable consistency around payments.
130. There was also a meeting held with the ACC sensitive claims unit in 2002 to discuss the criteria for ACC eligibility.<sup>46</sup> I did not attend this meeting.

44 Archdiocese of Wellington Protocol Committee, Summary of initial reflections on the question of compensation, 27 May 1996, [004.0002.0011].

45 Letter from Bishop Peter Cullinane and Auxiliary Bishop John Dew to Kay Smith, 20 October 2002, [004.0002.0033].

46 Summary of information received at meeting with the Sensitive Claims Unit of ACC, 10 September 2002, [NZC.0001.0091].

Confidential information: not for distribution

131. The Wellington Committee believed a decision was needed to ensure there was a common policy between the dioceses and congregations for financial settlements. In 2004, Cardinal Williams agreed it would be useful for the establishment of a criteria for settlements.
132. In January 2005, there was some discussion within the Wellington Committee about criteria for financial settlements.<sup>47</sup> Factors included the seriousness of abuse and the level of the Archdiocese's moral liability. In the end, however, explicit criteria were never put in place.
133. I think it is important to note that each complaint to the Archdiocese is different. Each complainant is different. This means that not all complainants seek the same level of formality of investigation, and not all seek monetary redress.
134. There is no necessary correlation between the alleged offending that took place and the effect on the complainant, or with what a complainant is looking for in terms of response and redress.
135. Above all, I seek to take a pastoral approach to each complaint. This means that, even if a complaint is not upheld, the complainant will often be offered continued pastoral support.

### **The Vatican and canon law**

136. The redress processes of the Catholic Church in New Zealand are necessarily informed by canon law. I understand the Commission does not wish for these issues to be explored in much detail at the redress hearing. I therefore provide a brief overview of the most relevant events and documents below. A chronology of these events has already been provided to the Commission.

---

<sup>47</sup> Archdiocese of Wellington Protocol Committee, Factors to consider in just settlement, January 2005, [004.0002.0042]. Confidential information: not for distribution

*The Congregation for the Doctrine of the Faith*

137. The CDF is the Roman congregation responsible for promotion and safeguarding of official Catholic Church teaching in relation to faith and morals. It has jurisdiction over cases of child sexual abuse by diocesan and religious clergy.

*The Apostolic Nunciature*

138. The apostolic nuncio to New Zealand, or papal nuncio, has a dual role. Based at the apostolic nunciature in Wellington, he is the Pope's representative to the Catholic Church in New Zealand. He is also the diplomatic representative of the Holy See to the New Zealand, with the rank of ambassador. New Zealand first established diplomatic relations with the Holy See in 1968. The present apostolic nuncio is the Most Reverend Novatus Rugambwa.
139. Almost all of our communications with the Vactican go via the apostolic nuncio.

*The Second Vatican Council*

140. Between 1962 and 1965, the Second Vatican Council (known as Vatican II) was held. It drew together over 2,000 bishops from around the world to address matters in relation to the Catholic Church. Several documents and statements were issued, ranging from general guidance to specific instructions. Although none were specific to complaints of abuse, the documents and statements were foundational to how the Church was to organise and operate going forward. Vatican II made very significant changes to fundamental features of the global Catholic Church.
141. Prior to 1958, the bishops of New Zealand met annually, and more frequently after that. In 1966, they began the process of formally establishing the NZCBC. The statutes of the Conference were first approved by the Vatican in 1968 and definitively approved in 1974.

142. In 1981, National Conference of Major Religious Superiors of New Zealand was established. This then became CLCANZ. The Conference and the subsequent work of the Mixed Commission is guided by *Mutuae Relationes*,<sup>48</sup> a document approved by the Pope dealing with the cooperation of diocesan bishops with religious congregations.
143. In 1983, the Code of Canon Law was revised and promulgated.

#### *Sacramentorum Sanctitatis Tutela (SST)*

144. In 2001, Pope John Paul II issued SST,<sup>49</sup> which updated norms and replaced the instruction *Crimen Sollicitationis*, first issued in 1922 (and then again in 1962).
145. Amongst other measures, this gave the CDF the competence, or jurisdiction, under canon law to deal with all cases of sexual abuse of a minor (a person under 18) by a cleric, deacon, priest, bishop – whether diocesan or of a religious order.
146. SST did not cover cases of abuse by non-ordained religious. It required all such cases to be referred to the CDF where, after a preliminary investigation, it was determined whether there was a “semblance of truth” in the accusation.
147. At the time of SST being issued, APTH was viewed as allowing for the preliminary investigation that complies with SST.

#### *A revised SST*

148. In 2010, Pope Benedict XVI issued a revised version of SST.<sup>50</sup> This added to the list of the crimes requiring referral to the CDF:

48 *Mutuae Relationes* (Directives for the Mutual Relations between Bishops and Religious in the Church), 14 May 1978, [VAT.0001.0011].

49 Apostolic Letter issued Motu Proprio, *Sacramentorum Sanctitatis Tutela*, 30 April 2001, [VAT.0001.0014].

50 Congregation for the Doctrine of the Faith, revision to *Sacramentorum Sanctitatis Tutela*, [VAT.0001.0001].

Confidential information: not for distribution

- (a) Sexual offences against a person over 18 who is developmentally disabled; and
  - (b) The acquisition, possession, or distribution of pornographic images of minor under the age of 14 by a cleric, in any way and by any means.
149. In 2011, the CDF sent a letter to all Bishops' Conferences, including the NZCBC, which instructed each Conference to draw up guidelines for responding to sexual abuse. *APTH* was submitted as New Zealand's response.

#### *The Pontifical Commission*

150. In 2013, the Vatican announced the Pontifical Commission for the Protection of Minors. This Commission had a wide ranging remit including "guidelines for the protection of children, educational programmes for children, parents and all those who work with minors, guidelines for catechists, and for the formation of seminarians, the ongoing formation of priests, protocols for environmental safety, codes of professional conduct, screening and checking of previous offences...".
151. The Director of NOPS at the time of the formation of the Commission, Bill Kilgallon, was appointed a member of the Pontifical Commission. This appointment was made in his own right, not in his capacity as Director of NOPS or as a representative of the NCZBC.

#### *As a loving Mother*

152. In 2016, Pope Francis released "As a loving Mother" (which is a reference to the "Mother Church"),<sup>51</sup> an Apostolic Letter issued *Motu Proprio*. A "Motu Proprio" is an edict issued by the Pope on his own initiative and

<sup>51</sup> Apostolic Letter issued *Motu Proprio*, *As a Loving Mother*, 4 June 2016, [VAT.0001.0002].

Confidential information: not for distribution

personally signed by him. The letter provides for the removal of bishops (or those equivalent to them in Canon Law) from their offices in cases where they have, “through negligence, committed or omitted acts that have caused grave harm to others, either with regard to physical persons, or with regard to the community itself.” This document did not require any changes to *APTH*.

*Vos estis lux mundi*

153. In 2019, Pope Francis released “*Vos estis lux mundi*”<sup>52</sup> (You are the light of the world). The document established new procedural norms that apply to the whole church, to “prevent and combat” sexual abuse and to ensure that bishops and religious superiors are held accountable for their actions. The law is effective for a three-year experimental period, and came into force on 1 June 2019. As noted above, the revised 2020 version of *APTH* accounts for *Vos estis lux mundi*.
154. In the same year, Pope Francis issued the short declaration *Sulla riservatezza delle cause*<sup>53</sup> (Instruction on the Confidentiality of Legal Proceedings), outlining that the rule of the “pontifical secret” no longer applies in cases of the sexual abuse of minors. The pontifical secret, also sometimes called papal secrecy, is a rule protecting “classified” information regarding the governance of the universal Church. This did not affect *APTH* or our approach to redress.
155. Earlier this year, the CDF issued a handbook (*Vademecum*)<sup>54</sup> on certain points of procedure in treating cases of sexual abuse of minors committed by a cleric. It is currently being reviewed by the NZCBC and NOPS, in order to assess whether *APTH* requires further amendment to comply with canon law.

52 Apostolic Letter issued Motu Proprio, *Vos Estis Lux Mundi*, 7 May 2019, [001.0002.0114].

53 The Vatican’s *Instruction on the Confidentiality of Legal Proceedings*, 6 December 2019, [VAT.0001.0013].

54 Congregation for the Doctrine of the Faith, *Vademecum*, 16 July 2020, [VAT.0001.0017].

Confidential information: not for distribution

## Access to information

156. The Archdiocese's files are split between complaint and respondent files. The complaint files are organised by the surname of the complainant, in alphabetical order. These files contain all recorded information about the complaint, including the original complaint, investigator's reports, correspondence, transcripts or notes of any meetings, and, where applicable, records of resolution, such as settlement agreements and apologies. If the complaint has been investigated by NOPS, some NOPS information may be contained in the file, such as correspondence between NOPS and the Archdiocese and reports provided by NOPS.
157. Due to the considerable timeframe over which complaints have been received, the filing practices in the complaint files are variable. As a general rule, the older the complaint, the less fulsome the record (although there are of course exceptions to this). Some complaint files are minimal, containing only the first contact with the complainant and nothing else. These files may be where the complainant made no further contact with the ADW, or where the complaint file was transferred to a different diocese or congregation.
158. Personal files, including files of respondents, are held separately, with each priest having his own personal file. These files record the lives of priests who have been ordained or worked in the Archdiocese. They include information relevant to the priest, including records of placement, where the priest has lived and given ministry, as well as correspondence between the Bishop and the priest. As with the complaint files, the more historic files generally are less fulsome than the modern ones. The personal files of a priest accused of abuse may have a record of this complaint, especially where the priest has subsequently resigned or sought laicisation. If restrictions have been imposed on the priest, this may be recorded in their personal file. Personal files also record details of the later stages in priests' lives, such as details around what rest home they lived in, and copies of their wills.

159. In my view, the Archdiocese now has a robust set of policies in place for complainants to access their personal information.<sup>55</sup> A complaint log is used to keep track of complaints. There is also a consent form in place for assessors to collect personal and health information in connection with the investigation of the complaint.
160. I acknowledge that some complainants are frustrated when they are declined access to alleged respondents' personal information. Privacy Act concerns mean that the Archdiocese cannot always fulfil these requests for information.

### Litigation and legal advice

161. I understand that the Commission wishes to investigate institutions' legal strategies and use of legal defences.
162. Our records indicate that approximately ten sets of civil proceedings have been filed against the Archdiocese in respect of alleged abuse in care. As far as I am aware, only one of these resulted in a trial: *A v The Roman Catholic Archdiocese of Wellington*,<sup>56</sup> in which the plaintiff failed to establish any causes of action against the defendants.
163. The Archdiocese was certainly aware of legal defences available to it, and had earlier sought legal advice on the Limitations Act and accident compensation law. I do not, however, consider the Archdiocese has developed any overarching legal strategies or employed legal defences as a general rule. Very few civil proceedings are filed. Rather, *APTH* is an available course for a complainant to seek redress. Some general observations are:

<sup>55</sup> Archdiocese of Wellington *Authority to Collect Personal Information* form, [004.0002.0056]; Archdiocese of Wellington *Complaint Log* form, [004.0002.0057]; Archdiocese of Wellington *Complaint Reporting* form, [004.0002.0058]; Archdiocese of Wellington *Consent of Complainant to Proceed* form, [004.0002.0059]; Archdiocese of Wellington *Letter of Engagement for Assessment of Complaint*, [004.0002.0060].

<sup>56</sup> *A v The Roman Catholic Archdiocese of Wellington* [2008] NZCA 49, [NOP.R275.0029].

Confidential information: not for distribution



- (a) Civil proceedings were sometimes intertwined with other paths to seek redress. A plaintiff may have been offered financial assistance at an earlier date before filing civil proceedings. In at least one case, the plaintiff agreed to withdraw the civil claim against the Archdiocese if a satisfactory outcome was reached via *APTH*.
  - (b) In one case Archdiocese was a second defendant, with the primary defendant being the Sisters of Mercy.
164. From 1993, the Archdiocese was also active in the discussion around the need for indemnity insurance for risk of sexual abuse, legal costs and financial compensation. We do not, however, hold insurance that covers payments made in respect to complaints of abuse – and we have no intention of doing so.
165. In the late 1990s, the Archdiocese sought initial advice about what steps could be taken to protect assets from compensation claims.
166. In 2002, the NZCBC set up a Risk Management Steering Committee to investigate whether steps needed to be taken to protect diocesan assets from claims for compensation. This Committee reported to the NZCBC in October 2003 with recommendations about how assets could be protected, which were accepted by the NZCBC.<sup>57</sup> In April 2005, the bishops expressed their unease with the recommendations which had been adopted. We all felt that, morally, we could not create legal entities to protect diocesan assets from the legitimate claims of people who had been harmed by the Church. We asked our Diocesan Managers to review the situation, considering our moral obligations to those who had been harmed by Church personnel. In November 2005, the NZCBC decided not to proceed with the 2003 recommendations and took no steps to protect diocesan assets.

---

<sup>57</sup> Letter from Archbishop Tom Williams to Kerry Coleman, 23 October 2003, [NZC.0001.0578]; NZCBC Consideration of the Report of the Risk Management Steering Committee, 21 October 2003, [NZC.0001.0579].

167. As to legal fees, our records do not go back very far. We do not hold centralised records of these fees.
168. We have recently confirmed a policy that, when entering into settlement agreements, we will make a contribution of reasonable legal fees to a complainant's lawyer.

### **Conclusion**

169. In this statement I have tried to recall events to the best of my ability. These years have been times of deep learning, and even though we have worked for consistency across the country as to how abuse cases are handled and investigated, it is not always possible to have a uniform approach.
170. In the many years I have been involved I have continued to be shocked and horrified at the way people have been treated and how their trust has been betrayed by clergy and religious.
171. I have offered many apologies to victims on behalf of the Church. I am humbled every time I do that. I have been impressed by the way most victims want to make sure that this does not happen to others.
172. As the sexual abuse crisis deepened and become more widely known, we knew we had to address these issues, because we wanted to address the harm that had been done to victims. I had been trained for pastoral and spiritual ministry, and learning how to respond to complainants was a steep learning curve for me.
173. The process of redress is difficult and very distressing for victims. Healing is at the core of the process to, in some way, enable them to be able to look forward, rather than backwards to the traumatic events and experiences that have scarred them. A huge driver for me is to do all I can to ensure it does not happen again. It has to be done.

Confidential information: not for distribution

174. At the beginning of 2019, I was privileged to attend the Summit Pope Francis called at the Vatican to address the Sexual Abuse crisis in the Church. Bishops' Conference Presidents from all over the world had been summoned to Rome. I attended on behalf of Bishop Patrick Dunn, the President of the NZCBC, as I was going to be in Rome at the time.
175. As well as very powerful and thought-provoking papers being presented by a wide range of people – clerics, men and women religious, a journalist, lay women and lay men – victims also shared their stories. These were powerful days. I continued to learn, as I have for almost 30 years now, how to improve how we deal with the scourge of sexual abuse within the Catholic Church. The papers from that Vatican Summit are available online to read and reflect on. The themes of those days were Responsibility, Accountability and Transparency.
176. We have learned a great deal over the last twenty to thirty years, nationally and internationally, all of which is assisting us to respond with justice and compassion, to be accountable, to act responsibly and to be transparent in all that we do.
177. As a Church we are committed to change. My hope is that this commitment can be seen from the steps taken thus far in our engagement with the work of the Royal Commission. The Commission's work is valued by the Church and it is viewed as an opportunity for further reflection and improvement. That is why we asked for faith-based institutions to be included in the Royal Commission's Terms of Reference.
178. I want to assure the Commission and survivors of abuse that we are all continuing to learn and will do so in the years ahead. The Catholic Church in Aotearoa New Zealand will continue to learn and improve in its responsibility to protect and safeguard those affected by abuse.

179. We will be accountable to all people to carry out our actions with transparency, because it is "the truth that sets us free." (John 8:31-32).

**Statement of Truth**

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

**Signed:**

**GRO-C**

**Dated:** 23rd September 2020