

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

Under The Inquiries Act 2013

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

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

Counsel: Mr Simon Mount QC, Ms Katherine Anderson, Ms Kerry Beaton, Ms Lorraine MacDonald, Ms Kirsten Hagan, Ms Jane Glover, Mr Michael Thomas and Ms Echo Haronga for the Royal Commission
Mrs Fiona Guy Kidd QC, Mr Jeremy Johnson and Ms India Shores for the Anglican Church
Ms Sally McKechnie, Mr Alex Winsley and Mr Harrison Cunningham for the Catholic Church
Ms Sonja Cooper, Dr Christopher Longhurst and Ms Kate Whiting for SNAP

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

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TRANSCRIPT OF PROCEEDINGS

1 manaakitanga that they need, koinā tāku me ngā te mihi atu ki a koutou kia tātou katoa.

2 **Adjournment from 3.34 pm to 3.51 pm**

3 **CHAIR:** So welcome back everybody and welcome to all the new faces in the room who no doubt
4 we'll be introduced to shortly. Thank you Ms Anderson.

5 **MS ANDERSON:** Yes, Madam Chair, it may be you wish to take the appearances from the
6 people who are newly here.

7 **CHAIR:** That's a very good idea. We'll take appearances from first of all the survivor group as
8 you're in the front row, Ms Cooper.

9 **MS COOPER:** Tēnā koutou katoa, Madam Chair and Commissioners. I'm appearing on behalf of
10 the Survivors Network of those Abused by a Priest and their members. With me I have Dr
11 Christopher Longhurst who will be doing the opening with me supported by John O'Malley
12 and Kate Whiting who is another counsel assisting.

13 **CHAIR:** Thank you all of you. And of course, for the Catholic Church?

14 **MS McKECHNIE:** Good afternoon, Madam Chair Commissioners. We have been joined this
15 week by Mr Harrison Cunningham who has appeared previously, and he'll be here this
16 week.

17 **CHAIR:** Thank you.

18 **MS ANDERSON:** Tēnā koutou katoa. In the context of transitioning to the Catholic team
19 I appear with the counsel assist, Jane Glover, Michael Thomas, and Echo Haronga
20 supported by a significant team led by David Green, internal team, and also recalling, Lucy
21 Wesley-Smith previously team leader, now on parental leave, has made a massive
22 contribution to arriving at this point.

23 **CHAIR:** Thank you very much, Ms Anderson. So, we will commence with your opening
24 statement.

25 **OPENING STATEMENT BY MS ANDERSON**

26 **MS ANDERSON:** Tēnā koutou katoa. At the commencement of the phase of this hearing,
27 focusing on redress, when I made the opening address on Wednesday I made a series of
28 acknowledgments and I repeat and incorporate those here without going through them
29 specifically again. The important additions that I make are to refer to those victims and
30 survivors of abuse in the Catholic Church who gave witness statements to us in advance of
31 the survivor voice hearing last year and to those victims and survivors who you heard from
32 when they gave oral evidence last year. Those are Francis Tagaloa, Tina Cleary giving
33 evidence on behalf of her father Patrick Cleary, Mr G, Mr F, Anne Hill, Gloria Ramsay,
34 Ann-Marie Shelley, Mary Marshall, Marc and John.

1 I also acknowledge the expert that you'll be hearing from tomorrow morning,
2 Thomas Doyle, who has very unselfishly given of his time to prepare expert evidence for
3 the Inquiry relating to the structures and governance of the Catholic Church as well as a
4 range of other matters. And I acknowledge the representatives of the survivors' network of
5 those abused by priests, SNAP and Aotearoa New Zealand who are, as you know, speaking
6 after me in advance of the opening submissions on behalf of the Catholic Church.

7 In this second week of hearing, Commissioners and members of the public, whether
8 they are here in the room or attending via our live streaming, you will hear from witnesses
9 on behalf of The Bishops and Congregational Leaders of the Catholic Church in Aotearoa
10 New Zealand and I'll refer to this by the shorthand, Catholic Church, as I go through my
11 opening. This evidence will cover firstly the nature and extent of abuse in the Catholic
12 Church.

13 I note at this point, it's touching on that, that is not primary focus of this hearing, but
14 it is important contextual information to understanding the responses to redress. And
15 secondly, the focus is on covering the approach the church took to redress, rehabilitation,
16 and safeguarding following disclosures of abuse in the care of the Catholic Church.

17 As I've previously emphasised and repeated here, it is important for all participants
18 to understand that our Inquiry is ongoing and wide-ranging. What will be heard in the
19 context of this hearing is a small part only of the evidence that will form part of the material
20 we're working with for the redress report at the end of the year, but also in relation to the
21 ongoing wider investigation into abuse in the care of the Catholic Church.

22 The systemic and cultural factors that have influenced the Catholic Church's
23 response to abuse have been identified in numerous international inquiries over the last
24 three decades. In this context, the Catholic Church has had the opportunity to apply
25 learnings from overseas to its redress processes here in Aotearoa.

26 Commissioners, you will no doubt follow the evidence with interest as to the extent
27 to which those opportunities for improvement identified through off-shore inquiries have
28 been incorporated into the processes and policies here in New Zealand.

29 The Catholic Church, like all faiths participating in this hearing, has been required
30 to produce information and documents to the Inquiry. This information and the
31 documentation relates to both the nature and extent of abuse in the care of the church and
32 its redress response.

33 We've received some preliminary data from the Catholic Church relating to the
34 nature and extent of abuse. Now that data is, of course, subject to a number of caveats and

1 is only preliminary at this point. There are also issues arising from accuracy given what the
2 Commission already knows about the barriers to disclosure and the failure of
3 record-keeping across the faith-based institutions from the 50s forward which obviously
4 impacts on the accuracy.

5 Accepting that the data is preliminary only, it's very clear that the Catholic Church
6 has received a significantly higher volume of disclosures of abuse than have the other
7 faiths, including the Salvation Army and Anglican Church that you've heard from this week
8 and last. The preliminary figure is in excess of 1,100 disclosures of abuse.

9 So, against that background, I wish to emphasise some of the key themes that
10 emerged from the Catholic survivors that you heard from last year.

11 Victims and survivors gave evidence that they found interactions stressful and
12 upsetting, both when reporting abuse and seeking redress. Many reported being given little
13 or no information about what they should expect from the redress process, including how
14 long it would take, what would be involved and the potential outcomes.

15 Witnesses considered that the reputation of the institution or the respondent was
16 prioritised over them. The evidence also showed that referrals and applications for
17 disciplinary responses of Catholic priests and religious brothers and sisters, and I'll use the
18 handle "religious" for that second category of religious brothers and sisters, in canon law
19 and engagement with the Holy See was very limited.

20 Their evidence emphasised that survivors have generally not been provided with
21 meaningful and ongoing therapeutic support. In other words, they did not consider that
22 their lifelong needs were supported through the outcomes they achieved in the redress
23 process. The role of the Accident Compensation Scheme in shaping the Church's response
24 to long-term needs will be of interest to Commissioners here as it was in the State-based
25 hearings earlier.

26 Those who gave evidence emphasised their hope that by reporting their abuse they
27 would help prevent the abuse of others. We know that this is a strong motivation
28 universally against survivors coming forward, not only in the faith-based context.
29 However, their evidence revealed that the initial steps taken by institutions did not appear
30 to prioritise the prevention of further abuse or supporting complainants to report to Police
31 or another agency. Several of the survivors who gave evidence indicated that they are
32 aware of others who were abused by the same perpetrator.

33 The survivors also indicated that they were often unclear about what the
34 investigation process would be once they'd reported abuse. Explanations about what

1 information and evidence would be used, how that was accessed, who it would be shared
2 with and for what purposes were not forthcoming. For example, most survivors were not
3 given the investigation report which was developed as part of the investigation process.

4 Much of the evidence showed that the redress outcomes sought by victims and
5 survivors was not provided to them. There did not appear to be a discernible criteria for
6 monetary and non-monetary redress and whether any such criteria was applied consistently
7 and transparently when it did exist.

8 A further common theme was that the insights and reflections of survivors was not
9 systematically sought and recorded. Accordingly, the essential perspective and voice of
10 these survivors does not appear to have been captured to inform or to have informed the
11 development and review of redress policies and procedures and practises.

12 Turning briefly to the structure of the Catholic Church. To understand the response
13 of the church authorities to victims and survivors of abuse it is also necessary to understand
14 both the structures of the Church and the evolution of the Church's redress processes in
15 New Zealand, and I'm sure that you will be hearing from counsel for the Catholic Church in
16 their opening explaining these to you, so I'll just touch briefly on some of the high level
17 aspects included in my written opening in the interests of time.

18 The first crucial point is that there's not a single church that you look to or point to.
19 There are currently 49 Catholic Church authorities with religious members operating in
20 New Zealand, that being six dioceses of Aotearoa New Zealand and at least 43 religious
21 institutes.

22 Each of these separate Catholic Church authorities, and that's the language used
23 globally across the differentiation there, has certain accountabilities under canon law
24 promulgated in Rome. This unique aspect is one factor that differentiates the Catholic
25 Church from the other churches that you've heard from to date in this hearing. Given that
26 international reach, the Inquiry is requesting information from the Holy See and any
27 response to this request will form an important part of our ongoing investigations.

28 It is due to the complexity of the canon law context setting out accountabilities that
29 you are first hearing from the expert Thomas Doyle before you hear from the institutional
30 witnesses on behalf of the Catholic Church. He is a Dominican Priest with qualifications
31 with canon law, theology, church administration and political sciences. In addition, he has
32 extensive experience having engaged directly with numerous victims and survivors of
33 abuse by Catholic clergy or religious.

34 In addition, his evidence addresses the systemic cultural or other factors present

1 within Catholic institutions which prevented or limited the ability of victims and survivors
2 to report or pursue redress for abuse in care. Additional barriers for reporting or pursuing
3 address experienced by Māori, Pacific people, people with disabilities, people with mental
4 illness or any other vulnerable groups will also be explored.

5 Turning to the redress processes of the church, the evidence that you'll hear
6 establishes that it's from the early 1990s that the church leaders within New Zealand have
7 come together and attempted to develop a response to disclosures of abuse by Catholic
8 priests and religious.

9 In 1998 Te Houhanga Rongo - A Path to Healing was first published by church
10 leaders and shifted the focus towards a national response. A Path to Healing was from that
11 time and remains a public document. The 1998 version was formerly promulgated by each
12 of the diocesan bishop as particular law, meaning it was recognised as canon law within
13 each diocese and this document has been reviewed subsequently in 2001, 2007 and 2020
14 being substantive revisions.

15 Each version of A Path to Healing, save for the most recent 2020 version, contains
16 the following: "We see A Path to Healing as a public document that establishes public
17 criteria according to which the community may judge the resolve of church leaders to
18 address the issues fairly and compassionately. If we do not act according to the principles
19 of this document and follow procedures founded on these principles, we shall have failed
20 according to our own criteria." And it logically follows that a part of what you will be
21 interested in, in examining the evidence to be heard shortly is in fact whether there has been
22 a failure according to criteria set in that document.

23 It's also important to note that A Path to Healing is a process only in relation to
24 sexual abuse of children and adults by priests and religious. The consequence of that is that
25 all other forms of abuse and sexual abuse by lay employees and volunteers are not within
26 the scope of this Path to Healing process.

27 At the time A Path to Healing was published in 1998, abuse protocol committees
28 were established by each diocesan bishop with the religious superiors able to use that
29 subject to agreement. The primary function was to investigate allegations and make
30 recommendations.

31 In this time a decision on whether a complaint was upheld and what any remedy
32 might be made by somebody, was made by somebody in that relevant church authority.
33 Jumping forward in time we still have the position that it is the relevant church authority
34 that makes a decision on what remedy might be granted.

1 Leading up to changes in process, except for that decision-making in relation to
2 granting a remedy, the National Office for Professional Standards or NOPS was established
3 in 2004. This was to assist diocesan and religious protocol committees respond to what
4 was an increasing number of allegations of abuse and to help dioceses and congregations to
5 establish prevention processes. So, at this point in time when NOPS is established it had no
6 role in relation to the investigations. This continued to be the responsibility of the various
7 abuse protocol committees. But NOPS did have a specific role as being lead agency when
8 somebody was asking for a review of the investigation process carried out by that other
9 protocol committee.

10 The role of NOPS was expanded in 2009 and at this point in time it has an oversight
11 role of all allegations of sexual abuse against priests and religious, with the purpose being
12 to ensure that investigations were being conducted thoroughly. Clearly in part a
13 recognition of a mixture of standard of investigations across the different protocol
14 committees.

15 At this point a cooperation between NOPS and the relevant church authority was
16 required. Later, moving forward in time to 2017, the function of the Abuse Protocol
17 Committees was transitioned to a single entity called the Complaints Assessment
18 Committee. This committee continues today to make findings in relation to allegations
19 received or passed to NOPS.

20 So, the point of difference here being that where the previously, protocol committee
21 in the early phase of this process was making a decision on was the complaint upheld and
22 what is the remedy, here we've got the Complaints Assessment Committee making a
23 finding on whether the complaint is upheld with then referral back to the relevant church
24 authority to make a decision on remedy.

25 NOPS took over the investigative stage of the response process at this time in 2017
26 with the carve-out that allegations relating to members of the Society of Mary, which was
27 still managed by the Society of Mary Sexual Abuse Protocol Committee.

28 The focus in this part of the hearing is clearly on whether the principles and
29 procedures of A Path to Healing have been consistently applied and whether there has been
30 a quality of outcomes and whether the needs of victims and survivors have been met. But
31 in addition, and it is an important addition, Commissioners will no doubt be focused on
32 what the principles and procedures were that applied to all complaints of abuse that fell
33 outside of A Path to Healing. Was there consistency of outcome, equality of outcome and
34 how were the needs of victims and survivors met?

1 In terms of who you will be hearing from, given hearing time constraints, as you
2 know, not all the witnesses put forward by the Catholic Church are able to be heard in this
3 oral hearing. What will happen is that those other witness statements will be made
4 available on the Inquiry's website.

5 The witnesses who you will hear from over the next four days, once we've
6 concluded the evidence of Thomas Doyle on behalf of the Catholic Church, are Peter
7 Horide who is a professional standards delegate for the Marist Brothers and has been in that
8 role since 2018; Virginia Noonan, the current Director of NOPS; Timothy Duckworth, the
9 Provincial of the New Zealand Province of the Society of Mary; and John Dew, the
10 Archbishop of the Archdiocese of Wellington and the Metropolitan Archbishop of
11 New Zealand.

12 That concludes my opening remarks. Tēnā koutou, tēnā koutou, tēnā koutou katoa.

13 **CHAIR:** Kia ora Ms Anderson. Ms Cooper.

14 **OPENING STATEMENT BY SNAP**

15 **MS COOPER:** Commissioners — better turn the microphone on — because SNAP is a
16 survivor-led organisation it is appropriate that the opening is shared between myself and
17 Christopher. Christopher is going to start the opening starting with a mihi.

18 **DR LONGHURST:** Tena koutou katoa, Tēnei te mihi manahau ki te mana whakahaere, ki ngā
19 komihana, me ā koutou mahi whakahirahira. Tēnei te mihi uruhau ki ngā mōrehurehu kua
20 puta mai me ā tātou kaitautoko. -- Ki ngā morehurehu katoa, he mihi maioha. Heoi, ko ngā
21 whakamānawatanga katoa ki a SNAP me ā koutou mahi whakahirahira. Mā whero mā
22 pango ka oti ai te mahi. No reira tēnā koutou, tēnā koutou, tēnā tātou katoa.

23 **CHAIR:** Kia ora.

24 **COMMISSIONER ERUETI:** Tēnā koe. Ka nui te mihi ki ā koe. Nau mai haere mai ki te tuku
25 kōrero ki mua ki te aroaro o tēnei Kōmihana, nō reira, nau mai haere mai, tēnā koe.

26 **DR LONGHURST:** We are here today to give a voice to SNAP, the Survivors Network of those
27 Abused by Priests and to their whānau and supporters. We salute the victim survivors who
28 have appeared to date and all victim survivors across Aotearoa New Zealand. SNAP is also
29 providing a written witness statement to this Inquiry. We invite the Commissioners to
30 consider it in detail.

31 SNAP is an independent peer support network of victims and survivors of
32 faith-based and institutional abuse. Our kaupapa is to support survivors, protect children
33 and adults at risk and hold perpetrators to account and to raise awareness.

34 Our New Zealand chapter was founded in June 2019 by myself, a survivor not only

1 of clerical and religious child sexual abuse, but also adult at risk abuse in the Catholic
2 Church of Aotearoa New Zealand.

3 Our members come from different faith traditions, including, though not limited to,
4 the Salvation Army, Jehovah's Witnesses, Anglican, Baptist, Methodist, Orthodox and
5 Presbyterian churches and also the Catholic Church.

6 Whilst we give our address today ahead of the evidence from the Catholic Church,
7 it is vital that we acknowledge that we do not speak only for our members who were abused
8 in the Catholic Church, but to the experiences of all of our members whose lives have been
9 devastated by the abuse they suffered and subsequent harm in their pursuits of redress.

10 We must note, therefore, that our members have not only suffered historical abuse,
11 but many are still suffering abuse today as this hearing takes place. This includes both
12 primary abuse, that is first time abuse, and its secondary forms, most prevalent in
13 faith-based institutions due to such factors as silencing, secrecy, socially unhealthy
14 doctrinal teachings and practises, institutional preservation and asset protection over and
15 above mission and morality. Druidical and hierarchical structures, elitist minimisation, and
16 above all, clericalism and religious privilege. This is not to mention delay, denial and
17 dismissal in processing our complaints through in-house redress.

18 In phase one of the faith-based redress hearing we heard from Sally McKechnie on
19 behalf of the Catholic Bishops and Congregational Leaders about the importance of redress
20 in responding to victims and survivors and in assisting in their healing. We also heard how
21 the Catholic Bishops and Leaders are committed to quote: "the complete elimination of all
22 forms of abuse for those in care and ensuring that survivors of abuse obtain the support they
23 need." We have heard similar commitments in the past from other faith-based
24 organisations as well.

25 This week you will hear from Virginia Noonan, Director of the National Office for
26 Professional Standards, NOPS; and John Dew, Metropolitan of New Zealand, about the
27 adopted redress processes of the Catholic Church, and new developments from the Vatican.

28 We anticipate that references will be made to principles claimed to underpin those
29 processes; namely, compassion, fairness and natural justice, and responsibility and
30 accountability.

31 Commissioners, all of our members agree that these principles underpin the heart of
32 their healing processes and that they are integral to the restoration of the injustice we have
33 suffered. However, it is overwhelmingly clear for us from our members' accounts that we
34 are not experiencing any healing. In fact, we are finding little or no consolation and no

1 justice in the effect.

2 To eliminate abuse, as The Bishops and Congregational Leaders are apparently
3 committed to doing, a robust redress process is needed. Without this change and without
4 concrete evidence as to how this commitment is actually being honoured in practice, we are
5 concerned that such a commitment is only an empty promise. When hearing the evidence
6 this week, Commissioners, we would respectfully ask that you have this notion in your
7 hearts and at the forefronts of your mind.

8 Sonja will now share with you some of the reports our members have made of A
9 Path to Healing, Te Houhanga Rongo, the national redress process of the Catholic Church
10 of Aotearoa New Zealand.

11 **MS COOPER:** So, the first thing that survivors have said is that they have suffered further harm
12 and re-traumatisation as a result of seeking redress. They have said that emotional support
13 and counselling was absent; that the process was adversarial, that it took years and it was
14 highly stressful; that they felt totally overwhelmed and were therefore unable to properly
15 engage and tell their stories; that the professionals involved, including the investigators
16 appointed by NOPS, lacked compassion and seemed to have little or no understanding of
17 trauma and the unique needs of survivors and that some independent investigators were
18 paid for by the church, at least on their payroll.

19 Almost all reported that they felt much worse afterwards. Some even said that the
20 redress process was worse than their initial abuse because of the further trauma and
21 frustration it weighed against them.

22 Secondly, SNAP members said they felt like they were being put on trial and
23 blamed for their abuse. They said they were repeatedly questioned by the NOPS
24 investigators; that some of the questions were insulting or seemed irrelevant; that they were
25 made to feel like it was a criminal not a civil investigation and that in some cases a higher
26 standard of proof was used; that when evidence wasn't available due to the historic claims
27 and nature of their abuse, their complaints were not upheld.

28 Thirdly, this group have said that the process lacked transparency. They have said
29 that information about the decisions being made and the reasons why complaints were not
30 upheld, were not shared; that investigators' reports were heavily redacted and you've seen
31 that already; that they felt disbelieved, side-lined and dismissed; that they achieved no
32 closure; that due to lack of information they felt powerless to challenge the decisions being
33 made about them and exercise their right of review.

34 Fourthly, they have said that the redress, when it was made, was inadequate and

1 degrading. They have said that they received small pay-outs ranging from only \$5,000 to
2 about \$25,000 for the most serious acts of child molestation. These payments are further
3 described as ex gratia payments which are not designed to compensate, punish or penalise,
4 but to acknowledge suffering. They found this insulting and wholly inadequate. They said
5 that non-financial remedies, such as apologies, were conditional, legally framed and
6 therefore insincere and superficial. They also said there were no automatic consequences
7 for their perpetrators. Some remained in office, were not held accountable, and were
8 allowed to continue going about their daily business.

9 Finally, they said that ultimately, they could not have confidence in a redress
10 process being handled by the very body responsible for their abuse and in many cases
11 responsible for its past cover up, even when it knew and continued to allow the abuse to
12 happen to children. For that reason, some decided not to pursue their Path to Healing
13 process at all, thereby being denied justice and redress as they felt that any claim an
14 institution can investigate itself simply lacks credibility.

15 Commissioners, Dr Longhurst will now present a number of recommendations that
16 he wants you to be thinking about as you hear the evidence.

17 **CHAIR:** Thank you.

18 **DR LONGHURST:** Commissioners, SNAP is asking that any redress process be
19 survivor-focused and survivor-led. We feel that survivors must be empowered and in
20 control. To quote our champion, Judith Herman, a world leader in trauma and recovery,
21 "No intervention that takes power away from the survivor can possibly foster her or his
22 recovery, no matter how much it appears to be in his or her best interest."

23 SNAP is also asking that all redress processes be designed to properly compensate
24 us and facilitate our rehabilitation. We do not want to see ex gratia payments. Instead, we
25 are asking that survivors be compensated for the physical and psychiatric harm that we
26 have suffered; for our loss in earning capacity, both past and future, and for ongoing
27 treatment and counselling costs, and for any other forms of vocational support that may be
28 required. We feel that we must be offered authentic emotional and practical support.

29 SNAP is also asking for genuine apologies, personal apologies, specific apologies to
30 the individual survivor to fully acknowledge the very abuse and contain accompanying
31 evidence of the changes made to protect others in the future.

32 SNAP is also asking that perpetrators face consequences. It should not be a matter
33 of discretion as to whether a child abuser who has complaints upheld against him or her be
34 removed from office. This should be automatic.

1 Finally, and most importantly, SNAP is asking that all redress processes be
2 managed by a body that is totally and truly independent of the relevant faith-based
3 institution. To secure the trust and confidence of survivors, a secular statutory body must
4 be set up to deal with redress; one that operates entirely independently of church hierarchy
5 structures and absolutely beyond the mandate of any faith-based institution. This is only
6 fair and reasonable.

7 We welcome comment on these proposals as we hear the evidence this week. And
8 we ask that change be expedited. We have waited a very, very long time. Commissioners,
9 we feel that it is not fair to keep us waiting any longer.

10 We thank you once again for the opportunity to speak here today. Nō reira, tēnā
11 koutou, tēnā koutou, tēnā tātou katoa.

12 **CHAIR:** Kia ora.

13 **MS COOPER:** That concludes —

14 **CHAIR:** Thank you both for those submissions which we've noted carefully. Yes, Ms
15 McKechnie.

16 **OPENING STATEMENT BY MS McKECHNIE**

17 **MS McKECHNIE:** Tēnā koutou, i tēnei ahiahi, Madam Chair, Commissioners. Ko Sally
18 McKechnie ahau. As you know, I appear as counsel for Te Rōpū Tautoko on behalf of the
19 Catholic bishops and congregational leaders of Aotearoa New Zealand. We acknowledge
20 you, Madam Chair, Commissioners, counsel assisting, fellow counsel, the survivor
21 networks, the survivors who are here in the public gallery and those who are watching
22 elsewhere.

23 **COMMISSIONER ERUETI:** Kia ora.

24 **MS McKECHNIE:** To acknowledge the Commission and its work, ma'am, I invite Cardinal John
25 Dew to come forward now. He would like to begin with a short mihi to acknowledge the
26 mana of the Commission and its work.

27 **CHAIR:** Thank you. Welcome Cardinal Dew.

28 **CARDINAL DEW:** E ngā mana, e ngā reo, e te mana whenua o tēnei kainga, tēnā koutou katoa.
29 Te Heamana Coral Shaw otirā, koutou ngā Kai Kōmihana tēnā koutou. E te hunga morehu
30 kua tūkinotia, tēnei ahau (inaudible) Mo te Hāhi Katorika, e tautoko i ngā mihi aroha ki ā
31 koutou katoa. Ka nui te aroha, ka nui te (inaudible), e te iwi e pai nei ngā whānau ngā
32 morehu, tēnā koutou, tēnā koutou, tēnā koutou katoa.

33 Madam Chair, Commissioners, counsellors assisting, all gathered here today and all
34 watching in other places, tēnā koutou katoa. I acknowledge you all and thank you for this

1 opportunity given to us as the Catholic Church to engage in this Royal Commission
2 hearing, to continue our learning and to learn with you as we engage in this hearing.

3 I greet survivors and want to assure you that we have listened, we are listening.
4 I, and we, are ashamed and saddened by what has happened. Many people have spoken to
5 this Commission, both survivors and church leaders. Our hope is that this Commission will
6 lead us and help us to be a better church and that as a church, this disgrace of abuse will be
7 addressed, will cease, and that our church will always be a church that gives life and hope.

8 That's our mission as a church. It is always to give life, the life that Christ offers us.
9 We know that in this we still have much to learn. So I thank you for this opportunity to be
10 part of this Royal Commission. Tēnā tātou katoa.

11 **CHAIR:** Kia ora.

12 **COMMISSIONER ERUETI:** Tēnā koe. Kā nui te mihi ki ā koe e te rangatira ki te Hāhi
13 Katorika, nau mai haere mai ki tēnei Kōmihana ki te tuku kōrero ki ā mātou, mauria mai ō
14 koutou mana o koutou tikanga ki wanganui a mātou, ki te maumaharatia ngā kupu ō ngā
15 morehu ka whaia mātou te tika, te pono, nō reira, nau mai haere mai ki ā koe ki te Hāhi, kia
16 ora.

17 **CARDINAL DEW:** Kia ora, tēnā koe.

18 **MS McKECHNIE:** Commissioners, as the Cardinal has just said, the bishops and congregational
19 leaders of the Catholic Church in Aotearoa New Zealand want to acknowledge the
20 survivors of abuse who have made the courageous and difficult decision to engage with this
21 Inquiry, those who are watching here and remotely. They specifically want to acknowledge
22 those survivors who have provided evidence to this redress hearing, both in writing and in
23 person.

24 As the Cardinal has just said, the bishops and congregational leaders and members
25 of the church have heard the survivors and want to thank them all for their bravery and
26 courage.

27 As you know, Commissioners, the bishops and congregational leaders asked to
28 participate in this Royal Commission and were very pleased when the terms of reference
29 were expanded to include them. They asked to participate because they considered that the
30 way to learn the lessons for today and the future is to acknowledge and address what has
31 occurred.

32 Commissioners, Te Rōpū Tautoko was created to co-ordinate the response of the
33 Catholic Dioceses and congregations to the Commission. This is necessary because, as my
34 friend Ms Anderson said, there are six dioceses in New Zealand, and 43 religious

1 congregations represented through Tautoko.

2 In my opening this afternoon, Commissioners, I'm intending to briefly set out the
3 structure of the church, to highlight five issues that are key as an introduction for you to
4 understand the evidence that you will hear this week, and then briefly touch on who is
5 giving evidence and what it will cover for the balance of the week.

6 Commissioners, returning to the structure of the church, the physical structure, there
7 are six dioceses, these are geographical areas and are each headed by a bishop. Wellington
8 is an Archdiocese and is led by an Archbishop. The bishop and the archbishops are
9 appointed by the Pope and are accountable to them.

10 Now I appreciate, Commissioners, this is the third faith-based group that you have
11 had so your comparative religion will be coming on very well. I would like to highlight at
12 this point that the Archbishop in the Catholic Church is very different to the structure that
13 you have just heard in the evidence of the Anglican Church. Archbishop Dew is not more
14 senior than the other bishops. He is an Archbishop because he is the head of an
15 Archdiocese, but he does not direct or control his brother bishops, which is more of the
16 structure of the Anglican Church.

17 There are 43 religious congregations in New Zealand that belong to the
18 Congregational Leaders Conference of Aotearoa New Zealand. This is known as
19 CLCANZ. Through CLCANZ they are represented here by Tautoko. I will spend a brief
20 period explaining this because it is a complex feature of the Catholic Church in
21 New Zealand. These religious congregations, and they're sometimes referred to as religious
22 orders —

23 **CHAIR:** We're getting the green signal, Ms McKechnie.

24 **MS McKECHNIE:** I noted that, thank you ma'am — religious congregations, religious orders or
25 institutes. These are groups of men or women who belong to a community that has a
26 particular charism or founding spirit of their congregation. Members of these
27 congregations commit to the congregation and the work that their congregation undertakes.
28 Typically, they elect their leadership and they may have a number of communities around
29 New Zealand. They are not limited by geography in the way that dioceses are.

30 Commissioners, historically there has been a much greater presence of
31 congregations in New Zealand and they have been here in much greater numbers. This has
32 significantly reduced over time. So, a number of the 43 congregations Tautoko represents
33 no longer have a large number of active members or indeed any active members left in
34 New Zealand, but they remain members of CLCANZ and are represented here. There are

1 some congregations who no longer have a presence in New Zealand and haven't for many
2 decades and they are not represented here before you today.

3 As counsel assisting has already noted, there is a separate investigation into the
4 Catholic Church and as part of that work that you are undertaking, the bishops and
5 congregational leaders and their organisations are engaging in that investigation, providing
6 a significant volume of documents and preparing for an upcoming case study.

7 That investigation will examine the harm done to those in the Church's care and
8 how this harm came about. This week, the evidence is going to focus on the redress
9 processes that the Church uses. I mention this to emphasise to those who are watching, as
10 my friend Ms Anderson did, that this will not be the only occasion that representatives of
11 the Catholic Church are before you to answer your questions.

12 Turning, Commissioners, to the key introductory matters I wish to highlight in
13 relation to the redress process, and there are five of these. As a preliminary comment, the
14 bishops and congregational leaders have asked me to indicate that they seek to ensure that
15 the redress process is fair, robust and respectful of survivors, but that they acknowledge that
16 this has not always been the case.

17 In particular, the Church's current approach to redress has evolved and it has
18 developed significantly over time and it has needed to do so. Much of the evidence you
19 will hear this week will trace that evolution, and nor is that evolution finished. And this
20 Commission will be part, and is part, of that process.

21 So, the five key introductory matters to highlight: first, the structure of the Catholic
22 Church. As counsel assisting has already noted, the Catholic Church is not a single entity,
23 it exists and consists of people, communities, organisations, institutions and legal
24 structures, all committed by their common faith. This is both independent and
25 interdependent, the relationships between these groups; and understanding that is
26 fundamental to understanding how redress has evolved and how it is undertaken now in the
27 Catholic Church.

28 Each of these 49 organisations and entities are independent of each other and are
29 autonomous in how they respond to complaints, disclosures of abuse and claims. But at the
30 same time, they are interdependent as parts of the Catholic Church. Commissioners, this
31 has a number of impacts on redress and, indeed, it has a number of impacts on many
32 aspects of the Church's life. It is a fundamental feature of the Church.

33 Reflecting this independence, prior to the material being prepared for this Royal
34 Commission, there was very little information sharing between the Catholic entities about

1 the details of their own redress responses, particularly the quantum of settlements and
2 pastoral approaches.

3 The church is aware that understanding and navigating this structure can create
4 challenges for survivors. It's also very aware that responses vary between entities and have
5 varied over time.

6 The second issue, Commissioners, is the role of the global church and the role of the
7 Vatican. It's very important in order to understand the evidence to understand the role of
8 the Vatican, the Pope and canon law in the Church's redress response; but also,
9 Commissioners, the limits of that role.

10 Over time, the Vatican has increasingly responded to abuse in the Catholic Church
11 at a global level; and here in New Zealand, the bishops and congregational leaders have
12 been guided by that, and in particular there are specific documents and guidelines issued by
13 the Pope and other Vatican authorities regarding responding to abuse. You will hear
14 evidence about those.

15 In some matters, for example the laicisation of priests or the removal from the
16 congregation of a religious order, the Vatican has a direct role. As a global faith of more
17 than a billion adherents, there are a number of fundamental matters of faith and of doctrine
18 that cannot be altered by the people before this Commission, by the bishops and
19 congregational leaders in New Zealand.

20 However, much of the specific redress responses in New Zealand that you will hear
21 evidence about have been determined, and are determined, by the bishops and
22 congregational leaders themselves on behalf of their organisations. They do this within the
23 Vatican guidelines and canon law and within New Zealand civil law, and that is without the
24 direct input of the Vatican.

25 The third key issue I'd like to highlight, Commissioners, is the New Zealand
26 Church's response to redress, the Path to Healing document that counsel assisting has
27 already mentioned. This document has evolved significantly in the last 30 years and it has
28 not always directly mirrored the developments in the Vatican. In a number of instances,
29 Catholic leaders in New Zealand have taken steps and introduced policies before the
30 Vatican has issued guidelines in response to what has happened locally. It's also necessary
31 for this process to respond to the directions from the Vatican when they are given.

32 You will hear much about APath to Healing and its various versions in coming
33 days. This document contains the principles and procedures by which the church responds
34 to complaints of abuse and sexual misconduct by the clergy and religious. Counsel

1 assisting was correct to note that this is limited to sexual abuse by clergy and religious.
2 There is other evidence before the Commission about the processes used for non-sexual
3 allegations and they are broadly mapped on A Path to Healing.

4 Today, A Path to Healing seeks to provide a consistent process for complainants
5 and central co-ordination of the redress process. However, Commissioners, it is vital to
6 understand that NOPS (National Office for Professional Standards) is only a co-ordination
7 body, it is not the decision-maker, as my friend Ms Anderson pointed out. Those decisions
8 remain with the independent responsible church authority.

9 The fourth point I'd like to highlight, Commissioners, is that the Church
10 acknowledges that one size does not fit all. The Church acknowledges that while some
11 survivors have had a positive experience with the redress process, they acknowledge that
12 others have not. The Church's experience in this redress process has clearly demonstrated
13 to it that each survivor is an individual and what they're seeking from this process, and from
14 the church, can differ significantly. It can also change for an individual at different times in
15 their engagement with the Church.

16 Recognising that one size doesn't fit all, A Path to Healing is seeking to balance a
17 number of tensions within a redress process. Some of the evolution of that is in response to
18 some of those tensions. They are significant, Commissioners, and the Church
19 acknowledges that it may not have the balance right between these matters at present.

20 These factors include seeking to balance a desire for consistency in the process used
21 with the need for flexibility to respond to the needs of an individual. The need to have
22 independence and robustness of process, and the desire that many complainants who
23 approach the Church have for connection with the Church and personal engagement with
24 the Church leadership. There is a tension between independence from the Church and
25 accountability of the Church.

26 There is a tension between ensuring consistency of process and enabling space for
27 compassion for an individual and what they are seeking. And there is a clear tension
28 between the responsibilities of the bishop and the congregational leaders to their priests and
29 members of the congregation and the need for accountability and safeguarding within the
30 Church.

31 We lay these tensions before you, Commissioners, to highlight what the Church is
32 seeking to address. These are clear in the evidence before you and that you have already
33 heard. And the Church welcomes your thoughts on these challenges and how to design a
34 best practice approach to redress. These are complex issues, as you know very well, and

1 the Church comes to you with what it has done and seeks your guidance.

2 Finally, Commissioners, another feature of the Catholic entity's response to redress,
3 which is both unique and we anticipate you will have questions about, is the ongoing
4 responsibility church entities have for their members, both the priests and religious
5 members. This includes those who have harmed others and those who have offended.

6 Commissioners, the approaches that different church entities take to this has
7 changed over time and differs between organisations within the Church. Closely related to
8 this, and fundamentally important, is safeguarding. This is a very important aspect of the
9 Church's responsibility, both to its own members and to those who engage with the Church.
10 We anticipate, Commissioners, you will have a number of questions about those issues.

11 So, Commissioners, to answer these questions, Tautoko, on behalf of the Church,
12 has filed evidence from six witnesses. This has been intended to provide a range of
13 perspectives from clerics, male and female religious, and lay members of the church. I will
14 briefly summarise the evidence that you will hear on behalf of the Church in the coming
15 days.

16 The first witness called by Te Rōpū Tautoko will be Peter Horide. He is the current
17 Professional Standards Delegate of the Marist Brothers. The Marist Brothers is a
18 congregation where all its members are religious brothers, they are lay rather than priests.

19 Brother Peter is not the leader of the Marist Brothers, he was specifically requested
20 to give evidence by the Commission and accordingly, he will be appearing. He has been in
21 his role since 2018 and as a result, there'll be many documents and decisions from the
22 Marist Brothers that he was not personally involved in, but he will do his best to answer
23 your questions.

24 Commissioners, he will be joined in the witness box by Brother John Hazelman
25 who is the District Leader of the Marist Brothers. As the District Leader and on behalf of
26 the brothers, Brother John wishes to acknowledge the Commission, survivors and the
27 evidence that the brothers heard in December. It reflects Brother John's Samoan culture
28 that, for him as the leader, he should be the one to undertake that acknowledgment and he
29 will do that very briefly at the commencement of Brother Peter's evidence.

30 Secondly, there is evidence on behalf of the National Office for Professional
31 Standards, which we will no doubt call NOPS over coming days. Briefs have been filed by
32 Mr Phil Hamlin and Ms Noonan. Ms Noonan has been asked to provide evidence and so
33 she will speak to the evidence of both she and Mr Hamlin to the best of her knowledge,
34 explaining the NOPS process, how it has changed over time and what is currently the

1 process being used by the National Office for Professional Standards.

2 Mr Hamlin, Commissioners, is the long-time Chair of the National Safeguarding
3 and Professional Standards Committee, for all intents and purposes Ms Noonan's employer.
4 He is a criminal barrister with extensive experience and his evidence is both available to the
5 Commission and will be online for those watching who wish to read it.

6 There will then be evidence from the Society of Mary. Father Timothy Duckworth,
7 who is the Provincial of the Society of Mary will give evidence, the Society are the largest
8 male congregation in New Zealand and they have members who are both priests and
9 brothers. Father Tim was previously the delegate of the Society in relation to redress and
10 as such, has had a long involvement with the Society of Mary's approach. The Society of
11 Mary, as counsel assisting pointed out, has a slightly different approach to the way it
12 engages with NOPS, and Father Tim will speak to that and many other matters from his
13 experience.

14 Finally, on Friday you will hear evidence from Cardinal John on behalf of the
15 Archdiocese of Wellington. John has been an Archbishop since 2004 and became
16 Archbishop of Wellington in 2005. He is also a Cardinal and was appointed such in 2015.
17 Given this long experience and long history in a senior leadership role, John has had
18 extensive experience in the development of the Path to Healing process and his evidence
19 will set that out for the Commissioners.

20 As you have seen, John is here today and he will be attending the hearing all week.
21 He will make a collective apology on Friday which has been reviewed and agreed by
22 everyone represented by Tautoko on behalf of the Catholic Church and John is also going
23 to be joined this week, and is indeed joined now, in the public gallery by many other
24 members of the church. Bishops and congregational leaders are in attendance, along with
25 senior staff from dioceses and congregations.

26 Evidence has also been filed, Commissioners, but will not be heard on behalf of the
27 Sisters of Mercy. This was filed by Sister Susan France, the congregational leader of Nga
28 Whaea Atawhai o Aotearoa, the Sisters of Mercy. Sister Sue is present and will be present
29 all week. She was not called to give oral evidence and we understand that you will have,
30 and will have read, her evidence.

31 The Sisters of Mercy, Commissioners, is the largest female congregation in
32 New Zealand and is the largest congregation in totality, and the approach that female
33 congregations have undertaken in redress often differs in approach from the approach taken
34 by male congregations and dioceses. Sister Sue has worked as a teacher, counsellor and is

1 a registered psychotherapist. She has significant experience working with survivors of
2 sexual abuse through that work and is an ACC-approved sensitive claims counsellor.

3 I would urge you, Commissioners, to revisit her evidence because she provides an
4 important perspective as a female religious and given her background. Again, her two
5 briefs of evidence will be available online for people who are listening who wish to read
6 those briefs. Sister Sue is present at the hearing this week and is available to answer any
7 questions the Commissioners may have.

8 Commissioners, this evidence this week can necessarily only capture a snapshot of
9 the 49 entities and the process that has been undertaken by the church in the last 30 years.
10 Accordingly, we have prepared a document, which has been previously filed with the
11 Commission and we will provide you at the end of this opening submission, which is a
12 chronology of the key developments of the last 30 years of the redress process for the
13 Catholic Church globally and particularly in New Zealand. The evidence also builds on the
14 structure of the Church in Aotearoa document which we had previously filed with the
15 Commission in July 2019.

16 Before I leave the evidence, Commissioners, I just comment on the order that the
17 Commission is calling the evidence. The first two witnesses from the Catholic Church who
18 you are seeking to have evidence from are neither leaders of the Church nor are responsible
19 decision-makers, and both of them have relatively limited personal knowledge of the
20 events.

21 Brother Peter has been, in fact both of them have been in their roles for only three
22 years. Given this, there just may be questions that you have that will need to wait until later
23 in the week when the witnesses with longer personal experience are able to answer your
24 questions.

25 Finally, I will close with an acknowledgment of harm. As Cardinal John will
26 emphasise on Friday, the Church expresses its deep regret that any person has suffered
27 harm while in the care of the Catholic Church when they should have been safe. The
28 Church recognises collectively there has been a failure. Certain individuals have obviously
29 been failed, and how and why those failures have occurred will need to be examined and
30 remedied. We see that, Commissioners, for the future inquiry of the Catholic Church.

31 But this week, Commissioners, you will hear evidence about the redress process and
32 the bishops and congregational leaders are committed to continuing to improve it, so that
33 all survivors who engage with the church are heard and supported. And as part of that
34 process, Commissioners, the church is present here in this hearing with a willingness to

1 participate, a desire to improve and a commitment to change.

2 And if I may, Madam Chair, I'll hand up the copy of the chronology to assist you.

3 **CHAIR:** Yes, thank you, have you shared that with counsel?

4 **MS McKECHNIE:** We filed it approximately 18 months ago and I have a copy for my friend.

5 **CHAIR:** Well shared, thank you.

6 **MS McKECHNIE:** I should apologise it's slightly eccentrically printed like this, Madam Chair, it
7 is quite small. We can have it reprinted like that. It's slightly dependent on the Quest
8 Hotel's printing.

9 **CHAIR:** All right. Thank you. I'll just get better glasses perhaps.

10 **MS McKECHNIE:** Thank you, Madam Chair. Unless you or your fellow Commissioners have
11 any questions, that concludes my opening.

12 **CHAIR:** No, I think we'll save our comments and questions for later but thank you very much for
13 your extensive opening which we appreciate.

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

15 **CHAIR:** Look at that, bang on 5 o'clock. Do you wish to say anything else before we adjourn for
16 the day, Ms Anderson?

17 **MS ANDERSON:** Nothing further, Madam Chair.

18 **CHAIR:** Good. Thank you. So, we'll resume again at 10 o'clock in the morning.

19 **MS ANDERSON:** 9:30 tomorrow because the witness –

20 **CHAIR:** Beg your pardon, 9:30.

21 **MS ANDERSON:** 9 o'clock.

22 **CHAIR:** Is there any advance on 9 o'clock? We resume tomorrow at 9 o'clock.

23
24 **Hearing closes with waiata and karakia mutunga by Ngāti Whātua Ōrākei**

25 **Hearing adjourns at 5.03 pm Tuesday, 23 March 2021 at 9 am**

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