

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

WITNESS STATEMENT OF JOHN ATCHERLEY DEW

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

I, Cardinal John Atcherley Dew, 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 have previously submitted witness statements dated 23 September 2020 and 1 February 2021. I also provided evidence dated 18 July 2022 in my capacity as Apostolic Administrator of the Diocese of Palmerston North.
3. I am making this written statement in response to Notice to Produce No. 507 (**Notice**). Paragraphs 9 – 11 of Schedule A of the Notice set out matters on which I must give a statement, being:
 - (a) The circumstances which led to the public announcement in 2020 that the National Office of Professional Standards (**NOPS**) had appointed an investigator to look at whether the former Bishop of Dunedin, Bishop John Kavanagh, had failed to act after he received complaints of sexual abuse (**Allegations**).
 - (b) Who made the findings relating to the Allegations.
 - (c) The reasons I agree or disagree with those findings.

The circumstances leading to the announcement of an investigation into Bishop Kavanagh

4. I understand that in 2018, Bishop Michael Dooley became aware of complaints of abuse that occurred in the Dunedin diocese when Bishop John Kavanagh was Bishop of Dunedin. Concerns were raised that, at the time of the abuse, the complaints were silenced.¹ I understand that Bishop Michael attended gatherings and discussions where people shared their experiences of sexual abuse in the Dunedin diocese.²

¹ 006.0005.0019.

² 006.0005.0091.

5. In 2019, Bishop Michael asked NOPS to review how complaints of abuse were managed and responded to by Bishop Kavanagh during his time as Bishop of Dunedin.³ This was escalated to my attention as Metropolitan by NOPS. I have previously provided evidence to the Commission on what the role requires of Metropolitan in this context at paragraphs 32 – 34 of my witness statement dated 23 September 2020.
6. In this instance, NOPS proposed to instruct an independent investigator to undertake a review and queried whether *Vos Estis Lux Mundi*⁴ applied in the case of complaints against deceased Bishops (Bishop Kavanagh died in 1985). *Vos Estis Lux Mundi* is a recent decree from Pope Francis that requires the Metropolitan Archbishop to inquire into and report to Rome any serious allegations against a bishop.⁵ NOPS recommended I seek direction from the Congregation of Evangelisation of the Peoples (CEP) on whether *Vos Estis Lux Mundi* applied here.⁶
7. CEP was based in Rome and was a congregation (or department) of the central organisation of the Catholic Church. In June 2022 the CEP was merged with the Pontifical Council for Promoting the New Evangelization into the Dicastery for Evangelization. CEP and now the Dicastery for Evangelization are responsible for work in areas of the world considered mission territories. Aotearoa New Zealand is considered a mission territory. The CEP, and now the Dicastery, have a role in appointing and supervising bishops in these territories. It has jurisdiction over most aspects of the Church in New Zealand.
8. I followed the NOPS recommendation, as *Vos Estis Lux Mundi* is a new protocol and the Church is still developing procedures to implement it and referred the concerns about Bishop Kavanagh to the CEP. In response, I was advised by the CEP that there was no penal procedure against a deceased person. This meant the Allegations did not fit within the scope of *Vos Estis Lux Mundi*.⁷
9. In light of this advice, I requested that NOPS revert to its protocol *Te Houhanga Rongo – a Path to Healing (APTH)* to investigate Bishop Kavanagh's handling of abuse complaints between 1957 and 1985.⁸ Using the understanding implicit in *Vos Estis Lux Mundi* where reports making allegations against a bishop are made to the Holy See and the Metropolitan

3 006.0005.0050.

4 "You are the light of the world".

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6 006.0005.0050.

7 004.0007.0084.

8 004.0007.0084.

it was deemed appropriate I continue to coordinate the instructions for ultimate communication to the current Bishop of Dunedin. It can be difficult for someone to be in a position of making judgement against a predecessor, even if they are deceased.

10. In February 2020, NOPS engaged Micky Earl of Corporate Risks (1997) Ltd to investigate the Allegations, particularly whether Bishop Kavanagh's actions or omissions interfered with or avoided a Civil or Canonical investigation against a cleric or religious person accused of sexual abuse.⁹
11. As identified in the Notice, Mr Earl's appointment to investigate the Allegations was announced in a statement in June 2020.¹⁰

Who made the findings relating to the Allegations

12. Micky Earl of Corporate Risks reported that former Bishop Kavanagh had failed to act on two complaints. Mr Earl's report is dated 15 October 2021.¹¹ The report was provided to me on 22 December 2021.¹²
13. The Complaints Assessment Committee's (**CAC**) made findings in relation to the Allegations, based on Mr Earl's report. The CAC is an independent committee which considers materials received from independent investigators appointed as part of the APTH process. The CAC is tasked with finding, on the balance of probabilities, whether or not a complaint should be upheld. The CAC's conclusions are then passed on to the relevant church authority in the form of a recommendation as to whether the allegation should be upheld.
14. Here, the CAC found that Bishop Kavanagh failed to act in respect of one complaint during his tenure as Bishop of Dunedin. This was a complaint against Fr Schokker (Assumptionist Priest).¹³ The CAC disagreed with Mr Earl's reporting that Bishop Kavanagh failed to act in respect of a complaint against Fr Murray (Diocesan Priest). It found that there was no requirement for Bishop Kavanagh to investigate the complaint against Fr Murray due to Fr Murray having admitted to the complaint.¹⁴

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10 004.0007.0119.

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12 006.0005.0097.

13 004.0007.0129.

14 006.0005.0097.

- 15. There were eight other complaints made during Bishop Kavanagh's tenure, but Mr Earl found no evidence that Bishop Kavanagh knew of these complaints and the CAC made findings to this effect.¹⁵

The reasons I agree or disagree with the findings

- 16. As noted in my letter to Bishop Michael Dooley of 27 January 2022, I agreed with the CAC's findings based on their consideration of Mr Earl's investigation report.¹⁶
- 17. I agreed with the findings of the CAC and with the process that had been followed by NOPS and the CAC. In my experience over the last few years, and through a great deal of contact with NOPS I have found the Director and staff to be very thorough and reliable in their work. In my experience the findings of the CAC are well considered and well explained.
- 18. The people NOPS engage to investigate, are professional, competent and reliable. I was therefore content to accept the CAC findings knowing that the investigation and resulting CAC deliberation had been undertaken professionally, competently, and independently, with care and respect for all concerned.

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

John Atcherley Dew

Dated:

19 September 2022

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