

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 INTO ABUSE:
FAITH-BASED INSTITUTIONAL RESPONSE HEARING**

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

REGARDING INSTITUTIONAL RESPONSE

17 October 2022: 11.30am



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Chair and Commissioners:

1. I opened this morning's session on Catholic Education and St Patrick's College Silverstream. As indicated in that opening, I will now open for this second part of the day, which will focus on the dioceses and congregations of the Catholic Church in Aotearoa New Zealand.
2. As I mentioned earlier, there are a number of representatives of the various dioceses and congregations in Aotearoa present here today. Also present are some of the many support staff of dioceses and congregations, who are fundamental to the management of the work the dioceses and congregations carry out.
3. We acknowledge all survivors who are watching this hearing, either in this room or remotely.

Introduction and acknowledgments

4. The bishops and congregational leaders in Aotearoa New Zealand have acknowledged the harm caused by abuse in care of Catholic entities. You will hear that reiterated today in the evidence. The bishops and congregational leaders are deeply pained by and sorry for the abuse that survivors suffered while in the care of the Church.
5. These Catholic leaders acknowledge that Church processes have failed them and understand survivors' frustration about this. . This frustration, they know, comes from a place of deep pain and hurt for survivors. The bishops and congregational leaders hear this. They are committed to the ongoing journey of change, and improvement of its processes.

Engagement with the Royal Commission to date

6. This is the last time that members of the dioceses and congregations of the Catholic Church will be giving evidence in the Royal Commission. In closing submissions, later in the week, we will summarise the totality of the evidence you have heard and the material you have been provided with.
7. To provide context for today's evidence, I will briefly summarise:
 - (a) The bishops and congregational leaders of the Catholic Church in Aotearoa New Zealand have been served with 33 statutory Notices to Produce documents.

- (b) Through TRT, they have filed:
 - (i) 60 submissions in response to those notices.
 - (ii) Filed a further 14 substantive submissions as part of hearings.
 - (iii) Provided more than 150,000 pages of historical documentation to the Commission.
 - (iv) Filed 19 witness statements and 14 briefing papers.

- 8. The scale of this response underscores the seriousness with which the bishops and congregational leaders have engaged with the Commission and their commitment to this process.

Process for preparing evidence and documentation for Commission

- 9. For this hearing, evidence has been provided in relation to a number of different notices and witnesses have now been called to give evidence.
- 10. Much of the evidence prepared for today's hearing is in the form of "briefing papers". This process is used when there is no single individual with sufficient knowledge to give evidence, or where anyone who knew about the matters has died. These documents were not directly prepared by the dioceses or congregations and the witnesses speaking today will not be familiar with the detail of them or the underlying documents.
- 11. Rather, these papers are prepared by members of the legal team, referring to historical documents and any other sources of information. The underlying documents are then provided, with the briefing papers, to the Commission.
- 12. In order to prepare this material, and co-ordinate across the number of entities in the Catholic Church, the TRT structure is used. This reflects the devolved nature of church leadership in Aotearoa New Zealand.
- 13. TRT is a group made up of a bishop and a male and female congregational leader, and a Chair. It was established to provide a single point of reference for the Inquiry and for Church entities to engage with each other. Where a Church organisation is directly affected by a matter before the Inquiry, they are directly consulted with by TRT. In most cases, the approval process for documents is through instructions from the Chair of TRT.

14. This has been necessary due to the scale of the requests from the Commission and the tight time frames for responding. As a result, the witnesses giving evidence today can speak to their own memories and opinions, but in many cases, they are not familiar with the historical documents or with the decisions those documents record.

The “Catholic Church” in Aotearoa New Zealand

15. As the Commission is aware, the Catholic Church is not one single entity. Rather, it is a community of people, entities, organisations and communities.
16. Today, approximately 10 per cent of the New Zealand population identify their religious affiliation as Catholic in census data; approximately 470,000 people.¹ Of these, many do not attend Church regularly. This faith community contains many different cultures and nationalities, many which bring strands of Catholic worship and practices from their home countries and enrich the Catholic and wider community in Aotearoa.
17. Within this community there are individuals, such as bishops and congregational leaders, with specific leadership roles and broad responsibilities. But that responsibility is not total. It is localised. And it is most often shared. For example, within dioceses, independent Catholic entities carry out work alongside dioceses, parishes and schools to further the work of the Catholic Church in Aotearoa.
18. The Church community has many formal structures. There are 6 dioceses in New Zealand and more than 60 congregations have had a role in New Zealand at some time. They are all independent entities from each other. Since 1950, there have been 428 unique Catholic parishes, a total of 393 Catholic schools and 65 care institutions that offered care as defined in the terms of reference of the Commission.²
19. Currently there are 236 Catholic state-integrated schools and approximately 200 parishes. Very few Catholic entities now run or manage residential care institutions – aside from a small number of boarding colleges and other institutions not covered by this Commission’s terms of reference.

1 2018 Census; 470,919 affiliate as Catholics from a total population of 4,699,755; sourced from Stats NZ – from NZ.Statistics table builder.

2 Te Rōpū Tautoko Infographic, dated 6 December 2021, at [Info-Pack-from-Te-Ropu-Tautoko-December-2021.pdf \(catholic.org.nz\)](https://www.catholic.org.nz/info-pack-from-te-ropu-tautoko-december-2021.pdf).

20. As a result of the diversity and complexity, there is no individual who can speak for “the Church”. Leaders can only speak to their own diocesan or congregation views.
21. However, there have been and continue to be collaborative responses. This is clear in the response to harm in the Church and can be seen in the development of *Te Houhanga Rongo - A Path to Healing (APTH)* since the early 1990s, and its subsequent promulgation in 1998.³ In addition the establishment of the National Office for Professional Standards (**NOPS**) and the National Safeguarding and Professional Standards Committee in 2004 were major collaborative undertakings. The Panel later this afternoon can speak to these developments that have been evolving over many decades.

Evidence at the hearing today

22. We have been advised that the evidence that will be given in this session will have a looking back and a looking forward focus.
23. There are three sessions in the evidence for the rest of the day.

First session: Bishops Pat and Steve

24. First, the retired Bishop of Auckland, Pat Dunn and the current Bishop, Steve Lowe have been asked to give evidence.
25. Bishop Pat retired in February this year, after 27 years as a Bishop, due to the serious deterioration of his eyesight. He now has very serious difficulties in reading. Given the impact of this issue on his ability to review material, the Commission will only be asking him questions in relation to the matters relating to the priest referred to in Ms CU's evidence from the Pacific hearing.
26. Bishop Steve became the Bishop of Auckland this year and remains the Apostolic Administrator of Hamilton. Bishop Steve's evidence today focuses on aspects of the briefing paper prepared by Te Rōpū Tautoko on Immigrant Clergy and Religious, in particular the process for immigrant clergy and religious to minister in Aotearoa. Please note Commissioners, Bishop Steve did not prepare this briefing paper and is not familiar with many of the documents it summarises. However, he has personal experience in sponsoring overseas priests in New Zealand and will outline this and the recent improvements he has made to these processes.

3 See Appendix A: Catholic Church Response to Complaints of Abuse Overview, to Submission No. 6 in response to Notice to Produce No 2, dated 31 July 2020.

Second session: Investigation into historical actions of Bishop Kavanagh

27. The second session of this part of the hearing will be evidence from Cardinal John Dew, the Archbishop of Wellington. He has been asked to give evidence in relation to the investigation undertaken after complaints were made into the historical actions of Bishop Kavanagh, a bishop of Dunedin. Bishop Kavanagh was alleged to have failed to act in relation to allegations of harm in Dunedin.
28. Cardinal John is the ‘metropolitan’ of New Zealand and as such, is responsible, under the direction of the Vatican for investigations into the actions of bishops.⁴ While the Vatican did not require these allegations to be investigated – as Bishop Kavanagh is deceased – Cardinal John directed that an independent investigation be undertaken. He will be asked questions about this process.
29. Following this investigation, the Bishop of Dunedin, Michael Dooley, accepted the findings and decided to change the name of Kavanagh College in Dunedin to Trinity College, which will become the name of the College in 2023. Bishop Dooley is here and can answer any questions Commissioners have in relation to this.

Final session: reflections and the future

30. For the final session of the day, TRT was provided with a list of questions for the “Catholic Church” to respond to. We understand that these are the same questions that all the faith groups have been asked to respond to in their evidence for this hearing.
31. As there is no single entity called the “Catholic Church”, today you will hear from a range of leaders; Cardinal John, Sr Sue France, the Congregational Leader of the Sisters of Mercy, the largest female congregation in New Zealand and Dr Paul Flanagan, a lay member of the National Safeguarding and Professional Standards Committee.
32. They are also supported by Ms Virginia Noonan, Director of the National of Professional Standards and Dr Kevin Shore, Chief Executive of the New Zealand Catholic Education Office. Both are senior advisors to the bishops and congregational leaders in their areas of expertise and are available to answer any questions the Commission may have. The panel may also refer questions to them, if they are best placed to answer.

4 See Memorandum on behalf of the Bishops and Congregational Leaders of the Catholic Church of Aotearoa New Zealand filed for the August 2019 Procedural Hearing, dated 25 July 2019, at [54] - [56].

Changes made, being made and need to be made

33. The evidence in the final session will look at the failure of Catholic entities and leaders in enabling abuse by members of the Catholic Church, especially its clergy and religious, and how reports of abuse were handled. It will cover the changes that Catholic entities have made over recent decades, as the extent of abuse started to become more widely known. It will also cover those changes that are still required and are being developed.
34. The evidence will also reflect on the Catholic Church's ongoing commitment to Te Tiriti o Waitangi and its ongoing development of the journey of partnership with tangata whenua in all the work it does.

Changes made

35. Commissioners, as you heard at the Redress Hearing, the processes and practices for responding to reports of abuse have come a considerable way since the promulgation of A Path to Healing in 1998. Catholic entities were among the first to have a co-ordinated response and process to respond to claims. They sought external advice from expert psychologists, counsellors and investigators. Significant changes in this process have been made in the last 25 years to refine and improve the response of Catholic entities to reports of harm.
36. This has been a journey of learning for the Church, and one which continues.

Changes being made

37. The A Path to Healing processes are under regular review. The National Office of Professional Standards, on behalf of the National Safeguarding and Professional Standards Committee, carry out reviews of process to improve outcomes. This work continues and is regularly reviewed. Dr Paul Flanagan will address these processes in his evidence today, as a member of the National Safeguarding and Professional Standards Committee.
38. As the Commissioners are aware, the bishops and congregational leaders have indicated support for an independent redress process for survivors to approach on their redress journey.⁵ The bishops and congregational leaders expressed this in the consultation phase in the lead up to the Commission's redress report, seeking

5 See Synopsis of Oral Closing Submissions, filed on behalf of the Bishops and Congregational Leaders of the Catholic Church in Aotearoa New Zealand, dated 29 March 2021 at paragraphs [82]-[108].

more detail on how a proposed scheme would operate.⁶ Since the Commission's redress report, Church leaders, through TRT are engaging with the Crown Response Unit about the development of the independent redress scheme - puretumu torowhānui. This engagement is also providing an ongoing opportunity for Catholic leaders to review and refine their own responses to reports of abuse - historical, contemporary, and into the future.

39. Parallel to the response to the Royal Commission, TRT developed a 'roadmap' to respond to the recommendations and themes arising from this Inquiry. The actions in the most recent version of the roadmap were approved by bishops and congregational leaders in February of this year. .
40. The roadmap sets out a series of actions that Church entities can undertake while the Commission and Government finalise their recommendations and processes. These actions focus on reviewing structures, reducing barriers to disclosures of abuse, and improving processes within the Church to be more survivor-informed and survivor responsive.
41. Many of the themes and specific issues addressed in earlier hearings of the Commission have been addressed by Church entities, including by the NSPSC and NOPS.
42. The progress of this work is publicly documented on Te Rōpū Tautoko's website.⁷ We have **included** a copy of the roadmap at the conclusion of these remarks, to inform Commissioners.

Importance of transparency

43. Catholic leaders have heard the calls for greater transparency, from the Catholic community, survivors and the Commission.
44. As the Commission is aware, during the last four years, Te Rōpū Tautoko has been compiling statistical information on the records of reports of abuse. This information has been publically released: two reports (in February and June 2022) detailing data about reported abuse from 1950 to present and the numbers of clergy and religious who have served in this time, have been published.⁸

6 In and around June 2021.

7 <https://tautoko.catholic.org.nz/roadmap/>.

8 See <https://tautoko.catholic.org.nz/info-gathering-project-data/>.

45. This data is confronting. It contains the known records of harm and abuse in Catholic entities in New Zealand since 1950. Each record represents a person alleging harm.
46. Church leaders recognise that publishing this information is an important step. It demonstrates their commitment to being transparent about the scale of abuse that has occurred across the Church. Cardinal John has publicly commented on the importance of this:

These statistics on abuse in the Catholic Church going back to 1950 are horrifying and something we are deeply ashamed of. I am grateful that so much work has been done in researching the details and making them public. As we continue to respond to the Royal Commission into Abuse and we build a safer Church for everyone, I firmly hope that facts like these will help us to face the sad reality. The Church will learn from this and affirm its commitment to the work of safeguarding.

Future changes

47. As you will hear, the Church is committed to continuing to improve its safeguarding work and related policies, to promoting monitoring, transparency, and accountability of Church leaders, and all those that work within Church entities and care organisations.
48. As you will hear, this is also about organisational cultural change. Church leaders are committed to the changes needed and have stated that they:⁹

acknowledge the release of the Commission's redress report as an opportunity to re-set the Church's relationship with survivors, bolster efforts of safeguarding, and re-shape the response to reports and of abuse – historical, contemporary, and into the future.

Record keeping

49. The Inquiry asked dioceses and congregational leaders to provide evidence regarding any issues Catholic entities' record keeping policies and practices in relation to reports of abuse, and any improvements made. Te Rōpū Tautoko has previously provided evidence outlining the extent of the record keeping policies and practice of the Catholic entities it represents.¹⁰ The issues that have been identified across various entities are, in summary:¹¹
- (a) Records relating to individual reports of abuse are often held by multiple entities.

⁹ See <https://tautoko.catholic.org.nz/roadmap/>.

¹⁰ Submission from Te Rōpū Tautoko in response to Notice to Produce No. 2, dated 25 May 2020.

¹¹ Te Rōpū Tautoko Briefing Paper No.14 in response to Notice to Produce No. 520, dated 6 October 2022.

- (b) There is no central repository of historical records relating to abuse in the Church.
 - (c) There is a lack of consistency in terms of what information is collected, and how, when, and by whom.
 - (d) There is variance in quantum and format of information requested and held.
50. Catholic entities regularly update record keeping policies and practices. Te Rōpū Tautoko will be engaging with the Crown Response Unit in the development of a process to respond to the Commission's recommendations in this area, which will provide a framework for Catholic entities as they review and update their existing policies and processes.
51. Dr Paul Flanagan, in his written evidence, outlines the practice of NOPS coordinating a full file on each notification of abuse received by them.¹² This practice, for those notifications proceeding through NOPS, improves the centralisation and coordination of records relating to reports of abuse.

Commitment to Te Tiriti, rangatiratanga and tangata whenua

52. The Commission has asked that the evidence today reflect on the commitment of Catholic entities to Māori, Te Tiriti and tangata whenua.
53. Across the history and breadth of the Catholic community in New Zealand, this has been done in many ways.
54. Commitment to Māori as tangata whenua was a founding idea of the Catholic faith in New Zealand. When the early missionaries come to New Zealand, many learned Te Reo Māori on the boat coming to New Zealand.¹³ Many congregations first came to New Zealand at the request of Māori, to provide education or health care.¹⁴
55. Bishop Pompallier, the first Catholic Bishop with responsibility for New Zealand was appointed in 1836 and attended the signing of Te Tiriti. He asked Lieutenant-Governor Hobson for his promise to protect the religious faith. This pledge is

¹² Witness Statement of Dr Paul Flanagan (WITN1506001), dated 6 October 2022, AT [45] – [47].

¹³ Fourth Witness Statement of Sister Susan France (CTH0021106), dated 4 October 2022, at [40].

¹⁴ First Witness Statement of Sister Susan France (WITN0255001), dated 18 September 2020; Witness Statement of Br Peter Horide (WITN0257001), dated 12 February 2020.

sometimes referred to as the unwritten “fourth article” of the Treaty, and is said to protect and recognise not only major western religions, but also Māori custom.¹⁵

56. The Te Tiriti relationship has been re-emphasised and formally acknowledged. In 1995, the New Zealand Bishops Conference re-affirmed that Te Tiriti established Aotearoa New Zealand as a bi-cultural state.¹⁶ Catholic entities are not specifically Treaty partners but acknowledge that the Treaty is a covenant and a taonga.¹⁷ The Bishops Conference recognised their bi-cultural commitment, and acknowledged that this requires all Church entities to engage in partnership with Māori and to fully support Māori in their right to cultural identity in the Church.¹⁸
57. As reflected by the diverse nature of the Church, each diocese and congregation determines how it meets and expresses its bicultural commitment. This commitment includes dedication to the inclusion of Māori voice at the governance level, the inclusion of Māori perspective and participation, and the provision of Māori pastoral care, which is encouraged at all levels in the life of the Church in New Zealand.¹⁹ Cardinal John and Sr Sue provide in their written evidence examples of the how the Archdiocese of Wellington and the Sisters of Mercy are living out and developing their commitment to Māori.²⁰
58. This commitment is also alive in education. Historically, there has been a fundamental commitment to Māori education by a number of congregations, including the founding of schools that taught and emphasised the importance of Te Reo Māori at a time when it was banned in state schools.²¹ In contemporary education, the Catholic Religious Education curriculum places considerable emphasis on Māori values, and Diocesan Catholic Education Offices work closely with schools, their whanau and communities to ensure the spirit of Te Tiriti and biculturalism is central to the work they do and the education Catholic schools provide.²²

15 There is significant historical discussion of the “fourth article”, the circumstances of its creation and its scope. See https://nzhistory.govt.nz/files/documents/All_about_the_Treaty.pdf for a brief summary.

16 New Zealand Catholic Bishops Conference “Te Tiriti o Waitangi - Treaty of Waitangi” (1995) <https://www.catholic.org.nz/assets/Uploads/Te-Tiriti-O-Waitangi-The-Treaty-of-Waitangi.pdf>

17 New Zealand Catholic Bishops Conference “Te Tiriti o Waitangi - Treaty of Waitangi” (1995) <https://www.catholic.org.nz/assets/Uploads/Te-Tiriti-O-Waitangi-The-Treaty-of-Waitangi.pdf>

18 New Zealand Catholic Bishops Conference “Te Tiriti o Waitangi - Treaty of Waitangi” (1995) <https://www.catholic.org.nz/assets/Uploads/Te-Tiriti-O-Waitangi-The-Treaty-of-Waitangi.pdf>.

19 New Zealand Catholic Bishops Conference “Te Tiriti o Waitangi - Treaty of Waitangi” (1995) <https://www.catholic.org.nz/assets/Uploads/Te-Tiriti-O-Waitangi-The-Treaty-of-Waitangi.pdf>; Fifth Witness Statement of Cardinal John Dew, 4 October 2022 (Notice to Produce No. 520), at [31].

20 Fifth Witness Statement of Cardinal John Dew, 4 October 2022 (Notice to Produce No. 520); Fourth Witness Statement of Sr Sue, 4 October 2022 (Notice to Produce No. 520).

21 Witness Statement of Br Peter Horide (WITN0257001), dated 12 February 2020; First Witness Statement of Fr Tim Duckworth (WITN0253001), dated 23 September 2021 at [14] – [15].

22 NZCEO Te Tiriti o Waitangi at <https://www.nzceo.org.nz/about-nzceo-goals-mission-leadership/te-titiri-o-waitangi/>.

59. There has been a renewed emphasis on the call for Maori leadership (clerical and lay) and the institution of *katekite katekita*, *kaikawe karakia*, *minita a iwi* and the deaconate by some diocese. Te reo Māori and liturgy is actively promoted by the New Zealand Catholic Bishops Conference to be used throughout the country.²³ The dioceses, NZCBC, and congregations have various practices for the appointment of Māori to different boards.²⁴
60. To achieve a fully bi-cultural Church, there is more to be done. Cardinal John's evidence sets out his thoughts on how to enhance the bicultural Church, including through the inclusion of the Māori voice at governance level, the inclusion of Māori perspectives and Māori participation at all levels of church life.²⁵

Conclusion

61. The themes I have addressed in my opening remarks, along with others, will be canvassed in the evidence over the rest of the day. We invite the Commissioners to engage with the witnesses they will hear from in these next sessions, and the significant volume of material, both evidence and historical documents, that Catholic entities have filed with the Commission to date.
62. In the closing session of this hearing, we intend to highlight and expand on the key themes for Commissioners to consider in terms of future reform.

Thank you Madam Chair, Commissioners.

Date: 17 October 2022



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23 Fifth Witness Statement of Cardinal John Dew, 4 October 2022 (Notice to Produce No. 520), at [32].

24 Fifth Witness Statement of Cardinal John Dew, 4 October 2022 (Notice to Produce No. 520), at [32].

25 Fifth Witness Statement of Cardinal John Dew, 4 October 2022 (Notice to Produce No. 520), at [33].