



Royal Commission into Abuse: Part two of the faith-based redress hearing
22 March 2021

**Opening statement on behalf of the Bishops and Congregational Leaders of the
Catholic Church in Aotearoa New Zealand**

Tēnā koutou i tēnei ahiahi Madam Chair, Commissioners. Ko Sally McKechnie ahau.

I appear as counsel for Te Rōpū Tautoko, on behalf of the Catholic bishops and congregational leaders. We acknowledge Madam Chair, Commissioners, Counsel Assisting, fellow counsel, survivor networks, those here the public gallery, and those watching elsewhere.

To acknowledge the Commission, and its work, I invite Cardinal John Dew to come forward to begin with a short mihi.

[Cardinal John to speak]

As the Cardinal just has said, the bishops and congregational leaders of the Catholic Church in Aotearoa New Zealand want to acknowledge the survivors of abuse who have made the courageous and difficult decision to engage with this Inquiry and those who are watching this hearing, either here in the room or remotely.

They also want to specifically acknowledge those survivors who provided evidence in-person and in writing for the first phase of this Redress Hearing. The bishops and congregational leaders have heard the survivors who have spoken to the Royal Commission so far and thank you all for your bravery and courage.

As you know Commissioners, the bishops and congregational leaders asked to participate in this Royal Commission and were pleased that faith-based entities were included in the final Terms of Reference. They consider that the way to learn lessons for today and the future is to acknowledge and address what has occurred.

Te Rōpū Tautoko was created to co-ordinate the response of the Catholic dioceses and the Catholic religious congregations' to the Commission.



The Catholic Church in Aotearoa New Zealand

There are six dioceses in New Zealand. These are geographical areas and are each headed by a Bishop. Wellington is an archdiocese and is led by an Archbishop. The bishops and archbishop are appointed by the Pope and are accountable to him.

There are currently 43 religious congregations that belong to the Congregational Leaders Conference of Aotearoa New Zealand (CLCANZ). Through CLCANZ, they are represented here by Tautoko.

- Religious congregations (sometimes called religious orders) are groups of men or women who belong to a community which has a particular charism (or founding spirit of their congregation).
- Members of these congregations commit to the congregation and the works their congregation undertakes. Typically, they elect their leadership and may have a number of communities around New Zealand.
- Historically, there was a greater presence of religious congregations in New Zealand and in greater numbers. This has reduced over time. A number of the 43 congregations represented by Tautoko no longer have a large number of active members or ministries in New Zealand.

As part of your inquiry, there is an investigation into the Catholic Church. The bishops and congregational leaders and their organisations are engaging in that investigation, providing a very significant volume of documents, and preparing for an upcoming case study. This investigation will examine the harm done to those in the Church's care, and how this harm came about.

This week, the Catholic bishops and congregational leaders appear as part of the Redress Inquiry, focusing on the response of Church entities to complaints and claims.

I mention this to explain to those listening that there will be other occasions on which the Catholic Church will be before the Commission, to answer the Commissioners' questions.

In opening, I intend to highlight some of the key matters of the evidence filed by Te Rōpū Tautoko and then outline the evidence you will hear this week.



Catholic Church's approach to redress: key introductory matters

The bishops and congregational leaders seek to ensure that the Church's redress processes are fair, robust, and respectful of survivors. It is acknowledged that this has not always been the case. The Church's current approaches to redress have evolved and developed significantly over time and has needed to do so.

There are many issues raised in the evidence this week, and here there are five key matters to highlight:

1. Structure of the Catholic Church

The Catholic Church is not a single entity. Rather, it consists of people, communities, organisations, institutions, and legal structures, all connected by their common faith. There is both independence and interdependence in the relationships between each of these groups within the Church.

Understanding this is fundamental to understanding the Church's approaches to redress.

Each of these organisations and entities are independent of each other and are autonomous in how they respond to complaints and claims relating to abuse. At the same time, they are interdependent as parts of the Catholic Church. This has a number of impacts on redress – and impacts many other aspects of Church life.

Reflecting this independence, prior to the material being prepared for the Royal Commission, there was very little information sharing between Church entities about the details of redress responses, approaches and the quantum of settlements.

The Church is aware that understanding and navigating the Church's structure can create challenges for survivors. Responses also vary between the entities over time - to complaints, to pastoral care and to redress.

2. The Global Church and the role of the Vatican

It is also important to understand the role of the Vatican, the Pope and canon law in the Catholic Church's redress process – and the limits of that role.



Over time, the Vatican has increasingly responded to abuse in the Catholic Church at the global level. The bishops and congregational leaders in New Zealand are guided by this response, and in particular, the specific documents and guidelines issued by the Pope and other Vatican authorities regarding responding to abuse.

There are some matters, for example laicisation for priests or removal from a congregation for religious, where the Vatican has a direct role. As a global faith of more than a billion adherents, there are many fundamental matters of doctrine and faith which cannot be altered by bishops or congregational leaders in New Zealand.

However, much of the specific redress responses in New Zealand are determined by the bishops and congregational leaders themselves, on behalf of their organisations. They do this within Vatican guidelines, canon law, and NZ's civil law and without direct input from the Vatican.

3. *The New Zealand Church's response to redress: A Path to Healing*

The New Zealand Catholic Church has come together in different ways, at different times over the last 30 years, in how it has responded to claims. The response to abuse here does not directly mirror the developments in the Vatican. In a number of instances, Catholic leaders in New Zealand have taken steps and introduced policies before the Vatican issued guidelines, as a response to what has been happening locally.

The evolution of the Catholic redress process in New Zealand is seen most obviously in the development and updating of the *Te Houhanga Rongo – A Path to Healing*. This document will be referred to extensively throughout the next few days. It contains the principles and procedures by which the Church responds to complaints of sexual abuse and sexual misconduct by clergy or religious in the Church.

The first redress policy was agreed by the bishops in 1993 and evolved over the next 5 years into A Path to Healing. It evolved further since that time.

The National Office for Professional Standards (or NOPS) was formed in 2004. Over time, NOPS processes have gradually increased the central co-ordination of the redress process.

Today, a Path to Healing seeks to provide a consistent process for complainants, and central co-ordination point for redress. However, NOPS remains a co-ordination body and is not the



decision maker. The decisions regarding redress remain with the responsible Church authority.

4. *'One size does not fit all'*

The Church acknowledges that while some survivors have a positive experience with the redress process, they acknowledge others did not.

The Church's experiences in the redress process has clearly demonstrated that each survivor is an individual and what they are seeking from the process, and from the Church, can differ significantly. It can also change for an individual at different times in their engagement with the Church.

Recognising that 'one size does not fit all', a Path to Healing is seeking to balance of number of tensions within the redress process. These tensions are significant and the Church continues to evolve the Path to Healing to strike a balance between these matters.

These factors include:

- balancing a desire for consistency in the processes used, and the need for flexibility to respond to the needs of an individual;
- the need for independence and robustness in the processes, and a desire from many complainants for connection with the organisation and personal engagement with Church leadership;
- how to balance independence and accountability;
- ensuring consistency and enabling compassion for the individual; and
- responsibilities of bishops and congregational leaders to the priests and members of congregations and the need for accountability and safeguarding within the Church.

Many of these tensions are clear in the evidence and in some of the evidence the Commission has heard from survivors.

The Church welcomes the Commission's thoughts on these challenges in designing a 'best practice' redress process that balances these different issues.

5. *Ongoing responsibility for respondents*

Another feature of the Catholic entities response to redress is the ongoing responsibility that Church entities have for their members, both the priests and religious members. This can



include those who have harmed others and those who have offended. Approaches have changed over time within organisations and also differ between organisations.

Safeguarding is also an important aspect of the Church's responsibility to its members and those who engage with the Church.

We anticipate that the Commissioners will have questions about the nature of those responsibilities, how respondents are treated by different Church entities and how this might have impacted on the redress process and on safeguarding.

Evidence on behalf of the Catholic Church in the redress hearing

Te Rōpū Tautoko has filed evidence from six witnesses, on behalf of the entities within "the Catholic Church in New Zealand" and a number of briefing papers on specific themes or responding to specific questions. This evidence presents a range of perspectives from clerics, male and female religious, and other lay members of the Church.

Over the next three and a half days you will be hearing from four of these witnesses.

In addition, the first witness you will hear is Dr Tom Doyle, from the United States, a canon lawyer. He is being called by the Commission and the bishops and congregational leaders will be listening intently to Dr Doyle and the perspective he has to offer.

Marist Brothers

The first witness on behalf of the Church is Br Peter Horide. He is the current Professional Standards Delegate for the Marist Brothers. The Marist Brothers are a congregation whose members are all religious brothers, rather than priests.

Br Peter is not the leader of the Marist Brothers. Rather, he was specifically requested to give evidence by the Commission and was asked to provide evidence on the history and status of the Marist Brothers in Aotearoa and how the Marist Brothers have responded to complaints of abuse. Br Peter has been in that role since 2018 and there will be many documents and decisions from the Marist Brothers that he was not involved in. He will do his best to answer these questions.

He will be joined in the witness box by Br John Hazelman, the District Leader of the Marist Brothers. As the District Leader and on behalf of the Brothers, Br John wishes to



acknowledge the Commission, survivors, and the evidence the brothers heard in December. This reflect John's Samoan culture, where the leader should provide the apology.

National Office of Professional Standards

Secondly, you will be hearing evidence from Ms Virginia Noonan, the National Director of the National Office for Professional Standards (NOPS). Ms Noonan is an employee of NOPS. She is a lay Catholic.

Virginia has been in the National Director role since 2018. The Commission asked that Ms Noonan provide evidence.

Evidence about the NOPS process has also been filed with the Commission by Phil Hamlin, the current and long-time Chair of the National Safeguarding and Professional Standards Committee. Mr Hamlin is a criminal barrister with experience prosecuting sexual violence crimes as a former Crown Prosecutor and now defence counsel. Mr Hamlin has a wealth of knowledge of alternative dispute resolution and over 17 years' experience with redress in the Catholic Church in Aotearoa.

Tautoko understands that the Commissioners will have read Mr Hamlin's evidence. Mr Hamlin's evidence will be published on the Commission website and be available for the public.

Virginia will speak to aspects of the redress process that are within her knowledge.

Virginia's evidence sets out the role of NOPS in responding to complaints of abuse involving clergy and members of religious congregations, and to oversee the Catholic Church's safeguarding policies and practices. Her evidence will discuss the Church's safeguarding programme and she will offer some reflection on themes from the survivor evidence given in the Phase One hearing.

Society of Mary

Fr Timothy Duckworth, the Provincial of the Society of Mary congregation, will be giving evidence on Thursday. The Society are the largest male congregation in New Zealand and has members who are both priests and brothers.



Fr Tim was previously the Delegate for the Society in relation to Redress. He has had long involvement with the Society of Mary's approach to redress, including the Society of Mary's Sexual Abuse Protocol Committee and their current approaches to redress in relation to *A Path to Healing*.

Archdiocese of Wellington

Finally, on Friday you will be hearing evidence from Cardinal John Dew, Archbishop of the Archdiocese of Wellington. John has been an Archbishop since 2004 and became the Archbishop of Wellington in 2005. Prior to that he was an Auxiliary Bishop of the Archdiocese of Wellington. John was appointed as a Cardinal in 2015.

Cardinal John's evidence will discuss some of the historical development of the Path of Healing, as he was involved in that process as Auxiliary Bishop, the developments from the Vatican, and the Archdioceses' approach to redress.

Cardinal John is the most senior cleric by rank in New Zealand but he is not the "head" of the Catholic Church in Aotearoa. He is the head of the Archdiocese of Wellington. The role and title "Cardinal" is given by the Pope. This carries additional responsibilities including being part of the college of cardinals who elect each Pope and membership of certain Vatican departments and committees. However, Cardinal Dew cannot direct congregations or his fellow bishops.

Cardinal John is here today and will be attending the hearing all week. He will make the collective apology, which is supported by the bishops and congregational leaders, on behalf of the Catholic Church on Friday.

John is joined this week by many other members of the Church. Bishops and congregational leaders will be in attendance, along with senior staff from Dioceses and congregations.

Sisters of Mercy

Evidence has also been provided to the Commission by Sr Susan France, the Congregational Leader of Ngā Whaea Atawhai o Aotearoa Sisters of Mercy New Zealand. Sr Sue has not been asked to give oral evidence and Tautoko understands that the Commissioners will have read her evidence.



The Sisters of Mercy are the largest female congregation in New Zealand. The approach of female congregations in undertaking redress processes often differs to the approach taken by the male congregations and dioceses.

Sr Sue has worked as a teacher, counsellor and she is a registered psychotherapist. She has significant experience working with survivors of sexual abuse through that work and as an ACC approved sensitive claims counsellor. Sr Sue provides an important perspective, as a female religious and given her background Tautoko hope the Commissioners may have further opportunities to hear from her, possibly in another forum.

We understand Sr Sue's two briefs of evidence will also be published online and available for the public to read.

Sr Sue is present at the hearing this week and is available to answer any questions the Commissioners may have.

Nature of the evidence

This evidence has been supplemented by a chronology of key developments. This document has been prepared by Tautoko from the historical record and sets out the development of the redress process in New Zealand. This was filed with the Commission in July 2020 and has been published online by Tautoko in abbreviated form.

This evidence also builds on earlier material filed by Te Rōpū Tautoko in a document titled 'The Structure of the Church in Aotearoa', provided to the Commission in July 2019. This document is useful to understand the structure of the Church. It complements the contextual evidence Dr Tom Doyle has provided on the broader Church structure.

Order of the evidence

Before leaving the evidence, we comment on the order that the Commission has called these witnesses.

The first two witnesses from the Church are neither leaders nor responsible decision makers. They both have less personal knowledge than the other witnesses of Redress processes; both have been in their roles for 3 years. Given this, there may be questions you have that cannot be answered until later in the week.



Acknowledgement of harm

As Cardinal John will emphasise on Friday, the bishops and congregational leaders express their deep regret that any person has suffered harm while in the care of the Catholic Church when they should have been safe.

The Church recognises that collectively there has been a failure – certain individuals have very obviously failed and there is no question that how and why these failures occurred needs to be examined and remedied.

The bishops and congregational leaders will continue to work to improve these redress processes so that all survivors who engage with the Church are heard and supported. As part of this ongoing process, the Church is present in this hearing and the Inquiry, with willingness to participate, a desire to improve, and a commitment to change.