

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
FAITH-BASED INSTITUTIONAL RESPONSE 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 Anaru Erueti
Ali'imuumua Sandra Alofivae
Paul Gibson

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Ms Rachael Schmidt-McCleave and Ms Julia White for the Crown

Ms Sally McKechnie and Ms Brooke Clifford for Te Rōpū Tautoko, the Catholic Bishops and Congregational Leaders

Ms India Shores for the Anglican Church

Ms Maria Dew, Ms Kiri Harkess and Mr Lourenzo Fernandez for the Methodist Church and Wesley Faith.

Mr Brian Henry, Mr Chris Shannon and Ms Sykes for Gloriavale

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Abuse in Care Royal Commission of Inquiry
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TRANSCRIPT OF PROCEEDINGS

INDEX

OPENING STATEMENT BY THE CATHOLIC CHURCH ON EDUCATION	109
FATHER TIMOTHY DUCKWORTH	
Questioning by Ms McKechnie	116
Questioning by Mr Thomas	121
Questioning by Commissioners	134
DR ROB FERREIRA, DR CLARE COUCH and MR SEAN MAHONY	
Questioning by Ms McKechnie	144
Questioning by Mr Thomas	149
Questioning by Commissioners	160
OPENING STATEMENT BY THE CATHOLIC BISHOPS AND CONGREGATIONAL LEADERS	166
BISHOP DUNN AND BISHOP LOWE	
Questioning by Ms McKechnie	173
Questioning by Ms Anderson	178
Questioning by Commissioners	208
CARDINAL JOHN DEW, DR PAUL FLANAGAN and SISTER SUE FRANCE	
Questioning by Ms McKechnie	212
Questioning by Ms Anderson	217
Questioning by Commissioners	230

1 **Hearing opens with waiata He Hōnore and karakia tīmatanga by**

2 **Ngāti Whātua Ōrākei**

3 **[9.05 am]**

4 **CHAIR:** Tēnā koutou, tēnā koutou, tēnā koutou katoa. E mihi ana ki a koutou kua tae mai ki tēnei
5 hearing, nau mai haere mai. Welcome to everybody. Again, this is a full week this week,
6 we just had one day last week, but we are now into a very full week. May I welcome
7 everybody who's come today to the hearing in person. I welcome particularly the survivors
8 of abuse and neglect in faith-based institutions because that's what this is all about. I also
9 welcome those watching on livestream, thank you for your interest, thank you for your
10 participation, and I remind you that well-being help is available through the Commission's
11 0800 number if you are watching.

12 With that short introduction, and I should say that I am Coral Shaw, I am an elderly,
13 Pākehā woman with white hair, I wear glasses and today I'm wearing a navy blue jacket
14 and a pink shirt. I'll just quickly get the Commissioners to introduce themselves so you
15 know who they are.

16 **COMMISSIONER ERUETI:** Tēnā koe Chair. Ko Anaru Erueti ahau, no Taranaki, nau mai
17 haere mai koutou. I'm Andrew, one of the Commissioners and wearing a blue suit with a
18 pink shirt. Kia ora.

19 **CHAIR:** Kia ora. Sandra.

20 **COMMISSIONER ALOFIVAE:** Tēnā koutou katoa. Faatalofa atu i le paia ma le mamalu o le
21 aofia ua mafai na faatasi mai lenei vaiaso. (I extend a warm welcome to distinguished
22 guests who are able to attend this week). I am Ali'imuamua Sandra Alofivae, I am of
23 Samoan and Chinese descent, so Pacific heritage. Today I am wearing a very colourful
24 floral shirt with a black jacket.

25 **CHAIR:** And Paul Gibson.

26 **COMMISSIONER GIBSON:** Tēnā koutou katoa. Paul Gibson, I'm wearing a dark suit with a
27 blue shirt and pounamu. I usually work with headphones over one ear as I am blind with
28 some peripheral vision, to read documents on the computer. Kia ora.

29 **CHAIR:** Kia ora koutou. Now today is the day for hearing the institutional response from the
30 Catholic Church, I invite counsel, Ms McKechnie, or maybe I'll start with you.

31 **MR THOMAS:** Perhaps me first, Madam Chair.

32 **CHAIR:** Yes, sorry.

33 **MR THOMAS:** Mōrena Madam Chair and Commissioners, tēnā koutou katoa, ko Michael

1 Thomas ahau. My name is Michael Thomas, I'm one of the Counsel Assisting the
2 Commission. I'm a male approaching 40, I'm of Fijian Indian and Pākehā descent. Today
3 I'm wearing a blue shirt with white shirt and a dark blue tie. I have black and grey hair and
4 a short beard.

5 I'll be leading the questioning this morning in relation to St Patrick's College
6 Silverstream starting with the Provincial of the Society of Mary, Tim Duckworth, appearing
7 via AVL from Rome. He will then be followed by representatives from the school sitting
8 together in the witness box in person, the current Chairperson of the Board of Proprietors,
9 the Chairperson of the school and the Rector, sorry-- I should have said the School Board
10 and the Rector.

11 I'll pass over to my friend, Ms McKechnie, now to introduce herself, open and start
12 Mr Tim Duckworth's evidence-in-chief.

13 **CHAIR:** Kia ora, tēnā koe Ms McKechnie.

14 **MS McKECHNIE:** Kia ora ma'am, Commissioners. Just to start with some housekeeping. I'm a
15 tall, Pākehā woman with a short ash blonde – my hair dresser tells me – silver bob, I'm
16 wearing a dark blue suit and a floral shirt.

17 Commissioners, today because of the number of witnesses, Ms Clifford, who
18 I introduced to you on Thursday, is with me. I'm also joined by a number of other members
19 of the legal team. Sitting at the far end of the table is Dr Kevin Shore. You have received
20 evidence from him, he's the Chief Executive of the New Zealand Catholic Education Office
21 and the expert in integrated education.

22 As you heard from a private school for Gloriavale on Thursday, today's going to be
23 about integrated education, so if you have any specific questions, Dr Shore is prepared to
24 respond to those at any point across the day.

25 **CHAIR:** Thank you.

26 **MS McKECHNIE:** There are also, as you can see behind me, a significant number of
27 representatives of the Church, clergy and lay Religious and lay members of the Church who
28 are here to kaupapa and support.

29 **CHAIR:** Thanks to all of them for attending the day.

30 **MS McKECHNIE:** Thank you ma'am. I have been given 10 minutes to open this morning and I
31 will do that and then Father Duckworth will give evidence. I will then open again in the
32 second half of the day for the institutional response. So this morning's session is very much
33 just focused on education.

1 **CHAIR:** That's right.

2

3 **OPENING STATEMENT BY THE CATHOLIC CHURCH ON EDUCATION**

4 **MS McKECHNIE:** Commissioners, you have a copy of my written submissions on the bench in
5 front of you. They will be available online on the TRT [Te Rōpū Tautoko] website
6 momentarily for people who want to follow from home and are being e-mailed to Counsel
7 Assisting.

8 To commence, Commissioners, we too acknowledge the survivors and the survivor
9 networks who are here today. We acknowledge all those who are supporting and listening
10 both here in the room and on the livestream. My friend has outlined the evidence that
11 you'll hear today briefly and I will cover that in a little more detail to give you some context
12 to Catholic education before you hear from the four witnesses this morning.

13 But it's important, Commissioners, of course to acknowledge the harm that has
14 taken place in some Catholic educational institutions and I will do that now. The Bishops
15 and Congregational Leaders who have appeared before you have acknowledged this harm
16 and you will hear it again today in the evidence.

17 Sadly, this harm has taken place in a number of Catholic schools, including
18 St Patrick's College Silverstream. And any harm is, of course, unacceptable and
19 indefensible.

20 The current leaders of the College who will be giving evidence in the second
21 session also acknowledge this harm. They acknowledge that this abuse that appeared in the
22 history of the College is part of the history that they must carry forward into the future.

23 Commissioners, on page 3 of the opening submissions I've just outlined, to assist
24 the Commission, the range of evidence that has been filed in relation to education. Some of
25 it has been filed for today's hearing and much of it has been filed for previous hearings, and
26 that in part reflects how important education is to the Catholic Church. So that material is
27 outlined for your and Counsel Assisting's reference.

28 But I want to start, Commissioners, for you and for those listening with some
29 statistics. These are on page 4 of my written submissions. Catholic education is very
30 significant in New Zealand in terms of scale. There are 236 Catholic State-integrated
31 schools in New Zealand. That's 9.3% of all the schools in New Zealand and that's --

32 **CHAIR:** 9.3 of all schools?

33 **MS McKECHNIE:** All schools, and 67%, ma'am, of all the schools that have a religious

1 affiliation are Catholic affiliated. Since 1975, all Catholic schools are now State-integrated
2 schools. They're best described as State schools with a special character. For these schools
3 of course that character is Catholic.

4 Commissioners, there are 334 State-integrated schools. So the Catholic schools
5 amongst those is approximately 70, 71% of all State-integrated schools are Catholic. There
6 are 10 Catholic colleges that currently have boarding facilities and St Patrick's Silverstream
7 is one of those. So there are approximately 66,500 students today being educated in
8 Catholic State-integrated schools and about 1,000 students living in the boarding hostels
9 associated with those colleges. So as you can see, in 2022 it's a very significant part of the
10 New Zealand education system.

11 Commissioners, what I have attempted in the next part of my opening submissions
12 is a very brief history of Catholic education in New Zealand. And I've set this out in some
13 detail for those who may wish to read it afterwards.

14 The first Catholic school in Aotearoa opened in 1840. So as you can see this history
15 has been in play for the length of New Zealand's own history of Pākehā colonisation. There
16 have been 390 Catholic schools since 1950. Prior to 1975 these were all private schools.
17 But the way that they were owned and operated varied very significantly between the
18 schools. So I've set out a few examples to highlight that on page 6 because it's important, I
19 think particularly given the Commissioners' concern around responsibility and
20 accountability, to understand how varied and different those arrangements were.

21 I'd like to highlight four key parts of this history for the Commissioners today for
22 you to have in your mind when you're listening to evidence. The first one is the key
23 regulatory change in 1975. In the mid-'70s, Commissioners, it became increasingly
24 difficult for Catholic schools financially. The upkeep of the buildings and the payment of
25 the staff. Religious and lay Religious staff were not paid salaries in the way that modern
26 teachers are and their numbers began to drop off and the buildings became more expensive
27 to maintain.

28 So in 1975 the pithily named Private Schools Conditional Integration Act was
29 passed. It wasn't just for Catholic schools, Commissioners, it was for any private school
30 that wished to integrate, but all the Catholic schools took that opportunity. And over the
31 next decade all the Roman Catholic schools in New Zealand integrated. So integration is a
32 key feature of understanding Catholic education in New Zealand today.

33 The second point, Commissioners, is that boarding hostels did not integrate.

1 Because they were not part of the core educational function of the school, they did not
2 integrate and remain privately run. Again, the particular structures are different between
3 the different colleges, and Dr Shore's evidence sets this out, but they all in their genesis
4 have a Catholic entity involved in their operation.

5 And then, Commissioners, the changes in 1989 which brought in Board of Trustees
6 is the other key regulatory feature, and Ms Schmidt-McCleave outlined that in some detail
7 so I don't propose to do that this morning.

8 I would highlight, however, very recently Boards of Trustees have now been
9 changed to be called School Boards, which can be somewhat confusing and I suspect this
10 morning we may slide back and forward a little bit between School Boards and Boards of
11 Trustees.

12 **CHAIR:** I think if we say "boards" we know, if everybody knows that when you say "board" in
13 whatever way that's what we're referring to.

14 **MS McKECHNIE:** Unfortunately, ma'am, Board of Proprietors is the other key feature so it can
15 be confusing. I think my own clients didn't know they were now called a School Board
16 until we started to prepare this work, ma'am, they still thought they were called the Board
17 of Trustees, it's a very, very recent change.

18 But that Proprietor point, ma'am, is the other key feature that is important to
19 understand before we commence this morning, and I've briefly outlined that on page 9.
20 Catholic State-integrated schools are managed in a very similar way to other State schools,
21 but for this feature of proprietorship. And the Proprietor of the school, again structured
22 differently depending on the school, their role is to own or lease the land and buildings of
23 the school and they're responsible for preserving the special character of the Catholic
24 school, or indeed if it were a Presbyterian school, the special character of the Presbyterian
25 school.

26 The School Board, formerly Board of Trustees, runs the school and is responsible
27 for the day-to-day operations of the school. They employ the staff and the staff are funded
28 by the State. They are State teachers in a State-integrated school. The Proprietor's
29 responsibilities are for land and buildings and special character, and for safety of the hostel
30 if the college has a hostel.

31 And those features, Commissioners, mean that the history of the last 60 years or 70
32 years of Catholic education is in two distinct parts; prior to integration where they were
33 private schools run by a number of different Catholic entities and after integration where

1 they are run by the State and the Proprietor has a role for their special character. And that's
2 very significant in the context of responsibility for staff and any harm or abuse that happens
3 in the school.

4 Now Commissioners, we have undertaken a survey as part of this work of harm in
5 schools and as part of the commitment of the Catholic Bishops and Congregational
6 Leaders, all of that harm information about records of harm held by Catholic entries has
7 been publicly published. It was published earlier this year in two parts and it's publicly
8 available for anyone who wishes to see it.

9 We are not aware, Commissioners, of any statistical analysis done about harm in
10 State schools or in other religious integrated schools or in private schools, so we are not
11 aware of whether those records are more, less, or the same than harm in any other
12 educational environment.

13 Commissioners --

14 **CHAIR:** Can I just take you back to one point, sorry I didn't pick it up at that moment. You've
15 made it clear that the big changes in organisation to becoming a State-integrated school are
16 significant in terms of organisation, and you said that the State is now responsible for
17 anything that goes on in those schools in terms of education and indeed if there are
18 problems with the school, if there's harm it's the State's responsibility, is that what you're
19 saying?

20 **MS McKECHNIE:** Yes, ma'am, in relation to the teaching and the curriculum, these schools
21 teach the New Zealand curriculum and the teachers are appointed by the government.

22 **CHAIR:** I'm really -- of course we're focusing here, aren't we, on abuse and things that go wrong.

23 **MS McKECHNIE:** Sadly yes, ma'am.

24 **CHAIR:** Yes, absolutely, and I want to know does the Catholic Church accept any responsibility
25 at all now for those matters, notwithstanding what you have just said, given that they are a
26 special character focused on the Catholic Church?

27 **MS McKECHNIE:** Ma'am, they certainly accept all responsibility for actions of their own
28 members and for when the school was integrated. Those things don't completely overlap,
29 in some instances priests or Religious continued to work in schools after integration, so it's
30 not a hard deadline.

31 **CHAIR:** So if a priest is still working in a school and does something wrong, the Church accepts
32 responsibility for the actions of that individual?

33 **MS McKECHNIE:** Absolutely ma'am.

- 1 **CHAIR:** But not of the entire school if something happens, a lay teacher or something else, the
2 Church does not accept responsibility for that?
- 3 **MS McKECHNIE:** The principal responsibility sits with the Crown entity that runs the school.
- 4 **CHAIR:** Just wanted to be really clear about that.
- 5 **MS McKECHNIE:** Yes, ma'am. The Church doesn't employ or vet or in any way have any
6 influence over who's employed in the school and accordingly has no responsibility directly
7 for those individuals. It is different in the boarding hostel of course ma'am.
- 8 **CHAIR:** Yeah, thank you. Thanks for clarifying that.
- 9 **COMMISSIONER ERUETI:** So the boarding school, the hostels, the staff working there, that
10 falls within the responsibility of the Church?
- 11 **MS McKECHNIE:** Of the Proprietor of the boarding hostel which ultimately will be a form of
12 Church entity structured in a number of different ways, yes.
- 13 **COMMISSIONER ERUETI:** Yes, and the Proprietor can appoint trustees to the Board of
14 Trustees?
- 15 **MS McKECHNIE:** Yes.
- 16 **COMMISSIONER ERUETI:** And that's generally the case?
- 17 **MS McKECHNIE:** Yes, as I understand it. Dr Shore would be the expert there, Dr Erueti, but
18 yes, as I understand it. And certainly for Silverstream there is a Board of Proprietors, as
19 you'll hear, a number of those representatives are also appointed on to the Board of
20 Trustees, or now the School Board, as part of the integration agreement for the school.
- 21 **COMMISSIONER ERUETI:** Yes, thank you.
- 22 **MS McKECHNIE:** Ma'am, the special character of the school does somewhat blur the lines
23 because, as the Proprietor responsible for special character, the Proprietor and the
24 Proprietor Board have an interest in a range of elements that are relevant to special
25 character, and for a special character like the Catholic faith and for the school the Marist
26 faith, that is a wide-ranging interest; but specifically if a teacher were to harm a student in
27 2022, that is the responsibility of the School Board, the Crown entity that employed the
28 teacher.
- 29 **CHAIR:** Thank you for clarifying that.
- 30 **MS McKECHNIE:** Commissioners, you have asked to hear from St Patrick's Silverstream today
31 and you will do so. But they are, of course, just one example and as a result cannot really
32 be a particularly representative example of Catholic education. But they are here at your
33 request to answer your questions and will do so to the best of their ability.

1 Silverstream, to briefly introduce the school, is a secondary school boys' boarding
2 college, was founded and remains owned by the Society of Mary and accordingly Father
3 Duckworth will be giving evidence this morning. It was established in 1931 and integrated
4 in 1983. At the moment, Commissioners, it has a role of approximately 700 students and of
5 those 80 approximately live in the boarding hostel.

6 It has a long history of educating Māori and Pacific boys and young men. The
7 Society of Mary has long connections with Māori through its Māori Missions and with the
8 Pacific Islands and boys from those communities have long come to the school. It's quite
9 striking looking at the old school books how many Māori and Pacific boys in the '40s and
10 '50s attended the school. Presently, the roll is just under 21% of the students identify as
11 being Māori and 27.5% identify as having Pacific heritage. It's a very significant part of
12 the school and its cultural identity.

13 The special character of Silverstream reflects that it is Catholic and that it is Marist.
14 And this is recognised in the integration agreement. And those three things, that this is a
15 school providing State education, that it's a Catholic school and that it's a Marist school, all
16 are part of the school's identity and hold value for the College. And we've provided a
17 briefing paper to the Commission to lay out that history in some more detail.

18 The day-to-day operations sit with the Rector as they always have and you will hear
19 from Rob Ferreira later who is the present Rector of the school. He has only been in the job
20 for 20 weeks, but he will answer the questions you have to the best that he can.

21 To briefly summarise to close these opening submissions, again in the spirit of
22 transparency and openness so everyone listening can hear the information, we have
23 undertaken a review of the reports of harm and abuse that are held in the school records and
24 in the Society of Mary's records.

25 Between 1950 and 1984 there are 22 reports of harm of abuse against seven known
26 individuals. Those men are all members of the Society of Mary or were. These vary from
27 at the most serious end sexual harm -- for which Alan Woodcock, the most serious of these
28 offenders, was convicted -- through to inappropriate physical punishment. The description
29 in one of the documents is being boxed around the head.

30 Father Tim will give evidence in relation to the processes that the Society of Mary
31 uses in responding to those allegations and claims when those young men, a number of
32 them, have come forward to the school later.

33 In the post-integration period the records are not as strong. The school holds

1 records from 2005 and that's in part because they had the ordinary approach of State
2 schools which is only to hold records for a certain period.

3 So from 2005 to the present day, there are approximately 10 incidents that we can
4 find in the school's records that required an employment disciplinary response. And again,
5 these vary significantly. At the most serious end, there is an allegation of sexual fondling
6 by an adult, by a staff member on a student. But the majority of the allegations we have
7 records for are the inappropriate use of language or discriminatory language against
8 students. And these records are predominantly in the employment files of the teachers who
9 were warned, or censured, and in some cases lost their jobs in relation to the matters
10 depending on how serious they were.

11 You will hear evidence in relation to those processes today, Commissioners. But
12 particularly for the Rector, having only been in the school this year, necessarily there will
13 be limited detail that can be provided in this forum, because the people involved in those
14 incidents remain part of the school.

15 We anticipate the school community is watching today and so the witnesses will be
16 very careful about how they respond to your questions to respect the privacy of the
17 individuals involved. And to ensure that the students feel comfortable to come forward and
18 to raise these issues, which is very much the intention of the school leadership.

19 So to conclude my opening on education, Commissioners, as that very brief survey
20 of Catholic education I hope has outlined, the history of Catholic education in New Zealand
21 is significant and it's complex. And since 1975 it has been very closely intermeshed with
22 government and with the Crown, both in regulatory regimes and in control and ownership.

23 So today, Commissioners, we really encourage you to engage with the witnesses
24 this morning to get an understanding of that complexity. Albeit St Patrick's Silverstream is
25 an example of one, they are happy to answer any questions that my friend Mr Thomas or
26 the Commissioners have to try and assist. Anything more technical and more specific,
27 Dr Shore has been warned he may be karaoke from the end of the bench and he can step in
28 to answer your questions.

29 **CHAIR:** Thank you.

30 **MS McKECHNIE:** Do you have any other questions for me, Commissioners, or should I ask
31 Father Duckworth to make himself available?

32 **CHAIR:** Nothing more. Just before he starts, thank you Ms McKechnie, you can be seated.

33 There's reference by Ms McKechnie to the fact that certain people won't be mentioned,

1 their names won't be mentioned out loud, and I am sure that some people will feel that this
2 is some sort of cover-up, that somehow things are being hidden away.

3 I have to say that the Commission is bound by rules of natural justice and that it is
4 unfair to name people who are in the middle of having allegations made against them when
5 there's been no conclusion. But I just want to make it quite clear that it does not mean that
6 it ends here. So behind the scenes people are being investigated, incidents are being
7 investigated, and allegations are being put to those people in writing and responses are
8 sought. And the outcome, and I'm sorry to have to say but wait there's more, it will come in
9 our reports.

10 So I know that won't satisfy a lot of people who will want everybody to be named at
11 this stage. It can't be, out of the interests of fairness. But it does not mean that we are not
12 looking at closely and investigating.

13 So that's all I wanted to say on that point and now might I say -- how are we going
14 to refer to all our witnesses today, will they want to be called by their first names?

15 **MS McKECHNIE:** Yes ma'am, Tim.

16 **CHAIR:** Father Tim, thank you very much for joining us via the AVL and sitting patiently
17 through the beginning. We appreciate your attendance from the other side of the world. So
18 thank you so much and I'm going to leave you now once I've taken the oath.

19 **FATHER TIMOTHY DUCKWORTH (Affirmed)**

20 **QUESTIONING BY MS McKECHNIE:** Tim, this is the second time that you have appeared to
21 give evidence in the Royal Commission and you prepared a brief of evidence for this. Do
22 you have a copy of it in front of you?

23 **FATHER DUCKWORTH:** I do. I also have a shortened form of it.

24 **MS McKECHNIE:** We'll get to that momentarily Tim. Before we do, can you just confirm that
25 the content of your witness statement is true to the best of your knowledge?

26 **FATHER DUCKWORTH:** It is.

27 **MS McKECHNIE:** Thank you. Now ma'am, given that Tim is in Rome as part of a long
28 meeting, rather than leading evidence-in-chief he has prepared a short summary of his
29 evidence to introduce himself to you again and to those watching, and to summarise his
30 evidence. So Tim, I'd ask that you read that now. Ma'am, we do have a copy of it but it
31 will be read into the record so if --

32 **CHAIR:** So he's going to -- you're just going to read that shortened version, is that right?

33 **MS McKECHNIE:** Yes, he is.

1 **CHAIR:** Thank you, that's very convenient, thank you.

2 **MS McKECHNIE:** If you could start please, Tim, that would be great.

3 **FATHER DUCKWORTH:** Tēnā koutou katoa, my name's Tim Duckworth, I'm a white-haired
4 Pākehā who's above retirement age. I think people would say I was pink complected, that
5 comes from having red hair in the past. I'm reasonably deaf in my left ear and I wear
6 glasses. I'm wearing a striped blue shirt.

7 I've been Provincial of the Society of Mary New Zealand since 1 February 2020.
8 I entered the Society in 1973 and was a seminarian until I was ordained a priest in 1982. So
9 I've been a priest for 40 years and served the Church and the Society in a range of
10 Ministries and apostolates, including in education.

11 I've previously given evidence to the Commission in the redress hearing. I reiterate
12 the sentiments and acknowledgements I made then that more should have been done to
13 prevent the pain and suffering of all those who should have been kept safe in our care,
14 including at St Patrick's College Silverstream and other schools.

15 What happened does not reflect what the Society of Mary stands for, and it doesn't
16 reflect why we provide education in Aotearoa New Zealand. The Society has a long
17 association with education in New Zealand. The Society has a large focus on education,
18 evangelising and developing young people to reach their potential through education and
19 formation has been, and still is, an important aim of the Society.

20 The Marist traditions continue to inform the core values of Society's schools,
21 including St Patrick's College Silverstream. Marist traditions and our charism are reflected
22 in the special character of the Society's schools. While the charism remains, expressions of
23 it and our values change over time and adapt to the circumstances that occur in society and
24 in the world.

25 The Society previously staffed a number of New Zealand schools. These were
26 mainly diocesan schools, meaning they were owned by the diocesan Bishop, and these
27 schools we provided teaching staff and ran the schools for the Diocese and the Bishop, but
28 we did not own the schools. In all of these schools the Marist presence gradually declined
29 over time, especially after integration. Today we have beneficial ownership of three
30 secondary schools. From the beginning the society has owned the land and buildings of
31 these schools, St Patrick's Wellington, St Bede's College Christchurch and St Patrick's
32 Silverstream.

33 Both Silverstream and St Bede's have boarding houses. Only one member of the

1 Society remains teaching in New Zealand; he teaches at St Patrick's College Wellington.
2 Three others provide part-time chaplaincy or ministry at these schools. One of them
3 provides ministry or chaplaincy at St Patrick's College Silverstream.

4 I taught briefly myself at St Patrick's Silverstream in the years '78 and '79. I was a
5 seminarian at the time, so I had not yet been ordained. I have not held any other role since
6 then at the College. My time at Silverstream began my extensive career in education and
7 youth development working in various Catholic secondary schools and boarding schools.
8 I've held positions on Catholic School Boards and providers, School Boards and as a Dean
9 of boarding.

10 I have limited personal knowledge of the day-to-day governance and management
11 of St Patrick's Silverstream at the present day. This is because the Society has what I
12 would call an appropriate arm's-length relationship with the Board of Proprietors for the
13 College.

14 The Society, as the founder and owner of the College, assures the Catholic
15 community that the College is well-run and successfully so as a Catholic school and the
16 Society supports it on that basis. But we do not determine how the College operates at a
17 day-to-day level.

18 I will summarise my understanding of the governance entities and relationships of
19 the College, where the Society has fitted into these relationships over time. I understand
20 after me you will hear from the current Chairs of the Board of Proprietors and School
21 Board and the Rector of the College who are much more able to speak to the current
22 governance and management arrangements at the College than I am. I will defer questions
23 to them where appropriate. As Ms McKechnie said, Dr Kevin Shore is there too to answer
24 general questions, specific questions about how the Catholic system works.

25 I'll now take you through my understanding of the governance of the College from
26 its beginnings through integration into the State system to today. Prior to integration, the
27 Rector was also the superior, the leader of the Marist community who was appointed by the
28 Superior General of the Society in Rome. The Rector had complete day-to-day
29 management of the school. The responsibility for such appointments was transferred to the
30 New Zealand Provincial in 1971 and he held this responsibility until integration. From then
31 on under integration the appointment of the Rector became the responsibility of the School
32 Board.

33 In 1966 prior to integration the Society set up Silverstream Board of Proprietors,

1 previously known as the Silverstream College Trust Board -- that makes it even more
2 confusing when the word "trust" is used, but they are both in fact trusts -- to hold the real
3 and personal property of the College, including the land and buildings, in trust for the
4 Society.

5 The Provincial of the Society appoints people to the Board of Proprietors. In 1975
6 the Private Schools Conditional Integration Act was passed and the head of the school's
7 integration, the purpose of the Trust Board was changed and extended in 1980 to include
8 acting as the Proprietor of the College. But the College itself wasn't integrated until 1983.

9 As a result of integration of the College, the Silverstream Board of Proprietors
10 became, and still is, responsible for governance and oversight of the boarding component of
11 the College. It develops policies and procedures and the Rector and boarding school
12 managers, such as the Director of Boarding, are responsible to them. The boarding hostel
13 was not integrated under the integration agreement. But there are government regulations
14 that are used in the boarding hostels.

15 The Board of Proprietors is also responsible under the trust deed and the
16 Silverstream integration agreement for the College land and buildings and for safeguarding
17 the special character of the College. However, the special character of the College is the
18 shared responsibility of several bodies and individuals. Each board and several people,
19 including the School Board, the Rector, the Director of Religious Studies and others take
20 their part in this.

21 At integration, Silverstream,- which is often what the school is just called, just
22 called Silverstream,- became a State school with a special Catholic character. Like all
23 State schools the school came under the governance of the Board of Governors, later called
24 the Board of Trustees and more recently known as the School Board-.

25 Since 2014 the Society has established a senate which has overall oversight of the
26 Boards of Proprietors at Society owned schools, the three schools I mentioned earlier. The
27 senate, on behalf of the Provincial and Council of the Society, is tasked with making sure
28 that all elements of proprietorship are cared for by the Boards of Proprietors and to provide
29 support and liaison with the boards. This includes advice on boarding facilities, land and
30 buildings and special character.

31 The Provincial does not typically participate in meetings with the senate but expects
32 to be kept ahead or abreast of any matters that may require the Provincial to make a
33 decision or are just important for him to know.

1 I will now move to my thoughts about the prevention and response to reports of
2 abuse that I understand will be canvassed at this hearing. It's terrible and very distressing
3 that there have been a number of historical incidents or instances of abuse at Silverstream.
4 From 2002 I was significantly involved with meetings with the men who reported abuse
5 from their time at Silverstream and who went through the Society's redress processes.

6 All of these instances of abuse related to members of the Society and therefore
7 come under the responsibility of the Society. I'm not aware that there have been serious
8 incidents of harm involving children, young people or adults since the mid-1980s. One of
9 the offenders was convicted for his crimes in 2004. As I have done before, I encourage
10 anyone who has suffered harm at the hands of our priests in Silverstream, and elsewhere –
11 anywhere in fact – to approach the Society. We want to assist you.

12 I have limited personal knowledge of events that took place at St Patrick's
13 Silverstream prior to 2002, as I was not there other than in 1978 and 1979. I was not
14 involved in any decisions about priests against whom allegations of abuse were made from
15 the 1950s to the 1980s.

16 It's very apparent to me that the steps taken in responding to the allegations of abuse
17 at the time of the offending were inadequate. It's quite unusual that there were reports and
18 allegations of abuse at the time of offending and I'll come to that in a little bit more.

19 The response that occurred at the time I believe lacked compassion and it lacked
20 insight and it failed to respond adequately to the needs of those that were harmed. For a
21 young person to come forward in the 1980s and report abuse was remarkably courageous.
22 That requires a strength that most of us would not have had. I'm deeply saddened that those
23 who spoke up were not helped in any significant way as they should have been.

24 Adults can be inadequate and can act very inadequately when faced with
25 information disclosed to them. Adults often see the need to protect reputations and
26 possibly even themselves when they should see first to the needs of the young people in
27 front of them and the real need to report such behaviour to parents, to caregivers, and to the
28 Police immediately.

29 One thing I hope that comes out of the Commission would be the recommendation
30 that mandatory reporting by all adults who care for children and young people is made law
31 in Aotearoa New Zealand. Documentary records showed that there was a heavy reliance on
32 the opinions and assessment of professional psychiatrists in determining the ability of the
33 alleged offender to rehabilitate and the suitability of them to continue working in certain

1 areas or in ministry. This resulted in instances where alleged offenders were transferred to
2 other areas of ministry where re-offending occurred. This is extremely regrettable. It's
3 awful. It's certainly not how the Society would deal with alleged offenders today.

4 **MS McKECHNIE:** Tim, if I can just stop you there. I understand that Michael's going to ask you
5 a number of questions about the redress process which you cover in the next part of your
6 summary.

7 **FATHER DUCKWORTH:** Okay, so just leave it alone.

8 **MS McKECHNIE:** It's perhaps not as brief as I think the Commissioners may have asked, so I'll
9 pause you there because that's the period of time we've been given, and then Michael's
10 going to ask you some questions.

11 **FATHER DUCKWORTH:** I'm very happy.

12 **CHAIR:** All right, thank you very much for that summary, Tim, that's extremely helpful to us.
13 I'm now going to hand over to Mr Thomas to ask you some questions.

14 **QUESTIONING BY MR THOMAS:** Thank you Madam Chair. Mōrena Tim. Can you hear me
15 okay, first of all?

16 **FATHER DUCKWORTH:** I can, yes.

17 **MR THOMAS:** Thank you. I'm going to start with some questions about some well-known
18 abusers at Silverstream College in the period pre-integration, that is pre1983 when the
19 Society of Mary staffed the college. I appreciate that you weren't the Provincial at that
20 time, but as the representative of the Society today I'll be asking for your comment as best
21 you can on some of these events.

22 Starting with Alan Woodcock, and I'm going to call up a document on the screen so
23 that the Commissioners can follow it. This is CTH0004888.

24 **CHAIR:** Just for those in the hearing room, you will not see these, as explained at the beginning
25 of the hearing, because of the names mentioned, there's some privacy matters, there's a
26 whole lot of things and it was not possible to get them up in a clean source, so you won't
27 see them, but counsel will read out the relevant parts so that you can hear what is being
28 referred to. Thank you.

29 **MR THOMAS:** Thank you, Madam Chair.

30 Tim, do you have a copy of this document?

31 **FATHER DUCKWORTH:** I do have it, yes thanks.

32 **MR THOMAS:** Thank you. So this is a document provided to the Royal Commission by the
33 Catholic Church summarising information held about Alan Woodcock. On page 2 of that

1 document we see a note --

2 **MS McKECHNIE:** Can we just clarify, this was a document prepared for the Police. If you
3 could just take Tim to the first page and just explain what it is, Michael.

4 **MR THOMAS:** I understand this is a document prepared for the Police, but provided to the
5 Commission and prepared by the Catholic Church or the Society of Mary. My friend will
6 correct me if I'm wrong.

7 **FATHER DUCKWORTH:** Yes.

8 **MR THOMAS:** So on page 2 we see a note there recording that Alan Woodcock -- this is setting
9 out a chronology of some of the main events -- we see a note that he was convicted in 1979
10 of sexually assaulting a male -- I understand from other documents filed, a 17-year-old -- in
11 Christchurch and he received a suspended sentence. He was referred for psychiatric
12 treatment and appointed in 1980 to a parish role as an assistant priest.

13 Do you have any comment on why Alan Woodcock was appointed to another role
14 following a criminal conviction for a sexual offence?

15 **FATHER DUCKWORTH:** The page that you refer to in fact says what was there. He was sent
16 to a well-known psychiatrist who examined him at the time and it was his opinion that the
17 treatment that he received was such that he could be rehabilitated both medically and
18 psychologically. I don't think a psychiatrist would say that nowadays. The world was a lot
19 more naive in those years, I think.

20 **MR THOMAS:** Three years after that criminal conviction, so in 1982, he was appointed to a
21 teaching position at Silverstream College by the then Provincial. Why was a convicted
22 sexual offender appointed to a teaching position by the Society of Mary?

23 **FATHER DUCKWORTH:** I would say that he believed that the psychiatrist said to him that he
24 would be rehabilitated after his treatment. I wouldn't do that, I don't think anybody would
25 do that nowadays. The nature of sexual offending is such that people that do these things
26 generally are recidivists. I don't think that was well known then, I don't think the Society
27 understood that and I don't think the society in general understood that either.

28 **CHAIR:** Can I just ask a question in here.

29 Tim, did and does the Society of Mary have a policy about what happens when any
30 of its members is convicted of any offence? So, for example, had a person who was a priest
31 been convicted, say, of, I don't know, embezzlement, fraud, theft, would that person be
32 acceptable to the Society of Mary -- let's give it a real example. If somebody was convicted
33 of theft of monies from the Society of Mary, a breach of trust and a criminal act. Would

1 that person have been, back then in the '80s, kept on as a priest and allowed to continue his
2 representation of the Society of Mary?

3 **FATHER DUCKWORTH:** I guess they would have made a judgement at the time based on what
4 they were told. In fact we don't have anybody that had any cases other than cases of this
5 type. There are no other, that I know of, convictions at all for anything other than these
6 ones here and some others that happened about the same time.

7 **CHAIR:** Do you accept that there's a similarity -- I really accept it's a hypothetical, it's difficult --
8 but do you see a deep breach of trust, breaches the trust of the Society of Mary, stole
9 money, for example, I would imagine the Society of Mary would take that very seriously
10 and look sideways at anybody.

11 **FATHER DUCKWORTH:** Yeah, we would, absolutely, absolutely we would take it very
12 seriously. And I don't think, you know -- it's like a lot of things. Where people are likely to
13 re-offend and/or they've done something serious, then I think there have to be serious
14 consequences.

15 **CHAIR:** Thank you.

16 **COMMISSIONER ALOFIVAE:** Can I just ask a question in here as well, Tim, it's Sandra
17 Alofivae here. So at that time, obviously the theology was the overriding principle when it
18 came to looking at matters of offending, so you're saying that there were only offences of
19 this nature that were coming to the attention of the Society of Mary. I'm just wanting to
20 understand the context and at what point that might have changed in latter years.

21 **FATHER DUCKWORTH:** Sandra, I'm not sure I understand your question. I think I said that
22 there were some convictions, both these ones and some others from another school, I think
23 two other members of the Society have been convicted, and all of them are for sexual
24 abuse.

25 **COMMISSIONER ALOFIVAE:** Yes, that's right.

26 **FATHER DUCKWORTH:** There are no other convictions that I know of. I imagine people
27 have had speeding tickets and things like that.

28 **COMMISSIONER ALOFIVAE:** Thank you, I think you've answered it actually, thank you.

29 **COMMISSIONER ERUETI:** May I just quickly, Tim, it's Anaru Erueti here. I see from your
30 brief of evidence that much is made of knowledge of the day and naivete and even
31 ignorance I think you describe about knowledge of these offenders and perpetrators.
32 I saw -- when reading your evidence, it made me think, when exercising this judgement
33 these are intelligent people, they may not be fully apprised of, might not have the benefit of

1 science that we have on the behaviour of predators today, but still, when you talk about
2 naivete and ignorance about re-appointing an offender to a position of responsibility over
3 vulnerable people, I wonder how far you can push that judgement.

4 **FATHER DUCKWORTH:** And I can understand what you're saying. The reality is, you know,
5 what you and I both now know we wouldn't do that. I'm not sure that guys who were in
6 authority in our outfit had much knowledge at all of sexual abuse and things like that. The
7 other thing, I think, is there's a sort of framework that works within religion that works on,
8 you know, you say you won't do it again, you know, you have what I've heard people say, a
9 purpose of amendment, you know, I won't do that again, I'll pray more, I'll do things like
10 that. I mean, you and I would think that was incredibly naive. But I think that people at
11 times wanted to believe what they were told.

12 **COMMISSIONER ERUETI:** Thank you. I pass it back to counsel.

13 **MR THOMAS:** Thank you, Commissioners.

14 Tim, do you accept that Woodcock's appointment to Silverstream three years after
15 his criminal conviction did place students at the college at risk of harm?

16 **FATHER DUCKWORTH:** I think I'd say yes to that now. I think the trouble is that this well-
17 known psychiatrist said he'd rehabilitated them. A psychiatrist wouldn't say that now. I
18 think that they got the best of advice they could get at the time.

19 **MR THOMAS:** Thank you. We know that the first report of abuse against Alan Woodcock came
20 in that very same year that he was appointed to Silverstream, in 1982. Six other individuals
21 have subsequently reported abuse by him relating to the 1980s period. Would you accept
22 that the Society has failed these individuals by placing Woodcock at the college following
23 that criminal conviction?

24 **FATHER DUCKWORTH:** I just repeat what I just said, I think. I wouldn't have placed him
25 there.

26 **MR THOMAS:** Do you accept, then, on behalf of the Society that there was a failing by placing
27 him there?

28 **FATHER DUCKWORTH:** Well, no -- later on perhaps I would accept it, but in this particular
29 instance I think they sought the best advice that was available, and that was the advice that
30 they were given, that it was okay, he would be -- he would be and was rehabilitated by the
31 treatment he was given.

32 Now, you and I think that's incredibly naive that they believed that. At the time I
33 think this guy, this doctor that did it said that he would be and -- could be and would be

1 both medically and psychologically rehabilitated by the treatment.

2 **MR THOMAS:** I'm just going to refer now to another page number on the same document at
3 page 11. There's a -- I'll give you a minute. This is a letter from the then Rector of the
4 college to the head of -- the then head of the Society of Mary about Alan Woodcock. Do
5 you have that in front of you?

6 **CHAIR:** For the record, if you could just give us the date, please.

7 **MR THOMAS:** Yes, it's a little hard to read on my screen but I think it's 22nd of August 1982.
8 Do you have that, Tim?

9 **FATHER DUCKWORTH:** Yes.

10 **MR THOMAS:** I'm going to ask you about this, I appreciate you were not the author or recipient.
11 The letter states at paragraph 1, in relation to Woodcock that "clearly there had been, to say
12 the very least, grave indiscretions." The letter then states:

13 "These indiscretions placed the name, the reputation, the future of the school in
14 serious jeopardy."

15 So there was clearly a concern expressed there for the school's reputation. My
16 question is, is there concern anywhere expressed here for the well-being of the survivor or
17 victims of those indiscretions?

18 **FATHER DUCKWORTH:** I think that's exactly what I said in my opening brief, that that
19 significant lack is apparent to me. I would have said that the most important thing was the
20 young people in the school at the time. Much rather than what people might think about it.

21 **MR THOMAS:** Thank you. The letter goes on at paragraph 2 to state that:

22 "Certain precautions must be taken" -- this is in relation to Woodcock's ongoing
23 work, if you like -- "including leaving his door open if a boy comes to see him unless the
24 visit is of a confessional nature or a private matter."

25 Thinking about that, do you think that was an effective method for protecting
26 students?

27 **FATHER DUCKWORTH:** No.

28 **MR THOMAS:** At paragraph 3 the letter goes on to state:

29 "Finally, I suggest that to cover any possible eventuality he should make immediate
30 moves to acquire a passport."

31 Do you know what he would need a passport for?

32 **FATHER DUCKWORTH:** Well, this very man who wrote this letter was asked that by the
33 Police, and what he said to the Police was that he knew that people who were treated for

1 serious issues of this nature were in fact sent to courses either in Australia or perhaps
2 England or elsewhere. That's what he gives as his answer. I mean, who am I to say that's
3 not the reason why he did it. I don't know any other reason. That's what he said his reason
4 for saying it was.

5 **MR THOMAS:** Sending offenders for treatment, I think you'd accept was a common approach by
6 the Society at that time?

7 **FATHER DUCKWORTH:** No, no, it wasn't a *common* thing at the time, but it would have
8 happened before I'm sure.

9 **MR THOMAS:** So just to clarify that, it wasn't a practice of the Society to send offenders for
10 treatment?

11 **FATHER DUCKWORTH:** When I use the word -- when you use the word "offenders", you
12 know, it's something of a joke in television world and movies and things like that that
13 priests can be alcoholics and things like that. "Offenders" might be the wrong word, but we
14 would have sent people who may have had problems like that for treatment overseas as
15 well.

16 **MR THOMAS:** Thank you. But by late 1982 the decision had been made to move Woodcock
17 elsewhere, hadn't it?

18 **FATHER DUCKWORTH:** Yes.

19 **MR THOMAS:** He started a new role in 1983 at a novitiate where priests are trained, is that
20 right?

21 **FATHER DUCKWORTH:** Yes.

22 **MR THOMAS:** Would you agree there's a risk that sending a convicted member to a training
23 centre for priests may contribute or perpetuate the spread of abuse within the Society?

24 **FATHER DUCKWORTH:** I think what we're talking about here is a man who had serious
25 problems. It seems to me that anywhere and everywhere he went he was tempted by the
26 forces within him to act in ways that were against the law. And so I think it would be fair
27 to say that wherever he was he would have.

28 **MR THOMAS:** In 1986 he was sent to Sydney for treatment, as I think you've mentioned, and we
29 see that at pages 3 to 4 of that summary document, and then later to Ireland for further
30 treatment. He was removed from ministry in 1988. The Commission has a statement from
31 a survivor of Alan Woodcock's abuse and I'm just going to talk about in summary what that
32 survivor said and then ask you a question.

33 **FATHER DUCKWORTH:** Sure.

1 **MR THOMAS:** The survivor attended Silverstream from 1981 to 1985. For the record this is
2 witness number 0003001. Woodcock was his music teacher there at Silverstream. After
3 attending at age 18 he was travelling and staying with relatives in Australia. Woodcock
4 had been sent to Sydney for treatment then and was working as a parish priest there at the
5 time. The survivor met Woodcock there and Woodcock sexually assaulted him by pinning
6 him to a bed at his accommodation. The survivor had to physically defend himself from
7 the attack.

8 Do you have any comment on the conduct reported by that survivor?

9 **FATHER DUCKWORTH:** It was obviously a sexual assault. What sort of comment would you
10 like me to make about it?

11 **MR THOMAS:** That's fine, thank you. Woodcock was prosecuted again, wasn't he?

12 **FATHER DUCKWORTH:** Well, not for that incident I don't think.

13 **MR THOMAS:** No, in relation to other complaints.

14 **FATHER DUCKWORTH:** Woodcock was prosecuted for several complaints where people
15 came forward, yes, yes.

16 **MR THOMAS:** Yes. In 2004 he was convicted of 21 charges against 11 boys for the period 1978
17 to 1987, and I understand --

18 **FATHER DUCKWORTH:** Yes, that was what -- that first document you showed me was the
19 stuff that we prepared to assist the Police with that, yes.

20 **MR THOMAS:** Thank you. Some of those charges, as I understand, related to students at the
21 college but the victims, of course, have name suppression. He was sentenced to seven
22 years imprisonment.

23 I'm going to move to another member of the Society now, Father Durning,
24 deceased.

25 **FATHER DUCKWORTH:** Yes.

26 **MR THOMAS:** And ask you some questions in a similar way in relation to him. He was the
27 Rector of Silverstream from 1950 to 1956 and I'm going to call up the same sort of
28 summary document, CTH0004726. I'll give you a moment to get that.

29 **FATHER DUCKWORTH:** I've got that, thanks, I've got quite a small desk here and just a little
30 laptop, I've got stuff spread around here so I have to keep finding it, thank you.

31 **MR THOMAS:** Thank you. And feel free to let me know if you need a moment. We see -- on
32 page 1 of this document we see a reference in the chronology to his appointment, this is
33 Father Frank Durning, to Silverstream, on page 1, 1950 to 1956.

1 **FATHER DUCKWORTH:** Yes.

2 **MR THOMAS:** You might recall that we heard from a survivor, Mr F, this is witness 0025001, at
3 the faith-based redress hearing in December 2020. I'm going to just talk about what he said
4 and another survivor and then ask you a question.

5 Mr F said that he suffered abuse by this Society member, Father Durning, at the
6 college's boarding school in 1953 when he was 14 years old. He gave evidence about the
7 lifelong impacts that this abuse had on him. He expressed a concern that the member had
8 been moved to other places where he had access to children.

9 Another survivor, witness 0113001, whose evidence was given by a family member
10 at that hearing, stated that --

11 **FATHER DUCKWORTH:** Yes.

12 **MR THOMAS:** -- he suffered abuse, sexual abuse in 1951 as a 13-year-old boarding student at
13 the college, perpetrated over four years by Durning and one other SM, Society of Mary
14 member. Do you have any comment to make on those survivor statements and what their
15 experience was?

16 **FATHER DUCKWORTH:** I believe them completely. I'm sure that they were sexually abused
17 by Durning.

18 **MR THOMAS:** After Silverstream, Durning was placed at St Patrick's College in Wellington as
19 Vice Rector from 1956 to 1964, and we see that in the chronology on that document. We
20 have a survivor who told us about abuse he suffered at that college, St Patrick's College in
21 Wellington, by Durning in 1961 as a teenager when he was indecently assaulted following
22 a service. That is witness 0459001, for the record.

23 That survivor believes Durning targeted not only vulnerable boys but others who
24 did not come from difficult backgrounds, such was his confidence in his status that he could
25 overcome any complaint against him. Do you have any comment on that last statement?

26 **FATHER DUCKWORTH:** Sadly I think it's true that Durning was a man who was -- who took
27 power to the wrong extreme. I think he was a bad man who joined us. I don't know what
28 was the aetiology of his problem, but he seems to have gone from place to place doing
29 exactly the same sort of thing again and again, and ruining the lives of young people. A
30 terrible man.

31 **MR THOMAS:** After finishing at St Patrick's College, Wellington, in 1964 he was appointed to
32 part-time lecturing positions at the university, wasn't he, we can see that on the chronology.

33 **FATHER DUCKWORTH:** He was. I'm not sure whether he was lecturing at the university, I

1 think he was running a university hostel and maybe giving some freelance lectures, but I
2 don't think he actually worked for the university.

3 **MR THOMAS:** Okay, it's recorded on that chronology, I see about middle of the page, "Assistant
4 lecturer, philosophy, Assistant lecturer, history", but whatever the case, we'll leave, I don't
5 think it's --

6 **FATHER DUCKWORTH:** You may well be right, yeah, I don't think I knew that. You're
7 probably right.

8 **MR THOMAS:** Thank you. In any event, in 1965 as a hall warden and chaplain at a
9 New Zealand University, a confidential letter was received by the then Society Provincial
10 about Durning prying into boys' sex lives in confessional matters. The Provincial's
11 response was to appoint someone else to Durning's position. Was that an adequate
12 response to the confidential complaint?

13 **FATHER DUCKWORTH:** I can't really say. I mean, this gentleman that complained was
14 obviously a very skilful man and he's made a fairly accurate statement of what happened,
15 so I just think that, you know, if we're to go through everything that Durning did, we're just
16 going to find time and time again that he offended in this way. The only thing is, this here,
17 is the first time that I'm aware anyway, of a complaint actually receiving -- being received
18 by the Provincial. The earlier ones that you spoke of, they didn't actually inform the
19 Society until after Durning's death. This guy is informing the Society about him prying
20 into their things, not actually about sexual abuse, if you know what I mean.

21 I'm not trying to justify what he was doing, I'm just saying he's not reporting sexual
22 abuse, he's reporting nosiness and prying into their private lives, which I also find
23 abhorrent, but it isn't sexual abuse, I don't think.

24 **MR THOMAS:** Durning remained in these university lecturing positions or assistant positions
25 after that complaint until he left for Rome in 1972. Is that correct?

26 **FATHER DUCKWORTH:** 1972? Yes.

27 **MR THOMAS:** Thank you. He then returns to New Zealand after 1972 to other postings by the
28 Society between 1976 and 1991 -- we see that in the chronology -- including teaching
29 positions. Significantly, those teaching appointments came after a further concerning
30 report made in 1977 by a lecturer, a concern reported to the Provincial in relation to a
31 student at a seminary about Durning wanting to look at a blemish on the student's backside.

32 **FATHER DUCKWORTH:** I actually think it's the other way around. He wanted the student to
33 look at a blemish on Durning's backside.

1 **MR THOMAS:** I see. From 2002, five individuals reported abuse by Durning for the period
2 1951 to 1962 when Durning was at Silverstream and St Patrick's College, Wellington.
3 Reflecting on these reports of abuse and the survivor evidence that I've summarised, do you
4 think enough was done by the Society to protect students from Durning?

5 **FATHER DUCKWORTH:** In hindsight the answer to that is obviously "no". But at the time
6 these things were not reported. What, even from the seminary here, I don't think he's
7 actually talking -- they're not actually describing sexual abuse, they're describing, I would
8 say, behaviour that's abhorrent but it's not sexual abuse, I don't think. I'm not trying to
9 justify it, I just don't think that what's being described is sexual abuse.

10 **MR THOMAS:** I'm going to move on, Tim, in the interest of time, to talk briefly, more briefly
11 about another member of the Society who I'll refer to as Father X who was allowed to
12 return to Silverstream in the 1970s, two years after having been removed from the school
13 due to at least two complaints of abuse.

14 Do you accept that that Father's re-appointment was inappropriate and placed
15 students at risk?

16 **FATHER DUCKWORTH:** Yes, I think so, yeah. I think that it was -- what was reported was
17 about somebody -- people weren't certain who had done it, and he vehemently denied that
18 he had. I'm sure you've got the document where in fact I interviewed him many years later
19 and he actually admitted to doing it, but at the time he said he didn't do it, and he was lying,
20 yeah.

21 **MR THOMAS:** Thank you. And he was sent for treatment, I understand, as well. Does the
22 Society still send offenders to treatment?

23 **FATHER DUCKWORTH:** We would but we haven't had any in recent years, so the answer to
24 that is really "no".

25 **MR THOMAS:** Was that member, Father X, reported by the Society to Police to your
26 knowledge?

27 **FATHER DUCKWORTH:** Yes, yes, I did it personally.

28 **MR THOMAS:** When was that?

29 **FATHER DUCKWORTH:** Well, it's certainly since 2002. I spoke to the Police about him, gave
30 details of where I thought he was and that sort of thing. I don't have any personal contact
31 with this Father X, as you call him, but I cooperated with the Police in trying to help them
32 to locate where he might be.

33 **MR THOMAS:** What about, was he reported to Police, I guess, at this earlier time, around these

1 reports of abuse?

2 **FATHER DUCKWORTH:** I don't think so. But as I say, he denied it to the people that were
3 investigating it at the school, and I think the individuals themselves, and I'm not trying to
4 defend it at all, but it happened in the dark after lights out, as it were, and they were not
5 certain of who it was that had actually abused them. And they couldn't offer proof positive
6 that that was who -- that was their suspicion, I believe, but I don't think that they could say
7 with any certitude that it was him.

8 Not that I think it's acceptable or reasonable or anything, but you know, people tend
9 towards believing people when they say, "No, it wasn't me." I didn't and when I asked him
10 he agreed that it was lies.

11 **CHAIR:** Can I just ask a question on that, Tim. A complaint was made, he denied it, there was
12 some equivocation about the evidence, whether he could be identified, but he was sent for
13 treatment. Do you know when he was sent for treatment in relation to all of that?

14 **FATHER DUCKWORTH:** Yes, after I'd got -- after I had got the truth out of him.

15 **CHAIR:** Ah, it was after you got the truth?

16 **FATHER DUCKWORTH:** Yes, it was.

17 **CHAIR:** Okay, thank you.

18 **MR THOMAS:** Thank you, Tim, I'm just going to ask a final question to conclude this section
19 then I've got two or three broader questions based on your statement and then I think we'll
20 conclude there. Are you going okay for time at your end?

21 **FATHER DUCKWORTH:** Yes, it's fine, it's only 20 past 11 at night.

22 **MR THOMAS:** Thank you.

23 **FATHER DUCKWORTH:** I'm a night owl so I'm fine, it's absolutely fine.

24 **MR THOMAS:** Thank you, it won't be much longer.

25 In total the documents filed by the Church's solicitors state that abuse allegations
26 have been made against nine Society members relating to 26 reports of alleged abuse at
27 Silverstream College for the period 1951 to 1985. I just want to ask, do you have any
28 comment on those overall numbers?

29 **FATHER DUCKWORTH:** I guess the thing I would say is this: some of the worst offenders that
30 we've had were at this school and so I don't think this represents what happens in every
31 Catholic school. I'm absolutely sure that you've chosen this school because it's not a good
32 example, or it is a very good example of what shouldn't happen. But some of these people,
33 you know, Alan Woodcock and Frank Durning were two of our worst abusers.

1 **MR THOMAS:** Yes.

2 **FATHER DUCKWORTH:** So it's a very high number, I think it's awful. And I think the
3 families at Silverstream must wonder what on earth went on.

4 **MR THOMAS:** Thank you. Moving now to a couple of questions on your witness statement that
5 you've provided, so this is your written statement. I'm going to refer you to paragraph 39
6 and I'll, again, summarise that. This is your witness statement, for the record, 0253004, and
7 at paragraph 39 you note that you were not aware of any formal policies or procedures in
8 place pre-1989 to deal with prevention and responding to reports of abuse, and the Society
9 and wider Church didn't establish such policies until the mid-1990s.

10 My question is, given that even in a few of the examples we've looked at here today,
11 there were complaints, some of which went back to the 1960s and '70s, was the Society too
12 slow to act to put processes in place?

13 **FATHER DUCKWORTH:** I've been trying to locate the document that you've mentioned, and I
14 can't locate it. Were we too slow to act when -- and put policies in place?

15 **MR THOMAS:** Yes.

16 **FATHER DUCKWORTH:** Look, I think all sexual abuse is dreadful, but I can't say about all
17 cases, but I do think that the Church in general was slow to act when these things were
18 occurring. One of the big problems, and I'm not trying to be smart or anything like that, is
19 that a lot of sexual abuse is reported years later. One of the cases in Silverstream was
20 reported at the time and I would have thought that would have been enough to make people
21 think that more should have been done, to be honest.

22 **MR THOMAS:** Referring to your statement again, this time at paragraph 54, I'll give you a
23 moment to get that reference.

24 **FATHER DUCKWORTH:** For some reason or other that document I put out of my range and I
25 can't find it, but sorry, carry on, I'll be fine with you just reading it to me.

26 **MR THOMAS:** Thank you, I'll paraphrase what you've said and I'm sure my friend will let me
27 know if there's any issues.

28 So you state there that the process in the earlier days of the school when a complaint
29 was received about abusive behaviour, the Rector would inform the Provincial and ask for
30 the offender to be removed from the school. The Provincial would arrange for clinical
31 intervention, assessment and treatment.

32 My question is, you don't mention there what was done for survivors.

33 **FATHER DUCKWORTH:** Yeah, that's what I think is disgusting. I think that -- you would

1 think that the very first thing that you would do would be to look at how you help
2 survivors, to be honest.

3 **MR THOMAS:** You do make some -- sorry-- go ahead.

4 **FATHER DUCKWORTH:** People that offend need treatment, sure, and possibly, you know, to
5 be incarcerated so that society is safe, but I would have thought as a Congregation, as we
6 are, that one of our key sort of things would be mercy and compassion and that then the
7 needs of people that were abused should have been paramount, in my mind anyway. I think
8 it's terrible that it wasn't.

9 **MR THOMAS:** You do make some acknowledgements around pages 24 to 25 of your statement.
10 I appreciate you can't find that right now, but I'll again paraphrase in relation to past
11 practices of the Society. Just paraphrasing your paragraphs 78 and 80, for example, you
12 talk about less than satisfactory responses to reports of abuse, overreliance on
13 psychological advice, and little assistance given to victims.

14 My question is, what do you put that down to, the key reasons for these failings?

15 **FATHER DUCKWORTH:** If you go back to what I said at the beginning, that people were
16 frightened of the consequences of the information getting out in public, and that shouldn't
17 have been their first concern. Their first concern should have been for anybody that was
18 hurt. That's what I believe anyway.

19 **MR THOMAS:** When reflecting on these failings, I want to ask you a final question. Do you
20 think that too much weight was put on protecting members of the Society and the
21 reputation of the Society over the well-being of survivors?

22 **FATHER DUCKWORTH:** I don't know it was so much about members of the Society as the
23 reputation of the school. I think that would have been, that would have been the paramount
24 thought of it. But, you know, I mean, I can't say with any certitude, I'm sure it was a
25 mixture of all of those. People that find themselves in hot water often are most concerned
26 with themselves and their perspective of the events. I think I've seen that time and time
27 again in society. We see it all the time in governments and things like that too.

28 **MR THOMAS:** Yes. In responding to those people though, do you accept, or what do you think
29 about the Society's approach as a whole? Do you think it was too protective of the school
30 or the Society rather than looking at the well-being of survivors?

31 **FATHER DUCKWORTH:** Well, if I go to the one person that came forward and say, you know,
32 what has happened to him, I don't know that he wasn't helped. You know, I would like to
33 find out whether he was helped or not. I know that his name was given to Police. Whether

1 he was one of the people that went to court to see the man that abused him convicted, I
2 don't know because the names are not available to me nor to you. So I can't ask him
3 whether he was helped at all, whether he was given counselling, whether he was -- his
4 parents were helped and told, I just don't know, to be honest, what was the -- what was
5 done to help him. I would live in hope that something was done to help him, but I just don't
6 know.

7 **MR THOMAS:** Thank you. That brings me to the end of my questions, Tim. Thank you for
8 staying up late at your end. I'll leave you to my friend Ms McKechnie and the
9 Commissioners to see if there's any final matters.

10 **CHAIR:** I think -- were you wishing to ask any questions? I'd- like to give the Commissioners an
11 opportunity to ask.

12 **MS McKECHNIE:** I was just going to clarify, Commissioners, there is an appendix that was
13 prepared, which is confidential, which details some of the responses so if the
14 Commissioners are looking for more information about some of the matters that Tim was
15 talking about, that information is there with all the primary document references.

16 **CHAIR:** Thank you. I'm just going to check with Commissioners if they have any questions.

17 **COMMISSIONER GIBSON:** Thank you, Tim. You said at some point in relation to Father X
18 that people tend to believe people if they say they didn't do something. Looking at what
19 lessons were learned in reflection, in balance, who should be believed when you hear
20 alleged perpetrators, when you hear stories from survivors? How do people in your role
21 reflect on these things today?

22 **FATHER DUCKWORTH:** Look, I've seen a number of people that have been abused, not only
23 through the Society but through other things, but also just in ordinary life. Most people that
24 abuse, you know, and it's very simple, people say it's about power rather than sex and
25 things like that, but they are often powerful people and their ability to speak and to sort of
26 put out a bow wave of not my, you know, that couldn't possibly have happened, I was so
27 and so, you know, I think that all of that militates against the believing of, say, a young boy
28 that came forward at Silverstream. You know, he must be very proud of himself that he did
29 come forward. He was believed. I hesitate to say that, you know, even after he was sent to
30 Alan Woodcock again to say go and face it in front of him again, he came back to the
31 Rector at the time and said yes, he brought two mates with him, he wasn't slow, he came
32 back and said yes, that did really happen and I'm telling you it did happen. That really is
33 the only isolated incident of where something was reported at the time, that's why I made

1 specific reference to it in my document.

2 But that in itself should have been the cause of immediate action for the sake of the
3 young man.

4 **COMMISSIONER GIBSON:** And you acknowledge that there seemed to be -- almost the
5 primary concern was the reputation of the school and perhaps that -- there was a
6 compromise in the thinking of what had happened. Today is there the degree of openness
7 and honesty about what has happened that would put the interests of survivors, the interests
8 of students first? How does that go into balance to --

9 **FATHER DUCKWORTH:** I would say absolutely that the change would be immense from one
10 to the other. The very first thing I would expect nowadays would be for Mr Ferreira there,
11 and I'm sure that's what he'd tell you, my very first thing that he would do would say, "I
12 will ring the Police", and that is exactly what I would expect, and I'd expect that of any
13 teacher at any school, and that's why I mentioned in my evidence my desire that the
14 recommendation of your Commission would be that mandatory reporting by all teachers
15 and adults looking after young people or children would be forced to mandatory report.

16 But also, you know, to give full wrap-around care for the person. It's a terrible thing
17 and these people are hurt badly and they need a lot of care I think, and I'd have to say,
18 I spoke to Mr Ferreira and his wife recently, it's the first time I'd met them, and the
19 goodness of the couple was really apparent to me that their care for the children in this
20 school who would be hurt would be immense, I would say. I would have to say I was very
21 impressed by them, both by Mr Ferreira and his wife, that both of them have that as a very
22 strong concern of theirs.

23 I must say I came away feeling very happy that Mr Ferreira had already, in the short
24 time he had been there, put in place things to look after particular groups, and I won't name
25 them, he may, that were maybe a bit more vulnerable in the college. So I was really
26 pleased with that.

27 **COMMISSIONER GIBSON:** Thank you.

28 **COMMISSIONER ALOFIVAE:** Talofa, Tim, thank you for your responses and the evidence
29 that's been filed, I've been able to follow it reasonably well. I'd just like to actually
30 understand the genesis, because I know that the Marist Brothers was established back in
31 1836 so I hear your responses in the current context. But I just want to go back to the heart
32 of when the Marist -- or the Society of Mary -- actually begun and the whole understanding
33 around sexual abuse and whether or not your view that it was an issue right from the start.

1 I guess what I'm trying to understand here, for the broader context is, we understand today
2 that it's a criminal offence but we've understood that for a number of years, but I just want
3 to take it right back to the heart of how -- and I know you traverse this in your first set of
4 evidence, but around the teachings of the Church around abuse and sexual abuse in
5 particular.

6 **FATHER DUCKWORTH:** Okay. Can I just be clear that we're not the Marist Brothers, they're
7 a different Congregation.

8 **COMMISSIONER ALOFIVAE:** Yes, I appreciate that.

9 **FATHER DUCKWORTH:** I know it's a very easy slip of the tongue.

10 **COMMISSIONER ALOFIVAE:** My apologies for that.

11 **FATHER DUCKWORTH:** But I know the Marist Brothers. No worries, no worries. My
12 apologies to them that they're tarred with our brush. I think that the Church -- this is my
13 opinion, others may have different opinions. I think that the Church has been prudish and
14 restrictive as regards sex and sexuality over my lifetime anyway. I don't know -- no, no, I
15 do know a little bit about the 1830s. I'm sure it was even worse then, you know, I think the
16 overemphasis on sexuality and sinfulness and things like that would lead me to believe that
17 that wasn't a healthy and happy climate.

18 I don't know that the world has changed completely, but I do think that, you know, a
19 recent statement by the bishops about how they saw young people in schools who were a
20 particularly vulnerable group such as those that were, shall I say, uncertain of their own
21 sexuality and things like that, I thought their compassionate statement was at least helpful.

22 One of the things I spoke to Mr Ferreira about was, you know, how would he cope
23 with young people like that and he showed to me a very compassionate response to young
24 people who were, say, more vulnerable because of those issues.

25 I think, though, that society has got all sorts of difficulties in it and the Church is
26 part of that.

27 One of the things I'd like to have said was the ubiquitous nature of pornography is
28 not something that I think is helpful to young people in society nowadays. But, you know,
29 I remember years ago when a particular woman for the Catholic Church said that it was a
30 blight on society, she was decried to the nth degree because we wanted to be liberal. You
31 know, so I think there is sort of a balance, a healthy balance between an acceptance of sex
32 and sexuality and the precious nature of that gift for each individual and the sort of
33 heaviness of an overriding sort of, you know, it must be feared, it must be spoken of in

1 hushed tones and all those things.

2 I think we've got better at that and in some ways we've got worse at that. I don't
3 know that the Church has that on its own, I think that, you know, people of Pasifika origin,
4 and I'm not aiming this at you at all, but have quite a Christian background which makes
5 them a little bit repressed too in these regards and, you know, we've got to be respectful of
6 culture, but people need to gradually understand that there's a healthy and helpful way of
7 seeing sex and sexuality today.

8 **COMMISSIONER ALOFIVAE:** Thank you for your comments and I did note that Father
9 Durning was in the Pacific quite a bit in his career as well.

10 **FATHER DUCKWORTH:** Yeah, he was.

11 **COMMISSIONER ALOFIVAE:** Can I also just apologise to the Marist Brothers, that was a slip
12 of the tongue and I did not intend any disrespect when I was asking Tim Duckworth that
13 question. Thank you very much.

14 **FATHER DUCKWORTH:** Sandra, I'm absolutely sure that they knew you didn't mean any
15 disrespect like that, they wouldn't have thought that.

16 **COMMISSIONER ERUETI:** Tēnā koe Tim, kia ora anō, it's Anaru here. My question is
17 about - counsel talked about whether the Society of Mary could have adopted more policies
18 earlier on, you mentioned about, as we know, about the delays typically between
19 experiencing abuse and reporting. It made me think during this period that given the
20 nature, given the extent of the abuse within the schools about, it's difficult to understand
21 how there wasn't more knowledge within the -staff, the clergy, the Religious that were
22 working in these schools about the abuse.

23 **FATHER DUCKWORTH:** And I agree with you that it's difficult to understand that they didn't
24 know, but from what I've seen and heard from others, they didn't know. You talk about
25 policies, you know, policies are a relatively modern invention, you know, I don't think there
26 were -- when I was at school, and I know I'm old, but when I was at school I don't think
27 anybody had a policy and I think that there's a coincidence that, you know, private schools
28 going into the State system, but the development of policies happened even after that. So it
29 wasn't just because we went into the State system that policies were developed, I remember
30 10 or 15 years after integration the Government mandated schools to provide policies.
31 Before that policies didn't exist in schools, not just in our schools, they didn't exist in any
32 schools.

33 **COMMISSIONER ERUETI:** Thank you, Tim. My question is more about the extent of

1 knowledge within the schools by those who were working side by side with the abusers,
2 that's -- I accept the point about the need for policies to be developed, but it is a puzzle that,
3 given the extent of the abuse that happened within these schools, that other Religious,
4 including the leaders within the Society of Mary, were not aware of what happened and
5 therefore acted and therefore policies and procedures came into place.

6 **FATHER DUCKWORTH:** All I can rely on is the two things, one that most of it was reported
7 much later, and the fact that abuse happens in quiet places, you know, and it hides in
8 corridors in the dark, if you understand my metaphor there, and I think that often people
9 didn't know what was happening right under their eyes, if you know what I mean.

10 **COMMISSIONER ERUETI:** Okay. And Tim, I want to move to your recommendation about
11 mandatory reporting and it's something that has arisen a lot in our hearings. I recall when
12 we first had our contextual hearing there was discussion about some concern, I think it
13 might have been the Australian Bishops, about mandatory reporting and the impact that
14 might have on the confessional. So I wonder whether you've had time to reflect on that
15 about how the Society of Mary would view mandatory reporting to include disclosures that
16 would be made within the confessional?

17 **FATHER DUCKWORTH:** It's an interesting question. Honestly, I can honestly say that I have
18 never, ever, ever in my 40 years had any disclosures of sexual abuse in the confessional.

19 Now, I don't think that people who are recidivist offenders confess these things. I
20 don't think that people who are offended against need to confess these things. So, you
21 know, I don't think it's actually a big issue. I don't think it hides behind the confessional, if
22 you know what I mean.

23 **COMMISSIONER ERUETI:** Okay, that's interesting, because I remember reading media reports
24 in different Australian states saying the bishops were quite opposed to it, but it is good to
25 get your opinion on that.

26 **FATHER DUCKWORTH:** And I am sure when you speak to the Cardinal and the others that
27 their opinion would be similar to mine, I think, that I don't think it hides behind the
28 confessional, I really don't.

29 **COMMISSIONER ERUETI:** Good to know. My other question is about the arm's length
30 relationship between you and the --

31 **FATHER DUCKWORTH:** The Board of Proprietors?

32 **COMMISSIONER ERUETI:** -- it is a bit confusing, to be honest with you. Yeah, it seems
33 hierarchical, and it just seems there's the proprietorship and then there's appointments made

1 by you to them, and then again with the Board of Trustees, there seems to be representation
2 there. It seems like in a formal sense that there is a connection between the trustees through
3 the Proprietorship Board or Board of Trustees, or whatever they are called, and the
4 Provincial. Is that fair to say? To some degree.

5 **FATHER DUCKWORTH:** Yes, I think you have to understand it this way, you know, the law as
6 I understand it of setting up a trust is that people hold this task in trust for somebody, and,
7 you know, the proprietors' boards, they were called the trust boards. Now, we stopped
8 using that term because of the confusion with the Boards of Trustees. But the Boards of
9 Proprietors are trustees of the beneficial owner of the Society of Mary. So we entrust this
10 task to a group of lay people to run the proprietorship of the school, in our schools.

11 I appoint those people on the advice of the senate. But I don't, you know what
12 I mean, you give somebody a job to do, trusted, respected, highly intelligent and highly
13 qualified people the task, you don't then tell them how to do it, if you know what I mean.

14 Now, the Private Schools Conditional Integration Agreement, you know, it's -- the
15 funny thing about it is the word "conditional" there doesn't mean it was a conditional
16 integration, it means that there was an integration with conditions. The Government put
17 conditions on the schools and the schools themselves put conditions on the Government
18 saying, you know, we want to have some say in the running of the school, even though the
19 school is run by a Government quango, as it were, what's nowadays called a School Board,
20 we want to have some representation on that. And so the Proprietor, in the case of the
21 diocesan schools it would be the Bishop, in our schools it's the Board of Proprietors, has the
22 right to appoint up to four appointees to the School Board, but they are appointees, they are
23 not representatives. So they don't represent to the School Board, the Proprietor, they are
24 just appointees.

25 These four people are and understand what a Catholic school is and so sitting on the
26 Board with all of the concerns of the thing, including the Catholic character of the school,
27 they bring that to the table as well, just to make sure that it's there, in the same way as the
28 principal sits there, the pupil sits there, a staff member sits there, it's just some sort of, you
29 know, mixture of people to bring the right blend of those that care about the school
30 together.

31 **COMMISSIONER ERUETI:** Thank you, Tim, thanks for elaborating on that. Just a final
32 question about representation within the Order in terms of Māori but also Pasifika and other
33 minorities. I know that within your Congregation, the membership, there's been a large

1 Māori base at the schools, and still large numbers of Māori and Pasifika at Silverstream.
2 But it doesn't seem from what I've read so far to have been reflected in the leadership and
3 appointments of governance roles. So I just will put this question to all the witnesses today
4 about why is that the case; do you think that's a fair reflection and, secondly, why is that the
5 case, do you think?

6 **FATHER DUCKWORTH:** I do think that it's -- that there's quite a Māori representation, in fact
7 more so at Silverstream than any other school, any other school that I know of personally.
8 For example, when Mr Ferreira came, their full welcome was in taha Māori style and quite
9 appropriately he was welcomed on to the marae of the school and was greeted in that way,
10 but at the time the Board of Trustees Chair, the School Board Chair was in fact Māori
11 herself. That might have been part of it.

12 I know that there are others that I've appointed in more recent times to the Board to
13 be part of that and that person who's Māori is also on the Board of -- School Board.

14 I go back to early years at Silverstream. We did not have many Māori members, a
15 few but not many, and so, you know, we were not able to - why did we run these schools?
16 Basically because we were free labour, and, you know, we worked in these schools without
17 being paid, and Catholic schools were started in New Zealand because people thought that
18 Catholics didn't get a fair deal out of the Government and, you know, there was quite a lot
19 of anti-Catholic feeling in New Zealand in earlier years, and so the starting of these schools
20 was to bring, sort of, Catholics into their own. And, in some ways, they've probably been
21 too successful in doing that.

22 **COMMISSIONER ERUETI:** Thank you, Tim.

23 **FATHER DUCKWORTH:** The one thing I would say, however, is that I was very proud when
24 looking at the early years of Silverstream to say look at the prefects photo, say of 15 or 20
25 prefects, there were eight that were Māori or Pasifika, you know, and I Googled similar
26 State schools up and down the country and there were none. So I was proud of that.

27 **COMMISSIONER ERUETI:** It's good to see that representation within the kura, it's just being
28 sure that it is being reflected in the governance of -- the Order and down through --

29 **FATHER DUCKWORTH:** I'm sure it is.

30 **COMMISSIONER ERUETI:** Thank you for your evidence, Tim, thank you.

31 **CHAIR:** Father Tim, I'm conscious of your time and of ours, but I've just got -- I have about
32 1,000 questions but I'm going to confine it to one and I'm going to ask you to look to the
33 now and the future. You just said to us that when the school was integrated that there were

1 some conditions placed by the Society of Mary and that was that you wanted some
2 representation in the hierarchy, if you like, of what was to follow and you achieved that.

3 I want to put that alongside this notion of the special character of the school,
4 because I think those two are linked, aren't they, that you wanted, or the Order wanted, the
5 special character of the school to be preserved and you could do that by having people
6 directly involved in the governance and the running of the school.

7 **FATHER DUCKWORTH:** Yes.

8 **CHAIR:** Why I'm raising this is that your counsel has told us in her opening submissions that
9 after a school is integrated any harm or incidents relating to staff and volunteers in the
10 school are the responsibility of the School Board and in the hostel any incidents are
11 responded to by the Proprietor of the hostel. And I took it from that, and maybe I'm wrong,
12 that that means that the Society of Mary is, if you like, insulated, insulated from those
13 matters.--

14 **FATHER DUCKWORTH:** Absolutely not, absolutely not, ma'am.

15 **CHAIR:** That's why I wanted to give you an opportunity, please, to comment on that, because it
16 really is important, isn't it, for who ultimately holds the responsibility for the special
17 character of the school and what is that special character and, yeah, who holds
18 responsibility for it.

19 **FATHER DUCKWORTH:** Okay, so the special character is really, you know, to cut it to the
20 bare, bare basics is that it is a Catholic school, that's what we mean by the special character.
21 And it actually came about at the time of integration by one of the negotiators saying,
22 "Well, it's a school that's sort of got a, what would I call it, a special character." And that's
23 how that term arrived.

24 But, you know, if there were Marists working in those schools, and as I said earlier
25 there's one, that person would be, if they were working in the boarding hostel, and there are
26 none working in the boarding hostel, but if they were teaching in the school they would be
27 as responsible as any other to the management of the school and the school's Board.
28 They're not separated from that. We are just as ruled by the School Board and that sort of
29 thing.

30 I imagine if there were Marists teaching and they misbehaved that they would be
31 reported to the Police just the same way as anybody else would be.

32 **CHAIR:** Can I cut to the chase here, Tim, for reasons of time, and really just so that you can get
33 to the nub of the question. Yes, we understand about the legal structures, the trusts, the

1 Boards, the representation, all of that, that's the hierarchical, organisational level and we get
2 that.

3 What I'm really referring to here is another dimension. It is the moral, the ethical
4 and the spiritual responsibility of the Society of Mary for what goes on in that school. Is
5 there to any extent an acceptance of responsibility for the values, the standards, and the way
6 the school itself conducts and presents itself to its students and to the public and to its
7 congregations, who put money in the plate, you know, every Sunday, loyally, you know?
8 What do we say to those people about where the Society of Mary stands in relation to these
9 matters of values, spirituality, ethics, morality?

10 **FATHER DUCKWORTH:** I think that people would understand that, flawed and all as we have
11 been in our past, that the vast majority of us are trying to inculcate values which are good
12 and honest and spiritual values that the Catholic Church tries to make part of the ethos of
13 every school. And while I'm ashamed to say that we didn't always do that, that doesn't
14 mean that the vast majority of us didn't try to do that and in good measure in every one of
15 our schools, as all Catholic teachers do in Catholic schools and all teachers do.

16 I have worked alongside, in Catholic schools, teachers who were not Catholic who
17 understood the values and upheld them too. It is important to us, too, to say that what we
18 are on about is a school which develops young people and gives them the chance, the best
19 chance that they can have in life to be good citizens, to be, hopefully from our perspective,
20 to be good Christians and to take their place in society and in their families with the values
21 we hope to give them.

22 **CHAIR:** And to be free of abuse.

23 **FATHER DUCKWORTH:** Absolutely, absolutely, and any other abomination really.

24 **CHAIR:** So that is something that the Society of Mary holds dear, as I think you've made plain,
25 and really it's a question of the Society, whether the Society keeps an overview and just
26 wants to make sure that that is happening, regardless of the, as I say, the organisational,
27 hierarchical matters, is that something that the Society is committed to seeing?

28 **FATHER DUCKWORTH:** Absolutely, and that's why I mentioned I had a, you know, a few
29 hours' meeting with Mr Ferreira and his wife and that formed a large part of what we talked
30 about, and that was before we knew we were coming to see you, to be honest.

31 **CHAIR:** We'll leave it at that point, we've now stolen so much time.

32 **MR THOMAS:** Yes, Madam Chair, I think we're running a bit behind time. I guess the options,
33 as I see it, are we take a --

1 pressure we are already under. The witnesses have prepared short statements, much shorter
2 than Father Duckworth's, and they are going to read each of those in turn and I understand
3 between us we are aiming to finish by midday with this particular session.

4 **CHAIR:** I appreciate that, and it's always awful when we're pressed for time, but I think it does
5 concentrate the mind rather and thank you for that. Thank you for the preparation of your
6 statements. So I'll leave you leave you just to lead them in that.

7 **QUESTIONING BY MS McKECHNIE:** Thank you, ma'am.

8 Clare, if we could start with you, please, if you could introduce yourself to the
9 Commission and then read, please, the short summary of your evidence that you've
10 prepared.

11 **DR COUCH:** Tēnā koutou katoa, talofa lava, malo e lelei. Ko Clare Couch tōku ingoa. My full
12 name is Dr Mary Clare Couch. I am the Chairperson of the Board of Proprietors at
13 St Patrick's College Silverstream. I am a 55-year-old Pākehā female, pronoun she/her, of
14 medium height. I have medium-length hair that is brown and grey and I have no disability.
15 I am wearing a dress that has a black top and a blue floral skirt.

16 The Chairperson of the Board of Proprietors is a voluntary and unpaid position. I
17 have been in that role since March 2020. I was appointed to the Board of Proprietors in
18 2019 and was Deputy Chairperson of the Board of Proprietors from that date.

19 I also hold the role of being one of three Proprietors' appointees on the School
20 Board, Board of Trustees, since November 2012.

21 On behalf of St Patrick's College I would like to express my deep sadness at the
22 abuse that has occurred at the college. It is shocking and shameful the way some young
23 boys have been treated in our college as well as in other organisations in Aotearoa.

24 Sadly, this is part of our accepted history. We do not doubt the pain that it has
25 caused and continues to cause to those who are survivors and to their whānau. Our hope is
26 that they will continue -- that we will continue to learn from the past and protect the
27 vulnerable and prevent harm happening in the future.

28 Our goal for our young men in our college is to be just, compassionate citizens.
29 This involves being compassionate with each other, holding each other to account for
30 things when we get it wrong, being merciful by giving each other another chance and the
31 space to repair and restore relationships, and treating people with respect.

32 This is embodied in our college values. These values were identified by students in
33 2016 as ways that we live our Marist values.

1 I want to list them for you: they are whakapono/faith/fa'atuatua;
2 kotahitanga/unity/tutufa'atasi; manaakitanga/support/lagolago; hautoa/courage/loto tele;
3 ngākau pāpaku/humility/ loto maualalo.

4 The Board of Proprietors is responsible for the special character of the college, the
5 boarding school, the grounds and the buildings. We work collaboratively with the School
6 Board, the Rector and the wider college community.

7 In relation to prevention of abuse, the students' welfare is the paramount focus for
8 the Board of Proprietors and the wider college in relation to the prevention of and
9 responding to reports of abuse. We aim to do this in a well-informed and balanced manner.

10 As a Proprietor, we want to ensure that the college provides an environment that is
11 safe from abuse for its students, staff and wider community. This is to ensure that our
12 young men are in a safe environment, and can thrive to become just and compassionate
13 citizens.

14 The Board of Proprietors are responsible for the policies and procedures within their
15 area of responsibility, including Redwood boarding house. The Board of Proprietors'
16 policies are to provide the Rector/Tumuaki with direction and authority for the management
17 of the boarding house and other areas the Board is responsible for.

18 We have a number of Redwood boarding house policies which relate to the
19 prevention of, and responding to, abuse. These are referenced in my witness statement and
20 have been provided to the Inquiry.

21 As set out in paragraphs 71 to 86 of my witness statement, we have processes for
22 responding to contemporary reports of abuse and responding to historical allegations of
23 abuse.

24 When responding to reports of abuse, the students' welfare is paramount within the
25 college while balancing a just and compassionate response to those allegations.

26 We intend to implement policies and procedures with best practice and complying
27 with the relevant legislation. We do that by providing training for the Board and the staff,
28 reviewing our policies and practices on a review cycle, being involved with external
29 organisations, consulting and seeking advice from the School Board, and implementing
30 policies that align with templates and guidelines provided by NZ School Trustees
31 Association, although we are not a member of that organisation.

32 I acknowledge that a current issue for the Board is our response to historical
33 allegations of abuse, especially in relation to aspects of the college's history, for example

1 portraits of past Rectors. This is an ongoing issue and we are committed to implementing
2 best practice.

3 Overall, I consider that we are working well as a college community to provide a
4 good college for our students. As we have recently received our boarding house licence
5 with no recommendations, I am confident that we are on the right track to providing a safe
6 environment for the young men in our Redwood boarding house.

7 **MS McKECHNIE:** Kia ora, thank you, Clare.

8 And Sean, if I could ask you also to introduce yourself to the Commissioners and
9 the people listening and watching and then read your short statement.

10 **MR MAHONY:** Thank you, Sally. Ata mārie, talofa lava, malo e lelei. I whanau mai au i Te
11 Awakairangi, i tipu [ake] au i Te Whangananui-a-Tara. Ko Akatarawa te maunga, ko
12 Kairangi te awa, ko Sean Mahony tōku ingoa, nō Petone me Whakatū ahau. Nō reira,
13 mōrena ki a koutou katoa.

14 Good morning, my full name is Sean Denis Mahony. I grew up in the Hutt Valley
15 and now live in Petone at the north end of Wellington harbour. I am the Chairperson of the
16 School Board, until recently known as the Board of Trustees, at St Patrick's College
17 Silverstream.

18 I am a 54-year-old Pākehā New Zealander male. I am quite deaf in my right ear,
19 about 6 foot, and of medium build. I am bald, have a grey goatee and moustache and wear
20 glasses. I am wearing a black suit, a blue shirt and a purple tie.

21 I have been the Chairperson of the School Board since 23 August this year. This is
22 a volunteer role. While I have a long family association with the college, I am here to
23 speak in my role as the Chair of the School Board.

24 I would like to reiterate Clare's comments and express my deep sadness for the
25 abuse that has occurred at the college and to say that I am sorry to those who have been
26 affected.

27 The School Board is entrusted to work on behalf of all stakeholders and is
28 accountable for the school's performance. It emphasises strategic leadership, sets the vision
29 for the school and ensures that it complies with legal and policy requirements. The Board
30 has a governance role as opposed to the day-to-day operational management of the college.
31 All the day-to-day management is carried out by the Rector/Tumuaki, the senior leadership
32 team and other school staff.

33 The Board has responsibility for the key focus of what the school is actually about,

1 which is teaching and developing fine young men. That clearly has to be in an appropriate
2 and safe environment so that all students are safe at all times at the college.

3 As outlined in my witness statement, the Board is responsible for the relevant
4 policies to do with the prevention of, and response to, abuse. In my witness statement,
5 I have referenced a number of policies that are relevant to the prevention and response to
6 abuse and have provided the Inquiry with a link to access the website where those policies
7 are available. The website is also accessible to all staff, all parents and all students.

8 As well as formal arrangements to prevent and respond to abuse, the school is
9 consciously trying to create an environment where if a student has something they want to
10 talk about there is always somebody available that they feel they can talk to. The
11 Rector/Tumuaki, teachers, and other staff have formal and informal interactions with the
12 students so they feel comfortable that they can come and talk to someone if they need to.
13 We also have counsellors at the school available to the students.

14 There also needs to be a strong relationship between the Board Chair, the Members
15 of the Board, the Rector/Tumuaki and the senior leadership team. Maintaining an open and
16 frank line of communication between governance and management assists to ensure that all
17 the relevant parties are informed of issues at the college. Rob and Clare both know they
18 can call me at any time about anything.

19 I think the best thing that we can do at Silverstream, like any other school, is to try
20 to constantly improve the college's culture and not become complacent about the possibility
21 of abuse. We are committed to creating a wider safe environment to make sure that abuse
22 doesn't occur. Our processes, both formal and informal, are focused on creating a safe
23 environment at the college to prevent harm to our students in the first instance, and to
24 provide a number of safe avenues to report harm, should it occur.

25 Kia ora and thank you.

26 **MS McKECHNIE:** Thank you, Sean. And Rob, if you could do the same, please.

27 **MR FERREIRA:** Tēnā koutou katoa, talofa lava, malo e lelei, ko Rob Ferreira tōku ingoa.

28 My full name is Robert Martin Ferreira, I am the Tumuaki, which is also known as
29 the Rector, at St Patrick's College Silverstream.

30 I am a Pākehā male, about 6 foot tall, with grey hair, and I'm wearing a blue suit,
31 white shirt and a black tie.

32 I've been in this role since 2 May 2022, five months before the date of this evidence.
33 I'm still learning about the college including the different governance arrangements and the

1 policies and procedures at the college.

2 I have been a teacher for 33 years, I was born in South Africa and trained as a
3 teacher there. I came to New Zealand in 1993. My first teaching role was at Palmerston
4 North Boys High School. Before being the Tumuaki at the college, I was the principal at
5 St John's College in Hawke's Bay. I was in that role since January of 2020 after having
6 been the deputy principal since May of 2017.

7 I am aware that, historically, when the Society of Mary were directly involved in the
8 school, the head of the community and the college was called the Rector. However, my
9 current role is not as a member of a Religious Congregation, I have never held any position
10 in the Church outside of schools.

11 My role as Rector/Tumuaki is to implement these policies and procedures in terms
12 of the management of the college. I have a limited role in creating policies, but in general
13 terms, my responsibility is to ensure the safe management of the college for its students and
14 staff through managing procedures.

15 My primary focus is on the current operation of the college. I am responsible for
16 monitoring the employment of staff to ensure that they are complying with all of the
17 relevant policies.

18 As the Rector/Tumuaki, I am the employer of the teaching and boarding hostel staff.
19 If matters are raised about current staff, I am responsible to the relevant Board for
20 responding to these.

21 Every member of staff, with the exception of the chaplain, are the college's
22 employees, volunteers or contractors and are lay, ie not members of Religious
23 Congregations and/or clergy. The chaplain is a member of the Society of Mary.

24 Anything that may be untoward or anything that may need to be investigated in
25 terms of abuse will have to go through a process. This would be with reference to our
26 policies and procedures. These would ordinarily be dealt with as employment and
27 contractual matters. We may have to work with the Teachers Council or the New Zealand
28 School Trustees Association for them to give us advice as to how to proceed with an issue,
29 depending on its nature.

30 We may also need to work with the Police or Oranga Tamariki depending on the
31 nature of the allegations. In my time as Rector/Tumuaki, I have not had a complaint or
32 allegation against a current staff member of such serious wrongdoing that could have been
33 a criminal offence. I certainly have not had any such allegation in my short time at

1 Silverstream.

2 I have received a letter about alleged historic abuse by former staff members, but
3 that did not disclose any allegations and related to the issue of portraits discussed in Clare's
4 evidence. I have referred the matter to the Silverstream Board and the Board of
5 Proprietors.

6 I'm also ultimately responsible for disciplinary matters with students. This is
7 usually managed under the year-level deans, the Dean of Boarding and the assistant Rector
8 of pastoral care under my supervision. Sometimes this involves verbal or physical
9 altercations between boys. I would expect serious matters of student discipline to be
10 escalated to me by staff.

11 Sometimes this role could include receiving information relating to older complaints
12 that do not relate to current staff. In these cases, I would refer the information to the
13 appropriate agency, such as the Police, Society of Mary, or whoever else is required to
14 receive the information.

15 As I set out in my witness statement, as I begin my role as Rector/Tumuaki I'm
16 trying to actively foster and encourage positive relationships and trust between students,
17 staff and I. We must all create a professional and trusting relationship with the students.
18 The students need to know they can come to you if there's an issue. So I think all of those
19 sorts of aspects put together help to ensure that the policies and procedures work in practice
20 so that if there is something untoward happening the students will tell you.

21 On behalf of the college, we are eager to learn from the experience of participating
22 in this Inquiry and are open to receiving any recommendations from the Inquiry. There is
23 always room for improvement to protect children attending schools like the college and
24 improve responses to the reports of abuse.

25 **MS McKECHNIE:** Thank you, Rob.

26 Madam Chair, Commissioners, the three witnesses also have -- this is a selection of
27 the policies that the witnesses referred to. The Commission have them and the witnesses
28 have them in the witness box if they need them.

29 **CHAIR:** They can refer to them if they need to, thank you.

30 Thank you, Mr Thomas.

31 **QUESTIONING BY MR THOMAS:** Thank you, Madam Chair.

32 Welcome to the witnesses and thank you for your time. I'm going to start with some
33 questions, I should say that I'm happy to, I guess, leave it to the three of you to determine

1 who may be best to answer each question, unless otherwise directed. I'm going to start with
2 some questions about how the college gives effect to Te Tiriti.

3 Firstly, as a Crown entity I understand that the School Board is responsible for
4 ensuring the school gives effect to Te Tiriti. I wanted to ask, how does the college do this
5 in practical terms?

6 **MR MAHONY:** So in practical terms, ensuring that we have a fair representation of Māori and
7 Pasifika. So from the Board point of view, we have a member of the Board who's Māori, a
8 member of the Board who's Pasifika, and a member who's both Māori and Pasifika. In
9 terms of the day-to-day activities in the school, obviously kapa haka, there are the parent
10 groups, the, I can't remember the names -- Rob, I might have to look to you -- but there is
11 the Pacific parents and the whānau parents groups who, I suppose, liaise with the school
12 and work with the school.

13 That's -- sorry, that's probably as much as my knowledge as on the Board. Rob,
14 anything to add?

15 **MR FERREIRA:** With reference to our students, Māori/Pasifika students, so we have whānau
16 hui which take place on a regular basis, we meet with Pasifika parents as well, the kapa
17 haka group is particularly active in the school. We practise with St Bernard's College and
18 Sacred Heart College in Lower Hutt and then they perform at the Hutt festival. The same
19 occurs with our Pasifika students.

20 It's actually pretty pleasing to see how many of the parents have actually been quite
21 supportive of our boys when they were practising for their performance. It surprised me
22 compared to the previous school I was at.

23 Samoan Independence Day was a whole day of speeches, food, which the boys
24 really liked, and again, the students performed at the Hutt festival. Don't want to be biased
25 but I thought they were stunning, thought they were the best really, it was an amazing
26 performance. So I've got them to perform at assembly next week.

27 Students who are new to the school, I interview every student who is new to the
28 school, and I specifically say to them that I do not want them to leave their culture at the
29 gate, they need to come in and we celebrate who they are. That's really important for us.

30 **CHAIR:** Mr Ferreira, sorry to interrupt you. Just be mindful that everything you are saying is
31 being taken down, so if you could -- the stenographer is over there. If you see puffs of
32 smoke coming out of her ears you know you are going too fast. Before that happens, if I or
33 counsel raise our hands -- but just be mindful. Thank you.

1 **MR MAHONY:** I might also just add just in terms of performance at the school, in terms of the
2 performance reporting that comes to the Board, it's obviously on the students overall but
3 then it's also shown from a Māori and Pasifika perspective as well.

4 **DR COUCH:** I also want to add from a -- the Board has a history of adding extra resource to -- so
5 we added an extra resource management unit into staffing so that they could make room for
6 people to have capacity to increase tikanga across the school. So while we have te reo
7 Māori as a core subject, we recognise that what that means across the school is bigger than
8 that, so we dedicated funding to that. And there's recently been set up a Māori komiti for
9 the students so that they can have a voice on how we are meeting the needs for them as
10 Māori students. That's quite new but an exciting initiative.

11 And in the boarding hostel as well we focus on, I suppose, quite a concerted effort
12 of understanding where each of our boys come from and similar to what Rob is saying,
13 that's an important part of identity for our Māori and Pasifika boys, and it's an area that we
14 see -- and have plans to improve on as well, we don't profess to having this sorted yet and
15 it's a work on also.

16 **MR FERREIRA:** Just to add to that, just about all of the staff professional development this year
17 has been on Te Ao Māori and there's been a lot of work that has gone into incorporating
18 local curriculum into the junior schemes and curricula, but that's an ongoing process.

19 **MR THOMAS:** Thank you all for that. Specifically in relation to the Treaty principle of that
20 active protection, how would you see that the school implements that and by that I'm also
21 including the concept of protection from harm?

22 **MR MAHONY:** So in the first instance, from a School Board point of view, our policies are very
23 clear in terms of making sure that students are protected and so that harm cannot come to
24 them. So in terms of their -- so the other side of that from a practical point of view, the
25 teachers, anybody who's working at the school, people working on the grounds, people who
26 are involved with the students, they're all vetted, so they go through a Police vetting
27 process.

28 We also, as part of the interview process, we say on the interview form that we will
29 be, as well as checking their formal referees, we'll also be doing informal checks as well.
30 So you can appreciate that New Zealand's quite a small place and a lot of careers or
31 vocations or businesses, a lot of people know each other, so I know Rob does, and I know
32 in other schools as well, where they will, if someone applies for a role, they'll referee-check
33 them but they will also do some other background checking as well, because we've got to

1 make sure we get the right people who are involved with our children.

2 And as Rob has mentioned, those are probably more the formal side of things. The
3 other side is the informal, and that's just making sure and trying to create the environment
4 where if something happens, then we know about it quickly, and then we can respond to it
5 quickly.

6 **MR FERREIRA:** Just to add to that, the whole notion or concept of policies or the importance of
7 policies can't be understated, but if you don't have a relationship with your students where
8 they know they can come and speak to you if there is something untoward, will always
9 slow things down and you'll tend to find that information far later than what you wanted to.

10 So the students know for a fact that I have an open door policy, they can come and
11 see me any time they wish. I spend lunchtime walking around the playground talking to
12 boys, I'll spend from 3 o'clock to about quarter past 3 at the gate saying goodbye to them,
13 and it's important, and staff know it, that if you have a good relationship with the students,
14 they will come and talk to you, and they will alert you to something that may well be
15 untoward. It takes a lot of time, but it is important.

16 And I think in essence most schools nowadays will put a huge emphasis on the
17 relationships that you form with your students.

18 **MR THOMAS:** Thank you.

19 **MR MAHONY:** I might just add, also there is both in terms of both the School Board and also
20 with the boarding hostel as well, there are policies about whistleblowers, so if a teacher
21 suspects another teacher then there is a policy there for them to come forward and let us
22 know.

23 **DR COUCH:** I'd like to answer in terms of a specific -- when you say Te Tiriti o Waitangi, that I
24 think part of that protection as well is recognising the cultural, like, the protection of what
25 culture means for each of our students as well, and I think as our staff train and learn better
26 Te Ao Māori and mātauranga Māori, that's important because then we can understand
27 better and create an environment that also allows for some protection for our boys too, and
28 their identity.

29 **MR THOMAS:** Thank you. I want to move to another topic now and it's about the school's
30 involvement or responsibility for allegations of abuse relating to the pre-integration period
31 and what I want to ask is, what do you see as the school's responsibility for complaints of
32 abuse received by the school post-integration but relating to pre-integration conduct of
33 Society of Mary members?

1 **DR COUCH:** So I think, as outlined in my papers that we gave, it's been -- so post-integration but
2 relating to the Society members?

3 **MR THOMAS:** Correct. Sorry, yes go ahead.

4 **DR COUCH:** Is that right?

5 **MR THOMAS:** Yes, that's correct.

6 **DR COUCH:** So an allegation of abuse that has been there in the past, we would still inform the
7 Society of Mary about that, being a staff member from them. So definitely with that and a
8 responsibility, we ask them for that so that we can know how to, based on that, how we
9 make decisions about their staff, they give us that information.

10 I could speak to a bit in terms of around the portraits and what are there but I don't
11 know if you want that now or later.

12 **MR THOMAS:** I will actually come to that shortly, yeah, separately. But I guess the crux of my
13 question is, although there's been reports -- sorry, where there's been reports of abuse
14 relating to Society members pre-integration, does the school still see that it has a
15 responsibility if that is reported now to the school separate from the Society's
16 responsibility?

17 **DR COUCH:** So are we talking pre- or post-integration? Sorry, I'm a bit confused.

18 **MR THOMAS:** Yeah, the school's responsibility post-integration for pre-integration complaints,
19 conduct if you like.

20 **DR COUCH:** How we are now and how we are acting now --

21 **MR THOMAS:** Yes.

22 **DR COUCH:** -- for the conduct that happened pre-integration?

23 **MR THOMAS:** Correct.

24 **DR COUCH:** As I said, so we inform the Society of Mary about that. So then they investigate
25 that, it's not our job to investigate that.

26 I guess what I would say on this is that, and we've spoken to the history within our
27 school, is acknowledging -- so St Patrick's has a long history of which many of our
28 students, past students are really proud of, it's a school that they've found identity and a
29 place that has meaning and they have warm and fond memories of that. But we're really
30 aware that's not the case for men now who experienced abuse when they were at the college
31 and their experience and their memory of the school is quite different. And current -- and I
32 think where we would see that now is that that's all of our history. And so as a current
33 school it's knowing that's all of our history and accepting that as our history.

1 So I think for that to be known is important.

2 **MR THOMAS:** Related to this, does the school now put any money into providing redress for
3 someone that comes forward, or is that left to the Society?

4 **DR COUCH:** As far as I'm aware that's to the Society, I don't think that's us.

5 **MR THOMAS:** I'm going to ask another question now. This is relating to school records. I took
6 from the witness statements filed that the school has very limited archived records and no
7 records for events prior to 2005. Does it surprise you that there's no records for the
8 pre-2005 period?

9 **MR MAHONY:** That's 17 years ago. Does it surprise me? I haven't actually thought about it,
10 Mr Thomas. It probably doesn't surprise me. 17 years ago is a long time to be -- you
11 know, it's long period of time for records, so part of the normal retention and document
12 disposal and so forth processes, then not having anything from 17 years ago probably isn't
13 unusual.

14 **MR THOMAS:** I guess my next question is, where there may have been important records
15 relating to either allegations of abuse or communications with the Society of Mary about
16 that, should they have been retained for longer than the usual document process?

17 **MR MAHONY:** I don't feel I can actually answer that, sorry, Mr Thomas, I -- yeah, I actually
18 don't know, I'm sorry.

19 **CHAIR:** Can I ask a question that is along this line. We were told by Father Tim just before, or
20 did I read it in a brief of evidence, that information about complaints and complaints
21 against staff members or former brothers etc were kept on the employment file of that
22 person so that in order to find out about past -- did you want to say something?

23 **MS McKECHNIE:** I was just wondering if I could assist, ma'am. Because Father Tim was
24 talking about the Society of Mary files, the priests' files, those are not held by the school.

25 **CHAIR:** Right. I'm coming to that. So that's what he said. What I want to know, and
26 I appreciate there's problems in the past that you don't know about, but at the moment if a
27 complaint is made against a staff member, is it held on that staff member's employment file
28 or is there a central register of complaints so that if somebody wants to know the history
29 they can go to find out about it? That's what I want to know.

30 **MR MAHONY:** Rob, I might have to ask you whether, at this stage, we have a central register of
31 complaints.

32 **MR FERREIRA:** Not that I'm aware of. What I'm aware of is that if there is a complaint against
33 a staff member then it goes on their file.

1 **CHAIR:** So that's a lesson that we've been learning throughout the whole of our hearings and
2 whole of our investigation, that that's all very well and that's probably good employment
3 practice, but in terms of monitoring, oversight, getting sense of pattern and the like, there is
4 a great wisdom in holding a central register, isn't there, so that somebody can look at it
5 objectively from outside.

6 So at the moment you don't have a central one, but just know that's something on
7 our radar.

8 **DR COUCH:** Thank you, that's helpful.

9 **MR MAHONY:** Thank you, Madam Chair.

10 **CHAIR:** Yes. Mr Thomas.

11 **MR THOMAS:** Thank you, Madam Chair.

12 Moving to another area now which Clare had mentioned about the portraits of
13 offenders, members of the Society of Mary. As summarised in Clare's statement, this is in
14 paragraph 80, in 2019 the Board of Proprietors removed the portrait of a former Rector
15 where abuse was acknowledged and upheld by the Society but it did not remove the portrait
16 of another Society member as, and I quote from Clare's statement at paragraph 82:

17 "The Board of Proprietors received advice from the Society of Mary that there was
18 insufficient evidence of the allegations against that Priest."

19 Without going into the specific details of those two cases, I want to ask you about
20 whether you think the school's process there is too reliant on the Society of Mary
21 determining the level of evidence sufficient for removal of a portrait?

22 **DR COUCH:** In terms of having any evidence about it, the school doesn't hold that information,
23 so we refer to the Society of Mary for that information, because we don't have another way
24 to know whether or not there's evidence around an allegation.

25 The response to that and what we do on a day-to-day thing is the responsibility of
26 the school, and we own that as a responsibility. We have named that in the – in the process
27 we have done before –

28 As I talked about before, the portraits being in the school hall of all the past Rectors
29 of the college are a way that's recorded the history and shown some history of our college
30 and I've said before that's a mixed history for people, it's different people's experience of
31 that.

32 We've been asked again to reconsider that decision and respectful of that question
33 being asked for us. And we acknowledge this is -- it feels a challenging situation to be in.

1 To remove a portrait in a way seems a simple answer, but this doesn't feel like a simple
2 situation, because we talked in terms of different people's experience of a just process, of
3 natural justice around that, totally acknowledging that somebody has expressed, or told us
4 that they've been abused.

5 So this is -- it feels tempting to take down a picture, but this is more than a picture, I
6 think. And so it's something that we -- we've been much more heightened to this as part of
7 this process as well. I'm not saying we haven't been aware of this in the past, but in
8 preparation for the Royal Commission this has made us much more aware, learn a lot more,
9 learn a lot more.

10 So we want to respond in this way to be openly and honestly to consider what has
11 happened and to bring that into the future. We don't know what that looks like yet, and it
12 feels a little bit daunting, because I don't really know where that's going to take us.

13 But we have talked about that we want to do that and do it well. We have scheduled
14 meetings for our Board of Trustees and Board of Proprietors over the next two weeks and
15 this letter that's been raised with us will be a matter of priority for that. At the moment we
16 think that we may actually adopt a specific subcommittee to look at this, so that we can say
17 what do we need to know, who do we need to talk to, what do we need to learn to do this
18 well.

19 Because this is part of our history and we have a proud history of the college, I don't
20 want to take that away because so many people have had such a good experience -- staff,
21 students, community -- of our college, and we need to own that with -- there's a part of our
22 history that's also important that we name.

23 **COMMISSIONER ERUETI:** Can I just ask on that point, Clare, when I hear you talking about
24 historical redress, it still feels like it's being done by them rather than the school, it's
25 something for the Order and it's not really something that the school currently has a lot of
26 knowledge and detail of, whereas you're actually striving for that too, aren't you, in
27 resetting a different course for the future?

28 **DR COUCH:** Yeah, and I think it's about, our history is broad and so we need to own that. And I
29 think -- we talk still with -- we have a close relationship with the Society around that, and
30 also we respect there may be some information they hold that -- around privacy, we don't
31 need to know all of that, nor does it need to be in the public domain, that's part of what we
32 need to work out. But we want to do this well and we want to work out how we respond
33 appropriately.

1 And timing is important. We don't want to drag this out – that may cause more
2 harm – and we don't want to do something that would cause harm in our process, that
3 would not be our intention, but we also don't want to be too swift because that would feel
4 wrong too.

5 **COMMISSIONER ERUETI:** My point is, you still seem arm's length from the historical redress
6 process as the school when in fact you are claiming the abuse is a part of accepted history
7 but you're not involved in historical redress, it seems?

8 **DR COUCH:** We haven't been, yeah.

9 **COMMISSIONER ERUETI:** Do you think that, to reclaim it then and to be part of your identity
10 as the school, that it makes sense to be closer to that process perhaps?

11 **DR COUCH:** Perhaps. To be honest I don't know for sure yet, because we don't know. But that
12 may be something, I don't know yet.

13 **COMMISSIONER ERUETI:** Thank you.

14 **MR THOMAS:** Thank you. I think you mentioned it, but just to clarify, there's been a more
15 recent request from the Network of Survivors, a current year request for removal of other
16 portraits and that decision is pending, if you like; is that correct?

17 **DR COUCH:** Yes.

18 **MR THOMAS:** I want to ask now about some broader questions about how the school now
19 prevents and responds to reports of abuse. Firstly, in terms of your awareness of current
20 barriers to disclosure of abuse at the school, I took it from your statements largely you were
21 unaware, I think, from all three of you, that you were unaware of any specific barriers to
22 disclosing abuse at the college. Is that correct?

23 **MR MAHONY:** I suppose for me it comes down to the individual. I think that we have to
24 be -- accept the fact that there may still be individuals who might, if something happened,
25 they could still feel the stigma or something. So look, it's not one size fits all in this case,
26 which is why you can have the policies and things like that and people can read how they
27 should go about doing something, but that's not going to help unless you've got an
28 environment in which they feel they can come forward, be it to Rob, the Rector/Tumuaki,
29 or to one of the teachers or to a counsellor. So it's about trying to create that environment,
30 or even if they talk to one of the other boys and one of the other boys come forward.

31 So there's no -- I don't think there's any magic answer to that, but it's just trying to
32 create an environment where people they can actually come forward and say something that
33 could be uncomfortable for them and could be uncomfortable for the other person, and as

1 Rob said, we try to do that by getting that good balance between formal interactions with
2 the students with informal interactions with them as well.

3 **CHAIR:** Are you aware or are any of you aware of the historic reasons for the barriers that we've
4 discussed quite a lot in our report at the end of 2021 and that's been discussed openly
5 throughout our hearings, the barriers to reporting that have historically existed? Are you
6 aware of those sorts of things, like the imbalance of power, the shame, the cultural factors,
7 there's a vast list of them. Are you aware of those?

8 **MR MAHONY:** My apologies, I'm not aware, I haven't actually read the report from the
9 Commission on those, but all those things you say I can understand from a realistic point of
10 view and in fact that all of those things will create in an individual, and it will be different
11 for different individuals, but create in an individual a reason why they won't do it --

12 **CHAIR:** My point is this, we have already identified that there are many obvious and common
13 barriers that many survivors, thousands of survivors have spoken to us about. I think it's
14 important that you know of those --

15 **MR MAHONY:** Yes.

16 **CHAIR:** -- so that you cannot assume they don't exist anymore and just deal with it by being
17 friendly but really specifically concentrate on making sure those barriers are either not there
18 or mitigated.

19 **MR MAHONY:** Thank you, Madam Chair, I will make sure --

20 **COMMISSIONER ERUETI:** That's a great point, and there are other things that are not so
21 obvious, like if you're relying on your own intuition and experience, there are things that
22 we learn that are not clear, you know, to -- so it seems that we might need to get a copy of
23 the redress report to you.

24 **MR MAHONY:** Yes, that would be great. Thank you very much.

25 **DR COUCH:** I think there's been some learning in this process in preparation for it around the
26 historic reasons for it, yes, and some of it we have stated, some of those barriers around
27 building -- particularly in that power relationship that you talk about and recognising in a
28 school situation with children to adults is -- so have acknowledged that in our witness
29 statement, that there is definitely things that might make it difficult for young people and
30 we'd welcome to know more around that, and to have the report.

31 **CHAIR:** Mr Thomas.

32 **MR THOMAS:** Thank you.

33 I'm going to ask now about contemporary reports of abuse received by the college.

1 And I'm mindful here that I don't want to go into the detail of these -- of the more current
2 reports, but in a summary way I'm going to ask about them.

3 So an appendix to Mr Mahony's evidence, written statement, refers to reports of
4 abuse from 2000 to present and in total there have been 10 reports of abuse, of some form
5 of abuse by staff in relation to students which resulted in disciplinary action, and we've
6 heard that from my friend this morning as well; five allegations related to physical assaults
7 and one was of a sexual fondling nature. The other allegations related to inappropriate
8 language.

9 My first question is, are there any learnings that you take from the contemporary
10 reports of abuse?

11 **MR MAHONY:** I suppose one learning is that no matter what we actually do we can't be
12 complacent, these things unfortunately can still happen. And the, our learning is that we
13 need to respond quickly and get them resolved, and I know from my limited time as the
14 Chair and talking with Rob, the school does respond quickly to events and things that they
15 need to.

16 **MR THOMAS:** It appeared again from the written statements that there were no records about
17 whether the school had reported any of the post-2000 complaints to Police. Does that
18 concern you?

19 **MR MAHONY:** I don't actually know the details because none of these things came to the Board
20 during my time, so I don't know sufficiently enough about the details of them in terms of
21 whether they've been reported to the Police or not.

22 **MR THOMAS:** Okay.

23 **MR FERREIRA:** With reports of abuse or untoward behaviour by a teacher to a student,
24 currently the first thing that you'd do as the Rector/Tumuaki would be to ring the NZSTA
25 [New Zealand School Trustees Association] because it's a possible employment issue and
26 they would give advice from there. Whether the NZSTA was available 15 to 20 years ago I
27 can't comment, but that would be the process you'd follow today.

28 **MR THOMAS:** I want to move on in the interests of time, sorry, to some -- a couple of questions
29 around safeguarding. I guess, in your words, in brief, can you summarise what you
30 consider are the key safeguarding elements at the school that you would rely on to prevent
31 or minimise the possibility of abuse?

32 **MR MAHONY:** So I don't mean to repeat what I was sort of saying before. So having the formal
33 side of it in terms of the policies and things and making those available to everyone, so

1 everyone actually knows what is expected of them. In terms of with the adult employees at
2 the school that are all vetted and, as I said before, in terms of various types of background
3 checking of them, trying to create an environment where people can actually -- they know
4 how to report things and create an environment where they can report, and I suppose also
5 with, you know, if the teachers are aware of another teacher, there is the whistleblower
6 policy.

7 So – we can't be complacent, we have to accept that it may occur, but we have to try
8 and put as many measures in place.

9 And from the boarding side?

10 **DR COUCH:** Yeah, from a boarding perspective, I think, again, it's policy driven, I think
11 ensuring that staff are appropriately trained, that we have professional standards that -- and
12 code of ethics that teaching staff might apply to and in terms of our boarding staff we'd also
13 be ensuring that our staff are informed of correct procedures and what our policies are and
14 also the day-to-day procedures that they do, and having safe practice with that.

15 Also creating relationships with boys so that it becomes a safe place to disclose,
16 understanding that power imbalance and that keeping their welfare at the front and I think
17 that's what we talked about in terms of with the safety of the boys is to ensure that that will
18 be held, we hold them, we will keep their whānau involved as well, I think in their
19 safeguarding. Especially from a boarding perspective, families entrust their boys to us, to
20 live with us at the college, so keeping whānau involved in that also creates a safety, I think,
21 that's important.

22 **MR THOMAS:** Thank you. I'm going to conclude my questions there and leave with you the
23 Commissioners for any final questions. Thank you for your time and for coming along
24 today.

25 Madam Chair, I might just signal briefly that we're going to have, if possible, a
26 slight change of plan following your questions and have Ms McKechnie's opening address
27 for the next session before the lunch adjournment and then perhaps take a shorter lunch
28 adjournment if that might be possible.

29 **CHAIR:** Yes, we're going to need to buy some time and I'm afraid that usually means the lunch
30 break gets shortened, but it's important everybody gets a full chance to speak.

31 I'll just invite the Commissioners if they have any questions.

32 **COMMISSIONER ALOFIVAE:** Good afternoon, talofa lava. Thank you for your responses
33 earlier. So with a school like yours that has a very, very proud history, no doubt there are

1 intergenerations -- there are lots of generations of families that would come through your
2 school. So I'm really interested in how you frame culture and how you're trying to create
3 these really important safe spaces.

4 So we get that in a Palagi context in terms of school structuring, your policies and
5 your Boards and building the relationships between teachers and students. Then you've got
6 another layer of a cultural component, right, so like you said, you say to your young men,
7 "Don't leave your culture at the gate, bring it all in with you."

8 I'm really interested in how you nurture that, because they're such collective
9 cultures, Māori, Pacific, and a whole range of Pacific, and your values, how you've outlined
10 them in Samoan, which speaks about a strength of perhaps that little community in your
11 church. Are you able to share with the Commission how you actually do that? And what
12 I'm really asking is, what's the interface there with community to be able to bring that
13 Pasifika perspective in or that Māori perspective in?

14 So I know you've talked about Pasifika groups and whānau groups, but actually
15 when that plays out, what does that look like?

16 **MR FERREIRA:** So at our school on Mondays, Wednesdays and Fridays we have -- the day
17 starts with what we call "ranks", so the boys all line up in the quad, we will start off with a
18 prayer and we will have students come to the front and say a prayer and they will say it in
19 te reo, if they are of Māori descent, or it could be in Tongan or it could be in Samoan.
20 During Samoan Language Week, for example, we will have a student stand up at ranks
21 every day and he will tell us about a phrase and then he will get us to repeat it and then
22 repeat it, and if he's not happy repeat it again until we get it right, and then on the next day
23 we have ranks, the same thing occurs again.

24 During assemblies as well, we will showcase certain aspects of different cultural
25 parts of the school in terms of the different language groups, the different parts of society
26 that they come from.

27 It's fed out in newsletters as well and then, like I say, when we have Tongan
28 Language Week or Samoan Language Week we try and make sure we celebrate that and
29 make our students aware of what it's about and we -- where we can, we have as many staff
30 involved in some of those cultural groups, and we're not privileged enough to -- we've got
31 one lady who's a Samoan teacher so we don't have a number of teachers who are of Pasifika
32 ethnicity.

33 So when we have our Pasifika group it's quite often when -- practices are held after

1 school because they take a long time, we have teachers who are on duty and will help to
2 supervise the practices and help the members of the community that come into the school to
3 perpetuate that.

4 **COMMISSIONER ALOFIVAE:** And when you've got issues like bullying and like sex, as a
5 topic, do you have other groups come in, community groups come in to basically bring that
6 awareness to the students about those spaces and how they're then able to connect?

7 **MR FERREIRA:** So to give an example, recently we had teachers speak to us about some
8 students referring to an individual who is an influencer on social media and we actually got
9 Hutt Valley SASH [Sexual Abuse Support & Healing] to come in and talk to the boys in
10 assembly because Hutt Valley SASH they deal with victims.

11 **CHAIR:** Just say what that is, Hutt Valley...?

12 **MR FERREIRA:** They are Hutt Valley SASH, they're an organisation that deal with victims,
13 whether that be -- victims of various types of abuse and also abuse on social media and so
14 on, so that gave our boys the perspective of what these people are feeling like.

15 We had the Police come in and speak to our students about, you know, if you're on
16 social media what is okay and what is not okay, what is consent, all of that sort of -- all of
17 those sorts of ideas were discussed. We could probably do it as the staff but then it is just
18 the Rectors over and over again sort of telling them what to do. We get in these outside
19 organisations and it gives them a different perspective on it.

20 So that's another aspect that we've brought in.

21 **COMMISSIONER ALOFIVAE:** Thank you, I'll come back if I have another question.

22 **COMMISSIONER ERUETI:** My question's about -- so we have regulations here. Let's start
23 with the hostel, and those regulations are there for safety in -- regulating the hostels
24 generally from 2005, I think. I'm wondering whether they, to your mind, for the
25 Proprietors, whether they're up to scratch or whether there are gaps and whether more work
26 is needed on those regs?

27 **DR COUCH:** The regulations?

28 **COMMISSIONER ERUETI:** Mmm-hmm.

29 **DR COUCH:** I don't know in terms of all of the regulations that are there. I think while we have
30 around the licensing that we've done for our hostel has recently been reviewed and -- our
31 policies are under review and open to -- we've had feedback from students and from parents
32 within that and have reviewed them. So I think that's important, to keep reviewing those,
33 and to be open to new information that might come with it. I don't get to see what the

1 regulations are, but also I think the regulations set a standard, it may be a minimum
2 standard and then it's about what we would do in terms of with the college as well, that
3 day-to-day interaction in the boarding hostel, building relationships with boys and fostering
4 a safe environment.

5 **COMMISSIONER ERUETI:** Yeah, because that seems to be, from our experience, it's one of
6 those sites where abuse is -- where people are particularly vulnerable, right, in the hostel
7 environment. I notice there's a complaint process, are you familiar with the complaint
8 process there if you want to raise a complaint within the hostel?

9 **DR COUCH:** I haven't had to deal with a complaint from staff -- from a staff member to a student
10 and therefore haven't looked at that. We've dealt recently with student-to-student incidents
11 that happen within the hostel, most of that happens at management, occasionally that might
12 come to a Board level if we think it needs another process. I don't hold that process in my
13 head but I know where to go to find it should I need it.

14 **COMMISSIONER ERUETI:** You meant student complaining about a staff member rather than
15 the other way around?

16 **DR COUCH:** Yeah. Did I say it the wrong way? I'm sorry.

17 **COMMISSIONER ERUETI:** The Children's Act as well about the requirements for reporting, it
18 seemed from our hearing with the State that that also needed work, elaboration and
19 clarification. I wonder whether you had any comment on that too in terms of your policies
20 and procedures?

21 **DR COUCH:** Can you explain that a bit more, sorry?

22 **COMMISSIONER ERUETI:** Identifying abuse for members of staff, being able to identify it
23 and then report.

24 **DR COUCH:** I think it's important that staff be trained on that, I think that, yeah, because
25 that's -- we can't assume that people just know that, I think training on that is important.

26 **COMMISSIONER ERUETI:** You do have your own training of that, is that right?

27 **DR COUCH:** I can't say specifically, just because I don't have the knowledge to hand.

28 **COMMISSIONER ERUETI:** The other thing is the large numbers of Māori and Pasifika at the
29 kura, so is that right, like 27% currently and 20 for Māori?

30 **DR COUCH:** Mmm.

31 **COMMISSIONER ERUETI:** It follows from my colleague's question about whether
32 that -- you've got one Māori tutor, lecturer, teacher I understand for te reo Māori, is that
33 right, about whether that's meeting the needs within the student body, including Pasifika

1 languages?

2 **MR FERREIRA:** It would be great if you could hire them and find them, that's the issue. I think
3 most schools are really struggling to find teachers to be able to teach te reo and be able to
4 speak Tongan or Samoan. You just can't get them.

5 **DR COUCH:** I was speaking recently with one of our Māori parents and they were – this is a
6 little bit anecdotal, but they were at a sports field and -- with their students, they were
7 coaching the team and a -- some old boys came – it's not uncommon that old boys came –
8 and did a walk around the school, and they were a group of middle-aged men, white men –
9 and he reflected that that's quite different to what our kura looks like now. We are of a
10 different make-up. So it is on us as a school and as Boards to be aware of that.

11 Yeah, limited resource, and in the absence of not being able to get Māori or Pasifika
12 students -- staff in there, I think it's also important for all staff to become more
13 knowledgeable to you know, there's a movement in the curriculum, training with that to be
14 more aware of Te Ao Māori, Pasifika ways of being, how to respond appropriately, to
15 increase – I think that's the environment we're in and building our staff for that is important.

16 **COMMISSIONER ERUETI:** Kia ora, thank you, thank you to all of you, kia ora.

17 **CHAIR:** I have just got one area that hasn't been covered at all. You talked about the changes and
18 you're no doubt referring to cultural changes over the years, the school looks different now
19 in terms of its recognition of diversity, cultural diversity. What about the rainbow students,
20 is there provision for giving them a safe space, giving them support, et cetera? Everyone's
21 nodding so who wants to speak about that?

22 **MR FERREIRA:** Recently it was actually -- it was the middle of last term I had a guidance
23 counsellor come and speak to me about that topic, about that issue. I met with a group of
24 students who wanted to set up a diversity group and I said yeah, that's great. I did it in my
25 old school. We had a staff member who was particularly active in that. And all I wanted
26 from them was -- I just said, look, we need to make something that's sustainable, I don't
27 want it to fall over next year. It needed to be led by senior students, there needed to be
28 some sort of succession planning, and that the guidance counsellor and myself were, we
29 were particularly keen that it did happen because our students do need to have a safe space.
30 As a school we need to be accepting of all students.

31 So my hope is that will continue and that next year -- well, this year, and next year –
32 that will then follow on so that we can ensure that those students will want to come to
33 school and feel accepted.

1 **CHAIR:** Thank you.

2 **DR COUCH:** And in the recent past we've had students who are openly gay who are part of the
3 senior leadership in the school and that's certainly accepted.

4 **CHAIR:** Thank you for that.

5 Right, we've now eaten into even more of our valuable time, but that's all right.

6 **MS McKECHNIE:** Ma'am, I just have two small questions in re-examination arising from Mr
7 Thomas's questions, if I may.

8 **CHAIR:** Yes.

9 **MS McKECHNIE:** First, perhaps, if I can just refer the Commission. In relation to the more
10 serious contemporary allegation of sexual fondling, it was reported to the Teachers
11 Council,-- that's recorded at paragraph 19 of the appendix for your records.

12 The other question I just wanted to ask you all, I'm not sure Mr Thomas quite fairly
13 summarised your evidence in relation to knowledge of barriers. Your evidence was that
14 you,- and this is from 41 in your evidence, Rob, and 67 in yours, Sean, that you're not
15 aware of barriers specific to the college about reporting harm. So just to clarify, you are
16 aware of the wider barriers for teenage boys. But it's your evidence that you're not aware of
17 anything structurally at Silverstream that is different that is a particular barrier that you can
18 remove; is that your evidence-?

19 **MR FERREIRA:** That's correct.

20 **MR MAHONY:** Yes, that's correct.

21 **CHAIR:** Thank you. In the fine tradition of leading questions that we've all indulged in
22 throughout this Commission, that's fine. All right.

23 May I, on behalf of the Commissioners, thank you three most sincerely. I
24 appreciate it's difficult coming in with things happening in the past that have been so bad,
25 but also acknowledging things that are happening now and your desire to make sure that the
26 children in your care are safeguarded, and we appreciate that.

27 We appreciate your interest in the Commission and it's gratifying to hear that the
28 Commission itself has made you more aware and more interested in specific details that
29 have come to light and I think that's an important part of the Inquiry's work, not just waiting
30 for the final report but learning as we go. And I think the Commissioners appreciate your
31 openness about that, so thank you very much, and you are now free to leave, so you can
32 vacate the witness box. We'll stay where we are.

33 And I'll invite Ms McKechnie to give her opening statement of the second part of

1 today's proceedings.

2 **MS McKECHNIE:** Thank you, ma'am. Again, as with this morning, we have copies for the
3 Commissioners. This will be published online I believe if not now, then momentarily, so
4 people can follow remotely and it will be sent through to Counsel Assisting.

5 **CHAIR:** Thank you.

6 **MS McKECHNIE:** Commissioners, before I begin, ma'am, if we can clarify just for the planning
7 of the witnesses who are coming after lunch, I have 15 minutes to open now, and I
8 understand we're going to go to a lunch adjournment, so that's quarter to 1. What time will
9 you be resuming, ma'am?

10 **CHAIR:** I think we'll shorten it, if we resume at quarter to 1, if returned back, if we came back at
11 1.30, that would give us three-quarters of an hour for the lunch break, is that suitable?

12 **MR THOMAS:** Yes, please, Madam Chair, that's suitable.

13 **CHAIR:** For the purposes of your witnesses who follow they should be ready by 1.30.

14 **OPENING STATEMENT BY THE CATHOLIC BISHOPS AND**
15 **CONGREGATIONAL LEADERS**

16 **MS McKECHNIE:** Thank you, ma'am, we'll ensure that they are.

17 Madam Chair, Commissioners, those listening, we now move to the second part of
18 the evidence from the Catholic Bishops and Congregational Leaders today which I
19 understand the Commission is referring to as the institutional response.

20 Again, ma'am, Commissioners, you have heard the acknowledgements from the
21 many Catholic witnesses who have given evidence already in the Commission, and you will
22 hear evidence acknowledging and re-committing to those acknowledgements this
23 afternoon.

24 We are very mindful that this is the last time that members of the Dioceses and
25 Congregations of the Catholic Church will be speaking to you in a public hearing. In
26 closing submissions later this week we will attempt to draw together some of the themes
27 and threads of all of that evidence and the material that you've been provided with. But to
28 provide some context, particularly for those who are listening and are not aware of all the
29 efforts that the Commission is making in the background, I'll briefly summarise.

30 The Bishops and Congregational Leaders of the Catholic Church in New Zealand
31 have been served with 33 notices to produce documents in evidence. And in response to
32 that they have filed 60 submissions, 14 substantive submissions, like the one I'm giving
33 now, and more than 150,000 historical documents to the Commission. There have been 19

1 witness statements and 14 briefing papers.

2 The scale of this response underscores the seriousness with which the Bishops and
3 Congregational Leaders take this Commission and their engagement with it.

4 As you know, Commissioners, they asked to join this Commission and have
5 engaged as a matter of great seriousness and concentration with your kaupapa.

6 Much of the evidence that is prepared on behalf of the Catholic Church – and this is
7 evidence you're going to hear this afternoon, Commissioners – is done in the form of
8 briefing papers. I'm going to take a moment to explain those, because they are not a thing
9 that you find in an ordinary court because this is a Commission of Inquiry, and the scope of
10 your terms of reference.

11 It's a process that is being used where there's no single individual that has sufficient
12 knowledge, or if there was such an individual they're now dead.

13 So these are prepared by the legal team, Commissioners, from the historical records,
14 sometimes by interviewing a number of people if there are still witnesses alive or
15 individuals who are aware, and from secondary sources.

16 To prepare this material and the scale of the response, this has been coordinated
17 through the TRT [Te Rōpū Tautoko] process with which Commissioners are familiar.

18 For the approval process of these documents, across that huge range of our 50
19 clients, they are usually signed off by the Chair of the TRT Governance Committee. This
20 has been necessary due to the scale of your requests and the timeframes, tight timeframes
21 for responding. As a result, the witnesses who give evidence today can only speak to their
22 memories and their own opinions, as you heard Tim do this morning.

23 But in many cases, they're not familiar with the historical documents; even if they
24 have seen the historical documents in preparation, they're not familiar with the decisions
25 that those documents record.

26 So, unavoidably this afternoon, there will be more evidence where they cannot
27 speak to what was in the minds of the decision-makers.

28 Commissioners, part of the reason for this breadth and complexity is the size of the
29 Church. I was thoughtful in listening to the evidence on Thursday afternoon that there's
30 quite a contrast between the community that gave evidence on Thursday afternoon and the
31 community that is giving evidence today.

32 10% of the New Zealand population identify as Catholic, 470,000 people. And, of
33 course, it is a global faith of more than a billion.

1 In New Zealand, Commissioners, the Catholic faith contains many different cultures
2 and ethnic groups and they are all combined in their faith, but the particular nature of their
3 faith often differs, because it is informed and enriched by the ethnic and cultural practices
4 that they bring to the faith.

5 Within the community there are individuals, such as bishops and congregational
6 leaders, with specific leadership roles and responsibilities, but they're often shared and
7 they're overlapping, and they're simultaneously independent, which the Catholic leaders are
8 very aware makes it very complicated for the Commission.

9 There are six Dioceses in New Zealand, and more than 60 Congregations have had a
10 role in New Zealand at some point in the history of the Catholic faith here. 39 of them are
11 represented through TRT. They are all independent of each other, and simultaneously part
12 of the same faith.

13 That means that since 1950, the scope of your terms of reference, there have been
14 428 unique Catholic parishes, 393 schools and more than 65 care institutions, and as you
15 heard me say this morning, there remain 236 schools, the care institutions now are vastly
16 reduced in scale and there are no care institutions in the classical form still run by entities
17 within the Church.

18 But given this diversity and complexity, no individual can speak for “the Church”.
19 The leaders can speak for their own diocesan and congregational views and they will do
20 that this afternoon.

21 But there do continue to be collaborative processes and a response to harm, what
22 this Commission is looking at, is actually one of those examples. The Church first came
23 together in the 1990s when the knowledge of this issue began to surface, and A Path to
24 Healing was first promulgated. And over the last 25 years, that process has been refined
25 and improved, and the coordination has continued to improve.

26 That led to the National Office of Professional Standards being created in 2004 and
27 the National Safeguarding and Professional Standards Committee, perhaps another pithy
28 title for today, Commissioners, was also created in 2004, and Dr Paul Flanagan, who's
29 giving evidence this afternoon, is a member of that Committee. That is a national
30 governance body that has been tasked by the Mixed Commission – which, for those of you
31 who don't hold Catholic structures in your mind every moment, to remind you, is a
32 combination of the New Zealand Catholic Bishops Conference and the Congregational
33 Leaders of Aotearoa and New Zealand (CLANZ) – they come together to have meetings

1 and make decisions on occasion – they have tasked that Committee with governance of
2 both safeguarding and of professional standards.

3 So the evidence that you're going to hear today, Commissioners, is necessarily a
4 thin snapshot of all of that diversity. And it's going to focus in three areas, and I'll briefly
5 outline now for you and those listening, what you can expect to hear this afternoon.

6 And this is in response to what the Commission have requested of the Church.

7 The first session, Commissioners, is the retired Bishop of Auckland, Bishop Pat
8 Dunn, and the current Bishop of Auckland, Bishop Steve Lowe, they've been asked to give
9 evidence. Bishop Pat retired in February this year after 27 years as the Bishop. That was
10 due to the serious deterioration of his eyesight. As you will see when he's in the witness
11 box, his ability to review material is now essentially almost gone, very sadly.

12 As a result, he has prepared a short witness statement in relation to a priest you have
13 heard evidence about, Sateki Raass, a former priest from the Tongan chaplaincy in
14 Auckland, and those are the matters he's going to be asked questions about today. He's
15 going to be accompanied by Madeleine Holmes who is a member of our legal team who
16 will sit with him and assist.

17 Bishop Steve became the Bishop of Auckland on Pat's retirement and he remains
18 the Apostolic Administrator of Hamilton until a new bishop is appointed. Bishop Steve's
19 evidence today focuses on the briefing paper about Immigrant Clergy and Religious and in
20 particular the process for bringing immigrant priests into New Zealand to minister.

21 Now, Bishop Steve didn't prepare that document, Commissioners. It was
22 predominantly drafted by Ms Gwynn, who was sitting next to me before, by reference to
23 the historical records, but he does have personal experience of sponsoring overseas priests
24 into New Zealand and has recently brought in some strength and changes in that process.
25 He's also familiar with the Religious Workers Visa that Immigration New Zealand have
26 recently brought in and why that was brought in, and he will be answering questions about
27 that.

28 I'm also conscious, ma'am, that in the afternoon Sue France will be giving evidence
29 and you may have questions for her about the sponsoring of sisters into New Zealand,
30 which is a process she is familiar with.

31 The second session will be John Dew, the Archbishop of Wellington. He has been
32 asked to give evidence about a recent investigation into the historical actions of Bishop
33 Kavanagh. Bishop Kavanagh was the Bishop of Dunedin, and Kavanagh College on the

1 hill in Dunedin was named after him. And there were some allegations brought relatively
2 recently, firstly to Bishop Dooley, the Bishop of Dunedin, which were then sent to John,
3 about Bishop Kavanagh's failure to act or alleged failure to act in relation to two men who
4 had been offenders in Dunedin.

5 As John is the Metropolitan of New Zealand, he's responsible, under the direction of
6 the Vatican, for investigating the actions of Bishops. In this instance, because Bishop
7 Kavanagh is dead, the Vatican did not require this matter to be investigated. However,
8 John decided that it should be, and tasked NOPS with undertaking an independent
9 investigation. He then received the report, and the matter was transferred to Bishop
10 Dooley, and John is here to answer questions about that process.

11 Having received the report, Bishop Dooley in Dunedin has decided to change the
12 name of the college, and Bishop Dooley is here today and if the Commissioners have
13 questions in relation to that he is happy to accept those.

14 The final session, Commissioners, is about reflections looking forward and looking
15 back. And this, Commissioners, is in relation to a list of questions that we received, which
16 I understand all the faiths giving evidence this week have broadly received the same
17 questions, thinking about some of the big themes.

18 Now, Commissioners, as there is no single entity called "the Catholic Church"
19 you're going to hear from three leaders this afternoon and they're going to sit together in the
20 witness box. John Dew is going to give evidence, Sister Sue France, the Congregational
21 Leader of the Sisters of Mercy, is going to give evidence, and Dr Paul Flanagan, who is a
22 lay member of the National Safeguarding and Professional Standards Committee. They are
23 supported by Ms Virginia Noonan, who you know, who is the director of NOPS [National
24 Office for Professional Standards], and by Kevin Shore, and both Virginia and Kevin will
25 be sitting with me and, again, if there are specific questions the witnesses may refer them to
26 their advisors or the Commissioners may have questions.

27 Commissioners, we're adopting a similar process used in the Crown hearing, where
28 these leaders, particularly Sister Sue and John, are the chief executives, essentially, of very
29 large organisations and they delegate many of these matters. So if these advisors can assist
30 that is why they are here both to help the witnesses and to help the Commission.

31 In the last few minutes I have of this opening submission, Commissioners, I'd like
32 to emphasise four key features of the evidence you're going to hear this afternoon. The
33 first, and these are all changes currently being made which I anticipate will be of particular

1 interest to the Commission. The first is that the Path to Healing process is under regular
2 review and as part of the recent evidence that Ms Noonan gave, you may remember that a
3 number of requests were made of her and her office in relation to that. And this is
4 informing the review of a Path to Healing at present, it is currently going out for – I
5 understand it's in the process of consultation from stakeholders at the moment.

6 Dr Paul Flanagan speaks to some of that in his evidence.

7 Secondly, Commissioners, as you know from previous statements to you, the
8 Bishops and Congregational Leaders support the independent redress scheme for survivors.
9 And at present they are actively engaging with the Crown Response Unit through TRT
10 supported by a number of the managing -- the general managers of the Dioceses to do that
11 work on behalf of the wider Church, so John Prendergast-- John is General Manager of the
12 Diocese of Wellington as a part of that group -- engaging with how that redress scheme can
13 respond to survivors and what the Church entities can learn from that as it is being stood
14 up.

15 The Church is very aware that it's not going to be created tomorrow and,
16 accordingly, these processes need to be refined in the meantime as well.

17 Thirdly, Commissioners, following the release of your report, the Congregational
18 Leaders and Bishops have met and agreed on what they refer to as a road map. There is a
19 copy of that road map on the back of my opening submissions. It's a public document,
20 Commissioners, it's available for anybody to see and review on the TRT website.

21 Now, the purpose of this is how the Church can respond to the recommendations
22 and themes from you and your report while this Commission continues to be underway.
23 They don't want to wait until your final report and hence have committed to these steps.
24 They focus, Commissioners, on reviewing structures, reducing barriers to disclosures, and
25 improving processes of the Church to be more survivor informed while we wait for your
26 final recommendations and for whatever redress scheme is ultimately created by the
27 Crown.

28 To be publicly accountable, these are available online and we encourage anybody
29 listening, and the Commission, to engage with those. Bishops and Congregational Leaders
30 want to be held to account.

31 The fourth theme I'll emphasise in my opening is the importance of transparency.
32 The Bishops and Congregational Leaders have heard the greater calls for transparency from
33 the Catholic community, from survivors, from the Commission. And as part of that, as the

1 Commission is aware, during the last four years TRT has undertaken a statistical research
2 project across all the Catholic entities in New Zealand. That had never been done before
3 prior to the Commission. That was looking at all the records that are held of events of
4 harm. Those events are themselves very varied from the most serious to a much more
5 minor,- a swear word or an inappropriate tap on the ear,-- through to matters of great harm
6 and criminal activity.

7 The records themselves are very varied. Some of them are full investigation files,
8 some of them are a phone call where somebody rang and said, "I was hurt I want to talk to
9 somebody", and never rang back. We don't know necessarily even who that person was
10 that they were complaining about. But what the Dioceses and Congregations have done is
11 assemble all those records such as they hold them – and they acknowledge that they may
12 have never have been recorded – but such as they hold them, and that information has been
13 publicly released. It, of course, has been provided to the Commission but it also has been
14 published on the TRT website so the community, the Catholic community, the survivor
15 community, the wider community can see that information.

16 And that is a fundamental commitment that the Bishops and Congregational
17 Leaders took to transparency.

18 So those are the four themes in terms of the changes that are currently underway.
19 Looking to the future, in the last moments of my opening, Commissioners, as part of the
20 road map, the Church leaders have committed that changes are needed and I will close my
21 opening by just repeating one of the statements from the road map. The leaders have
22 acknowledged that the release of your report is an opportunity to reset the Church's
23 relationship with survivors, to bolster efforts of safeguarding and to re-shape their response
24 to reports of abuse and harm, historical, contemporary and into the future. And I anticipate
25 that you will hear more about that this afternoon.

26 **CHAIR:** Thank you, Ms McKechnie, gives us a very good outline of where we're going to go
27 once we've had lunch. So thank you very much for that and just to remind everybody, both
28 here and on the livestream, that we will resume again at 1.30.

29 **MS McKECHNIE:** Thank you, ma'am.

30 **Lunch adjournment from 12.46 pm to 1.33 pm**

31 **CHAIR:** Good afternoon, Ms McKechnie.

32 **MS McKECHNIE:** Commissioners. For this session, Commissioners, I will be supported by Ms
33 Sarah Gwynn, Ms Noonan and Mr Shore.

1 Bishop Pat and Bishop Steve are both in the witness box. Do you want to begin
2 with the attestation, ma'am?

3 **CHAIR:** Yes, we will.

4 **BISHOP DUNN AND BISHOP LOWE (Affirmed)**

5 **MS McKECHNIE:** Ma'am, just a couple of housekeeping matters before we begin.

6 **CHAIR:** Certainly.

7 **MS McKECHNIE:** Bishop Pat has an iPad with him that has a magnifying feature with him. I
8 have spoken to my friend Mr Thomas and, on Ms Anderson's behalf -- she is beaming in
9 from outside the room -- he's comfortable with that.

10 He also has a magnified copy of his witness statement in larger print if
11 Ms Anderson wants to take him to some paragraphs.

12 Bishop Steve has a copy of the Briefing Paper for Clergy and Religious. Both of
13 these documents, Commissioners, come in two parts. There is an open part which will be
14 published, as I understand it, on the Commissioners' website, and there is a confidential
15 part; the first in relation to Sateki Raass because it contains information about his victims,
16 and the woman who made complaints, and the other because it contains information about
17 the immigration status of priests, the witnesses both know they should answer generally if
18 possible, but there may be questions that -- they will indicate to me and to you if they don't
19 feel they can answer them in this forum.

20 **CHAIR:** Absolutely. We must respect the rights of those people who, for good reason, have had
21 their names suppressed.

22 **MS McKECHNIE:** I'm very conscious, ma'am, a number of them are no longer priests and so we
23 don't act for them and so we can't represent their interests.

24 **CHAIR:** Exactly. Thank you. And just for everybody to note, that Ms Anderson who is leading
25 this evidence today hasn't been well and feels safer to be in a room which is not too far
26 away from us but you can see her on the screen.

27 Pat, can you see Ms Anderson at all, can you make out her image?

28 **BISHOP DUNN:** Yes, ma'am, I can make out her image but not see her clearly.

29 **CHAIR:** That's fine. The main thing is if you can hear her and we'll test that out shortly thank
30 you.

31 **QUESTIONING BY MS McKECHNIE:** Bishop Pat, if I could start with you, please, could you
32 briefly introduce yourself to the Commission and physically describe yourself.

33 **BISHOP DUNN:** Physically describe myself. Commissioners, I'm Pat Dunn, the former Bishop

1 of Auckland. I'm wearing a blue jacket and a white shirt and as you look at this witness
2 stand, I am on your right.

3 **MS McKECHNIE:** Thank you, Pat. Bishop Steve.

4 **BISHOP LOWE:** Tēnā koutou katoa, Commissioners, I'm Steve Lowe, I was, for the last seven
5 years, Bishop of Hamilton but since February of this year Bishop of Auckland.

6 **CHAIR:** Thank you.

7 **MS McKECHNIE:** And Steve, in the opening I refer to you as the Apostolic Administrator of the
8 Diocese of Hamilton. It's quite a technical term, can you explain what that means.

9 **BISHOP LOWE:** I've still got technical oversight for the Diocese of Hamilton, it's looked after
10 day-to-day by a local administrator but for all the bigger decisions or issues it's my
11 responsibility.

12 **MS McKECHNIE:** Thank you, Steve.

13 I have 10 minutes, ma'am, to lead evidence from the witnesses and so I was going to
14 lead five minutes from each of them. I understand Ms Anderson is going to ask questions
15 across the range of issues, if that suits the Commission.

16 **CHAIR:** You use your 10 minutes the best way you think you should, thank you.

17 **MS McKECHNIE:** Thank you, ma'am.

18 Pat, I'd like to start with you. As you know, the Commission asked you to prepare a
19 brief of evidence in relation to Sateki Raass who is a former priest and was the Tongan
20 chaplain here in Auckland. And there were three allegations brought to you over a period
21 of time and, Commissioners, we're going to use the phrase "first allegation", "second
22 allegation" or "first complaint", "second complaint" to distinguish them.

23 The third complaint, Commissioners, was the one that Ms CU gave evidence about
24 in the Pacific hearing, so we'll use Ms CU's name or "third complaint", that's what I've
25 agreed with Ms Anderson as the best way to do it.

26 **CHAIR:** Yes.

27 **MS McKECHNIE:** In your witness statement, Pat, you have reflected on the experience of these
28 complaints and your actions and so in opening I'd like, if you could share those reflections,
29 with the Commission.

30 **BISHOP DUNN:** Yes. On reflection I felt that we tried to address each of the complaints as best
31 we could and I feel we did do as best we could. One further reflection I had when
32 preparing my statement was the feeling that perhaps it might have been helpful to have
33 sought advice from some Tongan advisor or leader because one of the challenges I and the

1 Professional Standards Committee in Auckland, which was existing before the National
2 Office was established, we felt we couldn't quite get into the Tongan mentality, if you like,
3 and sort of to, I don't know, to make progress.

4 So one of my reflections was that it might have been helpful for me to have had
5 some sort of a Tongan advisor, but since writing that reflection I've actually had further
6 reflections and I'm not sure that any one of the three complainants would necessarily have
7 wanted to have me seeking advice from a Tongan person, because they were all concerned
8 with confidentiality. And it actually reminded me that on one occasion we did have a
9 Tongan counsellor on our Professional Standards Committee and I can remember there was
10 a complaint that involved a Tongan person and they specifically did not want the Tongan
11 counsellor involved in processing their complaint.

12 So it still remains something of a challenge for me, on just what the way forward is,
13 or how best to proceed in this sort of situation.

14 **MS McKECHNIE:** You do talk in your witness statement, Pat, about the involvement that the
15 Tongan community in particular here has had in some of the safeguarding measures. Can
16 you summarise those for the Commission.

17 **BISHOP DUNN:** In recent years throughout the Diocese there's been a safeguarding plan
18 implemented and certainly members of the Tongan chaplaincy and Tongan Catholic people
19 in the chaplaincy but also in a whole variety of parishes have attended the formation
20 programmes, if you like, or the workshops, and so my sense is that they do have a good
21 awareness of the need for safeguarding and the steps that need to be taken. All the
22 safeguarding documentation has been translated into most of the, most of, many of the
23 languages currently being used within the Diocese and certainly in Tongan too.

24 **MS McKECHNIE:** Thank you, Pat. There's one very specific structure that you refer to in your
25 evidence about Sateki Raass and that's following him being removed as a priest and his
26 ministry being limited. There were some restrictions placed on that from the Vatican and
27 you used your powers as the Bishop to override some of those restrictions and it's quite a
28 particular canonical process, so I just want to ask you a couple of questions about that so
29 you can explain that to the Commissioners and to the public.

30 So, firstly, before we talk particularly about Raass, what is the practice of overriding
31 of restrictions as a Bishop and why might you do that in a particular situation?

32 **CHAIR:** First of all, if I can ask, what is an overriding restriction?

33 **MS McKECHNIE:** Overriding of the restrictions, ma'am.

1 **CHAIR:** Thank you.

2 **BISHOP DUNN:** When the Vatican issues, when someone applies to be dispensed from priestly
3 ministry, they receive a document granting that dispensation if it is granted, and then there
4 are a number of restrictions, basically that those who have been dispensed are instructed not
5 to play any public role in the life of the Church. And I sort of hadn't really noticed that, but
6 also it's like a default position on a letter, so the letter received by Sateki Raass, while it had
7 his name in it, it was a proforma letter.

8 A number of priests who have received dispensation from priestly ministry had
9 mentioned to me over the years that they felt very hurt by some of these restrictions that
10 they were not to play any public role in the life of the Church, and that they felt as if the
11 message being given was that "Just drop dead" almost.

12 So I thought that the Vatican really is dealing with a global Church and my
13 perspective is that they were wanting to avoid scandal so those proforma letters of
14 dispensation would be sent to priests who have been dispensed right around the world, in
15 North or South America, in Africa or in Asia or in Oceania or in, really, every country, and
16 where a priest left the priesthood could be a cause of great scandal in some cultures or in
17 some countries, my experience in New Zealand is that New Zealand Catholics generally
18 might feel sad if a priest leaves the priesthood, but that they really wanted them to get on
19 with their life and often if they had teaching skills, they had many pastoral skills, that they
20 should be encouraged to use those, but not in a form that would cause confusion for people
21 or cause distress or upset.

22 So it became my practice then when a priest did leave the priesthood and received
23 this dispensation that I would write a letter dispensing them from these restrictions, but also
24 my communication with them was not just by letter but also by conversation. So I would
25 have said, look, if the opportunity arises and if you're asked to help with a religious
26 education class or something like that, if it's not going to cause scandal then that's quite
27 okay by me and I suspect it's quite okay with many of the parishioners, but sort of be
28 guided by your own common sense and also by whatever the local parish priest might want
29 to say too.

30 So I did the same thing with Sateki Raass. In my statement I say probably with
31 hindsight that that wasn't the wisest decision, but that was the background.

32 **MS McKECHNIE:** So, Pat, just one final question of clarification. Sateki Raass has a conviction
33 which is why we can refer to his name. But this process of dispensation, is it only used for

1 priests who are leaving because of inappropriate behaviour or is it used more generally?

2 **BISHOP DUNN:** No, it's used more generally for any -- priests, you know, from time to time
3 someone decides that they don't want to continue in the priesthood, and it could be for a
4 variety of reasons, so they can then apply for -- if it's something they feel they have to
5 proceed with, they can apply to be dispensed from the obligations of the priesthood.

6 **MS McKECHNIE:** Thank you, Pat.

7 Steve, I also have some questions for you. This is changing tack somewhat and
8 speaking more generally about matters of immigration.

9 The Royal Commission asked for a briefing paper in relation to immigrant priests
10 and the process of immigration and the number of specific priests' particular details, so I'm
11 going to ask you those general questions rather than specifics.

12 But to start, why do priests from overseas or Religious from overseas come into
13 New Zealand to minister?

14 **BISHOP LOWE:** Traditionally the Church in New Zealand has never been able to be
15 self-sustaining in the number of priests or Religious that we have. The big change to that
16 was after the Second World War when there were a lot of Religious vocations to priesthood
17 and Religious life, churches were full, but the situation we have now is more normative.
18 So, in the past, many older Catholics will remember we had lots of Irish priests, now we
19 have priests from the Philippines, India, the Pacific.

20 **MS McKECHNIE:** What steps are put in place -- this is in two parts I think, I'll ask you first
21 about the Church processes. If a priest is coming into your Diocese, what Church processes
22 are put in place?

23 **BISHOP LOWE:** First of all, it's how the priest makes contact with us. We get priests just
24 sending out emails to various Dioceses saying I'd like to come and work in your Diocese.
25 At other times we might be looking for particular priests to come and work in our Dioceses
26 as well. So there's an initial assessment when the first request comes in, and a look at the
27 needs of the local Diocese, and then the process of screening them will begin.

28 In more recent years we've got a standardised screening questionnaire for the whole
29 country. But always, it's always been the tradition that we'd be looking for priests or
30 Religious in good standing. But, as I said, now we've got a more formalised process.

31 With myself in the Diocese of Hamilton and now in Auckland we also do Skype
32 interviews and in Auckland we've got a couple of women involved in that and a priest and
33 myself, and so we're looking for a whole lot of things, whether they'll be a good fit. But

1 there is the normal screening sort of questions, are they a priest in good standing, are there
2 any issues that they've got.

3 Then alongside that there's the Immigration New Zealand requirement of Police
4 vetting as well.

5 **MS McKECHNIE:** Steve, who do you ask, the priest of good standing question, who is that
6 directed at?

7 **BISHOP LOWE:** So we ask it of the priest himself, so he's got one questionnaire and also we ask
8 it of his Superior or Provincial if he's a Religious.

9 **MS McKECHNIE:** In terms of the immigration processes, there was a quite important change in
10 2011 with the religious workers visa coming in, and I know you know quite a lot about that.
11 Are you able to explain to the Commission, firstly what that is and, in your view, why
12 Immigration New Zealand brought it in.

13 **BISHOP LOWE:** Yeah, so the religious workers visa was a recognition that churches quite often
14 operate quite differently. So for priests in New Zealand, you know, whether a religious
15 priest or a diocesan priest like myself, we get a stipend, so we're not an employee, so we
16 belong to a Religious order. So a lot of the things for a worker visa didn't really fit. Also,
17 because we don't get a salary such as a normal -- a teacher, for example, or a lawyer, there
18 has to be all sorts of guarantees by the sponsoring Diocese or order that will look after the
19 person, their medical expenses, repatriation, all those sorts of things.

20 The other area, this was really interesting and important for, was for seminarians
21 who are going to come in from another country to train to be priests in here. Some of them
22 had already been in a seminary overseas. It was really problematic with what we wanted to
23 do with them, when we wanted them to have an experience of parish, so give them an
24 opportunity to assimilate into our local culture, but also let us have a good look at them.
25 Then they'd come to the seminary and we would want them to repeat the first year of their
26 studies which was more formative and, again, it was about forming them for the
27 New Zealand culture, and then finally they might be doing full-time study. So it was three
28 different visas that we needed. So it was an absolute disaster, and very difficult for us to try
29 and manage with those students so they got the best formation available when they arrived
30 in New Zealand.

31 So the religious workers visa solved all those issues.

32 **MS McKECHNIE:** Thank you, Steve.

33 Now, I understand Ms Anderson has some questions, I think, Pat, she's both on the

1 screen in front of you and over your right shoulder if it's easier to see her on that screen, but
2 I'll leave you with Ms Anderson.

3 **CHAIR:** Thank you, Ms McKechnie.

4 Ms Anderson.

5 **QUESTIONING BY MS ANDERSON:** Tēnā koutou katoa, ko Katherine Anderson tōku ingoa.

6 **BISHOP DUNN:** Kia ora.

7 **MS ANDERSON:** For those who are not able to see me, I am of short stature with medium-length
8 blondish hair, I'm wearing a cream jacket and a silver necklace over a black and white
9 dress.

10 Just in terms of how you'd like me to refer to you while you're answering questions,
11 is it -- would you prefer Pat and Steve or --

12 **BISHOP DUNN:** Pat is fine.

13 **BISHOP LOWE:** That's fine, thank you.

14 **MS ANDERSON:** And Pat, as we go through, in terms of your visual difficulties I'm going to be
15 talking to you about a range of evidence from the documents and we can have a
16 conversation, but if you need to see the document and refresh your memory, we can pause
17 and you've got a support person there who can either read some of the document to you
18 and, of course, Steve is there to make sure that the words that are being put to you as being
19 in the document are correct.

20 **BISHOP DUNN:** Thank you.

21 **MS ANDERSON:** We'll just move slowly through it, but don't hesitate to pause if you think you
22 need to see the document before you answer any of my questions.

23 First of all, just to set the scene, just some background information in broad terms. I
24 think we can agree that Father Raass was an ordained priest in Tonga by the Bishop of
25 Tonga in the mid-2000s. Is that your understanding?

26 **BISHOP DUNN:** Yes, that's correct.

27 **MS ANDERSON:** And he had a couple of appointments to various ministries in Tonga -- it was
28 mid-2000 when he was ordained, he had a couple of ministries in Tonga and a couple of
29 transfers. Now, I'm just going to -- one of the documents I wanted to ask you about is
30 there's a document on file that's been held by the Auckland Diocese and provided to the
31 Inquiry which is an anonymous letter, quite possibly a translation of a letter that was
32 written in 2005 raising some concerns about Father Raass in the period before he came to
33 New Zealand; do you recall that document?

1 **BISHOP DUNN:** The document was held in the archives of the Diocese of Tonga not in
2 Auckland. I only found out about that -- a letter when it was mentioned in one of the
3 Sunday newspapers and subsequently spoke to Cardinal Mafi, who is the Bishop of Tonga.

4 **MS ANDERSON:** That's quite late in the piece, isn't it?

5 **BISHOP DUNN:** It is, yeah.

6 **MS ANDERSON:** That you've had knowledge of that letter, and it was in that, when I say quite
7 late in the piece, this is probably in 2021, isn't it, that you've had the --

8 **BISHOP DUNN:** Correct.

9 **MS ANDERSON:** -- (inaudible) about that. And that you'd learned also at that time about
10 another document which was a letter of apology that Father Raass had sent to the Bishop of
11 Tonga relating to his conduct in Tonga.

12 **BISHOP DUNN:** I'm not sure I've seen that letter.

13 **MS ANDERSON:** It's a letter in the which Sateki Raass conveys his sincere apologies to the
14 Bishop of Tonga for any shortcomings in relation to his ability to fulfil his roles and
15 responsibilities in the parish. So it's a bookend, I suppose, of the anonymous letter that
16 we've just been discussing.

17 **BISHOP DUNN:** Sure.

18 **MS ANDERSON:** And as part of your process for Father Raass coming to New Zealand, you
19 have gone through a formal process, haven't you, where you've required the Bishop of
20 Tonga to provide what is this document that the person is of good standing, and that's in
21 about 2005. Do you recall that you would have required that formality before agreeing to
22 have Father Raass in the Auckland Diocese?

23 **BISHOP DUNN:** Yes, that's correct. Can I just put that into a larger context, that within the
24 Diocese of Auckland there are about 15 or 16 ethnic chaplaincies and one of the principles
25 that the Diocese adopted quite a number of years ago, like maybe 20-plus years ago, is that
26 we believe that ethnic communities have the right to celebrate the liturgy in their own
27 language if a priest is available to serve them.

28 Now, from before my time as Bishop, so maybe for 30-plus years, the Bishop of
29 Tonga has, I don't even know how the practice began, but the Bishop of Tonga would
30 appoint a priest to serve the Catholic Tongan community in Auckland in the chaplaincy and
31 then would nominate that priest to the Bishop of Auckland saying that he would like to
32 appoint Father X, Y, Z. And that was the situation with Sateki Raass. So that Bishop
33 Foliaki wrote to me and said that he would like to appoint Sateki Raass, whom I would not

1 have known. I sent the ordinary forms to him, you know, to vouch for his good character
2 and they were duly signed.

3 **MS ANDERSON:** That's right, that's because the Tongan chaplain in Auckland is appointed by
4 the Bishop of Tonga, not by you.

5 **BISHOP DUNN:** Correct.

6 **MS ANDERSON:** But you're responsible for granting what's referred to in the technical term of
7 faculties --

8 **BISHOP DUNN:** That's right.

9 **MS ANDERSON:** -- (inaudible) whoever comes in. And so what you've received is certification
10 that there was no knowledge of any complaints of sexual abuse made against Sateki Raass,
11 or circumstances that could lead to a complaint of abuse, so that's what --

12 **BISHOP DUNN:** Correct.

13 **MS ANDERSON:** -- you've received on the documentation. What are the faculties that you'd be
14 responsible for granting, using Sateki Raass as an example.

15 **BISHOP DUNN:** It's a technical term, it's really giving him permission to do whatever he needs
16 to do to work as a priest in the Diocese. So it would be to celebrate the sacraments, to
17 preach, to care for the parishioners to whom he was appointed.

18 **MS ANDERSON:** But he's not, again, this is sort of a technical term, he's not incardinated into
19 the Auckland Diocese, is he?

20 **BISHOP DUNN:** No, no, he's not.

21 **MS ANDERSON:** For those not familiar with what that means, let's see if we can agree, the
22 effect of incardination is that the person is under the jurisdiction of a relevant Bishop, and
23 you can't be incardinated in two places at once?

24 **BISHOP DUNN:** That's correct.

25 **MS ANDERSON:** And the mirror part of that is excardination, so the Bishop of Tonga would
26 have to excardinate Father Raass for you to be able to incardinate him and that would be a
27 seamless process?

28 **BISHOP DUNN:** Yes, and he would only excardinate him if he had checked that the receiving
29 Bishop was prepared to incardinate him. So, in other words, no priest can be just floating
30 free, as it were.

31 **MS ANDERSON:** So what does that mean in terms of who's responsible and accountable for a
32 person like Sateki Raass who's come to New Zealand to work in the Tongan chaplaincy but
33 he's not incardinated but you've given him faculties to work, could you explain your

- 1 oversight role and the Bishop of Tonga's oversight role in these particular circumstances?
- 2 **BISHOP DUNN:** I think my understanding would be that he would be responsible to me, that the
3 Tongan chaplain would be responsible to the local -- to the Bishop of Auckland but remains
4 by origin, if you like, a priest of the Diocese of Tonga. And the practice was that Tongan
5 priests would come and serve for a term under the authority of the Bishop of Auckland and
6 then the Bishop of Tonga would appoint them somewhere in Tonga, or often to another
7 Tongan chaplaincy somewhere else overseas, whether in Australia or the USA or wherever.
- 8 **MS ANDERSON:** So is it that when Father Raass was here, is it solely your responsibility to
9 supervise him and to hold him to account for any shortcomings, or do you do that in
10 collaboration with the Bishop of Tonga?
- 11 **BISHOP DUNN:** No, it would be my responsibility.
- 12 **MS ANDERSON:** So on that basis, do you say the fact of not being incardinated means that there
13 is in fact no actual practical gap in accountability and responsibility?
- 14 **BISHOP DUNN:** Yes.
- 15 **MS ANDERSON:** For you as bishop.
- 16 **BISHOP DUNN:** Sorry, would you repeat the question?
- 17 **MS ANDERSON:** So there's no gap in accountability for you as Bishop by virtue of the fact that
18 Father Raass was not incardinated into the Auckland Diocese?
- 19 **BISHOP DUNN:** I think that sounds correct.
- 20 **MS ANDERSON:** Was there a convention with immigrant priests such as Father Raass where if
21 there was a complaint, report of abuse made against them that you would inform the Bishop
22 of the place where they are incardinated?
- 23 **BISHOP DUNN:** Generally yes, or the Religious superior if they were -- belonged to a Religious
24 Congregation, yes.
- 25 **MS ANDERSON:** So in relation to the three complaints that we're going to be talking about in
26 relation to Father Raass, have there been communications from you to the Bishop of Tonga
27 about the fact of those complaints being made?
- 28 **BISHOP DUNN:** There was about the first and the third complaint, but not the second complaint,
29 because the complainant in the second -- the second complainant, if you like, did not want
30 the complaint to be acted upon.
- 31 **MS ANDERSON:** We'll come on to that subject a little bit later.
- 32 **BISHOP DUNN:** Sure.
- 33 **MS ANDERSON:** Because that's the issue that we'll be exploring in part with you and in part

1 with Steve, the difficult area of either anonymous reports or where somebody's reported
2 something which may in fact reveal a safeguarding concern that should be addressed, but
3 the person may not want resolution for themselves in relation to that complaint. So I'm just
4 foreshadowing that we'll spend a little bit more time on that topic.

5 And do you recall that you met with **GRO-C** in August 2009 and you made a file
6 note of that conversation and this conversation arose out of Father Raass' request to transfer
7 from Tonga to Auckland, so he's already been in Auckland from 2006 to 2009, and then it's
8 a question of whether he's here on the same or a different basis and you're having a
9 discussion in 2009; do you recall that?

10 **BISHOP DUNN:** I don't recall that -- vaguely, but I don't recall that specific encounter, but **GRO-**
11 **C** would tend to visit Auckland two or three times a year, and so we'd often have a
12 conversation. And I do remember that Sateki did begin to ask about the possibility of
13 transferring to Auckland, so I did discuss that with **GRO-C.**

14 **MS ANDERSON:** And your file note records that the discussion was -- because it was a desire to
15 talk in person rather than to put things in writing and your note records that you were told at
16 that point on more than one occasion in Tonga there'd been concerns about what was
17 described in your note as closeness with particular women.

18 Do you recall that conversation where that phrase would have been mentioned to
19 you?

20 **BISHOP DUNN:** Yes, I do.

21 **MS ANDERSON:** And your note records in a square bracket that "I didn't know any of this". So
22 this is clearly the first point in time which you're receiving information that there may have
23 been some conduct of concern.

24 **MS McKECHNIE:** Ms Anderson, could we have the document number, please?

25 **MS ANDERSON:** I had understood that Ms McKechnie really wanted us to proceed without
26 calling up the documents.

27 **MS McKECHNIE:** I am not suggesting you call it up, but I would just like to follow along on the
28 copy I have and I'm not sure what document you're referring to.

29 **CHAIR:** Just the number, Ms Anderson.

30 **MS ANDERSON:** CTH0019441.

31 **MS McKECHNIE:** Thank you. And certainly I don't want Bishop Pat to have to have a guessing
32 game about what the document says, so if you need to call up the documents, please do.

33 **MS ANDERSON:** And so did it seem to you at that point, knowing in 2009 that there had been

1 these concerns about his closeness with particular women, that you'd received certification
2 in 2006 that indicated there was nothing of concern at that point in time?

3 **BISHOP DUNN:** My understanding is that Bishop Foliaki was aware of these concerns but could
4 never substantiate them. So he didn't know whether there was substance to them or if they
5 were gossip and he felt that with Sateki it was a bit like the tall poppy syndrome, I think
6 that was his expression, that Sateki was the subject of gossip, but he could never actually
7 nail down, if you like, a specific complaint.

8 **MS ANDERSON:** Well, the certification says he's not aware of any circumstances that could lead
9 to a complaint of abuse. So where you've got something reported, and it hasn't been
10 investigated, does that mean that the Bishop of Tonga was free to certify in 2006, in your
11 mind?

12 **BISHOP DUNN:** Clearly I don't know what the Bishop of Tonga's thinking was in 2006, but what
13 I suspect is that a little bit like the anonymous letter that surfaced, is that there was a letter,
14 but it was -- I can understand his predicament that he didn't know what parish they were
15 talking about, he didn't know who the complainant was, so I could understand, and I think I
16 would feel the same, that I wouldn't know where to start, that it wasn't -- I understand that
17 the letter was not postmarked, didn't know if it came from Parish A or B or C or D.

18 **MS ANDERSON:** My question is really, if you were -- obviously you're not now because you're
19 Emeritus Bishop, but before your retirement, would you also feel that it was appropriate to
20 certify that somebody was of good character, and faculties could be issued where there had
21 been a report of abuse but there hadn't either been an investigation into it or a determination
22 of that report of abuse?

23 **BISHOP DUNN:** I'm not sure that there'd been a report of abuse or a rumour of abuse. I mean,
24 I actually don't know, I don't know what was going on in Tonga, but if there were a report,
25 and I don't think there was, then I don't think that letter should have been signed. But I'm
26 not 100% sure that Bishop Foliaki had actually had a report, he'd had rumours.

27 **MS ANDERSON:** But isn't that the very thing that happens after something is disclosed about a
28 particular priest or Religious and then people later say, "Oh, there were always rumours
29 about that person", the fact that something's a rumour doesn't mean that there's actually a
30 safeguarding issue that might need to be accommodated in some way.

31 **BISHOP DUNN:** I'm sorry what was your question?

32 **CHAIR:** I think this is where there's smoke there's fire, or where there is smoke there may be fire
33 and maybe you should look for the fire before saying there's absolutely nothing going on.

1 **BISHOP DUNN:** Yes, ma'am, I think that was the issue, that no-one could find the fire.

2 **CHAIR:** But there was smoke.

3 **BISHOP DUNN:** There was smoke, yes.

4 **CHAIR:** All right. Okay.

5 **MS ANDERSON:** In terms of 2009, so effectively there is agreement that Father Raass will stay
6 on in New Zealand from 2009, but there's no further certification process required as that
7 step, so you're really relying on the original certification at that point, even though you've
8 had the conversation with GRO-C.

9 **BISHOP DUNN:** Correct. But just remember he wasn't incardinated, he's still on loan.

10 **MS ANDERSON:** That's right, well I think the language you used in your letter to the Bishop,
11 CTH0019694, in March 2010 was that Father Raass would be, this is in quotes, "under the
12 umbrella" of your Diocese.

13 So my question to you is, what does "under the umbrella" mean?

14 **BISHOP DUNN:** What it meant is that he was moving out of the Tongan chaplaincy and working
15 within the Diocese of Auckland outside the Tongan chaplaincy. I suspect that's what it
16 means.

17 **MS ANDERSON:** And I think that's probably right, isn't it, because he is not any longer working
18 for the Tongan chaplaincy, you're putting him in a parish.

19 **BISHOP DUNN:** Correct.

20 **MS ANDERSON:** And we see from the record, and we don't need to go into it in detail, but
21 there's support there from the Church for those immigration permissions, the visas that are
22 needed for Father Raass to be able to take up that work under the umbrella of your
23 Diocese?

24 **BISHOP DUNN:** Correct.

25 **MS ANDERSON:** Coming to what, as Ms McKechnie's signalled we're going to refer to as the
26 first complaint that you received, so this is -- you've had the 2009 conversation with
27 GRO-C and been alerted to some concerns that are not exactly recorded in your note what
28 those concerns are and then you receive a report of abuse in 2011 and we're not going to,
29 plainly, refer to the name of that person.

30 My question to you is, there was no step taken at that time to stand Father Raass
31 down from ministry on receipt of that complaint. Do you agree that he wasn't stood down
32 at that time?

33 **BISHOP DUNN:** He wasn't, that's correct, but we had our own -- the diocesan Professional

1 Standards Committee was what I was calling it, so the complaint went to them and I was
2 always kept at a distance from the actual complaint so that I was not an investigator, as it
3 were. And the -- so the Committee then, which had people that I regarded as fairly
4 well-qualified professionals, they then met with the complainant to find out more about
5 what was going on, and Sateki was notified that the complaint had been received.

6 **MS ANDERSON:** Yes, but the standing down decision would be yours, wouldn't it, it's not the
7 whole Committee's decision?

8 **BISHOP DUNN:** Yes, he would be stood down if that's what they advised.

9 **MS ANDERSON:** No, that's at the end of the investigation and a conclusion on whether to
10 uphold the complaint or not, I'm talking about the period between when a report of abuse is
11 made and that period that runs until there is a recommendation back to you from that
12 Protocol Committee.

13 **BISHOP DUNN:** That's right. What I was --

14 **MS ANDERSON:** My question is, wouldn't it have been prudent to stand Father Raass down
15 while the report of abuse was investigated?

16 **BISHOP DUNN:** It was really the report of an affair, a complaint about an affair and I -- my
17 practice was to let the Committee investigate to find out what the facts were.

18 **MS ANDERSON:** But you've drawn a conclusion on the facts just by your characterisation of
19 what's been reported to you.

20 **BISHOP DUNN:** No, a complaint was received, so it was referred to the Committee to
21 investigate.

22 **MS ANDERSON:** Somebody's come forward and reported sexual conduct, they haven't come
23 forward to say, "I was having a consensual affair", have they? They've reported abuse to
24 you.

25 **BISHOP DUNN:** Yes, I must confess I'm not quite sure that the complaint was of abuse -- well, it
26 was in some way in terms of threats.

27 **MS McKECHNIE:** Is there a file note or a record of the original disclosure that the Bishop could
28 be reminded of, given that he hasn't been able to review the documents in detail in
29 preparation?

30 **CHAIR:** Ms Anderson.

31 **MS ANDERSON:** Yes, this is document -- we'll just have to be careful about how it's called up
32 and displayed.

33 **MS McKECHNIE:** We can give the Bishop a paper copy if that would preclude any issues.

1 **CHAIR:** If you have that at the ready that would be helpful, thank you.

2 **MS ANDERSON:** The document is CTH0019563. But I don't want to get into a semantics
3 discussion about what's alleged here, I want to just start with an in-principle question that A
4 Path to Healing deals with a process for reporting sexual misconduct by priests and do you
5 accept that the scope of A Path to Healing and the references in that to abuse of a pastoral
6 relationship and power dynamic is the very reason why that kind of behaviour is firmly
7 within the scope of A Path to Healing?

8 **BISHOP DUNN:** The Committee at the time certainly would have been operating on the version
9 of A Path to Healing that was current at that time. Now, I don't know what that version
10 was, but they were certainly following those protocols and they did not recommend to me
11 that Sateki Raass be stood down until they had investigated.

12 **MS ANDERSON:** The process took some years, wasn't it, so that --

13 **BISHOP DUNN:** No. Yes, it was constantly delayed, but the -- I think the Committee really
14 wanted to find out what the complaint was.

15 **MS ANDERSON:** And so he's not been stood down. Did you -- was there any -- it doesn't seem
16 from the record that there was any consideration given to whether Immigration
17 New Zealand needed to be informed about the --

18 **MS McKECHNIE:** Ma'am, in fairness, when this documentation was prepared for the
19 Commission, it was very clear to the Commission that Bishop Pat has not reviewed his file
20 in detail because of his difficulties with his eyesight. So statements like "it's clear from the
21 record" and asking Bishop Pat to agree with it are unfair.

22 **CHAIR:** Ms Anderson, is there any reason why Bishop Pat cannot have or should not see the
23 document you're referring to?

24 **MS ANDERSON:** There's no document on the question I've just posed, Madam Chair, because
25 the point is the documentation doesn't show this, but I'll phrase the question in a different
26 way.

27 **CHAIR:** Are you referring to --

28 **MS McKECHNIE:** Can I give the file note of the initial disclosure to the Bishop so he can
29 refresh his memory?

30 **CHAIR:** There's no reason why he shouldn't see his own file note, so he can look at that.

31 **MS McKECHNIE:** In clarity, ma'am, it's not his file note, it is the disclosure of the phone call,
32 it's a note to the Bishop dated 26 August 2011.

33 **CHAIR:** So, just be clear, there was a phone call, a note was made of it and that note was given to

- 1 Bishop Pat, is that right.
- 2 **MS McKECHNIE:** I anticipate it was given to him. It's not clear on the face of the document,
3 ma'am, we will need to ask him.
- 4 **CHAIR:** Let's quickly sort that out. In fairness to you, let's see if you are able, with assistance...
- 5 **MS McKECHNIE:** As you can see this is -- so it's got your name at the top (inaudible) -- can you
6 read that?
- 7 **BISHOP DUNN:** No, I can't.
- 8 **MS McKECHNIE:** Pat is not to read that, ma'am. So there is only --
- 9 **MS ANDERSON:** I'll read out the first bullet point and, it's in front of Steve, I think. The first
10 bullet point is:
- 11 "She says it is of a sexual abuse nature where she has been verbally abused."
12 So that's the first bullet point in the note of the phone call.
- 13 **CHAIR:** Do you recall that, Bishop Pat?
- 14 **BISHOP DUNN:** Quite frankly I don't, but I don't in detail, but the allegation seems to be that she
15 was verbally abused.
- 16 **MS McKECHNIE:** Ma'am, there are references in this document to affairs, the priest admitting to
17 having affairs, etc. So it's not inconsistent with the Bishop's memory and if there was
18 anything is going to --
- 19 **CHAIR:** Just a moment, just everybody, Ms McKechnie, the document, I think the way we deal
20 with this is, I don't want submissions on the document, what I want is for Bishop Pat to be
21 given a fair opportunity to comment on something that he dealt with in the past, and needs
22 refreshing his memory. The way he refreshes his memory is a matter of practicality, and
23 whether -- how long is the document, please?
- 24 **MS McKECHNIE:** It's single page, ma'am, but it's quite close text. My concern, ma'am, is that
25 Ms Anderson's questions are proceeding on the basis of characterising it a certain way.
- 26 **CHAIR:** I know what your concerns are. I'm trying to ameliorate them. If you just take a seat.
- 27 **MS McKECHNIE:** (Inaudible) to the Bishop?
- 28 **CHAIR:** Have we got the document that can be shown to the Bishop and can it be read to him or
29 somehow conveyed to him? Because, in fairness, he needs to see it.
- 30 **MS ANDERSON:** Madam Chair, I think we need to take care in terms of --
- 31 **CHAIR:** It's not in public, Ms Anderson.
- 32 **MS ANDERSON:** No, no but even anything read out relating to this for the witness survivor for
33 their information, so I think we need to take care. I hadn't intended that we needed to go

1 into the detail of it. What we can ask Pat at the moment is, you know, does he today agree
2 with his 2011 decision not to stand down Father Raass at that time?

3 **CHAIR:** That's the point of this questioning really, we've got a bit entangled, yeah.

4 **BISHOP DUNN:** Yeah, I suppose my recollection is I was depending on advice from my
5 Committee and I was waiting for their recommendations. So that was just the way I was
6 operating.

7 **CHAIR:** Did you ask them, "Should this man be stood down? What's your advice?" Did you ask
8 them for their advice?

9 **BISHOP DUNN:** Well, I tended to be briefed a bit, but I think that -- I can remember that the
10 Committee was constantly frustrated because they couldn't actually get clarity about what
11 precisely the complaint was, and then Sateki would need to have a right of reply. So they
12 were waiting for that process to occur and then they would make a recommendation to me.
13 So that was the modus operandi at that time.

14 **CHAIR:** The complaint wasn't taken -- we don't know what the face value was.

15 Right, Ms Anderson, do you wish to proceed further and if you're going to refer, if
16 you would either read out the relevant bit that you're referring to or give Bishop Pat an
17 opportunity to read it, or have it read to him.

18 **MS ANDERSON:** Just moving on in the timeline from that 2011 report of abuse, the second
19 report of abuse comes to you in October 2012, and that's the one that you've referred to as
20 understanding the person who'd come to you didn't want it taken any further.

21 **BISHOP DUNN:** Correct.

22 **MS ANDERSON:** And at this point in time the Sexual Abuse Protocol Committee hasn't
23 concluded anything in relation to the first report of abuse and you've now received this
24 second report of abuse; is that right?

25 **BISHOP DUNN:** Correct.

26 **MS ANDERSON:** And I'm going to call up a document and we'll be able to have somebody
27 beside you assist with interpretation of this. This is CTH0019564. We're going to be
28 looking at the very last page of that note, which is the file note that you've made of the
29 conversation that you've had about the second report of abuse. And just the very last part
30 of that document, is somebody able to read that out to you just before I ask you questions of
31 that.

32 **BISHOP DUNN:** What part of it do you want me to be --

33 **MS ANDERSON:** It's the last two paragraphs on page 3 of the document.

1 **BISHOP DUNN:** Thank you.

2 **CHAIR:** Do you want them read out loud or just to themselves, Ms Anderson?

3 **MS ANDERSON:** They can confer.

4 **CHAIR:** Just read it quietly to themselves.

5 **MS McKECHNIE:** Can you just explain to Pat what this document is before you read that last
6 piece out.

7 **MS ANDERSON:** It's your file note of the visit that you've had receiving the --

8 **BISHOP DUNN:** Yes, I'm aware of the document, thank you. (Document read). Thank you.
9 What are your questions?

10 **MS ANDERSON:** We can read these into the record. These are your -- am I right to say that you
11 have recorded your thoughts after receiving this further report of abuse.

12 **BISHOP DUNN:** Correct.

13 **MS ANDERSON:** And you've posed some questions which you've said --

14 **BISHOP DUNN:** Counsel, can I just make clear to the Commissioners about the status of the
15 second complaint so they understand? The second complaint came from a couple whom
16 I know very well, they wanted to come to see me -- I actually thought they were coming see
17 me about something completely different, but it was to make a complaint about something
18 that Sateki had said while visiting their place, but they were very clear that they didn't want
19 me to take it any further, they just wanted me to know about it, and this is trying to get into
20 the Tongan mentality too, I might add, but Sateki was their friend, they didn't want him to
21 know that they had spoken to me about their concern for him about this behaviour. But
22 they wanted me to know about it. And that left me feeling in quite an awkward position.

23 I probably mentioned it to the Chairman of the Professional Standards Group, or
24 whoever it was that was sort of advising me at the time, but we didn't know -- we
25 couldn't -- we felt we couldn't go any further because they didn't want Sateki to know that
26 they had spoken to me about what had happened.

27 So, in that sense, I was sort of a bit paralysed. Counsel, sorry.

28 **MS ANDERSON:** Thank you. And can we agree that what's described, and we won't go into it in
29 detail, in your file note clearly can be characterised as sexual abuse?

30 **MS McKECHNIE:** No, we can't.

31 **CHAIR:** Please, Ms McKechnie, would you let the witness answer the question.

32 **MS McKECHNIE:** Ma'am, he can't read the document. I can read the document, ma'am, and we
33 can put it on the screen.

- 1 **CHAIR:** Excuse me.
- 2 **MS McKECHNIE:** It's not sexual abuse. This is important.
- 3 **CHAIR:** Well, it may well be but that's something for the evidence, not for counsel to tell me.
- 4 In the piece of the document you just read, Bishop Pat, was there reference to sexual
- 5 abuse or sexual misconduct?
- 6 **BISHOP DUNN:** No, that's not what -- I'm sorry, what was your question, ma'am?
- 7 **CHAIR:** Ms Anderson's put to you that the complaint that you received, in these difficult
- 8 circumstances for you, in confidence, and not to tell anybody.
- 9 **BISHOP DUNN:** Yes.
- 10 **CHAIR:** Was the complaint about sexual abuse?
- 11 **BISHOP DUNN:** Yes, I would say it was.
- 12 **CHAIR:** Thank you.
- 13 **MS ANDERSON:** So the questions you've posed yourself, having listened to these people is, just
- 14 reading this into the record:
- 15 "Should SR -- being the initials of Sateki Raass -- continue in ministry?" Is your
- 16 first question.
- 17 Your second question is: "Should Sateki Raass go to ECB..." which I think is an
- 18 abbreviation for East Coast Base, is that right?
- 19 **BISHOP DUNN:** Correct.
- 20 **MS ANDERSON:** "... over December and January."
- 21 The third question: "Should Sateki Raass be incardinated?"
- 22 Fourth question: "Should Sateki Raass go to Sydney to start degree in Scripture in
- 23 February 2013 which is what Sateki Raass and I had discussed during retreat over this past
- 24 week."
- 25 So those are the four questions you've posed yourself.
- 26 **BISHOP DUNN:** Correct.
- 27 **MS ANDERSON:** Just in terms of -- what was the answer to that first question, should he
- 28 continue in ministry?
- 29 **BISHOP DUNN:** I think we -- I decided to leave him in ministry, but not to go to Australia
- 30 because again, this time I couldn't sign a thing saying there had been no complaints made
- 31 against him. The -- what were the other three?
- 32 **MS ANDERSON:** And he did go to East Coast Base over December/January, didn't he.
- 33 **BISHOP DUNN:** He went to East Coast Base over December/January.

- 1 **MS ANDERSON:** And that's to minister there.
- 2 **BISHOP DUNN:** Yes.
- 3 **MS ANDERSON:** And then the other question was, "Should Sateki Raass be incardinated?" So
4 that was obviously a question floating around at the time.
- 5 **BISHOP DUNN:** Yes, well, that was what he had requested and by now I was beginning to think
6 no, he wouldn't be incardinated, by then.
- 7 **MS ANDERSON:** And then, as you say, he doesn't -- you don't feel that you can agree to him
8 going to Sydney for the study because it was inevitable that you'd be asked was there a
9 complaint about him. Is that right?
- 10 **BISHOP DUNN:** That's correct.
- 11 **MS ANDERSON:** And so he couldn't go to Sydney because the community over there wouldn't
12 accept him if they knew of this report of abuse; is that right?
- 13 **BISHOP DUNN:** Yes, well, the question is, a complaint had been made against him.
- 14 **MS ANDERSON:** Yeah, do you recall that you -- the document reference is CTH0019742 -- that
15 you told Father Raass that "Until the present issue was resolved the Archdiocese of Sydney
16 will not feel at liberty to offer you the accommodation we hope to seek." Do you recall that
17 that was something that you've communicated to Father Raass at that time?
- 18 **BISHOP DUNN:** Not that specific detail, but I would have said to him that it wouldn't -- it would
19 not be possible for him to go to Sydney, to Australia, because of the complaints.
- 20 **MS ANDERSON:** And does that leave us in a position where he's not safe enough to go to
21 Australia but he's safe enough to minister here?
- 22 **BISHOP DUNN:** I'm not sure I concluded that he wasn't safe enough to go to Australia, but that
23 I couldn't sign that sort of document.
- 24 **MS ANDERSON:** But the reason that certification's required is so that people know whether
25 there's a safeguarding issue in relation to --
- 26 **BISHOP DUNN:** Whether a complaint had been made against him, and a complaint had been
27 made against him.
- 28 **MS ANDERSON:** So do you see any problem with him being able to minister here in
29 New Zealand but not being able to go and be in a Catholic community in Sydney?
- 30 **BISHOP DUNN:** Well, the -- what I was operating on was the advice of my Committee with
31 regard to the first complaint and their advice was that he have counselling. I was quite
32 surprised actually, I thought that their treatment of him was quite light, but that was what
33 they decided.

- 1 **MS ANDERSON:** And so we've had the 2006 to 2009 period, three years where Father Raass
2 was here in the Tongan chaplaincy, and then he's had three years in 2010 to 2013; do you
3 recall the arrangement in 2010 was that it would be reviewed in three years' time? Is that
4 your recollection?
- 5 **BISHOP DUNN:** What would be reviewed in three years' time?
- 6 **MS ANDERSON:** Sateki Raass' future.
- 7 **BISHOP DUNN:** Yeah -- well, no, I don't actually --
- 8 **MS ANDERSON:** You don't recall it? That's okay.
- 9 **BISHOP DUNN:** I don't recall that specifically, no.
- 10 **MS ANDERSON:** And so in December 2012 that's when Father Raass is appointed as parish
11 priest at Mt Albert.
- 12 **BISHOP DUNN:** Correct.
- 13 **MS ANDERSON:** Does that accord with your recollection of the timing.
- 14 **BISHOP DUNN:** Yes.
- 15 **MS ANDERSON:** And so you've made that appointment with knowledge of the 2009 discussions
16 with GRO-C and the two reports of abuse -- well, we might disagree about what they're
17 both --
- 18 **BISHOP DUNN:** The one, yes, the first one.
- 19 **MS ANDERSON:** Well -- and it didn't occur to you at that point that it might be better for Father
20 Raass to be back being supervised in Tonga where he was incardinated?
- 21 **BISHOP DUNN:** Not at that time.
- 22 **MS ANDERSON:** Did what had happened influence your decision about whether to incardinate
23 Father Raass here in Auckland?
- 24 **BISHOP DUNN:** Yes, it did, in the sense that he wasn't incardinated in Auckland.
- 25 **MS ANDERSON:** Did that signal anything, like what should we take from the fact that you didn't
26 incardinate him?
- 27 **BISHOP DUNN:** I think it was just sort of almost like "watch this space". There was the first
28 complaint and I followed the advice of the Committee with regard to that. The second
29 complaint I felt couldn't go anywhere, so it's still a bit like the smoke but no fire until the
30 complaint in 2018.
- 31 **MS ANDERSON:** I'm going to take you to a document which we'll give time for you to have a
32 look at in a hard copy and to have it read to you, it's a short half-page file note. The
33 document number is CTH0019863.

- 1 **MS McKECHNIE:** Would you like me to provide the hard copy?
- 2 **CHAIR:** Yes, I believe they had a hard copy over there.
- 3 Do you have one there?
- 4 **MS HOLMES:** Are you able to read the first line just to make sure.
- 5 **CHAIR:** Could you identify the document so we're quite clear, Ms Anderson, please.
- 6 **MS ANDERSON:** It's a file note dated 12 September 2013.
- 7 **CHAIR:** Yes, they have that.
- 8 **MS ANDERSON:** From the Chair of the Auckland Sexual Abuse Protocol Committee, and it's
- 9 about a telephone call about concerns with the case, and if you look at the third paragraph,
- 10 there's a one sentence there.
- 11 **BISHOP DUNN:** (Document read). Thank you.
- 12 **MS ANDERSON:** So just to summarise there, we can see that this note, this 2013, September
- 13 2013 file note records that at that point you were aware that Father Raass had been
- 14 suspended by the previous Bishop in Tonga.
- 15 **BISHOP DUNN:** Yes.
- 16 **MS ANDERSON:** Do you recall coming into that knowledge?
- 17 **BISHOP DUNN:** I can't remember when it was, no.
- 18 **MS ANDERSON:** But that you were aware -- you were told at least that he had been suspended
- 19 when he was in Tonga?
- 20 **CHAIR:** Do you mean before he came to New Zealand?
- 21 **MS ANDERSON:** Yes.
- 22 **BISHOP DUNN:** Yes. I'll just have to accept that file note as it stands.
- 23 **MS ANDERSON:** And the next sentence says that Father Raass had admitted to inappropriate
- 24 sexual conduct with that first complainant.
- 25 **BISHOP DUNN:** Yes.
- 26 **MS ANDERSON:** And that you'd agreed to apologise to the complainant on behalf of the
- 27 Diocese?
- 28 **BISHOP DUNN:** Correct.
- 29 **MS ANDERSON:** And the note records, just at the bottom, that you as Bishop were uncertain
- 30 what to do with Father Raass, and there's a concern expressed there about his future
- 31 behaviour -- not your concern, the person who's made this note, the Chair of the Sexual
- 32 Abuse Protocol Committee.
- 33 What was the uncertainty that you had at that time, do you recall?

1 **BISHOP DUNN:** No, not immediately.

2 **MS ANDERSON:** Is it what you'd been talking about what to do with a report of abuse where the
3 person doesn't want the person they've said abused them to know about it; might that have
4 been it?

5 **BISHOP DUNN:** I can't guess at this time.

6 **MS ANDERSON:** And it's about this time that Father Raass is sent to counselling, is that right?
7 Is that what you recall at the end of that, as a result of that complaint that he was sent to
8 counselling.

9 **BISHOP DUNN:** Yes.

10 **MS ANDERSON:** How was counselling an appropriate response at that point in time? Can you
11 help me understand that?

12 **BISHOP DUNN:** I can't, you'd have to ask the Committee that recommended it.

13 **MS ANDERSON:** But the Committee recommends and you make a decision, don't you.

14 **BISHOP DUNN:** Yes, but they're the ones that made the recommendation.

15 **MS ANDERSON:** So you would have just accepted the recommendation?

16 **BISHOP DUNN:** Yeah, they thought that counselling would be what was needed, so I accepted it,
17 but I don't know why that was what they thought would be sufficient.

18 **MS ANDERSON:** And then we've got, about three years later, and after the Abuse Protocol
19 Committee's resolved matters in relation to the first complaint in 2015, we've got the third
20 complaint coming forward in January 2018 and you recall that complaint, don't you?

21 **BISHOP DUNN:** I do.

22 **MS ANDERSON:** Do you recall, there was quite a flurry of activity around that time, January
23 2018, and I'll give a document reference so it's in the record, CTH0019741. It might be that
24 we call it up and have you look at a hard copy of this document also, it's 11 January 2018.

25 **MS McKECHNIE:** Sorry, Ms Anderson, could you repeat the number, please.

26 **CHAIR:** 0019741.

27 **MS McKECHNIE:** Thank you, ma'am.

28 **MS ANDERSON:** Perhaps the person with you could just orientate you to the document and take
29 you through the email at the top of that page.

30 For the record, this is an email sent to Pat Dunn on 11 January.

31 So the advice to you at that time included finding somewhere else for Father Raass
32 to stay, and just quoting from the email, "away from Mt Albert and any Presbytery with a
33 nearby school. Perhaps St John, Vianney House" etc. So do you recall getting that

- 1 recommendation that he needed to be housed away from any Presbytery near a school?
- 2 **BISHOP DUNN:** I don't recall that specific detail.
- 3 **MS ANDERSON:** And in fact your decision was to house him in a Presbytery near a school,
4 wasn't it? That's the Good Shepherd facility in Balmoral.
- 5 **BISHOP DUNN:** That was after the complaint -- that was about a week later, I think, wasn't it.
- 6 **MS ANDERSON:** That's right. So fast moving over a week because Father Raass has been
7 picked up by Police and interviewed on 18 January after (inaudible) gone to Police.
- 8 **BISHOP DUNN:** And the -- I can just remember saying to Sateki, "Where are you going to go?
9 Have you got family that you can stay with?" And he couldn't think of anyone at the time.
10 Then he suggested staying at Balmoral, so I thought, well, that would be fine.
- 11 **MS ANDERSON:** In fact, perhaps you felt it was important that Father Raass had companionship
12 at that time?
- 13 **BISHOP DUNN:** Correct. And the Police had no objection to that location.
- 14 **MS ANDERSON:** There was, later on, a flurry between Police and the Ministry of Education
15 about that location, wasn't there.
- 16 **BISHOP DUNN:** There was.
- 17 **MS ANDERSON:** So at this point in time, 18 January, when Father Raass has been picked up and
18 he's charged that day, was there any steps taken by you to consider whether Immigration
19 New Zealand needed to be informed?
- 20 **BISHOP DUNN:** No.
- 21 **MS ANDERSON:** Am I right that Father Raass had actually been on the Board of Proprietors, or
22 he was the Board of Proprietors representative on the Marist College School Board at the
23 time this unfolded in early 2018?
- 24 **BISHOP DUNN:** I'm not aware of that.
- 25 **MS ANDERSON:** Is that something you could find out for us?
- 26 **BISHOP DUNN:** Marist College.
- 27 **MS ANDERSON:** Yes.
- 28 **MS McKECHNIE:** If Ms Anderson provides us with the name of the school we can certainly
29 find out.
- 30 **CHAIR:** That's something we can follow up on later.
- 31 **BISHOP DUNN:** I'm wondering if you are confused, Ms Anderson, he would have been a
32 Proprietors' rep on the Board of Marist School, but I would be very surprised if he -- did
33 you say a Proprietors' rep at -- I doubt that.

- 1 **MS ANDERSON:** At Marist School.
- 2 **BISHOP DUNN:** Yeah, Marist School not Marist College. You said Marist College.
- 3 **MS ANDERSON:** Sorry, my mistake. Marist School.
- 4 **BISHOP DUNN:** Yes, that would be correct.
- 5 **MS ANDERSON:** There's a primary school and there's a college, it's a secondary school, isn't it?
- 6 **BISHOP DUNN:** Correct.
- 7 **MS ANDERSON:** And then turning to what the Catholic community was told about the reason
8 for Sateki Raass not being available in ministry, we may not need to go through the
9 documents for this. Do you agree that the messaging was that he was on a period of leave?
10 I'm happy to take you through the documents.
- 11 **BISHOP DUNN:** No, no, that's correct.
- 12 **MS ANDERSON:** So you granted him a period of leave in late January 2018.
- 13 **BISHOP DUNN:** No, I think the point was that's what I said to the parish, that he was on a period
14 of leave.
- 15 **MS ANDERSON:** So what was the reality? Was he stood down?
- 16 **BISHOP DUNN:** Yes, he was stood down.
- 17 **MS ANDERSON:** So why is it that the parish would be told that he was on leave rather than that
18 he'd been stood down?
- 19 **BISHOP DUNN:** I think because it was all a process that was taking place and I wasn't quite sure
20 what the outcome was going to be, so the immediate message to the parish was that he was
21 on leave.
- 22 **MS ANDERSON:** During this period of leave, you agreed to continue monthly payments to
23 Father Raass of about 2,000 a month; do you recall that? Is that right?
- 24 **BISHOP DUNN:** Yes.
- 25 **MS ANDERSON:** And at this time what support was being -- so that's support being provided to
26 Father Raass, what support's been provided to Ms CU at this point in time?
- 27 **BISHOP DUNN:** At this time Ms CU was very concerned about confidentiality and I think this
28 was the time, too, when the Commission was being established or -- we were told not to
29 make any approach to complainants, that Ms CU had approached my pastoral assistant
30 whom she knew from school days, so no approach was made to her because I thought we
31 were not supposed to, or not allowed to, but my presumption had been that if she wanted
32 communication with us that she would approach me or the Diocese through my pastoral
33 assistant.

1 **MS ANDERSON:** So, really, unless the person's coming forward expressing a need, as Father
2 Raass did in terms of needing financial support, it's really not a proactive matter that you
3 would take -- you wouldn't take a proactive approach to it at that time?

4 **BISHOP DUNN:** Well, I thought we were not supposed to.

5 **MS ANDERSON:** Well, I don't think there's ever been anything from the Inquiry to indicate that
6 survivors can't be responded to, but we don't need to get into that at this point.

7 So again, we see in March, the document reference CTH0019727, that Father Raass
8 sends a message to parishioners that you had graciously approved his request for a period
9 of leave. Do you recall that was the messaging he was giving to parishioners at that time?

10 **BISHOP DUNN:** I'll take your word for it, I don't actually recall that.

11 **MS ANDERSON:** Yeah, and the reason I'm asking questions about this "on leave" is because the
12 briefing paper on immigrant priests that I'll be discussing with Steve says at paragraph 73
13 that Mr Raass resigned as parish priest from 11 March 2018 and it doesn't seem to me that
14 that's what happened, he went on a period of extended leave, didn't he?

15 **BISHOP DUNN:** No -- yeah, that was what -- the point that I was confused about. No, he
16 actually told the parish that he was resigning as parish priest in March I think, I think that
17 was the sequence.

18 **MS ANDERSON:** We'll call the document up, it's CTH0019727. Again, you'll just need the
19 person supporting you just to help read that short note. For the record, this is a document
20 dated 11 March 2018, addressed to "All my loving parishioners of St Mary's, Mt Albert"
21 from Father Raass.

22 You'll see the second sentence there -- Bishop Dunn have you had an opportunity to
23 read that file note or have it read to you?

24 **CHAIR:** It's just happening now, Ms Anderson.

25 **BISHOP DUNN:** I think that he was confirming that he was on a period of leave and therefore
26 was stepping down as parish priest.

27 **MS ANDERSON:** That's quite different from resigning, isn't it?

28 **BISHOP DUNN:** No, I thought that would be resigning.

29 **CHAIR:** Just so that everybody knows what's going on here, Ms Anderson, could you just read
30 the lines that you're referring to?

31 **MS ANDERSON:** This is the message from Father Raass, sent to all the parishioners at
32 St Mary's, Mt Albert:

33 "I'm writing to humbly inform you that Bishop Pat has graciously approved my

1 personal request for a period of leave."

2 And then goes on to thank members of the parish. So this is his message.

3 **CHAIR:** He then says in the next line:

4 "I have been blessed being your parish priest for the last five years but I will now
5 have to step down from that role to embrace wholeheartedly this time of spiritual
6 nourishment."

7 Do you recall -- did you ever see this, Bishop Pat?

8 **BISHOP DUNN:** I do remember reading it.

9 **CHAIR:** What was your view of the way in which he conveyed what was happening?

10 **BISHOP DUNN:** I think my concern was that the parishioners needed to be informed but
11 not -- but sort of, I was going to say in a gracious manner. I remember talking to someone
12 who'd been to a parish in Australia with his family and there was some announcement
13 about a priest being suspended, but the parishioner actually felt quite affronted that that sort
14 of a statement was made to a Sunday congregation while he was there with his family and
15 his children. So I was very conscious of the ordinary parishioners at Mt Albert, many of
16 whom really liked Sateki, that they needed to be treated sort of with courtesy too, but --

17 **CHAIR:** So it was phrasing it in a way that was acceptable to a family of people sitting in the
18 pews of the Church.

19 **BISHOP DUNN:** Yes, he was stepping down as their parish priest so they were being informed
20 about that but not about the circumstances.

21 **MS ANDERSON:** Can we agree that later on, some months after the criminal conviction in May
22 2019, that in fact there was some expression of concern by members of the School Boards,
23 and also the Good Shepherd, about the fact that they hadn't known that he'd been facing
24 criminal charges and had been convicted.

25 **BISHOP DUNN:** Yes.

26 **MS ANDERSON:** Does that accord with your memory?

27 **BISHOP DUNN:** Yes, it does.

28 **MS ANDERSON:** Do you recall, turning your mind in November 2018, document reference, for
29 the record, CTH0019360, that you thought you were required to report the allegations of
30 abuse to Rome but that you hadn't done so before the matter was before the court. Do you
31 recall your decision-making around that?

32 **BISHOP DUNN:** Yes, I do.

33 **MS ANDERSON:** Is there a discretion under the Canon Law?

1 **BISHOP DUNN:** I think the idea of reporting to Rome, my understanding is it was often to seek
2 advice, whereas I felt that there was a process underway here in New Zealand and I didn't
3 want someone in an office in Rome just being informed and thinking, "What am I supposed
4 to do about this?" My thinking was to get things settled vis-à-vis Sateki Raass and then
5 inform Rome what had happened and what the outcome was, which was his leaving the
6 priesthood.

7 There's a principle in Catholic philosophy or whatever, the principle of subsidiarity
8 that if you can hand, sort of -- try to sort things out at the local level, and I was quite clear
9 by then what the pathway forward would be, namely that Sateki would no longer be
10 continuing as a priest.

11 **MS ANDERSON:** And so the motu proprio, which has got a complicated name which I will
12 attempt to read into the record, sacramentorum sanctitatis tutela, which required a
13 complaint of sexual activity with a person under 18 to be notified to Rome, that wasn't
14 something that you thought required you to report to Rome at that time?

15 **BISHOP DUNN:** Not immediately while it was still being processed.

16 **MS ANDERSON:** Under that motu proprio, that requires the Bishop to give an opinion on the
17 truth of the allegations and the proposed outcome for the priest.

18 **BISHOP DUNN:** That's correct.

19 **MS ANDERSON:** That's your understanding? And so are you saying that that reporting
20 obligation is complied with if it happens later down the track rather than at the time of the
21 report of abuse?

22 **BISHOP DUNN:** Yes.

23 **MS ANDERSON:** Because there wasn't actually a Church investigation into that report of abuse,
24 was there, because Ms CU had gone to Police, there was no action being taken under the
25 NOPS protocol that they don't investigate when matters are before the Police.

26 **BISHOP DUNN:** Correct.

27 **MS ANDERSON:** And you met all of the legal expenses of the defence to the criminal charges.
28 Do you recall what the value of that was?

29 **BISHOP DUNN:** It was around \$60,000 in the end.

30 **MS ANDERSON:** And that's on top of the 2,000 a month that's been paid to Sateki Raass during
31 this period.

32 **BISHOP DUNN:** Yes.

33 **MS ANDERSON:** And the payments to Mr Raass stop in about November 2019; is that right?

- 1 **BISHOP DUNN:** Correct.
- 2 **MS ANDERSON:** I'm just going to take you to a document CTH0019670 which is a -- just get
3 that document up.
- 4 **CHAIR:** Can you just describe this document.
- 5 **MS ANDERSON:** Yes, I will, I'm just waiting for it to be --
- 6 **CHAIR:** I see. It's going to be coming up on the screen, okay.
- 7 **MS ANDERSON:** No, I don't think it needs to come up on the screen. It's a file note that you've
8 made in June 2019 relating to Sateki Raass. Is that you, have you had a chance to
9 familiarise yourself with your file note?
- 10 **BISHOP DUNN:** (Document read).
- 11 **CHAIR:** Yes, Mr Thomas.
- 12 **MR THOMAS:** Sorry to interrupt, I'll let the witness continue reading. It's just been brought to
13 my attention, Madam Chair, that documents being brought up on the screen may be trying
14 to be viewed or photographed from the back of the room, so might just need a reminder
15 perhaps about that, Madam Chair.
- 16 **CHAIR:** Yes, please.
- 17 **MR THOMAS:** I don't have any details, but that's what I've been informed.
- 18 **CHAIR:** I did make it clear at the beginning of today that although the documents are being put
19 up so the witness, counsel and the Commissioners can look at it to make it easier for them,
20 they are not displaying them to the public and there are important reasons of privacy and
21 I ask everybody to respect that and that if you're trying to take pictures of it from the back,
22 please do not. I haven't seen it but if you are, don't. That would be in contempt of the
23 Commission's proceedings and it would be a grave breach of the privacy rights of survivors
24 who we are here to protect.
- 25 So if you have taken any photographs, please delete them immediately. Thank you.
- 26 **BISHOP DUNN:** Thanks, ma'am. Thanks, counsel.
- 27 **MS ANDERSON:** So Pat, it's recording your meeting with Father Raass to discuss his future
28 plans; that's right, isn't it?
- 29 **BISHOP DUNN:** Correct.
- 30 **MS ANDERSON:** And it's been agreed that it would be best for him to seek a dispensation from
31 the obligations of the priesthood.
- 32 **BISHOP DUNN:** Correct.
- 33 **MS ANDERSON:** This is a couple of months after the criminal conviction?

1 **BISHOP DUNN:** Yes.

2 **MS ANDERSON:** Can I ask you, why leave it to a voluntary process rather than have a Canon
3 Law process to, in layperson's terms, to defrock the priest.

4 **BISHOP DUNN:** It's still a Canon Law process but this is quicker, from Rome's point of view. If
5 the priest actually seeks a dispensation and the Canon Law case is clear, then it moves more
6 quickly.

7 **MS ANDERSON:** So a pragmatic reason?

8 **BISHOP DUNN:** Yes.

9 **MS ANDERSON:** And you see the discussion in the second paragraph there where what you
10 were told was that Mr Raass felt the judge was obliged to inform some sentence because
11 Mr Raass had pleaded guilty, but then we get this reference here "but the judge agreed it
12 was simply a big mistake on his part."

13 Is that what Mr Raass told you, that this was just a big mistake?

14 **BISHOP DUNN:** That was what he said to the judge. And the judge accepted it.

15 **MS ANDERSON:** Well, do you agree with that characterisation?

16 **BISHOP DUNN:** Partly, yes.

17 **MS ANDERSON:** How so.

18 **BISHOP DUNN:** Well, I think it was a big mistake.

19 **MS ANDERSON:** It was an intentional criminal act, wasn't it?

20 **BISHOP DUNN:** It was a big mistake that turned out to be a criminal act, correct.

21 **MS ANDERSON:** And then over the page, the third paragraph from the top, where you say that
22 you think the decision to leave the priesthood was correct, so you recall that was your view
23 at the time?

24 **BISHOP DUNN:** Absolutely.

25 **MS ANDERSON:** And then the note records:

26 "I said if he did have misgivings we could look at reinstating him."

27 So that was your view at that time that there was a process by which a person
28 convicted could actually apply for reinstatement. Could you just help me understand what
29 that process is, firstly?

30 **BISHOP DUNN:** I don't understand that actual comment, I must confess.

31 **MS ANDERSON:** So you don't recall thinking that there might be a way for him to come back
32 into the priesthood in the future?

33 **BISHOP DUNN:** I might have said that to him, but I had no intention of that ever happening. In

1 fact, I'm not sure that I would have said it to him anyway.

2 **MS ANDERSON:** But you've recorded it in your file note.

3 **BISHOP DUNN:** Yeah.

4 **MS ANDERSON:** So you probably did say it.

5 **BISHOP DUNN:** Yes, I don't know.

6 **MS ANDERSON:** I'm just conscious of time, Madam Chair, we've been going for an hour and a
7 half, just conscious of the signers and the stenographers may need a break, it might be,
8 perhaps, a point to pause.

9 **CHAIR:** Yes, is this a moment? Shall we take 10 minutes?

10 **MS ANDERSON:** 10 minutes.

11 **CHAIR:** Just to give everybody a break. All right, we'll adjourn for 10 minutes, back at quarter
12 past 3.

13 **Adjournment from 3.06 pm to 3.23 pm**

14 **CHAIR:** Ms McKechnie.

15 **MS McKECHNIE:** Could we just begin, ma'am, with some housekeeping. I'm conscious we
16 only have an hour and a half left in the day and I'd be grateful if we could have some
17 indications of what Commissioners' intentions were?

18 **CHAIR:** As I understand it we're having 15 minutes more on this, there will be two no more
19 questions from the Commissioners and then we'll move to the next set of evidence.

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

21 **CHAIR:** Ms Anderson.

22 **MS ANDERSON:** Thank you Madam Chair.

23 Pat, you mentioned in your witness statement that you provided about giving events
24 in January 2021 -- I'm getting a little bit of feedback -- about providing a recommendation
25 for a teaching position for Father Raas. Do you recall that that's in your witness statement?

26 I'm just going to ask you a little bit about your thought processes leading to that
27 recommendation which, in reading the document reference into the bundle but we don't
28 need to go there I don't think, CTH0019573. So this is nearly two years after the conviction
29 and you're recommending him for a teaching position.

30 Do you recall which school this related to?

31 **BISHOP DUNN:** I do.

32 **MS ANDERSON:** And you said that he'd be a great asset to that particular college.

33 **BISHOP DUNN:** I was actually approached by the --

1 **CHAIR:** Sorry, I did remind the audience, I know that you need to react, just react quietly please.
2 Sorry, carry on.

3 **BISHOP DUNN:** I was approached by the principal of the school who knew Sateki and knew
4 about his history who said that he wondered if -- he'd quite like to have him in a teaching
5 position in the school, and I thought that could be quite okay.

6 **MS ANDERSON:** Do you appreciate many survivors would think it wouldn't be okay to be
7 recommending somebody for a position in a school who had a conviction involving a
8 minor?

9 **BISHOP DUNN:** I do understand that, but the principal was also aware of the situation and felt
10 that it would not be a problem.

11 **MS ANDERSON:** But the teaching position didn't eventuate did it?

12 **BISHOP DUNN:** No.

13 **MS ANDERSON:** Is that because Teaching Council requirements would have prevented
14 somebody with that conviction potentially from taking on a role in the school or for other
15 reasons?

16 **BISHOP DUNN:** I'm not sure really. The principal was just asking about the possibility but
17 wanted to pursue it.

18 **MS ANDERSON:** And you say in your statement that in hindsight Sateki Raass holding a
19 teaching position would have been unwise, so that's your current view is it?

20 **BISHOP DUNN:** In some ways yes, but on the other hand he's a pretty talented man and comes
21 from a family of teachers.

22 **MS ANDERSON:** Do you understand that that might be seen as sort of unrelenting support for
23 somebody who you've had personal knowledge of three reports of abuse, and you've been
24 aware at least in 2013 that he'd been suspended in Tonga, that you've got a very -- it's a
25 very strong sense of a commitment you've got to support this person. Is that a fair
26 summary?

27 **BISHOP DUNN:** It's not a strong sense of support for him per se, but all through my life I've tried
28 to help people who have had convictions to get their life back on to an even keel and sort of
29 to encourage them to learn from past mistakes and try just to move forward for the
30 sake -- for their sake and for the sake of their family. I've always tried to do that and
31 I didn't see it that I shouldn't do it for him too.

32 **MS ANDERSON:** So does that mean you don't really think it was unwise? Is this statement in
33 your brief of evidence, is that not quite accurate? How would you like to characterise it?

1 **BISHOP DUNN:** It might not be the right time.

2 **MS ANDERSON:** Do you recall in September of 2021 the document reference for the record is
3 CTH0019425, and again I don't think we need to call it up unless you need to refresh
4 yourself from the document, but it was a communication from the Chairperson of the Board
5 of Trustees of the Good Shepherd School after the media article about Sateki Raass. He
6 posed a question -- you don't need to see necessarily see the question but if you want to go
7 to the document that's fine.

8 But I'm really going to put to you now the question that was put in the letter and the
9 question was what are the reasons for Sateki Raass residing in the Presbytery, that's the
10 Good Shepherd Presbytery, and what measures have been made to ensure this does not
11 happen again?

12 It's a two-part question, I think you've probably already given us your thoughts on
13 why you -- it's appropriate for Sateki Raass to go to the Balmoral Presbytery, but is there
14 anything you want to say on that first part of the question just so that we're really clear on
15 your reasoning?

16 **BISHOP DUNN:** Sorry, I've forgotten the second part of your question. The actual choice of
17 Balmoral was made within hours so he had to move somewhere. The Police had no
18 objection to the move. Later the bail conditions were changed. I don't think the Police ever
19 saw Sateki Raass as a threat to primary school children.

20 **MS ANDERSON:** And the second part is, what measures have been put in place to ensure this
21 does not happen again? So what does not happen again is a person who's been charged
22 with a criminal offence involving a minor being put in a Presbytery next to a school.

23 **BISHOP DUNN:** I just guess it won't happen again, it's not an everyday event. Where he lives
24 now, I have no idea whether it's near a primary school or not.

25 **MS ANDERSON:** Yeah, but it's more about, does the Church have measures or a protocol around
26 this, or is it simply a case of ad hoc decision-making if and when it arises in the future?

27 **BISHOP DUNN:** It probably pertains to what the offence actually is.

28 **MS ANDERSON:** So is there a document or are you outlining --

29 **BISHOP DUNN:** No, it's just my thinking, yeah.

30 **MS ANDERSON:** After all of this has happened, this is when you get in touch with the Bishop of
31 Tonga and this is the point in the sequence that returning to the 2005 letters that we began
32 our conversation about, so this is -- just to landmark in the timeframe, does that accord with
33 your recollection that it's about this time that there are these further questions to the Bishop

1 of Tonga and that's when there's more information about these 2005 letters before Father
2 Raass came to New Zealand?

3 **BISHOP DUNN:** Yes.

4 **MS ANDERSON:** Just coming to the point that I foreshadowed earlier on in our discussion about
5 the scenario where there might be an anonymous report to you or now to Steve as Bishop of
6 Auckland, and it may be that that's the way some person who is a victim, or a third party
7 who knows what's happening wants to let the Church know; what is the approach that
8 should be taken to anonymous reports that could signal a real safety concern?

9 **BISHOP DUNN:** They need to be taken seriously and acknowledged, and if possible quietly
10 investigated.

11 **MS ANDERSON:** And that would be your current -- putting you back slightly before you've
12 retired, that would have been your approach, would it have been, in 2021?

13 **BISHOP DUNN:** Yeah, but even historically if there were an anonymous thing just to see well
14 what is the complaint, like what's the background, what's it referring to.

15 **MS ANDERSON:** I think we can all agree such reports should be taken seriously and may lead to
16 some safeguarding provisions that are put in place while that further investigation's going
17 on, even though you might not have very much information. I see Steve nodding there in
18 relation to that.

19 **COMMISSIONER ERUETI:** Can I just check that there is a policy that's clearly written about
20 how to respond to those complaints, the circumstances for standing someone down or
21 keeping someone subject to conditions and other safeguarding rules; are there such rules
22 now? Because it seems in 2009 there weren't these rules.

23 **BISHOP DUNN:** Is that a question to me or to Bishop Steve?

24 **CHAIR:** Whoever thinks they can answer it best.

25 **BISHOP DUNN:** Steve might be better on that.

26 **BISHOP LOWE:** First of all the question about if there's any rumours of a complaint or of abuse
27 going on, the Church requires us now to investigate that, so it would immediately go to
28 NOPS and we would start an investigation. If somebody -- a complaint is made about
29 someone, that it's assessed just what the complaint is, but basically a safety plan will be put
30 in for them and that would include where they're living, restrictions on what they're allowed
31 to do, depending on exactly what it is.

32 **COMMISSIONER ERUETI:** And criteria for standing someone down, is that there now?

33 **BISHOP LOWE:** Absolutely, absolutely and we would do that, if need be, straight away. But

1 it's, you know, in the end it comes down to what the individual thing is, what the incident
2 is, but basically if it's in any way that hints at something serious, then they would be stood
3 down immediately while the investigation happens.

4 **COMMISSIONER ERUETI:** Thank you, kia ora, thank you.

5 **MS ANDERSON:** Steve, just a follow-up question from me in relation to that. So that's in
6 relation to an anonymous report. What about the report similar to the complaint two that
7 we've dealt with in this conversation where the person wants to tell the Church that
8 something's happened, the sexual misconduct, but they don't want the person to know that
9 they've come forward and said anything. How does that get dealt with? Because that is a
10 tricky dynamic to deal with, isn't it?

11 **BISHOP LOWE:** It is a tricky dynamic but it's any complaint that comes forward we have to deal
12 with it, and if it is of a serious sexual nature, even if the complainant doesn't want it dealt
13 with in any way, we would still refer it to the Police.

14 **MS ANDERSON:** Yeah, because that's been quite a hard and fast rule from 2019, hasn't it.

15 **BISHOP LOWE:** Yeah.

16 **MS ANDERSON:** Allegations relating to a person under 16 that you would automatically refer to
17 the Police even if the complainant doesn't necessarily want that to happen?

18 **BISHOP LOWE:** Yes, and we would try to support the complainant to do that, you know, I can
19 understand at times for various reasons why people are afraid to do that, but we
20 would -- we really try to encourage that, but they would be informed it's our obligation to
21 report it.

22 **MS ANDERSON:** Thank you. So much more black and white lines about what should happen
23 now than back in 2011, 13?

24 **BISHOP LOWE:** Correct.

25 **MS ANDERSON:** And potentially in 18. Just a brief -- just to wrap this up, Bishop Dunn, would
26 it be fair to characterise your approach to persons who might have caused harm to others is
27 a very pastoral approach, in the sense that you're quick to forgive and give them another
28 chance? Is that fair to say, how to characterise your thinking and your approach?

29 **BISHOP DUNN:** I try to be pastoral. It would depend on the seriousness of the complaint about
30 giving another chance.

31 **MS ANDERSON:** And so in terms of having people working in the diocesan archives or the
32 office that might perhaps have been subject to previous reports, is that something that you
33 would contemplate as appropriate, or what would your thought processes be around that?

1 **BISHOP DUNN:** I would really take advice before making any decisions along those lines.

2 **MS ANDERSON:** And I think in relation to Bishop Drennan, the previous Bishop of Palmerston
3 North who resigned from the Palmerston North post, he's an example, isn't he, of you've
4 accommodated him in your Diocese and he's housed and looked after there; is that right?

5 **BISHOP DUNN:** Yeah, that was at the request of all the other Bishops.

6 **MS ANDERSON:** Because he remains a Bishop, he must be looked after by somebody; is that
7 right?

8 **BISHOP DUNN:** He needs to live somewhere and I think the feeling of the New Zealand Bishops
9 was that Auckland is the largest city.

10 **MS ANDERSON:** So just finally, in terms of that balancing between safeguarding interests and
11 the interests of the clergy or the seminarian, you might be wanting to help them and support
12 them in some way, and using Sateki Raass as an example, do you think that you've got the
13 balance between those two considerations right, or do you have any reflections about how
14 the balance hasn't been quite right?

15 **BISHOP DUNN:** I think generally I'm quite happy with the decision to try to be pastoral. I feel
16 that the Bishops in the United States made a big mistake in the 2002 with their Dallas
17 Charter, one strike and you're out, and they lost the confidence and the respect of many of
18 their priests. [Applause]

19 **MS ANDERSON:** So overall you think that the balance has been about right? Is that fair to
20 summarise that?

21 **BISHOP DUNN:** I think so.

22 **MS ANDERSON:** Thank you, that concludes my questions to Pat in relation to Sateki Raass and I
23 think in the interests of time, Madam Chair, we probably won't have time for the questions
24 on the immigrant priests.

25 So Steve, thank you for your time and patience to sit there with Pat through this
26 evidence. But I think it might be time to suggest a very short adjournment and
27 rearrangement so that we have John Dew, Sue France and Dr Flanagan.

28 **CHAIR:** We've just got one question. I'm sorry that you've sat there but I'm sure you've been of
29 great support to Pat, I'm sorry we didn't get to your questions. But Sandra Alofivae has one
30 question, she's allowed one question.

31 **COMMISSIONER ALOFIVAE:** One question, yes, I am.

32 Talofa Bishop Pat and Bishop Lowe. It would be difficult for me not to ask this
33 question around culture, around your Catholic ethnic communities and in particular the

1 Tongan community which has come up in today's questioning with Sateki Raass.

2 Pat, you've been the Bishop for 27 years but prior to that your entire life really has
3 been in the Catholic Church, right, here in Tāmaki Makaurau?

4 **BISHOP DUNN:** Ae.

5 **COMMISSIONER ALOFIVAE:** So you'd be very familiar with the culture in our different
6 ethnic communities but particularly the strength in your Catholic community.

7 **BISHOP DUNN:** Yes, definitely.

8 **COMMISSIONER ALOFIVAE:** So you'd be familiar then with clericalism but more
9 particularly how it's elevated within the culture and certainly your role as Bishop, and now
10 of course your role Steve, and how that would be interpreted and received.

11 So when you say that it's very difficult to break into the Tongan mentality or the
12 Tongan community, is that because you're so familiar with them that it was actually more
13 about friendship than it was about being able to set really good strong leadership in that
14 community?

15 **BISHOP DUNN:** No, I think it was because I couldn't get my head around the, pressures is not
16 quite the right word, that were being felt by Tongan complainants, like the question, for
17 example, would they have felt comfortable if a Tongan were to interview them, and I'm not
18 sure whether they would or would not. Part of me thinks a Tongan would understand the
19 culture and be able to communicate and understand the various niceties, but another part of
20 me thinks that they might not have wanted a Tongan because of those complexities. That's
21 what I don't quite understand.

22 **COMMISSIONER ALOFIVAE:** Would it be fair to say, Pat, that you often just go within your
23 own congregation, so you would use other Catholic professionals within the faith to deal
24 with issues like this? So you'd use your own Catholic lawyers, your own Catholic
25 counsellors -- what I'm trying to get at is when you say Tongan professionals, and it's hard
26 to understand why they wouldn't engage, but one of the things about the Tongan culture is
27 the strength of the hierarchy, and so understanding that leadership, which I am assuming
28 you understand very well; why you then wouldn't consider bringing in an external party to
29 then do that in your role as the Bishop?

30 **BISHOP DUNN:** We do, we do use counsellors or others who are not Catholic. But I suspect
31 another Tongan who was not Catholic would have the same issues, if you like. The
32 Samoan word I think is fa'aaloalo.

33 **COMMISSIONER ALOFIVAE:** Fa'aaloalo, yes.

1 **BISHOP DUNN:** Yeah, and that -- which, Madam Chair, means sort of being respectful or using
2 the appropriate language, and that's part of the culture. And I sort of feel it needs to be
3 respected but it can have a downside too, which is what I think you're alluding to.

4 **COMMISSIONER ALOFIVAE:** But one of the basic premises is just asking the people direct,
5 and is that a process that the Church engages to ask -- so in this case it was the Tongan
6 community, so to just put it to them direct, would they be comfortable by using a Tongan
7 facilitator or someone else, or not?

8 **BISHOP DUNN:** Yes, certainly, yes, certainly that would be a good thing to do.

9 **COMMISSIONER ALOFIVAE:** Was that a process that you used in this particular instance?

10 **BISHOP DUNN:** No, and that was my reflection that maybe it would have been a way forward,
11 but I also have a hunch that it might not have been welcomed.

12 **COMMISSIONER ALOFIVAE:** But you didn't use it, it's almost like a natural right, a natural
13 justice issue to put it to the person.

14 **BISHOP DUNN:** Yes, absolutely.

15 **COMMISSIONER ALOFIVAE:** Would they be comfortable as part of a process around
16 transparency and honesty?

17 **BISHOP DUNN:** I agree, yeah, absolutely.

18 **COMMISSIONER ALOFIVAE:** Would you also accept then that in terms of being able to set
19 examples, and we're just talking about your Pacific communities but we'll stick to the
20 Tongan, that actually the example needs to be set from the top. So if the Bishop is the
21 highest person in that particular line of authority, that that's where it needs to start and the
22 people inevitably would comply. I'm looking at you as well, Bishop Steve.

23 **BISHOP LOWE:** I've just got a similar example from another perspective, but it's on the thing
24 when a Bishop turns up, or a priest does a funeral or things and the amount of money that's
25 paid and I'm really concerned that families are going to debt collectors to get a loan to pay
26 for this magnificent funeral for mum or dad or someone they love. And I've written quite
27 strongly to the priests that we shouldn't be a part of this. It's got some kickback because of
28 the cultural considerations.

29 So it's a bit of a journey, but I think it is -- but it really is a thing of actually we have
30 to engage, and this is the culture and the gospel values engaging and I think --

31 **COMMISSIONER ALOFIVAE:** So what you're saying it's not unusual that approach, and I've
32 seen it done in other faiths where the example is set from the top. And I guess what I'm
33 asking you, is that a deliberate intention then on the part of the Catholic Bishops, if you're

1 wanting to drive that cultural change within your Pacific communities, that that's where it's
2 got to start?

3 **BISHOP LOWE:** Yeah.

4 **CHAIR:** General head nodding.

5 **BISHOP LOWE:** Yeah, I think so and one of the things that is happening in the Church at the
6 moment, Pope Francis is asking for us to be a more synodal Church. And I suppose the
7 simplest way to put synod in the New Zealand context would be a hui, you know a hui with
8 our people. I think that's where we're going to have to engage in a new way.

9 But certainly the way that priests are elevated in the Pasifika cultures in particular,
10 but also some of our Asian cultures now, it's not good and we actually have to break that.
11 In terms of the relationships with Europeans and to Māori that's not so strong as it once
12 was, thanks be to God, and that enables a lot safer Church to develop as we're able to talk
13 about these issues a lot freer.

14 **COMMISSIONER ALOFIVAE:** In the interests of time I'll stop there.

15 **CHAIR:** That's because she got the signal and the eye. I apologise for us being time constrained
16 and I apologise to everybody else who came with the expectation, but would you be
17 available, if we had other questions, would you be able to answer them outside this hearing
18 in writing or whatever?

19 **BISHOP LOWE:** Yes, absolutely.

20 **CHAIR:** Thank you very much, I'd much appreciate that. So that's bringing us to the end of these
21 two witnesses, Ms McKechnie, anything else?

22 **MS McKECHNIE:** Thank you, ma'am, just two small matters of housekeeping to conclude this
23 session. The documents that Bishop Pat was referring to in relation to not being asked to
24 speak to survivors, that was some correspondence between myself and Lisa Preston, so
25 Ms Anderson may not be familiar with those, they were before Ms Anderson joined the
26 Commission so we'll make those documents available to the Commission, you have them in
27 your archives but we'll return those.

28 **CHAIR:** That's the sort of thing to tidy up some loose ends would be much appreciated.

29 **MS McKECHNIE:** I'd also like to apologise for slightly losing my temper before. We were told
30 this witness would be shown a few documents and he was shown 21, and I shouldn't have
31 lost my temper about that and I apologise.

32 **CHAIR:** Thank you. Very well, and both of those witnesses, you're both now able to leave and
33 have a well-earned rest. Thank you both very much for your attendance today.

1 **BISHOP DUNN:** Thank you.

2 **CHAIR:** Do you wish us to go away while you rearrange, or shall we just stay here?

3 Ms Anderson?

4 **MS McKECHNIE:** Can I just clarify, is the Cardinal going to be asked questions about Bishop
5 Kavanagh or are we skipping over that, which probably because of time we may need to,
6 and in that case we can probably empanel all three?

7 **CHAIR:** Ms Anderson?

8 **MS ANDERSON:** My proposal is we empanel all three and there'll be a few questions directed to
9 Cardinal Dew, but only very few, and then there'll be more questions for the three.

10 **CHAIR:** So shall we leave while you do that or --

11 **MS McKECHNIE:** I understand John is out of the room so it will take us a couple of minutes to
12 assemble.

13 **CHAIR:** We'll just take literally 5 minutes, no longer.

14 **Adjournment from 3.50 pm to 3.58 pm**

15 **CHAIR:** Welcome back everybody. Ms McKechnie.

16 **MS McKECHNIE:** To begin the last session, ma'am, we have in the witness box John Dew, Sue
17 France and Paul Flanagan. Would you like to give the attestation?

18 **CHAIR:** Yes, thank you very much. Welcome back to two of you and welcome to the
19 Commission Dr Flanagan.

20 **CARDINAL JOHN DEW, DR PAUL FLANAGAN and**
21 **SISTER SUE FRANCE (Affirmed)**

22 **QUESTIONING BY MS McKECHNIE:** Ma'am, my intention in evidence-in-chief is to ask
23 each of the witnesses to speak briefly to summarise the evidence that they have provided
24 today. As I said in opening, this is in response to particular questions the Commission
25 asked. Both John and Sue have previously provided evidence in writing before and this is
26 the first time that Sue has been in the witness box.

27 So John, I'm going to start with you please. I know that in your previous evidence
28 before the Commission you made a number of acknowledgements, I know you want to
29 begin by acknowledging that.

30 **MR DEW:** Tēnā koutou, tēnā koutou, tēnā koutou katoa. Ngā mihi nui ki a koutou. In the
31 interests of time, greetings to you all. I'm a 74 year old Pākehā male, I've got short,
32 cropped, grey hair, I'm about 5 foot 8 inches, I'm wearing a charcoal grey suit, a white shirt
33 and a black and white tie, unusually.

1 I gave evidence at the Royal Commission in March last year. I began that day and
2 the evidence that I gave by presenting an apology on behalf of the Church, the Bishops and
3 the Congregational Leaders of New Zealand had all agreed that I present that apology on
4 behalf of the Bishops and Congregational Leaders.

5 I fully renew that apology and reiterate that I meant every word of it. Abuse is
6 wrong. It should never be part of the Church. I and all of us are ashamed of it and we are
7 working hard to put safeguarding practices in place and we will continue to work on that,
8 we will continue to work on what we have discovered during the time of this Royal
9 Commission.

10 Today gives us and the Royal Commission of Inquiry gives us the opportunity to
11 learn together, to discover together how this abuse came about and what we can do to
12 prevent it.

13 We see universally in the Church today that the mission of the Church is to build a
14 safe Church. That's our task. I simply want to repeat those messages that I shared in
15 March last year. You heard from me for several hours that day last year and you have
16 heard my witness statements.

17 Today it's wonderful to have Sister Sue France and Mr Paul Flanagan alongside me
18 to hear from them their professional responses and a different perspective, and I welcome
19 that. So we can hear that in the sad and distressing time in the life of the Church. Tēnā
20 koutou katoa.

21 **MS McKECHNIE:** Thank you. Sister Sue, I'll turn to you now. You are the current
22 congregational leader of the Sisters of Mercy which is, am I right, the largest female
23 religious congregation in New Zealand?

24 **SISTER FRANCE:** It is. Tēnā koutou katoa, ngā mihi nui. My name is Sue France. I have
25 white hair, I'm wearing a black jacket with multi-coloured embroidery and a pink top. I
26 have some hearing loss and I wear hearing aids.

27 I'm currently the congregation leader of Ngā Whaea Atawhai o Aotearoa, Sisters of
28 Mercy New Zealand. And I'm in the third year of a five-year term. Religious
29 congregations are generally self-governing, and we elect our own leadership for limited
30 terms.

31 I'm also one of the religious congregation members on Te Rōpū Tautoko. I made
32 my final vows as a Sister of Mercy in 1986. I have worked as a teacher in secondary
33 schools for a period of 10 years and over a period of 20 years I've taught, studied and

1 practised counselling and psychotherapy and have a PhD in pastoral counselling from
2 Loyola University in Maryland and for the last three years of that period worked as a
3 psychotherapist in the United States.

4 I've worked with a wide variety of people who presented with issues including
5 trauma, addictions, depression and anxiety, and I've worked predominantly providing ACC
6 sensitive claims counselling. I have also been on the National Safeguarding and
7 Professional Standards Committee for some years.

8 But I am here today really speaking on behalf of Ngā Whaea Atawhai o Aotearoa,
9 Sisters of Mercy New Zealand. It's the largest religious congregation in Aotearoa. And as
10 women's congregations throughout New Zealand over the years since we have been here,
11 and the first sisters arrived in 1850 at the invitation of wāhine Māori, women in the Church
12 have worked across the country bringing education and healthcare to many people.

13 Since 1950 as a result of the work we've done for this Commission, we can now say
14 that over 1,000 members have served in healthcare, education, community and social
15 services.

16 We were also one of the largest providers of care institutions and these included
17 boarding schools, orphanages and children's homes. We also worked in secondary schools
18 and staffed numerous parish schools around the country.

19 I am deeply saddened and regret that children were harmed in our institutions where
20 they ought to have been cared for and safe.

21 I wish to acknowledge the survivors who have come forward to share their
22 experience and I also wish to acknowledge those who have not yet been able to come
23 forward. It takes courage to talk about these experiences. And I hope that survivors
24 continue to come forward to the Inquiry, to the Police, and if it's appropriate for them, to
25 the Church.

26 It's clear that because of mistakes made by the Church and by our Congregation,
27 that children were harmed when tragically this could have and should have been avoided.

28 As a Congregation we've changed over time, and this Inquiry has highlighted more
29 changes that were needed. And so I'm glad to have this opportunity to be able to speak
30 with you today.

31 **MS McKECHNIE:** Thank you Sister Sue. Sue, I know it's important for you that you are the
32 only female Religious voice that the Commission is going to hear, and I would ask if you
33 could elaborate on your observations about the role of women and female Religious in the

1 Church and particularly in the future of responding to these issues and safeguarding.

2 **SISTER FRANCE:** I think we, as women Religious in the Church, can have a significant role,
3 because we've traditionally been changemakers in society and in the Church, and I think we
4 are -- while we're a small group now, and even our own group as the largest is much
5 smaller, we are educated women, we are traditionally in positions where we can work
6 alongside people rather than in positions of authority. We are skilled in community change
7 and development and I think we can work within the Church to be able to continue to
8 develop safeguarding, to bring about change and to ensure that this opportunity becomes an
9 opportunity for transformation rather than a lost opportunity.

10 And I think as women Religious who tend to be a little outspoken at times, we can
11 use our force for good and we have a commitment as a Congregation to make changes
12 ourselves and have already implemented changes. I think women Religious are often at the
13 forefront of change as they have been in the Church.

14 **MS McKECHNIE:** Thank you Sue. I'm just going to ask you two technical questions about
15 sisters now because I'm conscious that these are not matters that the Commission has
16 previously had evidence on. Are you clerics?

17 **SISTER FRANCE:** No, I'm a lay person in the Church, regarded as such.

18 **MS McKECHNIE:** So when you say women Religious, what does that term --

19 **SISTER FRANCE:** It means I'm a Religious in that I have taken vows and for me those vows are
20 permanent life vows of poverty, chastity and obedience, and I have taken them within
21 Sisters of Mercy as a Sister of Mercy. So my vows are to God but as part of the community
22 of the Sisters of Mercy.

23 **MS McKECHNIE:** And a final terminology question, Sue, what's the difference between a sister
24 and a nun?

25 **SISTER FRANCE:** A nun lives in an enclosed community, so would not be out -- lives in a
26 convent that is enclosed and cloistered, makes solemn vows and would not move beyond
27 the convent. I make simple vows and live a lifestyle which is out engaged in the
28 community. That's probably the simplest explanation.

29 **MS McKECHNIE:** Thank you Sue.

30 Paul, if I could ask you also to introduce yourself to the Commission and then I'll
31 ask you some brief questions about the role of the Committee.

32 **DR FLANAGAN:** Kia ora Sally, ngā mihi nui ki a koutou katoa, talofa lava. Ko Paul Flanagan
33 tāku ingoa. My name is Paul Flanagan and I am a lay member on the National

1 Safeguarding and Professional Standards Committee. I am a 60 year old white Pākehā
2 male with greying brown hair. I'm wearing a dark suit, white shirt and lime green tie. I
3 have a moustache and wear glasses. I welcome this opportunity to speak about what
4 Catholic faith communities throughout Aotearoa are doing to protect children and
5 vulnerable people in care.

6 **MS McKECHNIE:** Thank you Paul. Paul, you are here in part to speak to your role on the
7 Committee, but you also have professional qualifications and experience that are relevant.
8 Can you briefly summarise those for the Commission so they understand, I suspect in part
9 why you were appointed to the Committee.

10 **DR FLANAGAN:** My first degree was in theology, I was ordained a priest and after seven years
11 left priesthood and I voluntarily requested dispensation. I'm married and have three adult
12 sons. I have since qualified with a Master of Counselling and a qualification in
13 professional supervision as well as a PhD in education around sexuality in childhood.

14 In my professional counselling work I was often involved in working with children
15 and families and in school contexts related to child sexual behaviour, and am also an ACC
16 counsellor and have worked with children in sexual abuse counselling.

17 **MS McKECHNIE:** Thank you Paul. I described in my opening the way that the Committee was
18 created and has been tasked by the Mixed Commission. And as I understand it has two
19 parts, professional standards and safeguarding and so I'm going to ask you about them one
20 after the other.

21 Can you describe, please, the role of your Committee with regards to professional
22 safeguarding; the Commission is very familiar with NOPS, so if you could also explain the
23 relationship between the Committee and NOPS would be helpful please.

24 **DR FLANAGAN:** So the Committee's role is to approve a strategy and oversee the
25 implementation of the work of NOPS, the National Office of Professional Standards.
26 Members of the Committee are appointed by the Mixed Commission and are tasked by the
27 Mixed Commission to monitor the work of NOPS. The Committee has a governance role,
28 setting policy related to key areas of safeguarding and of preventative practices, and
29 secondly around professional standards where safeguarding is practised in terms of
30 responding to events.

31 The problem of sexual abuse and harm is a concern for the whole of our society and
32 it's only really since the 1970s and 80s has there been a clearer understanding of the
33 insidious and wide-reaching nature and effects of sexual abuse perpetrated on children and

1 vulnerable people. Research has documented that the incidents of sexual abuse and harm is
2 mostly within family contexts followed by perpetration within faith and social service
3 based sectors.

4 Such abuse of trust is never acceptable. Such abuse of trust in Catholic faith
5 communities is shameful. It is shameful that people in authority who may have known
6 about the abuse did not act in the victim's favour. Whether Bishops, priests, brothers,
7 sisters, even parents, the level of abuse that we know of is painful to us all.

8 So we need to support those who come forward to disclose abuse done to them and
9 to support them through whichever process they may prefer. And to continue the work
10 undertaken in safeguarding to continue and develop this work so that it is transparent, it is
11 accountable, and it is a robust process.

12 **MS McKECHNIE:** Thank you Paul. The final question; at paragraph 18 of your evidence you
13 talk about the standards for creating and maintaining a safeguarding culture which you say
14 there were promulgated in 2019 and revised in 2020. It's a key feature of safeguarding. So
15 are you able to previously summarise for the Commission what those standards are and
16 why they were brought in?

17 **CHAIR:** Sorry, can I just say we do have your full brief of evidence and the standards are set out,
18 so if you could just summarise them that would be -- be assured we have read them all.

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

20 **CHAIR:** These are the ones from para 25?

21 **MS McKECHNIE:** 19 ma'am.

22 **CHAIR:** The five standards, yes, thank you.

23 **DR FLANAGAN:** So there are five standards of which responding to complaints or concerns is
24 but one of the five. The others include communicating the Church's safeguarding message,
25 so that the work of NOPS is to make sure that every Catholic entity within the country is
26 aware of the policy and to sign the policy and is working to have a safeguarding practice
27 within their entity.

28 The second is around safe practices and so in terms of some training through our
29 parishes and the various entities within the dioceses, people are given examples so that they
30 can think about what people might often just take for granted and question to see where
31 there is safety possibly at risk.

32 The third I've mentioned is responding to complaints or concerns. The fourth is
33 about monitoring compliance with the national policy, and so NOPS will review the various

1 entities over a cycle around their implementation of the policy and their checking their
2 practices. And then there's formation and training so that those who are coming into
3 ministry in various ways, whether it's in the seminary or whether it's in people who are
4 visiting homes to take communion to the sick, have an understanding of the safeguarding
5 policies and what they should be mindful of.

6 **MS McKECHNIE:** Thank you Paul. I will now hand you over to Ms Anderson who I understand
7 will have some questions for you all.

8 **CHAIR:** Thank you. Yes Ms Anderson.

9 **QUESTIONING BY MS ANDERSON:** Thank you Madam Chair. Cardinal John Dew, are you
10 happy for me to call you John? I think that was the term we used last time we had a
11 conversation.

12 **CARDINAL DEW:** Yes, that's fine.

13 **MS ANDERSON:** Thank you John. Just a follow-up, a couple of process questions relating to
14 the Sateki Raass evidence that we've just traversed. I think you'll recall after the Pacific
15 hearing last year you received a letter from the Network of Survivors alleging that Bishop
16 Dunn had failed to respond appropriately to Ms CU's report of abuse; is that right?

17 **CARDINAL DEW:** Yes, that's true.

18 **MS ANDERSON:** And then you initiated a process from there, didn't you, you wrote off to the
19 Vatican?

20 **CARDINAL DEW:** I did, yeah. I was required to do that under vos estis lux mundi. If any
21 Bishop has failed to follow-up on anything, that's one of the things that is required now,
22 and that's what I did, and we were asked to follow that up using the NOPS processes.

23 **MS ANDERSON:** And do you recall that it was about October last year that you got that
24 permission from the Vatican to proceed down that path?

25 **CARDINAL DEW:** Yes.

26 **MS ANDERSON:** I'm not attempting to ask you any questions about the substance of what's
27 happening in relation to that, but just in terms of process, has that investigation been
28 completed and remitted back to the Vatican, is that the status?

29 **CARDINAL DEW:** No, no, it has not been completed yet.

30 **MS ANDERSON:** And you don't have to answer if you think you're unable to give a
31 commitment, but is there an expected timeframe for that process to be resolved?

32 **CARDINAL DEW:** No, I can't actually answer that, those processes often take a long time, by
33 the time an investigator is appointed and various people are interviewed; many of those do

1 take a long time, so I can't answer your question definitively.

2 **MS ANDERSON:** And in terms of the instruction to you from Rome in relation to that process,
3 would part of the investigation include interviews with Ms CU, or is that not something
4 you're aware of as part of the process?

5 **CARDINAL DEW:** I'm not aware of who that would include, so I can't tell you whether it would
6 include any particular individual or not. I simply ask that that process be undertaken and it
7 is undertaken through the NOPS process.

8 **MS ANDERSON:** I'm just going to call up, just so that you've got it in front of you, a document
9 CTH0019781. This is the letter from the Vatican to you granting the authorisation on 8
10 October last year. Just let me know when that's come up in front of you. Do you have
11 that?

12 **CARDINAL DEW:** Not yet.

13 **MS ANDERSON:** I don't think it needs to be on the screen for public display.

14 **CHAIR:** No it's not.

15 **MS ANDERSON:** You see just in that second paragraph it says in this process particular care
16 should be taken to listen to the complainants with great understanding and compassion and
17 to show maximum respect for the person of Bishop Dunn.

18 So my question relating to that is when you received that letter, who are the
19 complainants that greater understanding and compassion should be shown to? Is that the
20 Network that have written to you or is that Ms CU and other persons who have reported
21 abuse relating to --

22 **CARDINAL DEW:** I would think it's the people who made the complaints. Ms Noonan may be
23 able to comment on this as the Director of the National Professional Standards who's in the,
24 I almost said the congregation, or the audience with us.

25 **MS ANDERSON:** Your clarification's been helpful, I don't need to take that any further, thank
26 you.

27 **CARDINAL DEW:** Thank you.

28 **MS ANDERSON:** Am I right that, after the, I'm not sure if I've got the right technical term, the
29 swearing in of Bishop Lowe into Auckland and the ceremony there, that you received a
30 further letter from the Network complaining about the praise that was given to Bishop
31 Dunn at that ceremony. Do you recall receiving that letter?

32 **CHAIR:** The word's consecration, isn't it?

33 **CARDINAL DEW:** Installation, installation as the Bishop of Auckland.

1 **CHAIR:** Right, thank you.

2 **CARDINAL DEW:** Yes, I do recall receiving that letter.

3 **MS ANDERSON:** And do you understand the concerns that were expressed there about the
4 people who were participating in that ceremony who were praising Bishop Dunn at that
5 time while he's under this investigation process which is publicly known?

6 **CARDINAL DEW:** I realise that some people were upset about that, but there would have been a
7 large number -- well, there weren't a large number because it was under the time we were
8 only allowed 100 people, but there were also a lot of people in the Diocese of Auckland
9 who would have wanted to thank Bishop Pat for his almost 28 years of service and to
10 acknowledge that he had given 28 years of dedicated service, but some people didn't see
11 that.

12 **MS ANDERSON:** Is there any comment or message that you want to convey to those people who
13 might have that other sentiment that you've just referred to in the sense of --

14 **CARDINAL DEW:** I would say that those people who are upset are certainly entitled to make
15 their concerns known, but I would also ask them to hopefully recognise that that's not the
16 complete summary of Bishop Dunn's life of serving the Diocese.

17 **MS ANDERSON:** And the head of the Congregation for the Evangelisation of Peoples was at that
18 ceremony, is that right?

19 **CARDINAL DEW:** No, the head of the Congregation for the Evangelisation of Peoples lives in
20 Rome and has certainly not visited New Zealand I don't think ever.

21 **MS ANDERSON:** Thank you. I think you were expecting me to have some questions for you
22 relating to the investigation into allegations that Bishop Kavanagh had failed to respond to
23 reports of abuse.

24 **CARDINAL DEW:** Yes.

25 **MS ANDERSON:** Madam Chair, I can indicate to Commissioners that I won't be pursuing this
26 next set of questions that I'd intended to ask relating to that publicly-announced
27 investigation into Bishop Kavanagh. It's not possible to pursue these questions now
28 because the Church has claimed legal privilege over relevant documents which it has
29 provided to the Inquiry to review but not to use, and that claim is yet to be resolved. We
30 will be trying to resolve that claim as promptly as possible after the hearing so the topic can
31 be addressed in the Inquiry's report.

32 **CHAIR:** Thank you.

33 **MS ANDERSON:** This next question is directed I think to both Sue and John. So just giving you

1 a scenario to contemplate, which is a scenario in which a group of survivors from a
2 particular Catholic institution wish to meet with Church representatives and that there may
3 be, within that group of survivors, people who have not previously disclosed abuse to the
4 Church.

5 I'm just wondering whether there's anything either in Canon Law or in A Path to
6 Healing or other safeguarding policies and protocols that you've got that you would
7 consider would place a potential obstacle to you participating in that kind of
8 survivor-driven wānanga?

9 **CARDINAL DEW:** I can't think of anything within A Path to Healing or within Canon Law that
10 would prevent us doing that.

11 **MS ANDERSON:** So there's no -- so one aspect of that scenario is that you might receive
12 information in that forum which is a report of abuse; would that make you feel that even if
13 the survivor didn't necessarily wish to have you investigate it, that you would be required to
14 go off and investigate that? I'm just trying to understand where the obligations kick in and
15 what discretion there is around that.

16 **CARDINAL DEW:** Are you saying the survivors group would be presenting an incident of
17 abuse?

18 **MS ANDERSON:** Well, it's possible, if you're meeting with a group of survivors who've asked to
19 meet with you, that they might end up talking about what happened to them, mightn't they?

20 **CARDINAL DEW:** Our policy therefore is that should be reported to NOPS, that's what the Path
21 to Healing requires, and we encourage people to do that or to go to the Police. That's what
22 the National Office for Professional Standards is there for.

23 **MS ANDERSON:** So would that obligation affect your thinking about whether to participate in
24 that kind of wānanga, or is it just something that you would deal with if it came up?

25 **CARDINAL DEW:** It would very much depend on what they were asking to meet about. If
26 they're asking to meet about reporting abuse, we would be saying look the National Office
27 for Professional Standards is here in order to take such accounts and then to investigate
28 them, because that's what we would be doing anyway.

29 **MS ANDERSON:** There might be some circumstances, mightn't there, where survivors want to
30 meet you and tell you about what's happened but don't necessarily want you to go off and
31 do anything, you're saying that would create a difficulty for you under the protocols that
32 you've got in place?

33 **CARDINAL DEW:** It would be very difficult if they told us that -- reported abuse but didn't want

1 us to do anything when we are required under vos estis lux mundi to report abuse and to
2 investigate it.

3 **DR FLANAGAN:** If I can come in, I think where there might be the risk of someone practising in
4 ministry who is at risk to children or vulnerable people, there is not only an ethical
5 requirement but a moral requirement as well as a Canon Law requirement for the Bishop to
6 act.

7 **MS ANDERSON:** Thank you. There has been a recent wānanga by a group of survivors of Hato
8 Pāora and Hato Pētera that occurred earlier this month that was a survivor initiative rather
9 than participating formally in the Royal Commission. I think you've seen a document, have
10 you, that that survivors group have provided about what they're looking for in the future.
11 Are you familiar with that document?

12 **SISTER FRANCE:** I haven't seen that document, no.

13 **CARDINAL DEW:** I have seen that document.

14 **DR FLANAGAN:** I haven't seen that document.

15 **MS ANDERSON:** I'm just going to call it up on the screen to be looking at page 2 of this. It's
16 WITN1499011, and just turning to page 3 of the document paragraph 9.

17 **MS McKECHNIE:** Is Ms Anderson able to explain the context in which the document was made
18 and who the authors of it are so the witnesses understand please?

19 **CHAIR:** So far we know it's a document that's originated from a wānanga. Are there any other
20 details? Shall we wait until it comes up and we'll use that maybe to see what it is.

21 **MS ANDERSON:** It's a collective submission to the Inquiry from the wānanga which outlines,
22 from a survivor's point of view, what it is that they're wanting to see happen in the future.
23 Page 3, which is coming up, addresses the topic, how the harm can be addressed and
24 remedied. If we can just turn to page 3 paragraph 9.

25 **CHAIR:** I'm not sure if you've given the date but it's 4 October 2022. We now have page 3 in
26 front of us.

27 **MS ANDERSON:** Paragraph 9, if you could call that up please, enlarge that. You can see there
28 that part of what they're saying is there must be a restorative justice process where Church
29 representatives have to turn up and confront this and take accountability like offenders are
30 required to with their victims.

31 Just in terms of conceptual, to you John and Sue, is that generally something that
32 you would welcome the opportunity to attend, a restorative justice process for survivors?

33 **SISTER FRANCE:** I think restorative justice processes are always helpful for all involved where

1 people are able to meet and talk together.

2 **CARDINAL DEW:** I would second that, restorative justice processes are very much part of the
3 Church. We know that they work well and they're opportunities for people to be heard and
4 I would say that we certainly would welcome something like this. This is new to us, I saw
5 this just a few days ago just last Friday. Obviously we would want to be able to talk about
6 this with the Congregational Leaders and the Bishops as to how this would go about, and
7 because this has come from one of the Māori colleges, we would probably also want to talk
8 to an organisation that we call the Rūnanga o te Hāhi Katorika, the Māori body which
9 provides advice to the Bishops' Conference, which has been in existence for several years,
10 we meet with them every year, one of the Bishops meets with them twice a year, they meet
11 with a whole Bishops Conference once a year, and in fact just in a couple of weeks' time
12 we're spending a whole day with the rūnanga as we just go about our ordinary business and
13 they give us advice. So this is the kind of thing we would want to be talking with the
14 rūnanga about.

15 **MS ANDERSON:** And over in paragraph 13 on the next page, there's a desire for wrap-around
16 support provided to survivors including those who are in prison and for those coming out of
17 prison and for their whānau in order to stop the cycle. So you've probably, in terms of the
18 care to custody pathway, you will have heard a lot of evidence about that in the Royal
19 Commission.

20 What these survivors are saying who have ended up in prison, that they're really
21 looking for that wrap-around support when they come out and to break the cycle. John, is
22 that something else that you're not in a position to comment on at the moment but once the
23 discussion with the rūnanga has taken place you might be in a better position to provide
24 some information back to the Inquiry about the Church's view of what survivors are saying
25 in this document they want?

26 **CARDINAL DEW:** Yes, it's certainly something, as I've already indicated, we would need to talk
27 with the rūnanga about and get advice from them. The whole Mixed Commission, as I say,
28 Bishops Conference and Congregational Leaders would need to talk about this, and I would
29 also think it would be something that we would be looking forward to getting advice when
30 the Royal Commission has done its work and made some recommendations to us.

31 **DR FLANAGAN:** Can I add, I'm aware that one or two cases of support for people coming out of
32 prison who have been victims of abuse have already occurred with support from a local
33 Bishop and putting in contact with an agency, a survivor agency.

1 **MS ANDERSON:** The document can come down now.

2 My next question is to Sue and Paul due to your, Paul, your current role on the
3 Committee and Sue you've previously been a member of that Committee, overseeing
4 NOPS. So the initial question is, do you accept that faith is very important to many Pacific
5 peoples where their spirituality and faith is entwined with identity; do you agree with that,
6 or accept that?

7 **DR FLANAGAN:** I think if we consider Professor Sir Mason Durie's model of wellbeing of Te
8 Whare Tapa Whā it's integral, wairua. And I think the tragedy of sexual abuse by those in
9 trust within the Church is that the four walls have been damaged not only for the individual
10 but for their relationships to their whānau, to their friends, to themselves. So yes, we would
11 agree with that.

12 **SISTER FRANCE:** And I would agree that rather than entwined with, I think it's part of the
13 fabric of who -- we have sisters who work in -- who are Samoan and Tongan and who work
14 in Samoa and Tonga and it's part of the fabric of who they are, that spirituality is integral to
15 who they are, yes.

16 **MS ANDERSON:** So in that Committee role sitting at the top as the governance over the
17 response to abuse and also safeguarding, what would you summarise has been done to
18 ensure that Pacific survivors' relationship with their spirituality and faith following a
19 disclosure of abuse is able to be maintained?

20 **SISTER FRANCE:** I'm not sure that it's the role of the Committee to ensure that somebody's
21 faith is able to be maintained. I think the Committee's role is a governance role. I think it's
22 the Church's role as a whole to provide a place that is safe for all people, particularly those
23 who are most vulnerable to support them so that their faith can be nurtured and nourished,
24 because I believe that spirituality is intrinsic to every person regardless of whether that's
25 part of their faith or not. I don't think it's a governance Committee's role to ensure that
26 someone's faith can be protected in that sense.

27 **DR FLANAGAN:** Can I just add to that. I think it's important to be aware that the Committee is
28 aware of the different cultural and ethnic communities within the Church of Aotearoa
29 New Zealand, and is looking at ways to how we support particular cultural communities so
30 that our materials that are available on the NOPS website are being developed in multiple
31 languages. We have four or five up there in different languages currently, and those are
32 being developed as we have the resources to do so.

33 So while that doesn't answer your question directly, I think it does relate to the way

1 that we're trying to develop the relationships with the communities in a way that they have
2 pathways to be able to speak.

3 **CHAIR:** If I can just add, from the Commissioner's point of view, this aspect is particularly
4 relevant for what we generally call pūretumu, redress, and it's, as you may know if you've
5 looked at the report last year, we talk about holistic redress. So just handing out a letter of
6 apology and a sum of money doesn't cut it, it goes some way, but I think there's a
7 widespread recognition now that there needs to be the healing of the whole person, the
8 Whare Tapa Whā for example at least in Māori and the Fonofale in Pacific culture, this is
9 the aspect that we're interested in for the spirituality. I take your point, it's not something
10 you can govern --

11 **SISTER FRANCE:** No.

12 **CHAIR:** -- in one sense no, but in another sense when you're looking at what can be done for
13 survivors of abuse in this Church, that's what we're encouraging people to think about.

14 **DR FLANAGAN:** And John, would you say that, you know, when the Church authority has to
15 give a decision on an inquiry that's happened, that there would be some form of trying to
16 work with the survivors to connect them well with their cultural communities?

17 **CARDINAL DEW:** Yes, definitely, we're trying to do that all the time and looking at ways, if
18 they're from a particular ethnic community, what kind of support can be given, who do we
19 need to bring in to help them to do that.

20 **SISTER FRANCE:** I think probably building on what Paul has said, I think to do the work of
21 safeguarding in a cultural context and to be able to talk about human development and
22 sexuality in a way which is culturally appropriate with the right people is really important,
23 and that that helps to build a safe culture where children are free to talk about things that
24 are not right and touch that's not right, and that the conversations are able to be had. I think
25 that's really essential.

26 **CHAIR:** Thank you for that response.

27 **MS ANDERSON:** Paul, just coming back to your comment, the concept that the governance role
28 of the Committee perhaps doesn't lead to ensuring that the response to a survivor ensures
29 that holistic response to the spirituality; you did say that the role of the Committee includes
30 monitoring NOPS and how it goes about its work. So from a governance perspective,
31 doesn't the Committee have a governance role in looking at where the NOPS process is
32 actually ensuring that that spirituality, faith and identity element is being accommodated in
33 the response to survivors who come forward?

- 1 **DR FLANAGAN:** Yes, and when we have Virginia Noonan's report at each of our meetings
2 about the work plan and how that's progressing, she does inform us around how that work
3 is developing. I don't know whether, Virginia, you want to say anything more around this?
- 4 **CHAIR:** I think we'll just leave it. Ms Anderson?
- 5 **MS ANDERSON:** I think we've got enough witnesses to manage.
- 6 **CHAIR:** To manage in the meantime, all right. But if you wanted to add some more information
7 later we'd be very happy to receive that, thank you.
- 8 **MS ANDERSON:** In terms of the transparency around the Committee and the Complaints
9 Assessment Committee, Sue and Paul, you'll be familiar with the comments from survivors
10 that it's very frustrating that the identity of the Complaints Assessment Committee and the
11 identity of who's on the Committee that you sit on, Paul, is not publicly available
12 information. Can you talk about why that there is not transparency around that element of
13 the process?
- 14 **DR FLANAGAN:** I thought that the membership of the Committee I'm on is publicly available
15 and was made available to this Commission last year.
- 16 **MS ANDERSON:** It's been made -- but nobody can go on a website and look at who's on that
17 Committee, can they?
- 18 **DR FLANAGAN:** Not that I'm aware of.
- 19 **MS ANDERSON:** And in relation to the Complaints Assessment Committee there's a very
20 deliberate approach, which Phil Hamlin spoke to in his witness statement provided earlier,
21 around the approach taken to keep the identity of the members of the Committee private
22 and secret.
- 23 **DR FLANAGAN:** Private I think rather than secret. I think the idea is that we're moving through
24 a process in which they realise they will be identifiable in time to come, but we need to
25 prepare for that and be ready that people who do that work will then be agreeable to that
26 and willing to work that way.
- 27 **MS ANDERSON:** So is that a signal that change might be in the wind in that regard? Because it
28 is a very sore point for survivors that they don't see who's making -- they don't know who's
29 making the decisions in relation to their report of abuse.
- 30 **DR FLANAGAN:** The decisions are made by the Church authority.
- 31 **MS ANDERSON:** But the Complaints Assessment Committee recommendations are very
32 powerful, aren't they?
- 33 **DR FLANAGAN:** They are quite powerful, yes. So yes, there is a developing change within the

1 Committee and our thinking around that.

2 **MS ANDERSON:** And in terms of the oversight and monitoring of NOPS' role, and the
3 Complaints Assessment Committee role, we're still in the position more than a year after
4 we spoke with Ms Noonan last year that there hasn't been an independent audit of NOPS,
5 whether it's adhering to the policies and practises in A Path to Healing, and we haven't had
6 any audit of the Complaints Assessment Committee decision-making processes. That
7 seems to be quite a gap in the process of accountability.

8 **DR FLANAGAN:** My understanding is that there have been some reviews of particular cases and
9 that we are again in the process in the Committee of talking about an audit or review of the
10 work of NOPS. We have worked through a review of our safeguarding practices and have
11 had an external reviewer come in for that and they've made some recommendations to help
12 us in making those stronger. So it's about a work plan over time, we can't do it all
13 overnight, or in a year.

14 **MS ANDERSON:** Well, it's only a year since it was discussed as to why there hadn't been an
15 audit of the Complaints Assessment Committee process. But what you're saying is, and I
16 think the Chair of the Complaints Assessment Committee in her statement in September
17 this year, said that NOPS and your Committee are actively considering how such an audit
18 might occur?

19 **DR FLANAGAN:** Yes.

20 **MS ANDERSON:** But no promise in terms of timeframe?

21 **DR FLANAGAN:** I would think something within the next 12 months.

22 **MS ANDERSON:** And is that -- would the intention be --

23 **DR FLANAGAN:** Some of it's resourcing, if I might say. Some of the decision is around the cost
24 of these changes and how it's taken up.

25 **MS ANDERSON:** But it surely must be really important to know whether NOPS is actually
26 following the principles and policies in A Path to Healing, you'd want to know the answer
27 to that question, don't you?

28 **DR FLANAGAN:** Yes, and we do have some oversight of that, but as you're saying it's about an
29 independent external review and that comes with some big money.

30 **MS ANDERSON:** And it must be important to know whether the Complaints Assessment
31 Committee is making consistent decisions and that their approach to decision-making is
32 appropriate?

33 **DR FLANAGAN:** Yeah, and as I said there have been a couple of instances where people cases

1 have been reviewed for that purpose.

2 **MS ANDERSON:** Yes, but an occasional review of a case is quite different from looking at, is
3 the system actually working properly.

4 **DR FLANAGAN:** And again that's part of the work plan that we have, as is, if I might also say,
5 increasing membership and diversity of membership for the Committee, and there's a
6 budget. Currently we're all volunteers, but we're looking at a budget for that so that people
7 who are not middle-aged Pākehā and overly male can join the Committee and have some
8 support financially to do that, because most of us are probably privileged in particular ways
9 where communities who have had effects of colonisation and the social economic effects
10 that can be intergenerational who would be wonderful members on our Committee, can't
11 afford the time, can't afford the travel and so on, so we're looking at ways to develop that
12 diversity.

13 **MS ANDERSON:** In terms of the safeguarding dimension of the Committee's remit, what you've
14 said, Paul, in your witness statement is that NOPS undertakes external reviews of
15 safeguarding practices in the different Church authorities?

16 **DR FLANAGAN:** The entities, yes.

17 **MS ANDERSON:** But you also say in your brief of evidence at paragraph 39(d) that NOPS is an
18 agent of the Church?

19 **DR FLANAGAN:** Yeah.

20 **MS ANDERSON:** And I think that's a correct characterisation. So we also often get, don't we,
21 safeguarding recommendations from NOPS when they've received a report of abuse, they
22 develop up a safeguarding plan and send that through to the relevant leader of the Church
23 authority, don't they?

24 **DR FLANAGAN:** Safeguarding plans.

25 **MS ANDERSON:** Yes.

26 **DR FLANAGAN:** Yeah.

27 **MS ANDERSON:** So they can't be reviewing safeguarding that involves whether that plan was
28 adequate?

29 **DR FLANAGAN:** Well, as I mentioned earlier, we had an external reviewer for the safeguarding
30 framework and that was Deloitte, they were providing those recommendations last year
31 and we're looking at how we might then develop an external review of NOPS overall. So,
32 as I said, that's work in progress. We are responding to the calls that have come forward
33 and we're aware of the recommendations that have come from this Commission and we

1 look forward to continuing that work and working in partnership with the Commission's
2 recommendations and reports.

3 **MS ANDERSON:** And is your current intention in relation to the external reviews that might be
4 being contemplated and maybe --

5 **DR FLANAGAN:** They are being contemplated.

6 **MS ANDERSON:** Yeah, understand that -- that they would be -- the information from those
7 would be publicly available, is that the current intention?

8 **DR FLANAGAN:** That's a good question, I'll take that to the Committee.

9 **MS ANDERSON:** Are you aware that the equivalent of NOPS in England and Wales publishes a
10 detailed annual report, detailed statistics on the claims of abuse and outcomes for both
11 claimants and the alleged abuser, is that something you're familiar with?

12 **DR FLANAGAN:** It doesn't surprise me and I'm aware that we've also, through TRT, Te Rōpū
13 Tautoko, have done something similar here.

14 **MS ANDERSON:** You've done a -- what's been released is a data up to a point in time, this is
15 what occurs in England and Wales is an annual report.

16 **DR FLANAGAN:** Okay.

17 **MS ANDERSON:** So contemplating a 2023 report and for the following years. Is that something
18 that the Committee is thinking would help with transparency around the response to reports
19 of abuse?

20 **DR FLANAGAN:** I think that makes sense and something that we will explore and address.

21 **MS ANDERSON:** I'm just going to ask one question before I hand over to Commissioners for
22 questioning so that they've got enough time, we might need to sit slightly late, Madam
23 Chair, but just one question. The Chair of the Complaints Assessment Committee in the
24 recent witness statement says that one of the reasons for abuse is, and this is a quote
25 "forgiveness was prioritised over safeguarding."

26 So just from each of the three of you, your reflection on whether you agree with
27 that, disagree and why?

28 **SISTER FRANCE:** I think that would be one of the reasons -- I think there were a number of
29 reasons. I think there were also reasons around the huge imbalance of power that Religious
30 and clergy had, the lack of resources of people being put in positions where they should not
31 have been put in positions of care of children, or in situations where they were ill-trained
32 for the work that they were doing. I think there were significant reasons, I think
33 forgiveness is one of them, a care for reputation was another.

1 **MS ANDERSON:** Is that reputation of the individual or reputation of the Church?

2 **SISTER FRANCE:** I think reputation of the Church was one reason why abuse continued. I
3 think they were some of the mistakes that happened.

4 **CARDINAL DEW:** I think the question that you've just put to us that forgiveness was seen to be
5 more important than safeguarding was probably a thing in the past. When the whole sexual
6 abuse was misunderstood, when there wasn't a greater understanding of what it meant, and
7 the whole idea of saying sorry to someone was seen as more important.

8 I would say today we have a much greater appreciation of what needs to be done for
9 the victim. And we've learned so much, and I've repeated that, I've said that in my witness
10 statement in March last year, from the time we began the Path to Healing process, we've
11 continued to learn, and I'm sure that all the work, the incredible amount of work that's gone
12 into preparing over the last few years for this Royal Commission has helped us to learn so
13 much more, and to learn that it's not just about forgiveness, it's about what kind of, as
14 you've mentioned before, wrap-around care can be given to the victim, and continuing to
15 learn that and grow in that area.

16 **DR FLANAGAN:** I think also that societal norms of the time with the understanding of family
17 structure and respect for parents, respect for the institution of marriage. I know of people
18 who have spoken about telling parents of abuse by an uncle but it wasn't taken any further
19 because they didn't want to harm the marriage that that uncle was part of because they had
20 children in that family. So I think there are a number of social and cultural things that
21 contribute to that sense of forgiveness or not taking it further at that time.

22 I think in terms of the Church there is that history of respect particularly for those
23 who were seen in authority, the clergy and the Religious. But we're in a different time now
24 and certainly I think the messaging is all around speaking up and calling for transparency
25 and honesty in response to what's happened.

26 **MS ANDERSON:** Thank you, the Commissioners are likely to have some questions for you.

27 **CARDINAL DEW:** Thank you.

28 **CHAIR:** Yes, thank you very much Ms Anderson.

29 **COMMISSIONER ERUETI:** Kia ora koutou. It's great to see the faith, despite the many entities
30 and structures and members, cohere in this way when it comes to the kaupapa of redress.
31 And to read the road map and see the commitment to puretumu torowhānui, it's really
32 encouraging.

33 And also to hear today about -- because one of the lessons we've learned is the need

1 for innovation and adaptation when it comes to hearing from survivors, so it's not just a
2 one-on-one hui, but also to be open to meeting face-to-face in a collective setting in such a
3 way, because that's clearly what is desired within many communities, including Māori, I
4 think. So I just wanted to signal my appreciation of the commitment made this afternoon
5 and thank you for your time, kia ora.

6 **CARDINAL DEW:** Thank you, kia ora.

7 **COMMISSIONER GIBSON:** Thank you, I'd be interested in an article from both John and Sue
8 on this. It's great to have representatives of women Religious here, so I'm keen for that
9 perspective. Part of our terms of reference are for us to re-affirm international law, human
10 rights law, and there's a carve-out in New Zealand's human rights law around exemptions to
11 the Human Rights Act, and just looking -- we're learning ourselves over the range of this
12 Inquiry and hearings, I think the next three faith-based institutions have leaders structured
13 into their faith of both genders, whereas Catholics and Gloriavale as yet don't.

14 We heard from experts in the contextual evidence two years ago that this was one of
15 the factors which contributed to environments of abuse against children and vulnerable
16 adults. What's your view, both in terms of personal, what should be done and what can be
17 done, to make sure that, or should the Catholic Church and Gloriavale be subject to the
18 same human rights norms as everyone else? Should that change, and can it change, how?

19 **SISTER FRANCE:** I think the Catholic Church has the potential, if we continue along the path
20 that we have here in New Zealand, which is quite unique of having our Mixed Commission
21 of the Congregation Leaders and the Bishops meeting together and working together in a
22 way which they don't in any other part of the Church in the world, that's a unique structure.

23 And the other piece of that is in terms of authority, which is something I think that
24 people have sometimes struggled with, is that as a Congregation leader I have, in my own
25 realm, the same authority that John has in his Diocese. So that in that setting in many ways
26 we are equal in the Church.

27 But when it comes to structures in the way that society looks on us, it is looked on
28 having the Bishop as being in charge, but that's not really what the reality is when it comes
29 to work within the Church structure. And so we are probably a bit more vocal when it
30 comes to ourselves talking to one another and expressing our views and finding our place.

31 So I think there is a way in which when Ms McKechnie asked about the place of
32 women Religious, I may not have vocalised it as clearly as I could have, that there is
33 potential for, and I think that's what the Vatican Council of the 1960 was calling for, was

1 that lay Religious and clergy, that it be a church of the laity where men and women, people
2 of all cultures find their place together.

3 And that's our challenge, and it's within that, that we create a safe church where
4 each person in their own right has their own inner goodness and dignity respected, and
5 that's the challenge for us. That's where we -- the starting point of inner goodness rather
6 than a starting point of sinfulness. And that's the transformation that needs to happen, and
7 has been happening in the Church.

8 **CARDINAL DEW:** Sue's words have just reminded me that twice over the last few years, several
9 years, and I know Paul has been to one and Virginia has been to a couple of what we in the
10 world know as the anglophone conference where several years ago English speaking
11 conferences came together to talk about the reality of sexual abuse. They were just all
12 English speaking countries, but it's happened for quite some years.

13 The first one I went to was about 2005 in Washington. They were astounded to
14 know that our protocols were made by the religious congregations and the bishops,
15 women's and men's congregations and the bishops. We're the only country in the world
16 where we had worked together and we had all come up with the one Conference -- with the
17 one protocol. I think that's what illustrates really what Sue says about us working together.

18 One of the things that people don't see in our Church, of course, is that at this stage
19 women are not in roles as priests, as ordained ministers, and that's not a decision that we
20 make. I think there is a huge change going on in the Church universally. Pope Francis has
21 appointed women to some very senior roles in the Vatican and that's giving a message to
22 the rest of the world.

23 Certainly in the Archdiocese of Wellington I've got a woman who's the Chair of the
24 Board of Administration, a woman who's the Chair of the Archdiocese and Pastoral
25 Council, a woman who's the Director of Catholic Social Services; there's a whole lot of
26 ranges like that. Where we can, we involve people with the right skills. So I hope that
27 answers your question.

28 **COMMISSIONER GIBSON:** I suppose still I think the point is we talk about who is a Bishop,
29 how would that change? It's still men who appoint those roles, and is it a kind of
30 disagreement with the expert evidence we had a couple of years ago that this actually, the
31 structural male dominance -- I appreciate that it's globally -- contributes to the environment
32 which puts children, vulnerable adults at risk of sexual abuse?

33 **CARDINAL DEW:** It can. Pope Francis has appointed, I think, two or three women to the

1 Committee that appoints Bishops in Rome. We're appointed by a committee in Rome and
2 some women have been appointed to that. That doesn't mean they can appoint women, but
3 they're having a say. And we know that -- I think everyone knows that change in the
4 Vatican is very slow, it's very gradual. But the thing -- he is starting to do things.

5 And the Church has emphasised, as Sue was saying, and this goes back 60 years to
6 the second Vatican Council, that the Church is the people of God, it's the baptised people,
7 it's not just the Bishops. And Francis has reclaimed that in his time, and I think that in the
8 processes that have been happening in the last couple of years, which is known as
9 synodality, it's everyone having a say in the life of the Church. So that is making a big
10 difference.

11 **COMMISSIONER GIBSON:** And the experts also talked about a couple of other core things
12 which they thought were contributing, that the attitude to the rainbow community, practice
13 of homosexuality as well as the role of the confessional, how again can we, the
14 Commission, you the Church in New Zealand, influence these practices which may have an
15 impact on abuse.

16 **DR FLANAGAN:** I think one of the speakers from St Pat's Silverstream referred to the document
17 that the Bishops released a week or so back around care and diversity in Catholic schools,
18 which is particularly looking to how people who may have different identities sexually can
19 be feeling safe and at home in their own communities and not be ostracised or isolated.
20 This is a step, I know there's a lot more to do, but we heard about the establishments of
21 diversity groups in some schools.

22 **SISTER FRANCE:** I think -- I'm just thinking in terms of the secrecy of the confessional and I'm
23 thinking of working as a psychotherapist and where you hear a lot of things are disclosed,
24 and there are some things that it's very clear that I can't keep secret as a therapist and I need
25 to inform the Police or another body if it's a matter of this person's safety or the safety of
26 somebody else.

27 But there's also a grey area where you really have to make a discernment. I think
28 the confessional issue is a harder one, and I think it's a real quandary really.

29 **CARDINAL DEW:** I think also as Tim Duckworth said this morning, in 40 years nobody -- he
30 hasn't had anyone who's confessed sexual abuse, and I certainly haven't in over 40 years, or
31 someone who has spoken about sexual abuse. If they did, priests are encouraged to ask
32 those people to go to the Police, you know, and to give them some support to do that, but
33 the priest themselves can't do that. And that's the question of the Australian, someone brought

1 up the Australian question this morning, and that was what the Australian Bishops were
2 saying, the Church has this understanding of the secrecy of the seal of confession.

3 But we can certainly encourage people if they came with an issue of abuse, if they
4 admitted that, it's not their fault, it's not their sin, but we can encourage them and even
5 support them to go to the Police about that.

6 **COMMISSIONER GIBSON:** Just a final question, circulating back to the start, do you think that
7 the exemption for faith-based institutions such as the Catholic Church, Gloriavale, should
8 be maintained?

9 **CARDINAL DEW:** The exemption?

10 **COMMISSIONER GIBSON:** In terms of gender equity in employment, things like that?

11 **DR FLANAGAN:** Are you talking about the --

12 **COMMISSIONER GIBSON:** Under the Human Rights Act, yes.

13 **DR FLANAGAN:** Men only who are ordained?

14 **COMMISSIONER GIBSON:** Yes.

15 **CARDINAL DEW:** It's a Roman decision. There's lots of talk, there's lots of questions about will
16 we ever have women priests as other churches have, that's really nothing that we can
17 influence at this stage in our lives.

18 **COMMISSIONER GIBSON:** Thanks.

19 **COMMISSIONER ERUETI:** Can I just quickly bring up the confessional matter. So
20 Duckworth this morning endorsed the idea of mandatory reporting and suggested that there
21 was support for that across the Congregational Orders and Bishops, and including in the
22 confessional, but you're making clear here that that's not the case when it comes to the
23 confessional, that there's no proposal to endorse mandatory reporting that would include
24 disclosures made in the confessional?

25 **CARDINAL DEW:** At this time in our history we're not able to disclose something that is heard
26 in the confessional, but we can encourage people to, either to come and talk to us outside
27 the confessional or go to somebody else.

28 **COMMISSIONER ERUETI:** Yes, but if there was legislation that required you to make a
29 disclosure, would the disclosures be made? If you were to, in the confessional yourself,
30 hear a disclosure and it was required under statute for you to make a disclosure, would you
31 then make that disclosure?

32 **CARDINAL DEW:** I honestly don't know how we would -- that was what the Australian Bishops
33 were saying they couldn't do, and I don't know what we would do if that became a

1 requirement by law because Church law says the opposite.

2 **COMMISSIONER ERUETI:** Are you having that discussion in a profound way about if there
3 was law reform how you would respond to that?

4 **CARDINAL DEW:** We haven't had that in New Zealand at this stage, but some countries are,
5 and I know that it's coming up in various forums, Bishops Conferences around the world.

6 **COMMISSIONER ERUETI:** Not in New Zealand as yet.

7 **SISTER FRANCE:** My experience working as a therapist in a State in the US where there was
8 mandatory reporting of abuse was that either the offender or the survivor was that it
9 inhibited both from talking about what had happened to them, naming who had abused
10 them or the offender talking about what they had done. It just stopped it coming into the
11 therapeutic setting, because they knew they were in that particular State and they couldn't
12 talk about -- if they talked about that then they knew that as a therapist I had to report that
13 and that I didn't have a choice.

14 So the impact of that, and it was other therapists, we would talk about it amongst
15 ourselves professionally, is that the impact was that it actually stopped and prevented the
16 reporting of abuse in those settings.

17 **COMMISSIONER ERUETI:** Thank you for that.

18 **COMMISSIONER ALOFIVAE:** Good afternoon, I'm conscious of time so I'll try to keep it to
19 one or two questions. We've heard a lot and thank you very much for the evidence and I'm
20 conscious that actually in many respects this is a future component, and it really begs the
21 question for me; What does a healthy Catholic Church look like? No doubt that is a
22 question that you ask yourselves and your congregations often.

23 And I think specifically about the context here in Aotearoa and you've got quite a
24 significant Pasifika congregation -- congregations because of the multiplicity there; and the
25 ability of the leadership, so looking at yourselves, to be able to be influence quite
26 significant cultural change. So cultural change in terms of the processes and how things are
27 done, not necessarily in terms of ethnicity and how they choose to worship.

28 And whether or not that is a discussion that is happening, or should happen, or can
29 happen, to bring about the change that the leadership is often really concerned about, and
30 we've heard this, I think we heard this from you, John, in your evidence previously, we've
31 also heard it from Tim Duckworth, about the lengths that Pasifika people will go to, mainly
32 Samoan and Tongan, that then puts them in debt and it's often around church honouring
33 processes.

1 So in terms of your Committee and the rules, how do you take that into
2 consideration when faith is so integral to our Pasifika communities in the Catholic
3 community?

4 **CARDINAL DEW:** One of the things that we've done, and I'm just speaking here for the
5 Archdiocese of Wellington, in the last couple of years we've had an ethnic review where we
6 brought together a whole range of different communities, not just Pasifika, but Iraqi,
7 Indian, a whole range, just simply to talk about some of these things, and what would be the
8 most helpful things for them, for their children, for worship, for being involved in the
9 communities that they belong to and the parish communities, rather than always meeting
10 together as a particular community, because they do belong to a parish.

11 That's an ongoing thing, it's given us a lot of information. It was about two years
12 ago and we had two people professionally interviewing and that was all reported back, it
13 was all summarised. We met together about three months ago, all those representatives
14 again to talk about that, we're releasing the findings to the parishes. It's all about ways that
15 we can communicate with one another, make people feel welcome, help people to be heard.

16 That's some of the kind of things that we're doing and I guess it's probably
17 happening in other dioceses and it's certainly happening in Religious Congregations.

18 **SISTER FRANCE:** We're in a different situation because we don't have a parish situation and our
19 sisters work in different settings, so we're not in control of that in that sense. So we have
20 individual proprietor boards in charge of schools and probably where it's most happening
21 would be in community development settings really where predominantly working with
22 Māori and Pasifika people and the staff in those settings are Māori and Pasifika people
23 working together. And so they are there doing the work and making the difference
24 themselves already.

25 **COMMISSIONER ALOFIVAE:** That's wonderful, thank you.

26 **DR FLANAGAN:** I was just reflecting on the parish that I'm part of and the multiple ethnic
27 communities there are, probably predominantly Asian, but a number of Pasifika
28 communities too, I'm thinking Cook Island as well as Tongan, and I'm thinking as I see
29 them they're already connecting with each other and supporting each other.

30 So as a person in the queue, so to speak, I think it's my responsibility to support
31 them and welcome them and engage and to, I think, question how we might be able to
32 support further. But I don't know that I could direct anything, that's for them to come up
33 with.

1 **COMMISSIONER ALOFIVAE:** Thank you very much for your answers.

2 **DR FLANAGAN:** Kia ora.

3 **CHAIR:** I was going to ask you some questions, I think they've all more or less been covered.

4 But I just need to thank you very much for, as Ms McKechnie's pointed out, and this is the
5 last outing for Catholic Church before the Commission, has responded to large numbers of
6 requests, notices, it provided a vast amount of documentation and other matters and I'm
7 sure all of you more or less, particularly you, Sue, on the Te Rōpū Tautoko, has contributed
8 towards that; I just want to thank the Catholic Church for engaging with the Royal
9 Commission and putting so much work into it.

10 And then to thank you three for your personal contribution today, it is much
11 appreciated, and thank you for repeating your apology, Cardinal Dew, because that's what
12 you are for us, and it is for survivors to make of it what they will, but thank you for taking
13 the opportunity to state it publicly again.

14 **CARDINAL DEW:** Thank you.

15 **CHAIR:** Yes Ms McKechnie.

16 **MS McKECHNIE:** Ma'am, just to highlight particularly for Commissioner Alofivae, the Pacific
17 chaplaincy's briefing paper that was provided has significant information in relation to the
18 answer to your question, ma'am, and particularly because it is from the Archdiocese to the
19 Samoan chaplaincy, so that may be another area to have a look at.

20 **CHAIR:** As you can see we have a vast amount of reading to do, this does not end, the journey
21 does not end here.

22 So kua mutu aku mahi i tēnei wā. Let us close off appropriately with a karakia.

23 **KAUMATUA NGATI WHĀTUA:** Kia ora mai anō tātou. Mea tuatahi mihi ana ki a koe te
24 paepae o tātou tēnei kaupapa te rā nei taku mihi ana, kei te mihi.

25 Tuarua, ki a koe e te rangatira o te Hāhi Katorika, kei te mihi. Ki a koe tonu tō
26 whaea āwhina, ki a koe te rangatira tae mai ki tēnei wā. Nō reira, kua mutu e tatou tēnei
27 kaupapa, he [mihi] aroha ki a koutou, he [mihi] aroha ki a koutou, ki te noho ana ki te
28 whakarongo mai te kaupapa o te rā nei. Āe, mamae te ngākau, mamae te ngākau ki a
29 koutou.

30 My love goes out to all of you who are here today, to make and to listen for those
31 who are listening, for those who are speaking, for the survivors who are here, and for the
32 benefit of all of us out in the public who don't know what's going on here, that the love,
33 I feel, needs to be passed amongst us all.

1 And so in our karakia today, in our waiata, we'll sing Ka Waiata, which is part of
2 our Katorika faith and together we'll sing it with harmony and unity, kotahitanga mō te
3 aroha. (Waiata Ka Waiata). (Karakia mutunga).

4 **Hearing adjourned at 5.24 pm to Tuesday, 18 October 2022 at 9 am**