

Witness Name: John Atcherley Dew

Statement No.: WITN0252002

Dated: 12 February 2021

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

**SUPPLEMENTARY WITNESS STATEMENT OF
CARDINAL JOHN ATCHERLEY DEW**

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

Provided on the basis of provisional confidentiality: not for distribution

I, Cardinal John Atcherley Dew, will say as follows: -

Introduction

1. My full name is John Atcherley Dew. I refer to my previous statement dated 23 September 2020 (**First Statement**).
2. I have been asked by the Royal Commission of Inquiry into Abuse in Care (the **Inquiry**) to provide supplementary evidence in addition to my First Statement. I provide this further evidence below.

A call to come forward

3. First, I reiterate the Bishops' call for survivors to come forward to the Inquiry, to the Police, and if appropriate, to the Church to share their experiences. The Bishops have made this call in many media statements, in their public statements and in statements to Catholics. We have included it in pamphlets distributed to doctors' surgeries and counsellors' rooms. I have personally made this call in homilies and in speeches and wherever possible in TV and radio interviews. I repeat it now.

The Inquiry's requests for supplementary evidence

4. The Inquiry has asked me to provide supplementary evidence in addition to my First Statement.

Contextual data analysis of claims for redress

5. The Inquiry has sought contextual evidence and analysis of the complaints data previously provided by Te Rōpū Tautoko (**Tautoko**) on behalf of the Catholic congregations and dioceses of New Zealand. This data included complaints related to the Archdiocese of Wellington.

6. A preliminary report outlining the information requested by the Inquiry has now been provided to the Inquiry, and is intended to be available to the public. It is attached to my brief.

7. The available records indicate that there have been 177 reports in some form made to the Archdiocese in respect of abuse occurring between 1944 and 2019. The searches of our historical records were undertaken by senior staff in my office and they searched the relevant historical records to find these reports. The Archdiocese holds the majority of these records in complaint files, which record individuals who come forward to make complaints to the Archdiocese. There are also records in minutes and other documents which have been recorded. I instructed my staff to include all reports of harm or abuse for which we have a historic record. It is clear that the records commence for the Archdiocese in the mid-1990s and we do not hold any records before that point.

8. The records that we hold include a number of matters that I have dealt with directly during my time as the Archbishop and also matters that were dealt with by my predecessor as Archbishop. As a result, some of the reports of abuse or complaints I dealt with directly and others I am familiar with only from the records that we hold.

9. Each individual complaint of harm, made either by the individual themselves or by a family member is deeply regrettable. I wish to acknowledge here that every complainant and their experience is individual. While the report provides some statistical data at a high level in relation to these matters (and I make a number of comments below about that data), this is in no way intended to diminish the individual experience of the complainant either in terms of the harm that they may have suffered at the hands of the Church or in their experiences of the redress process and engagement with me or other Church authorities afterwards.

10. The majority of the reports of harm or abuse that we have records for relate to harm to a child, under the age of 16. There is a broadly even percentage of male and female complainants who have approached us in relation to their experiences.
11. Our records show that complaints or reports of abuse tend to occur many years (indeed decades) after the abuse occurs. For the Archdiocese, many respondents (recorded as 48) were deceased at the time the report was first made. In 42 instances a specific respondent was not named.
12. The records we hold report 126 reports of sexual offending, 27 reports of physical abuse, 33 reports of psychological abuse and 11 instances of neglect were identified. It was often the case (on 36 occasions) that the record we hold do not clearly identify the nature of the harm.
13. In many cases, where the offending took place is not recorded in our records. Where we hold those records, I note that 44 occurred within an education setting, with a further 46 within a parish and 41 within a residential care or orphanage setting.

Redress processes and outcomes

14. The Inquiry has asked for any redress processes and outcomes taken by the Church with regards to a claimant, including compensation, therapeutic support and apologies.
15. This is outlined in Tautoko's Briefing Paper #2, "Summary of funding and costs associated with redress". For the Archdiocese, 40 complaints record some form of financial redress. A total known quantum of \$632,900 NZD and \$25,000 AUD of financial redress has been provided by the Archdiocese to complainants.

16. The quantum of ex-gratia payments varies, and as I noted in my First Statement, there is not a clear level of consistency. The highest ex-gratia payment made by the Archdiocese was \$50,000, with the lowest being \$1,000.
17. I also note that the Archdiocese provided redress in relation to 12 complaints that were not upheld.

Claims identifying non-sexual abuse forms of abuse and sexual abuse of vulnerable adults

18. The Inquiry has sought further evidence in respect of policies for non-sexual abuse, and for sexual abuse of vulnerable adults.
19. To clarify, sexual abuse of vulnerable adults by clergy or religious is within the scope of *Te Houhanga Rongo – A Path to Healing (APTH)* and I refer to the evidence provided by me and others in that regard.
20. Appended to my statement is a briefing paper prepared by Tautoko and its solicitors on behalf of the Catholic Dioceses of New Zealand and the congregations represented through Tautoko. The briefing paper contains a summary of processes and policies followed by Catholic Church authorities to respond to claims of abuse of a non-sexual nature or otherwise outside the 1993 Protocol and APTH.¹
21. Where these entities have policies, they are included in the paper.

The Archdiocese's development of policies for non-APTH claims

22. As a result of the structures and independence of the Catholic Church in New Zealand (and globally), I am not able to discuss any details of the approach to individual cases of Church entities beyond the Archdiocese with any great knowledge. The Archdiocese's current approach to redress outside the scope

¹ See "Tautoko Briefing Paper #1: Summary of processes and policies followed by Catholic Church authorities to respond to claims of abuse of a non-sexual nature or otherwise outside the 1993 Protocol and *"Te Houhanga Rongo - A Path to Healing"*."

of APTH is outlined in my First Statement at [117] to [120]. The underlying policies have been provided to the Inquiry.

23. From our internal inquiries, there does not appear to have been a stand-alone Complaints Policy for claims outside of APTH until 2013. However, employment agreements for employees at the Archdiocese included clauses in respect of dealing with complaints.
24. In 2013, the Archdiocese implemented a 'Complaints Policy' for handling complaints and concerns. The policy was a commitment by the Archdiocese to take concerns and complaints seriously and to deal with them in a prompt, professional and courteous way. The policy covered all current employees, volunteers, contractors and religious and priests working on behalf of the Archdiocese e.g. Hospital and Prison Chaplains. It excluded employees, volunteers and contractors working on behalf of the parishes. The policy did cover lay Archdiocesan representatives accused of sexual abuse.
25. The policy set out the principles of subsidiarity, restorative justice, natural justice, the dignity of the person, visibility and transparency and continuity of care. The policy did not supersede processes for employment-related complaints. These are set out in legislation, along with a Collective Agreement (with E tū) and Individual Employment Agreements.
26. A Complaints Officer was appointed from among the Directors of the Archdiocese (the managers of the Archdiocesan departments, who report to the Archbishop) to manage complaints. Information about lodging a complaint was posted on the Archdiocese website and sent to parishes. The complaints received by the Archdiocese tended to be mainly relationship and behavioural issues that related to Archdiocese employees, as well as employees and volunteers within parishes. We required parishes to have their own complaints policy and to manage complaints themselves. However, the Archdiocese complaints officer was available to provide advice to parishes on how to manage complaints. The principle of subsidiarity was applied where the complaint was resolved at the closest and simplest level to the people concerned.
27. In 2017 a complaint was lodged with the Archdiocese about abuse by a former Catholic Social Services employee. This prompted an amendment to the

Complaints Policy to cover historical complaints and a separate Historical Complaints officer role was created. A detailed process for dealing with historical complaints was attached to the policy. An additional process was also developed for dealing with complaints of a sexual nature by clergy that fell outside of the scope of complaints handled by the National Office for Professional Standards (**NOPS**). It is the Archdiocese's responsibility for handling such complaints. The revised policy was sent with a covering memo from me to parishes on 29 June 2017, reminding them that wherever possible the parish should handle its own complaints and that they could use the Archdiocesan policy as a template.

Current approach to claims of non-sexual forms of abuse

28. As noted, the current process of the Archdiocese is described in my First Statement.
29. Adding to that, the Complaints Officer's role is to determine the appropriate way to deal with complaints. This is then discussed with me, as the Archbishop, if it is deemed appropriate to do so. If the complaint is about an employee or a volunteer, then the General Manager would also be involved in the discussion.
30. The recent complaints continue to be mostly about relationship and behavioural issues. There have been two historical cases, one lodged in 2017 and another one lodged in January 2018. Both complaints followed the historical complaints process. The 2017 complaint is being investigated by an external investigator and is still on-going.
31. There is a review underway of the Complaints Policy to ensure that processes and procedures are robust, that all complaints are dealt with appropriately to ensure those making the complaint and those who the complaint is about are treated in a respectful, fair way, and with regard for natural justice. The review is also looking at the management of complaints and the role of the Complaints Officer. The review will take into account whether the policy will include parish employees and volunteers or if parishes will need to have their own.
32. Once the review is completed and the revised policy is signed off (which should be in about three months' time) then a training programme will be implemented

to raise the awareness of the policy and ensure people have the skills and knowledge to be able to work within it.

Claims made before the 1990s

33. As I wrote in my First Statement at [50], my understanding is that most complaints made to Bishops prior to the establishment of protocols in the 1990s were dealt with on an ad hoc basis.
34. Sadly, it is very likely that complaints of sexual abuse and misconduct were not well handled between the 1950s to the 1980s.
35. Since my First Statement, the Inquiry has sought more detailed evidence in respect of claims of abuse made prior to APTH, and particularly how the Church's knowledge of the nature and extent of abuse in New Zealand developed from the 1950s to the 1990s.
36. Unfortunately, this is a difficult question to answer with any certainty. I understand the Church entities within New Zealand have provided the Inquiry all the documents they now hold which are relevant to these policies and approaches. Those documents will provide the best insight to the Inquiry as to how the Church developed its awareness of the extent of sexual abuse within the Church.
37. As I wrote in my First Statement, there was general awareness of abuse occurring locally and nationally, with specific cases known publicly by the time the 1987 pastoral letter was released to priests by the NZCBC. But that was, in my view, only one of the first steps on the path to where we are now.
38. There are no consistent records of complaints of abuse from the earlier period (pre-1987) in the Archdiocese and I understand that this is consistent with many other Catholic entities in New Zealand. For the Archdiocese, I do not know if records were not taken, or whether any records taken have subsequently been lost or destroyed.
39. It may be that there were not extensive complaints from this earlier period. From the records the Archdiocese has, there can be long delays in a victim reporting

sexual abuse – so the complaints about abuse in the period from 1950-1990 arose more frequently after 1990, and sometimes well after 1990.

40. I understand representatives of Tautoko have spoken to the former Bishop of Palmerston North, Peter Cullinane, in respect of this question. Bishop Cullinane became Palmerston North's first bishop in 1980. Bishop Cullinane offered the following reflections:

By the 1980's we were becoming more aware of the true nature of the problem. But before the obsessive/compulsive nature of paedophilia was generally understood, bishops – like most people – thought of it as wrongdoing that the culprits could put a stop to.

In 1993, after two years of preparation, formal protocols for dealing with sexual abuse by priests and Religious were adopted by the six dioceses and religious orders of New Zealand, and a Protocol Committee was established in each diocese.

The Protocol Committee in the Diocese of Palmerston North consisted of mainly lay men and women with appropriate skills (including a former Commissioner of Police and a former policeman, at different times). The Committee was chaired by a lay person. It conducted its investigations independently of the bishop. The bishop came into the picture after its investigations were completed and recommendations made, so that the bishop could be involved when any apology and compensation needed to be made.

At the earliest stages, complainants wanted mainly two things: (i) to be believed; and (ii) to be assured that the offender was not in a position to re-offend. Requests for financial compensation came along a little later.

41. Bishop Cullinane confirmed that the nature of the problem further came to light in the 1980s due to publicity about criminal offending by religious/clergy. He confirmed that, to the best of his knowledge, there were no policies in place for redress prior to 1990 – complaints were dealt with on a case by case basis.
42. The Inquiry has also sought my reflections on the impact of a lack of records on survivors and the safety of persons within the care of the Church. Many institutions have now been closed for many years and records have not been

kept. While this practice was consistent with general record-keeping practices of the time, as I wrote in my First Statement, a lack of records has clearly impeded redress. It would also, in my view, impede closure and a survivor's path to healing.

43. I understand Sr Sue France will also comment on the impact on victims from a psychological perspective, given her expertise.

Māori, Pacific people and people with disabilities or vulnerabilities

44. The Inquiry has requested further evidence in relation to the Church's understanding of additional barriers for Māori, Pacific people and people with disabilities to making a claim, and how the Church has worked to ensure any such additional barriers are overcome in the design, implementation and monitoring of its redress processes.

Māori

45. Tautoko and the Church sees the past, present and future engagement with Māori as an extremely important issue. While the Catholic Church has had a long history and involvement with Māori, historical records often do not identify the ethnicity of the complainant, which means we do not hold specific records about Māori experiences in care.
46. Recognising this, a research proposal has been approved by Tautoko that will explore Māori experiences in the care of the Church in New Zealand from 1950 to 1999, together with looking at how the principles of te Tiriti o Waitangi and tikanga Māori have been (or can be) incorporated into redress. This is intended to assist and inform the Inquiry's more general thematic investigation into Māori experiences in care.
47. This research report will be shared with the Inquiry. The research will not be completed by the March hearing, and it is anticipated that a final report could be shared with the Inquiry by the end of June 2021.

People with disabilities

48. A similar research proposal has been approved in respect of redress for people with disabilities. The outcome of this too will be shared with the Inquiry.

Pacific people

49. The creators of APTH did not actively consider the additional barriers faced by Pacific people in seeking redress. Tautoko is committed to undertaking research similar to that referred to above for Māori and disabled peoples, and will discuss with this directly with the Inquiry.

Principles of human rights relevant to redress

50. The Inquiry has sought further information regarding the human rights principles which the Church considers relevant to redress.
51. I refer to the Inquiry's Briefing Paper on "Redress in International and Domestic Human Rights Law". The Inquiry lists six key principles drawn from international law on redress at page 3.
52. This framework has a state focus, focusing on a state's obligations. This is not the framing that I think about, in my role as an Archbishop, although I certainly think about matters such as the moral imperative to make redress, and the need to put the person in the position they would have been in if the harm had not occurred. We have endeavored to help in this respect through financial and other assistance beyond counselling such as assistance with education and medical costs.
53. I am not an expert on human rights principles or law. I am aware that the Holy See has ratified treaties that appear relevant to redress, such as the Convention on the Rights of a Child and the Convention on the Elimination of All Forms of Racial Discrimination.
54. Catholic Social Teaching incorporates many of legal rights than are considered 'human rights' (such as the right of life and freedom of movement), but is more general in its expression. APTH reflects a number of these core principles:

looking after people, the sanctity of pastoral relationships, fairness and natural justice and responsibility. Church teachings and our approach to redress is at a higher level than the specific rights detailed in the Universal Declaration. One of the bases for the Church's response is an acknowledgment of the basic human right not to be subject to cruel or degrading treatment. Aspects of this can be seen in APTH.

The meaning of pastoral care

55. I have been asked by the Inquiry to explain what "pastoral care" means, with examples of how it can be achieved and, if achieved, the benefits for victims or survivors. Again, I can only talk about how I approach this. In other Catholic entities, approaches will be similar but the specific examples are likely to differ.
56. When I am responding to a complaint that has been upheld (or in some circumstances, also where it was not upheld), I want to acknowledge the hurt that the victim has experienced.
57. Pastoral care, in my view, always includes the offer an apology from the Church and I always offer to meet the survivor in person. Both the offer of a meeting and the apology are often taken up. In my experience, for some survivors, this helps the survivor to feel they can move on and they do not request more from the Archdiocese. In other cases, people may want to pray with me or another senior cleric.
58. In every case the Archdiocese has offered to cover the cost of counselling or psychotherapy costs; in some cases, for a significant period of time. However, the Archdiocese also recognises that an ex gratia payment is one way of acknowledging the hurt that has been endured and is often offered to survivors to help them rebuild their lives. In considering how we can help individuals, we look at what it is that they need assistance with at the time and consider what individuals are asking for help with. Where there has been a particular need and a person has asked for assistance the Archdiocese has tried to help.

59. As a result, I have provided ex gratia payments that have been used for a range of purposes, to assist the person:
- (a) A contribution towards restoring the foundations of a victim's house.
 - (b) To cover the cost of refurbishing a victim's bathroom so that he was able to leave hospital and return home.
 - (c) To cover the costs of further education or for training purposes.
 - (d) A contribution to the family of a complainant who had died and to assist the family raise her children.
 - (e) To cover the cost or a contribution towards health and dental treatment.
60. A recent example was in 2018, where \$1800 was authorised by the Archdiocese to pay to DNA Diagnostics for the DNA testing of a complainant and her two siblings to assist the complainant with APTH. The testing was done at the complainant's request, after consultation with and the agreement of her two siblings.
61. This was an example of attempting to assist a complainant to take some control of the process and get information that she could not afford to acquire. As she was also estranged from her siblings, the investigator was able to support the complainant's siblings to participate in the process which they had previously not been keen to do.
62. Over and above ex gratia payments, the Archdiocese has also contributed towards legal costs, and reimbursed travel costs and (and toll bills) involved in the complaint process.
63. During my time serving on the Sexual Abuse Protocol Committee of the Archdiocese of Wellington, one of the phrases I heard repeated often was "no case or complaint is ever the same." I soon came to understand that despite all the protocols and policies we had in place, we were always dealing with an individual whose circumstances were different and as an individual they had

very specific and personal needs to be met. Each person was trying to deal with the abuse they had suffered and each situation was different.

64. This is where I saw the need of “pastoral care” and where my appreciation of the need for “pastoral care” was enhanced. Each person was having to deal in their own way with the abuse and trauma they had suffered, and their needs had to be met in order to help their healing. Initially, many people coming forward simply stated they wanted the Church authorities to know what had happened and to make sure that it never happened again. Some wish to be reconciled with the Church, or to have spiritual support in some way, and we do this in whatever way the victim sees as appropriate. Some have said they just wished to be listened to and heard.
65. My understanding of “pastoral care” is to try to provide support and assistance which would help the person to heal, and that care could be offered in a number of ways. There had been instances where people had tried to speak about the abuse they suffered, but it was made worse when they were not believed, making it more difficult for them to approach anyone in the Church again. I believe some of the greatest pastoral care given to people was simply in listening to them and telling them that we believed and accepted what they had told us.

Funding and costs associated with responses to abuse

66. The Inquiry has sought more detail on the financial costs related to the response of Church authorities to claims of abuse, including legal advice.
67. As requested by the Inquiry, Tautoko and its solicitors have prepared two briefing papers attached to my brief.² These are a summary of funding and costs associated with redress and a summary of legal costs associated with redress, for each of the Catholic Church entities in New Zealand, where that information has been available.

² See "Tautoko Briefing Paper #2: Summary of funding and costs associated with redress" and "Tautoko Briefing Paper #3: Summary of legal costs associated with redress".

Medical views on rehabilitation

68. In my First Statement, I stated:³

...in hindsight, there was a naïve presumption up until the 1980s that accused and/or convicted priests and clergy would be healed and rehabilitated after psychological treatment, and could return to ministry with no-long lasting issues. The church accepted that offenders could be readily rehabilitated. This, in my view, was a commonly accepted medical view about sexual abuse at the time, which was later proved unfounded”

69. The Inquiry has sought further evidence on the medical views I referred to above. Regarding the “commonly accepted medical views”, I refer the Inquiry to the findings of the Australian Royal Commission, at page 263 of the report on the Catholic Church:

At times, this over-optimistic belief that treatment could ‘cure’ or assist an alleged perpetrator to change their offending behaviour was reinforced by treating practitioners. This includes Father Daniel Torpy, a former priest psychologist who studied spirituality, human development and psychology at the Gregorian University in Rome and was engaged as a treating practitioner within the Diocese of Ballarat. In *Catholic Church authorities in Ballarat* Mr Torpy told us that when he completed his studies in 1983 he was aware that paedophilia was present within the Catholic Church. He said, ‘The treatment of it, from my memories at the time, was through counselling and rehabilitation would occur’. He reiterated that it was his understanding, in 1983, ‘that people were able to be rehabilitated’.

Some Catholic Church leaders were particularly trusting of the advice of treating practitioners that alleged perpetrators no longer posed a risk to children. Bishop Robinson gave evidence that in the 1980s: *In Victoria, they seem to have had far more trust in sending the priest, the offending priest, to a psychiatrist, and I think they were given assurances that they could cure the person. Well, whether the word ‘cure’ was used, but they could change his behaviour. And they seemed to have far more faith in that in Victoria – I learned this a bit later, but they did – than elsewhere. So different bishops were finding different solutions and probably none of them very good.*

3 At [52].

70. It is matters of this sort that I was referring to. The Commission goes on to make other comments, at page 376 of the report, which demonstrate the issues we struggled with in this regard:

Treatment and continued ministry In its 2004 report for the United States Conference of Catholic Bishops, the National Review Board for the Protection of Children and Young People noted that: *Moreover, psychologists and psychiatrists told the Board that, since the mid to late 1980s, it generally has been understood that men who have engaged in frequent sexual abuse of minors can be treated but not cured. But many Church leaders continued to rely on reports of successful treatment as a license to return priests to ministry.* In 2011, a study titled *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2002* was published by researchers at the John Jay College of Criminal Justice for the United States Conference of Catholic Bishops. It found that the 1980s was the peak decade for referrals of alleged perpetrators for treatment. After the 1990s, referrals for treatment declined, reflecting growing concerns within the Catholic Church in the United States about recidivism. The report commented that the experience of reoffending following treatment prompted clinicians to anticipate and develop 'after care' programs. However, the negative impact of a reassigned priest who had reoffended had already been felt in many dioceses.

71. In his book *Openings to Renewal*, Bishop Peter Cullinane also reflected on this issue:

The former Superior General of the Dominican Order, whose role gave him international experience, has written:

The great majority of these cases go back to the 1960s and 1970s when bishops often regarded sexual abuse as a sin rather than also a pathological condition, and when lawyers and psychologists often reassured them that it was safe to re-assign priests after treatment. (Timothy Ratcliffe, The Tablet, 10 April 2010, 4)

Canon law

72. The Inquiry has sought further information on the impact of canon law on responses to abuse from 1950 until the present. In particular, it has sought my observations concerning any past or current aspect of canon law that impedes an appropriate response to abuse (including prevention and safeguarding).
73. Tautoko has sought Monsignor Brendan Daly's input on this question. Msgr Daly is the Judicial Vicar of the Catholic Church in New Zealand, and has a

doctorate in canon law. As Metropolitan, I am responsible for the oversight of the running of the Tribunal of the Catholic Church and I rely on the assistance and expertise of the Judicial Vicar for judicial and canon law responses within the Catholic Church.

74. Msgr Daly's finalised article for *Studia Canonica*, "A Commentary on the Response of the Holy See to the Recommendations of the Australian Royal Commission". is provided to the Inquiry with this evidence for its consideration.
75. Msgr Daly has also written two recent articles from 2019 which highlight some concerns with canon law. These are also appended to my statement.
76. In his March 2019 article, "Sexual Abuse and Canon Law", Msgr Daly considered there were certain changes to canon law that would positively assist with redress (and reduction of harm more generally). These included:
 - (a) That canon 1395 (concerning crimes of sexual abuse) be amended to cover lay people, and also cover the abuse of vulnerable persons.
 - (b) That sexual abuse be deemed an "irregularity" – that is, a permanent impediment to ordination and the exercise of ministry.
 - (c) That the canon law of "prescription" be amended so that it expressly does not apply to cases of sexual abuse. Prescription is similar to a statute of limitation – at present, a person has until age 38 years to complain about sexual abuse by a cleric that occurred when they were under the age of 18.
77. I am not a trained or qualified canon lawyer. I agree that the above suggestions are appropriate. These recommendations also highlight the tension between canon law and the redress approach we have adopted in the New Zealand. Much of our process here has moved beyond the strictures of cannon law. For example:
 - (a) APTH does not incorporate "prescription" or any type of limitation period.

- (b) Sexual abuse of vulnerable adults is already within the scope of APTH.
- (c) *Vos estis lux mundi* (issued after Msgr Daly's article was published) provides procedural norms that apply to sexual abuse of vulnerable persons.

Vos Estis Lux Mundi and Bishop Drennan

78. In my First Statement, I explained my role as the Metropolitan of New Zealand at [32] to [34]. I referred to the Motu Proprio *Vos estis lux mundi* (**VELM**) issued by Pope Francis and which came into force on 1 June 2019. This gave me, as Metropolitan, duties to be carried out if an allegation of sexual abuse or sexual misconduct is made against another bishop in the province – as I wrote at [34], it was necessary for me to implement the requirements of VELM in relation to Bishop Charles Drennan.

79. The Inquiry has sought further evidence about the canonical process I followed in respect of the above. As agreed to by the Inquiry, I do not refer to information concerning the specific allegations of abuse.

80. The process of VELM is outlined in APTH at [3.95] to [3.105]. In summary, the process I followed in respect of Bishop Drennan is outlined below (with references to VELM, as outlined in APTH):

When a complaint is received concerning sexual abuse or sexual misconduct by a bishop or the superior of a congregation, or of the failure to act on a complaint of sexual abuse by one of these Church leaders, the complaint must be referred to the Metropolitan Archbishop of Wellington, the Congregation for the Doctrine of the Faith (or the appropriate dicastery) and the National Office for Professional Standards.

81. In respect of the allegations against Bishop Drennan, they were referred to me as Metropolitan by NOPS. In this case, the appropriate dicastery for me to refer the allegations to was the Congregation for the Evangelisation of Peoples (**CEP**), which I did so.

82. A “dicastery” is a department of the Roman Curia, the administration of the Holy See through which the Pope directs the global Roman Catholic Church. The

CEP was the appropriate dicastery in this case, because it has responsibility for the New Zealand Church, and the first point of contact with the Roman Curia for the New Zealand Bishops is with the Prefect of the CEP. I note that only complaints against clerics are dealt with by the Congregation of the Doctrine of the Faith. As outlined in *A Path to Healing*:

Upon examination of the complaint, the Metropolitan may decide the complaint is manifestly unfounded. He is to inform the Complainant and the Papal Nuncio of this.

If the Metropolitan decides the complaint is not manifestly unfounded, he is to request direction from the Congregation for the Doctrine of the Faith (or the appropriate dicastery) on how to proceed with the investigation...

The Metropolitan may be appointed to direct an investigation on behalf of the dicastery. If this occurs, the Metropolitan may appoint a delegate(s) to help carry out the investigation. The delegate(s) may come from a list of suitable people prepared by the New Zealand Bishops Conference. If the circumstances of the complaint suggest using someone else, the Metropolitan is free to choose someone else as delegate. The delegate(s) will be paid and have their expenses met through funding by the New Zealand Catholic Bishops Conference.

83. In respect of the allegations against Bishop Drennan, I decided the complaint was not "manifestly unfounded". I requested direction from the CEP on how to proceed.
84. By this stage, NOPS had commenced a preliminary investigation into the allegations. I sought approval from the CEP that the NOPS investigation could continue. This was granted.
85. As I noted in my First Statement, communications with the Vatican like the above are sent via the Apostolic Nuncio for New Zealand. That was the process I used here.
86. As outlined in APTH, if the investigation is carried out on behalf of the Congregation for the Doctrine of the Faith (or the appropriate dicastery), the Metropolitan will provide a report to the dicastery on the progress of the investigation every month and ensure the investigation is completed within 90

days. The Metropolitan Bishop will then write a *votum* giving his opinion about the complaint and the evidence collected, before forwarding the whole file to the Holy See as soon as possible. The Congregation for the Doctrine of the Faith (or the appropriate dicastery) will then follow its own procedures to decide the issue.

87. In this case, NOPS completed its investigation into the allegations. The Complaints Assessment Committee then made its findings and forwarded them to me. The investigation report was forwarded to the CEP, together with my *votum* (or opinion).
88. The CEP has since made its decision and communicated the outcome to Bishop Drennan.
89. I note that Bishop Drennan wrote his letter of resignation to Pope Francis in September 2019. The resignation was formally announced in Rome at midday on Friday 4th October 2019. I was appointed Apostolic Administrator of the Diocese of Palmerston North as from that date and am still acting in that capacity.
90. It took approximately one year for the Roman authorities to decide what the future of Bishop Drennan was to be. On 25 September 2020 I received a letter from Cardinal Tagle, the Prefect of the CEP. The letter required me to inform Charles Drennan of their decision, which I did so. The decision from the Vatican imposed the following conditions on Charles Drennan:
 - (a) He was to move out of the Diocese of Palmerston North and find accommodation outside the Diocese.
 - (b) He is not to participate in any public ministry whatsoever.
 - (c) He is not to wear any Episcopal attire or symbols nor to participate in any celebration or function as a bishop.
 - (d) If he wishes to leave the country, he is to inform in advance the Apostolic Nuncio in the country he wishes to visit of the details of the eventual visit and to abide by his instructions.

91. Once the first complaint was made to the CEP, and Charles Drennan's

GRO-B

GRO-B

and this was taken into account into the decisions made about Charles Drennan's future.

ACC levies

92. The Inquiry has also requested a summary report on the payment of ACC levies by the Church entities. This has been prepared by Tautoko and appended as a briefing paper.

Conclusion

93. My supplementary statement seeks to answer the questions asked by the Inquiry in its requests for additional evidence.

94. I am happy to answer any further questions the best I can at the March 2021 hearing.

Statement of Truth

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed:

GRO-C

J A Dew

Dated: 12 February 2021