

Te Rōpū Tautoko

Catholic Support Group for the Royal Commission into Abuse in Care

Appendix 1

Preface

Catholics understand the Church as ‘the People of God’, a community of pilgrims on a faith journey with common traditions and expressions of faith in God.

The Church that emerged at the Second Vatican Council (1962-1965) talked of the Church as communion. Seeing the Church as communion means recognising the central importance of relationships. This image of the Church as communion emphasises the gifts that are present in all people and the richness of collaborative work between them.

In turn, the social works of the Catholic Church in Aotearoa New Zealand, be they in care facilities, social service agencies, pastoral ministry, education, or any number of areas that the Church is involved in, are understood as expressions of that faith and those relationships.

Pope Francis has likened the Church to that of a field hospital tending to the wounded with mercy, offering hope and giving life to all people. The Church does not just exist for itself or just for those who are members. He calls the Church to go ‘into the streets’ and serve all. This is the mission of the Church and always has been: to accompany the wounded, to heal and restore just relationships. This calls for a listening Church, one that is humble and responsive.

To analyse the structure of the Church in Aotearoa New Zealand that sits behind this mission and how it functions as an institution requires an examination of the variety of structures that support the numerous organisations (the papacy, vatican departments, dioceses, congregations, and many others). However, it must be recognised that many Catholics would say that their involvement in, and commitment to the Church, is far broader and deeper than mere adherence to an institution.

Acknowledging the tension in understanding the Catholic Church as a structure (the Institutional Church) on one hand and the work and life of the Catholic people at the local community and personal level on the other, this paper seeks to outline the formal institutional ‘structure’.

At best, institutional structure and law exist to shape and nurture the mission or purpose of a society. Therefore, at times, the structure of the Church has allowed for significant works to emerge and impact the whole community



extremely positively. However, it is acknowledged that this is not and has not always been the case. This is as true for the Catholic Church as it is with any large organisation.

It is expected that other papers and presentations will examine more deeply the culture and self-understanding of the leadership and members of the Catholic Church in the period 1950-1999 and today that reach beyond the institutional structure. In the meantime, this paper provides the Commission with background information in order to enable the reader to understand some of the structural factors that were in place to respond to abuse of those in the care of the Catholic Church in Aotearoa New Zealand and the structure that exists today.

We look forward to exploring all of this with you as we participate in the Inquiry process.

Date: 25 July 2019



Catherine Fyfe
Chair
Te Rōpū Tautoko

The Structure of the Catholic Church

Overview

Introduction

1. In 2017 there were 1.33 billion Catholics in the world, making up 17.7% of the world's population.¹ The Catholic Church is the largest Christian church globally.
2. A number of Catholics settled in New Zealand from the earliest times of European arrival. The first Catholic Mass in New Zealand may have occurred as early as 1769. 1838 saw the arrival of Bishop Jean Baptiste Pompallier and a group of French missionaries. Bishop Pompallier was present at, intervened in, and participated in Treaty of Waitangi/Te Tiriti o te Waitangi deliberations.
3. In Aotearoa New Zealand the number of Catholics in the 2013 census was 492,105, comprising 11.6% of the population. In this census, the number of Catholics was greater than the number of Anglicans for the first time, making Catholics the largest Christian denomination in the country.²

The universal church and the local church

4. The Catholic Church is both a global entity under the leadership of the Bishop of Rome (the Pope), sometimes referred to as the “universal” Church, and a grouping of many local or “particular” churches, each under the leadership of its own bishop (or Ordinary), which are all united with one another and with the Bishop of Rome.³ The most common form of a particular church is called a diocese or archdiocese.
5. Alongside the dioceses and archdioceses, there are many hundreds of mostly autonomous and self-governing religious congregations and lay organisations, both large and small.

¹ Holy See Press Office, The pontifical yearbook 2017 and the annuarium statisticum ecclesiae 2017, 2019, <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/03/06/190306b.html> (viewed 9 July 2019).

² Statistics NZ Table 28, 2013 Census Data.

³ Catechism of the Catholic Church, Libreria Editrice Vaticana, 1993, [ww.vatican.va/archive/ENG0015/P29.HTM](http://www.vatican.va/archive/ENG0015/P29.HTM) (viewed 9 July 2019).

The Catholic Church in the New Zealand Legal System

6. So that it might operate in a prudent manner in society, the organisations of the Catholic Church in Aotearoa New Zealand use the legal forms available in the New Zealand legal system. There is not always a perfect match between the requirements of canon law and the legal forms available in civil law, but the intention is always to obtain as good a match as possible.
7. There is no legal entity called “The Catholic Church” or “The Catholic Church in New Zealand” or similar.
8. The Roman Catholic Bishops Empowering Act 1997 constitutes each diocesan bishop as a corporation sole, and vests in him the ownership of all diocesan and parish property in his diocese.⁴ The diocesan bishop is also the employer of the staff who work for the diocese.
9. Charitable Trusts are a legal form used by many Catholic organisations, especially religious congregations for their particular ministries or works, lay organisations such as ethnic chaplaincies, and organisations dedicated to a specific work. Some organisations are incorporated societies.
10. Some religious congregations in New Zealand have formed limited liability companies to provide the legal structure for various aspects of their work, with the ultimate holding company being a trust or another company controlled by the congregation. Lay people who are not members of the congregation often lead and participate fully in the decision-making processes of these legal structures alongside members of congregations.
11. The New Zealand Catholic Bishops Conference (NZCBC) is an unincorporated entity but has two companies through which it conducts its business. Catholic Bishops Conference Securities Ltd is the vehicle for the ownership of the NZCBC’s assets and for its role as employer. Catholic Bishops Conference Holdings Ltd has in the past been used as a trading company for the sale of resources to schools but is now used as the policy holder for the New Zealand Catholic Church Insurance

⁴ Roman Catholic Bishops Empowering Act 1997, Part 2.

Scheme (NZCCIS), the dioceses' shared insurance scheme which also involves some religious congregations. All the liability policies in the scheme include an exclusion for any "liability directly or indirectly arising out of or as a result of sexual molestation of, interference with, or mental or physical abuse of any person".

12. The Congregational Leaders Conference of Aotearoa New Zealand (CLCANZ) is the umbrella body for the leaders of the religious congregations in New Zealand. It promotes, supports and represents religious life within the Catholic Church and coordinates cooperation between congregations and the NZCBC.

Canon law

13. Canon law is the name for the law of the Catholic Church. It includes the Code of Canon Law and other documents issued by Popes, Roman dicasteries (departments), bishops' conferences and diocesan bishops. Canon law covers all areas of Church life including selection and training of clergy, rights and obligations of members including those in religious congregations, selection of bishops and punishment for committing crimes.⁵

Governance in the Church

14. In the matters that Canon Law regulates, clergy, in the main, exercise jurisdiction, or governance.⁶ Clergy are those who have been ordained, meaning they have received the sacrament of holy orders. Only baptised males may be ordained.⁷ There are three elements to the sacrament of holy orders: the episcopate (bishops), the presbyterate (priests), and the diaconate (deacons).⁸
15. Lay people do, in practice, exercise significant roles of governance in the Catholic Church in New Zealand. This is true within dioceses, within congregations, in canonical and civil entities established to lead various works and most obviously to its greatest extent in lay organizations.

⁵ Rev Msgr B Daly, Canon law in action, St Pauls Publications, Strathfield, 2015, 203–205.

⁶ 1983 Code of Canon Law, canon 129 §1.

⁷ 1983 Code of Canon Law, canon 1024.

⁸ 1983 Code of Canon Law, canon 1009.

Organisational Structure

Dioceses and Archdioceses

16. A diocese is a defined faith community whose pastoral leadership is entrusted to a bishop.⁹ It is usually a geographical territory and comprises all the Catholics who live within that territory.¹⁰
17. Bishops are required to take an oath of loyalty to the Pope. Priests and deacons at their ordination are required to take an oath of obedience to their bishop.¹¹ Under canon law, every member of the clergy must be incardinated in a diocese, or in a religious congregation, or in a personal prelatore.¹²
18. The Catholic Church in New Zealand is territorially divided into one archdiocese (Wellington) and five dioceses. The Archdiocese of Wellington and the five suffragan dioceses (Auckland, Hamilton, Palmerston North, Christchurch, Dunedin) make up the New Zealand Province. The metropolitan archdiocese is the Archdiocese of Wellington.
19. There is one non-territorial diocese that covers the whole of New Zealand: the Military Ordinariate for New Zealand, which provides military chaplains to the New Zealand Defence Force. Cardinal John Dew is the Bishop for the Military.
20. The great majority of Catholics in New Zealand belong to the Latin (Roman Catholic) Church, but immigration has in recent years increased the number of Catholics who belong to Eastern Catholic Churches who have bishops based overseas with jurisdiction over matters of these Catholics.

Episcopal conferences (Bishops Conferences)

21. A bishops' conference is the assembly of the bishops of a country. It is a permanent institution. It has no power of governance over individual

⁹ 1983 Code of Canon Law, canon 369.

¹⁰ 1983 Code of Canon Law, canon 372.

¹¹ Congregation for the Doctrine of the Faith, *Profession of Faith and the Oath of Fidelity on assuming an office to be exercised in the name of the Church* 1998.

¹² 1983 Code of Canon Law, canon 265.

dioceses, and the individual bishops who are members of an episcopal conference are not bound by its decisions. Episcopal conferences can only be established, altered or suppressed by the Pope.

22. Bishops conferences have the authority to make decisions that are binding, but only in relation to matters prescribed in canon law or by special mandate of the Holy See. In order for a general decree enacted by an episcopal conference to be recognised as binding “particular law” for a national church, it must be passed by at least a two-thirds majority of the members of the conference, and it must also receive the approval, or *recognitio*, of the Holy See.¹³
23. The New Zealand Catholic Bishops Conference (NZCBC) is the national assembly of the New Zealand bishops. Its current active members are the Ordinaries of the six dioceses, as there are no coadjutor or auxiliary bishops appointed in New Zealand. It was established in 1966, following the Second Vatican Council, in order to facilitate understanding and cooperation between the New Zealand bishops. Bishop Patrick Dunn is the current President of the New Zealand Catholic Bishops Conference.

Religious congregations

24. Autonomous religious congregations (or religious institutes or orders) have been part of the Catholic Church throughout its history. The 19th and 20th centuries saw a proliferation of new religious congregations whose charism, or purpose, was education, health care, the needs of the poor, or missionary activity in Africa, Asia, the Americas and the Pacific.
25. Some religious institutes are composed of religious women (sisters or nuns), some are composed only of ordained men (priests), some are composed of both priests and non-ordained men (brothers), and some are composed only of non-ordained brothers.
26. The members of religious congregations all take vows of poverty, chastity and obedience,¹⁴ with some congregations taking additional vows, and live together in communities.

¹³ 1983 Code of Canon Law, canons 447-460.

¹⁴ 1983 Code of Canon Law, canon 654.

- 27.** A religious congregation is said to be “of pontifical right” if the Holy See has erected or approved it through a formal decree. Institutes of pontifical right are subject exclusively to the Holy See. A religious congregation is said to be “of diocesan right” if it has been erected by a diocesan bishop who has consulted the Holy See about its establishment.¹⁵
- 28.** Some religious congregations are led by a superior general at the international level, and by provincial superiors or leaders at the national or regional level. Others are autonomous congregations and do not have an international superior general. In most cases, the superiors or leaders are elected by the members of the congregation for a set period. Compared with the wider Church, religious orders are significantly more democratic and participatory in the way they govern themselves.
- 29.** Members of religious congregations are often referred to simply as “religious” or if they are priests, as “religious priests”.

Catholic education

- 30.** In 2018 there were 237 Catholic schools across New Zealand, educating 66,888 students, which represents 8.3% of the school population of New Zealand.¹⁶ The first Catholic school in New Zealand was opened in Auckland in 1841. More schools followed, with most of the early schools being staffed by lay people. Religious congregations came to New Zealand and for the first few decades religious and lay people worked together in schools which were partly funded by provincial governments. In 1877 the Education Act ended funding for Catholic schools. For nearly a century Catholic schools struggled financially.
- 31.** The dire situation of Catholic schools became obvious in the late 1960s and early 1970s. In 1975, the Third Labour Government passed the Private Schools Conditional Integration Act (PSCI Act), which allowed the Catholic school system to integrate into the state system and saved the Catholic school system from collapse.
- 32.** Catholic schools receive government funding and keep their Catholic character in exchange for having the obligations of a state-run school,

¹⁶ New Zealand Catholic Education Office Annual Report 2018 p11-12.

such as teaching the state curriculum. The land and buildings continue to be owned by a Church authority such as the local bishop or a religious congregation. The PSCI Act 1975 allows schools to charge "attendance dues" to offset specific costs relating to the land and buildings.

33. All Catholic schools have a limited component of their roll open to those who are not associated with the Catholic faith. Either 5 or 10% of students, depending on the historic nature of education provided, may be what enrolled under what is called the non-preference category.
34. Catholic schools have a Board of Trustees like state schools. They also have a proprietor who owns the land and buildings and is responsible for overseeing the school's Catholic character. The proprietor of all Catholic primary schools in a diocese is the diocesan bishop. For some secondary schools the bishop is the proprietor, for others the proprietor is a religious congregation or proprietor trust board (usually set up by a religious congregation).
35. The school's Board of Trustees is responsible to the Proprietor for the Catholic Character of the school and for its property. It is responsible to the Ministry of Education and to parents for governance of the school (including the school's charter, strategic and annual plans, finances etc).
36. In 2000 the New Zealand Council of Proprietors of Catholic Integrated Schools established a charitable limited liability company; the New Zealand Catholic Education Office Limited, to run its Office and manage the Catholic school system nationally. The staff of the Office are responsible on a day-to-day basis to the Board of Directors of the Company. Members of the New Zealand Council of Proprietors of Catholic Integrated Schools are the shareholders of the company; this includes the Bishops and the religious congregations which own schools or their proprietor trust boards.

Catholic social service agencies

37. In the decades following the arrival of Bishop Pompallier in New Zealand in 1838, the Church focused on helping the poor, the sick and the marginalised. This help was provided by primarily by religious congregations and lay organisations.

- 38.** Religious congregations built hospitals, orphanages, and other types of residential homes, which provided services for non-Catholics as well as Catholics. The Sisters of Mercy, the Little Company of Mary, and the Sisters of Compassion were prominent in these fields. The institutions were owned by the religious congregations which had established them, not by dioceses, and the religious congregation was responsible for their governance and management.¹⁷ The operation of these institutions depended upon the low paid work force provided by religious. As the “welfare state” expanded post World War II through to the 1960s, so did the number and nature of the institutions, encouraged by the government and with state support and funding.¹⁸
- 39.** Lay organisations such as the St Vincent de Paul Society and the Catholic Women’s League primarily did charitable work in the community.
- 40.** In 2019 there are over 20 residential institutions owned by religious congregations, most of which care for the elderly, with a few caring for the disabled and the dying. The St Vincent de Paul Society is the most prominent national lay organisation providing help for the poor and marginalised.
- 41.** Beginning in the 1920s dioceses developed social service agencies, which by the 1950s had huge workloads and were running residential homes, as well as dealing in the community with family relationships, unmarried mothers and the poor.¹⁹
- 42.** In 2019 each diocese has a social services agency known as Catholic Social Services, except for Palmerston North Diocese where the diocese has been part of ecumenical initiatives with other Christian denominations and community organisations across its region.

¹⁷ B Buckley *The Relationship between New Zealand Catholicism, the State and Politics 1945-1965*, Massey University 2014, p185.

¹⁸ B Buckley *The Relationship between New Zealand Catholicism, the State and Politics 1945-1965*, Massey University 2014, p207-208.

¹⁹ B Buckley *The Relationship between New Zealand Catholicism, the State and Politics 1945-1965*, Massey University 2014, p203-206.

43. The Catholic Social Service agencies do counselling and social work, provide parenting support and grief programmes, respond to poverty, support refugee resettlement, and do advocacy work for the poor and marginalised.

Lay organisations

44. There are many different types of lay organisation in the Catholic Church. They range from small informal groups to large international organisations with branches in many countries.
45. Lay people have the right, under Canon Law, to form private associations for a particular purpose.²⁰ They are recognised by the Church if their statutes have been approved by the appropriate authority. Lay associations established by bishops or the Holy See are called public associations.²¹
46. The NZCBC website lists several national lay organisations present in New Zealand. Some organisations are associated with dioceses or the NZCBC. Others are New Zealand branches of international Catholic organisations, or groups of New Zealand Catholics who are working together in a particular field or ministry. There are also organisations in dioceses and parishes which can be found on diocesan and parish websites. All lay associations are subject to the supervision of the “competent ecclesiastical authority”, usually the Holy See if it is an international organisation, or the diocesan bishop if it is a local organisation.

The role of the diocesan bishop

47. A bishop who heads a diocese is also known as the local Ordinary. He is ‘the senior ecclesiastical legislator, judge, teacher, pastor and administrator’ within his diocese.²²
48. A bishop is subject to the Pope, as his immediate superior, and to canon law. He exercises legislative power himself and can make “particular law” for his own diocese. He exercises executive power either personally

²⁰ 1983 Code of Canon Law, canon 299.

²¹ 1983 Code of Canon Law, canon 301.

²² 1983 Code of Canon Law, canon 391 §1.

or through vicars general or episcopal vicars according to the norm of law. He exercises judicial power either personally or through the judicial vicar and judges according to canon law.²³ The bishop's executive power may also be delegated.

49. A diocesan bishop is personally accountable to the Pope. Every 5-7 years he is required to make a report to the Pope on the state of his diocese, called a quinquennial report.²⁴ The bishops go to Rome every 5-7 years as a group on an *ad limina apostolorum* visit to discuss their dioceses with the Pope and the dicasteries of the Holy See. The New Zealand bishops will make an *ad limina* visit in October 2019.
50. Diocesan bishops are appointed by the Pope for an indeterminate period. They are required to submit their resignation to the Pope when they reach the age of 75, but it is up to the Pope to decide how long they continue in office.²⁵
51. Canon 383 sums up the bishop's pastoral role by stating that he is to show concern for all those committed to his care.²⁶
52. The diocesan bishop is responsible for the priests incardinated in his diocese and for priests working in the diocese who are incardinated elsewhere. It is the role of the diocesan bishop, after consultation with his diocesan consultors, to appoint parish priests and assistant priests.²⁷
53. A priest from outside a diocese, including those from religious congregations, must seek faculties from the bishop of the diocese in which he wishes to minister, even for a short period. Faculties authorise the priest to celebrate Mass publicly and to administer the sacraments.

The role of the province and metropolitan

54. A group of dioceses forms an ecclesiastical province. One diocese of a province is called an archdiocese (or metropolitan archdiocese), and the other dioceses are called suffragan dioceses. An archdiocese is led by

²³ 1983 Code of Canon Law, canon 391 §2.

²⁴ 1983 Code of Canon Law, canon 399.

²⁵ 1983 Code of Canon Law, canon 401.

²⁶ 1983 Code of Canon Law, canon 383.

²⁷ 1983 Code of Canon Law, canon 523.

an archbishop who is known as the metropolitan, meaning that he is the senior bishop of the province.²⁸

- 55.** The metropolitan has only very limited functions and powers in relation to the suffragan dioceses in his province. He has the duty to inform the Pope about any abuses of the faith or of church discipline, including if a suffragan bishop neglects his duty, and in such circumstances the Holy See may give its approval for him to conduct a canonical visitation or inspection. The metropolitan has no authority to intervene on his own initiative in the governance of a suffragan diocese.²⁹
- 56.** The Motu Proprio *Vos Estis Lux Mundi* issued by Pope Francis on 19 May 2019 gave the metropolitan duties to be carried out if an allegation of sexual abuse is made against another bishop in the province.³⁰

²⁸ 1983 Code of Canon Law, canon 431-436.

²⁹ 1983 Code of Canon Law, canon 436.

³⁰ http://w2.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

Structure of the Dioceses

The diocesan curia

57. The diocesan curia is the central administrative apparatus that assists the bishop to govern his diocese. It is made up of various individuals and bodies including the Vicar General, episcopal vicars, the moderator of the curia, the chancellor, notaries, the diocesan finance council, the diocesan financial administrator, the judicial vicar, judges and other officials who make up the diocesan tribunal, and the diocesan archives. However, there is considerable variation between dioceses in the way the diocesan curia is structured. Diocesan curias in New Zealand include several agencies and organisations that are not mentioned explicitly in the Code of Canon Law, such as the social services agency Catholic Social Services, and Catholic Development Funds.

- (a) **Vicars general and episcopal vicars:** Canon law requires that the bishop appoints one or more vicars general to assist him in administering the diocese. The vicar general is effectively second in charge of the diocese, with executive power over the whole of the diocese. He has the authority to govern the diocese when the bishop is absent.³¹
- (b) **Coadjutor and auxiliary bishops:** In larger dioceses, a coadjutor bishop or an auxiliary bishop may be appointed to assist the diocesan bishop. There are currently no active coadjutor or auxiliary bishops in New Zealand.³²
- (c) **Council of Priests and College of Consultors:** Canon law requires a bishop to have two consultative bodies: the Council of Priests and the College of Consultors.

The Council of Priests acts as an advisory body to the bishop and represents all the priests who are either incardinated or ministering in the diocese

³¹ 1983 Code of Canon Law, canon 479 §1.

³² 1983 Code of Canon Law, canon 403 §1.

The College of Consultors is a permanent body consisting of 6-12 priests of the diocese chosen by the bishop from among the members of the Council of Priests. It advises the bishop about the pastoral care of the diocese in matters required by canon law, including the appointment and movement of the priests of the diocese and financial matters.³³

- (d) **Diocesan Pastoral Council:** The Second Vatican Council urged every diocesan bishop to establish a diocesan pastoral council, over which he presides. Diocesan pastoral councils are consultative bodies whose purpose is to assist the bishop with pastoral planning for the diocese. Their membership includes clergy, religious and lay people selected to reflect the make-up of the diocese.

- (e) **Diocesan Finance Council:** Canon law requires a bishop to have a Diocesan Finance Council, which advises him on matters to do with finance, property and administration.³⁴

- (f) **Tribunal:** While canon law envisages that each diocese should have its own tribunal, in New Zealand the ecclesiastical court system is organised on an inter-diocesan basis with just one national tribunal. Mostly the tribunal is concerned with marriage annulment cases, but they also hear cases in relation to injury or denial of rights, and offer advice on other canon law issues. Each tribunal has a judicial vicar and other court officials appointed by the bishops of the province. The Appeal Tribunal is a joint tribunal for Australia and New Zealand.³⁵

The parish and the role of the priest

58. Every diocese is divided into distinct communities, or parishes. Canon law defines a parish as “a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor ... under the authority of the diocesan bishop”.³⁶ The primary

³³ 1983 Code of Canon Law, canon 502.

³⁴ 1983 Code of Canon Law, canon 492.

³⁵ 1983 Code of Canon Law, canons 1420, 1423.

³⁶ 1983 Code of Canon Law, canon 515 §1.

function or mission of parishes is to provide for worship, teaching and pastoral care at the local community level.

- 59.** In 2018 there were 201 Catholic parishes in New Zealand. The number of parishes has been reducing as dioceses have amalgamated many smaller parishes into larger parishes.
- 60.** The parish priest represents the parish in all juridical matters, and he also has canonical responsibility for the administration of the property and other assets of the parish.³⁷ Because of a shortage of priests, or for other reasons, the care of more than one neighbouring parish may be entrusted to a single parish priest.³⁸ Some parishes are entrusted to religious congregations.
- 61.** A diocesan priest lives and ministers in a diocese, most often in a parish. He does not belong to a religious community or congregation. He makes a promise of celibacy,³⁹ and promises obedience to the bishop of the diocese. A religious priest (such as a Marist or Franciscan) is a member of a religious congregation. He is not a priest of a particular diocese but can be involved in a variety of ministries in different places, even in different countries. He takes vows of poverty, chastity, and obedience to his superiors.⁴⁰

³⁷ 1983 Code of Canon Law, canon 532.

³⁸ 1983 Code of Canon Law, canon 526.

³⁹ 1983 Code of Canon Law, canon 277 §1.

⁴⁰ 1983 Code of Canon Law, canon 573.

Structure of Religious congregations in New Zealand

62. All religious congregations in New Zealand are congregations of pontifical right, and thus under the authority of the Pope. Currently there are over 40 religious congregations in New Zealand.
63. In 2018, there were 182 religious priests, 303 religious brothers and 614 religious sisters living in New Zealand.⁴¹ Religious in New Zealand work mainly in social services, pastoral care, in parishes, as tertiary level teachers, with young people and in administrative roles. Many are fully retired.
64. Religious came to Aotearoa New Zealand to provide education, nursing, social services, and other services required in the rapidly developing colonial nation. As society evolved, either the need for these services diminished or the State took them over. Religious therefore turned to working mainly in areas not covered by the State, limiting their role and reducing their number in Aotearoa New Zealand.

Religious orders of priests and brothers

65. Some clerical religious congregations in New Zealand have only priest members, while others are composed of both priests and brothers. The largest clerical religious congregation in New Zealand is the Society of Mary, which has both priests and brothers.

Example: Society of Mary (Marist Fathers)

- (a) The Society of Mary, or Marist Fathers, is a congregation of priests and brothers established in France in 1824.
- (b) Bishop Jean-Baptiste Pompallier arrived in New Zealand in 1838 with a small group of Marist priests and brothers. They were the first of many Marist missionaries who came to New Zealand.
- (c) Marists work in parishes, among Māori, in schools as administrators, teachers, chaplains and school proprietors, with young people in a variety of settings, in communication, music

⁴¹ Anuario Pontificio 2019.

ministry, spiritual direction, retreats, and Catholic tertiary education, as well as with the disadvantaged in the community.

- (d) The international leadership of the Marist Fathers is based in Rome and consists of the superior general and a leadership team drawn from the order's provinces and districts around the world. In New Zealand, the society is led by a provincial and a provincial council elected by the members of the Society, based in Wellington.

Religious orders of brothers

- 66. There are four congregations of religious brothers in New Zealand: the Christian Brothers, De La Salle Brothers, Marist Brothers, and St John of God Brothers.

Example: Marist Brothers

- (a) The Marist Brothers originated in France in 1817 and were established to respond to the spiritual, educational and physical needs of the young and the poor. Marist Brothers arrived in New Zealand with Bishop Pompallier in 1838. They focused primarily on providing primary and secondary education. In 2019 they are involved in helping needy young people, mentoring, prison chaplaincy, and young adult ministry.
- (b) The order is governed by the brother superior general, who is assisted by a brother vicar general and general council, all of whom are based in Rome. They are elected by the general chapter, an assembly of representatives of the brothers across the world. The order is divided geographically into provinces and districts. New Zealand is part of the District of the Pacific with the District Leader located in Auckland. The District Leader is appointed by the general council.

Religious orders of sisters

- 67. In 2018, there were over 20 congregations of religious sisters in New Zealand. The Sisters of Mercy is the largest women's order and originated in Ireland. The Daughters of Our Lady of Compassion are

New Zealand's only indigenous order, founded by Suzanne Aubert in 1892.

Example: Sisters of Mercy

- (a) The Religious Sisters of Mercy, or Sisters of Mercy, were founded by Catherine McAuley in Dublin in 1831. They were the first religious sisters to come to New Zealand, arriving in Auckland in 1850. Four Mercy Congregations were established in New Zealand, and in 2005 they united to form one congregation. There are Mercy Sisters in New Zealand, Tonga, Chile, Australia and Samoa.

- (b) The Sisters of Mercy's most visible work in New Zealand has been in the education of young people, both boys and girls at primary schools, care of children in homes and young women in secondary schools, as well as establishing healthcare services, and hospitals, and caring for the poor and disadvantages. In 2019 they are involved in education, healthcare, spirituality, community development, housing and other social initiatives.

Example: Daughters of Our Lady of Compassion ("Sisters of Compassion")

- (a) The Sisters of Compassion were founded by Suzanne Aubert at Jerusalem on the Whanganui River in 1892. Mother Aubert was a French woman who had been in New Zealand since 1860, initially working in a school, but soon moved to work among *Māori* in Hawkes Bay.

- (b) In 1899 she arrived with two sisters in Wellington and immediately began working among the poor and the destitute, including looking after unmarried mothers and children with disabilities. She established a hospital and had her sisters train as nurses. For more than a century the sisters have taught, nursed, and provided homes for children, the sick and the elderly in New Zealand and the South Pacific.

- (c) In 2019 the Sisters of Compassion run a soup kitchen, homes for the elderly and disabled, a retreat centre, and social housing for the elderly, as well as working among those who are homeless or disadvantaged.

Relationship between diocesan bishops and religious congregations

68. Religious congregations are not part of the hierarchical structure of the Church, although religious work closely with the hierarchy of the Church. The accountability lines of members of religious congregations of pontifical right are to the local, regional and global superiors of their congregation, and through them to the Pope.⁴²

69. A religious congregation has autonomy in its affairs, and especially in its governance and discipline.⁴³ Local bishops are required to preserve this autonomy.⁴⁴

“...religious institutes have their own rightful autonomy which the Bishop should himself respect and require others to respect without interfering in their life and government and without claiming to be the authoritative interpreter of their original charisms.”⁴⁵

70. Autonomy gives religious congregations the right to determine their own statutes and laws, and the right to live as a self-governing congregation. Their vow of obedience means all religious are bound to obey the Pope as their highest superior.⁴⁶ Because a congregation of pontifical right is directly under the authority of the Pope, a diocesan bishop cannot interfere in the governance and discipline of the congregation.

71. A diocesan bishop does have some rights in relation to religious congregations in his diocese:

(a) Religious present in a diocese are subject to the authority of the bishop in matters to do with public worship and the work of the Church.⁴⁷

⁴² 1983 Code of Canon Law, canon 593.

⁴³ 1983 Code of Canon Law, canon 586 §1.

⁴⁴ 1983 Code of Canon Law, canon 586 §2.

⁴⁵ *Apostolorum Successores* 100.

⁴⁶ 1983 Code of Canon Law, canon 590 §2.

⁴⁷ 1983 Code of Canon Law, canon 6783.

- (b) Religious priests must seek faculties from the bishop of a diocese in which they intend to minister.
- (c) A religious congregation can only establish houses or take up work in a diocese if it is invited to do so by the diocesan bishop, or he accedes to a request from the religious congregation to do so.⁴⁸
- (d) The bishop may entrust a parish or a ministry to a religious congregation, with the arrangements for personnel and resources being the subject of a written agreement between the congregation and the bishop. If the bishop entrusts a parish or chaplaincy to a religious congregation he retains the right to oversee its work and to make canonical appointments, such as parish priest or chaplain.⁴⁹
- (e) For a very grave reason a diocesan Bishop can forbid a member of a religious congregation to remain in his diocese, provided the person's major Superior has been informed and has failed to act. In these circumstances the matter must be reported to the Holy See.⁵⁰

72. In practice in New Zealand the bishops and religious congregations work closely together in a number of areas, including education and parish work. In 1982 the New Zealand Catholic Bishops Conference (NZCBC) and the Congregational Leaders Conference of Aotearoa New Zealand (CLCANZ) formed “the Mixed Commission” as a vehicle for their partnership and as a forum for sharing their work with one another and resolving issues.

73. In 1998 the bishops and congregational leaders developed a protocol for dealing with complaints of abuse called *A Path to Healing, Te Houhanga Rongo*. The Mixed Commission established the National Committee for Professional Standards and the National Office for Professional Standards in 2004.

⁴⁸ 1983 Code of Canon Law, canons 680, 681.

⁴⁹ 1983 Code of Canon Law, canons 681, 682.

⁵⁰ 1983 Code of Canon Law, canon 679.

- 74.** The National Committee and Office for Professional Standards have developed the Catholic Church's safeguarding policy for children and vulnerable adults, and safeguarding resources and training. They are responsible for monitoring and auditing the compliance of dioceses and religious orders with safeguarding principles and procedures. The National Office for Professional Standards is also responsible for responding to complaints of abuse in the Church, and for overseeing the investigation of complaints of sexual abuse against clergy and members of religious orders. Complaints of harm not related to sexual abuse are referred to the specific congregation or diocese involved.
- 75.** Te Rōpū Tautoko is a support group established by the New Zealand Catholic Bishops and Congregational Leaders Conference of Aotearoa New Zealand to co-ordinate and manage co-operation between the Royal Commission and the Catholic Church in New Zealand.

The Universal Church

The Pope

- 76.** The Bishop of Rome, also known as the Roman pontiff or Pope, is the supreme authority in the Catholic Church. He is the head of the College of Bishops.⁵¹
- 77.** Only the Pope can change canon law for the universal Catholic Church. In all cases that fall under Catholic Church law, recourse may be had to his judgment. There is no appeal against his judgment.⁵²
- 78.** The Pope not only has power over the universal Church but also has the right to intervene in the affairs of the local or particular churches at his own discretion.⁵³ He is the appointor of bishops and the immediate superior of all Catholic bishops around the world.

The College of Cardinals

- 79.** Cardinals are appointed by the Pope. They form the College of Cardinals whose primary duty is to elect a new Pope. They also act as advisers to the Pope.⁵⁴
- 80.** A Cardinal does not have any powers in his diocese or province additional to those he has as a bishop or archbishop. He is not the “head of the Catholic Church” in the country, as no such role exists. New Zealand has two Cardinals, Cardinal John Dew who is the Archbishop of Wellington, and Cardinal Thomas Williams (retired).
- 81.** The closest to a “head of the Catholic Church” in a particular country/region would be the President of the respective Bishops Conference, but even this role is limited by the nature of the Conference.

The Roman Curia

- 82.** The Holy See, or Apostolic See, is the formal title of the see, or seat (diocese), of the Bishop of Rome, and is the central governing body of the Catholic Church. The Holy See is both a state recognised in

⁵¹ 1983 Code of Canon Law, canon 331.

⁵² 1983 Code of Canon Law, canon 333 §1.

⁵³ 1983 Code of Canon Law, canon 333.

⁵⁴ 1983 Code of Canon Law, canons 349-359.

international law and the governing body for the global Catholic Church. It is distinct from Vatican City State, which is an independent city state within the city of Rome.

83. The Roman Curia assists the Pope in the governance and administration of the Church. It consists of several dicasteries (departments):

(a) **The Secretariat of State:** The Secretariat of State is responsible for directing and coordinating the other dicasteries, and is headed by a cardinal who is the Secretary of State. It has two sections, one responsible for internal Catholic Church affairs, and the other for the Holy See's relations with national governments and other international bodies.

(b) **The Roman congregations:** There are nine congregations of the Roman Curia. The congregations have the power of governance, meaning they have the authority to issue binding decrees, judgments and dispensations in relation to their area of jurisdiction.⁵⁵ Congregations of relevance for the Royal Commission are:

(i) The Congregation for the Doctrine of the Faith – responsible for promotion and safeguarding of official Catholic Church teaching in relation to faith and morals. It has jurisdiction over cases of child sexual abuse by diocesan and religious clergy.

(ii) The Congregation for Evangelization of Peoples – responsible for appointing and supervising bishops in mission territories, including New Zealand. It has jurisdiction over most aspects of the Church in New Zealand, including seminaries.

(iii) The Congregation for Clergy – responsible for overseeing the formation, discipline and support of diocesan clergy, as well as for seminaries (other than those regulated by the Congregation for the Evangelisation of Peoples and the Congregation for

⁵⁵ The Holy See, *The Roman Curia*, 2017, www.vatican.va/roman_curia/congregations/index.htm (viewed 9 July 2019).

Eastern Churches). It is also responsible for handling requests from diocesan clergy for dispensation from the priesthood. It does not handle matters relating to the priests of religious congregations (“religious priests”).

- (iv) The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life - has jurisdiction over everything to do with religious congregations (eg their governance, discipline, property), with the exception of abuse by religious priests.

(c) **The tribunals:** The judicial branch of the Roman Curia comprises three tribunals.⁵⁶

- (i) The Roman Rota is the main judicial organ of the Holy See. It is an appeals court in relation to matters decided by local tribunals around the world. Much of its work relates to marriage annulments.
- (ii) The Supreme Tribunal of the Apostolic Signatura is the highest court of appeal in the Roman Curia judicial system and the highest judicial authority in the Catholic Church apart from the Pope.
- (iii) The Apostolic Penitentiary deals with matters relating to the sacrament of confession, and censures reserved to the Holy See.

(d) **Pontifical Commission for the Protection of Minors:** On 22 March 2014 Pope Francis established the Pontifical Commission for the Protection of Minors.⁵⁷ It is an advisory body to the Pope. Article 1 §1 of the commission’s statute describes it as “an autonomous institution attached to the Holy See, with public juridic personality”. The commission is composed of a

⁵⁶ The Holy See, *The Roman Curia*, 2017, www.vatican.va/roman_curia/congregations/index.htm (viewed 9 July 2019).

⁵⁷ http://www.vatican.va/roman_curia/pontifical_commissions/tutela-minori/index.htm

maximum of 18 members appointed by the Pope for a period of three years, who may be reconfirmed.

- 84.** The purpose of the Commission is to propose initiatives to the Roman Pontiff, according to the procedures and determinations specified in the Statutes, for the purposes of promoting local responsibility in the particular Churches for the protection of all minors and vulnerable adults.⁵⁸

The Apostolic Nunciature

- 85.** The apostolic nuncio to New Zealand, or papal nuncio, has a dual role. Based at the apostolic nunciature in Wellington, he is the Pope's representative to the Catholic Church in New Zealand. He is also the diplomatic representative of the Holy See to the New Zealand, with the rank of ambassador. New Zealand first established diplomatic relations with the Holy See in 1968.

ACKNOWLEDGEMENT

This document has drawn extensively on the Report of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, Volume 16, Book 2, Part 2, Section 13.1 Structure and Governance of the Catholic Church.

⁵⁸ http://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20140322_chirografo-pontificia-commissione-tutela-minori.html