

**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)
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Ali'imuumua Sandra Alofivae
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Ms Maria Dew KC, 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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Mr Sam Hider for Presbyterian Support Otago

Mr Andrew Barker and Ms Honor Lanham for Dilworth School and Dilworth Trust Board

Mr Karl van der Plas, Mr Jaiden Gosha, Ms Rachael Reed and Ms Ali van Ammers for the Dilworth Class Action Group

Venue: Level 2
Abuse in Care Royal Commission of Inquiry
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28 **CLOSING STATEMENT BY THE CATHOLIC CHURCH**

29 **MS McKECHNIE:** Thank you, ma'am. I understand that you should have a copy of my written
30 submission.

31 **CHAIR:** Yes.

32 **MS McKECHNIE:** And this will be available on the Te Rōpū Tautoko website now, I
33 understand, for those watching at home and also I understand will be published later on the
34 Royal Commission website.

1 Chair, Commissioners, these are the closing submissions on behalf of Te Rōpū
2 Tautoko who represent the Bishops and Congregational Leaders of the Catholic Church of
3 Aotearoa New Zealand.

4 **CHAIR:** Just before you go on, I don't think we have got your submissions.

5 **MS McKECHNIE:** One moment, please, ma'am. I suspect they are sitting in the public gallery at
6 the moment waiting to be delivered.

7 **CHAIR:** Somebody will come racing -- look at that.

8 **MS McKECHNIE:** Apologies, ma'am, I thought they had already come to you during the
9 adjournment.

10 **CHAIR:** We only need three copies up here. I don't know if they've been emailed to
11 Commissioner Gibson.

12 **MS McKECHNIE:** They certainly will be, if they haven't already, ma'am.

13 **CHAIR:** If that could be seen to --

14 **MS McKECHNIE:** Immediately?

15 **CHAIR:** -- immediately please. He relies on his computer, of course.

16 **MS McKECHNIE:** Ma'am, Commissioners, there's a written document here and a number of
17 appendices and what I'm going to do today is summarise some reflections of Tautoko and
18 the Catholic Church in Aotearoa from this hearing and from the previous hearings that we
19 have participated in. We are very conscious this is the last time that we will speak to you in
20 a public forum.

21 **CHAIR:** Yes.

22 **MS McKECHNIE:** Before focusing on the Church responses, however, Tautoko wants to
23 acknowledge of course the survivors who have provided their experiences to the Inquiry.
24 Thank you for your bravery and courage.

25 Tautoko acknowledges that abuse has been perpetrated by people in the Catholic
26 Church, people that you trusted and that you should have been able to trust. You have been
27 heard.

28 Tautoko understands from survivors that the Inquiry has heard from the frustration
29 that you feel about the way Church processes have failed you. The Church leaders know
30 that this frustration comes from a place of deep pain and hurt. They are committed to
31 ensuring a safe Church, to learning how to put survivors and their whānau at the centre of
32 their decision-making rather than focusing on Church systems and culture.

33 Commissioners, as you have heard now over many days and a number of different
34 hearings, the Church's responses to these issues has been a process of the last 30 years. It

1 has been a journey of learning, of sharp lessons, to borrow Ms Guy Kidd's phrase, and of
2 reflection and change. And it has been a difficult journey, Commissioners.

3 Pope Francis recently spoke about the multitude of crises for the Church and the
4 world and one of the crises he identified was the genesis of this Inquiry, abuse in care. And
5 to address these crises within the Catholic faith globally, Pope Francis has asked the whole
6 Church to undertake a synod. A synod can be translated as meaning a journey or a road to
7 be travelled on together, or, in Aotearoa in te reo Māori, a hui or a hikoi.

8 This worldwide synod called by Pope Francis has the aim of deepening
9 understanding of how we can walk this road together supporting each other and acting for
10 change where it is most needed in all areas of church life. The Church around the world
11 and certainly Church leaders here recognise that these issues that you are addressing is one
12 of the areas where that journey is hard and important.

13 I have quoted there at paragraph 10, Commissioners, from the National Synod
14 documents sent back to the Vatican in 2018 which acknowledge that very point, that this
15 process that you are undertaking and we are undertaking with you is an important stage in
16 that synod.

17 Tautoko see their involvement in this Inquiry as a critical moment of change in this
18 journey, and an opportunity to learn lessons. This opportunity and this Inquiry will assist in
19 formulating new ways to respond to reports of abuse with care and compassion.

20 Commissioners, over the next few pages of the submissions I have briefly
21 summarised the history and scope of education and care within the Catholic Church. You
22 have much evidence, the good and the bad, in relation to these matters. So I propose to turn
23 forward to page 5 and paragraph 22 for those following along.

24 There have been three key pathways of the Church's response in the last 30 years.
25 The first, Commissioners, is safeguarding. A safe church is a fundamental priority and the
26 Catholic Church is now firmly focused on safeguarding for all. To ensure that the Church's
27 care is protected from harm is fundamental.

28 As the scale of abuse within Catholic care settings has become clearer, both globally
29 and in New Zealand, these safeguarding measures have strengthened. This takes many
30 forms, Commissioners. Improvements in the formation of priests and Religious,
31 safeguarding training for Catholic Clergy, Religious, and very importantly Catholic
32 communities, implementation of safeguarding practices such as screening and vetting,
33 fostering a speak-up culture, and translating the materials which support this work into a
34 number of the key languages of the Catholic community in New Zealand.

1 Secondly, Commissioners, receiving reports and disclosures. As we now know, and
2 as Ms Guy Kidd touched on, it's accepted it can take many decades for people to be able to
3 speak up and speak the truth about what happened to them. This is reflected in the Catholic
4 records, Commissioners, which you now hold. The average time from the records the
5 Catholic entities hold from the date of abuse to the date of disclosure is 38 years -- sorry,
6 34.8 years.

7 So for Catholic entities, Commissioners, individuals began to approach the Church
8 in small numbers in the mid to late 1990s and then a very significant number of reports
9 started to come forward from 2002. Those are what has been referred to in this Inquiry, of
10 course, as historic claims.

11 But Church entities acknowledge, Commissioners, that records do show that some
12 disclosures were made at the time that the harm was occurring. And we now know the
13 bravery and courage that that must have taken. With hindsight, it has been acknowledged
14 by witnesses from Catholic entities before you that the responses to some of these early
15 reports were lost opportunities.

16 Catholic witnesses in this hearing have acknowledged their early leaders were naive
17 about the nature of recidivist offending. In responding to complaints in the 70s,
18 psychological assessments and advice was sought from experts. This advice was relied on.
19 Commissioners, those experts and that advice was reputable at the time and sadly it has
20 now been shown that it was wrong.

21 Thirdly, Commissioners --

22 **CHAIR:** Before you go on to your third point, you make a very important observation about the
23 time it takes for disclosure and we've been talking across the -- amongst ourselves and
24 across the Inquiry -- roughly of 20 years, but this figure of 34.8 years is even
25 more -- I mean, three days is terrible, but 34 years is shocking. I wonder, given that, what
26 the Church, and you might not be able to answer this so maybe later, what the Church's
27 response is to that, because we all know and we've heard so much about the barriers to
28 reporting. So I'm just wondering if there's an institutional response from the Church to
29 break down those barriers to understand why it takes so long and what is being done about
30 it.

31 **MS McKECHNIE:** Chair, to draw some of the threads of the evidence together, my response
32 would be there's -- certainly there is a response and in many ways that figure itself
33 demonstrates that the barriers to disclosure are coming down, the barriers have persisted for

1 a long time, sadly for many people, but they are now coming down and the scale of people
2 who have approached Catholic entities since 2002 demonstrates that.

3 **CHAIR:** That would need some numbers, I would have, thought because it's the gap between the
4 date of the offence and the time of reporting; wouldn't it be interesting to know whether
5 that gap has changed?

6 **MS McKECHNIE:** Yes, ma'am, and you have that data and while I don't have it in front of me,
7 my memory of the data is that the gap is shrinking.

8 **CHAIR:** It's shrinking.

9 **MS McKECHNIE:** So it is not a consistent 34 years, it is more that from 2000, approximately, a
10 number of disclosures have been made and a significant number of disclosures for Catholic
11 entities, ma'am, are from the 1960s and the 1970s and a number from the 1950s. There
12 have been considerably fewer disclosures in more recent years.

13 Now, we don't know, of course, whether they themselves will come forward in the
14 future.

15 **CHAIR:** That's my point, Ms McKechnie, that's my point.

16 **MS McKECHNIE:** Yes, ma'am.

17 **CHAIR:** And I think we would be very interested to know what steps the Church is taking to
18 make sure it doesn't take 34 years for a child who is abused today to reveal that abuse,
19 because we know the harm that's caused by that. So I'm just raising that for you.

20 **MS McKECHNIE:** And Ma'am, I'd refer you to the evidence filed by Ms Noonan and by
21 Dr Flanagan in this hearing which emphasises that, and the records do show that -- from my
22 memory, the records do show that the disclosure times now are coming down and they're
23 much shorter, but of course we cannot speak to those disclosures that have not been made.

24 So the Church is preparing and undertaking work in anticipation that they may be
25 there, but such statistics we have do show that those periods are coming down.

26 **CHAIR:** All right. Thank you.

27 **MS McKECHNIE:** There are a number of records, ma'am, where the disclosure times were very,
28 very long, and those impacting statistically on the total, men who have come forward in
29 their 70s about harm that happened before they were 10 in children's homes.

30 **CHAIR:** Yes.

31 **MS McKECHNIE:** Which is, of course, tragic.

32 So returning to my submissions, Commissioners, the third theme, of course, is the
33 response and the redress response to these disclosures, made at the time in the context of
34 safeguarding and historically responding to the historic claims.

1 Commissioners, what the history of the Catholic faith in New Zealand shows is that
2 this has been a process underway since 1993. There is a chronology on the back of the
3 submissions, Commissioners, for yourselves and for those who want to see it watching, that
4 sets out the key events in creating Te Houhanga Rongo, A Path to Healing.

5 Catholics entities in Aotearoa were amongst the first Catholic entities around the
6 world to create such a protocol and they also adopted A Path to Healing many years before
7 other faith communities in New Zealand adopted a similar approach. And Commissioners,
8 uniquely in the Catholic context worldwide, here it was adopted by the Bishops and the
9 Congregational Leaders together as a collective response. As far as we know, this is the
10 only country where the Catholic Church has responded in this way.

11 Since the chronology set out in the back of the documents, Commissioners, as you
12 heard from me in opening, reports of statistical information have also been released. They
13 are also attached to the back of these submissions, Commissioners, so they are publicly
14 available both here and on the website which is referred to in the footnotes.

15 Where are we today? Commissioners, I would highlight two key elements of the
16 Catholic faith and the Catholic community's situation in New Zealand as at 2022. And this,
17 of course, has been informed and responds to the work and engagement that we have had
18 with your Commission.

19 First, the standards for creating and maintaining a safeguarding culture which were
20 adopted by Catholic entities in 2019 and revised in 2020. This was covered in some length
21 in Dr Paul Flanagan's evidence and for those who are interested, like all the evidence, that
22 will be available on the Commission's website.

23 Secondly, Commissioners, the road map following the release of your interim
24 redress report and the experience of the Maryland's hearing, the Bishops and
25 Congregational Leaders have agreed a series of actions that will give effect to your
26 recommendations while we wait for you to finish your current processes and for the
27 Government to finalise its responses.

28 That was agreed in February of this year and has been published as a road map,
29 again publicly, so that people know both within the community and those watching from
30 outside what has been committed to and the progress that is being made.

31 These actions focus on reviewing structures, reducing barriers to disclosures of
32 harm, ma'am, to pick up your question from earlier, and improving processes to be more
33 survivor-informed.

1 Commissioners, you have heard from a number of faith groups this week and
2 perhaps for the Catholic Church more than the others, this is happening and the changes in
3 New Zealand against the background of a global church. The Catholic Church in
4 New Zealand has at times and in many cases been innovative, they have deliberately
5 chosen to come together for this hearing and in other contexts in one voice. That, as I say,
6 is unusual.

7 In Aotearoa women in the Church have long been changemakers in society.
8 Women congregational leaders are in leadership positions elected by their own
9 communities and through the Mixed Commission engage with Bishops and male
10 congregational leaders as equals.

11 But, Commissioners, it has to be acknowledged that as members of a global church
12 and subject to Canon Law, change for Catholic entities in Aotearoa is interdependent on
13 change in the global church. That global change is much slower, and can be less
14 innovative. Fundamental structures of the Catholic Church as outlined in Canon Law
15 cannot be changed or easily adapted by the Bishops, Congregational Leaders or Mixed
16 Commission in New Zealand.

17 **CHAIR:** So perhaps that's a subject for a conversation in the synod that's been called by Pope
18 Francis?

19 **MS McKECHNIE:** Yes, ma'am. And as part of global comments by organisations like
20 yourselves calling for issues to be considered.

21 **CHAIR:** Yes.

22 **MS McKECHNIE:** Commissioners, I intend to spend the balance of my closings highlighting
23 some tensions and challenges. There are seven that I will briefly canvass that the Catholic
24 Church feels very deeply and has experienced in its journey and request that you engage
25 with them in your report.

26 We anticipate that you will have identified these but I wish to highlight them now in
27 closing because the Church has not found simple answers to these questions. We anticipate
28 there are no simple answers and we would invite the resources and expertise that the
29 Commission has engaged with to give us your guidance and views in these matters.

30 First, Commissioners, and I realise, Commissioner Alofivae, this is particularly a
31 concern for you, respecting ethnic communities and cultures in the Church in Aotearoa
32 New Zealand.

33 Commissioners, one of the big challenges in respecting the ethnic communities and
34 cultures within the Catholic Church is how to address issues which we also recognise are

1 barriers to disclosure of harm. There are a number, a significant number of different ethnic
2 groups in the Catholic faith in New Zealand. These groups all have deep cultural and
3 ethnic routes to the religious expression of their Catholic faith and those are rich and vital.

4 But one of the challenges this presents, Commissioners, is how to address elements
5 of those cultures which are simultaneously barriers to reporting abuse, such as respect for
6 elders, for clericalism.

7 Catholic leaders have taken steps to reduce clericalism in several ways within the
8 Catholic Church in recent times and some communities have seen this as an attack on their
9 culture and on their faith. And this has resulted in a split in a number of communities. This
10 is a very difficult issue, Commissioners, for the Catholic leaders to know how to address
11 this.

12 Further work is being undertaken, of course. Culturally-informed safeguarding
13 training is being provided but these barriers to reporting abuse must be reduced in all
14 communities, including ethnic communities which hold beliefs that create barriers.

15 It needs to be undertaken, my clients recognise, in a way that's respectful to the
16 communities and recognising their rights of self-determination and accordingly we would
17 invite your thoughts and guidance on how these matters can be best addressed.

18 **COMMISSIONER ERUETI:** I could, Ms McKechnie, make one suggestion now. I do wonder
19 whether, just following from the discussion that we had earlier with the Anglican leaders
20 about deep reflection upon underlying values of the faith, but also addressing issues of
21 leadership and governance, and when they last came here, the Archbishops, we talked about
22 the divisions within the Church and the inequality between the Māori Diocese and the
23 Pasifika Diocese and the general diocese and they have embarked upon this journey, as
24 they described, of trying to rectify that.

25 And so if you're seeking suggestions from us, I think that is a good place to start,
26 not only with Māori but also with Pasifika communities and other minorities too. For them
27 to see themselves reflected in the governance structures, membership of boards and so
28 forth, would go a long way towards understanding these issues, stepping inside the culture
29 of another is one way of putting it. I think Reverend Richardson described it earlier today.

30 So I just make that comment because in your closing submissions I note there's no
31 reference to this kaupapa, but it's obviously something that's very important across all the
32 faiths, so I just wanted to relay that.

33 **MS McKECHNIE:** Yes, thank you, Commissioner, and it certainly has been very important in
34 the history of the Catholic faith in New Zealand, as you know, and there is representation

1 and certainly there's a work in progress. I anticipate that my clients will need -- will be
2 looking for more transformational change in that regard.

3 **COMMISSIONER ALOFIVAE:** Ms McKechnie, if I might just comment, we hear you and we
4 fully appreciate those barriers. Some of the most thriving youth groups are actually in your
5 Catholic Pasifika parishes. But across the faiths I think one of the things that we are
6 certainly sensing as a commission is that there's a real drive for a baton change, from the
7 elders to the younger, to kind of drive the social change. And we've been canvassing it
8 with the Methodists earlier on this week, again with the Anglicans and, of course, with the
9 Catholics.

10 So I think it's 2022 going forward, it's a timely discussion for your communities.
11 And I think they're actually open to it, I think there's a maturity that's happening that they
12 just need to be empowered to actually get on and have some of those hard discussions.
13 Because sometimes -- the change has to come from within the parishes as opposed to it
14 being imposed. Certainly we can make some very big and bold comments, but I would like
15 to think that there are many faith-based communities, not just Catholics, where the younger
16 people are seeking the baton change from their elders. Malo.

17 **MS McKECHNIE:** To move to the second theme, and this is one of transparency, and certainly
18 the Catholic entities recognise that transparency is an essential element to the response, but
19 there are particular elements within that that we invite your engagement with, please,
20 Commissioners.

21 A transparent church means a number of things, and, first, I'll touch on records and
22 data collection.

23 The Catholic Church holds extensive records. We cannot know, of course, what
24 was never written down, but much was written down and much is retained. But there are
25 complexities and difficulties in the current law in New Zealand about how those records
26 should be managed, particularly for non-State actors who are not subject to the archives
27 legislation and Public Records Act.

28 Now, one of those, of course, comes from the Privacy Act, and there are significant
29 issues for Catholic entities about how to share data amongst themselves, because for the
30 Privacy Act's purposes they are independent legal entities, how to provide documents to
31 survivors who seek them -- or anyone who seeks their records, when those records are often
32 also filled with the personal details of others, their siblings, their parents, other individuals.

1 How that can all be done -- at the moment, Commissioners, as you'll know, it's
2 difficult to do under the Privacy Act but looking for transformative change, how that can be
3 done ensuring people's legal rights.

4 Tautoko is engaging with the Crown Response Unit in this regard but we would
5 welcome any comments you had, particularly for the older records that Church entities hold
6 because we don't have the same structures that the State has in relation to those older
7 records.

8 Secondly, publication of information.

9 **CHAIR:** Just to ask, is that in relation to sharing files with survivors of their private information?

10 Is that really what you're addressing here?

11 **MS McKECHNIE:** Two themes, ma'am. Firstly, the sharing of information with each other.

12 From a safeguarding perspective there, are complexities because --

13 **CHAIR:** Across different entities within the Catholic Church?

14 **MS McKECHNIE:** Indeed, and across schools and other structures. And, secondly, yes, ma'am,
15 the historic records issues because, as you will have seen from the thousands of pages of
16 these records you hold, they're typically recorded in family groups. And so a single page
17 may have the information of four or five children and particularly in Catholic families,
18 ma'am, you'll anticipate probably more than four or five children.

19 **CHAIR:** Probably more. And this is a problem that the State has as well, of course, and we've
20 had many anguished cries from survivors who say, "I asked for my records and of 20 pages
21 10 were completely blacked out, or large chunks, and it's that same reason, other people
22 being -- so it's certainly a live and an important issue.

23 **MS McKECHNIE:** The third element, though, ma'am, is also the records of the institutions that
24 are not personal records. So in the context of State institutions, they are governed by
25 legislation.

26 **CHAIR:** Yes.

27 **MS McKECHNIE:** But for private institutions --

28 **CHAIR:** The Archives Act and things like.

29 **MS McKECHNIE:** -- records that -- records that are not personal records, should they be kept, for
30 how long, and in what format, and who's responsible for those records.

31 **CHAIR:** Well, if you've got some suggestions for perhaps proposed legislative change, or other,
32 we'd be very interested to hear about that once you get to the heart of the matter. We would
33 look forward to any assistance on that from you, because it is an important issue.

1 **MS McKECHNIE:** Next, ma'am, Commissioners, is the question of mandatory reporting.

2 Mandatory reporting has been discussed a number of times in this hearing and indeed this
3 afternoon. But on the issue of mandatory reporting to Police, particularly mandatory
4 reporting of complaints by adults where they have not consented to the mandatory
5 reporting, there is a range of views that you've heard from Catholic witnesses in this
6 hearing.

7 Father Tim was in favour of it; Sister Sue, who has great experience in this area,
8 recognises that there are serious pitfalls and problems that can come from it.

9 There is an important issue of consent for an adult in making a disclosure if they do
10 not wish to go to the Police. And Church entities are very aware that there is also a range
11 of views amongst survivors about whether this is appropriate.

12 There is, of course, a limited degree of a type of mandatory reporting at the
13 moment, and I've set that out in the submissions, in part to provide comfort for those who
14 are reading to know that there is a form of this with regards to children but, Commissioners,
15 there is clearly a question about whether that should be expanded, whether it should be
16 completely mandatory, and whether it should include disclosures by adults.

17 The Church, under Vos Estis, does have a form of mandatory reporting and that it
18 has both pluses and minuses, Commissioners, so we recognise these are challenging issues.

19 Related to that, the fourth complex area, confidential disclosures. Again, these were
20 explored with some of the witnesses on Monday.

21 Here, Commissioners, there is clearly a need to maintain the trust of survivors and
22 respect their wishes to keep a disclosure confidential. On the other hand, there are clear
23 safeguarding issues and now Canon Law obligations to act on disclosures and for those
24 where the individual is still alive, there are necessarily natural justice issues as well.

25 Vos Estis requirements have been welcomed by church leaders, Commissioners.
26 This, again, for those who aren't intimately familiar with the Latin, is the new directive,
27 relatively new directive from the Vatican in relation to mandatory disclosure and reporting
28 within Church processes. But already, Commissioners, we have seen that this can make it
29 difficult for Church leaders to participate in some processes. For example, attending a
30 restorative justice wānanga where there is a real possibility that new disclosures may be
31 made, Church leaders are concerned that their attendance may have an effect where
32 survivors don't want to disclose because to do so, the Church is then required by its own
33 processes to take steps.

1 We, again, would welcome further consideration from the Inquiry in relation to this
2 inherent tension of respecting a survivor's wishes and being able to act on what they have
3 disclosed.

4 Commissioners, that brings me to the fifth issue, and that is reporting to Police. As
5 addressed in the evidence from the Catholic entities this week, and the other faiths, and I'm
6 sure you have heard this many, many times in private sessions, there is a reluctance by
7 survivors to go to the Police.

8 Commissioners, Catholic entities consider the Police are best placed to investigate
9 complaints of criminal activity, sexual or physical. They have the independence, resources,
10 investigative skills, victim support and ultimately the power to charge offenders that the
11 Church does not have. Where survivors choose to report now, Church entities cooperate
12 with those processes. Indeed, many of the documents you hold are from those kind of
13 investigative processes that the Church entities have participated in. But it's clear,
14 Commissioners, from my client's own engagement, and I'm sure from yours, that many
15 survivors are reluctant to approach the Police. We understand from those discussions that
16 they find it re-traumatising and disconnected and that there can be extensive delays in the
17 prosecutions. And, Commissioners, we would invite you to encourage a review of the
18 justice system in how it responds to reports by survivors and supports victims so that more
19 victims feel they can approach the Police.

20 The goal must be, and the Church strongly supports this, Commissioners, greater
21 accountability for offenders and ultimately a safer society.

22 And, Commissioners, at 67 I've set out some questions that we would invite your
23 views on: Who should report to Police? When and how should reports of abuse be
24 reported? What information should be shared between Police and Catholic entities? And
25 when should that information be shared? As you will have heard on Monday, Catholic
26 entities are not told at present, and perhaps should not be told, but are not told at present
27 when somebody is convicted who the victim was so no support can be offered and the
28 details are not disclosed from a safeguarding perspective.

29 And the final question is: When should the professional standards and redress
30 processes stop when the Police are investigating?

31 **CHAIR:** I'd like to reframe that. I mean, that's obviously a question, but I would have thought the
32 major question is there: How can a survivor be safeguarded in the Church processes while
33 the Police investigation is underway? In other words, survivors and other vulnerable
34 people who might be at risk from the alleged offender. For me, that's a very important

1 question which is one that the Church can answer for itself. What steps do we take why the
2 Police -- I mean, obviously, there's issues about process and what not, that's one issue, but I
3 think for the Commission the issue is, how do, when a person is brave enough to come
4 forward, how are they looked after by the Church?

5 And in that regard it will be no surprise for you to know that survivors are and have
6 been appalled at the sums of money paid out to, not just by this Church, but to others, in the
7 defence of people who are alleged to have abused children and other people inside their
8 churches. I think that's something where churches should take a hard look at themselves
9 about where their priorities truly lie in this area.

10 That's just by way of a comment, which I will leave with you and for your clients to
11 consider.

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

13 **CHAIR:** And the other faith-based institutions, I might add.

14 **MS McKECHNIE:** And we would certainly encourage greater information sharing between the
15 Police to the extent they can. In some instances Church entities are not aware of who has
16 approached the Police. There is no way of caring for or safeguarding that victim, and no
17 way of knowing whether they wish us to do so when they're undertaking that process,
18 ma'am. There are many paths and the Catholic entities, all faith entities only see a small
19 part of that path in the context of the criminal justice process.

20 Commissioners, survivor agency over redress outcomes is also of vital importance.
21 Catholic leaders recognise the critical importance of taking a survivor-focused approach to
22 redress processes and to outcomes. This requires respecting the individuals -- the wishes of
23 each individual survivor but that necessarily can create a tension of fairness or perceptions
24 of fairness between individuals about what they -- how they have been treated by the
25 Church and that is an inherent tension in wanting to respond, as my clients feel they should,
26 to the wishes of the individual who is coming before them.

27 Commissioners, Catholic leaders are concerned that the independent redress body
28 may lose the opportunity for the Catholic Church and the survivor to reset their relationship
29 in a restorative manner and, Commissioner Erueti, my clients were buoyed to hear your
30 comment before that the Commission is intending to give more thought to those elements
31 of the redress scheme, and I think that guidance will be helpful.

32 You will have heard much evidence this week, not just from Catholic entities, about
33 the significance of that relationship for those who wish it, and they of course acknowledge

1 that there are many survivors who may not wish a relationship with the Church but for
2 those who do it's a vital element of holistic healing.

3 **COMMISSIONER ERUETI:** I'll just note on that that we do talk about that in the report, about
4 the possibility of maintaining, providing pastoral support or an apology, say, should
5 survivors wish it. So yes, so this is a matter that's addressed in the report, Ms McKechnie,
6 of course.

7 **MS McKECHNIE:** Yes, of course, Commissioner, it's a very rich issue though, as you've heard
8 from the evidence this week and a concern to the faith communities in particular.

9 Commissioner, I've also touched briefly on some immigration issues which you
10 heard -- well, you didn't hear, you were intended to hear evidence about but certainly
11 evidence has been filed.

12 **CHAIR:** And we will be considering those matters, so it's good to hear from you on that.

13 **MS McKECHNIE:** I will just make one comment in that regard, Commissioners. It's a request in
14 paragraph 85 and 86 of my submissions. There have been instances, which you have now
15 seen in the briefing paper we've provided, where a Bishop or Congregational Leader has
16 done everything within their powers to remove an immigrant Clergy or Religious from
17 New Zealand for safeguarding reasons and Immigration New Zealand has granted a visa for
18 that person to stay. Tautoko would like the Inquiry to recommend changes in this area so
19 where a person is directed to leave New Zealand by their Religious superior or authorising
20 entity this decision is weighted heavily by Immigration New Zealand in what, of course, we
21 knowledge is a State decision-making process.

22 There are individuals in New Zealand at the moment who are acting without
23 authority and are ministering contrary to the express direction of Bishops and will not stop
24 and will not leave and at present Catholic entities are powerless to stop them.

25 **CHAIR:** Is this related to abuse in care issues or is it a wider issue for you?

26 **MS McKECHNIE:** There is a particular individual, ma'am, that you have information about --

27 **CHAIR:** Yes.

28 **MS McKECHNIE:** -- you sought information for and we have provided it. There are
29 allegations --

30 **CHAIR:** But is it wider than that?

31 **MS McKECHNIE:** Particularly in this context.

32 **CHAIR:** Particular in that context, okay, thank you.

33 **MS McKECHNIE:** So to conclude, Commissioners, Tautoko has heard from the survivors the
34 call for further changes in its process and policies. When taking these decisions, the

1 Catholic community needs to openly and honestly consider what has happened and how
2 they will change.

3 Commissioner, to pick up on your comments before, this cannot come solely from
4 the top down, from the Bishops and Congregational Leaders. That might give the
5 appearance of quicker change, but to adopt this approach would and -- may, and in some
6 cases most certainly would, exclude the voices of the lay, of women, tāngata whenua, other
7 ethnic groups in the Church, youth, disabled and rainbow communities. It is tempting for a
8 top-down solution, but for transformative change it needs to be deliberative and it needs to
9 be thoughtful. It must be the Catholic communities, to your point before, which I would
10 tautoko completely, to determine the pathways and the support and guidance. With support
11 and guidance from the leaders of the faith, of course, but with wider accountability.

12 So to conclude, Commissioners, much work has been done and Catholic leaders
13 acknowledge that this journey still has a long way to go. If trust is to be regained Catholic
14 leaders in their communities know things much change and continue to evolve. Trust has
15 been lost and relationships need restoration and this will take time and much more is
16 needed than tweaks to protocols and policies.

17 Tautoko, the name that my client was gifted by the rūnanga, means to support, and
18 Te Rōpū Tautoko on behalf of the Bishops and Congregational Leaders see the closing of
19 this hearing and these final comments to you not as an ending but as another starting point
20 or milestone as the Church continues its journey. Together New Zealand communities are
21 building a new road for us all to walk on together.

22 And Commissioners, my clients have asked that the final voice in this hearing is not
23 a lawyer's, it's not appropriate that I should have the final comments, and that it should be a
24 voice from the Catholic community, and so with your leave, Sister Sue France will make a
25 closing comment.

26 **CHAIR:** Thank you very much. And --

27 **SISTER FRANCE:** Yes?

28 **CHAIR:** We only have about three minutes, so is that long enough for you, Sister France?

29 **SISTER FRANCE:** Plenty.

30 **CHAIR:** Thank you.

31 **SISTER FRANCE:** E ngā mana, e ngā reo, e ngā iwi, tēnā koutou katoa. (To the authorities, the
32 speakers and the people, I greet you all). Madam Chair and Commissioners, on behalf of
33 the Congregational Leaders of the Catholic Church I thank you for the opportunity to

1 participate in this hearing and in the Inquiry. It is a humbling experience to stand here as a
2 Congregation Leader, knowing what our history has been, how far we have to go still.

3 I wish to acknowledge, above all, the survivors, your whānau and your networks of
4 support. Listening to the content of the hearing in the past week and in other hearings will
5 have evoked many responses as will have other ways you have engaged in the Inquiry.
6 I acknowledge your courage and commitment, often at personal cost to you and your
7 whānau.

8 I and other leaders in the Church have learned much over the course of this Inquiry.
9 We acknowledge that our journey is far from over. We are committed to walking with you
10 if you wish. We are committed to continuing to build a safe Church where all feel and are
11 welcome. Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa (with this I acknowledge
12 everyone present).

13 **CHAIR:** Tēnā koe, Sister France.

14 On that note, Ms McKechnie, may I thank you and your team for being with us
15 through this very long journey, there was a lot of talk about journeys today, but I believe
16 you were there perhaps at the contextual hearing -- you were? -- which is one of our first
17 hearings and on the way through and I acknowledge that and the work and the efforts that
18 you've been put to by our lots of requests and all I can say is that your effort and those of
19 your team have not been in vain. Every question was asked for a good reason and every
20 piece of information we have received will be put to good use and so it's appreciated that
21 we have received them. So thank you very much indeed.

22 Thank you to everybody today. We're going to end, I hope we have a kaikarakia,
23 I'm just looking, hoping, and some will be praying. Here he is, look at that. Tēnā koe
24 matua.

25 **KAUMATUA NGĀTI WHĀTUA:** (Inaudible) ngā waiata.

26 **CHAIR:** Oh my god, ngā manu te oriori.

27 **KAUMATUA NGĀTI WHĀTUA:** Engari te rangatira, (inaudible).

28 **CHAIR:** Nau mai hoki mai ki a koutou katoa Ngāti Whātua. Papa Tem, kia ora. (Welcome back
29 to all of you Ngāti Whātua. Thank you, Papa Tem).

30 **KAUMATUA NGĀTI WHĀTUA:** Kia ora mai anō tātou. Whakarongo ake ahau ki te tangi a te
31 manu nei, a tūi. Tuia i runga, tuia i raro, tuia i roto, tuia i waho, tuia i te muka here tangata,
32 karanga te ao, karanga te pō, te pō uriuri, te pō nakonako, me te rerenga wairua hoki,
33 wairua o tātou tēnei whare, wairua o tātou tēnei marae. Ngā kotahitanga me te wairua, ki a
34 koutou katoa. (Once again I greet all present. I listen to the call of the bird, tūi. Weaving

1 above, below, within and without intertwining the rope of mankind, calling to the day and
2 the night, the intense night, the dark night, and the realm of spirit, to the spirit of this
3 dwelling and of its hospitality. May the fellowship of spirit be with you all.)

4 We listen to the shrill sound of the tui, the beautiful noise that it creates in its
5 singing. Brings in love, brings in wairua and today we have it here in this whare amongst
6 us, so that we share, we share the burden, we share the aroha that we come together as one
7 under the mantle of a the pare back there and the mana of the taumata of our
8 Commissioners and the kotahitanga of all of us here and to all our survivors who have
9 come here today. We are here for one and all. Mō tātou tēnei hīmene. We're going to sing
10 our hīmene Kia Tau ki a Tātou Katoa. I've brought my songbirds along with me and if you
11 can sing better than them, I'll take you with me back to the marae. So, kia kaha mai te
12 aroha, me tīmata. (Waiata Kia Tau Ki a Tātou).

13 **Hearing adjourned at 5.24 pm to Friday, 21 October 2022 at 9 am**