

**Witness Name:** Virginia Maree Noonan

**Statement No.:** WITN0256001

**Dated:** 29 January 2021

**ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE**

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**FIRST WITNESS STATEMENT OF VIRGINIA MAREE NOONAN**

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

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Provided on the basis of provisional confidentiality: not for distribution

I, Virginia Maree Noonan, will say as follows: -

### **Introduction**

1. My full name is Virginia Maree Noonan.
2. I am the Director of the National Office for Professional Standards (**NOPS**) and was appointed to this role in 2018. This role is a part-time, permanent position. Previously, I worked as a solicitor for 8 years in private practice. I have also been engaged by the Ministry of Education working in statutory management. I have extensive governance experience over 16 years, sitting on commercial and not-for-profit boards.
3. Between May 2017 – January 2018, I was appointed by the Catholic Diocese of Christchurch as their Safeguarding Coordinator. This was a new role, and I worked with the then Director of NOPS prior to his retirement.
4. I am a mother, and a practising Catholic.
5. My evidence is in three parts. The first part outlines how NOPS operationalises the safeguarding and harm-prevention programmes of the Catholic Church in New Zealand. The second part offers some brief reflections on the survivor evidence given at the Faith-based Redress Hearing. The third part responds to a request by the Royal Commission of Inquiry into Abuse in Care (**Inquiry**) for supplementary evidence related to NOPS. My evidence should be read alongside the evidence of Philip Hamlin dated 21 September 2020 which explains the evolution of NOPS after its creation in 2004, together with the work of the National Safeguarding and Professional Standards Committee (**NSPSC**).

### **Safeguarding and preventive measures**

6. Many complainants ask NOPS about safeguarding in the context of their own redress process and want to know what is being done to keep children and vulnerable adults safe.
7. NOPS has a role in supporting safeguarding and preventing harm from occurring within the Catholic Church and I outline that here.

8. As noted, in May 2017 I took up a role as the Safeguarding Coordinator within the Diocese of Christchurch. This was the first time such a role had been created and appointed within the Catholic Church in New Zealand. In this role I developed a real passion for safeguarding within the Church, and a vision for a consistent implementation of safeguarding practices in all Catholic communities across the country. This is why I applied for the role as Director of NOPS.
9. When I was appointed to the NOPS role, the “Guidelines for the prevention of and response to sexual abuse in the Catholic Church in Aotearoa New Zealand” (**National Safeguarding Guidelines**) had been adopted by the Mixed Commission.<sup>1</sup>
10. The National Safeguarding Guidelines set out the expectation of Church leadership about responding to complaints of abuse and preventive measures to ensure a safe Church. They provide a guide to the Catholic community about how they can develop a safeguarding culture. I often refer to the National Safeguarding Guidelines as my de facto job description, as my role is to ensure the successful implementation of the Guidelines.
11. In 2018, the NSPSC approved a national safeguarding policy<sup>2</sup> which has been signed by all Bishops and the majority of Congregations. The focus of the safeguarding policy is about developing a nationwide safeguarding culture. This is the foundation of the Safeguarding Culture Standards (**Standards**).<sup>3</sup> The Standards were developed in 2018 and are based on similar documents developed in Australia and Ireland (with permission from those respective safeguarding offices).
12. The Standards sit beneath the National Safeguarding Guidelines and contain indicators about what a safeguarding culture would look like. This in turn forms the basis for our review framework, which I have modelled on the Education Review Office’s framework. From experience I have found the ERO model is one that works well and gives people a clear path to follow.

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1 See NOP.0004.0001.

2 See NOP.0001.0030, as referred to at [87] of Philip Hamlin’s brief of evidence.

3 See NOP.0001.0031, as referred to at [92] of Philip Hamlin’s brief of evidence. The Standards were revised in November 2020, see NOP.0006.0025.

13. A self-review tool<sup>4</sup> has been developed to assist all Catholic entities, large or small, to undertake self-assessment of their own safeguarding practices. The tool is deliberately simple to assist entities to begin identifying safeguarding risks, and the measures that are needed to isolate or eliminate those risks.
14. I appointed a National Safeguarding Lead in 2019 to support me to develop safeguarding procedures. Our office has also developed safeguarding workshops to raise awareness of abuse and the need to embed a safeguarding culture.
15. NOPS works directly with safeguarding advisors in each diocese. These advisors are employed by their respective dioceses. NOPS meets with the safeguarding diocesan advisors during the year (either in person or via Zoom) to discuss new safeguarding initiatives, and for the safeguarding advisors to share their experiences. This way, we are all learning from each other and ensuring consistent practices and expectations.
16. All safeguarding resources are publicly available on the NOPS website which was set up in 2018, and revamped in 2020.
17. Another important recent aspect of safeguarding that has recently been approved by the NSPSC is a safeguarding review framework.<sup>5</sup> This follows a pilot of a review framework carried out in 2020, as referred to in Philip Hamlin's brief of evidence at paragraph 94. The review process provides for NOPS to assess the implementation of the safeguarding practices endorsed by NOPS, and to provide support and advice where needed. The intention of the review framework is also to identify any barriers or obstacles to the successful implementation of safeguarding practices and ultimately a safeguarding culture.

### **Reflections on survivor evidence**

18. I have been reflecting on the survivor evidence given at the Faith-based Redress Hearing, which I outline below in order to assist the Inquiry and survivors.
19. In making these comments, I am very aware that a number of the witnesses at the recent hearing are currently engaging with NOPS or a Church authority, as part of the NOPS process. It would not be appropriate for me to discuss these matters in any

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4 See NOP.0001.0058.

5 See NOP.0006.0018.

detail. The following reflections are general comments from my experiences at NOPS.

20. I understand that a number of the survivors and witnesses who gave evidence went through processes which pre-date the new version of *Te Houhanga Rongo – A Path to Healing (APTH)*. We know there is always room to improve our processes, and we value all feedback from these experiences.
21. In my role, my team and I deal directly with survivors who contact NOPS. Survivors contact our office by various means – phone, email, letter, or they may wish to meet in person. We explain that at this initial stage of contact, we require minimal information, just enough so we can confirm the complaint comes within the scope of APTH. If the complaint does not come within the scope of our office, with the survivor's consent, we refer the matter to the relevant diocese or congregation to respond to. We have developed a summary of what this initial stage of the process looks like.<sup>6</sup>
22. Sometimes it can take more than one contact with a survivor before they feel comfortable to share their information with us. We are guided by the survivor. We offer professional support to any survivor to ensure they have support through the investigation phase. We request only minimal information at this stage, to avoid the survivor having to share their experience over and over.
23. Sometimes a survivor provides us with their full story of abuse at this initial stage. Whatever information is shared with us is then provided, with consent, to an investigator who will then meet with the survivor. We send to the survivor, usually by email, a consent form, copy of the summary, and privacy policy. We are absolutely guided by how a survivor wishes to share their information with us.
24. Sometimes we receive contact from a friend or family member of a survivor. Sometimes the survivor is actually deceased. We will adapt our process to try and accommodate all contact with us, in whatever form.
25. Sometimes a survivor will make contact through a solicitor. In such cases we will work through their solicitor. However, our process does not rely on a survivor having a

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6 See NOP.C219.0004.

solicitor or other advocate. We have recently received feedback from a solicitor about the process, and we are looking at whether any adaptations are necessary.

26. We are conscious too that at times a legal response can detract from a pastoral response – it can create time delays and entrenched positions. However, the aim of our office is to apply the four principles of APTH in dealing with complaints regardless of the parties involved.
27. We consider it a huge privilege and responsibility to have survivors place such trust in us in sharing their experiences with us. It is important that this information is treated with respect and is protected. I cannot over-state the privilege and sense of responsibility it is to receive a call or email from someone who has held onto the experience of abuse for many years, and then one day chooses to disclose their story to us.
28. I appreciate that the process of survivors sharing the harm they have suffered can be traumatising and exhausting. Survivors sometime tell us that they feel relief to finally share a long held secret.
29. It is important to note that, while NOPS has an established process and procedure to follow through APTH, each survivor will go through their own unique journey. How smoothly the process goes will be variable from one survivor to the next. Some investigations take longer, while others are more straightforward. Some build a positive relationship with investigators, while others find the process more challenging. I've observed variation in the level of engagement from survivors – some are more engaged in the process and want more contact with investigators or with us in the office, others do not.
30. Reactions to the process vary for each survivor. Some survivors find the experience very emotionally intense. Some people have different levels of reaction and emotion at different times of the investigation. This is a hard process, and even when done well it can be very difficult for survivors. We acknowledge this for every survivor, and always look to take their lead on how much engagement and intensity they want to take throughout.
31. It is important that through APTH harm is acknowledged, that we hold those who have done harm to account, and that we learn from our past to inform our current

safeguarding practices. I consider it a huge privilege to be in my role to help ensure this happens.

*Confidentiality under APTH*

- 32.** Survivors raised concerns that confidentiality and rights to privacy under APTH are not sufficiently clear. We acknowledge that this process can be unnerving for complainants, and it is an area that NOPS is continually working on.
- 33.** NOPS has made changes to our processes so we can best meet our obligations of privacy and confidentiality. We have made these changes to try and bring greater clarity for parties about the information we gather, and the complaints process itself. This is so people are made aware of the steps within the process and what to expect. We acknowledge that sharing experiences of abuse is traumatic, and we do not want our complaint process to add to a person's anxiety. What we aim for survivors to understand is that our complaint process is an inquiry rather than a listening service. Inquiries need to be made to help clarify, confirm or collaborate. A survivor can then agree to participate in the process, with the knowledge that it is an inquiry process and what that means at a practical level.
- 34.** Natural justice is a core principle of APTH. We are wanting to reach the truth, so that a person's experience of abuse is acknowledged, and the correct person is held to account. Survivor experiences help to inform our current and future safeguarding practices.
- 35.** We are also very conscious that a survivor's experience is not our story to tell. Therefore, despite repeated requests from the media for information about complaints, we do not share information that is not already in the public domain.
- 36.** As part of improving our processes and practices, we have:
- (a) updated our privacy policy and consent forms;
  - (b) introduced a new "Looking after Confidential Information" form for respondents and witnesses.<sup>7</sup> This was created to make respondents and witnesses aware of the sensitivity of information that is being shared with

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<sup>7</sup> See NOP.C908.0096.

them about a complaint. This sets the expectations that they will not share this information beyond the scope of their legal advisors and support people;

- (c) introduced a new undertaking of confidentiality by the Church authority before Complaints Assessment Committee (**CAC**) material is released;<sup>8</sup> and
- (d) introduced new protocols that provide that a complainant's statement is provided to respondents to view only. This protocol was developed to limit the potential for disclosure of a complainant's sensitive information.

### *Scope of APTH*

- 37. Survivors raised concerns about the split process some complainants need to go through when only certain types of abuse or complaints fall within the scope of APTH. Complaints of non-sexual abuse by clergy or religious are handled directly by the Church authority. The same applies to all complaints of abuse by Church employees or volunteers, as these complaints fall outside the current scope of APTH. If NOPS receives such a complaint, the matter is referred to the appropriate diocese or religious congregation with the complainant's consent.
- 38. I have reflected on criticisms of this process and the exclusion of non-religious and non-sexual abuse from APTH.
- 39. My role is to apply the current scope of APTH to complaints we receive. APTH is a policy document and includes the distinction between sexual and non-sexual abuse, and religious and non-religious respondents. Any amendments to the scope is therefore a policy matter for the NSPSC to consider and recommend to the Church authorities.
- 40. At present, I support the current scope of APTH. NOPS has limited resourcing and funding, and we are a small team. Currently we spend considerable time managing and responding to complaints and investigations. I am aware that there have been previous proposals to include lay people in APTH, particularly volunteers who were not considered to be covered by employment law. However, it became apparent to me that NOPS first needed to focus on achieving national consistency with managing

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8 See NOP.0006.0016.



complaints against clergy and religious before expanding its scope. Clergy and religious hold a particular status within the Church, and I believe as such, they should be held to a higher level of scrutiny regarding their actions and behaviour.

41. I agree with Philip Hamlin that a national protocol for non-NOPS complaints will help with consistency in responding to and managing these types of complaints. We have an expectation that each diocese has a complaints person and a process to be able to receive and respond to non-NOPS complaints. Dioceses are asked to advertise the contact details for these complaints people, and we expect each diocese to have a process on how to manage and respond to such complaints. This is an element of complaint management that is checked during the NOPS review process. The importance of managing complaints well is highlighted; Standard 3 of the Safeguarding Culture Standards is specifically titled “Responding to Complaints and Concerns”.
42. We are also working to minimise the effect on the complainant of this “split”. For example, we ask Church authorities to agree to have investigators take one statement which refers to all complaints. The CAC then only considers those parts which relate to sexual abuse. Other parts of the complaint are responded to by the Church authority, relying on the one statement. We recommended this to remove the need for a complainant to give separate statements to separate investigators, so they only need to share their experience once. This is also the case if the complainant has a complaint against multiple Church authorities. We endeavour to make these arrangements directly with Church authorities in order to minimise disruption to the complaint process. From our perspective, when this approach has been taken, it has worked as intended – one statement is taken and relied on by both the CAC and the Church authority to respond to the different nature of complaints. Our next step is to recommend that this approach is formalised within APTH.

#### *Amending APTH*

43. APTH has been amended a number of times and I expect will be further amended in the future.
44. Amendments must first be accepted by both the New Zealand Catholic Bishop’s Conference (**NZCBC**) and the Congregational Leaders Conference of Aotearoa New Zealand (**CLCANZ**). It is then implemented by each individual congregation and

diocese. Given the number of independent entities involved in this process, it may be helpful to outline the process for amending APTH, using the most recent version as an example.

45. When I took on the Director role in February 2018, APTH was under review following the establishment of the Sexual Abuse Protocol Committee South and the Sexual Abuse Protocol Committee North in 2014. There had been some consultation undertaken. However, I also began my own process of consultation as part of the review.
46. I met with the NSPSC and the Marist Protocol Committee in 2018 to discuss potential changes.
47. An updated version of APTH was provided to the annual Mixed Commission in March 2019 to be approved in principle. Following this, we sought professional advice from civil and canon law experts on the specific amendments to ensure the document was legally sound and followed best practice.
48. Following this process, there were two further updated documents provided to the NSPSC for consideration, and an updated version presented to the Mixed Commission in March 2020.
49. In considering amendments, NOPS also needs to ensure APTH is consistent with directives from the Vatican. This includes the document *Vos Estis Lux Mundi* (which are the new procedures for dealing with complaints of sexual abuse released in 2019) and the more recent *Vademecum* (a handbook with procedural points for cases of sexual abuse of minors committed by clerics).
50. I report any recommended amendments to APTH to the NSPSC. These can be amendments that follow Vatican directives, or those that come from experience and feedback from investigations. My recommendations are made after obtaining canonical and, sometimes, civil legal advice. As an example, we are undertaking this process at the moment. We have recommended a number of changes be made following a review of *Vademecum*.<sup>9</sup>

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9 See NOP.0006.0017.

51. We are now in the process of gathering feedback from complainants, respondents, advocates and Church authorities on the 2020 version of APTH to review in late 2021. As part of this process, we welcome any recommendations made by the Inquiry.

*Ifoga*

52. Frances Tagaloa spoke about *ifoga*, the Samoan form of restorative justice, which is more communal than other forms of redress.
53. I understand that restorative justice is a specialist field and both parties need to be open to the process, with well-trained facilitators. It can be distressing if done poorly, and is not something that NOPS currently has a role in. During my time with NOPS prior to the December 2020 redress hearing, *ifoga* or a similar cultural restorative justice processes has not been raised with me.
54. However, I absolutely support Church authorities being guided by complainants about resolution processes which meet the needs of survivors and their families. If *ifoga* is something that a complainant wishes to engage with in their redress process, then I would strongly support it as a resolution option to be used by Church authorities, and NOPS would explore how we could assist with that.
55. We have reflected deeply on the above themes and NOPS is engaged in ongoing conversations about responding to these challenges to the way things have worked in the past. Tautoko have also presented several areas to the NSPSC for them to consider. NOPS are always looking for ways to improve what we do – this is consistent with the Church’s commitment to listening and learning from the Inquiry processes and from survivors. We are committed to reviewing what comes forward and implementing change.

**Supplementary evidence requested by the Inquiry**

56. The Inquiry has requested that specific areas of supplementary evidence be provided by me and I address these in this part of my evidence.

*Funding arrangements related to NOPS*

- 57.** The Inquiry has requested the funding arrangements relating to NOPS since its establishment, including the method for calculating levies for each Church authority.
- 58.** NOPS has four staff: the Director, the Professional Standards Officer, the National Safeguarding Lead, and an Administrator/Coordinator. These roles are all part-time.

*Levies*

- 59.** NOPS is currently funded entirely by levies paid by the congregations and dioceses of New Zealand. Levies are calculated annually based on the number of living clergy or religious the Catholic entity has at 1 March of the given year.

- 60.** The levies for 2020 (excluding GST) were:

Priest \$300  
Deacon \$200  
Religious Brother \$300  
Religious Sister \$150

- 61.** The current process for calculating and collecting levies has been modified since 2018 to try and achieve greater certainty of funding. In summary:
- (a) In February each year at the annual Conference, the Mixed Commission Executive tables a recommendation on levies for the Conference to agree.
  - (b) NOPS is informed of the agreed levies.
  - (c) At the beginning of March, NOPS sends all congregations and dioceses their data from the previous year to check and update as of 1 March. This data is the number of clergy or religious that are living in New Zealand. They are required to provide this information to NOPS prior to 31 March.
  - (d) NOPS updates the Levies Register at the beginning of April.

- (e) NOPS invoices each religious congregation and each bishop by 20 April. Invoices are payable by 20 May.

**62.** The current funding model will result in decreased funding over time, as the number of clergy and religious in congregations and dioceses continues to decrease. In 2019, the levies were doubled to their current level in order to better resource NOPS' increasing roles and functions.

### *Budget*

**63.** NOPS sets its budget based on expected income from levies each year. In recent years, the role and focus of NOPS has been changing.

- (a) Up until 2017, NOPS' main role was to review complaints that had been dealt with by other sexual abuse protocol committees. There was also an expectation NOPS would help implement safeguarding measures around the country.

- (b) From 2017, NOPS became the centralised contact point for receiving and managing complaints of sexual abuse and sexual misconduct by religious and clergy. The function and focus of NOPS' work changed but without a change in resourcing to reflect what we were doing, and what we needed to be doing into the future.

- (c) Part of my focus is to gradually shift NOPS towards spending more time on prevention and safeguarding, as we become better at managing complaints.

**64.** These changes have had budgetary impacts and there is a short-fall in present funding. In response to this, for 2021, the NZCBC have agreed to contribute an additional \$80,000 in order to meet a shortfall between levy income and what NOPS needs to meet our strategic goals and priorities. In addition, NOPS is introducing an administration fee. This will be charged to dioceses and congregations to cover NOPS' administrative costs incurred in supporting investigations into complaints. This administration fee will be invoiced alongside the investigator's invoice to the particular Church authority.<sup>10</sup>

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<sup>10</sup> The 2020 NOPS Budget and draft 2021 budget are provided as NOP.0006.0019 and NOP.0006.0020.

*Cost of investigation services*

65. The Inquiry has requested the annual costs of NOPS' investigation services.
66. NOPS began its investigative role in 2017. NOPS engages investigators and each investigation is a separate piece of work. Each complaint receives a Statement of Work which sets out the key tasks and outcomes for the investigation. Investigators invoice Church authorities directly, with NOPS auditing invoices and job sheets to ensure they are an accurate reflection of work undertaken and are approved for payment.
67. From this information, we have assembled the annual cost of investigations for 2017 – 2020.<sup>11</sup> Costs of investigations do not include salaries of NOPS staff which provide administrative support.
68. NOPS does not have all records of costs for the first year of its investigative function. This is likely because at that point, investigators invoiced Church authorities directly without NOPS checking the invoices first. That process has since changed to ensure NOPS has oversight of the investigation costs.

*Cost of legal services provided*

69. The Inquiry has requested the cost of all legal services provided in connection with NOPS' functions. NOPS has previously provided the Inquiry with details of legal advice sought and legal services provided.<sup>12</sup>
70. NOPS rarely engages lawyers, and during my time as Director, has instructed lawyers in relation to advice on an employment matter (in its role as employer), advice on privacy, and advice on developing and reviewing APTH. We have also sought advice in relation to Privacy Act requests to ensure we are complying with the requirements of the Act.
71. A table of costs broken down by the type of legal service is included below.<sup>13</sup>

Purpose of advice	Cost (incl GST)
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11 See NOP.0006.0024.

12 See Submission No. 1 in Response to Notice to Produce No. 3, filed 30 July 2020 at [22].

13 The inclusion of a description of the advice does not constitute a waiver of privilege by NOPS.

Privacy Act, proposed changes to APTH	\$7,374.37
NOPS employment matter	\$4,792.00
Contract for investigators, Privacy Act advice, health & safety advice	\$4,885.00
Code of conduct, Privacy Act advice, process for stand downs, A Path to Healing review and advice on the same	\$15,295.00
Review of complaint - Marist Brothers	\$2,415.00

*Annual reports to the Mixed Commission*

- 72.** The Inquiry has requested copies of NOPS' annual reports to the Mixed Commission. NOPS have previously provided copies of all annual reports as part of Tautoko's response to Notices No. 2<sup>14</sup> and 3.<sup>15</sup>
- 73.** I have personally written two reports for 2019 and 2020. The 2020 report has not yet been presented to the Mixed Commission.

*Composite or annual lists of complaints*

- 74.** The Inquiry has requested information relating to a compiled list of reports of abuse, referred to in Philip Hamlin's brief of evidence. Paragraph 34 of Philip Hamlin's brief reads as follows:

In 2014, NOPS attempted to collate an overall list of complaints it had received. This level of centralisation had been lacking and, in fact, is still to this day only a list of complaints that NOPS has had a part in. NOPS does not hold information, on this list or otherwise, regarding the final outcomes of complaints, as those were (and still are) held by the relevant diocesan Bishop, leader of a religious congregation, or their authorised representative.

<sup>14</sup> See Submission No. 3 in Response to Notice to Produce No. 2, filed 15 July 2020, pp 14 – 16.

<sup>15</sup> See Submission No. 1 Response to Notice to Produce No. 2, filed 30 July 2020 at [20].

75. Counsel assisting the Inquiry may have misunderstood the meaning of Mr Hamlin's paragraph. To my knowledge, there were no "negotiations, procedures, communications and outcomes" relevant to the collation of a list of reports of abuse that took place. I believe the list compiled in 2014 was an administrative collation of the complaints NOPS had received.
76. As a complaint is received by NOPS, a file is opened, and added to a record (or list) of files for that year. This results in a list of files for that year, however, no "annual lists" are created in the sense implied by the Inquiry. In response to Notice No. 3, NOPS have previously provided the Inquiry with an index of all complaints held.<sup>16</sup> This is the equivalent of a "composite list" requested by the Inquiry.
77. The current practice of NOPS is to keep a file open until we receive advice from the Church authority that resolution has been achieved. We will re-visit open complaints with the relevant authority to get enough details on whether resolution has been achieved. These are general details, for example, we may know that an ex-gratia payment has been made but will not necessarily be informed of the amount.
78. We see it as important to have a complete file from the beginning of the complaint to the final resolution. Following the data collection that has taken place in support of the Inquiry, it became apparent to our office that we needed to hold a complete record of a complaint from beginning to resolution. Only then can we properly report in the future to the NSPSC on trends and observations on the complaint process.

*Prerequisite skills and expertise of investigators*

79. The Inquiry has requested details about the prerequisite skills and expertise of investigators appointed to NOPS investigations.
80. In appointing investigators, we look to see if they have experience in working with sexual abuse victims. Ideally, they will have experience in investigating sexual offences, child abuse and adult sexual abuse (including of an historic nature), and have significant experience working with victims of abuse. Initially, NOPS had engaged individuals with a variety of backgrounds. However, we have shifted our focus to investigators who belong to a professional body.

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16 See Submission No. 1 in Response to Notice to Produce No. 3, p 2 at [8].



81. NOPS now creates investigator profiles to share with complainants so that they have some background on the person they are going to be meeting with. We have collated these profiles for the Inquiry.<sup>17</sup>
82. NOPS' investigators have been criticised by survivors for an approach which can be too blunt or procedurally focused. For the reasons outlined above, it is important for survivors to know that our process is an investigative one rather than a purely listening one. We acknowledge that we will not always get the balance right, and are committed to working with our investigators to continually improve how they engage with survivors and undertake their investigations. I have full confidence in the ability of our investigators to undertake considered, sensitive and professional investigations. Every complainant and respondent have the right for their investigation to be reviewed if there are any concerns about how it was conducted.

*Cooperation with New Zealand Police*

83. The Inquiry has requested further evidence on the manner and extent to which NOPS cooperates with any Police investigation.
84. In my experience, it is rare that the Police are involved in a complaint that NOPS is investigating. Many of the complaints made to us involve deceased respondents and the Police do not investigate complaints if the alleged offender has died.
85. If NOPS receives a call from the Police looking for assistance, we help them to obtain the information they need. This might be putting them in touch with appropriate congregational leader or something similar.
86. If Police are involved in a complaint we are investigating, our approach is guided entirely by the relevant policies in APTH:<sup>18</sup>
- (a) If NOPS is investigating a complaint and the Police become involved, in order to avoid interfering with or obstructing any investigation, we will suspend the investigation while any criminal investigation or prosecution is underway.

<sup>17</sup> NOP.0006.0005 - 0010; NOP.0006.0012 – 0014.

<sup>18</sup> See *Te Houhanga Rongo – A Path to Healing*, February 2020, p 6 at [3.14].

- (b) If the complainant is under 18 years of age when making a complaint, they or their caregiver will be advised and assisted to report the complaint to the Police. NOPS will report the complaint to the Police if the complainant does not do so.
- (c) If the complainant is over 18 years or age, we advise and encourage them to report the complaint to the Police. If they choose not to then we deal with the complaint under APTH, with the complainant being advised that at any stage they may report the complaint to the Police.
- (d) If NOPS considers that a respondent is at risk of causing harm to the complainant or any person, they may report the complaint to the Police, in conjunction with the complainant if practical to do so.
- (e) If the Police become involved in a complaint, the complainant may be invited to give written consent for any NOPS investigator to discuss the complaint with the Police.

**87.** We advise a complainant that they have the right to take their complaint to the Police, and we will support them to do so. However, this often does not happen. Sometimes the respondent is deceased, or the complainant decides that they do not want to report to the Police for their own personal reasons.

**88.** In 2019, I met with the Police to discuss ways that NOPS can develop a positive working relationship with the Police to support anyone who has been harmed by a member of clergy or religious. As a follow up to that meeting, I emailed the Police a memorandum outlining what NOPS does for them to refer to internally.<sup>19</sup>

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19 See NOP.0006.0021-0022.

*Risk assessments in response to claims to minimise risk of further harm*

- 89.** The Inquiry has requested further evidence on risk assessments on respondents.
- 90.** NOPS has created a template safeguarding plan for dioceses and congregations to have in place for clergy and religious.<sup>20</sup> I am aware that the template has been used by diocesan safeguarding advisors.
- 91.** When NOPS receives a complaint we undertake the following process:
- (a) We check to see whether the respondent is alive. If so, we determine what is the nature of the complaint and how recent did the alleged behaviour take place.
  - (b) We check whether the complaint involves harm against a minor. If so, we advise the complainant to approach the Police, and consider what steps NOPS needs to take in reporting the complaint to the Police under APTH.
  - (c) If the complaint does not involve a minor, we ascertain whether the respondent has any other complaints.
  - (d) Using this information, we will make risk-based recommendations to the relevant Church authority on the appropriate safeguarding measure which we ask to be recorded in an agreement.
- 92.** Iterations of APTH have included the need for preventive measures, and some dioceses in the past did have some limited safeguarding and vetting processes in place.
- 93.** I see NOPS' role now is to work towards consistency in safeguarding across the entire country. NOPS has proposed amendments to APTH to reflect the expectation that safeguarding measures are put in place.
- 94.** Unfortunately, in my experience, Church parishes and other Catholic entities have historically been so grateful for volunteers that safety checks may not have been as

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<sup>20</sup> See NOP.0006.0015.

thorough and robust as they could or should have been. NOPS is working to change that mind-set so that volunteers, especially those who work with children and vulnerable adults, are subject to safe recruitment processes.

*Analysis and advice by the CAC*

95. The Inquiry has requested evidence on all analysis by the CAC of claims and advice provided to the NSPSC.
96. NOPS provides the CAC with full complaint material for consideration by CAC members, including the investigator's report with all supporting documents. No further analysis or advice is provided by NOPS to the CAC.
97. The CAC then review this information, discuss the cases, and make decisions and recommendations which are recorded in their minutes. NOPS have provided all minutes and recommendations of the CAC to the Inquiry in response to Notice No. 7.<sup>21</sup>
98. The CAC may provide advice on systemic issues to the NSPSC. This is done via NOPS. The CAC is a relatively new committee (established early 2017) and to date has worked with NOPS mainly on operational improvements – such as what is necessary to have in an investigator's report, what further lines of inquiry are needed, or even granular issues like in what format information is provided to the CAC.
99. Advice to the NSPSC on systemic issues comes from the Director of NOPS, by way of reports to the NSPSC. My reports often reflect discussions I have had with the CAC and incorporates their feedback on recurring issues which could be seen as systemic.

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21 See Submission No. 18 in Response to Notice to Produce No. 7.

**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**

V M Noonan

**Dated:**

**29 January 2021**