

Witness Name: Archbishop Paul Martin

Statement No.: 001

Dated: 24 September 2021

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

WITNESS STATEMENT OF ARCHBISHOP PAUL GERARD MARTIN

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

I, Archbishop Paul Gerard Martin, will say as follows:

Introduction

1. The Royal Commission has requested that the Diocese of Christchurch respond to a number of specific questions in relations to Marylands School, a school operated by the Order of St John of God within the Diocese of Christchurch from the 1950s to the 1980s, and the Hebron Trust, which operated in a number of forms from the late 1980s.
2. Some of these questions relate to historical matters, where I have no personal knowledge and the information contained in this brief has been assembled from the historical documents. In other cases, the Royal Commission has sought my opinion on a number of matters as a Bishop. In relation to the matters of opinion, I have sought the input of the other Bishops and we are in agreement.
3. Between March 2018 and January 2021, I was the Bishop of Christchurch. I am currently the Apostolic Administrator of the Diocese, effectively holding the same rights and responsibilities as a bishop for that diocese. I will hold that role until the appointment of a new bishop in Christchurch. In this role, I am responding to the requests from the Royal Commission.
4. I was not resident in Christchurch during the period that Marylands School was open nor when the Hebron Trust was in operation under Bernard McGrath. Successor organisations and services of Hebron may have been running at times when I was in Christchurch, but I have limited knowledge of them.

My history and appointments in Christchurch

5. I entered the Society of Mary, a religious institute, and trained to be a priest (a process we call formation). I was ordained as deacon in 1992 and as a priest in 1993. I trained to be a teacher and many of my roles have been in education.
6. As a member of the Society of Mary I have held appointments in NZ and overseas including:
 - (a) Teaching appointments - Pompallier College (Whangarei), St Bede's (Christchurch), and St Patrick's (Wellington);
 - (b) Chaplaincy - Hato Paora College, Feilding 2002-2003;

- (c) Deputy Rector - St Bede's College, Christchurch 2006-2007;
 - (d) Rector - St Patrick's College, Wellington 2008-2013;
 - (e) Provincial Councillor & Bursar – Society of Mary New Zealand, Wellington 2014-2015; and
 - (f) General Bursar - Rome 2016-2017.
7. My appointments to Christchurch, while a member of the Society of Mary, have been limited to two periods at St Bede's College; 1999-2001 and 2006-2007.
 8. I was appointed Bishop of Christchurch on 5 December 2017 and was resident in Christchurch from 18 January 2018. I formally began as Bishop of Christchurch on 3 March 2018 when I was ordained as a bishop.
 9. When a member of religious institute such as the Society of Mary is ordained a bishop, as I was, he technically becomes a member of the clergy of that diocese and is no longer subordinate to the superior of the religious institute. I do however keep the post-nominals of the Society of Mary, SM, after my name.
 10. On 1 January 2021 I was appointed as Coadjutor Archbishop of Wellington. A coadjutor bishop becomes a bishop of the respective diocese and has automatic rights of succession on the retirement or death of the incumbent bishop. On that day, I ceased to be the Bishop of Christchurch. As I have said, I was appointed Apostolic Administrator of the Diocese at that time and remain in that role.

The Royal Commission

11. Te Rōpū Tautoko has kept me, and the Diocese of Christchurch, informed about the Royal Commission's case study involving Marylands School, Hebron, and the St John of God Brothers.
12. We have received a number of requests for information from the Royal Commission. I have asked my staff, especially our Archivist, to review material we hold, collate it, and provide to Te Rōpū Tautoko and the Inquiry as appropriate.

The abuse and harm at Marylands School and Hebron Trust

13. The first time I heard about reports of abuse at Marylands School and Hebron was when it came into the public domain in the 1990s.

14. As I have learnt more about the disclosures of abuse by many survivors, I am horrified by what occurred at Marylands and Hebron.
15. As a member of the Catholic Church, a priest, a bishop, and bishop of the diocese where the abuse occurred, I am deeply saddened that more was not done to protect those in the care of the Brothers and the Church.
16. I am committed to the principles that Te Rōpū Tautoko have established in assisting us and reaffirm them here:
- (a) The Bishops and Congregational Leaders believe that every person has an innate human dignity (te tapu o te tangata), and therefore:
- (i) regard all forms of abuse as unacceptable and indefensible;
 - (ii) accept the responsibility to continue to act to stop abuse in the Church;
 - (iii) listen to, learn from, and support survivors;
 - (iv) act swiftly on complaints and follow them through;
 - (v) ensure action on accountability is followed through for those who are proven responsible for abuse;
 - (vi) support the need for the Inquiry and actively cooperate with the Commission; and
 - (vii) commit to ensuring transparency.
17. All abuse, including the enablement of abuse, systems that allow abuse, and any lack of care for those who disclose abuse is unacceptable and indefensible.
18. Many terrible things happened in the lives of the children in the care of Marylands and Hebron which should not have happened. As Bishop of the diocese where these events took place, I acknowledge this harm and the pain caused. I apologise to all who were harmed in the care of the Church, to their whānau, and to those who have been impacted by this abuse.
19. There is much we need to learn, to acknowledge the past and safeguard the future. For me, I will carry lessons forward in my ministry, as I transition to being an Archbishop in Wellington and the future metropolitan of our church. I am deeply committed listening, learning and to ensuring the wrongs of the past are not repeated.

Canon Law and its application

20. The Royal Commission has asked for my comments, as Bishop of Christchurch, on a number of canonical issues and the evidence of Monsignor Brendan Daly, filed with the Commission.
21. This evidence should be read alongside Msgr. Daly's statement. Msgr. Daly was asked to provide his statement by Te Rōpū Tautoko due to his standing as a leading New Zealand-based canon lawyer with international experience.

Canon law in my role as Bishop

22. I am not a canon lawyer. My background is in education, specifically teaching English and Religious Education, school senior management (Deputy Rector and Rector), leadership within the religious institute that I belonged to, and, of course, pastoral ministry as a priest of the Catholic Church.
23. For those who are members of a religious institute, those who are members of the diocesan clergy in the Catholic Church, and certainly for bishops, canon law is important. It is comparable to New Zealand legislation being important for those who live in New Zealand and who run organisations here. However, I, like most bishops, clergy, and members of religious institutes, have had limited formal training in these specialist areas. I rely on advice from those who do.
24. Like leaders in the secular context, as a bishop, I seek advice, when required, on New Zealand domestic law in various matters of Church life. I also seek advice from canon lawyers trained in the application of canon law when required. I have developed a working understanding of how canon law and the New Zealand law most relevant to my role works in practice, especially in relation to my role as a bishop.
25. A practical example of this is the sale of land owned by a diocese or a parish. Both domestic New Zealand law and canon law apply. New Zealand law sets out how property will be transferred. Canon law also has requirements on those who administer church assets, and the sale of land (or other assets) requires a process prescribed in the canons, *in addition* to anything required in civil law.
26. Generally, my view is that the application of canon law in New Zealand is broadly consistent with other jurisdictions. However, we have some unique structures and ways

of working that guide how bishops implement their responsibilities in Aotearoa. One major difference between New Zealand and other countries is the nature and extent of catholic education here. We have a rather unique statutory scheme for our primary and secondary schools. I understand that this may be dealt with in a later hearing.

27. In my experience, just as lawyers in the civil and criminal fields can (and do) disagree about application of legislation, the same is true of canon lawyers. And as with 'civil' lawyers, I consider canon law advice but may choose not to follow the specific advice I am provided. All of this is the nature of any legal process. That said, the statement given by Msgr. Daly corresponds with my understanding on the matters he covered.

The work of religious institutes and engagement with Bishops

28. There are often questions about the relationship between bishops and religious congregations in New Zealand. In previous hearings of the Royal Commission, I am aware that this has been a focus of questions. I have a particular perspective on this relationship as I have been a member of the religious congregation and am now a bishop.
29. Te Rōpū Tautoko has prepared a document early in the Inquiry's work titled "The Structure of the Catholic Church".¹ This is a helpful reference point and background. It is publically available on the Te Rōpū Tautoko website.
30. The history of the Church in New Zealand is an important aspect of understanding this relationship. The establishment of the Catholic Church in New Zealand occurred very early on in the European settlement of Aotearoa. The first Catholic bishop of New Zealand, Bishop Pompallier, worked very closely with members of religious institutes to establish the Church in Aotearoa. In the early days of his ministry here, he worked very closely with the Society of Mary, other branches of the Marist family of congregations and other religious institutes.
31. Over time, many religious institutes came to Aotearoa and one was founded here in Christchurch, assisting the growing Catholic population.
32. Jumping ahead to the 1950s, we see that a significant building programme of parishes and schools was underway. Even though there was already a main Catholic Church in each region/town, and associated primary and secondary schools, the urbanisation and

¹ <https://tautoko.catholic.org.nz/wp-content/uploads/2019/09/Appendix-Structure-of-the-Catholic-Church-in-Aotearoa-New-Zealand.pdf>.

'suburbanisation' of New Zealand meant parishes and schools were desired in growth areas, especially in the main centres.

- 33.** Up until then, and indeed continuing through the 1960s and 1970s, the majority of ministry in Catholic schools and a significant amount of the formal public pastoral work of the Catholic Church was undertaken by members of religious institutes. Much of this work was in areas of need, not at the time provided by the state or by the subsequent development of not-for-profit organisations we see in the 21st century.
- 34.** In other evidence provided to the Inquiry at the same time Tautoko provided the structure document, we see that the number of religious in New Zealand increased between 1950 (approx. 2,300) and 1975 (to approx. 3,000) and then reduced considerably with many retiring from full-time active ministry by the 1990s.² Although there are still a significant number of religious in New Zealand (approx. 1,000, by 2018) the average age is higher, so much so that the majority would not be in full-time active ministry. All however live out their institute's charism in different ways.
- 35.** Since the 1980s the focus of many religious institutes has been on ensuring that the works formerly entrusted to them have a connection back to the charism (or spirit/wairua) of the institute in some way. For those institutes who have passed the running of works proper to their institute to a new group or alternative structure, the focus tends to be ensuring a solid financial and governance foundation, and organisational structures and mission statements that reflect the charism of the institute. Changes in demographics, legislative requirements, and the changing nature of state care have reduced the societal need for many works previously undertaken by various institutes.
- 36.** Although not exclusively so, diocesan clergy were deeply involved in the running of parishes and in the 1950s/1960s the growth of the parish model. Lay people were involved as teachers in schools and to an extent in functions with the administration of parishes.
- 37.** A diocesan bishop in those times (1950-1970s) was overseeing the development of many parishes, churches and ministries and the increasing stress being placed on Catholic schooling due to financial pressures. In addition, the Second Vatican Council (1962-1965) saw the re-examination of much thinking in Catholic circles and fundamentally changed the nature of Catholic life and practice, almost immediately and certainly from the early 1970s.

² <https://tautoko.catholic.org.nz/wp-content/uploads/2020/04/Catholic-Church-Memorandum.pdf> at [28].

38. Bishops did, from all accounts, and still do maintain collegial working relationship with leaders of and members of religious institutes, especially those working in his diocese. The positions of congregational leader and bishop are different but complementary roles. Congregations are generally canonically independent of dioceses with differing legal structures in New Zealand law but interdependent in many ways.
39. There is a respect from bishops for those congregations with expertise in a certain area (that usually flows from their institute's charism) and a gratitude and level of support for the huge variety of work congregations undertake and have undertaken. However, it would be rare in New Zealand and indeed in other countries, for bishops to be involved in the internal workings of a religious institute, even those running entrusted works of a diocese.
40. That said, the bishops of New Zealand dioceses do have pastoral responsibility for all people in their diocese. I can state with confidence that all the bishops have the desire and commitment to ensure that people in the care of any part of the Church are safe and not subject to abuse of any kind.

Specific requests for information

41. Against that background, I move to addressing those specific matters the Royal Commission has requested. I answer your questions and set out, to the best of my knowledge, where other sources may be better placed to answer the question. I have referenced the paragraph number from your letter for ease of review.

Decision to close Marylands under the Picpus Fathers, and reopen under the Order

42. The Royal Commission requests evidence on why the Diocese decided to close Marylands home as run by the Picpus Fathers in the early 1950s and make arrangements for the Order to reopen it shortly afterwards. The Royal Commission also seeks information on whether there were any concerns about the way in which Marylands was being run by the Picpus Fathers.
43. I have no direct knowledge of this and am not aware of anyone who does, given the time period. The Diocese of Christchurch has limited records in relation to this. I have asked Te Rōpū Tautoko and our solicitors to review these documents and prepare a summary

from these records to assist the Commission. This is found in Marylands Briefing Paper #7.

Selection of the initial cohort of Marylands students

- 44.** The Royal Commission seeks information from the diocese on how the “initial cohort of Marylands students” were selected.
- (a) The diocese has no information on how the initial cohort of Marylands students was selected in 1952 when the Picpus Fathers opened Marylands.
- (b) In regards to Marylands as operated by the Brothers, the diocese archive holds a copy of a circular written by a state psychologist in December 1955, which details the process for admission to Marylands.³ I refer the Royal Commission to that document in full.
- 45.** The Diocese has limited archival references on this point, and cannot assist further.

Relationship between Diocese of Christchurch and Marylands School; paragraph 3(e)

- 46.** Msgr. Daly has set out in his statement how the relationship between the diocese and the Brothers would have been structured.
- 47.** Any documentation that now exists in relation to visits or observations by the bishop is limited and anything of relevance has and will be provided to the Inquiry.
- 48.** I cannot comment on specifics as to how Bishops Joyce and Ashby practically enacted the relationships beyond what Msgr. Daly has provided and the documentary record.

Monsignor Brendan Daly’s evidence; paragraph 3(h)

- 49.** The statement from Msgr. Daly is his expert opinion.
- 50.** In general, it seems to be an exploration of many issues within his competence as a canon lawyer based on the information he had to hand. There is nothing in his statement that I disagree with or doubt.

3 005.0007.0006.

51. To my reading of the statement, Msgr. Daly is commenting on the documentary evidence to hand reflected against his technical knowledge of canon law as it stood during the period and the changes implemented since. The actual practice of the time can only be evaluated against the documentary record to hand as neither Msgr. Daly nor I were involved in the specific events related to Marylands or Hebron.

Marylands School as Work Proper to the St John of God Brothers; paragraph 3(i)

52. I agree with Msgr. Daly's statement referenced in 3(i) of your letter. I can only, as Msgr. Daly has done, make any assessment of the understanding of the Diocese of the time from the documents to hand.
53. One item that does come to mind is the nature of ownership of property. A key aspect of the understanding of this is that the St John of God brothers purchased the property for Marylands School from the Diocese. If it was an entrusted work, then the diocese would have retained the ownership of the Marylands School land and buildings.
54. The Diocese sold the land and buildings at Middleton to the Brothers. The Brothers subsequently purchased land and buildings at Halswell when the Marylands School moved premises.

Students at Marylands School; paragraph 3(j)

55. I have no direct knowledge in response to this query.
56. To the extent it assists, from my reading of the material, the overall intention was for the brothers to come to Christchurch and establish a foundation (a brothers' community) to do works that were proper to their order's rule and charism. It may have been, due to various factors that the Brothers were asked to cater for people outside of who might, at the time, have been considered 'intellectually disabled'.
57. This would be consistent with the way the wider Church was serving the community at that time. It was before the times of significant state assistance, and tended to respond to the needs of the community it served.
58. Dr Claire Stewart's briefing paper, provided to the Inquiry, explores some aspects of the differing attitudes, protocols, and language through the period in question. In my view, it is hard to judge generalisations of that time from where we are today. The idea that some

of the students might not have fitted modern distinctions of “delinquent” or “intellectually disabled” doesn’t change the overall intention of the foundation.

If Marylands had been “entrusted work”; paragraph 3(k)

59. Msgr. Daly discusses the implications of responsibility for responding to reports of abuse in entrusted works in his statement. Msgr. Daly points out in his evidence the religious superior has the responsibility for the work of his/her members, whether the work is “entrusted” or “proper” to the institute.
60. That said, the bishop has a pastoral responsibility for all people in his diocese. Bishops in New Zealand take seriously this responsibility.

Reporting requirements for clergy and religious 3(l)-(o)

61. The Royal Commission has asked me several questions about reporting requirements for clergy and religious under Canon Law and the Church’s own practices.
62. From my reading of Msgr. Daly’s statement, he has covered them all appropriately. The Royal Commission asks if I agree with his assessment of various points of Canon Law. I do.
63. As a general statement, I would add that the publication of *Vos Estis Lux Mundi* in 2019 has improved the process around the reporting of abuse. Reflecting the requirements of *Vos Estis Lux Mundi* against previous practice would show a gap that has now been filled in canon law. As practice develops, my hope is that the Church will continue to improve, as it has been for some time.
64. My view is that canon law (as with all law) is not static and can always be reflected upon, improved, and implemented in new and more appropriate ways.

Evidence of Thomas Doyle; paragraph 3(q)

65. Msgr. Daly has provided significant evidence about matters that Thomas Doyle submitted to the Royal Commission about. Canon lawyers individually may put more emphasis on differing parts of legislation to others, just as lawyers do in civil and criminal jurisdictions.

66. The question over a bishop's *fundamental authority* is very complex. For example, a bishop's authority over Catholic schools in New Zealand since integration, especially with regards to reporting requirements on Boards of Trustees and employees of the State is complex. Authority over private institutions run by independent legal entities such as religious institutes is also complex.
67. It is not possible to give a generalised opinion as an answer for all schools, orphanages, and all organisations with a Catholic connection. As the Royal Commission examines Marylands School, Hebron, and any other organisation connected with the Catholic Church, a better understanding can be arrived at for each example.
68. My understanding of the new requirements under *Vos Estis Lux Mundi* lead me to fully agree with Thomas Doyle's statement that "For example, if a parent complains to the local parish priest that his son was sexually abused by a Christian Brother at the high school he attends, the pastor must report this to the bishop and the bishop must take direct action".
69. Msgr. Daly's statement seems to me to concur with this sentence.

When and how was the Diocese of Christchurch notified about abuse at Marylands and/or the Hebron Trust; paragraph 3(p)

70. There is little primary documentation which shows when the Diocese was first made aware of allegations against Bernard McGrath at Hebron or Marylands. I draw the Commission's attention to documents we hold in our archives relevant to this question (which we have previously provided to the Commission).⁴
71. The Diocesan archivist has advised me that it appears that no files relating to the St John of God Brothers, Marylands, or Hebron are held by Catholic Social Services. The Diocese does not hold any relevant correspondence files between Catholic Social Services from 1986 until 2005.
72. I have no direct knowledge in relation to these events and cannot assist the Commission further.

4 005.0007.0052; 005.0007.0060; 005.0007.0068; 005.0007.0089 – 0091; 007.0005.0007.

Conclusion

73. In closing this brief, I repeat my earlier statement that all abuse including the enablement of abuse, systems that allow abuse, and any lack of care for those who disclose abuse is unacceptable and indefensible.
74. It is my hope and desire that all reports of abuse in the Church, no matter in which entity they occur, are appropriately dealt with in a trauma informed and survivor-focused way. The Royal Commission is working to help us envisage better ways to do this.
75. I am pleased to be part of the process and look forward to continuing to support the work of the Inquiry.

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

Archbishop Paul Gerard Martin
Apostolic Administrator of the Diocese of Christchurch

Dated:**24 September 2021**