

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
FAITH-BASED REDRESS INQUIRY 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)
Dr Andrew Erueti
Ms Sandra Alofivae
Ms Julia Steenson

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Ms Jenny Stevens, Mrs Matthew Gale and Ms Jaime Laing for The Salvation Army
Mrs Fiona Guy Kidd QC, Mr Jeremy Johnson and Ms India Shores for the Anglican Church
Ms Sally McKechnie and Mr Alex Winsley for the Catholic Church

Venue: Level 2
Abuse in Care Royal Commission of Inquiry
414 Khyber Pass Road
AUCKLAND

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TRANSCRIPT OF PROCEEDINGS

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Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei

(10.03)

CHAIR: Ata mārie ki a koutou katoa. Good morning Ms Anderson and good morning to you Bishop.

A. Mōrena.

QUESTIONING BY MS ANDERSON CONTINUED: Mōrena Bishop Ross.

A. Mōrena.

Q. I'm moving on to a new topic this morning but linked to aspects that we talked about yesterday. So I think you've confirmed yesterday, haven't you, that in order to be able to design good systems to respond to something, you have to understand the nature of the problem?

A. Yes.

Q. And in the context of understanding who's been abused in the care of the Church and why, and what should happen, you first need to understand what information you've got about what has actually happened in the past?

A. Yes, I agree.

Q. You've noted in your brief, I don't need to bring it up, but it's paragraph 61 of your first statement, that in the 1980s there was a growing awareness of issues of sexual harassment and of abuse in the Church. So are you saying that that's really at the genesis point of the growth of knowledge within the Church that this is an issue for it?

A. Yes, that's my identification of when people were becoming more aware of this as an issue for the Church.

Q. And that's consistent, isn't it, with the matters emerging in relation to the Catholic faith overseas and also matters that are emerging in the Church of England overseas at around that time?

A. And more generally in society I think, yes.

Q. I'm going to turn to some 2018 General Synod meeting minutes. They're at ANG0007970. I'm just going to bring them up, we'll just look at the first page just to have you confirm the document. What you're seeing on the screen at the moment is the list of attendees from the three cultural streams and the laity that were attending.

MRS GUY KIDD: Just a matter of clarification, this is the General Synod Standing Committee rather than the General Synod. My colleague might wish to tease that out.

CHAIR: Yes, clarify that, all right.

QUESTIONING BY MS ANDERSON CONTINUED: Yes, and that's the purpose of bringing

- 1 the document up here. So this is a meeting on 12 October 2018.
- 2 A. Yes.
- 3 Q. And what we're going to look through are the minutes which I assume are generally
4 accepted as being a reliable reflection of discussions at that meeting?
- 5 A. I appreciate they are—I'm not part of this body, but yes, I imagine they are.
- 6 Q. So although you attend the General Synod, am I right that the General Synod has various
7 committee structures under its umbrella?
- 8 A. That's right, including the Standing Committee which undertakes some of the general
9 responsibilities of the General Synod between its sittings.
- 10 Q. And how would you come to learn or be informed of what was happening, are these
11 minutes circulated to all bishops?
- 12 A. Yes, they normally are sometime after the event, I think once they've been confirmed
13 they're then circulated.
- 14 Q. So at a certain point these minutes would have come to you?
- 15 A. Yes, they would have.
- 16 Q. I'm just going to turn to page 15. So this refers to the Patricia Allan survey, that's the first
17 bullet point and I'll come back to this. So just to orientate the Commissioners, Patricia
18 Allan is a Reverend in the church retired, undertaking a PhD study and she comes forward
19 at a certain point, doesn't she, and offers to run a survey or a methodology to help the
20 Church understand the nature and extent of abuse, is that right?
- 21 A. Yes, that's my understanding of what happened, yes.
- 22 Q. And the bullet point that's highlighted there as one of the discussion points was to try and
23 retrospectively define a baseline where there hasn't been a uniform as an abbreviation of
24 collection of data may be impossible. Trying to extract information from the dioceses may
25 be difficult.
- 26 In terms of that comment there, do you think that accurately reflects your
27 understanding that there wasn't a baseline within either your diocese or within the Church
28 generally about the nature and extent of abuse?
- 29 A. I'm just looking at the context of the document as a whole to understand the idea of a
30 baseline in this context. So that's, I assume, my understanding would be that's referring to a
31 corpus of data and information that would give a place to begin from in relation to
32 measuring the extent of abuse that's occurred.
- 33 Q. So an inward looking process where what do we collectively know—
- 34 A. Yes.

- 1 **Q.** —about those that we have harmed and what do we collectively know about those that have
2 come forward?
- 3 **A.** Yes, and it relates to the comment that I made yesterday even within the diocese and the
4 way that records had been kept and stored, different approaches over the years by both
5 archivists and bishops that have made it very difficult to have, even within a diocese, a
6 good sense of the data that was available. So I think by extension that's definitely true
7 across the Church as a whole.
- 8 **Q.** So given the difficulty of just taking your own diocese as an example, you've outlined the
9 difficulty of compiling the information for the Inquiry and the fact that there's updating
10 information that's still been located?
- 11 **A.** Yes.
- 12 **Q.** So you're still in your process in your diocese of understanding what's happened in the
13 past?
- 14 **A.** That's correct, yes, in terms of drawing all of that data together. I'd like to think that we
15 found the majority or if not all of it now, but it's not impossible that there may be other
16 documents that are hidden within the wider set of files that are stored there.
- 17 **Q.** Is it fair to say that that's become a priority now because of the Royal Commission?
- 18 **A.** Yes, absolutely.
- 19 **Q.** My question to you is, when you're coming in as a new bishop in 2010, why—it doesn't
20 appear it was a priority for you at that time, would that be a fair observation?
- 21 **A.** Yes, I suppose you could express it that way. I didn't immediately, I guess, see the need to
22 begin to gather all of that data.
- 23 **Q.** It's not just immediately, is it, you didn't do anything up until the process of the Royal
24 Commission, did you?
- 25 **A.** No, I didn't, I accept I didn't understand the need to do that.
- 26 **Q.** And the survey that's referred to there, which is in evidence before the Inquiry, I'm sure
27 you've read the brief of evidence that Reverend Patricia Allan has filed?
- 28 **A.** Yes, I have.
- 29 **Q.** I'm going to take you to the survey document that you completed in this regard. This is
30 document ANG0014571. We're just going to go through beginning from page 2. So we're
31 going to just call out first of all probably all of A, making a complaint, all the bullet points
32 underneath that. So these are the questions that have come through on the survey, so this
33 first one's about making a complaint. And the question there is how do people know how
34 to lodge a complaint. We'll come back later because you make this distinction in your

- 1 evidence, don't you, between a complaint and a claim?
- 2 A. Claim, yes.
- 3 Q. We'll come back to that. But the language used in the survey is "complaint". So, what
4 would you have understood that word at that time to mean?
- 5 A. How somebody could draw to our attention that there had been an instance of inappropriate
6 behaviour.
- 7 Q. So effectively any disclosure?
- 8 A. Yes.
- 9 Q. And the next part of that sentence is what you've added in as a response, isn't it, that the
10 way that people would know is information posters displayed in churches?
- 11 A. Yes.
- 12 Q. That's the poster you referred to yesterday?
- 13 A. That's correct.
- 14 Q. And in response to who's usually the first person contacted, it could be anyone in the
15 diocese, a manager, an archdeacon or sometimes the bishop?
- 16 A. [Nods].
- 17 Q. Is that because you don't have a process that clearly says where somebody should come, or
18 do you have many doors through which people can come?
- 19 A. It's recognising that complaints could arise in a number of ways, so it could be as a result of
20 somebody seeing the poster, making contact with a diocese and office where they would
21 speak with a diocesan manager, or it would be that they have talked to somebody within
22 their parish we might then refer them to one of the archdeacons to discuss the matter with.
23 Or it could be, depending on the nature of it, that they speak to somebody who makes a
24 referral directly to me. So it's really recognising that complaint may come to our attention
25 through conversation with people who help them towards someone.
- 26 Q. So either through somebody picking up the phone ringing the number on the poster or
27 person to person interaction?
- 28 A. Yes.
- 29 Q. And in response to the question, what does this person do then, how does the complaint
30 become formal? You've indicated there the response after the question mark is what you've
31 inserted as the response, isn't it?
- 32 A. That's right.
- 33 Q. Advises the bishop. So everything comes up to you?
- 34 A. That's correct, that's what the current or the former Title D, the one that was in place until

1 recently, required.

2 **Q.** And the bishop appoints a person to meet with a complainant to provide pastoral support
3 and offer advice on options?

4 A. Yes.

5 **Q.** What would the options be that could be offered in that first initial meeting?

6 A. It would be explaining the way in which the Title D process can work, that there's the
7 option to have mediation or that it could go to a tribunal. Depending on the nature of the
8 complaint and the seriousness of it that it related to abuse or a matter perhaps of, you know,
9 failure in conduct. I mean not uncommonly we receive complaints that people are unhappy
10 about something that the vicar is doing that's not a standards issue but, you know, it's more
11 just things that are going on in the parish that they're unhappy with.

12 Sometimes therefore they won't be steered towards a more formal complaint, but
13 trying to find a pastoral solution for resolving more of a conflict issue in a parish, often
14 those come to us. But if it was an instance of abuse or misconduct, it would be about
15 discussing the opportunity for that mediated approach. But the first and foremost thing
16 would be to help a person to formalise their complaint by making a statement about it.

17 **Q.** Just want to check that I've heard you properly. Did you indicate that if it was a sexual
18 abuse matter that the mediation option would be explored?

19 A. No, if it was a sexual abuse matter there would be no question that it would be a formal
20 complaint to the bishop. We wouldn't be discussing mediation, we would be advising the
21 Police and discussing those options with the complainant if they wanted assistance to be
22 able to go to the Police. And then we would process it by no means by mediation.

23 **Q.** So in terms of responding to the individual coming forward at that time, are you saying
24 their options are to cooperate with a formal Title D process and/or go to the Police?

25 A. Yes, that's right.

26 **Q.** Do you think that leaves a big gap in the middle where there isn't actually anything that's
27 happening that's redress to the individual?

28 A. Along the way we would want to offer what support was appropriate and needed by the
29 person in a more pastoral way and that could involve immediate access to some counselling
30 to assist them through the process of the complaint.

31 **Q.** Would it be standard practice to be offering counselling and other forms of redress options
32 at that initial time where the options are identified here which is at that first meeting with
33 the complainant?

34 A. Yes, my expectation would be that those things would be discussed, as I've said, meet with

- 1 the complainant to provide pastoral support and offer advice on options.
- 2 **Q.** Do you think that at that time when somebody's having that first meeting which might
3 involve listening to the person about what's happened, and as you said yesterday, it might
4 be that an apology's given at that time, and then you're exploring options. Is there a written
5 document that you can give to people at that time so that they can understand, because, you
6 know, when people are suffering trauma it can be very hard to take in oral information, isn't
7 it, so is there a document you give them that outlines their options and their choices at that
8 point?
- 9 **A.** Our approach in the past where it's going to be a matter that's Title D is that we will ensure
10 they have a copy of the title, we recognise, however, that's a very legal document, it can be
11 difficult to interpret. And so, the person meeting with them would help them to interpret,
12 would explain it to them and what's involved in it.
- 13 **Q.** So would the person going to meet the complainant on that day be taking a copy of the Title
14 D with them?
- 15 **A.** They may or may not. They would ensure that they do receive a copy of it, however, and
16 with some explanations about what's involved. Now I acknowledge that we haven't had a
17 guide book, so to speak, that explains it, we've provided people with the title itself where
18 that's appropriate, where it seems it will be a Title D matter.
- 19 **Q.** And am I right that if we leave aside the mediation channel for the moment and just on the
20 determination channel, so just assume we're in a circumstance where you're dealing with a
21 serious level of sexual abuse, so you would be going down that determination track, what
22 are the redress outcomes that the complainant can achieve or receive at the end of that Title
23 D process?
- 24 **A.** The redress outcomes for the complainant?
- 25 **Q.** Mmm.
- 26 **A.** If there was a determination under Title D. Title D itself doesn't make any explicit for the
27 complainant in the title that I have been in the habit of using, not the new title, I haven't had
28 to deal with anything under that yet. But it would be a case for the diocese then to respond
29 in terms of what seems an appropriate redress for the person, but the title itself doesn't
30 provide for particular redress.
- 31 **Q.** That's right, because the outcomes that are specified relate to penalties that can be imposed
32 on the person who's alleged to have caused harm?
- 33 **A.** That's right.
- 34 **Q.** So Title D itself is not an avenue necessarily for any of those other redress outcomes that

- 1 you talked about yesterday that might be important to a person?
- 2 A. No, it's not, it's the process for holding the clergyperson, say, to account and determining an
3 outcome, determining the, you know, the facts of a matter and the related outcome, yes, that
4 relates to what should then happen to the clergyperson.
- 5 Q. And in relation to the comment that you made well then the diocese at the end of that
6 process might think about whether there's something they could do to help the relevant
7 individual, is that fact that that could happen recorded in a written document that's given to
8 somebody as they agree to participate in the Title D process?
- 9 A. No, it hasn't been.
- 10 Q. So what would you point to as some manifestation of an outline of what's actually available
11 to somebody who's coming forward with a disclosure of harm which fits in the response to
12 a claim side of the distinction you've drawn in your evidence, what is there to point to that
13 is potentially available to people seeking redress?
- 14 A. Yes, there hasn't been any documentation of those matters I regret, to be able to point to
15 anything in a documented way. In conversation we may point to and most predominantly
16 in the past it's been about support and ongoing counselling, depending on what the matter
17 has been, but we have failed to alert people to the fact that we could consider, say, financial
18 redress or other matters that they might seek that would help them.
- 19 Q. Or that might recognise, because yesterday we looked at the issue of, you know, the
20 impacts are lifelong?
- 21 A. Yes.
- 22 Q. So is it fair to characterise it that information's kept fairly close to the chest in the church
23 about the fact that there might be some avenue for something that costs more than an
24 apology?
- 25 A. I wouldn't characterise it as being kept close to the chest. What I would say is that we have
26 failed to fully consider both our responsibilities to people in that regard and to work with
27 them actively as to what is going to be helpful to them for the future. I suppose I'm saying
28 there could almost be worse than holding it close to the chest, that we haven't given actually
29 enough consideration of it in the first place.
- 30 Q. So if you were engaging with a survivor who'd come through a Title D process and it had
31 been found that this person had suffered the abuse at the hands of either the clergy or the
32 office holder, do you have a clear sense in your own mind about the process that you would
33 follow on receipt of knowledge of the outcome of the Title D process?
- 34 A. I would – I'd have to say first of all that I haven't, in my time as bishop, been in that

1 position because we haven't had such a Title D matter in the time that I've been bishop, not
2 a matter of that type. I'd like to think, however, that I would understand part of my
3 responsibility would be either to meet with the person myself or somebody to represent me
4 that was suitable to them to discuss the outcome and what should happen from here.

5 **Q.** So simply not something that you've experienced and therefore haven't really given thought
6 to?

7 **A.** I can't draw on an experience to explain perhaps what I have done, I'm saying that I would
8 like to think that as a result of that, of such a matter, that I would meet with the complainant
9 in a matter, the survivor in a matter to discuss with them what had happened and how we
10 could assist them in the future.

11 **Q.** Do you accept that both yourself and the predecessor in your role, Bishop Paterson, I think
12 you've made observations that Title D has not been used for a range of reasons, but there
13 are circumstances where it certainly should have been used?

14 **A.** Yes, I believe so.

15 **Q.** So if we were just making the assumption for the moment that you'd initiated a Title D
16 determination process and the victim survivor is participating in that because you need the
17 evidence from them in that quite formal court like process, don't you?

18 **A.** Yes.

19 **Q.** Are you saying that they – at the point of participating in the Title D they wouldn't know
20 that there was any option that some other redress outcome might be available to them at the
21 end of that process, what you've said is it would be a conversation after the outcome is
22 known?

23 **A.** Yes, what I've said is that in the past that has certainly been the case. So thinking back on,
24 you know, matters as I look at matters that had come to the attention of the bishops over the
25 years, and I'm not aware that that has been the case in the past that those options have been
26 made available to people ahead.

27 **Q.** I'm just going to return back to the document now. Just to summarise the last three bullet
28 points, it's the bishop who decides whether a complaint is serious, yes?

29 **A.** Yes.

30 **Q.** Auckland doesn't have a complaints committee?

31 **A.** No, but I seek advice as appropriate from others.

32 **Q.** But some other dioceses across New Zealand do have complaints committees, don't they?

33 **A.** Yes, some do I believe.

34 **Q.** Is there a reason why you haven't established one in your area, because normally if you

1 would be establishing a committee like that you're really looking to have the relevant
2 expertise, who are you appointing to that committee, clarity of their role, but in the absence
3 of a committee, you're saying you pull together people on an ad hoc basis?

4 A. That's correct, that's what I have done, yes.

5 **MRS GUY KIDD:** Sorry, there is a number of questions and comments in that and I think it
6 would be easier for everyone for clarity if we stick to one concept in a question.

7 **CHAIR:** It would also help the stenographer, Ms Anderson, if you could take it gently.

8 **MS ANDERSON:** Absolutely.

9 **QUESTIONING BY MS ANDERSON CONTINUED:** I'll just go back through there, so no
10 complaints committee in your diocese?

11 A. That's right, there is not a committee, no.

12 **Q.** So when you get a complaint you will, on an ad hoc basis, call together people to provide
13 the function of a complaints committee?

14 A. Yes, to offer me advice on what would be a good process.

15 **Q.** So that's your question you would have for them, "What process should I follow?"

16 A. In terms of how best to respond to the complaint and to the person presenting it, yes.

17 **Q.** And what level of expertise are you looking for in the people that you approach to give you
18 that guidance?

19 A. Some of it is people with the pastoral experience related to the issue that's been brought to
20 our attention. Some of it would be legal.

21 **Q.** So you're contacting a lawyer and you're contacting somebody with the relevant pastoral
22 experience?

23 A. Yes.

24 **Q.** Do you accept that in other jurisdictions in New Zealand where bishops have a complaints
25 committee, they might have taken care as to defining the role on the bit of paper that
26 explains what the role of the committee is, having the relevant expertise, do you accept that
27 that would be good process when you're pulling a complaints committee together?

28 A. Yes, although I had sought to seek for myself the advice that I thought is, you know,
29 appropriate in each case. I think one of the outcomes of the Title D that was put in place in
30 the year 2000 was that considerable responsibility or onus was returned to the bishop in
31 relation to complaints. So that a committee and a body of advice that had existed, that that
32 became dismantled over a period of time and that the bishop's role had become, if you like,
33 more isolated in that process.

34 **COMMISSIONER STEENSON:** Sorry, Ms Anderson, can I just ask a question.

1 A. Yes.

2 **Q.** With regards to the pastoral, do you mean for the complainant or do you mean for the
3 person accused? Can you just help me to understand the pastoral expertise?

4 A. Yes, it's advice to me in that case. So depending on the nature of the complaint, what the
5 substance of the complaint is, I'm seeking advice about how best to respond. So there
6 would be support offered to the complainant and to the respondent in terms of the person
7 I'm seeking out as to offer me advice in relation to the substance of the matter and how best
8 to respond.

9 **Q.** So in relation to the setting as opposed to potentially the, say, being trauma informed
10 experts or pastoral care?

11 A. Yes.

12 **Q.** Thank you.

13 **QUESTIONING BY MS ANDERSON CONTINUED:** Just turning over to the next page of the
14 document, the third bullet point down, one of the questions in the survey was "Who
15 investigates a complaint? What is their qualification?" And the response is, "If serious
16 we've begun to use a licensed private investigator, otherwise a senior clergyperson or
17 suitably experienced qualified lay person."

18 Can you explain the circumstances where you might think it necessary to use a
19 licensed private investigator?

20 A. Yes, that would be where there is perhaps dispute about the facts of a matter, so if a
21 complaint has been brought to me and then the respondent has been asked to make a
22 response and they deny or dispute the facts, then it allows for the fact that in some
23 circumstances a person who is qualified to investigate a matter could be used.

24 **Q.** Have you used that mechanism?

25 A. No, but it's been – was used for a while in relation to some of the Anglican Trust for
26 Women and Children matters.

27 **Q.** Just coming down to the fifth bullet point, we've touched on some of these aspects, the
28 question in the survey is, "What is the usual procedure in the dioceses of or for dealing with
29 a complaint, (a) under Title D and, (b), other" and you're asked to give a full as explanation
30 as you can. Do you want to read out what you've responded, what's written there as your
31 response?

32 A. "For Title D we follow the provisions of the canon with the bishop deciding if there is a
33 matter of ministry standards to address, progressing to either mediation or Tribunal, with a
34 report back to the bishop who makes a determination and imposes an outcome. For other

1 matters which have tended to be a break-down of relationships within the ministry unit, we
2 have used either the archdeacon to broker peace and resolve the issue or have appointed
3 two independent people (one lay, one ordained) to undertake a listening process in the
4 ministry unit, hearing all affected who have a view on matter, and then offering a report to
5 the bishop with recommendations as to possible resolution. The bishop and archdeacon
6 then implement those findings."

7 **Q.** Thank you. In terms of the distinction between the Title D process and other, in your
8 experience do the response of the church under your leadership, have they fallen in this
9 other category or have they fallen in the (a), Title D category?

10 **A.** So the many matters that have been brought to me over the time I have been bishop have
11 been about disputes within a parish over the way things are done and whether people are
12 happy with the style of leadership and what's going on, we've had to resolve quite a number
13 of those sort of issues that are not about abuse or a failure of standards. And that's what I'm
14 referring to in the latter sentences in that paragraph.

15 **Q.** So that description of how you would respond does not apply to somebody coming forward
16 with a disclosure of abuse?

17 **A.** No.

18 **Q.** So they're only in the Title D category?

19 **A.** That's correct, we've used the Title D process.

20 **Q.** Which then requires a decision by the bishop to either initiate a mediation under Title D or
21 a formal determination process?

22 **A.** Yes.

23 **Q.** Under Title D, one of those two pathways?

24 **A.** Yes.

25 **Q.** Just turning back to the – sorry, we'll just flick to the next page which is the spreadsheet.
26 So this is the nub of the survey which is wanting to have information provided about
27 complaints received in the last 30 years. This, of course, is not referring to complaints of
28 the nature you've just talked about in the parish, this is about complaints of abuse, that's
29 what the survey's directed at, isn't it?

30 **A.** Yes.

31 **Q.** And you said that it's asking for information by years, the nature of the abuse, whether
32 clergy were involved, whether other agencies were involved and outcomes; do you see
33 that?

34 **A.** Yes.

- 1 **Q.** And there's nothing in that box in terms of your response to the Patricia Allan survey, is
2 there?
- 3 **A.** That's right.
- 4 **Q.** And if we just move back to page 1 we see at the top there's an e-mail dated 31 July 2019
5 from you to Patricia Allan. I'll just wait for that to come up. And your response, you're
6 offering an apology, aren't you, for the delay in response?
- 7 **A.** Yes.
- 8 **Q.** Because you had been overseas, and you were under-strengthened in your team?
- 9 **A.** That's right.
- 10 **Q.** Would you read out the second paragraph of that e-mail please?
- 11 **A.** "I have answered it to the best of my ability perhaps without some of the detail for which
12 you may have hoped, but the flavour should be there. I am not prepared to give the detail
13 requested in section F for the purposes of a survey, mostly for reasons of confidentiality,
14 but also because of the huge amount of work involved in undertaking the research, which
15 only I could do."
- 16 **Q.** Would it be fair to interpret that as displaying a lack of interest at that point in time of
17 knowing anything about the nature and extent of abuse in the care of those in the Anglican
18 Church in the Auckland region?
- 19 **A.** No, I don't think it would be fair to characterise it in that way. That was a year which was a
20 particularly pressured year for me, my assistant bishop was very unwell and on long-term
21 sick leave, I was under quite a lot of pressure in terms of workload and I didn't understand
22 the survey to be a formal inquiry. I –
- 23 **Q.** It's not a formal inquiry, is it, it's what I talked about this internal-looking process?
- 24 **MRS GUY KIDD:** I'd ask if the witness could be allowed to finish his questions. It's very
25 important.
- 26 **CHAIR:** Thank you. I think continue with your question, I think it was asking for clarification of
27 the answer, but maybe the bishop was going to give the answer anyway. So you ask your
28 question and then we'll allow him to answer.
- 29 **QUESTIONING BY MS ANDERSON CONTINUED:** Well, perhaps I'll allow you to continue
30 and I'll come back to any follow-up questions I've got –
- 31 **A.** Certainly.
- 32 **Q.** – once you've given the full answer.
- 33 **A.** Certainly. I didn't understand this to be an inquiry into the Diocese of Auckland in those

1 matters, I understood it to be a piece of research being undertaken by an individual. I didn't
2 have the capacity at that time, we didn't have a person working in archives who could have
3 done this work. I would have had to have gone and undertaken a search in the bishop's
4 confidential records in the archives myself. I felt I didn't have the capacity for that and I
5 was uncertain about disclosing the information for reasons of confidentiality.

6 **Q.** Did you take legal advice on that issue of whether confidentiality would prevent you
7 providing anonymised information in response to a survey?

8 **A.** No, I didn't.

9 **Q.** So it was a judgment call?

10 **A.** Yes.

11 **Q.** Do you see that it might have been helpful to have contributed at that time the information
12 as I was starting to discuss with you, we touched yesterday on the value of an
13 inward-looking review by the church of its own circumstances, its own history?

14 **A.** Yes, in hindsight I can acknowledge that that would have been a more helpful thing to have
15 done, I acknowledge that.

16 **Q.** Thank you. I'm going to move on from that document now, turning to the responses that
17 were provided by you in relation to notices issued by the Inquiry. For those watching who
18 might not understand what that process is, the Inquiry has a legal power under its
19 legislation to send a formal notice requiring information to be produced to it and that is a
20 tool that has been appropriately used by the Inquiry to seek some of the baseline
21 information about the nature and extent of abuse in the care of the church.

22 So the first, just if we go to the very top of that page, just call out the language at
23 the top, the header. This is a response to notice number 11 for the Anglican diocese. We
24 don't need to turn to it, but I think you'll recall that you've signed this document --

25 **A.** Yes.

26 **Q.** -- and it's been provided to the Inquiry, and you've signed it on 12 June 2020?

27 **A.** [Nods].

28 **Q.** Without needing to go into the detail, this was the first time the Inquiry was seeking
29 information and it broadly covered what do you know about who's been enrolled where, so
30 to try and understand participation in the church and associated organisations as a first
31 component of the information, and it was also the first time that the Inquiry was asking for
32 data on complaints. Do you recall that?

33 **A.** Yes, I do.

34 **Q.** And if we turn to page 3 of this document, there's a table that begins on the last quarter of

1 the page headed "Abuse Data". Just calling that out, so anonymised information and the
2 response you've provided indicates across different time periods, we don't yet need to go to
3 the next page but just looking at this for the moment, referring to categorisation of known
4 abuse and alleged abuse is a mechanism that's been used in this response, and when you've
5 put the first entity there of – you've summarised it as an incident of sexual abuse
6 molestation between a child, parish member and a priest and that's in the alleged abuse
7 category. I'm just wanting to understand the basis on which you've differentiated where
8 you've entered somebody as being known abuse or alleged abuse?

9 A. It's where we've had information of an allegation but there was no evidence of an outcome
10 or whether a matter was proven.

11 Q. So simply a record on the file that somebody's come forward with a disclosure but you
12 couldn't tell from the file what steps had been taken in response to it?

13 A. That's right, yeah.

14 Q. And so presumably also, no record on that file of a redress response to the person who'd
15 come forward?

16 A. That's right.

17 Q. In this document you explain the steps taken to try and find the information that's been
18 requested and to be able to respond to this notice. So you indicate that the archives have
19 been searched?

20 A. That's right.

21 Q. And you make some observations that might have affected the integrity of the information
22 you were able to provide at that time. One of the notes you've made is "early bishops
23 personnel files appear to have little relevant information". Can I take it that what you've
24 done is either you or you've had somebody look at those bishops' personnel files? Can you
25 explain to us just what is a bishop's personnel file?

26 A. It's a file on each clergyperson that a bishop maintains with correspondence and other
27 matters that have related to the time of their ministry, the clergyperson's ministry,
28 interactions between the bishop and the clergyperson.

29 Q. And in your keeping of your records now that you're in this role, knowing what you record,
30 was it a surprise to you to see the minimal records that you saw in the older files?

31 A. Yes, it was. Although it's hard to know the level of correspondence and interaction that had
32 been, so – but I would have expected to have found something more than I did. And just to
33 be clear, the majority of that search was undertaken by a researcher in archives that we

- 1 appointed for that purpose.
- 2 **Q.** Yes, I think that's noted on the responses, so at that time you'd engaged a researcher?
- 3 **A.** Yes.
- 4 **Q.** And it sounds, from what you said yesterday, that that researcher is continuing –
- 5 **A.** That's right.
- 6 **Q.** – that sort of work?
- 7 **A.** Yes. And so the matters that he found, he reported to me and discussed with me and
- 8 explained the process that he had been following.
- 9 **Q.** I'm going to now turn to the response to notice number 12, which was asking for much
- 10 more detailed information about complaints. We're going to do that in two parts. One is in
- 11 relation to the anonymised parts of the information that I can call up on the screen. I'm also
- 12 then going to ask you some questions about documents that were in an appendix, but we'll
- 13 do that in hard copy form, a copy will be made available to you and the Commissioners.
- 14 And that's because of the sensitivity of some of the material, it's better just to ask questions
- 15 about that.
- 16 **A.** Thank you.
- 17 **Q.** So again, I think we can agree that you've signed the response to notice number 12?
- 18 **A.** Yes.
- 19 **Q.** And that you signed that on 24 June 2020?
- 20 **A.** [Nods].
- 21 **Q.** Can I just call up the last page of that document. Sorry, just a moment while that comes up
- 22 on the screen. So one of the declarations, you've crossed out the confirmation that you're
- 23 unaware of any documents that have been destroyed and you've quite properly noted there
- 24 that you've found that the sexual harassment correspondence for 1993 to 1996 that that
- 25 information was missing from the archives?
- 26 **A.** Mmm.
- 27 **Q.** Would that sexual harassment file, because presumably there are files for subsequent years?
- 28 **A.** Yes, there are files related to particular matters that that committee had assisted in from
- 29 other years, but we couldn't find anything related to those three or four years.
- 30 **Q.** So just to orientate Commissioners, there was a Sexual Harassment Monitoring Group
- 31 established in about 94, wasn't it –
- 32 **A.** Yes, the early 90s, yes.
- 33 **Q.** – in the Auckland region, and then it was discontinued in 2000 with the Title D reforms.

- 1 So is it right that the files for 96 through to 2000 are available?
- 2 A. Yes, matters that the Sexual Harassment Monitoring Group had attended to in that period
3 we can find files related to work that they had done, but nothing from this period noted
4 here.
- 5 Q. You were a member of the Sexual Harassment Monitoring Group from 96 to 2000?
- 6 A. Yes.
- 7 Q. And I think the protocols and the documentation relating to that committee stipulate certain
8 record-keeping including statistics and other information, is that right?
- 9 A. That's right.
- 10 Q. And is what would be contained in the sexual harassment – am I right there would be a
11 folder relating to Sexual Harassment Monitoring Group for the years 96 through to 2000
12 when you were a member?
- 13 A. Yes, the group would deal with matters, but not hold records itself, they would be handed
14 over for the bishop to keep confidentially.
- 15 Q. So the committee itself didn't keep a centralised record of abuse that was occurring, that it
16 was examining?
- 17 A. No, those matters were handed on to the bishop, the committee acted on behalf of the
18 bishop to manage complaints, any matters brought to its attention, and then the paperwork
19 related to that would be returned to the bishop for archiving confidentially.
- 20 Q. So the reference there to the file that's either been destroyed or otherwise disposed of for
21 sexual harassment in 93 and 96, would that be the bishop's file, his file where he might
22 have kept a file with that title?
- 23 A. It was – yes, there were files that were now in the archives so I don't know whether the
24 bishop at that time held them for a period, but this was in the file box in archives and there
25 was a note in the file box to say that this particular file was missing.
- 26 Q. Can we come to page 2 of the document. We've got a box under paragraph 4, could we
27 have all of that called out please. So what's been asked by the Inquiry is for all
28 documentation in relation to establishing or managing complaints of abuse. And what
29 you've identified there is Title D, certain 96 guidelines. But you've noted, haven't you, in
30 relation to the 1996 guidelines, this was superseded by a Title D provision in 2000?
- 31 A. Yes.
- 32 Q. So am I right this is consistent with what you've been telling us, that there's no specific
33 document available to give to a complainant coming forward with a claim of abuse, other

- 1 than giving them a copy of the legal document that is the canon?
- 2 A. That's right.
- 3 Q. And what you've confirmed in the box below, box 5, is that before 1990 no policies
4 specifically relating to sexual harassment was in place that only Title D was available at
5 that time?
- 6 A. That's right.
- 7 Q. So you're saying it's effectively bookend, pre-1990 only Title D, in the period 1990 to 2000
8 there's a mixture of factors in the mix processes?
- 9 A. [Nods].
- 10 Q. But from 2000 back to the pre-1990 circumstance?
- 11 A. A reliance on Title D, yes.
- 12 Q. And so we've agreed, haven't we, that Title D itself is not a redress process?
- 13 A. That's right.
- 14 Q. So no redress process prior to 1990, because you've only got Title D then?
- 15 A. Yes.
- 16 Q. And no redress process from 2000.
- 17 A. No, there was Title D all the way through those years as well, and the processes around the
18 Sexual Harassment Monitoring Group were to try and make up for a recognised gap in the
19 effective ability to make use of the old, the pre-2000 Title D. So bishops had been reluctant
20 to use that because it required calling a Bishop's Court was the only thing that could be
21 done. These processes were established in order to try and manage matters more
22 effectively aside from the Bishop's Court. That was the intention of them.
- 23 Q. Is that also influenced by matters that Louise Deans spoke to with the ordained women's
24 conference and the recognition by the women at that time that sexual harassment policies
25 were needed within the church?
- 26 A. Yes, that was one of the factors that had given rise in my understanding to those decisions
27 to establish those policies, because I think that was in the late 80s.
- 28 Q. And so what would you point to now as the sexual harassment policies in your diocese?
- 29 A. Our Health and Safety Working Group does have a policy on bullying and abuse that is
30 current in the diocese.
- 31 Q. It wasn't current, was it, at the time that you gave your responses to the number 92 because
32 I think you identified that was in draft and subject to legal –
- 33 A. That was in draft form, that's right.
- 34 Q. Turning now over to paragraph 10 on page 3, what the Inquiry was seeking was

1 information about how the documents that the church had prepared that related to managing
2 complaints or disclosures of abuse, firstly had regard to domestic human rights obligations
3 or international human rights obligations, Te Tiriti o Waitangi and tikanga Māori, Pacific
4 peoples and other vulnerable groups, for example, those with disabilities and mental illness.
5 And you understood, didn't you, that this is clearly within the scope of what the Inquiry is
6 looking at?

7 A. Yes, yes, indeed.

8 Q. And the response there, you've indicated that in relation to human rights a Bishop Gilbert
9 sexual harassment resource guide was relevant?

10 A. Yes.

11 Q. Just simply because it makes a reference, the second comment there – the reason is because
12 there was a reference to Human Rights Commission in it. And in relation to Te Tiriti,
13 Pacific peoples and other vulnerable peoples you've entered N/A, am I right you intended to
14 convey they were not applicable?

15 A. Yes, it might not be the best way to have shorthanded that, what I was trying to indicate
16 was that we couldn't find any evidence for how those things had been taken account of in
17 the documentation.

18 Q. Does that surprise you given the constitutional arrangements for the church where – would
19 it be right to characterise it that there's strongly express reference to the Treaty and to the
20 principles of partnership and bicultural development?

21 A. Within our constitution, yes, there is.

22 Q. And so how might, you know, leaving aside the past, how might, in a future-focused
23 manner, might you look at applying those commitments in your constitutional – they're
24 more than commitments, aren't they, they're a direction – into how you develop your
25 policies and procedures for people coming forward to disclose abuse?

26 A. I think that we have probably relied too much on the structures that we have in place now
27 where we work as partners across the Tikanga, and so I think the lived reality often within,
28 not just the Diocese of Auckland but with many other dioceses, is that we have
29 relationships with our Tikanga partner, but have failed to pay as much attention to those
30 matters within our own diocese. There's been a sense in which in some of our lived
31 experience things have been perhaps even more monocultural than they once were. We've
32 relied on the structures for Tikanga Māori, say, to give experience to that tikanga.

33 Q. Without looking to incorporate that tikanga into your own practises?

1 A. I think there are ways in which we do, but in relation to policy and matters like this we have
 2 not taken those things, obviously have not taken those things into account in written
 3 documentation. We have a lived partnership relating to our other partner, but I think the
 4 lived experience of the church, I think we've been struggling within different ways over the,
 5 gosh, you know, coming up for 30 years since our new constitutional arrangements were
 6 put in place, is that our lived experience as a New Zealand diocese is that we've sadly
 7 become at times even more monocultural than we once were, the absence of Māori in our
 8 midst, if you like.

9 Q. So in terms of future processes, can you think of what steps you might take in your
 10 leadership role in the church to ensure those aspects of tikanga Māori, Te Tiriti are
 11 incorporated into your processes?

12 A. Yes, we clearly need to take more tikanga advice from experts about how we should do
 13 that. I think we often find ourselves struggling a bit in all sorts of respects in this regard to
 14 say what does it mean in practice or in substance to begin to try and make sense of some of
 15 those things within the Diocese of Auckland.

16 Q. We're going to turn over the box to paragraph 13 on page 4.

17 **COMMISSIONER ERUETI:** Do you mind, counsel, if I just ask. Thank you for your candour.
 18 So the sense is that the Treaty issues are over there, if you like, within the Tikanga, the
 19 Pihopatanga o Aotearoa, by which I mean Bishop Don Tamihere in his realm, if you like,
 20 as opposed to your particular diocese in Auckland?

21 A. I think what I'm trying to give expression to is that sadly the day-to-day lived experience
 22 under our constitutional relationships is that it's been too easy to, you know, avoid perhaps
 23 is not quite the right word, but to avoid the lived experience of our bicultural arrangements,
 24 Māori and Pākehā worshipping in different places most often, strong expression of tikanga
 25 within Tikanga Māori but congregations that are now perhaps more monocultural
 26 struggling to know how to give effect to those things in their own life, I think that filters
 27 through into some of the structural issues within the life of the diocese.

28 I want to say there's considerable effort made to maintain good relationships
 29 across Tikanga, certainly between myself and the Bishop of Te Tai Tokerau, that is the
 30 case. But in terms of perhaps a more lived, flax roots lived intermingling of life, I think
 31 that's been quite challenging for us to actually give expression to.

32 Q. Thank you. And I'm just trying to get a sense of where the realm, is the tikanga realm
 33 compared to your diocese. So is it correct that there are seven dioceses within the Pākehā
 34 Tikanga?

- 1 A. Yes.
- 2 Q. And then five within the Māori Tikanga?
- 3 A. Aye.
- 4 Q. And they're geographical those regions?
- 5 A. Aye.
- 6 Q. Do they overlap with the other dioceses?
- 7 A. They do, the majority of my diocesan boundary interacts with Te Tai Tokerau and then
8 parts of North Waikato that are within the Auckland Diocese and through to Coromandel
9 are part of Te Manawa o te Wheke. So we relate to two partners but predominantly to
10 Te Tai Tokerau.
- 11 Q. There's a geographical dimension, but also you mentioned that for the Pīhopa of Aotearoa
12 there's also you mentioned Hato Tipene and Wikitoria, these other Māori schools, so is it
13 also that certain Māori kura in other organisations also fall within the Pīhopa o Aotearoa
14 realm?
- 15 A. There could be, but I'm not aware of what they are.
- 16 Q. I can take those issues up in later questions. Thank you, appreciate it, kia ora.
- 17 **QUESTIONING BY MS ANDERSON CONTINUED:** Just turning to paragraph 13 in the box
18 under that on notice number 2. Just the heading that's cut off there I'll read into the record.
19 "Documentation dealing or illustrating information available to claimants about the claims
20 redress process." So this is where you're identifying, we've had some discussion about this
21 so we won't need to spend much time here, but this is where you're identifying firstly the
22 Title D is what's available to complainants to know about what the process might be, but
23 we've agreed, haven't we, that that's not really a claims redress process?
- 24 A. That's right.
- 25 Q. And then you refer to the sexual harassment poster contacts?
- 26 A. Yes.
- 27 Q. The Title D 2010 revision and again the last two boxes you're referring to a sexual
28 harassment poster and "Harassment is never okay" poster. Are they two different posters?
- 29 A. Yes, I think the current poster is the "Harassment is never okay" poster and the other one
30 was an earlier version of it, it's not current now.
- 31 Q. We'll just call a copy of that poster up. Can we enlarge that just a little bit. This is the
32 poster that was in appendix to your witness statement, is that right?
- 33 A. That's right.
- 34 Q. Just a couple of questions in relation to this. Where would this be displayed?

- 1 A. It's asked to be displayed in a prominent place in each of our churches, ideally in the foyer
2 of the church or another place where notices are normally kept, so a public place.
- 3 Q. So intended really to be related to the religious community as opposed to your associated
4 institutions like the Anglican Trust for Women and Children facilities?
- 5 A. That's right.
- 6 Q. When was this poster developed, do you think?
- 7 A. Several years ago now, but I'm sorry I couldn't tell you exactly what year.
- 8 Q. And so it refers there to the Anglican Church has a confidential procedure to handle
9 complaints, concerns and complaints about people in ministry?
- 10 A. Yes.
- 11 Q. What is that confidential procedure that's referred to there?
- 12 A. It's the opportunity to speak with somebody to discuss a concern that you have and then be
13 helped to make a decision as to what you would like done about that.
- 14 Q. So in that procedure where a person's making a choice about what they would like done in
15 relation to that, do you outline what the range of options available to them are, like do you
16 say "We've got this menu, what do you need from it?" Or is it that the person needs to
17 articulate perhaps what they might want and then you might need to think about whether
18 you can accommodate that?
- 19 A. I think it's perhaps both of those in a sense, that it's understanding what the nature of the
20 concern or complaint is, and then helping a person to understand some of the ways in which
21 we could deal with that, and then inquiring of them what it is that they feel they would like
22 us to do or they might need in order to help them to resolve the matter.
- 23 Q. So that confidential procedure is really a practise as opposed to a written document?
- 24 A. Yes. The procedure is around the opportunity to meet with somebody to discuss process
25 and options, the complaints process, of course, is the Title D process.
- 26 Q. And in terms of the language in the next text, would you like to read that out please, the
27 next paragraph?
- 28 A. "The Anglican bishops of New Zealand have stated clearly that all such complaints will be
29 taken seriously. Further they state that any form of harassment or abuse is unacceptable to
30 the church."
- 31 Q. In terms of the language, there's a distinction drawn there in the language, isn't there,
32 between harassment or abuse?
- 33 A. Yes.
- 34 Q. Can you explain what you think the person reading that poster should understand through

- 1 that distinction?
- 2 A. My understanding would be that harassment are behaviours that are unwelcome, they may
3 relate to verbal comments or they may relate to somebody initiating too much contact,
4 wanting to have too much personal information, things where a person is left feeling
5 uncomfortable about the nature of the relationship. Abuse is in the category where specific
6 things have taken place which are failures in the standards of ministry.
- 7 Q. Do you accept that the language of abuse is really in the small print on the poster?
- 8 A. Yes, the main word is "harassment", yes.
- 9 Q. Are these posters published in a variety of languages?
- 10 A. No, they're only in English.
- 11 Q. And displayed in church buildings but not necessarily social services facilities associated
12 with the church?
- 13 A. No, because the social service facilities would have their own processes for dealing with
14 those matters, they're not under our direct control.
- 15 Q. In thinking about the range of disabilities that a person might have, if this is your – I think
16 you've identified that this is the main proactive tool to encourage people to come forward?
- 17 A. Yes.
- 18 Q. Can you see any issue with certain disabilities might have with this being the means of
19 communication of that message?
- 20 A. Yes, reflecting on it now I can see that a person who is blind would obviously not be able to
21 read it. You've mentioned other languages, if language was a barrier they wouldn't be able
22 to understand it. Yes, I can accept there would be situations where this could make it
23 inaccessible to some people.
- 24 Q. Do you think that accessibility issue is something that you'll take away from our
25 conversation today and think about how this information can be made more accessible?
- 26 A. Yes, and reflecting on the conversation we had yesterday around our need to be more
27 proactive about how we attend to these matters, I think these things belong together.
- 28 Q. Might that reflection after our conversation include whether simply the large letters
29 "Harassment" is sufficient message in itself?
- 30 A. I thank you for drawing that to my attention, certainly gives me something to reflect on in
31 relation to what the poster is seeking to convey.
- 32 Q. I'm just going to ask you about the back – this is the public facing document, "Come to us
33 with your concerns, we've got a confidential procedure." In the engine room behind this,

- 1 what would happen if somebody rang this number?
- 2 A. They would speak to the diocesan manager who would have an initial conversation with
3 them to establish the nature of their complaint or concern and undertake to have a person
4 then be in touch with them to be able to discuss it in more detail. They would then bring
5 that –
- 6 Q. Can I just pause just to break that down. So the diocesan manager, what level of training
7 would they have in a trauma-informed response to somebody making a disclosure for the
8 first time?
- 9 A. I admit they've had no formal training in that matter.
- 10 Q. So they would be the general administrative person in the office, is that right?
- 11 A. A senior member of the staff to be a point of contact.
- 12 Q. So just to get back to – they receive the call, would they take notes or make a record?
13 What would happen in terms of process at that point?
- 14 A. Yes, they would take some notes and make a record of the phone conversation, and then
15 would, as soon as possible, discuss the matter with me, bring it to my attention as a
16 complaint that has arisen.
- 17 Q. And then in your bishop's role you would direct the response to that disclosure?
- 18 A. Yes.
- 19 Q. Is that diocesan manager simply able to take those calls 9 to 5? What happens if somebody
20 wants to ring at a different time?
- 21 A. That is a 9 to 5 number, yeah.
- 22 Q. So somebody ringing after that hour, so is that a DDI number that's in there?
- 23 A. Yes, it is, it would go directly to her voicemail.
- 24 Q. Because sometimes numbers like that can be linked through to somebody who can be
25 on-call 24/7, the phone number goes through to a – directly to a cellphone, doesn't it?
- 26 A. Yes. I think it's the case that the diocesan manager may well now have her DDI
27 permanently linked to her cellphone, but I'm not positive about that.
- 28 Q. And in terms of the number that's there, would that be somebody would normally dial an 09
29 prefix for that?
- 30 A. Yes.
- 31 Q. So are you confident that if you dialled that now that you would get the diocesan manager?
- 32 A. The DDI that's there, yes, that is her DDI.
- 33 Q. I just want to test that, because, would it surprise you to know that when we've dialled that

- 1 number it goes through to a number unobtainable?
- 2 A. That does surprise me, yes.
- 3 Q. Have you got your phone with you?
- 4 A. Sure.
- 5 Q. Would you like to pull it out and see happens with the 09 prefix?
- 6 A. Just have to switch it on again, I've had it off for the hearings.
- 7 Q. On speaker please.
- 8 A. "...please check the number and redial." Do you want me to play that again?
- 9 Q. Yes thanks, to get it on the transcript.
- 10 A. "The number you've dialled is not currently allocated to a phone. Please check the number
11 and redial."
- 12 Q. So it appears there's a technology issue in the background there too. We don't know how
13 long that's been the case do we?
- 14 A. No, and I can only express that I'm highly embarrassed by that.
- 15 Q. Well, as my grandmother says, no-one ever dies from embarrassment. But it is of concern
16 that somebody seeking to reach out might receive that as their initial response?
- 17 A. Indeed it is.
- 18 Q. The next point drawing on this poster that I wish to ask you about is the distinction you
19 draw in your evidence between complaints and claims?
- 20 A. Yes.
- 21 Q. And we've had some discussion about that already. You note yourself in your own
22 language in your evidence that the distinction between complaints and claims might be a
23 distinction without a difference?
- 24 A. Yes.
- 25 Q. Can you explain your thinking when you've articulated it in that way?
- 26 A. Yes, I understand that some people who seek to bring a matter by way of complaint to us
27 may also have an expectation that as a result there will be some form of tangible redress
28 that they're making a claim to seek to see something happen in response.
- 29 Q. So if somebody's coming through making a phone call through the process that's referred
30 here in the poster, would the diocesan manager and you be receiving that as a complaint or
31 a claim, or would you think of it as both?
- 32 A. I think I would think of it as both, it's almost a technical distinction I'm making in the
33 evidence that I presented, but in receiving a complaint, have in my mind an anticipation
34 that there would be some resolution for a person that would be by nature of a claim. In

1 other words, I anticipate that most people would expect something to happen as a result
2 beyond the decision about action against the clergy person.

3 **Q.** And I think you've expressed it as somebody comes in but in the back room the church has
4 got two mechanisms, the complaint process, the Title D process, and then the claims
5 process. I'm still struggling to see where there's anything more than an ad hoc claims
6 process. And by ad hoc I mean just responding on a case-by-case basis to somebody
7 coming forward with nothing developed around how you might be responding to that?

8 **A.** Yes, it's fair to express it that way. It has been worked out case-by-case with people rather
9 than on the basis of a policy document.

10 **Q.** On that case-by-case basis, how do you in your role and how – so I'm going to ask it in two
11 parts, you in your personal role as bishop and generally from your knowledge of the
12 church, how do you think the concept of a quality of outcome for similar experiences has
13 been accommodated through that ad hoc process?

14 **A.** I think that overall there has been a lack of consistency across the church. I'd like to think
15 there's been more consistency within the diocese, but that then depends on each bishop, so
16 each bishop would follow their own sense of what is the best or right thing to do, and
17 therefore act in a consistent way as an individual. But there's no question that one of the
18 issues that we have recognised we need to address across the church as a whole is
19 consistency of approach and response.

20 **Q.** And to achieve that consistency in response, would you think it's a kind of tool like a
21 matrix? I'm not sure whether you followed the evidence in the State redress hearing, did
22 you follow that evidence?

23 **A.** I'm sorry I didn't.

24 **Q.** And again, in the interests of time I won't take you to the documents, but there was
25 evidence given on behalf of the Ministry of Health, and they have a matrix approach to
26 when somebody's coming forward and looking for resolution outside of a court process,
27 they look at certain factors?

28 **A.** I'm aware of that and I've seen one piece of evidence that was discussing the health system,
29 the DHBs, the CHFA and so on where I saw one of those matrices.

30 **Q.** Is that the kind of tool that you think would be an appropriate tool to have in place to help
31 achieve that equality of outcome?

32 **A.** I think it would be and I think it would give both a lot more confidence to complainants and
33 survivors. I think it would also help the church enormously to understand where we should
34 be going, where we should be heading with somebody.

- 1 **Q.** What are some of the factors that you think would need to be calibrated in a matrix of that
2 type?
- 3 **A.** I think they'd be both about the level of seriousness of the abuse itself, but then also
4 alongside that the impact of the trauma on the person through succeeding years.
- 5 **Q.** So really a continuum of severity of abuse and impact?
- 6 **A.** [Nods].
- 7 **Q.** And what do you think would be a relevant process to determine that impact?
- 8 **A.** I would imagine it would need the expertise of people who were skilled in working in
9 trauma-related areas.
- 10 **Q.** And in terms of having a matrix like that to guide decision-making, do you think that that's
11 the kind of material that should be, in the interests of transparency, be available to anyone
12 coming forward with a disclosure of abuse?
- 13 **A.** Yes, I believe that would be a fair thing to do.
- 14 **Q.** And what other written material do you think would be good to give that person the first
15 time they came forward?
- 16 **A.** I think at best we should be providing them with any written policy that exists about
17 harassment and abuse in the church, we should be giving them a clear guide as to how any
18 process of complaints or redress would work in practice, and then the kind of things that
19 you were just talking about in relation to outcomes and redress and what tangible options
20 might there be, that kind of documentation would be really helpful for people, I can see
21 that.
- 22 **Q.** There can be a tension, can't there, if we go out there publicly and say well, if you've
23 suffered something that we categorise as level 5 seriousness of what actually happened to
24 you, and a level 5 being the most extreme seriousness of the impact it's had on your life,
25 and if you're in that category the compensation amount that we might be looking at would
26 be, a figure we know that's in the public domain from the Jacinda Thompson settlement
27 \$100K, putting that on a document, and making that publicly available, are there concerns
28 that you would have about making such information available to victims and survivors?
- 29 **A.** I think that we've lived too long out of those kind of concerns and I think we now need to
30 err completely on the other side of transparency. For too long we have sought to avoid our
31 responsibility in that way, and so I am at a point in my own thinking where I would rather
32 take the kind of risk that you identify than not.
- 33 **Q.** Thank you for that.
- 34 **MS ANDERSON:** I think, Madam Chair, that might be a suitable point to conclude. I think when

1 we come back I'll probably have maybe about another 25 to 30 minutes questioning before
2 we transition to the next witness.

3 **CHAIR:** Thank you. Time for a break, 15 minutes and we'll resume.

4 **Adjournment from 11.27 am to 11.48 am**

5 **CHAIR:** Yes Ms Anderson.

6 **MS ANDERSON:** Thank you Madam Chair.

7 **QUESTIONING BY MS ANDERSON CONTINUED:** Bishop Ross, turning to a different
8 topic, we're going to look at the experiences and the response to them in relation to
9 witnesses Mrs D and Maggie Wilkinson. Do you recall their evidence –

10 A. Yes, I do.

11 **Q.** – from last year? And just to orientate Commissioners and members of the public
12 watching, these were both young women who were in St Mary's Home for Unwed Mothers
13 at different intervals but experienced very similar levels of abuse, both – and I'll get you to
14 confirm whether you accept my summary in very high level terms, that there was physical,
15 psychological and sexual abuse occurred to them when they were in there, not sexual abuse
16 not in relation to both of them but certainly in relation to Mrs D?

17 A. Yes, that's – I would accept that as a summary of their evidence.

18 **Q.** So in terms of accepting that as a summary of their evidence, do you believe them?

19 A. Yes, I believe them.

20 **Q.** So you believe that happens. Before I go into, because it's important we just track through
21 what happened to somebody when they came forward with a claim, and although St Mary's
22 Home is under the umbrella of the Anglican Trust for Women and Children, you've
23 confirmed in your evidence that there's actually a close relationship between the Auckland
24 diocese and the Anglican Trust for Women and Children?

25 A. Yes.

26 **Q.** And that close relationship includes that any financial compensation is 50% paid by the
27 Auckland diocese?

28 A. Yes.

29 **Q.** I've got a query that you might be able to help me with. Does that mean that there's shared
30 decision-making over a response to somebody coming forward seeking financial
31 compensation?

32 A. Do you mean in relation to the quantum or just – if you could just explain your question
33 again please?

- 1 **Q.** Well, certainly in relation to the quantum. So when somebody comes forward, leaving
2 aside the two case studies that I'm going to be referring to, someone comes forward with a
3 disclosure of abuse to the Anglican Trust for Women and Children, you've indicated that
4 the trust itself carries out the investigation?
- 5 **A.** Yes.
- 6 **Q.** At the end of that investigation and when information is being gathered, is there then a
7 discussion between yourself as bishop and the Anglican Trust for Women and Children
8 about what the right response is in the circumstances?
- 9 **A.** Generally not, generally we are in the habit of relying on the Anglican Trust for Women
10 and Children to have done their work and to bring us a recommendation about the action.
- 11 **Q.** And in the recommendation for the action, in receiving that recommendation, are you the
12 decision-maker about what the outcome is?
- 13 **A.** No.
- 14 **Q.** Who is the decision-maker?
- 15 **A.** The trust themselves, and I'm not altogether sure where the responsibility lies, but the
16 trustees working with the CEO, I believe, come to a decision. I think they do have a
17 subcommittee for managing issues where there are complaints of abuse.
- 18 **Q.** But if your diocese has to put its hand into its pocket to contribute to a financial outcome,
19 that decision-making is not made outside the diocese, is it?
- 20 **A.** No, as I said we accept a recommendation from the ATWC and there is a standing
21 agreement that where they have acted to resolve those matters and they will involve some
22 financial settlement that we will meet half of the cost of that.
- 23 **Q.** So you get a recommendation and then there is a decision to accept that recommendation?
- 24 **A.** Yes, there is that decision, yes.
- 25 **Q.** And if there is a decision to accept that recommendation that the payment might be, just to
26 pick a figure out of the air, \$30,000, in deciding to accept that recommendation, the
27 Anglican diocese would be accepting that it's contributing 50% of that payment?
- 28 **A.** Yes.
- 29 **CHAIR:** Can I just ask, does the recommendation include the monetary figure? So it says we find
30 that this is a valid claim and we recommend that \$30,000, for example, is paid and that's
31 accepted without question, is that right?
- 32 **A.** That's been the kaupapa in recent times, yes.
- 33 **Q.** Thank you.
- 34 **QUESTIONING BY MS ANDERSON CONTINUED:** How far back does that recent times

1 stretch?

2 A. I think it would be over the last – well, perhaps I should say first of all, the 50/50
3 arrangement has been in place since before I became the bishop, but it's probably been the
4 last five years that there's been a shift in thinking and response that's been more open to and
5 proactively seeking out the opportunity to make financial redress to people.

6 Q. You referred yesterday to the Anglican Trust for Women and Children going through a
7 process to look back at people who had come forward and perhaps not received an adequate
8 response?

9 A. Yes.

10 Q. And to then perhaps be suggesting alternative responses to them, is that right?

11 A. That's right, yeah, where matters were not reasonably resolved and where the trust has felt
12 that some element of redress of some form, perhaps financial compensation, should have
13 been offered and wasn't, those have been revisited and the ATWC has had a person now
14 working – a trained person working on that.

15 Q. So is that an activity that's still in train, not yet concluded?

16 A. That's right, they're still working on those matters.

17 Q. Do you have a sense of how long that work programme might take?

18 A. No, I'm sorry you'd have to ask the ATWC that.

19 Q. I just wondered whether it would be affecting your future forecasting of budgeting?

20 A. We're given some idea of the number of cases that may need to be resolved in that way, so
21 that's given us some sense of provision we would need to make.

22 Q. In terms of the evidence of Mrs D, one of the aspects that she talked about was the
23 experience of hearing another person in child birth in agony and then being transferred to
24 hospital and with the inference, I think the confirmation that that person did not survive
25 delivery of their child. Do you accept that that's a very traumatic experience –

26 A. Extremely.

27 Q. – to have had to listen to?

28 A. Yes, it's frighteningly so.

29 Q. And if you were thinking of that in a severity of what happened, reflecting back to our
30 matrix, if you had a 1 to 5 scale in a matrix, where do you think you would put an
31 experience like that?

32 A. Recognising that I'm not trained or experienced greatly in those matters, I would
33 nevertheless imagine it would be at the upper end of such a scale.

1 **Q.** Just a side question that arises from that answer. So given that you're not trained, when
2 you've been making settlement offers to people, what's been your touchstone or guide for
3 deciding what figure to offer?

4 **A.** In relation to these ATWC matters or any matter?

5 **Q.** No, generally.

6 **A.** Generally, well, the few times that I have been part of those, they've been negotiated with
7 the person themselves, because we haven't had such a matrix to determine what an
8 appropriate offer should be.

9 **Q.** But I'm talking about if you've got somebody coming to you saying "this happened to me"
10 and you've decided well, yes, compensation does seem appropriate in the circumstances,
11 what guides you as to how much to offer?

12 **A.** Where I've been part of compensation being provided it's been in relation to the ATWC
13 matters.

14 **CHAIR:** Are they the only matters of compensation that you've dealt with?

15 **A.** In the time that I've been bishop.

16 **Q.** In the time that you've been bishop?

17 **A.** Yes.

18 **Q.** Thank you.

19 **QUESTIONING BY MS ANDERSON CONTINUED:** I'm going to take you to the apology
20 letter that you sent to Mrs D in December 2012. I think this document was in evidence in
21 the earlier hearing. I'll just call out paragraph 2. So in the preamble in the preceding
22 paragraph you've acknowledged the courage it's taken to come forward and to bring the
23 concerns to the diocese and to yourself personally and that you've received the expression
24 of the considerable pain that she's experienced and the impact of those events on her life as
25 a whole. Do you want to read out the apology you've offered here?

26 **A.** "I wish to reiterate some of the things which I said to you at our meeting, especially by way
27 of apologising to you for what you have experienced. I very much regret and apologise for
28 the decisions that were made on your behalf by the staff at St Mary's in arranging for the
29 adoption of your daughter without your permission. This should not have happened".

30 **Q.** Can we just pull out the following paragraph.

31 **A.** "I apologise for the lack of care shown in placing your daughter with a family that was not
32 appropriate and who ultimately treated your daughter badly. Along with you, I am grateful
33 for the compassion shown by the second family who contacted you and allowed you to
34 regain the parenting of your daughter."

- 1 **Q.** That's a reference there, isn't it, to the experience of, even though Mrs D didn't intend that
2 the child would be put up for adoption, it did go through that process and then she had the
3 trauma of learning that that child had been significantly harmed –
- 4 **A.** Yes.
- 5 **Q.** – by the family that it had been placed with?
- 6 **A.** Yes.
- 7 **Q.** And you go on to make other comments of what you're sorry for in this letter. My question
8 for you is when we talked at the beginning about the importance of a fulsome apology, is
9 what you've done in this letter – and we're happy to put more of it up on the screen if you'd
10 like to read through it all, take a moment to do that, is just to –
- 11 **CHAIR:** Would you like that opportunity, Bishop, just to see the whole letter?
- 12 **A.** Yes, I did re-read it yesterday, but yes, I'm happy to have it in front of me so I can refer to it
13 thank you.
- 14 **Q.** Would you mind just bringing up the whole of that and enlarging it so we can see the letter
15 in total if that's possible technically. Thank you.
- 16 **A.** Then there is a second page I believe.
- 17 **QUESTIONING BY MS ANDERSON CONTINUED:** If you're ready we can move over to
18 page 2.
- 19 **A.** Sure.
- 20 **Q.** We'll just pull up the two paragraphs on page 2. So that ends, doesn't it, with the
21 expression of the sincere apology and an offer of "If there are further matters you'd like to
22 discuss or raise with me I hope you'll feel able to make contact"?
- 23 **A.** Yes.
- 24 **Q.** So a first question in relation to the letter is now looking at it, does that fit, do you think,
25 what you identified as a need for a survivor to receive a fulsome apology?
- 26 **A.** I'll say that I did my best at the time to offer such an apology to try and reflect to the person
27 the things that I had heard that they were the sources of the harm that had been caused them
28 and to apologise for them.
- 29 **Q.** At the end of that letter where you're suggesting that if there are further matters that could
30 be discussed or raised with you, what were you contemplating at that time?
- 31 **A.** I was contemplating the fact that an apology may not be enough. My memory is it's what
32 the complainant came seeking in the first instance, the opportunity for me to hear her
33 experiences and for me to apologise on behalf of the church. But I did accept that the

- 1 complainant might have further matters that could be an expectation of us.
- 2 **Q.** So it is an invitation to come forward and ask for something perhaps a bit more tangible,
3 whether monetary or otherwise?
- 4 **A.** Yes.
- 5 **Q.** But we know what happened, don't we, that when she did come forward seeking something
6 more, nothing was forthcoming was it?
- 7 **A.** No, we failed her.
- 8 **Q.** If you were looking at making a decision today in relation to Mrs D, I don't want to get too
9 much into the details, but using her as an example, you say you failed her. My question is,
10 for other people coming forward, what steps might you be taking to make sure that you
11 don't fail similar people in similar circumstances?
- 12 **A.** If I think of my own actions in relation to this one as an example, I think my failure was to
13 pass it to someone else and then not do any follow-up myself to ensure that real action had
14 taken place. So I referred it through to our diocesan manager and on to the ATWC where
15 unfortunately it got caught in a lack of action and some of those arguments about limitation
16 and so on that were other legal framework in which things were being handled more then.
- 17 **Q.** Yeah, because there was a long period of delay, wasn't there?
- 18 **A.** Yes, there was.
- 19 **Q.** Because it took Mrs D a period to come back, she came back following your apology?
- 20 **A.** It was a year later when she returned to me, yes.
- 21 **Q.** And then following that you referred it to the Anglican Trust for Women and Children and
22 then a year later Mrs D had to also follow-up on getting a response?
- 23 **A.** [Nods].
- 24 **Q.** We're just going to look now at the response that she received which is document
25 ANG0004476. It will arrive shortly. So we can see that this is Hesketh Henry, the lawyers
26 who acted regularly for the diocese and the trust, weren't they?
- 27 **A.** Yes, that's right.
- 28 **Q.** And the date of the letter is 19 May 2015. I'm just going to call up, this is the response to
29 the request for financial compensation, and you recall, don't you, that Mrs D wasn't legally
30 represented?
- 31 **A.** No, she wasn't.
- 32 **Q.** So it identifies you have asked for financial compensation from the trust for your
33 experiences at St Mary's Home and afterwards. "The focus of the trust is on the current
34 needs of at-risk families and the trustees have a responsibility to use the trust's resources

1 best to meet those needs."

2 Do you think that that's an appropriate focus of the use of that language which
3 really says, "We're focusing on other people in terms of what we're doing, we're not going
4 to use any of the trust funds in terms of repairing harm"?

5 A. It's an attitude that existed and that I do not believe is the right one, at the time it's sadly the
6 approach that was taken and there has been a shift in thinking and approach by the trust
7 away from that to recognise in fact that there's a responsibility not only to the people who
8 are their clients now but to people who were in their care in the past and who were not
9 cared for appropriately. So there's been a shift of thinking in these past years.

10 Q. And we see in the next paragraph, don't we, that they identify themselves as the trust's legal
11 advisors?

12 A. Yes.

13 Q. But am I right and do you agree that they're often represented in other correspondence as
14 being advisors to both the diocese and the trust?

15 A. Yes, they have represented both of us.

16 Q. So would the instructions for this letter have come from a combination of the diocese and
17 the trust, or would it have been the trust only?

18 A. It was advice driven by the trust's approach, but I won't deny that we have a responsibility
19 alongside it for, either passively or actively, supporting that advice at the time.

20 Q. But you may or may not recall whether you actually gave instructions and approval to this
21 letter?

22 A. No, I can't, but I'm not resiling from, nevertheless, a responsibility to the letter.

23 Q. So we see the reference to "You may wish to get your own lawyer", but a comment in the
24 last paragraph, "The trust is very willing to continue a process of reconciliation and healing
25 and is willing to discuss options with you or your lawyer to assist that process." So you'll
26 recall we spent quite a bit of time on that language in our conversation yesterday?

27 A. Yes.

28 Q. What do you think might be – are you able to – you may not be able to answer if it's not a
29 letter you've given instructions in relation to, but that reference to reconciliation and
30 healing, what do you think might be being offered there?

31 A. I can't say for certain, I imagine it was perhaps an invitation to further compensation and it's
32 followed up by a sentence around – a conversation sorry, further conversation is followed
33 up by a sentence around counselling, so it may – those two things perhaps are connected.

1 But my comment would be, and I believe the trust would agree with this now as well, that
2 it's just not an appropriate approach to take, and from a survivor's point of view, to deny
3 any opportunity for tangible redress and then talk about reconciliation and healing is quite a
4 juxtaposition of views.

5 **Q.** Putting on your bishop leadership hat, the role that you occupy, what scope do you see for
6 you as a leader in the Auckland region to influence the nature and tone and response to
7 claimants in these other organisations, because in this context, of course, there is this
8 relationship with ATWC, but there are other related institutions that you don't have that
9 financial arrangement with, so –

10 **A.** No, that's right.

11 **Q.** – just speaking to what opportunity do you see as a leader to influence those institutions'
12 responses to people coming forward?

13 **A.** I think it's about that general thing that I made reference to earlier on in my evidence, that I
14 think the leader of any organisation and its governing body together have a responsibility to
15 set the tone and the culture for the organisation to establish what the expectations are, the
16 way in which we aspire for things to be and to be done. And so, I accept that as the bishop,
17 I should take a lead in that regard. And I'll acknowledge in relation to this matter it's an
18 example of where we together, and I at times myself, have been slow to be able to do that
19 and bring about effective change, the kind of approach that would be an appropriate
20 approach to people.

21 **Q.** So in terms of the commitment that you've expressed in your second witness statement, do
22 you think that that encompasses what you've just been talking about, about stepping up and
23 leading in that way?

24 **A.** Yes, seeking to do so more effectively, I won't pretend even now to be doing that perfectly,
25 but sometimes within the church we talk about repentance being the idea of turning around
26 and facing in a different direction and I think that's the kind of journey that we're on, we're
27 seeking to turn around and look at things in a different way, take ourselves in a different
28 direction in these matters. But I acknowledge too it's a journey that we're on and we won't
29 pretend to be anywhere near doing it perfectly yet.

30 **Q.** Just in the interests of time, I'm going to talk with you very briefly about Maggie Wilkinson
31 then I've just got some final concluding comments for you before the Commissioners have
32 an opportunity to question you. So knowing that Maggie will be listening and watching
33 this, apologies Maggie if I don't go through this in the detail that I might otherwise have

1 done with more time available.

2 **CHAIR:** I know that time is an issue, do watch your speed both of you please.

3 A. Thank you.

4 **QUESTIONING BY MS ANDERSON CONTINUED:** We know, don't we, that Maggie had a
5 very terrible experience at St Mary's Home and that she considers that her daughter was
6 effectively abducted from her and that she had inappropriate medical examinations, she
7 received drugs that were administered without her consent and she had long-term physical
8 injuries from substantive medical attention.

9 A. Yes, that's in her evidence, yes.

10 **Q.** And again, I'm understanding you to believe that that's what happened to her?

11 A. I accept her evidence, I have no reason not to. Can I just add as a preface to all of this that
12 I've not been directly involved in the Maggie Wilkinson case, I'll do my best to make
13 comments as you ask me the questions about them.

14 **Q.** The history is she did receive an apology in the 1990s from Bishop Gilbert at the time, but
15 she's a person who came forward initially through legal representation, so she had
16 representation by Cooper Legal for a period, trying to get a financial settlement. All that
17 she received was the apology and funding for six counselling sessions. She had paid over
18 \$10,000 for her legal services. I'm asking you to assume that that's correct?

19 A. Yes.

20 **Q.** Because that's her evidence. And then when she couldn't afford any longer to have legal
21 representation she continued representation herself?

22 A. Yes, that's as I understand it from her evidence, yes.

23 **Q.** And she's a person who very much wanted access to her personal records from the time to
24 find out what drugs she'd been given and other information, and we know, don't we, that
25 none of that information was available to her?

26 A. No.

27 **Q.** So Cooper Legal was communicating with Hesketh Henry, Cooper Legal was suggesting
28 that \$30,000 would be a reasonable settlement?

29 A. Yes.

30 **Q.** You accept that's the content of the letters?

31 A. Yes.

32 **Q.** Assuming that's –

33 A. Yes.

- 1 **Q.** – correct for the moment? We're going to look at the Hesketh Henry letter – sorry, before
2 I go there I'm going to the 1 March 2016 Hesketh Henry letter, ANG0004545. Thank you.
3 If we could call out the third large paragraph, actually include the fourth. So we see here
4 that there's a reference to the objects of the trust of which they're responsible and the needs
5 of present and future beneficiaries. So it's a continuing theme –
- 6 **A.** Yes.
- 7 **Q.** – passed through the communication, isn't it?
- 8 **A.** Yes, it is.
- 9 **Q.** And over on the second page the third to last paragraph is that the trust and the diocese do
10 not believe that a payment of compensation is an appropriate response but they remain
11 willing to engage in a process that may lead to reconciliation. So again, pretty much a door
12 closed to the idea of any financial compensation?
- 13 **A.** Yes, it was.
- 14 **Q.** And some reference to this concept of reconciliation?
- 15 **A.** [Nods].
- 16 **Q.** I'm going to call up document ANG0004556. Just calling up the bottom – I'll just give you
17 a moment to read that.
- 18 **A.** Yes, thank you.
- 19 **Q.** This is an e-mail directly from Maggie to you where she's advising that she can no longer
20 afford, for financial reasons, to have Cooper Legal represent her and indicating that she was
21 devastated by the response that she got from the Hesketh Henry letter and asking again for
22 a further response?
- 23 **A.** I do note it's a letter to Hesketh Henry with me copied in rather than directly to me, it's
24 addressed to the lawyer.
- 25 **Q.** Yes, so that's to Christina Bryant at Hesketh Henry and cc'd to you?
- 26 **A.** Yes.
- 27 **Q.** And at the bottom of that what she's saying is "I do hope for some humanity". Above that
28 we can see a short e-mail where Maggie has forwarded this to Lambeth Palace in the UK.
29 So that's the Church of England, I've forgotten the title, the Archbishop of Canterbury, isn't
30 it?
- 31 **A.** Yes.
- 32 **Q.** So she's shared that, "I am writing in the expectation that I will receive a response." Then if
33 we go to, just navigating to an e-mail that you've sent to the UK?

- 1 A. No, it's an e-mail sent to the General Secretary of our church, Michael Hughes.
- 2 Q. Sorry, who will be responding to the UK, yes.
- 3 A. Yes.
- 4 Q. Thank you for that clarification. So we see dated 25 May you've copied it to Philip
5 Richardson, Kevin Brewer and Christina Bryant. And there you're expressing the view,
6 aren't you, that this has been worked through very carefully and the solicitors have also
7 been involved, the diocesan solicitors, so that's Hesketh Henry, isn't it?
- 8 A. That's right, yeah.
- 9 Q. And you can see in that second to last paragraph your conclusion is, "It is not a case that we
10 consider that a financial settlement is appropriate."
- 11 A. [Nods].
- 12 Q. So just to confirm, that's a view you held in 2016?
- 13 A. That was the view that had been taken at that time and, as we've noted, it was taken in
14 relation to quite a number of cases, a reliance on legal advice as to whether there was any
15 legal liability for compensation.
- 16 Q. And if you were sending that communication today, what do you think you might be
17 saying?
- 18 A. I think now I'd express, personally express the view that both the diocese and the trust are
19 taking a different view to those matters. I can't comment directly on the current standing of
20 Maggie Wilkinson's case because, as I said, it's not one I'd been directly involved with, I've
21 been on the fringe of it where aspects like this had been brought to my attention. But that I
22 have some confidence that the trust itself would want to engage in a more positive and
23 conciliatory way than this represents.
- 24 Q. Thank you. So that concludes my questions in relation to those experiences that were in
25 evidence before the hearing. The last questions I have for you are brief and relate to the
26 three themes that I outlined in my opening address that have come through the evidence of
27 the survivors in the hearing last year and they were grouped up. I'm just going to ask you
28 questions, not about all of them because we don't have that much time, but now that we've
29 gone through and concluding this conversation, where you think, you know, you want to
30 leave the Commission with your understanding in relation to how effective the Church's
31 response has been in meeting the needs of survivors indicated.

32 So the first theme that I addressed that had come through was the need for a
33 trauma-informed engagement and support and responses to disclosure of abuse. Sitting
34 here now, what would you like to say about the adequacy of meeting that need that you've

1 experienced in your ten years as a bishop?

2 A. I would say that we have largely not taken account of survivor experience and need, nor the
3 aspect of the trauma that has been woven through their life since the particular incident that
4 might be the subject of the complaint and that that is a big area where we need to develop
5 our understanding and work much better on our policies and responses.

6 Q. And in relation to that initial risk assessment and reporting, what we heard is people want
7 to know with certainty about what the process is and what choices they can make?

8 A. Yes, there's a lot more documentation that I think we should provide so that people not only
9 have things explained to them in some way, but there's a consistency of information that's
10 made available for somebody to take away and have available as a reference point for them.

11 Q. And do you agree that in making available first you have to develop the resources?

12 A. Yes.

13 Q. And I think you'll agree that it's really important that there's a survivor input in the
14 development of those resources and that the church will need to be looking at how does it
15 bring that into its processes?

16 A. Yes, indeed. I understand that part of the work of the Ministry Standards Commission will
17 be about developing some of those kind of materials so that they're not only available, say,
18 in the Diocese of Auckland, maybe work that we had done, but they are available as a
19 consistent resource across the church.

20 Q. And one of the other matters I outlined is a theme that had come through is they really
21 wanted to know how their experience was going to be investigated and assessed. Have you
22 got an observation you now wish to leave with your comment for the Inquiry about the
23 adequacy of responding to that need?

24 A. Yes, I think it would relate to my previous answer where I think both consistency of
25 response, clear documented policies that are available to people, so that they can
26 understand what it is that the church will do and can offer, I think that will be critical for
27 people to be able to participate in our processes with more confidence than they have been
28 able to.

29 Q. Thank you Bishop Ross. Those are my questions. The Commissioners may well have
30 some questions for you.

31 **COMMISSIONER ERUETI:** Tēnā koe Bishop Ross, kia ora anō. I've just got some brief
32 questions and it seems clear that in terms of the constitutional arrangements of the Anglican
33 Church that the Treaty has a prominent role and there's been thinking in the early 80s about
34 the fundamental structure constitutionally of the three primates.

- 1 The sense also, and we discussed this yesterday with the Salvation Army, is that
2 when it comes to Title D and these redress processes that somehow these values and
3 directions don't factor into the development and design of the processes, or actually how
4 they operate also.
- 5 A. I think that's a fair observation that we – perhaps it's been one of those aspirational things,
6 but when it comes to actually the process of design and weaving those kind of ideals into
7 our documents I think we've struggled to understand how to do that.
- 8 Q. But perhaps, we can raise this question with Bishop Tamihere, in that jurisdiction I would
9 assume that there would be a different approach?
- 10 A. There would be – the Title D processes have always provided for the application of
11 appropriate tikanga to the way in which the procedures will be implemented. So I guess in
12 that sense the provision is there but in a very latent way in terms of what's written. I would
13 imagine that within a Tikanga Māori setting then they would be very much to the fore in
14 the way that a process was heard and managed.
- 15 Q. Yes.
- 16 A. I think what I was trying to give expression to before that within a Pākehā setting we've
17 struggled to understand how to weave those things.
- 18 Q. Yes, and I can explore those issues with Bishop Tamihere later. But just to be clear in the
19 design of Title D, from 2000 onwards, there was no input from Māori or survivors or
20 Pasefika into the design of that process?
- 21 A. There was input from Māori and Pasifika, there was a Three Tikanga Working Group that
22 established a new title deed. I don't believe there was any input from survivors, however
23 I could be wrong about that, I wasn't involved with that, the detail of the work.
- 24 Q. That Three Tikanga Working Group follows from the three tikanga primates, is that right,
25 so contribution from within the church?
- 26 A. Ae.
- 27 Q. Great. So you can really only speak for your diocese, but with the development of your
28 redress processes, is it safe to say there was no input there and you say it's kind of
29 case-by-case, it's developing as it goes and not reduced to writing, no input there by either
30 Māori, Pasefika or survivors?
- 31 A. That's correct.
- 32 Q. The other quick question I had, I was puzzled. I understand in a way how you talked about
33 the monoculturalism that's fostered by the separation into the three primates. But at the

1 same time with Auckland being so multicultural and such a large Māori population and
2 Pasefika as part of your congregation, yet there's still this monocultural approach
3 towards resolving abuse.

4 A. I think what I was trying to give expression to and perhaps didn't do well is that I was
5 trying to talk about our lived experience and then out of our lived experience how we bring
6 things into our policies. In many of our local churches there will be considerable amount of
7 multiculturalism. In terms of Tikanga Rua, our lived experience is that mostly now Māori
8 worship within Tikanga Māori. And I think one of the challenges the church has been
9 trying to face these past 30 years is how, while allowing for autonomy and
10 self-determination by tikanga, in terms of their life and mission, how do we also manage to
11 continue to weave the three together in our lived experience beyond the constitutional
12 structures that are detailed. And I think that then flows into a lot of the issues like these
13 policy things.

14 Q. Fascinating, thank you for your evidence, I really appreciate your directness.

15 A. Kia ora.

16 Q. Kia ora.

17 **COMMISSIONER STEENSON:** I don't have any questions, tēnā koe.

18 **COMMISSIONER ALOFIVAE:** Thank you Bishop Ross. Just, if I can just pick up the point
19 that Commissioner Erueti was raising around the population make-up in your different
20 congregations. So in your diocese do you have some figures around the percentages of
21 Māori, Pacific, other, there might be Asians?

22 A. I'm sure there would be some, I'm sorry I don't have them to hand, I'm not able to call them
23 out, but I'm sure there would be.

24 Q. Do you have a sense, though, of the predominant population?

25 A. In our congregations? Predominantly Pākehā.

26 Q. Older Pākehā?

27 A. Ae.

28 Q. So a bit of a problem retaining the younger ones?

29 A. Ae.

30 Q. Like many mainstream denominations. Thank you for explaining very carefully and clearly
31 the Title D process, I don't have questions around that. But I do want to ask some questions
32 that Ms Anderson asked right at the beginning around leadership. So given the emphasis
33 on abuse and the redress process, as the Bishop of Auckland, do you consider that this is
34 something that perhaps your congregations should have a view on or be able to express a

- 1 view on?
- 2 A. They're able to, through our Synodical process, which is our annual parliament, if you like,
3 for the diocese, where each parish sends their clergy into lay representatives of the parish to
4 consult together over matters of policy and the rules that govern the church, and these
5 matters over the years have been discussed in those fora.
- 6 Q. That's really for those who are actively interested in discussing matters. So big topics
7 might be land and finances, but then when we get to social theology like the matter we're
8 specifically covering in our hearing, redress and abuse, would it be fair to assume that that
9 takes a lower level, given it's not a topic that's comfortable to always socialise?
- 10 A. All I do know is that over the years some of the policies and information during the years
11 where there was developing awareness of issues of harassment and abuse were brought to
12 the Synod and that those documents were discussed, some of which are in our – I think
13 they're all in our evidence, where we were trying to establish definitions, understandings,
14 policy, those were matters that the Synod discussed.
- 15 Q. So it's not a point of criticism, but often the prevailing view always rules, so if there was
16 more who didn't want to talk about it it falls off the menu, if there are those really actively
17 pursuing it it would rise to the top. So given your leadership role and how influential you
18 would be, is this an issue you think would be worth taking up?
- 19 A. Yes, I think it's one worth us picking up. Perhaps I could also just say, though, that
20 I referred to the professional boundaries training that we use, I particularly spoke about that
21 with clergy. But that we also undertake that with lay people who are in those sort of
22 positions of care and that at times we've run those for groups within parishes, so rather than
23 just come to the seminar, we've gone to the parishes. So I think that helps raise awareness.
- 24 Q. But there might be a more easier way, like in Sunday sermons to raise it. So would I be
25 right to assume there would be a common calendar that the Anglican Church would use?
- 26 A. Yes, there is.
- 27 Q. So every Sunday doesn't matter where you are in the motu, each Anglican Church would be
28 more or less receiving the same message?
- 29 A. Ae, they'd be reading the same readings from scriptures but then the message is locally
30 determined.
- 31 Q. Of course.
- 32 A. Not personalised, so it's not quite that prescriptive, if you like.
- 33 Q. But certainly there are ways actually within your processes right now that you could utilise
34 more effectively perhaps?

- 1 A. I'm sure there would be.
- 2 **Q.** In actually raising the issue so that change is driven from within the congregations rising
3 up.
- 4 A. Ae. I'm sure there would be communication mechanisms that we could use to influence in
5 that way, yes you're correct.
- 6 **Q.** But it requires the courage and the leadership that was in the opening document that
7 bishops on ordination commit to.
- 8 A. Yes, it does. One of the other things, if I may say, that is in the ordination document for a
9 bishop is to say that as bishops we are expected to be able to speak about matters, whether
10 or not we are able to do so. And I think that says something about the reality check that
11 there are considerable matters before bishops that sometimes can seem overwhelming in the
12 demands of them. I'm not minimising the importance of this one, but I recognise that in
13 that leadership role that on the ground it can be challenging sometimes to get the priorities
14 right.
- 15 **Q.** And just one more question, just around the language that's used. So in the letters we see
16 the phrase "reconciliation" a lot. So we know that there's a secular meaning to the word but
17 then there's also obviously the spiritual premise in which you'd use it in a church context.
18 And it's always associated to counselling or there's a link back to counselling and perhaps
19 some other wrap-around services that the church or ATWC might be able to offer. I just
20 want to test with you, was that the intended use of that word "reconciliation"? So it's a big
21 concept obviously within the church itself, but in a secular application it can mean
22 something quite different?
- 23 A. I don't know in practice how different it would be, because I think at its best it would be
24 about a process that allows, say, two parties to put their point of view to grow in their
25 understanding of one another, to offer apology where hurt has been done, I'm talking very
26 general ways now about the idea of reconciliation, come and try and reach a point where
27 there may not be agreement, but where people can grow in their understanding and respect
28 and, if you like, reconcile in that sense.
- 29 **Q.** Because one of the – perhaps one of the biggest impacts that we've heard from our
30 faith-based survivors is the spiritual distress that the abuse has caused and what that costs
31 them in terms of a life course approach.
- 32 A. Yes.
- 33 **Q.** So you can't put a value on that.
- 34 A. No, it's impossible to and I've been very conscious in some of the witness statements I have

1 read and heard about the church that they had looked to for their spiritual nurture and
2 well-being that had taken that from them, and that loss of trust and confidence in the church
3 then presents a huge barrier for people to be able to recover, I think, easily in any sense of
4 spiritual well-being where the organisation they looked to for it had denied it to them for
5 abused it. I think that's a huge issue.

6 **Q.** That might be another tenet that you might look at in terms of the matrix.

7 **A.** It's been on my mind as to not only that, but also how do we attend to that matter as the
8 organisation responsible for it in some cases where that's been part of people's experience.

9 **Q.** Thank you, Bishop, no further questions from me.

10 **CHAIR:** Bishop Ross, I just want to raise one issue. You've used the word "overwhelming" and
11 I sense your deep sense of being overwhelmed by this issue. Would I be right in that?

12 **A.** Ae, yes Commissioner, yes, it is overwhelming.

13 **Q.** And you're not the only one, I think we've seen that through the State and through other
14 faith-based institutions. The response to the tension which you referred to in your brief of
15 evidence paragraph 75, the tension is that the relationship between bishops and clergy can
16 make it difficult for bishops to make objective decisions. That's a big tension. The
17 response to that has been to have a new process which you describe as being objective,
18 putting the matters into a more objective form. But that form still lies within the compass
19 of the Anglican Church, doesn't it?

20 **A.** Yes.

21 **Q.** What I want to raise with you is something that will be of no surprise, that is that, of course,
22 the Royal Commission is looking to hear and understand the very powerful calls for a
23 complete independent system. Have you given any thought to that to how the Anglican
24 Church – you may not personally be able to speak on behalf of the church and I will respect
25 that if you can't. Have you personally given any thought to whether that would be
26 something that you would accept could happen?

27 **A.** Yes, I can't speak for the church as a whole, but I can speak for myself and I will. And that
28 is that I personally would be quite open to such a possibility. Obviously, it would need to
29 be something we'd have to work on in a very collaborative way with survivors listening
30 very carefully to them and what they would need from something like that, and then
31 obviously make our decision about whether we could buy into it. I would hope that we
32 could, however.

33 **Q.** Yes, that would depend on the way it was established and the form it took.

34 **A.** Yes, one can't make a commitment to an idea and say we'll sign up to it, but I think to the

1 concept we'd be very open, well, I personally would be very open to that and I think it's –
2 I appreciate you saying more objective in relation to the new process.

3 **Q.** Yes.

4 **A.** Because I think it is more objective, but of course it's not totally objective, because it is still
5 an internal mechanism.

6 **Q.** That's right, and possibly, the phrase that's been coming to me is the phrase from the Bible,
7 take this cup from me.

8 **A.** This is a cup I'm glad to have taken from me, I think there was some reluctance. Well, not
9 only in the sense of just that will be easier, actually not about that at all. I think bishops for
10 a while struggle with the idea of, you know, understanding our responsibilities as the
11 person who gives the licence and then having aspects of that removed from us.

12 **Q.** That's right.

13 **A.** I think we've all come to realise actually it's just a simply very necessary thing if our
14 processes are to gain any sense of real credibility.

15 **Q.** Which brings us back to the tensions that you so rightly referred to in your brief evidence.

16 **A.** It helps to mitigate that tension, I know it doesn't totally solve it, but it's mitigated and I am
17 now much happier with an appropriately trained person with a good body of advice then
18 instructing a bishop as to what must happen.

19 **Q.** Thank you very much and thank you for being here, putting yourself under fire and –

20 **A.** It's important.

21 **Q.** – for responding so genuinely, we real appreciate that.

22 **A.** Kia ora.

23 **Q.** You are now liberated.

24 **A.** Thank you.

25 **CHAIR:** Ms Anderson, Mr Johnson is going to lead the next witness, I understand, would you
26 like to start now or would you like to take an earlier adjournment?

27 **MR JOHNSON:** Entirely in the Commission's hand on that, we'll only have 15 minutes, it might
28 make sense to adjourn now.

29 **CHAIR:** I think it makes some sense. Ms Anderson do you wish to comment on that?

30 **MS ANDERSON:** That seems entirely sensible.

31 **CHAIR:** In that case we will back at 2 o'clock.

32 **Luncheon adjournment from 12.45 pm to 2.02 pm**

33 **CHAIR:** Good afternoon Mr Johnson and welcome to the Tribunal, it's your first appearance I

1 believe.

2 **MR JOHNSON:** Yes, it is, thank you Madam Chair.

3 **CHAIR:** Thank you. And good afternoon to you Bishop, it's Bishop Peter?

4 A. Yes.

5 **Q.** I'll just ask you to take the affirmation.

6 **BISHOP PETER CARRELL (Affirmed)**

7 **QUESTIONING BY MR JOHNSON:** Bishop Peter, you have prepared two witness statements
8 for the Commission.

9 A. [Nods].

10 **Q.** And they should both be in front of you or copies thereof. If I can take you to your second
11 statement please, so the second statement where you have addressed some individual cases.
12 If I can take you forward in that to paragraph 19 of the second statement, and if you would
13 like to read please paragraphs 19 to 23.

14 A. "In the evidence of Ms Jacinda Thompson she references at paragraph 179 an e-mail that
15 I sent to Bishop Eaton on 12 April 2005. Ms Thompson is correct in saying that at that
16 time I did not have the full details of her complaint against Mr van Wijk.

17 **Individual Restriction Order**

18 **Individual Restriction Order**

19 Later it became obvious that
20 this was not true and did not reflect the actual situation that gave rise to Ms Thompson's
21 complaint.

22 I regret naively accepting what I was told and not asking further questions before
23 commenting. I apologise if this e-mail has caused Ms Thompson any additional pain and
24 suffering.

25 Ms Thompson also mentions that I was providing Mr van Wijk with pastoral care
26 and that was a conflict of interest. I acknowledge the perception of a conflict. I had a
27 pastoral responsibility for Mr van Wijk and other curates in training along with another
28 ministry trainer, the curates' training vicar and other local colleagues in the college that the
29 curates are placed in.

30 The new Title D process avoids any real or perceived issues of conflict and should
31 provide a survivor more confidence in the process."

32 **Q.** If I could take you forward in that statement to paragraph 32 please, which is a response to
33 Ms M followed by an apology. I might have you read please paragraphs 32 to 36.

34 A. In my response to Ms M, "I was greatly saddened to hear of Ms M's experiences in homes
she was placed in. I want to acknowledge her courage in giving evidence and also in

1 surviving the abuse she suffered. I wish to apologise unreservedly for the placement that
2 resulted in her abuse, and for the failure to follow-up on the placement.

3 I also want to apologise for the unacceptable experience Ms M had when she
4 contacted the Anglican Church in 2010 and received no response. This is not how the
5 church should treat survivors of abuse."

6 **Q.** Thank you, I'll stop you there and move you forward to paragraph 35.

7 **A.** More general apology. "I apologise on behalf of the Diocese of Christchurch to all
8 survivors of abuse. It is unacceptable that you have suffered abuse while in the care of the
9 diocese. It is also unacceptable that the diocese has not always responded appropriately or
10 fairly when you have approached the Anglican Church about your abuse.

11 The diocese must do better than we have in the past. The diocese and the
12 Anglican Church are committed to working with you and the Commission to find a better
13 way for you to seek the redress you deserve. To date we have made numerous and
14 substantive changes to improve its processes and will continue to do so."

15 **Q.** Thank you, Bishop. You can put that statement away. Perhaps to provide some context for
16 the Commissioners, could you explain a bit about your role as the Bishop of Christchurch?

17 **A.** I was elected the Bishop of Christchurch about two and a half years ago and became the
18 Bishop of Christchurch in February 2019. That is, I was ordained into and appointed into a
19 role with responsibility for some 58 ministry units in Canterbury, Westland and the
20 Chatham Islands, with responsibilities especially in the role of warden of the Anglican Care
21 organisation which is particularly involved in life in Christchurch and parts of Canterbury
22 and warden of six Anglican schools and two Anglican halls of residence. That's a kind of
23 bare bones approach to a role of leadership for all things Anglican in the region of
24 Canterbury, Westland and the Chatham Islands.

25 **Q.** You just mentioned Anglican Care. Can you provide a bit more detail on that organisation
26 and what it has done in the past and what it does now?

27 **A.** The Anglican Care Trust Board is responsible for the delivery of various social services,
28 principally in Christchurch city, in Timaru and to an extent in Ashburton. In the past that
29 delivery has included many aspects of care for children as well as the ongoing work of the
30 City Mission and various other services in relation to families, advocacy for social justice
31 and from time to time on an ad hoc basis picking up various sort of ways and means of
32 delivering care in the community. For example, after the earthquakes in 2010 under the
33 auspices of Anglican Care, extensive visiting programmes have been undertaken to people
34 to see how they have been faring post the earthquakes and other trauma.

1 **Q.** You described yourself as the warden of Anglican Care. Can you perhaps provide a bit
2 more detail on what your relationship with that body is?

3 **A.** So Anglican Care is governed by a trust board, Bishop of Christchurch is ex-officio on that
4 trust board and has the role of warden, which is a kind of guardianship role. Quite often
5 Bishop of Christchurch has also been Chair of the Trust Board. More recently the Board
6 has been chaired by a lay member of our diocese.

7 In becoming Bishop, we have three major Boards in the diocese, the Anglican
8 Care Trust Board, the Church Property Trustees and the Standing Committee. There's quite
9 a lot of work involved in the Church Property Trustees and Standing Committee, so I've
10 been very glad to leave the Chairpersonship of Anglican Care in the hands of Ms Moka
11 Ritchie who's a very able and capable Chair. I attend board meetings when I can and
12 generally take an involved interest in the life of Anglican Care.

13 **Q.** Turning to the schools, the Commission has heard evidence from survivors in relation to
14 two Anglican schools within the Diocese of Christchurch, so I'll just ask you about your
15 relationship and your predecessor's relationship with those schools for context. One of
16 them was Christ's College. What's the relationship you have and the bishops of
17 Christchurch have had with that school?

18 **A.** Bishops of Christchurch have traditionally had a close relationship to Christ's College and
19 until I think about 30 years ago the Bishop, as warden of Christ's College, was also Chair of
20 the Board. I think as the life of schools have developed, being the Chair of the Board of a
21 school has been more onerous, and so in the last few decades the Bishop has been warden
22 only, meaning an ex officio seat on the board, and probably turning up to meetings as able,
23 or maybe even not turning up to meetings, but generally keeping in touch with the affairs of
24 the school. The wardenship tends to be particularly in vogue if there is some kind of crisis
25 or some kind of significant question, say, about the Anglican character of the school, how
26 we might uphold it better, that kind of thing, and of course when the appointment of a
27 chaplain is in view the warden will play a significant role.

28 I myself have had a particular involvement in the board of Christ's College, I was
29 appointed a representative of the diocese in February 2011 and held a role on the board
30 until I was elected Bishop. As Bishop I have continued to take an interested role in Christ's
31 College. I am an old boy of the school and it's a school that has a particular place of
32 affection in my heart.

33 **Q.** The other school that's been the subject of evidence before the Commission is St Margaret's
34 College. Can you describe the role of the Bishop of Christchurch and your predecessors in

1 relation to that school?

2 A. I'm not actually 100% sure that the bishop was the Chair of that board back in the day,
3 though I think the bishop probably was. But my understanding is that for several decades
4 the bishop has been warden and not Chair. That was certainly the case for my predecessor
5 and is the case for myself. As warden I'm in reasonably frequent contact with the principal
6 with the chaplain and I have been consulted on a number of matters as they have arisen, but
7 I'm not normally at board meetings.

8 Q. Turning then to issues of redress within the Diocese of Christchurch, and in your evidence,
9 you spoke of sort of complaints relating mostly to disciplinary matters and claims which
10 were focused more on redress and restoration for the survivor. Thinking first about
11 complaints, what are the historic complaint processes of the diocese in recent times?

12 A. I think our diocese was very similar to other dioceses until around 1990. As those who
13 have read papers before this Commission or those who followed the hearings in December
14 will be aware through the evidence of Reverend Louise Deans, in late 1989 a significant
15 case of misconduct arose in the life of our diocese. I won't talk about that in detail right
16 now, suffice to say that the unfolding of that case of misconduct led to the diocese in the
17 early 1990s developing through a quite well-considered process that was taken through our
18 annual Synods which developed the role of a Diocesan Monitor – I'll talk about that in a
19 moment – and a Monitoring Committee to support the Monitor.

20 This development was ahead of the wider development towards the late 1990s
21 revision of Title D for the whole church. The role of Diocesan Monitor was particularly set
22 up in record to receive complaints as an individual person separate to the bishop, or at least
23 if the bishop received a complaint, the complaint would be immediately forwarded to the
24 monitor for investigation and further work to be done on it.

25 So for approximately the last 30 years – sorry, about 25 because the monitor
26 position was finally established, I think, in 1995, for approximately the last 25 years the
27 monitor has played a critical role in the reception of complaints and in the monitor's
28 receiving and investigating complaints bringing a determination to the bishop of the day
29 and that determination has then led to what kind of redress might be made involving a
30 complainant, a survivor.

31 I want to acknowledge that simultaneously through the 1990s there was also a
32 continuation of the diocese's processing of the complaints by survivors of the misconduct
33 through the Reverend Rob McCullough. I'm making no comment at this point on how

1 those complaints were processed, I'm talking more generally about what was established
2 from 1995 and about the process of receiving complaints after that date.

3 **Q.** And in light of the change to Title D that occurred last year, how have the processes of the
4 diocese of Christchurch changed from what you just described?

5 **A.** So for those 25 years and for the 20 years after the 2000 change to Title D, we worked, the
6 Diocesan Monitor's role, always in the light of the then Title D. Changes last year mean
7 that we do not now receive a complaint and forward it to our monitor. When we receive a
8 complaint it goes under the new process to the National Registrar for our church.

9 **Q.** Thinking about the, not the current process but the past sort of period of time you've
10 described, do you have any reflections to offer on the adequacy of that complaint process?

11 **A.** You mean since 1995?

12 **Q.** Since 1995.

13 **A.** I was out of the diocese from 1990 to early 2010 and then I had about nine years in a role in
14 which I was not – I was close to the Bishop of Christchurch but not close to the monitoring
15 process and reception of complaints, unless they happen to involve me in the processing of
16 them, one or two did.

17 My general estimation, including reading through many documents for the
18 Commission, is that the monitoring process has been very helpful to the Diocese of
19 Christchurch in receiving complaints, in avoiding perceptions of conflict between the
20 Bishop and a respondent to a complaint, and I believe that in most cases the resolution of
21 those complaints has been satisfactory.

22 I am aware that there are some complaints that, having been resolved at a certain
23 point in time, have generated, in the light of the Commission's work, some communication
24 to me which suggests that we need to revisit probably at least two complaints were dealt
25 with. Again, I'm separating that out from how the complaints against Rob McCullough
26 were handled.

27 **Q.** Thinking about the church's approach on a more general level through Title D over that
28 period of time through to 2020, do you have any reflections on that process and its
29 adequacy?

30 **A.** I share commentary that has been made on Title D and how it's worked for us as articulated
31 yesterday by our Archbishops by Bishop Ross Bay. That is that in the end we've needed to
32 improve Title D as we sought to do last year in General Synod, and I would also say that
33 we are becoming very aware, not least through the proceedings of the Commission, of the
34 need for further improvements. Personally, and with a particular looking back to the

1 situation which Ms Jacinda Thompson not only brought to the attention of the church
2 through an original complaint but also through further work with the church, including an
3 appearance at General Synod last year; I think we have also had highlighted for us the
4 importance of taking much, much more account of a survivor's view, of survivor's views in
5 how we process complaints. And I think that's a learning as I listened to other bishops that
6 we're very, very open to and we're very aware that we need to do a lot more work on.

7 **Q.** You've mentioned on a couple of occasions which was the situation –

8 **CHAIR:** I think speed has become another issue. I suggest that everybody breathes between
9 sentences, it really helps.

10 **A.** I'm trying not to be a stumbling witness.

11 **Q.** You just be yourself, Bishop, if you keep your eye on these poor people here who are
12 desperately trying to translate what you're saying that might give you some assistance.

13 **QUESTIONING BY MR JOHNSON CONTINUED:** Bishop, you've mentioned on a couple of
14 occasions the situation involving Rob McCullough. Is there anything further you would
15 like to say on that particular situation case?

16 **A.** I think reading through many, many documents in relation to that case in preparation for
17 this hearing that when we look back on that case, how it arose, how complaints were
18 received, how complaints were handled, how redress was undertaken, that while, in my
19 view, people were acting in good faith in trying to do their best, if we, from the vantage of
20 hindsight, look at the whole situation, it was not handled well. And I want to acknowledge
21 that now. That has been acknowledged in the past through apologies from one of my
22 predecessors, Bishop David Coles, but I would say there is more work to do in our diocese
23 and I am happy to lead the further work we need to do.

24 To give a specific instance, there was an attempt made in the, I think it was in the
25 1990s, if not it was the early 2000s, to agree on the wording of a plaque and to install that
26 plaque as a memorial in our cathedral, a memorial in favour of the survivors. That, for
27 various reasons, got nowhere at the time.

28 I think now that I am aware that there was a desire to have that plaque, but it got
29 nowhere we need to re-look at that. We need to do it from a continuing survivors'
30 perspective. So I will need to lead a process of communication with the survivors on that.
31 But we should have a memorial to this very dark chapter in the life of our diocese.

32 **Q.** Bishop, moving away from the issues of complaints and thinking more about claims of
33 redress, can you describe the processes of the diocese of Christchurch, to addressing
34 survivor claims for redress?

1 A. Again, I would preface my remarks by acknowledging that there was a particular process of
2 redress around the complaints made against Rob McCullough that had, in one sense, a
3 difficult and complex life of its own. So I want to separate that out and not try and say that
4 was part of our normal process.

5 We, similar to Bishop Ross and what he said about the Diocese of Auckland, we
6 have no formal process to guide us through writing as to how we handle redress. That I
7 think could be viewed negatively, but I actually view it positively in the sense that we are
8 open to redress that is appropriate to the situation as it is encountered and narrated by the
9 survivor. In other words, we don't pre-determine where we might go.

10 But alongside acknowledging some advantages to an ad hoc approach, and I think
11 the rest of our church are very much listening to the possibility of a much more guided
12 process with some kind of determination of how redress would happen, what kind of
13 compensation might be available, and some of this has been set out in a paper by Dr David
14 Winter, commissioned for our church, and this needs I think to be part of the national
15 process we're now embarking on and the Diocese of Christchurch will follow all such
16 guidance.

17 **COMMISSIONER ERUETI:** I think it's Stephen Winter rather than David.

18 **MR JOHNSON:** Thank you Commissioner. Madam Chair, I have no further questions.

19 **CHAIR:** Thank you Mr Johnson. Mr Mount.

20 **QUESTIONING BY MR MOUNT:** Good afternoon Bishop Peter.

21 A. Good afternoon.

22 **Q.** You are a relatively new bishop?

23 A. Yes.

24 **Q.** About two years in?

25 A. Just over two years.

26 **Q.** What sort of induction did you get when you started?

27 A. I had the opportunity to do some visits with other bishops, which I undertook before I was
28 ordained. I had a timetable clash over the possibility of joining a bishops' course in
29 Canterbury in England, it was occurring at the same time as I was due to be ordained, so
30 that was ruled out, and I knew that would not be repeated for a couple of years. I had
31 money made available to me by the church to embark on education as I chose and saw fit.
32 Unfortunately, after I became bishop some things arose which got in the way of travel plans
33 and in particular of course the whole Covid imposition on pretty much all travel a year ago.

34 In terms of induction into the role, I do have the benefit of becoming a bishop at

1 the age of 59 and being ordained a deacon at the age of 27 of 32 years of experience in the
2 life of the Church, 18 of those before I became bishop were to be involved as a ministry
3 educator in the Diocese of Nelson and the Diocese of Christchurch. And in those two roles
4 to have the privilege of working closely to three bishops, two bishops in Nelson and then
5 Bishop Victoria, my predecessor in the Diocese of Christchurch.

6 **Q.** Any training on safeguarding or child protection principles as part of the induction of the
7 new bishop?

8 **A.** No, no specific training on those.

9 **Q.** Trauma-informed practice from the perspective of an abuse survivor?

10 **A.** No specific training on that.

11 **Q.** Any guidance from the Church about how to respond to claims of abuse?

12 **A.** No particular guidance, but as bishops we meet together regularly. We have been talking
13 over the last couple of years frequently about things that we need to understand to learn and
14 be informed about, partly in relation to heading to General Synod last year and the changes
15 to Title D, partly our learnings out of the case involving Ms Jacinda Thompson, and partly,
16 of course, as we have been engaged in dialogue with the Commission, remembering that we
17 have sought this dialogue because we've been aware that we could do better as a church.

18 And I would say for myself that the last two years have been a steep but very
19 important learning curve, and in particular, I mentioned Dr David(sic) Winter's paper,
20 which you would know I think, as a key learning around redress process and how we might
21 embrace that as a whole church.

22 **Q.** You were appointed after this Royal Commission started I think?

23 **A.** To be honest I can't remember the date the Commission started, but perhaps you do.

24 **Q.** Will you take it from me you were?

25 **A.** I will.

26 **Q.** So I take it the steep learning curve over the last two years could have something to do with
27 the existence of the inquiry?

28 **A.** Well, speaking generally it could do, yeah.

29 **Q.** When you took over, did you have any hand-over from your predecessor about
30 safeguarding across the diocese?

31 **A.** No, I didn't. My predecessor Bishop Victoria Matthews finished her role on 1 May 2018
32 and shifted from Christchurch to her home country of Canada. I was elected in an election
33 in August that year and, while I accept, of course, I could have had a Zoom meeting or two
34 with her, she was not around in order to have that hand-over.

- 1 **Q.** Your statement describes the church as historically a slow learner I think?
- 2 **A.** Yes.
- 3 **Q.** In your experience, has the diocese been good at preserving its institutional memory in the
4 area of abuse and safeguarding?
- 5 **A.** May I ask do you mean kind of anecdotally or in terms of archives or both?
- 6 **Q.** Both.
- 7 **A.** Where our diocese, where we have lots of interconnections between people, and so
8 anecdotally my personal experience of the Diocese of Christchurch is strong anecdotal
9 memory. But we also have well-kept archives. We happen to have an archivist who's been
10 in the role for many years, I can't tell you how many, but it's longer than the years I've been
11 back in the diocese, so more than 11 and she's been of great help to us as we've sorted out
12 the files in the instance of providing them for the Commission.
- 13 **Q.** Focusing on clergy misconduct, has there been a commitment to learning from the events
14 of the past?
- 15 **A.** Yes, there has. I outlined before in particular a diocesan learning in respect to misconduct
16 which became revealed in late 1989 which led, through the 1990s, to a specific process
17 around the position of monitor and support through the Monitoring Committee.
- 18 I would think that my predecessors, who are intelligent and able people, will have
19 learned each time they handled a case and built that into how they handle the next case.
20 I myself find I'm doing that. But I would also say that we have continued to be open to
21 learning and, as I said before, I myself have particularly been learning lessons as I paid
22 attention to events of the last few years, remembering that in specific instance of Ms
23 Jacinda Thompson I myself had a role to a small degree but a painful degree as events
24 unfolded in the life of the Diocese of Nelson when I used to work for them. I have been
25 learning a lot. I try to pass those learnings on into our processes, both around our
26 boundaries training and how we handle complaints, though right now, of course, we now
27 have new system, and we're learning how to run that new system.
- 28 **Q.** When you took over, did you look back at any past reports to see whether the diocese had
29 implemented past recommendations, for example?
- 30 **A.** No, I didn't look over past reports to see whether there were recommendations for, if you
31 like, the general learning of the diocese, no.
- 32 **Q.** I want to ask you about one report as an example, a report by Yvonne Pauling from 1998
33 entitled "Churches Responding With Integrity in Clergy Sexual Misconduct", you will see
34 the title page on the screen. Do you know that report?

- 1 A. No, I don't know that report in particular, no.
- 2 **Q.** I want to take you to some of its key conclusions. Appreciating you're seeing it for the first
3 time I take it, would you like a hard copy so that you can see it in context, or are you
4 happy –
- 5 A. I'm happy to look at the screen.
- 6 **Q.** Do you know who Yvonne Pauling is?
- 7 A. I know who she is, she was the first diocesan monitor appointed.
- 8 **Q.** I think from an introduction we can see, as you've said, she was the first monitor. I think
9 also involved in the diocese's response to complaints from about 1992, does that sound
10 right?
- 11 A. **[Nods]**.
- 12 **Q.** Will you take it from me that this report followed a visit to the United States where she was
13 funded to learn from churches in the US about this topic?
- 14 A. Yes.
- 15 **Q.** And I think she also attended a four-day training session in Sydney?
- 16 A. **[Nods]**.
- 17 **Q.** The focus was on vulnerable adults rather than children, but I think the report says that it
18 may also be relevant to those who come forward as adults to describe what happened as a
19 child. If we can move on to page 13 of the document, the topic of mediation is discussed.
- 20 **CHAIR:** Just so we're absolutely clear, I think it's becoming evident from what you're showing us,
21 this relates to the Anglican Church, is that right?
- 22 **MR MOUNT:** It does.
- 23 **CHAIR:** Solely to the Anglican Church?
- 24 **MR MOUNT:** Correct, this relates to the Anglican Church and specifically to the Christchurch
25 Diocese.
- 26 **CHAIR:** Thank you.
- 27 **QUESTIONING BY MR MOUNT CONTINUED:** Could we zoom in on the second paragraph
28 beginning "the experience". For the benefit of our record, would you like to read that
29 paragraph for us, bearing in mind speed?
- 30 A. "The experience of relying on mediation, or having it as an option, in the complaints
31 process has been confusing and unsatisfactory. Responses from complainants at the end of
32 the process have usually been negative or at the very least they have expressed a sense of
33 dissatisfaction. It has often been my experience that at the end of a mediation process that
34 we have been left at the place we began - the complainant maintaining that they have been

- 1 harmed and the respondent minimising or denying any such harmful action."
- 2 **Q.** We will run through a series of points before I ask you some questions about them. So the
3 next is on page 20 under the heading "Summary", if we could zoom in on that bottom half
4 of the page. Again, could I ask you to read the first paragraph please?
- 5 **A.** "Mediation is not recommended as an appropriate response to clergy sexual misconduct.
6 Clergy misconduct of a sexual nature is not a matter of dispute or conflict. When one
7 person with greater power takes advantage of someone with lesser power then mediation is
8 very likely to only compound the victimisation."
- 9 **Q.** Can we move to page 41 and zoom in on the top part of the page headed "Summary". If
10 you could read the first paragraph for us?
- 11 **A.** "All those involved in the life of the church will benefit greatly from education about this
12 issue including bishops, legal advisors, clergy, lay and youth leaders, seminarians and their
13 teaching staff and congregations. It is seen as very important that this training and
14 education continues on a regular basis, e.g. every three years and is not just seen as a
15 'one-off' exercise".
- 16 **Q.** Page 45, again the top paragraph under the heading "The Role of the Advocate"?
- 17 **A.** "The Role of the Advocate. There seems to be unanimous agreement among all churches
18 that a victim of clergy misconduct should be offered the support of an advocate who has
19 been especially trained to support them through the complaints process."
- 20 **Q.** Page 64 point 1.
- 21 **A.** "An abusing minister will almost always minimise, lie, and deny when first confronted
22 about the complaint."
- 23 **Q.** If we can come back to page 55, there were a total of 18 recommendations. I want to
24 highlight only a handful of them. First point 2.
- 25 **A.** "Mediation, currently the commonly practised method in New Zealand, is not an
26 appropriate process to use when responding to clergy sexual misconduct."
- 27 **Q.** Point 3?
- 28 **A.** "In responding to complaints of clergy sexual misconduct the investigative method, as
29 outlined in this report, is a more just and fair process for both the complainant, respondent
30 and all others affected. It reflects the seriousness of the issue, signals that the church is
31 taking its responsibility appropriately and is more acknowledging of the fact that an abuse
32 of power has occurred."
- 33 **Q.** Point 4?
- 34 **A.** "Practises of acknowledgment and openness are crucial to the ongoing health of any

1 congregation in which sexual misconduct has occurred. Churches should develop a policy
2 of keeping congregations informed during the investigation process and provide for
3 pastoral support throughout this time of major crisis."

4 **Q.** Across the page, point 8?

5 **A.** "To overcome a very real lack of knowledge on the issues of clergy abuse it is important
6 that: (a) the leadership of the church receive comprehensive training about sexual
7 misconduct to assist them to respond with integrity and compassion to those who have been
8 harmed and to take all the steps that are necessary to make the church a safe place.

9 (b) clergy and all church workers need thorough training about boundary issues.

10 (c) a formal and ongoing education and training process on issues of sexual
11 misconduct needs to occur at every level in the church community. Such education and
12 training should happen as an integral and ongoing process in the life of the church."

13 **Q.** And lastly point 9?

14 **A.** "To minimise the possibility of repeat offending procedures" – sorry I'll start that again,
15 I need to work out where the pause comes. "To minimise the possibility of repeat
16 offending, procedures of redeployment need to be implemented and carried out with care.
17 Churches must take all responsible steps to prevent offending ordained or lay leaders from
18 being redeployed into positions where they might repeat the offending."

19 **Q.** Is there anything you've just read that strikes you as unreasonable?

20 **A.** I think the thing I've just read that actually would be pretty difficult to implement would be
21 congregation-wide training. There are various reasons for that. One is we can't compel our
22 congregations to turn up for anything. There's a saying, you know, that regular church
23 going is not what it once was. So I don't want to say that defensively but just as a simple
24 statement of practical fact. It's not to say we shouldn't aspire to it, but whether we could
25 get, say, a 90% take up, that would be a challenge across 58 ministry units of a whole
26 diocese.

27 **Q.** Apart from that point, anything else strike you as unreasonable in the things that you read
28 out?

29 **A.** I don't think anything's unreasonable, but I sense you've got another question coming.

30 **Q.** It's a report from 1998.

31 **A.** Yeah.

32 **Q.** Made a series of recommendations. You're seeing it for the first time today. Would it have
33 been better for you as a new bishop to be aware of such a report and be in a position where
34 you could look at the status of the diocese and assess whether any recommendations could

1 be taken up if they hadn't already?

2 A. I think I'd put an answer in a slightly different form, but to pick up something you've raised
3 earlier, I would see that we as bishops, both when we begin as bishops and then on a
4 regular say three-yearly basis, we should have what we don't have, and that is specific
5 training on the handling of misconduct cases, safeguarding practises, facing a document
6 such as this and working through it in relation to our diocese.

7 I consider that when I became bishop I was well trained at the boundaries level
8 and, of course, had all sorts of awareness because of just all sorts of things that had
9 happened of how things can go wrong and so forth. But I would look back and say it would
10 have been helpful and I think we need to move to making it mandatory that becoming a
11 bishop and regularly as a bishop there is specific training in our role as bishop in the
12 handling of complaints.

13 Q. As well as that, would it be healthy for the diocese periodically to check on the status of
14 past recommendations, from reports such as this?

15 A. The answer's yes. We could have a three-yearly or five-yearly review, preferably with
16 someone coming in from outside the diocese, to run a health check on how we've been
17 doing. And I'm not aware of that ever being done.

18 Q. Otherwise there's a danger that recommendations and thoughtful content in the report can
19 simply fade away?

20 A. Absolutely. Am I allowed to say that some of the recommendations in his report have been
21 carried through in our diocese?

22 Q. Fair to say, though, that this strong message about mediation being inappropriate was not
23 picked up within the diocese at that time?

24 A. In my understanding that may not be a fair comment. By that I mean that while I wasn't in
25 the diocese and I haven't specifically asked the question of Bishop David Coles who was
26 bishop at the time, my understanding of the role of the monitor, at least in my experience of
27 the last 10 to 12 years, is that that has meant that we have moved well away from a
28 mediation in the sense of trying to get complainant and respondent in the same room. In
29 my direct experience with the monitor, the monitor responding to a complaint has talked to
30 the complainant, heard them and their story, and then talked to the respondent and heard
31 them and their story, maybe of course doing that several times in order to get everything
32 well-settled in the mind of the monitor before the monitor seeks to make a
33 recommendation.

34 Also, in my experience that process of the monitor talking to the complainant has

1 involved asking the complainant what they would want as an outcome of this process. I'm
2 not aware, unless there's been perhaps an element of direct conflict in a relationship, that
3 the monitor has sought to mediate, in the sense of two people in the same room and in all its
4 consequentially harmful as a result of that.

5 **Q.** The report we just looked at was 1998. We heard in opening that Title D was revised in
6 2000 I think?

7 **A.** [Nods].

8 **Q.** And that there was a promotion of mediation as part of that 2000 revision of Title D, is that
9 right?

10 **A.** That is right. I think what we need to keep saying, and Bishop Ross touched on this this
11 morning, is that Title D has always been a kind of omnibus piece of legislation designed to
12 assist the church in the fielding of every kind of complaint. So the most terrible
13 misconduct or a grizzle about the length of the vicar's sermon has been encompassed in
14 this.

15 One of the things I've always understood personally about mediation as a part of
16 Title D in 2000 is that we were seeking to follow the way employment law was changing in
17 our land, which included the ability to mediate disputes over employment. In other words,
18 in working out, and speaking now generally not trying to sort out misconduct directly, in
19 working out situations where the church might need to bring to an end the appointment of a
20 licensed clergyman, and bearing in mind that in several cases brought to the Employment
21 Court, clergy have been deemed not to be employed, so we've needed a process within
22 church law to settle such things. Mediation in Title D has provided a way for us to seek in
23 a hopefully constructive way to bring the poor conduct of a clergyman to an end in
24 respect of the end of an appointment.

25 Now I cannot speak for other diocese around whether mediation in Title D hasn't
26 also involved the practice where the complaint is misconduct of bringing complainant and
27 respondent into the same room, but I have, of course, just talked about in the life of the
28 Diocese of Christchurch seeking to work on misconduct matters in a way that doesn't
29 involve that harm to the complainant.

30 **Q.** Can we focus on a different diocese for a moment, the Diocese of Nelson, because I think
31 you talked about your training role in that diocese in the 2000s?

32 **A.** [Nods].

33 **Q.** Can we look at document ending 1566, this is a training manual from 2006. Do you
34 recognise that document?

- 1 A. I do in the sense it's 2006 and I was the ministry educator, but in my own memory I don't
2 carry a picture of that document.
- 3 Q. If we come over to the third page of that document, and zoom in on the top half, do we see
4 in the first paragraph that this training document came about as a result of the revision of
5 Title D in 2000?
- 6 A. [Nods].
- 7 Q. And it's an attempt to provide resources for people to get to grips with Title D and
8 understanding it?
- 9 A. [Nods].
- 10 Q. And if we zoom in on the remainder of that first page, the following paragraphs, do we see
11 in the third paragraph that in particular this document pays attention to the relationship
12 between Title D and the sexual harassment obviously and the ethical standards, ethical
13 guidelines. And do we see at the bottom your name and the date May 2006 and I think in
14 fairness to you, you were happy to put your name on it, but you didn't want to face liability
15 for it, is that true?
- 16 A. I'm happy to face liability for it, I'm just saying in my own memory I cannot remember
17 every piece of writing I've written, yeah.
- 18 Q. Understood. If we can move over to page 12 of this document, under the heading "When
19 difficulty arises", if we can zoom in on that section. There was a summary of the Title D
20 process where it would start with informal dealing, then move to mediation, and then only
21 if there's not a satisfactory outcome does it move to a most formal determination process.
- 22 Perhaps if we go to the next page, page 13, under the heading "Not at all", and just
23 to get the context, maybe just take in above "Not at all" and take in the three bullet points,
24 otherwise "Not at all" won't make sense. If we can take just a moment to read that?
- 25 A. Do you want me to read it out loud or just read it for myself?
- 26 Q. Just for yourself I think. Is it fair to say that in this particular context of sexual harassment,
27 as well as other contexts, the first port of call is mediation and only if mediation fails do
28 you move to the determination level?
- 29 A. Yes. I would understand – first of all let me say that in the Diocese of Nelson there was
30 not a diocesan monitor role so that was not an option that we had for ourselves. I would
31 understand the mediation level here to be about an attempt to work out a matter that's come
32 by way of complaint in a way that, as far as possible, was informal in order to be respectful,
33 particularly of the complainant, remembering that in an understanding of Church Tribunal
34 it was a concept of a court process, lawyers, witness statements, cross-examination, so

1 mediation was not simply here, in my view, around we force two people to be in a room
2 who may not want to be together, but about trying to trying to respond to a complaint
3 without having to take it up to that, you know, potentially more traumatic level of a
4 determination.

5 How the Diocese of Nelson actually worked out the level of mediation in terms of
6 complaints, there is a specific instance of how the Jacinda Thompson situation was worked
7 out and that is well-canvassed and documented to this Commission. Worked with all that
8 did not go well in that. I cannot comment on how this may have worked out in other
9 instances because I either was not or certainly do not recall being part of other responses to
10 complaints.

11 **Q.** There had been such clear messages in 1998 about how inappropriate mediation is in cases
12 of clergy sexual misconduct. How could it be that those messages and those lessons appear
13 to have been lost just a few years later when this document is being prepared in a
14 neighbouring diocese?

15 **A.** I do not recall Yvonne Pauling's paper coming to our diocese. I think in order to bring
16 things up to the present day in the future that serves to remind us that we do lack uniformity
17 of practice and communication in the life of our church because we do silo ourselves in our
18 diocese. So a paper as significant as Yvonne Pauling's today should be attended to not just
19 in the sense of circulating but probably a very strong lead given to it that this must become
20 part of the key documentation of how a diocese is going to respond. Which I think brings
21 the advantage to what we changed last year around the national approach in Ministry
22 Standards Commission that would be informed by such a document and would be informed
23 by that document on how it responded to every complaint that reaches it.

24 **Q.** There seems to have been such a swift loss of institutional memory in this instance. How
25 could we be confident that that wouldn't occur today?

26 **A.** I'm not quite sure what you mean by "loss of institutional memory" in the sense if Yvonne
27 Pauling's document didn't come to us in Nelson, we didn't have it to lose; it should have
28 come to us, it should have been part of a uniform approach across our church, I absolutely
29 acknowledge.

30 I would think that for us to not make that mistake again across our church we need
31 to continue to be committed across all our episcopal units to the new process, we need to be
32 committed to the National Ministry Standards Commission; when they communicate to us
33 we not only receive it but ensure that it does pass through appropriate channels, for
34 example, boundaries training of clergy, process of discernment for clergy. But I'm also

1 aware that what the Commission is highlighting for us is a need for a more uniform
2 approach across all the episcopal units on those matters too, boundaries training and
3 discernment for ministry.

4 **Q.** Is it happening already?

5 A. No, discernment for ministry tends to be relatively siloed. The last few years three Pākehā
6 diocese in the North Island, maybe occasionally four, have been working together on a
7 common discernment process. But in my diocese and in other diocese we'd continue to do
8 our own local discernment process. As far as boundary training goes, there is quite a lot of
9 sharing of information about boundaries training between, for example, ministry educators
10 and diocese, but that doesn't mean we have a, if you like, a uniform manual across all
11 episcopal units.

12 **Q.** So coming back to your initiation as Bishop, I take it there weren't any other
13 New Zealand-based reports available to you to check in on the status of safeguarding or
14 clergy misconduct in your diocese, nothing else that you had available to you at that stage?

15 A. Nothing from the wider church or other diocese, but I was confident because I have been
16 involved in education in our diocese for the preceding nine years and working closely with
17 other members of our diocese ministry team, I was confident that we had some very good
18 documents, and still do within the life of our diocese, about safeguarding child safety
19 policies and so forth.

20 **Q.** Had the work of the Reverend Patricia Allan come to your attention at all?

21 A. Well, I've known Patricia for many, many years and I became aware that she was being
22 doctoral work on this area. I haven't myself become familiar with her doctoral work. I
23 have been reading stuff, other material that she has submitted to the Commission.

24 **Q.** We may come back to that. I want to ask you about overseas reports now. But I want to
25 preface it by saying is it fair to observe that there could be many reasons for caution in
26 drawing direct comparisons with overseas material in this area?

27 A. Many reasons, yes.

28 **Q.** And just a few might include differences in institutions, demographics, patterns of abuse,
29 different approaches to data collection?

30 A. **[Nods]**.

31 **Q.** Can you speak out loud?

32 A. Sorry, I'm nodding vigorously, I'm agreeing with you, yes.

33 **Q.** But acknowledging all of that, might there still be value in looking at careful overseas work
34 to see whether any comparisons might be worthwhile?

1 A. There is absolutely value. And over the years I believe that boundaries training in the life
2 of our church as a particular instance has received quite a lot of influence and input as
3 people have either, a bit like Yvonne Pauling, gone to the United States of America to the
4 Episcopal Church in particular and undertaking training and so forth.

5 **Q.** When you started as a bishop, did you or your colleagues look across to the work of the
6 Australian Royal Commission into institutional responses to child sexual abuse?

7 A. The only specific point of looking across is the work we commissioned from Dr David
8 Winter whose paper is influenced by the Australian Royal Commission results.

9 **CHAIR:** We're all flinching slightly, his name is Stephen Winter.

10 A. Stephen, sorry, I apologise.

11 **Q.** That's all right.

12 A. Stephen, right.

13 **QUESTIONING BY MR MOUNT CONTINUED:** We just do a mental correction every time
14 you say that.

15 A. I apologise.

16 **Q.** So you'd know that that was a five-year Royal Commission, cost about \$500 million?

17 A. **[Nods].**

18 **Q.** And I assume you would know that the Anglican Church in Australia was the institution
19 with the second highest reported level of abuse after the Catholic Church?

20 A. **[Nods].**

21 **Q.** Although in fairness to the Anglican Church, there was quite a drop, I think the Catholic
22 Church about 62% of the reports and the Anglican Church 14.7%. You'll take those
23 numbers from me?

24 A. I'll absolutely take those numbers from you. I think in general terms the Roman Catholic
25 Church is a larger church than the Anglican Church in Australia as it is here in
26 New Zealand.

27 **Q.** I want to put on the screen a document MSC ending in 2222. This is a research report
28 commissioned by the Royal Commission analysing child sexual abuse complaints in the
29 Anglican Church in Australia. Have you ever looked at that report?

30 A. I have not looked at that report, no.

31 **Q.** Any summaries of it?

32 A. Not a summary of that report, no.

33 **Q.** Has it been discussed among your colleagues in the bishops' conference?

34 A. Not that I'm aware of.

1 **Q.** It is obviously, as you can see in the title, focusing specifically on child sexual abuse and
2 only on complaints to the church, so a subset we can assume of the broader problem. If we
3 can look on page 13 we'll see a summary of results. It's several hundred pages long, this
4 document.

5 If we can look first at paragraph 42 there's an important point about the data and
6 that is that in Australia each diocese varied in its approach to the collection of information
7 about complaints. And we see in Brisbane the diocese required all schools, Anglican
8 schools, to notify the diocese about complaints?

9 **A.** [Nods].

10 **Q.** And as a result, fully a third of the complaints nationally were from that one diocese. I
11 think there were about 22 or 23 diocese. So is it fair to say that we see straight away the
12 impact of a decision by the diocese to collect data about complaints?

13 **A.** Yes, we do.

14 **Q.** Is the same true in New Zealand that our dioceses vary in their approach to the central
15 collection of information about complaints?

16 **A.** Our dioceses vary in the collection of any data, so I'm pretty sure it would absolutely vary
17 in the collection of that particular kind of data.

18 **Q.** If we go to paragraph 41, we see that in the relevant time period there were just over 1,000
19 complaints of child sexual abuse. Sorry, just over 1,000 complainants and over 1,100
20 complaints of child sexual abuse. And from the previous paragraph we know the relevant
21 period is 1980 through to 2015. So it's a 35 year period?

22 **A.** [Nods].

23 **Q.** Again, if we just do this technique of going through the key points, paragraph 44, do we see
24 that the largest proportion of complaints came from the 1970s, but fully three quarters of
25 them were in the period 1950 through to 1989?

26 **A.** Yeah.

27 **Q.** So if we graphed it, and there are graphs in the document, a large chunk of reports in that
28 period around the 1970s, 1980s, if that makes sense to you?

29 **A.** Yes.

30 **Q.** And just to give a sense of the scale, we see in paragraph 49 that in Australia there had been
31 payments of \$34 million at an average of \$72,000 per person?

32 **A.** Yes.

33 **Q.** So quite a significant issue in Australia?

34 **A.** Yes.

- 1 **Q.** Are you surprised there hasn't been suggestion of this among your colleagues as bishops in
2 your time?
- 3 **A.** Well, I'm not surprised in the sense that I expected there would be a discussion and it hasn't
4 happened. It hasn't happened possibly because the incidents of child sexual abuse across
5 our dioceses is perhaps low. I mean I cannot speak for other dioceses, but in terms of
6 preparing for the Diocese of Christchurch and the Commission and all the complaints we
7 have submitted, in some ways I've been surprised that there were not more files on child
8 sexual abuse complaints. That could always mean, of course, that people have not
9 complained and abuse has occurred, but it could be that we, for reasons I – I'm not a
10 sociologist etc, but we simply happen to have low statistics.
- 11 **Q.** We'll come back to that thought.
- 12 **A.** Sure, yeah.
- 13 **Q.** If we go over the page, page 14 of the document, paragraph 55, we see that in this study
14 569 alleged perpetrators were identified and if we come across to page 32, if we look at the
15 bottom graph and paragraph 93?
- 16 **A.** Can I just ask, we've got figure 5 but 93 refers to figure 6, is there a graph over the page?
- 17 **Q.** There will be, let's just move in on paragraph 93. You'll see that in more than half of the
18 cases the gap between the sexual abuse and the complaint was more than 30 years?
- 19 **A.** [Nods].
- 20 **Q.** And more than 20 years in 70% of the cases?
- 21 **A.** [Nods].
- 22 **Q.** So the norm for these complaints was for a gap of decades?
- 23 **A.** Yeah.
- 24 **Q.** Between abuse and the report. With an average of 29 years I think. If we had a similar
25 pattern in New Zealand –
- 26 **A.** Yes.
- 27 **Q.** – of a long gap between abuse and complaint, and if in New Zealand we had a large group
28 of allegations around the 1970s and 80s –
- 29 **A.** Yes.
- 30 **Q.** – would that mean a bishop like you, taking over in 2020 or thereabouts, might expect to be
31 receiving something of a bow wave of complaints from the 1980s and thereabouts?
- 32 **A.** Statistically that could happen, yes.
- 33 **Q.** Looking at this information now, even if we did the crudest of comparison on raw

1 population data, Australia's five times as big as us roughly?

2 A. Yes.

3 Q. In population would that suggest that if our experience of child sexual abuse in
4 New Zealand was in the same ballpark –

5 A. Yes.

6 Q. – as Australia, and I realise that's a big if, but if we were in the same ballpark –

7 A. Yes.

8 Q. – it could suggest roughly 100 perpetrators and 200 or so complaints over the similar
9 period?

10 A. Yes.

11 Q. Those would be very concerning numbers?

12 A. They would be.

13 Q. Do you have any comment on how it could be that the New Zealand Anglican Church
14 doesn't appear to have paid more attention to these findings in Australia?

15 A. I think I need to think about that. I think there's three comments I'd like to make. One is
16 there's a funny thing about the Anglican Church in New Zealand in that when we look for
17 guidance, input, inspiration to other Anglican churches, we primarily, in my experience,
18 look to the Church of England first and then secondly to the Episcopal Church in North
19 America, and strangely we have relatively little to do with the Anglican Church in
20 Australia. We have something to do with them, but you might think we would have lots
21 and lots to do with them. So it could be just that we're not always thinking so what's going
22 on in Australia that we need to pay attention to, other than obviously things occur in the
23 news and we read that.

24 The second thing that strikes me is that a statistical study probably would be wise,
25 if I focus on the 1970s, to look at the number of children actually involved in the life of the
26 church. In the 1970s we had quite a drop off in what were formerly pretty high numbers in
27 our Sunday schools in the 1950s and 1960s. It may be, I do not know, but it may be a
28 statistical fact that we had a lot less children in Sunday School in the 1970s than the
29 Australia Anglican Church. A study would need to perhaps take into account that
30 population difference.

31 However, I would also acknowledge of course that largely our Anglican schools,
32 and noting what happened in the diocese of Brisbane around its compelling of statistics
33 from its schools, of course our populations in our schools have tended to be much more

1 stable through the decades. So you know, I cannot explain statistically why we would have
2 apparently lower incidents in our schools than Australia has had.

3 **Q.** Accepting all those limitations of looking at –

4 **A.** Sure.

5 **Q.** – overseas material, do these numbers give a good reason for the New Zealand church to
6 look hard at your own numbers to try and figure out whether, as you say, New Zealand is a
7 much safer place for children in the Anglican Church, or perhaps whether the New Zealand
8 Dioceses have been poor at understanding the scale of the abuse?

9 **A.** I think it's a bit too much to suddenly say we've been very poor at something when we may
10 not have been. I think what you're saying is that part of our continuing learning as a church
11 would be that we should ask ourselves, perhaps with some outside guidance and research,
12 not only have we missed something, but have we not communicated well to those who are
13 survivors from those eras who may have wanted to complain and felt they couldn't, didn't
14 know how, were intimidated into not complaining. I see what you're saying as a call to do
15 some work that we haven't done, and we haven't talked about doing.

16 **Q.** We will come right back to that thought. Just before we do, to round out the topic of
17 international studies –

18 **A.** Sure.

19 **Q.** – have you looked at any other international studies, UK, Canada, any other comparable
20 country, to see if there are lessons that could be learned for the New Zealand Anglican
21 Church in the area of abuse?

22 **A.** I have not looked at other studies as such. I have been paying attention to what is
23 happening in the Church of England around its safeguarding practises, which in the last few
24 years have been under extreme scrutiny, particularly from within the church. The scrutiny
25 in part is that the safeguarding process is inconsistent and in another part it's that it's
26 excruciatingly long in dealing with things.

27 There has been, for example, a bishop in the Church of England suspended for not
28 undertaking safeguarding processing of a complaint well, and was suspended I think for
29 over a year, which seems a very long time to sort out what might happen if a bishop
30 performs badly in that area. And of course, there are complainants who feel the process has
31 taken too long for them.

32 I'm not quite sure what lessons we draw for ourselves from that. But perhaps we
33 could say that what other churches do is a point of learning, but it may not necessarily be a

- 1 point of following them in their practice.
- 2 **Q.** What particular sources of information have you had from the UK?
- 3 A. I'm sorry this is not going to be very academic answer. I have undertaken as bishop to
4 subscribe to Church Times, the premier church newspaper for the Church of England.
5 I read it every week and I've been keeping in touch with unfolding developments in
6 safeguarding practice.
- 7 **Q.** Back to the thread we had a moment ago. In your statement, first one, paragraph 150, you
8 say that there are no known cases of an adult abusing a child since 1999, so no child abuse
9 for 20 years in your diocese?
- 10 A. None that's been reported to us. I'm well aware, and everyone in my diocese involved in
11 these things will be aware that tomorrow there could be a complaint come in or ten
12 complaints, but I'm not aware of a complaint over the last 20 years.
- 13 **Q.** Have you drawn some comfort from that belief that there have been no reported cases of
14 child abuse?
- 15 A. I have drawn some comfort and the comfort is around the fact that in instituting and as far
16 as possible prosecuting – Police vetting happening for people involved in working with
17 children in our diocese, we have been very diligent. But I cannot say we've been perfectly
18 diligent and it's difficult to keep 58 ministry units up to scratch on this. But I would want
19 to honour the Police vetting process. It is a comfort to know that we have it and we have
20 been particularly assiduous in propagating the need for workers with children to follow
21 that.
- 22 I would also take comfort from various training practises for our children in youth
23 work. But I don't take – we are not complacent, we are vigilant, we are often talking about
24 our practices and how we perform them and seek to improve them, and we are well aware
25 that, if you like, tomorrow there could be a quite different narrative emerges.
- 26 **Q.** Given the information in Australia that an average victim might take 30 years to report, do
27 you think the diocese in Christchurch has done enough to understand whether there are
28 victims out there who simply haven't come forward yet?
- 29 A. I don't think we've done enough in the sense that we could do further communication,
30 eliciting complaints. We did do some from memory back in late 2019 because part of our
31 church-wide response to the Commission was to ensure that we were advertising and
32 soliciting or eliciting complaints in order that people would come forward and so we would
33 be reporting to the Commission on up-to-date things as much as our historic complaints.

1 I think, if I may also say it, we are a church which, in many of our episcopal units,
2 is becoming older and smaller. That actually means that in many of our ministry units we
3 simply have no children and we haven't done or not had lots of children for some decades.
4 So, this is not a commentary on unknown statistics from 1970s, this is more recent but over
5 maybe a couple of decades, it's not like our parishes are swarming with children and there
6 are lots of helpers in children's work and we haven't really kept tabs on them. It's a
7 shortfall in the life of our church we do not have a more flourishing children's ministry.

8 **Q.** Thinking about the broader dioceses, not only the churches but the other entities within
9 your diocese, what is the size of the vulnerable population, do you know?

10 **A.** I can't give you a statistical answer on that. What I can say is that in the life of our ministry
11 units we do draw people who are vulnerable in terms of mental health, some of our
12 congregations would have quite a high proportion of people who struggle with mental
13 health and in various ways are vulnerable adults. We do have congregations, by the way,
14 that do have fairly good Sunday schools and youth groups. So we have people vulnerable
15 by age and generation.

16 We do have ministry among the elderly and some of those, of course, are
17 vulnerable to, say, the potential of someone to kind of prey upon them financially and so
18 forth. Until recently we had three elder care rest homes, we have sold out of those
19 businesses in the last few years, but they have been a feature of our life. And through
20 Anglican Care, through the City Mission, we're engaged with many people who are
21 vulnerable in various ways, whether it's through mental health or struggling with poverty
22 issues, homelessness and so forth.

23 **MR MOUNT:** Madam Chair I think it's 3.30.

24 **CHAIR:** I think it is 3.30, I think it's something we can all agree on. Let's take the afternoon
25 adjournment. Can I just remind you please, Bishop, not to speak about your evidence
26 during the break.

27 **A.** [Nods].

28 **Q.** Thank you.

29 **Adjournment from 3.30 pm to 3.48 pm**

30 **CHAIR:** Yes Mr Mount.

31 **QUESTIONING BY MR MOUNT CONTINUED:** Could you tell the Commissioners how you
32 see the role of the bishop in relation to safeguarding and abuse within the diocese?

33 **A.** I see the bishop as overall responsible for our safeguarding and related practises such as our
34 boundaries training. So although a lot of the work is delegated out to others in order to

1 undertake week-to-week year to year experience, I am the bishop, I have oversight for the
2 diocese, I have oversight for all of that work, I both need to keep an eye on it to influence
3 for continual improvement and certainly to respond to any perceived shortfall.

4 **Q.** Thinking about Title D, I'm going to pull up a quote from a document I think you were
5 involved in in Nelson, this is ANG ending 1566. This is one of these training documents
6 we looked at before. If we come through to page 13, recognise that title page as it flicks in
7 front of you?

8 **A.** I do now.

9 **Q.** And then under the heading "Role of the Bishop" if we can just zoom in on that section,
10 you'll see the words that "The bishop has considerable opportunity and responsibility to
11 exercise power, authority, discretion, wisdom and pastoral care informally and formally."
12 Is that a fair summary?

13 **A.** Well, it was then, but Title D has changed since then.

14 **Q.** Yes. That role of a bishop when things have moved to a disciplinary mode –

15 **A.** Yes.

16 **Q.** – is something of a, not even an ambulance at the bottom of a cliff, maybe a police officer
17 at the bottom of a cliff, is that fair to say?

18 **A.** No, I don't think it is. The bishop has considerable opportunity and responsibility to
19 exercise power, authority etc, it's important that the bishop is exercising all those things in
20 ways that are about also the fence at the top of the cliff as well as the ambulance or
21 policeman at the bottom. Clearly Title D is a specific response to when a complaint
22 happens, so we're at the bottom of the cliff. But I think – I can't think of any bishop who
23 would think that one only kind of exercises those things, power, authority, etc, only when
24 we get to the bottom of a cliff.

25 **Q.** No doubt. Focusing on the fence at the top of the cliff?

26 **A.** Yes.

27 **Q.** Would you agree that the safety and the well-being of children and vulnerable adults in the
28 diocese is a top priority for any bishop?

29 **A.** Yes.

30 **Q.** Does the role ideally involve a degree of due diligence within the diocese to make sure, so
31 far as you can, through oversight, that proper standards are being upheld?

32 **A.** Yes, it is. And I find that the due diligence aspect of that is taking great care, for example,
33 in our discernment process and I find myself, for example, being encouraged to look at,

1 say, a person in respect of ordination; I take a look, I think there are things here that are
2 work-ons in this person's life, let's not rush the process. I have had instances of becoming
3 aware that a clergyperson's behaviour is, let's say, questionable and have worked with
4 clergy on pointing out that if they were not to change their behaviour it seems to be heading
5 in the direction of where a complaint would arise, and they ought to be wise rather than
6 foolish.

7 But the diligence is also in the oversight, and encouragement of our training
8 process, boundaries training, post-ordination training, training of those who are going to be
9 ordained. I have a policy, for example, that anyone under the age of 55 who's accepted as a
10 candidate for ordination will go to St John's College for at least a year's training and
11 education there. Could well be longer, it depends a bit on whether they already have a
12 theological degree or not. I could perhaps go on a bit further but I think due diligence is
13 critical to the role.

14 **Q.** It's at the core?

15 **A.** At the core, yeah.

16 **Q.** In your first statement from paragraph 20 onwards you've described quite a range of entities
17 within the diocese, schools, halls of residence, social service agencies as well as the
18 individual parishes. Is it part of a bishop's role to exercise some form of due diligence over
19 that broader group as well as the parishes?

20 **A.** Ideally, but I would completely acknowledge that I have not done due diligence on every
21 organisation that is associated with the Anglican Diocese of Christchurch. I have trusted
22 that schools, for instance, Anglican Care entities, our two halls of residence are following
23 best practice. In various ways I feel I'm in touch with many aspects of that work and have
24 reason to believe my trust is well-founded. In certain instances, I am consulted, there was a
25 recent one, for example, and I had an opportunity to make it very clear what an Anglican
26 view about certain behaviours was.

27 **Q.** These entities are very much part of the diocese?

28 **A.** There's a range of connections, as Bishop Ross said yesterday, about entities within the
29 Diocese of Auckland, similarly within the Diocese of Christchurch. So the City Mission,
30 for example, is very much part of our life, but it is effectively managed through a
31 management committee that's accountable to the Anglican Care Board, I've said earlier I'm
32 a warden of that. I have good personal relationship with the CEO of the City Mission, but I
33 have no direct role in its day-to-day running and it has a whole lot of policies and processes
34 developed within its own life. Our schools are in varying relationships to the diocese.

- 1 Some are governed by statute of Synod, some are not. The College House and Bishop
2 Julius Hall have a relatively distant relationship with the diocese and certainly compared to
3 what it was, say, 30, 50 and 100 years ago.
- 4 **Q.** Ideally, in a well-functioning church organisation, would the bishop have the ability to
5 exercise some degree of due diligence and oversight of all those entities within the diocese?
- 6 **A.** I think the ability would exist if per chance we appointed, call it a safeguarding officer with
7 responsibility to do that due diligence on all aspects of the diocese's life. In our paperwork
8 I have talked about recently appointing a half-time safeguarding officer, but the focus of
9 that person is very much on our 58 ministry units, so it would be an extension of that role.
10 It would be a conversation with entities that possibly would be a bit surprised to find the
11 diocese took a due diligence interest in their policies and procedures, but I'm sure they'd be
12 open to that conversation.
- 13 **Q.** Desirable?
- 14 **A.** It would be desirable. To go back in our conversation this afternoon, I've taken note of the
15 Diocese of Brisbane, if you like, compelling statistics on child abuse to be reported to the
16 diocese. We do not have that reporting line in our schools in Christchurch, but we could
17 do.
- 18 **Q.** How many entities are there in the diocese beyond the parishes?
- 19 **A.** Well, we have six schools, two halls of residence, we have two further Anglican schools
20 that have no structural relationship with the diocese or with me, I am not their warden, but
21 they have a long-standing relationship with their local parishes. We have the Anglican
22 Care Board and quite a number of people working for it, particularly for the City Mission.
23 We have a camp in South Canterbury which is run by a trust board. That's a very distant
24 relationship these days with the diocese but it is connected to us. I'll probably wake up in
25 the middle of the night and think of something else, but that is the essential core of bodies
26 that call themselves Anglican in relation to the diocese of Christchurch.
- 27 **Q.** Is there an organisation chart anywhere that maps out these various bodies?
- 28 **A.** If there is I haven't seen it. It's in my mind, and in the minds of many of our leaders.
- 29 **Q.** I appreciate the legal relationships will vary.
- 30 **A.** Yes.
- 31 **Q.** Is there a document anywhere that collects those, perhaps a briefing for you, so that you can
32 easily understand here are the entities within your zone of responsibility and here are the
33 levers that you could pull or the formal relationships that exist for each of them. Is that
34 done conveniently anywhere?

- 1 A. Yes, when I became bishop there was a briefings folder which gave me information on each
2 and everybody which I would have a connection as bishop.
- 3 **Q.** Could you make that available to us?
- 4 A. Certainly, yes. Could I have a moment to write that down?
- 5 **Q.** Of course. I think Mr Johnson is also going to do that at the same time. If you are
6 something like the hub of the wheel as the bishop, and you may rebel against that analogy,
7 but if you are something like that, would it be useful to you in understanding the potential
8 scale of an issue you may have with safeguarding to have something of a census of the
9 children and vulnerable adults right across these various entities?
- 10 A. Well, it could be useful, but I wouldn't want to say that to have a census when we don't
11 have a census means that I'm sort of operating in some kind of vacuum of knowledge right
12 now. There is a lot of communication across our diocese. We're not a large population
13 centre in New Zealand terms. I find moving around Christchurch it's amazing how many
14 connections there are between people involved in all our entities and conversations and
15 discussions and so informally, anecdotally I think people such as myself as bishop, other
16 people involved in our senior leadership across our entities, have a pretty good grasp of
17 what is going on.
- 18 **Q.** So if we picked right now as a point in time, do you know the numbers of children and
19 vulnerable adults that are within that broader group?
- 20 A. Not in my head, but I have a pretty – I'd have to give myself a couple of minutes to sort of
21 jot down the numbers of children involved, for example, in our schools. We do keep,
22 across our 58 ministry units, annual statistics about congregational attendance, involvement
23 in children and youth ministry, so I mean the statistics are there.
- 24 **Q.** Demographic breakdowns?
- 25 A. We don't have demographic breakdowns across our parishes. That's something I'm, for
26 another reason, am keen on because I'm keen on our diocese working on regenerating itself
27 through the next ten years and I would like to have a better statistical feel for how the
28 actuality of generations in our diocese work out.
- 29 **Q.** Do you have the information going back to previous decades to know, for example, how
30 many children, vulnerable adults were in the care of the church in the 60s and 70s and so
31 on?
- 32 A. We have been keeping statistics for a long time, yes.
- 33 **Q.** And those numbers could be made available to the Inquiry?
- 34 A. Yes indeed. I'm dredging my memory a bit, but I thought we did provide quite a few

1 statistics to the Commission, but maybe we didn't, but I thought we had worked on that.

2 **Q.** What are your highest risk entities from an abuse perspective?

3 A. Well, I think our highest risk would be where we had our lowest training in good
4 safeguarding behaviour. So if an audit of the diocese said that, for example, this school or
5 this parish was sloppy in its practice, that would be a very high risk. I'm not personally
6 aware of any part of the diocese that is sort of weaker than another part. But I want to
7 stress, tomorrow we could have a complaint made that would highlight where we have not
8 done well. But we have good leadership across our schools, we have good leadership in the
9 Anglican Care organisation, and we are assiduous in practice across our ministry units in
10 respect of boundaries training, Police vetting and so forth.

11 **Q.** Moving on to talk about some of your policies, in the safeguarding area, is the main policy
12 the keeping them safe policy?

13 A. That is the main policy.

14 **Q.** When's that first drafted?

15 A. I can't remember, I know the latest update is 2017.

16 **Q.** Was there any external input into its drafting to your knowledge?

17 A. In terms of the revision for 2017 I recall our -- because that revision was particularly driven
18 by our youth and children ministry staff. I recall there was input into that through a
19 Tikanga Pākehā organisation called Strands which has sort of a Tikanga-wide oversight of
20 children's ministry. I find that our diocesan youth and children's workers are pretty aware
21 of developments in other parts of children and youth ministry work, because of their
22 contact with people in similar positions in other church organisations and so this was not
23 something sort of just dredged up within the mind of a couple of people who paid no
24 attention to wider church and society life.

25 So I think it's a good document, it was much worked over by our youth staff, it
26 was critically examined by our Standing Committee who brought up a number of changes
27 to be made and refined further and so it is the policy that we have.

28 **Q.** Has it been externally reviewed at all?

29 A. I cannot remember whether it has been externally reviewed, it's possible the Standing
30 Committee asked for like another set of eyes to look at it. But to be frank it may have been
31 a person to look at it who had some expertise but actually it was already in the life of the
32 diocese.

33 **Q.** Good practice to have an external review of a critical document like that?

34 A. It would be good practice to have that external review.

1 **Q.** You said already that there isn't a policy document to guide redress for claims of abuse. I
2 think you said that in your view that's a strength. Have I understood you correctly there?

3 **A.** I think it's a strength because of the flexibility that offers to respond to the particular
4 circumstances that present themselves. One of the things I have noticed in my short time as
5 a bishop in terms of complaints that have been made to me is that they are extremely
6 varied, and each one seems somewhat unusual or unique in its own right. But I did also say
7 before that that doesn't mean that we should not be open to, and especially across the whole
8 of our church, a best practice that would mean we committed ourselves to much greater
9 uniformity of response and redress.

10 **Q.** And again, to pick up something Bishop Ross was talking about this morning, it
11 would be important that there is consistency across our episcopal units. It would not be
12 right that we had a settlement for, say, a sum of money in one diocese and a similar case
13 had a settlement for, say, half as much in another diocese; that, in the end, doesn't seem
14 fair.

15 **Q.** Was there a deliberate decision not to have a policy, for the reasons you've given, was there
16 ever consideration given to your knowledge?

17 **A.** I have no knowledge of whether it was in the past a subject of discussion about a redress
18 policy.

19 **Q.** As part of your due diligence role as a bishop, do you look at the implementation of
20 policies, relevant policies like keeping them safe, to understand whether they are being
21 implemented properly?

22 **A.** I do not have a regular practice of review of implementation of such a policy. I try to keep
23 an eye on the situation, I have regular meetings with, for example, the diocesan ministry
24 team which includes our youth and children's workers. We have a lot of policies in our
25 diocese and I have found in the two years I've been bishop that it is a busy life and so I have
26 not yet developed a regular practice of review. I think frankly in terms of my timetable I
27 would need to delegate to a person to do that review and report to me if it was to be done
28 properly and consistently across all our policies.

29 **Q.** The best policies in the world are no use if they're not implemented.

30 **A.** That's true. I have confidence that we are doing our best to implement the policies. I'm not
31 sure that review would in itself measurably improve our current implementation. We have
32 some excellent people in our children and youth work in the diocese and they are
33 particularly diligent in fostering the following through of those policies around safety of
34 children and youth. But I do not want to run away from the possibility or indeed the need

1 to commit to a more regular review.

2 **Q.** What is your current confidence that policies are being implemented based on?

3 A. Well, the first part of my confidence is that at this point in time we're not seeing a plethora
4 of complaints which would certainly highlight a lack of implementation. Secondly, I am
5 confident because a significant part of Police vetting is carried out by my executive
6 assistant and I work closely with her and I'm aware of her diligence in that area. Thirdly, as
7 I said before, I have immense confidence in our diocesan youth and children's workers and
8 in the approach they're taking to following safe practice.

9 Fourthly, we have particularly addressed one area of safeguarding. That is a need
10 to have some continuity for the role of what's been known as the diocesan CYPSO or
11 Children and Young Person's Safety Officer. That role then speaks to work with a CYPSO
12 in each parish, Children and Young Person's Safety Officer. That person in each parish
13 having responsibility to ensure that youth leadership children's ministry is practised well,
14 safely, checking in on Police vetting and so forth. We've recently appointed a half-time
15 safeguarding officer both to pick up the CYPSO role but to extend that in other ways that
16 we're working on.

17 One of them is that we've got a much better record-keeping about Police vetting
18 across the whole of the diocese. So there's a certain amount we do from the diocesan office
19 and there's a certain amount we've entrusted to the local ministry units to do. But that does
20 mean that at any given time we may not be 100% sure that 100% of people working with
21 children have been Police vetted. So the recent appointment is designed to, from a
22 record-keeping point of view, have much greater confidence, but the person appointed is
23 not just there to keep records but to work with parishes on improving their practice.

24 **Q.** When did that person start?

25 A. They started on 1 February this year, but we were working on this new appointment
26 through last year, in the sense that we needed to find some new funding to apply to the
27 enlarged position, then we needed to draw up the job description, advertise, secure the
28 person, we secured the appointment last year but they weren't able to begin until 1 February
29 this year. That did mean that we'd gone maybe 15 months or so since our last Diocesan
30 CYPSO worker had resigned her position.

31 **Q.** Did I hear you correctly that part of this person's role will be to improve a situation where
32 the diocese hasn't even been confident that those who should have been Police vetted have
33 been Police vetted?

34 A. I think we've had confidence anecdotally, but we haven't been able to support that with

1 actual data. So we've recognised the need to be able to improve that. I think where this
2 will evolve to is that we will ask for every person who is to be Police vetted to be vetted
3 centrally through a diocesan officer, which would give us a lot more confidence than we've
4 had.

5 But again, that's quite a big feat of work to both change the culture around that
6 from the Ministry units having responsibility to handing responsibility towards the diocese.
7 Ministry units don't always like the diocese to intrude too much in their lives. It's sort of
8 seen as the heavy-handed of central office so we –

9 **Q.** Would that deter you?

10 **A.** No, it doesn't deter us but it is a factor in not thinking we'll just send a memo out and
11 everything will change easily. So it is a relational and communication exercise.

12 **Q.** In one of the case studies we'll come to, I believe it appears someone who was meant to
13 have done boundaries training hadn't. Are you aware of that case, Mr van Wijk?

14 **A.** In the Nelson Diocese?

15 **Q.** Yes.

16 **A.** I am aware of the case, I have read extensively on it.

17 **Q.** We'll come to this in due course. Does that fit with your memory that in fact he hadn't done
18 the boundaries training that he ought to have done?

19 **A.** To be honest, my memory is a bit vague, we're –

20 **Q.** We'll come back to it.

21 **A.** Okay, thank you.

22 **Q.** Staying with the bishop's role, you talked about the warden position, I just want to
23 understand that a bit more. In your statement you describe it as something of a kaitiaki
24 role?

25 **A.** Yes.

26 **Q.** Is the due diligence concept central for those bodies where you are warden?

27 **A.** You mean that the warden would do due diligence and they would expect that?

28 **Q.** Yes.

29 **A.** No, I don't think it is central to the bodies' understanding of the warden's role.

30 **Q.** Should it be?

31 **A.** I think that's a conversation we need to have with the bodies. I would see the bodies as
32 understanding the role of warden as a person who keeps an eye on the organisation, is there
33 at, say, certain ceremonial times, and is certainly available for consultation when a crisis or

1 a difficult question arises, but it would be a bit of a surprise to bodies such as our schools if
2 I wrote a letter tomorrow saying I'm about to do due diligence on aspects of your life.

3 **Q.** Paragraph 69 of your first statement has the statement that the schools should have
4 appropriate policies and processes in place, particularly in discussing Christ's College. Is
5 that enough for you as warden to say they should have the right policies and processes, is
6 that due diligence?

7 **A.** No, that's not due diligence, and I'd certainly recognise, admit that I could have been more
8 decisive in, for example, writing to each of the schools and asking for them to send me their
9 policies so that I could look at them.

10 **Q.** Just thinking about Christ college for a moment, do you know whether there have been any
11 other cases of abuse that have come to light recently at that school?

12 **A.** Well, recently in the – reported in the public media there was a case involving a teacher
13 who was kind of let go from employment there, I think from memory in the early 1990s,
14 and in terms of board circulation there has been some communication of how the school is
15 responding to that through its Board Chair.

16 **Q.** Beyond that one case, as a board member, have you called for any other information about
17 abuse allegations at Christ's College?

18 **A.** So in response to the Commission and the case that came before the Commission in
19 December, there has been communication to the parent and old boy community, in that
20 communication kind of conveying the fact that this is an item of public news, there has also
21 been a commitment to receive any further complaints, and in my understanding a number
22 of old boys have been in touch with the school.

23 **Q.** Do you know how many?

24 **A.** Off the top of my head I can't remember a number mentioned in a circulation to me. It
25 would be in the multiples of tens.

26 **Q.** Is that something you should know?

27 **A.** I'm not sure I should know a specific figure, I should certainly know, and I do know, that
28 there are multiple old boys who have got in touch with the school to talk about situations
29 they experienced. And I should also know and do know that the school has set up what I
30 believe is a good and helpful process for seeking both to hear the complaints and to work
31 on redress and I commend the school for the way in which it is addressing the situations.

32 **Q.** You say multiples of tens; do you have an idea of a ballpark numbers?

33 **A.** I seem to recall a figure of around maybe 30 communications to the school. I'm not sure
34 that all of them in effect represent a complaint, but they do represent an unsatisfactory

- 1 experience of life at the school in the time that the person complaining was a pupil there.
- 2 **Q.** This is following the evidence in this Inquiry in December last year?
- 3 **A.** Yes.
- 4 **Q.** As bishop, as warden and as a board member, what interest have you taken in the school's
5 redress process in response to these further notifications?
- 6 **A.** My interest has been to see that in the redress process the school, as far as I understand it, is
7 following best practice. And as I said before, in the light of a number of things I've been
8 learning myself in recent months, and through the Commission's work, I am impressed with
9 the way the school is responding.
- 10 **Q.** What does best practice mean in this context?
- 11 **A.** Best practice is partly about the way the complaint is received and handled and any ensuing
12 conversation, and I see the Board Chair and the principal of the school, executive principal
13 as responding well in terms of making themselves available to listen to stories told to them
14 and to work with each complainant about how redress might unfold, and I think the school
15 is following a line which is that redress would be relevant, pertinent to each person and the
16 experience they share and what they're seeking from the school.
- 17 **Q.** Has there been expert advice to the school about how to respond?
- 18 **A.** I can't quote chapter and verse, but the school, as I understand it, has sought external input.
- 19 **Q.** From who?
- 20 **A.** That's what I'm sorry I cannot remember to you, recall to you.
- 21 **Q.** As a board member, have you seen a framework or a document setting out the approach the
22 school will take?
- 23 **A.** The board members have been circulated, I don't know whether I'd call it a framework as so
24 much as a process that would be followed the way that the principal and the Board Chair
25 would seek to work. And as I say in my reading of that I've been impressed and felt this
26 was a good way for the school to deal with it.
- 27 **Q.** For any former student of Christ's College who was abused, how would they know what
28 would happen if they were to make a complaint or make a claim?
- 29 **A.** I confess I'm not sure of that, I'd have to check, for example, whether there's information
30 actually on the school website. I would say that in the communications to the old boy
31 community, which of course is, if you like, the old boys on a contact list, may not be
32 absolutely every old boy, and to the parent community there has been some sense of how a
33 contact could be made in a hopefully safe way.
- 34 **Q.** We may need to seek some more details about this in due course.

1 A. Sure.

2 **CHAIR:** Could I just ask while we're on this point and we may come back to it, Mr Mount. You
3 say that you are satisfied that the course of action that they're taking to Christ's College is a
4 good one. What's the basis for your feeling of assurance on that, what expertise are you
5 bringing to assess the process as an individual?

6 A. Well, I'm assessing it in light of what I've been learning in the last 12 months about good
7 redress process. I'm also heartened that a school that possibly has produced more than its
8 fair share of lawyers among its old boys that it is particularly trying to not take a legal
9 approach to these matters, and it's also had some positive feedback about how it has gone
10 about things.

11 **Q.** Have you seen that positive feedback?

12 A. Yes, in writing it was circulated to the Board.

13 **Q.** Thank you.

14 **QUESTIONING BY MR MOUNT CONTINUED:** I want to ask now about the extent to which
15 your diocese has taken into account Treaty obligations or obligations to Māori more
16 generally in your approach to safeguarding or redress.

17 A. So, again fairly similar to Bishop Ross and the Diocese of Auckland, we have been pretty
18 monocultural since the change to the church structure in the early 1990s into a three tikanga
19 church. That in part is because we are fairly mono-European New Zealand, Pākehā. And
20 we have immense respect for Tikanga Māori and how they're doing their work within
21 Te Waipounamu, so the Hui Amorangi of Te Waipounamu encompasses Nelson,
22 Christchurch and Dunedin dioceses and each of the bishops have a relationship with the
23 bishop of Te Waipounamu.

24 In my reading of our files of complaint and in my own recent experience, we have
25 not had Māori complaining in the last few decades, I'm not particularly aware of complaints
26 from other cultures, races. We do not have a process that is influenced by Te Tiriti in
27 writing and formally. I'm sure we would approach a complaint that involved Māori or in
28 our case we do have a Tongan congregation in our diocese, we would seek to approach that
29 in a culturally sensitive and relevant way, but we do not have that in writing.

30 **Q.** If you have had no complaints from Māori in your diocese, is one possibility that whatever
31 processes you have are simply not suitable or appropriate for Māori to engage with?

32 A. That is one possibility.

33 **Q.** Would it be desirable to seek some advice or to work with Ngāi Tahu or any other iwi to
34 understand whether your processes are in fact suitable for Māori?

- 1 A. That would be desirable. It would also be desirable in terms of the current make-up of our
 2 diocese to have regard, as I said, for our Tongan congregation and we have Tongan's
 3 worshipping in other parishes and increasingly we have a presence of people from Asia
 4 which could be in particular Chinese and Korean, maybe some Japanese.
- 5 **Q.** Do you have any reflection for us as to why that hasn't happened until now?
- 6 A. I think I have a particular reflection on why that hasn't happened in our complaint process.
 7 We are a diocese that has treated bicultural relationships respectfully and well, we have a
 8 Bicultural Educational Committee, for example, which has operated for some decades. As
 9 I say, we have a good relationship with Tikanga Māori. So I think in the end, because we
 10 haven't been forced, if you like, to reflect on whether we're inadequate in this area by
 11 complainants who are Māori or Tongan or Asian, hasn't risen as a question to consider for
 12 my predecessors or for me to date.
- 13 **Q.** Would you welcome a recommendation to do better in this area?
- 14 A. Yes.
- 15 **COMMISSIONER ERUETI:** Can I just intervene and ask here; Bishop when you say we are
 16 Pākehā, what do you mean by, who's the "we"?
- 17 A. At this point I'm meaning the predominant people who make up the congregations of our
 18 ministry units.
- 19 **Q.** So of the 50 or so units you're talking about, they're mostly Pākehā in those parishes, is that
 20 what you're saying?
- 21 A. Yes, I would say as I go around the diocese and visit congregations we've probably got
 22 95% of regular worshipers are European New Zealanders, there might be, say, 2% who are
 23 Tongan, maybe another couple of percentage who are Asian, and very few Māori because
 24 there is the opportunity for Māori to identify with their tikanga and worship with Tikanga
 25 Māori.
- 26 **Q.** So are you saying they would go to the Pīhopa o Aotearoa rather than your diocese?
- 27 A. Generally, yes.
- 28 **Q.** Even if they lived in one of those 50 or so parishes they would identify more with the other,
 29 Pīhopa o Aotearoa?
- 30 A. That could vary because there are not tikanga congregations in every district of our diocese,
 31 but even then, the numbers in some of our parishes are very few.
- 32 **Q.** This is your estimate from your experience of going amongst the parishes –
- 33 A. Yes.

- 1 Q. –rather than data? Is that correct, yes?
- 2 A. Yes.
- 3 Q. And also, of the "we", I suppose there's also the people that you are engaging with as
4 consumers if you like, with like the – one of your organisations is the City Mission, right,
5 for example, and these other organisations. Do you have a sense of how many Māori or
6 Tongan or Pasefika or Asian consumers?
- 7 A. I don't have a sense myself, I'm sure the proportion is higher than we're experiencing in our
8 ministry units. That does raise the question of what, for example, the City Mission
9 complaints procedure and policies consist of and the extent to which they're informed by Te
10 Tiriti principles. So I would need to look into that.
- 11 Q. You don't know right now, but you're going to follow that up for us?
- 12 A. I will follow that up.
- 13 Q. If there is a poster, say, talking about your complaint process, would it only be in English –
- 14 A. Yes.
- 15 Q. – or they're in several languages? Okay, that's it for now, thank you.
- 16 **QUESTIONING BY MR MOUNT CONTINUED:** Picking up on that line of questioning but in
17 relation to disabled people. Are you doing enough to ensure that people with disabilities
18 are aware of their potential to complain and if so, they are supported to do that?
- 19 A. I'm sure we're not doing enough.
- 20 Q. Would you welcome a recommendation to do more?
- 21 A. I would welcome a recommendation to do more. I would observe that we're now in this
22 new situation, so it will be for the Ministry Standards Commission to promulgate the
23 consistent materials that will appear across our episcopal units around complaint processes
24 and related information. And it will be for them, with an agreed wording, to make that
25 available in multiple languages, and in other forms that enable the disabled, including those
26 who have poor sight, to be able to feel they're in connection.
- 27 Q. Paragraph 85 of your statement says "It is important to distinguish between complaints of
28 abuse and claims for abuse". Why is that important?
- 29 A. In my understanding it's important in this way: If someone were to complain about abuse
30 and suppose Mary complains against John and then John denies the complaint, there is a
31 problem around how to then proceed around the fact that there's a claim and a counterclaim.
32 And, you know, due process needs to be worked out to resolve that complaint in a helpful
33 conclusion for the complainant, but maybe come controverted and difficult because of

1 denial of the complaint.

2 A claim I would distinguish as that a church, in this instance, accepting the
3 complaint and working with the complainant on redress, whether or not it's able to sort out
4 the respondent to the complaint. In other words, I would understand that one could focus
5 on a complaint and kind of hold up a claim process, a process of securing redress because
6 you get stuck say between lawyers and sorting out the complaint, and the claim part would
7 be the church being able to move more quickly to do something helpful for the
8 complainant. But they're obviously associated because as the complaint hopefully is
9 resolved, that also then leads into redress.

10 **Q.** Is it a distinction that makes any sense from a survivors' point of view do you think?

11 **A.** I don't know. I could imagine survivors saying they can't make or find it difficult to make
12 the distinction. I would say as a bishop in a sense I have to make the distinction, because if
13 the complaint were such that one was looking at, say, the dismissal of a clergyperson or a
14 youth worker, one has to proceed in the dismissal of a person in either an appointed or
15 employed position with due regard to matters of natural justice, of employment law and so
16 forth.

17 So in other words, there may be a threshold of proof that means the bishop has to
18 take into account, you know, how to end an employment or an appointment well, and in a
19 way that is evidenced and justify – sorry, justified, I'm not denying evidence, because
20 evidence can be controverted. We have instances in the life of our diocese where
21 complaints have been brought and the respondent has denied, and maybe it has gotten to a
22 kind of she said/he said kind of back and forth and lawyers have got involved and it's
23 become difficult. That's a problem for the bishop, I want to stress, but we've got to have
24 regard for the survivor in such a situation.

25 **Q.** From a survivor perspective, imagining you've been abused by a person of responsibility in
26 the church, you contact the church to say "This happened and I want to talk to you about
27 putting that right"?

28 **A.** Yeah.

29 **Q.** Is it sensible that they essentially might be asked, "Well, do you have a claim or do you
30 have a complaint?" Would that make sense do you think?

31 **A.** Well, I can't imagine that being the response to the complaint. The response to the
32 complaint would be to hear the complaint and to work with the story that is told and with
33 what the complainant is seeking in that situation and how we could respond in a helpful and
34 hopefully life-giving way to the complainant.

1 Now if you imagine that complainant saying "It would really help me to know that
2 the person who abused me would no longer hold their position in the life of the church",
3 that would be an entirely reasonable request in terms of a complaint of abuse. But we
4 would have to work that dismissal out in a way that accorded with the process under Title
5 D if it was an appointed person or employment law if it was an employment person. That
6 might take longer than the complainant would wish, because I could imagine a complainant
7 would want instant action on that kind of thing and it may just simply not be possible. I'm
8 not talking about going through some long-winded process, but there would need to be due
9 process.

10 **Q.** The current process of the church draws quite a binary distinction between a claim and a
11 complaint in that there's an elaborate highly legalised complaint process Title D and
12 literally no formal process for a claim. Is that right?

13 **A.** Well, I would stress again that Title D is an omnibus piece of legislation and it's designed
14 to take on board any and every kind of complaint and yes, there is a highly legal process,
15 but that also means that it becomes difficult, say, to dismiss a clergyperson simply because
16 a person's complained that that person's preached heresy, say, in a sermon last Sunday. It
17 means that we, in one sense, slow down and work through the level of the complaint and so
18 forth.

19 So it may be that in an omnibus piece of legislation we're not serving the person
20 who's complaining of abuse well, maybe we should have a specific piece of legislation for
21 that complaint and it doesn't get tangled up with something which is also trying to deal with
22 potentially heresy or maybe some other habit of life of a clergyperson. Title D also deals,
23 for example, if there was an addiction, a substance addiction, alcoholism and that kind of
24 thing. So that may be one aspect of what you're looking at.

25 But I think I'd also want to stress that in how Title D can work in practice as we
26 work with a complaint against a clergyperson for abusive behaviour, by working not so
27 much on the mediation track but on an informal but intentional track governed, if you like,
28 by Title D as a background and a presupposition that we are able to bring the clergyperson
29 being complained about, bring their appointment to an end, say through resignation, and in
30 that way maybe achieve something that's a lot speedier than if we were to go, say, to the
31 Tribunal level of things. And in securing that resignation being in a much better place to
32 work with some reasonable speed on the redress side of things.

33 **Q.** In your paragraph 85, part of your definition of a claim is a request for some type of
34 monetary restitution. Is the issue of money at the core of the way the church has responded

1 to claims?

2 A. Sorry, could you just put the start of that question again?

3 Q. Is the issue of money at the core of the way the Church has responded to claims?

4 A. It may have been in the past in the sense that maybe a fear that a claim would lead to
5 monetary compensation has led to a how can we get away with paying as little as possible
6 approach; or are we legally liable to monetary compensation, no, we're not so that's good.
7 It would appear that in past times we have taken that kind of line, speaking in a sort of
8 colloquial way.

9 I think in what I've said in that paragraph I've probably focused on claim as
10 meaning money, whereas I think the word "redress" is a more encompassing term about
11 what it is that will help a person to cope with or even overcome the ongoing trauma from
12 abuse. And that's not necessarily about money at all, it may be, but it need not be.

13 And certainly in the limited experience I have had in responding to a few
14 complaints, I've noticed that people are not looking for money, but are looking for a sense
15 that the Church is listening, is taking a complaint seriously, and is in some way working
16 with the respondent to the complaint.

17 Q. Is there an insurance dimension to a financial claim for abuse in your diocese?

18 A. There is an insurance dimension. There has been since 1995. That dimension means that
19 we let our public liability insurer know whenever there is, not just a kind of – we've got a
20 claim but even we've got something happening that we think you should know about in the
21 first instance. We recognise there's a risk in going to the insurer that their lawyers may
22 drive where a situation is going.

23 Q. Has that happened?

24 A. I'm not personally – I've not personally been directly involved in conversations with the
25 insurer about claims for abuse and how they may have been responded to by the insurer. I
26 am aware, for example, of a claim in our diocese about an employment conflict that raised
27 the insurer's involvement and to be honest I'd have to look that up to see how helpful that
28 involvement was.

29 We also have a \$5,000 excess on a claim, and in my time as bishop some
30 situations where there may have been a bit of a claim for money, and I'm talking very
31 generally here not focusing on abuse, that the threshold has not necessarily been met or
32 going to be met so the insurer hasn't had a role. We find that generally the insurer doesn't
33 really want to know about insuring on complaints, so that we have some sense that we as a

1 diocese would fund a number of different situations if it came to that.

2 **CHAIR:** Are you saying you don't refer the matters to your insurer because – is that what you're
3 saying, that you just prefer to deal with it without going to your insurers?

4 A. No, I'm saying we have referred matters to the insurers, we've had a bit of a mixed response
5 as to their interest in situations. In my experience, recent experience, this has been more
6 about some conflict resolution stuff in the workplace, that kind of thing, there has not been
7 a significant complaint and claim about abuse in the last couple of years. So I have not
8 been party to it or directly party to a discussion with the insurer.

9 **Q.** During your term as bishop?

10 A. Yes, and I can't recall significant signs of the insurer sort of governing process in a longer
11 period than that. But I'm not saying that since 1995 they've sort of had no governance or
12 intrusion. Again, part of my learning over the last 12 months as the Commission has been
13 doing its work is that the insurer tends to, understandably from their perspective, take a
14 quite legal view of what they will or won't happen and we certainly need to move away
15 from being constrained by legal considerations in claims reviews.

16 **Q.** Thank you.

17 **QUESTIONING BY MR MOUNT CONTINUED:** So just to summarise that from a past
18 perspective in a survivor's point of view, a claim relating to abuse that has a money
19 dimension, the risk is it goes off to an insurer dominated process with legal defences,
20 Limitation Act, privilege, all of that sort of response, that's one possibility?

21 A. It's a possibility, but I think in the light of what I've been learning in the last 12 months that
22 if we had a significant claim, I would be working with our diocesan manager who normally
23 conducts the communication with the insurer on not making a claim because we would
24 need to follow best redress practice, not follow lawyer's advice.

25 The other thing I might say in terms of what you've said earlier this afternoon
26 about we might have a number of claims we've yet to discover going back, say, 30 years,
27 the insurer has been very clear that nothing before 1995 would count even if we did bring it
28 to them.

29 **Q.** Record-keeping. Can we pull up ANG ending 8002. This was the Christchurch response
30 to Patricia Allan's survey. Page 4 of that document describes the record-keeping process.
31 That's the first page just to orient you. If we can zoom in on the bottom half under the
32 heading "Records". It's not easy to read in that colour, I'm sorry. But is this the practice in
33 your diocese that firstly the monitor will keep full records of an investigation, interview
34 notes and so on?

1 A. That's my understanding.

2 Q. And they are kept –

3 **CHAIR:** Before you go on, Mr Mount, who's answering these questions? We've heard from
4 Bishop Ross that he answered the questions, did you answer these questions Bishop Peter?

5 A. I'm sorry, Commissioner, I can't remember exactly my role in putting these answers
6 together. I believe I was working with my executive assistant who has done a lot of work
7 on preparing materials for the Commission.

8 Q. So first of all it was done during your time?

9 A. Yes.

10 Q. And you had a hand in it, but you were assisted by somebody else, is that roughly –

11 A. It's my memory that we worked together.

12 Q. Okay, so you do know about the document?

13 A. Oh, yes, yes.

14 Q. Okay, thank you.

15 **QUESTIONING BY MR MOUNT CONTINUED:** So the monitors keep careful records, which
16 are then kept, but they are destroyed after the time for an appeal; is that right?

17 A. I'm sorry, I'm hesitating because I'm not sure we've got a time for an appeal, a statute of
18 limitations on making an appeal, but I recognise when I read that sentence that there is a
19 contradiction between sufficient time and should they be required for any further action or
20 appeal because that, in theory, could be an unlimited amount of time. So that is probably
21 something I need to check in with the monitor that they actually keep their records forever,
22 in other words they are archived.

23 Q. Yes, if we just turn over to the next page at the top of the page, under the bullet "How are
24 they disposed of". If we zoom in on those top two bullet points, it looks as if they get
25 shredded. Is that right?

26 A. As I understand it the – I've worked with two monitors in my time, they have in time
27 disposed of their records. So what is kept out of it all is their determination,
28 communicated, or their recommendation communicated to me. And it's that
29 recommendation that would be, for example, kept on a personnel file in relation to an
30 officer or clergyperson of the diocese.

31 Q. Why are the primary documents, interview notes and so on, shredded at the end of the
32 process?

33 A. I'm not sure. I'd actually have to ask that question why they would be shredded other than

- 1 some sort of usual confidentiality, especially in regard to the complainant. I'd actually
2 need to talk to the past and present monitor and say how did that practice develop, why
3 aren't we keeping all the notes for the archives.
- 4 **Q.** If we go back to the previous page, it's clear that the bishop also receives a report on the
5 case?
- 6 **A.** Yes.
- 7 **Q.** Not the primary documents, a report, is that right?
- 8 **A.** Yes.
- 9 **Q.** Is it then up to each individual bishop how long they keep that for and how that information
10 is stored and so on?
- 11 **A.** It is up to each bishop. I'm aware that, this may be anecdotal, but the bishop about four
12 back I'm told had a bonfire at the end of his time as bishop. I'm not exactly sure what went
13 into the bonfire. The only thing I could be sure is kept is stuff we still have kept in the
14 archives. I would think the more consistent practice for about 30 years that records are
15 kept, I think there's much greater consciousness of the fact that good practice is to keep the
16 paperwork relating to different situations, and certainly if I go back to the Rob McCullough
17 case which goes back to 1989, reading through the documents there's certainly a vast
18 number of handwritten notes as well as formal letters and other communications that are in
19 our archives. So I'm kind of assuming that practice at least for, say, 30 years has been to
20 keep all documents.
- 21 **Q.** The bishop who may or may not have had a bonfire, was that Bishop Pyatt?
- 22 **A.** I'm told that, yes.
- 23 **Q.** Who I think from your statement held office for nearly 20 years, 1966 to 1983?
- 24 **A.** That's right.
- 25 **Q.** It must be unsatisfactory to think that potentially nearly 20 years worth of records would
26 have been destroyed, whether in a bonfire or in any other deliberate way?
- 27 **A.** That is frustrating and you probably are aware of a case in the paperwork of the
28 Commission where it is specifically mentioned that Bishop Pyatt may have written a
29 reference which, in hindsight, should not have been written. And there appears to be no
30 record of correspondence about the issuing of that reference.
- 31 **Q.** If the Australian experience is anything to go by, and there's a big bow wave of complaints
32 from the 70s and 80s, potentially that 20-year period under Bishop Pyatt could be a very
33 large hole in the Church's records of response to abuse?
- 34 **A.** Well, it could be.

1 **MR MOUNT:** Madam Chair, it's just past 5 o'clock, that may be suitable from our perspective.

2 **CHAIR:** We'll take the evening adjournment. Bishop Peter, again just to remind you not to talk,
3 but you haven't – I don't know if you were present when I said the other day, that if a matter
4 has arisen in the course of the examination questioning that you need to raise something,
5 talk to your counsel and he will discuss it with Mr Mount. So it's not total silence if there's
6 something pressing that you need to talk about, but otherwise don't talk about it. Thank
7 you.

8 **Hearing closes with waiata and karakia mutunga by Ngāti Whātua Ōrākei**

9 **Hearing adjourned at 5.03 pm to Friday, 19 March 2021 at 10 am**

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