

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
FAITH-BASED INSTITUTIONAL RESPONSE HEARING**

Under The Inquiries Act 2013

In the matter of The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

Royal Commission: Judge Coral Shaw (Chair)
Dr Anaru Erueti
Ali'imuamua Sandra Alofivae
Paul Gibson

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Ms Sally McKechnie and Ms Brooke Clifford for Te Rōpū Tautoko, the Catholic Bishops and Congregational Leaders

Mrs Fiona Guy-Kidd and Ms India Shores for the Anglican Church

Ms Maria Dew KC, Ms Kiri Harkess and Mr Lourenzo Fernandez for the Methodist Church and Wesley Faith

Mr Brian Henry, Mr Chris Shannon and Ms Sykes for Gloriavale

Ms Sarah Kuper and Mr Matthew Hague for the Presbyterian Church

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Abuse in Care Royal Commission of Inquiry
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TRANSCRIPT OF PROCEEDINGS

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Hearing opens with waiata Pūrea Nei and karakia tīmatanga by Ngāti Whātua Ōrākei

[9.08 am]

CHAIR: E ngā mana, e ngā reo, e ngā hau e whā, tēnā koutou, tēnā koutou, tēnā tātou katoa.

Welcome back everybody to the hearing. Welcome if you have not been here before and welcome to those who are watching on the livestream.

Today we have the interesting day of the Presbyterian Church giving its responses to survivor accounts and we acknowledge the presence of members of the Presbyterian Church and its various social services today. I think given that we've got numbers of lawyers in the room I think perhaps we should start with some appearances so that we all know who we're talking to and who is who.

So can we start with counsel for the Presbyterian -- I'll start with Ms Castle, beg your pardon, we'll start with Ms Castle for Counsel Assist and then we'll move on.

MS CASTLE: Tena koe, Madam Chair, o te rā tēnā koutou e ngā Kaikōmihana. Ko Alisha Castle tōku ingoa, Counsel Assisting the Commission and I'm here with a small team, Joanna Judge, Counsel Assisting and solicitors Richard Roil and Madeline Boyle.

CHAIR: Thank you, Ms Castle, I'm sorry I ignored you to start with.

Now to the other side, kia ora.

MS SMITH: Kia ora, morning Commissioners. Ko Helen Smith tōku ingoa. I appear for Presbyterian Support Central together with my friend Ms Kuper. I also appear for Presbyterian Support Otago together with my friend, or my colleague, Mr Hider.

MR CASTLE: Thank you. So that's everyone -- no, and we have the ever-present Ms McKechnie.

MS McKECHNIE: I wouldn't want to disappoint you, ma'am. Yes, we are here again this morning and Ms Clifford appears with me today.

CHAIR: Thank you very much.

MS SCHMIDT-McCLEAVE: Mōrena ngā Kaikōmihana, ko Ms Schmidt-McCleave tōku ingoa, te roia mō te Karauna, tēnā koutou.

CHAIR: Kia ora Ms Schmidt-McCleave. So I think that's -- no, but wait there's more.

MS OOSTERHOFF: Tēnā koutou katoa. Madam Chair, I appear for the Survivor Network of those Abused by Priests, Ms Oosterhoff.

CHAIR: Thank you. Very well, I think that covers everybody who we need to know about.

On that, Ms Castle, do you wish to say anything to start or do we start with the Presbyterians?

MS CASTLE: I think in the interests of time, ma'am, I'll hand over to my friends.

1 **CHAIR:** All right then. And if I can just say, without wanting to constrain you too much, we
2 have very limited time today and I would ask all counsel to stick rigorously to the
3 timeframes that you've got, thank you.

4 **MS SMITH:** Commissioners, thank you. Presbyterian Support Central, which I will refer to as
5 PSC when I'm speaking --

6 **MR CASTLE:** Your mic's not on.

7 **MS SMITH:** Is that better?

8 **CHAIR:** That's much better, it's a matter of talking into it.

9 **MS SMITH:** We'll start again. I hope that doesn't count in terms of my time.

10 **CHAIR:** Starting now.

11 **OPENING STATEMENT BY PRESBYTERIAN SUPPORT CENTRAL and**
12 **PRESBYTERIAN SUPPORT OTAGO**

13 **MS SMITH:** Presbyterian Support Central, which I will refer to as PSC and Presbyterian Support
14 Otago PSO are grateful for the opportunity to be here today and to present this opening.
15 I did just want to introduce myself for those that are in the room and are also listening
16 online. I am a non-disabled woman, difficult to describe me, I was born in England, raised
17 in New Zealand, so I regard myself as a New Zealander but of European background
18 I guess. I'm 49 years young, I have medium length straight blondish-brownish hair,
19 sometimes blonder than others, and I'm tall and I'm wearing a purply pink dress with a dark
20 blue jacket.

21 In terms of the structure for today, I thought I might just highlight what we're
22 proposing to do if that suits the Commissioners. PSC and PSO are separate and
23 autonomous organisations from each other. Given the limited time, what I'm proposing to
24 do across this morning's two sessions is do a slightly longer opening now but covering
25 matters which are consistent for both PSO and PSC and then a very brief comment just
26 leading into the evidence on matters that are just specific to those organisations. And
27 hopefully that might save you time in listening to me all morning. So that's the intention.

28 **CHAIR:** Thank you.

29 **MS SMITH:** When giving evidence today, representatives from PSC and PSO are going to
30 acknowledge those survivors who suffered abuse while in the care of their institutions and
31 apologise for that harm, and it's really important, they felt, that those words came direct
32 from them, not from me, but they did want me to convey in this opening and acknowledge
33 all survivors who are watching this hearing, either in this room or remotely.

1 Your bravery to come forward and share your experiences is something which the
2 witnesses will acknowledge, not only in terms of that bravery, but the opportunity that they
3 have presented both organisations to make amends to learn from the past and to ensure that
4 all those who come into contact with their organisations are protected from all forms of
5 abuse.

6 Going back in history, PSO and PSC have been each operating in the Social
7 Welfare space for over 100 years. In the late 1800s there was a growing realisation that
8 Presbyterian parishes were not capable of dealing with increasing problems in the
9 community on their own. There was an alarming number of people living in poverty and
10 no basic social welfare system. So, to address that need in the 1900s, both organisations
11 initiated projects to care for orphaned and destitute children.

12 And relevant to the scope of your Inquiry, PSC operated a children's home in
13 Berhampore Wellington from around 1912. PSO operated the Glendinning Presbyterian
14 children's home and you'll hear that that comprised three cottages, Cameron, Nisbet and
15 Somerville and that was operated from 1930 and it also operated Mārama Home in
16 Lawrence from 1942.

17 Berhampore closed in the mid-80s and PSC stopped providing care at that time.
18 Mārama closed in 1973, Glendinning closed in 1991 and that is when PSO stopped
19 providing care. But during the time that they did provide care, several hundred children
20 passed through their doors.

21 The operations that PSO and PSC provide have changed significantly since they
22 first started. Neither provide direct care to any children, young person or vulnerable adults.
23 Instead what they do is they run two services through Family Works and Enliven.

24 So Family Works is a multi-disciplinary service which offers support to families.
25 Its services include courses for whānau, for parents and children and supplying the wider
26 community with support and essential items. But at no stage are children taken into care or
27 any residential services delivered by PSC or PSO.

28 Both entities also offer a range of positive aging services, including retirement
29 villages and care homes under the name Enliven and Enliven has grown to be one of
30 New Zealand's most trusted providers of aged care and retirement villages.

31 **CHAIR:** Who are not within the scope of this Inquiry.

32 **MS SMITH:** That is correct, yes. In terms of location, just so everyone can get their bearings,
33 PSC delivers its health and social services through those Family Works and Enliven across
34 the Lower North island. Its central hub is based in Porirua and services are located between

1 Taranaki and Wellington. It's governed by a Board of Directors and Joe Asghar is CEO
2 and it has around 1,000 employees and 350 volunteers.

3 I'll take you on a journey south of the motu now where PSO delivers its services in
4 the lower South Island from Oamaru to Balclutha and as far west as Queenstown. Its main
5 centre or support centre is based in Dunedin and it's governed by a separate Board of
6 Directors and Jo O'Neill, who you might see in some of the documents referred to as Jo
7 Rowe, is CEO, and they have 750 employees and 500 volunteers.

8 So just touching on the point that although they do not provide care anymore, they
9 still have members of their organisations who, when they are delivering work through
10 Family Works or Enliven, interact with children and young persons and other vulnerable
11 people. So although they are not providing the type of care, they are acutely conscious of
12 the importance of reflecting the learnings that they have obtained and continue to obtain
13 through ongoing education from their connections and liaisons with survivors and also from
14 this Commission.

15 **CHAIR:** Would you consider that those interactions that you referred to could come under the
16 broad heading of pastoral care? So it's not taking people into care but they are interacting
17 in the name of an organisation in a pastoral service way?

18 **MS SMITH:** It might be pastoral, but the organisations when they talk about that is more that
19 collective responsibility to -- we all have a responsibility to look out for people, to identify,
20 to learn so that we know what the signs are.

21 **CHAIR:** You mean as human beings.

22 **MS SMITH:** Indeed.

23 **CHAIR:** Yes, but as an organisation they are doing it in a deliberate and focused way.

24 **MS SMITH:** Absolutely, yes.

25 **CHAIR:** So to that extent are delivering a service of care to people.

26 **MS SMITH:** In that sense, and you will hear from the witnesses who talk about how both
27 organisations have changed the level of training and focus that they have, which has been
28 informed by the past but is a continuing, as it must be, and evolving learning process as we
29 continue to learn more. You'll hear them both say that it just simply can't be static, the job
30 is not done.

31 In terms of the relationship to the Church and Presbyterian Support New Zealand
32 and each other it's worthwhile just touching on that so that relationship is clear. There are
33 seven autonomous regional Presbyterian Support Services across Aotearoa. So we have
34 New Zealand Central, East Coast, Upper South Island, South Canterbury, Otago and

1 Southland. And collectively they are one of Aotearoa New Zealand's largest not for profit
2 and health and social services providers.

3 So operating under a federation structure, those seven organisations, including PSC
4 and PSO, are governed, managed and operated separately to each other, and that's simply to
5 be able to best respond to the local needs in their communities. They come together,
6 however, under the Presbyterian Support Federation or Presbyterian Support New Zealand
7 to share information, best practice ideas, and where possible, resources, and there's also
8 regular communication between them on areas of commonality, such as standards of care,
9 purchasing opportunities, learning opportunities and so on.

10 But Presbyterian Support New Zealand has no governance responsibility of any of
11 the regional entities, and as I've said, none of those entities have any governance or control
12 over each other either. They are separate organisations.

13 **COMMISSIONER ERUETI:** Counsel, when you say that they communicate regularly with one
14 another, are you talking about Presbyterian Support New Zealand communicating with the
15 seven entities or the seven entities communicating regularly with one another?

16 **MS SMITH:** There is a bit of both but certainly the regional entities because they are the ones
17 that are delivering similar services, albeit in different areas with different needs, but there is
18 regular communication between them on the services that they provide.

19 **COMMISSIONER ERUETI:** Okay, thank you.

20 **MS SMITH:** Turning to the Church, the historical relationship between Presbyterian Support
21 entities and the Church originated in around 1905 when a preacher called William
22 Hewittson identified a need for support for hospital visits and social services. And in 1906
23 the Presbytery met and agreed plans for a service, at that stage covering five regions, and
24 that service was called Presbyterian Support Service Association, another acronym's
25 coming, what we refer to as PSSA.

26 Over time PSSA has expanded its operations into the seven self-governing regions,
27 which is where the organisation stands today. It goes without saying that each still bear the
28 name "Presbyterian", but as they say, that is to recognise their beginnings, their heritage
29 and the values that they share with the Church, and most importantly a shared value base of
30 supporting those in need.

31 There is no requirement for anyone in PSC or PSO to be Presbyterian or to attend
32 Presbyterian services, and even at an organisational level, the Church exercises virtually no
33 influence over the affairs, aside really from an ability to appoint someone to the board of
34 those organisations. But as practice has developed over time, the organisations essentially

1 go to the Church now indicating the skills that they need and the person that they have
2 identified and it operates in that way.

3 **CHAIR:** But there's still representation from the Church on these boards?

4 **MS SMITH:** There can be, yes.

5 **COMMISSIONER ERUETI:** There can be, there is designated places on each of the seven
6 bodies?

7 **MS SMITH:** I'm not sure about now, but there certainly has been over time and it does vary about
8 whether there is somebody from the Church on there.

9 **COMMISSIONER ERUETI:** You can provide us with that information?

10 **MS SMITH:** Absolutely can, and I'm sorry I wasn't clear on that.

11 **COMMISSIONER ERUETI:** Ka pai.

12 **CHAIR:** I'm just concerned about time here. I appreciate, I mean if your witnesses are going to
13 say this then -- the organisational thing has been good and helpful for us, but I suggest if
14 you can, just leap on to the end if that's possible.

15 **MS SMITH:** I've leapt. What I did want to cover is there are some comments about Te Tiriti o
16 Waitangi but I think that the witnesses are best placed to speak to that, because they know
17 what happens in practice.

18 But I do just want to highlight the witnesses that you will hear from today if that
19 suits. For PSC you will hear from Joe Asghar who is the current CEO. Mr Asghar
20 suffered -- it doesn't look like it, but he suffered quite a significant medical event last night,
21 so he apologises for not being able to be in here in person, but he was dogged in his desire
22 to be here today, which is why he is on the screen behind you and he's very keen to learn
23 and to give evidence today. And there'll also be Pat Waite who is the former CEO of PSC
24 and he has a specific role within the organisation for dealing with survivors and so on.

25 You'll also hear later this morning from Jo O'Neill from PSO. She is the current
26 CEO of that organisation, and, as I said, we will hear from her later this morning up.

27 In terms of -- we will hear them engage with you and so on, but at this stage they
28 just wanted to make the Commissioners aware that although they have learned a lot in
29 recent years, there is still more they can and must do and they are committed to doing that,
30 committed to shining a light on and making amends for the past, but very much with an eye
31 on the present to ensure that children, young people and vulnerable persons are safe, and
32 even though they don't work in that space, they have a part to play in it, given the
33 interactions that they do have.

34 I'm conscious of your desire to move on.

1 **CHAIR:** Yes. We want to give as much to your witnesses as possible without pushing them. So
2 anything else that's absolutely burning that you'd like to say now that you can't say later?
3 And you will make those submissions available to us I expect.

4 **MS SMITH:** I will.

5 **CHAIR:** They'll go on the website so that everyone can read them.

6 **MS SMITH:** Perhaps if I can just do this, because it has been really important to Mr Asghar and
7 Mr Waite, and particularly PSC as a whole, how humbled they have been by the learnings
8 that they have obtained and the relationships that they have developed with survivors. And
9 one of those survivors, David Crichton, who has given his permission for his name to be
10 used in this hearing, he's explained to them the importance of continuing on those
11 relationships and so on, and he's also offered to come and speak to PSC about his
12 experience dealing with agencies. And I just wanted to really emphasise that, for PSC's
13 purposes, this is really just one part of their learning opportunity.

14 **CHAIR:** We're conscious that David is watching proceedings today too, so we acknowledge him,
15 his presence, at least through the screen.

16 **MS SMITH:** Yes. And one final point before I will sit down, is that there are dedicated page(sic)
17 on the website and ways that survivors can get in contact.

18 **CHAIR:** Whose website?

19 **MS SMITH:** PSC's, so this is just leading into PSC's website, I will talk about PSO's shortly, but
20 that of course has similar information.

21 But for those listening today, PSC wants to extend a further invitation to speak with
22 survivors if they would like to discuss their experiences or if they would like to make a
23 complaint about their time in PSC's care. It has a dedicated webpage, but Mr Asghar and
24 Mr Waite would welcome any form of contact that the survivors would prefer, so anything
25 that works for them, phone calls, letters, whatever.

26 So with that said I might let my friend Ms Kuper introduce you to the witnesses and
27 get into that process.

28 **MS KUPER:** Mōrena, Madam Chair and Commissioners, tēnā koutou katoa. Ko Sarah Kuper
29 ahau. I am Sarah Kuper and I'm preparing on behalf of Presbyterian Support Central with
30 Ms Smith.

31 **COMMISSIONER ERUETI:** Tēnā koe.

32 **MS KUPER:** As Ms Smith did I'll refer to them as PSC throughout your questioning. I am a
33 Pākehā woman with blonde hair, average height and today I'm wearing black jacket and
34 trousers with a colourful flowery shirt.

1 Today we have Naseem Joe Asghar, who would like to be referred to as Joe,
2 appearing via AVL on the television and with us in person today is Patrick David Waite
3 who would like to be referred to as Pat.

4 **CHAIR:** Thank you.

5 **MS KUPER:** Would you like to take the affirmation?

6 **CHAIR:** Yes. Welcome to both of you today, I don't think we've seen you before and I'm grateful
7 to you for coming forward, Pat. And Joe a particular greeting to you. We admire your
8 fortitude and your determination to appear in spite of what has happened to you and we
9 really respect that, and if at any time you feel you need to take a break or anything, either of
10 you, of course, please feel free to do that, won't you, we will not be offended in the
11 slightest.

12 So I'll start with an affirmation for both of you.

13 **NASEEM JOE ASGHAR and PATRICK WAITE (Affirmed)**

14 **QUESTIONING BY MS KUPER:** Mōrena Joe, you can hear us clearly?

15 **MR ASGHAR:** I can indeed, thank you.

16 **MS KUPER:** Would you like to start by introducing yourself Joe including giving a visual
17 description of yourself?

18 **MR ASGHAR:** Certainly. Tēnā koutou, tēnā koutou, tēnā koutou katoa. Ko Joe Asghar tōku
19 ingoa. Thank you very much for that introduction, Sarah. As you've said I'm the Chief
20 Executive of Presbyterian Support Central, I've been there for some 18 months. It really is
21 truly a privilege to come and speak to the Commission and to contribute to the very
22 important work that we're doing. And importantly I want to again, Madam Chair, thank
23 you for accommodating my needs this morning and apologise for the challenges that this
24 has caused the Commission.

25 I suppose I would describe, in terms of describing myself, a Scottish Pakistani with
26 fair skin, probably built like the side of a house or a tight-head rugby prop but without the
27 ears. I'm about 5 foot 10 but if you ask my wife she will say 5 foot 8. I have grey hair,
28 grey shirt, a pink tie and a black waistcoat. I'm not wearing any glasses and I'm a
29 non-disabled person and I would -- I think that's probably enough about how I would look.
30 Kia ora.

31 **MS KUPER:** We'll turn to Pat now thank you.

32 **MR WAITE:** My name is Pat Waite, I would think I'm quite young but in actual fact I'm 75, and
33 I'm about the same height as Joe, so whichever measure you want to make of that at all. I'm

1 a New Zealand Pākehā, I was born in New Zealand and spent my time in this country. So
2 I'm wearing a blazer and a blue tie and pleased to be here today.

3 **CHAIR:** Thank you both.

4 **MS KUPER:** Pat, you're a former CEO of PSC, what role do you continue on in the organisation?

5 **MR WAITE:** I've retired as Chief Executive from PSC about 18 months ago and Joe took over
6 my role and the board retained me to be responsible for -- in relation with survivors and
7 also to continue this work. So my full-time job is actually this particular Royal
8 Commission responsibility and dealing with survivors, which I do virtually on a daily basis.

9 **MS KUPER:** And you also provide reports back to the board on those interactions?

10 **MR WAITE:** Part of my responsibility is to report to the board independently of the management
11 each month which I report through to a subcommittee of the board who then report on to
12 the board. So that's the relationship I have.

13 **CHAIR:** Can I just remind everybody, including myself and counsel, that we have a stenographer
14 who's taking down every word you're saying, just please be mindful of her needs to be
15 accurate, thank you.

16 **MS KUPER:** So perhaps speak slowly at the top.

17 Turning back to you, Joe, as Madam Chair has acknowledged, you've made
18 significant efforts to be here this morning, despite a serious medical event late last night.
19 But I know the primary reason you want to be here is to speak to survivors and there's some
20 introductory remarks you'd like to make.

21 **MR ASGHAR:** Yes, I would, and I've already said that I'm terribly sorry that I'm not there in
22 person, please accept my humble apologies. But I do want to share some of the reflections
23 and the insights that the organisation, Pat and I have gained through our connections or
24 interactions, and really our conversations with survivors who lived at our former
25 Berhampore Children's Home that I'll just refer to as "the home".

26 We've listened to survivors' stories, we've had time to reflect on those stories which
27 are inherently complex, harrowing and challenging, and in that looked at our past mistakes
28 and how we can learn from them.

29 In saying that, in saying what I'm going to say, I would like all the survivors
30 listening to know that what I say here is out of respect for you, for the trauma, the upset and
31 the lost childhoods that you have suffered while in our home. I would like to very much
32 acknowledge and thank those who have found the courage to come forward and also for
33 those who have not yet.

1 So beginning the statement by acknowledging the harm that was suffered in the
2 home, not just at that particular time, but the long-term impact, not only on the survivors,
3 but their whānau. I've really been quite horrified and shocked at the way that some children
4 were treated in the home. Their mistreatment is to our absolute and great shame as an
5 organisation.

6 On behalf of Presbyterian Support Central, I offer a deep, profound and unreserved
7 apology to survivors and their whānau for both the harm that they suffered as an individual
8 and as children while in their care, and the harm that they might -- and the harm that many
9 actually are continuing to suffer as a direct result of their experiences in our care.

10 I'm very aware that while apologies were made in 2007 to a large group of
11 Berhampore survivors, and to those others that have come forward since, I want to reiterate
12 again unreservedly that we are truly sorry and that I am truly sorry.

13 We can never undo the harm that's been caused, but I hope that our
14 acknowledgment and the apology that we give can help survivors on their path to healing.
15 And as Sarah said earlier, although we no longer provide direct care to children, young
16 persons or vulnerable adults, I also want to let survivors know that I personally am
17 committed to ensuring that we do our part to right any wrongs that have occurred in the
18 past, and to work and engage with them if that is something they would like to do on their
19 terms.

20 **MS KUPER:** Thank you -- sorry, no carry on.

21 **MR ASGHAR:** I was going to say in terms of how we are looking to work with survivors,
22 I suppose over the years as abuse at the home came to light and people have courageously
23 stepped out and told their stories to us, we've endeavoured and really tried to have a policy
24 of listening, saying sorry, responding to the individual and to their needs to help them heal
25 the suffering of them. It has to be tailored.

26 We've tried to be survivor-focused and -centric in our approach, and I have to say
27 that as an organisation we truly and really regret any instances where that hasn't happened.
28 And we know that that hasn't happened and where we've not responded as best as we could.

29 I really want to again acknowledge and apologise for the additional harm to
30 survivors when PSC did not respond as quickly as possible, nor in what would be
31 considered to be best practice today, but I'm glad that we've moved on, we've learned,
32 we've listened, and I hope that we continue to do so. That's certainly my aim, but I do want
33 to apologise for that.

1 Again, as we no longer provide direct care to children, young persons or vulnerable
2 adults, we are committed to doing the best we can to help survivors heal. With our
3 involvement with the Royal Commission and, more importantly, with each survivor who
4 comes forward, there's a real opportunity for us to further reflect, improve how we do
5 things, not only to the reports that are published, but also safeguarding and protecting those
6 in our care today.

7 And we very much come here in the spirit of transparency and openness holding
8 ourselves accountable to survivors. We want to continue to listen, learn and be responsible
9 for all that we do. We realise that survivor experiences are all different, and in fact those
10 are experiences that we can never truly and fully understand.

11 And also as different is the way that survivors want to engage, and I have to and we
12 will respect that, if they chose to do so.

13 With the complete support of the board, I'm committed to hearing from all survivors
14 and would like to note, as Sarah has already mentioned, the page on our website with the
15 approach and the contact details describing a process that is survivor-led and works, as I've
16 said, on the terms that they wish to.

17 Kind of just as a final point, I'd like to say that first contact is, we've learned from
18 David and others, that it's scary and terrifying for the survivors across so many different
19 lenses to come forward as it is for us to meet. And we want to acknowledge that it's a
20 journey together and that we will be respectful, kind and ensure that your environment is
21 safe.

22 Kia ora. Pat.

23 **MS KUPER:** Pat, I know you've had significant interaction, even more than Joe, with survivors
24 over the last several years, and you want to share -- conscious of time, so we'll try and keep
25 it brief, but want to share a bit about PSC's approach with survivors and really the
26 relationships and the key points you'd like to make sure the survivors and the Commission
27 hear about those interactions.

28 **MR WAITE:** Thank you. Yes, I'll join Joe in acknowledging those who are watching today,
29 those survivors who are watching here today. I know there are two that do, David, you
30 mentioned before, Madam Chair, and GRO-B who's also one of the other survivors who's
31 been working with us as well.

32 I actually see the relationships that I have formed through these meetings and
33 discussions with survivors as being a gift, a gift that I haven't had before and in my long life

1 I haven't experienced these relationships. And they're becoming quite binding relationships
2 now that we're realising in actual fact we can't just sort of say "I'm sorry", we've got to
3 continue on building those ongoing, working with them.

4 So over the last two years I've had many meetings and shared meals with survivors,
5 and also travelled parts of the country to visit the survivors in their homes, along with my
6 wife, to meet them and understand their family, and to find out their story. And people
7 have said, again and again, can we just tell you our story. And for whatever reason we
8 haven't given people that opportunity before to tell their story. And their stories are
9 harrowing, and I think about my own children, my grandchildren.

10 So actually in the last two years, or maybe in the past year particularly, I have now
11 established relationships or connections with 30 former residents or survivors from our
12 home. Some of them are deeper than others, some are just superficially discussions over
13 the phone or internet.

14 I've been able provide files and copies of files for most of those people now, and we
15 still have another 10 or so, we are still waiting to hear back from them as to how they want
16 their files delivered.

17 We have just on 1,000 children's files which we have collected together, all our files
18 have been kept --

19 **CHAIR:** Slow down, please just a little bit.

20 **MR WAITE:** Sorry, I'm excited.

21 So we have about 1,000 files and what I have offered to anyone who would like
22 their file is to give them a copy when people contact us.

23 We've also collected a lot of copies of photos. I've gathered every photo we can
24 find in the organisation of children who are in our care and allowing people to actually go
25 through those photos and we copy them for them as well.

26 In one case one man said that was the only photo of him as a child that his family
27 has. So it's quite a gratifying experience.

28 We've opened up ourselves to those survivors and we understand the complexity
29 and depth of what they've been through and the harm that they've been through, but also
30 more particularly their whānau, their family, which we've heard in quite detail, particularly
31 from David, who we've got to know particularly well, his family, about the impact it has on
32 the wider connections that they have.

1 And so the other thing we've also learned in actual fact is that we can't exit, so we're
2 here for life, pretty much. Our relationships are building to the stage where we want to
3 continue being part of their whānau as much as they want us to be there with them.

4 I said before, historically we've provided apologies and we've helped with
5 counselling support where needed and we've provided some form of redress, some financial
6 redress. In 2007 we held ceremony at the site of the former children's home, blessings and
7 prayers took place. The house in which the abuse happened was bulldozed in front of the
8 people so they can see it actually being demolished, and a memorial was installed at the
9 site.

10 We have that memorial and we will reinstate it again when the property has been
11 rebuilt. That land is empty at the moment.

12 **CHAIR:** Did you say 2007?

13 **MR WAITE:** 2007.

14 **CHAIR:** Okay, thank you.

15 **MR WAITE:** I want to just talk about those who have been in the home over that time, 1,000. I
16 had a call from a lady who's trying to get a family tree, her family were there in 1923, her
17 great grandmother and family, and I found 300 pages from their file. So that's not only
18 survivors, current survivors, but historically the family connections, we can play a big role
19 in helping them understand that as well.

20 We also recognise that each person is an individual and as I talk to people I
21 understand better that they have to be understood as individuals rather than sort of
22 survivors. So what we're finding is that one man who I spoke to at some length, two or
23 three hours, all he wanted to do was "tell my story", his story.

24 Another one I spoke to wanted to actually tell me about the friendships he's formed
25 through his association through the other survivors and also then to explore with me his
26 file.

27 So everyone is an individual and we're working very hard to create an atmosphere
28 where they can be treated as individuals and have a, not -- I know they are survivors, we
29 don't have a brand for people, if that makes sense.

30 I've talked about the question about exiting, we won't exit, we will stay in contact
31 with them. I think there's been some mistakes made in the past, lots of mistakes.

32 And dealing with claims of abuse can be quite challenging for organisations, for
33 staff of organisations. And, you know, despite those challenges, it's imperative we work
34 with people and not just avoid them.

1 I had a phone call yesterday from a man who said he was abused and I listened to
2 his conversation and I'll follow up with that when I get back to Wellington.

3 So this is an ongoing issue. My name is listed on the website as being the person to
4 call and they can call me.

5 We've reflected on the way the investigation into abuse in the home was run in the
6 early 2000s. I think it was appreciated -- I think we appreciated at that time it was best
7 practice, supposedly best practice of how we went about investigating. But if it was to
8 happen today, if the investigation was to happen today, we'd be doing it very differently
9 than what was done by the late Dr Barton QC who investigated the complaints on our
10 behalf.

11 It was very much a legalistic approach rather than a survivor-centric approach
12 which is what we would be doing, which we do now.

13 So we have a very different approach, we would want to continue that way of
14 thinking about people as survivor-centric rather than a legalistic point of view. That's my
15 point.

16 **MS KUPER:** Thank you, Pat.

17 Joe, again, conscious of time, but I do know you just wanted to make a couple of
18 small remarks specifically to David who you've had very close relationships with recently
19 and his whānau and he's watching today, so if you want to make those quickly that would
20 be fantastic.

21 **MR ASGHAR:** Lovely thank you. Yes, I would -- kia ora, David, kia ora, other members of
22 David's family, I don't want to name you all. We've had the absolute privilege of working
23 together with David as he unfolded with us the layers of, layers of trauma. We gave
24 him -- I hope we gave him the time and the respect to manage his emotions, and the grief as
25 he worked through that information. Because we were the custodians of that young boy's
26 life story, and he was overwhelmed and to some degree we were overwhelmed to receive
27 the photos and the packs of information on his life.

28 We didn't have as much as we should have had, but as Pat has alluded to, we had
29 more than he had. And that's his life. We hold his life in our records and it's our obligation
30 to share that with those survivors and those individuals.

31 On a very personal level, David, I want to acknowledge you and your whānau. As
32 we've told David, it's been really, really difficult to hear what he's gone through. It's also
33 been incredibly enriching for us to be welcomed into David's whānau and to be able to

1 walk a really small part of his journey with him. We have learned so very much and I hope
2 that we continue to.

3 In fact our Family Works social services arm, David has offered to come and speak
4 to our social workers and our counsellors about dealing with agencies, as I think Helen
5 referred to, so that we can do it better, because the whole point about this is not allowing it
6 to happen again and to understand where the clues are, where the learnings are, where the
7 growth is for organisations to be safe places for children and rangatahi to come and feel
8 listened to and to feel safe.

9 David has emphasised, I mean, in talking to him before we came here today, his key
10 point was there's not one way to deal with survivors because everyone's got different needs.
11 He's also taught us with absolute kindness, unreserved kindness that there cannot be that
12 entry and exit that Pat talked about or that one size of a shoe fits all.

13 Many survivors need more than an apology or a payment. Their healing does take
14 considerable time and that is very much individual, and David has taught us all this. And
15 importantly, that we keep contact open at the survivor's behest, not ours, to make sure that
16 whatever we do doesn't re-traumatise. And for that, David, and for your kindness and your
17 aroha, I thank you very much, as you know.

18 **MS KUPER:** In the interests of time I don't think we'll go there, but I know you wanted to speak
19 to some of the lessons PSC has learned, but those are all set out in your witness statement
20 and the documents we've filed, and I'm sure you'll get the opportunity as the questions
21 arrive from Ms Castle to put some of those learnings. But we'll just point the
22 Commissioners to Joe's witness statement which sets out some of these learnings and
23 maybe he'll have the opportunity to refer to them today, but I'm conscious of the time -- if
24 that's okay, Joe, unless there was any burning comments?

25 **MR ASGHAR:** I was just going to say, if I very quickly summarise them, and say they're key
26 learnings.

27 **CHAIR:** I'm sorry to stop you. I'm sure it will be canvassed shortly. We do have your brief of
28 evidence which we're grateful for, it will go on the website, and I'm not wanting to stop
29 you, I just want to give Ms Castle an opportunity to ask questions and in the course of that
30 I'm sure you'll be able to refer to them. Thank you.

31 **MS KUPER:** Ms Castle has just said she's going to explore that with Joe.

32 **CHAIR:** The same for you, Pat, there will be things you will want to say and I'm sure they'll come
33 up shortly. Thank you, Ms Kuper.

34 Yes, Ms Castle.

1 **QUESTIONING BY MS CASTLE:** Thank you, ma'am, before I commence questioning I just
2 want to briefly acknowledge mana whenua for hosting us, survivors who are here and who
3 are watching online, in particular survivors of abuse in the care of the Presbyterian Church
4 and Presbyterian affiliated institutions, and all of those who are here today.

5 Tēnā koe, Joe. I acknowledge the circumstances in which you're appearing before
6 us today and I want to echo the sentiments of our chair, and tēnā koe Pat, thank you for
7 being here today.

8 I'm going to get straight into it because we're running out of time. And your counsel
9 referred to the historical relationship between the organisation and the Church and touched
10 on it being a Church-founded organisation.

11 You say in the response to our Notice to Produce 528:

12 "Initially the governance board was comprised largely of ministers from parishes
13 across the Presbyterian Church."

14 That's right?

15 **MR WAITE:** That's right.

16 **MR ASGHAR:** Correct.

17 **MS CASTLE:** And that structure was in place until the early 1980s?

18 **MR WAITE:** Correct.

19 **MS CASTLE:** And did that change in 1983 when the National Council of Presbyterian Support
20 Services was formed, and prior to that it was under a committee sitting with the General
21 Assembly of the Church, that's right?

22 **MR WAITE:** That's as I understand it.

23 **MS CASTLE:** And in terms of the contemporary relationship, just picking up on the question that
24 you asked, Commissioner Erueti, the constitution provides, doesn't it, that the majority of
25 PSC's board members are to be members of the Presbyterian Church?

26 **MR ASGHAR:** No.

27 **MR WAITE:** No.

28 **MR ASGHAR:** No.

29 **MR WAITE:** Not the current constitution.

30 **MR ASGHAR:** Not the current constitution. We have nine, if I may, Alisha, tēnā koe, we have
31 up to nine board members of whom three can be appointed by the Presbyterian Church.
32 The others are appointed by our paid members as a charitable organisation. We have a
33 member appointed by Te Aka Puaho, who's the Māori Synod, and we have independent
34 members.

1 So, and I think as was said earlier, whilst the Church has the opportunity to appoint
2 members, certainly in PSC's experience they rarely have done so. And when they sit on the
3 board they're sitting as independent members, not representing the Church.

4 **MS CASTLE:** Can I just confirm the year of your most recent amendment?

5 **MR ASGHAR:** Our most recent constitution dates from 2016, as I recall.

6 **MS CASTLE:** Okay.

7 **MR ASGHAR:** But I'm not sure when -- I can't be sure as to when the nine board member
8 platform was established.

9 **MS CASTLE:** Okay, we don't have time to bring it up on the screen, but just for your reference,
10 the majority board member comment comes from clause 5.1 of that 2016 amendment.

11 Clause 18 of the constitution says that PSC has a reporting obligation to Presbytery
12 Central, is that right? PSC is to report to --

13 **MR ASGHAR:** That's correct, yes, to the General Assembly, but not in a governance way, we
14 provide a report or may provide a report, yeah.

15 **MS CASTLE:** And in the case that PSC is liquidated, any property remaining after debts and
16 liabilities are paid is to be transferred to the Church, that's under clause 22.3; is that
17 correct?

18 **MR WAITE:** As I understand it, yeah.

19 **MS CASTLE:** Thank you. You referred earlier to one of the board members being appointed by
20 the Māori Synod of the Church and you said in your evidence that PSC experiences
21 difficulty in attracting and retaining Māori in that position. Are you able to briefly
22 summarise why you think that is?

23 **MR ASGHAR:** I think there are many reasons for it, but first and foremost I'd say that there are
24 many demands on tāngata whenua, they are being asked to contribute to many boards and
25 organisations. We've had conversations with iwi, Māori organisations and whilst there's a
26 willingness and a heart to work with us, because we work with many of their whānau
27 locally, they just don't have the capacity.

28 And also the requirements and expectations of board members now, as you'll be
29 aware, have increased substantially with changes to rules around directorships and their
30 obligations. So part of it is the increased accountability, responsibility, part of it is just
31 capacity and demand for the skills and insights, and knowledge that mana whenua bring to
32 boards such as ours.

33 But we constantly are working to try and fulfil our obligations there.

1 **MS CASTLE:** Thank you. I understand that the Church has a Pacific Presbytery. Does PSC have
2 any Pacific representation on its governance structure?

3 **MR WAITE:** Yes.

4 **MR ASGHAR:** Not through the Presbytery, but we do have Pacific representation on our board.

5 **MS CASTLE:** Your counsel talked about the establishment of Berhampore Home and I
6 understand that there were 390 children and young people in the care of that home during
7 our terms of reference period. Is that right?

8 **MR WAITE:** Correct.

9 **MS CASTLE:** Were those placements largely by family members?

10 **MR WAITE:** From when I go back, when I go back through the records, many of them were
11 from Social Welfare provided by -- directed to us from Social Welfare who paid for their
12 board and keep and then some from the family members, particularly where there was a
13 deceased partner.

14 **MS CASTLE:** Thank you. In terms of the records of the ethnicities of those children that were in
15 the care of Berhampore Home, if I can call up document PSC0000435, at page 9 this is
16 your response to our first Notice to Produce.

17 **CHAIR:** Just for those watching here today, this document won't be shown on the livestream, I'm
18 sure you all heard that before, but for those who haven't, nor on the website, but counsel
19 will read out those parts that she's referring to, won't you, counsel?

20 **MS CASTLE:** Yes, that's right. So at paragraph 40(g) on that page, there's a list of ethnicities
21 there. We have Australian, British, Danish, English, Italian, Estonian, Greek, Romanian,
22 New Zealand, Russian and Ukrainian. Māori and Pacific ethnicities aren't included in that
23 list, are they?

24 **MR WAITE:** No.

25 **MS CASTLE:** So they weren't recorded at that time.

26 **MR WAITE:** No, correct.

27 **MS CASTLE:** You've talked about your relationship and work with David and of course his story
28 is how important it was to him in finding out from his records he wasn't of Māori descent,
29 he was in fact of Samoan descent.

30 **MR WAITE:** That's correct.

31 **MS CASTLE:** Do you accept this lack of recording of Māori and Pacific ethnicities as a failing
32 by PSC at that time?

33 **MR ASGHAR:** Yes.

34 **MR WAITE:** I do absolutely, it's a poor part of our service.

1 **MR ASGHAR:** It's not acknowledging their heritage and their culture which we're very aware has
2 caused so much trauma to individuals in terms of their identity and we learned that from
3 David, clearly, as clear as being hit with a spade.

4 **MS CASTLE:** I think it may be over the page, paragraph 40(i), that refers to disability status, it
5 says there:

6 "PSC has been unable to identify any information relevant to disability status."

7 It wasn't a priority at the time to understand how to better deliver care to people
8 who lived with disabilities?

9 **MR WAITE:** Correct.

10 **MR ASGHAR:** Correct.

11 **MS CASTLE:** You would accept that as a failing at that time as well.

12 **MR WAITE:** Yes, I agree. We're talking about an era that's 50 years ago.

13 **CHAIR:** That's what I wanted to ask, Pat, these figures, we don't have a date on this. When were
14 the figures compiled -- sorry, when were the figures referred to, what time did that relate
15 to?

16 **MR WAITE:** From 1950 to 1984. So in the last 10 years of its life the home had about six or
17 seven children. So the majority of that would have been in the earlier 50s and 60s.

18 **CHAIR:** Just to give us a sense.

19 And Ms Castle, just slow down a little.

20 **MS CASTLE:** Thank you, ma'am.

21 So these are the records held about children that were cared for in Berhampore
22 Home.

23 **MR WAITE:** Yes.

24 **MR ASGHAR:** Correct.

25 **MS CASTLE:** You acknowledge in your response to notice 524 that there would not have been
26 robust recruitment and vetting processes while the home was operating.

27 **MR WAITE:** That's quite a transparent --

28 **MR ASGHAR:** That's correct.

29 **MR WAITE:** Yes.

30 **MS CASTLE:** Your evidence says further that you are unable to locate any evidence of training
31 for staff at the home around safeguarding.

32 **MR WAITE:** Correct.

33 **MR ASGHAR:** Correct.

34 **MS CASTLE:** Are you aware of any supervision of staff working at the home?

1 **MR WAITE:** If I can respond, there was a manager or director of the home who had overview of
2 the home, but in that period in the 1950s, the organisation started to build aged care
3 services too. So the role that that particular person covered widened quite considerably, an
4 opportunity shop, the home and then the aged care facilities being built around the country.

5 **MS CASTLE:** The manager of the home you refer to, that was the late Walter Lake?

6 **MR WAITE:** Correct.

7 **MS CASTLE:** And he is the subject of the majority of the allegations of abuse made?

8 **MR WAITE:** Correct.

9 **MR ASGHAR:** Correct.

10 **MS CASTLE:** There were no records of a complaints process at the time that the home was open,
11 was there?

12 **MR ASGHAR:** Not to my knowledge.

13 **MR WAITE:** No. I've been through years and years of minutes and reports and there's not one
14 report anywhere.

15 **MR ASGHAR:** There's no.

16 **MS CASTLE:** And I believe you've acknowledged that there was no reporting system in place for
17 the board or management to monitor the children's care.

18 **MR WAITE:** No.

19 **MR ASGHAR:** No, not that we can find.

20 **MS CASTLE:** There was no monitoring at the time by the Church that you're aware of?

21 **MR WAITE:** Not that we're aware of, although up until the early 80s of there were a number of
22 ministers of Presbyterian Church on the board, so I guess there were some connection with
23 them as well, but all the board reports I've read through and the board minutes are very
24 much around financial, not really around real issues we're dealing with today.

25 **MS CASTLE:** Yes, I believe the evidence says:

26 "As with most social service providers the focus appears to have been on
27 maintaining the financial viability of the home rather than considering the possibility of
28 abuse."

29 **MR WAITE:** Correct.

30 **MR ASGHAR:** Yes, that's correct.

31 **MS CASTLE:** You would agree that had there been oversight, safeguarding, supervision, the
32 appropriate training, some of this abuse could have been prevented?

33 **MR ASGHAR:** Absolutely.

1 **MR WAITE:** You would imagine that if there was proper supervision, as we would expect today,
2 we would identify this issue. I would have thought.

3 **MR ASGHAR:** And I think some of the activities, as Pat has said, that we have consistently in
4 place, will, you know, would have been amazingly advantageous back then.

5 **MS CASTLE:** You referred earlier to many of the children at the home being State wards. Are
6 you aware of any monitoring or oversight by the State?

7 **MR WAITE:** I haven't seen any of that in the papers that I've looked at. There certainly was
8 reports from the director of the home to the State agencies about the people. A lot of that
9 was actually around collecting the money, so it wasn't necessarily about the health.

10 Although there was a lot of records about a number of those children being able to go and
11 have holidays, and also start thinking about trades. So the director was quite keen to get
12 people to have a position to go to after they left the home.

13 **MS CASTLE:** So nothing to indicate that the Department of Social Welfare were making sure
14 that those State wards were safe in the care of Berhampore.

15 **MR WAITE:** I couldn't see anything.

16 **MR ASGHAR:** No.

17 **MS CASTLE:** Now in terms of early complaints during the time that the home was open, you say
18 at paragraphs 5 to 6, this is pages 2 to 3 of the response to notice 524:

19 "Looking over our records it appears as if some staff members at the home
20 persuaded the board at the time that the allegations made were untrue and the complaints
21 related to a new form of discipline that Mr Lake had brought into the home. There is also
22 evidence that those staff members who had reported unusual behaviour by Mr Lake were
23 not believed. In one case it appears that the board asked a staff member who had made
24 accusations about Lake to resign. It appears the board believed the assurances of Mr Lake."

25 **MR WAITE:** Correct.

26 **MS CASTLE:** So that's your understanding of the approach taken to the complaints.

27 **MR WAITE:** Reading all the reports, that's what I can see quite clearly, that the director had quite
28 an influence over the board.

29 **MS CASTLE:** Right, and explanations for what was being complained about weren't questioned
30 or investigated as they should have been?

31 **MR WAITE:** I think he was describing it as discipline rather than sort of behaviour. So clearly
32 some staff were very concerned, and did complain or report to the board, and the board
33 obviously took the view, the voice of the Director.

34 **MS CASTLE:** And the response appears to normalise the behaviour of the time.

1 **MR WAITE:** Correct.

2 **MS CASTLE:** So PSC is aware of 22 children who have alleged abuse in the care of Berhampore
3 home?

4 **MR WAITE:** Yes.

5 **MS CASTLE:** And PSC became aware of those reports involving Mr Lake in 1990 following a
6 reunion held for the home, that's right?

7 **MR WAITE:** Correct.

8 **MR ASGHAR:** Correct.

9 **MR WAITE:** I haven't found any record prior to that of anyone becoming aware of complaints.
10 And there may have been, but I couldn't find a record. 1990 was the instigator of the
11 complaints when one of the senior staff members from the organisation overheard a
12 conversation with two or three of the people who were at the reunion about what had
13 happened to them and that started that inquiry through there, and encouraged them to come
14 forward.

15 **MS CASTLE:** We talked earlier about staff raising concerns while the home was open, but of
16 course they weren't considered formal complaints because there was no formal complaints
17 process?

18 **MR WAITE:** No.

19 **MR ASGHAR:** That's right.

20 **MS CASTLE:** In 2001 the first substantive complaint was made to the Church?

21 **MR WAITE:** Yes.

22 **MS CASTLE:** So that person making a complaint about PSC thought the appropriate place to
23 make that complaint was the Presbyterian Church?

24 **MR ASGHAR:** Yeah.

25 **MR WAITE:** Correct.

26 **MS CASTLE:** And in I understand approximately 2004, the main complainant took her complaint
27 to a TV show. I just want to quickly play a short clip from the Sunday programme that
28 aired in 2005, that story was titled "The Monster of Berhampore." You'll be aware of it.
29 For licensing licence this cannot be livestreamed. As I say it's only very short, 1 minute,
30 but I will explain what the clip is when it has finished, if we can play that now.

31 **[Video played]**

32 If we can recommence the livestream and for the benefit of those watching, that was
33 a clip of PSC spokesperson Trevor Roberts at the time in relation to complaints of abuse at
34 Berhampore. So as I say, this was aired in 2005. By that time Lake had died, the Police

1 had decided to charge him, but of course couldn't pursue that once he had passed.

2 Mr Roberts said:

3 "There are avenues open to them -- referring to the survivors -- which they should
4 pursue. It's now gone too far to indulge in warm fuzzy meetings."

5 Is that reference to "warm fuzzy meetings" reflective of how PSC viewed
6 engagement with survivors at the time?

7 **MR WAITE:** From reading the history and looking at what I can see now, they were very
8 definitive, the organisation was quite defensive, and Mr Roberts didn't continue that
9 leadership of that particular thing, he was removed from the board from carrying on,
10 because that is not how the organisation wanted to be seen as. It's not a very practical way
11 of dealing with issues.

12 **MR ASGHAR:** Yeah, I would also, if I may, I would also add to that that it's not who we are
13 today, because our focus is firstly -- well, there are a number of things. One, apologising
14 for the wrongs that we've done, we accept that and we'd believe the survivors. That
15 certainly appears not to have been the stance in the early 2000s as you've just shown. It's
16 about us listening, being kind, having compassion and importantly allowing survivors to
17 feel that they can be safe in talking to us; all of the things that you didn't hear on that clip.

18 **MS CASTLE:** And we will absolutely come to the lessons learned, we're working through how
19 the approach taken by PSC has developed over time.

20 **MR ASGHAR:** I understand.

21 **MS CASTLE:** Mr Roberts, he was effectively encouraging complainants to take the issue to
22 court, wasn't he?

23 **MR ASGHAR:** Correct.

24 **MS CASTLE:** He said it's about the management of risk and finding the truth of the matter?

25 **MR WAITE:** Right.

26 **MS CASTLE:** He also called into question the credibility of complainants?

27 **MR ASGHAR:** Yeah.

28 **MS CASTLE:** This was aired on national TV in 2005. You'd accept that for a survivor watching
29 that, they might not feel very comfortable coming forward from PSC to make a complaint.

30 **MR ASGHAR:** No, completely.

31 **MS CASTLE:** In I believe opening your evidence-in-chief, there was a reference made to the
32 appointment of Dr George Barton QC to investigate the complaints. Was this appointment
33 subsequent to that show being aired?

- 1 **MR WAITE:** I think it was following that, yeah, following that time the board made the
2 appointment to investigate, and appointed Dr Barton at that time to do the investigation.
- 3 **MR ASGHAR:** That's right, yes.
- 4 **MS CASTLE:** His terms of reference refer to him being engaged as an independent and impartial
5 reviewer?
- 6 **MR WAITE:** Yes.
- 7 **MR ASGHAR:** Correct.
- 8 **MS CASTLE:** If I can call up, it's a transcript of a survivor interview PSC0000281 pages 4 to 5.
9 It says there about halfway down the page -- so this is during the course of the investigation
10 and we'll talk more about that, but the survivor that Dr Barton was meeting with said:
11 "Well, if I Google you then you know you're awash with the Presbyterians." Barton
12 responds "Well my father was a Presbyterian minister."
13 And if we flip over the page there's a bit of an exchange about that and the reference
14 to independent and impartial in his engagement. It says on the following page, the survivor
15 says, "You can't be fair if you're not independent."
16 Do you think that Dr Barton was truly independent given his position and
17 connection to the Presbyterian Church?
- 18 **MR WAITE:** I couldn't comment actually because he was a barrister, he's a well-respected
19 barrister operating in Wellington, had done a number of investigations, so I see, from areas.
20 So I didn't know him actually at all, I have never met him. But from what I've seen from
21 the records he actually said he was impartial. I'm not sure the interview that we're seeing
22 showed that impartiality, but he was seen to be in that light.
- 23 **MS CASTLE:** Do you think it may have been because of his connection with the Presbyterian
24 Church that he was given that appointment?
- 25 **MR WAITE:** I wouldn't think -- I don't know, I'm sorry, I wasn't around at that time. But there's
26 no records showing that --
- 27 **MR ASGHAR:** Yeah, I don't know, no records.
- 28 **MR WAITE:** -- that was important coming through.
- 29 **MS CASTLE:** It was a paid engagement wasn't it?
- 30 **MR WAITE:** Yes, correct.
- 31 **MR ASGHAR:** It was.
- 32 **MS CASTLE:** If I can call up document PSC0000450.
- 33 **CHAIR:** Just a moment, yes Ms Kuper.

1 **MS KUPER:** Can I ask one question? Do you recall who Mr Barton QC was appointed by, was it
2 by PSC only or...

3 **MR WAITE:** No, it was appointed by the survivors, the legal representative of the survivors as
4 well as the organisation. So the survivors also a part of that selection for him.

5 **MR ASGHAR:** Yes.

6 **CHAIR:** Thanks Ms Kuper.

7 **MS CASTLE:** Were all survivors that were involved in that investigation process part of the
8 employment process to your knowledge.

9 **MR WAITE:** The lawyer who represented those -- the majority of the complainants was the
10 person who signed that document, so he would have consulted, I'm sure, with the survivors.

11 **MS CASTLE:** The document I had just referred to that has been brought up on the screen is Dr
12 Barton's terms of reference.

13 **MR WAITE:** Yes.

14 **MR CASTLE:** So it says --

15 **CHAIR:** Perhaps you can call out the part because it's very small.

16 **MS CASTLE:** Yes, sure. It says on page 2:

17 "His role was to Support Presbyterian, Support Central, and the complainants
18 request you to report to both of them as a result of your investigations and inquiries with
19 your view on whether or not the allegations, accusations, or complaints, individually or as a
20 whole, are likely to be factually correct."

21 And if we look at a letter that Dr Barton sent to the survivors that were engaged in
22 that process on 22 March 2006, that's PSC0000449, at page 2 Dr Barton is assuring the
23 survivors:

24 "The questions will not be like a cross-examination in court. I am not like a judge.
25 My job is so far as possible to reach conclusions of a factual nature. I know that reliving
26 your years at Berhampore may very well be stressful for you. I quite understand that. I
27 will do my best to minimise the strain and the stress for you."

28 There's a lot of documents, I'm sorry, because, thankfully for our purposes, there
29 were a lot of records kept about this process. If I can call up PSC0000059 at page 5. One
30 survivor in a statement of response provided in respect of her interview recalled that:

31 "Dr Barton asked me if I thought that it was strange to be told to take my clothes off
32 to play a game and why didn't I run out of the room."

33 She goes on to say:

1 "Dr Barton asked me whether I opened my own legs or if Walter Lake opened them.
2 How was this relevant? It is certainly a question totally devoid of any sensitivity or
3 understanding."

4 And another document, I won't call it up because it might take a little bit more time.
5 When Dr Barton was interviewing a survivor for the first time about how she was sexually
6 assaulted in Walter Lake's car while parked at a beach, he repeatedly questioned her about
7 the details of the front seat of the car, at what point her underwear was on or off, and he
8 appeared to be effectively searching for factual inconsistencies and then expresses his
9 scepticism about whether it actually happened. He said things like "Normally in a motor
10 car things like that are a little bit difficult to organise if you're going to have a sexual
11 encounter. Not always but sometimes".

12 **CHAIR:** Ms Castle, just before we go on, just to be fair to the witnesses, Pat and Joe, have you
13 seen these documents?

14 **MR WAITE:** Yes.

15 **CHAIR:** So you are familiar with the questions?

16 **MR ASGHAR:** Yes, we are.

17 **CHAIR:** Thank you.

18 **MR ASGHAR:** Thank you Madam Chair.

19 **MS CASTLE:** Just wanting to -- I've just been exploring the kind of exchanges that Dr Barton
20 had with the survivors engaged in that process, because when we look at the assurances that
21 he made in the letter sent at the outset, you would accept that, although he acknowledged
22 that this might be a stressful process for them, that ultimately did cause harm to them, it
23 was a harmful process, wasn't it?

24 **MR WAITE:** I would totally agree, it horrifies me --

25 **MR ASGHAR:** Yes.

26 **MR WAITE:** -- that level of questioning. It's not how we would do it. And when we took it from
27 a survivor centric point of view we changed, the whole organisation changed and we then
28 didn't continue with his research.

29 **MR ASGHAR:** And I think as we referred to previously, Alisha, you know, it's about the survivor
30 working through those layers of trauma and working with us and sharing when they feel
31 ready, but that wasn't the approach that Dr Barton took.

32 **MR WAITE:** I think also when I think about the age of those little children at that time that they
33 went through that horrific experience, it amazes me how he could expect anyone to

1 remember, or why ask those questions, because they were traumatising questions. I would
2 hate to think my children were put to that subject, or even me.

3 **MS CASTLE:** If we look at document PSC0000380, these are board meeting minutes dated 7
4 September 2006. At the bottom of the page there under the headings "Berhampore" it
5 refers to Dr Barton having had distributed his draft reports. It says:

6 "Of the 16 complainants Dr Barton could find no basis for a complaint for one
7 complainant. Three males alleged physical abuse, one alleging a sexual assault. In these
8 three cases Dr Barton concluded the physical abuse probably did happen but was not
9 consequential in context with the standards of discipline acceptable at the time."

10 If we go over the page, the minutes go on to say at the top there:

11 "There were 12 additional complainants, nine girls and three boys, all alleging
12 sexual assault, five of whom also alleged rape. The ages were generally between 5 and 10
13 years but there was one 14 year old girl and one girl 17 years old."

14 Bullet pointed there it says:

15 "Some lacked credibility, some alleged circumstances were improbable, ie
16 occurring in the house that he lived in while his own children were in the house, and there
17 was no complaint at the time."

18 So this is summarising the outcome of Dr Barton's investigation.

19 **MR WAITE:** Correct.

20 **MS CASTLE:** And the bullet points there you'd agree were largely the reason for Dr Barton's
21 findings that the alleged abuse was unlikely to have happened?

22 **MR WAITE:** [Nods]. As recorded in the minutes, board minutes, correct.

23 **MS CASTLE:** Survivors who were engaged in the process were provided a copy of Dr Barton's
24 draft report and allowed an opportunity to respond, that's right?

25 **MR WAITE:** Yes.

26 **MS CASTLE:** Many expressed upset at the nature of Dr Barton's findings as well as the process?

27 **MR WAITE:** Yeah.

28 **MR ASGHAR:** Yes.

29 **MS CASTLE:** The reports provided by Dr Barton, they were in draft form at the time that PSC
30 ultimately settled with the survivor group, that's right?

31 **MR WAITE:** Yes.

32 **MS CASTLE:** And am I right that this process involved a meeting with survivors, a meeting
33 between the survivors and PSC reps directly?

34 **MR WAITE:** Correct.

1 **MS CASTLE:** And Dr Barton wasn't involved in that meeting?

2 **MR WAITE:** No, he was told not to continue his work.

3 **MR ASGHAR:** Yes.

4 **MS CASTLE:** If I can call up document PSC0000095 at page 2. These are minutes from a
5 special board meeting that was held on 24 January 2007 and -- sorry, that's still just coming
6 up, but number 4 on the agenda of that meeting you'll see was the Berhampore resolution.
7 If we go over to page 2. So paragraph 5 talks about how:

8 "...while it would have been desirable to have the final Barton reports prior to any
9 resolution meeting, it was the view of advisors that the final report was unlikely to
10 significantly change the conclusions in the report."

11 Paragraph 6, if we move down describes the Barton draft report as having been a
12 valuable process, establishing a platform in which both parties are able to focus on a
13 resolution. Paragraph 7 says the report in general concludes that the specific events
14 portrayed by the complainants in respect of sexual and physical abuse were possible but
15 unlikely. Paragraph 8:

16 "From the point of view of PSC, the draft report leads to the conclusion that any
17 settlement based on damages for past event cannot be justified -- and this straddles the
18 pages but it says -- nevertheless, PSC still had to deal with complainants and their concerns
19 because it is clear that they believe they have suffered and this matter will not be resolved
20 in their minds until some resolution is reached with PSC."

21 Do you agree that we can take it from those meeting minutes that the findings of Dr
22 Barton were still relied on in the settlement process?

23 **MR WAITE:** I can't read into what the minutes record at that time, but from talking to the current
24 Chief Executive who was there, Mark Woodard, it's clear to me that they had lost all faith
25 in Dr Barton's report, and the board minutes may say that, but they decided to meet with
26 claimants, irrespective of Dr Barton, and negotiate a settlement with them.

27 **MS CASTLE:** In terms of the reference to there not being any justification for a damages-based
28 settlement and PSC still having to deal with complainants, basically because they won't go
29 away until it's resolved.

30 **MR ASGHAR:** That may be one interpretation, if I may. I think again, Pat's point was that there
31 was a recognition that there was more to this than a very factual and overly inquisitive and
32 uncaring approach to the survivors. I think this was, from our perspective, a bit of a time of
33 change for the organisation to recognise that the approach it took was not the right
34 approach.

1 **MS CASTLE:** If we move to page 5 of that document there is a list of the recommendations, and
2 the first recommendation at (a) talks about a figure being offered to each complainant as a
3 restorative payment to enable the complainants to move on with their lives. Do you accept
4 that the settlement was not an acknowledgment or acceptance of what had happened, but
5 rather, as it's referred to, a restorative payment, so a forward-looking payment to help
6 survivors move on?

7 **MR WAITE:** It's difficult for me to make that judgment.

8 **MR ASGHAR:** It's difficult to say.

9 **MR WAITE:** I don't know, but certainly talking to Mark Woodard, who was a key person
10 driving, he was the Chief Executive who worked through that process, it was clear in his
11 mind that he wanted to actually recognise the harm and that he did believe people. He sat
12 with everyone, he met every complainant and he did believe that they actually had been
13 physically and sexually abused.

14 **MS CASTLE:** In terms of what that settlement looked like, you talked about a ceremony at the
15 home, a memorial. There was also a financial component of the settlement, wasn't there?

16 **MR WAITE:** Correct.

17 **MS CASTLE:** If I can call up document PSC0000435, this is -- on page 18, para 82 -- PSC's
18 response to the first Notice to Produce. I won't read them out, but you can see there there's
19 a total cost for the settlement, and there's the total expenditure on legal costs for the
20 process?

21 **MR WAITE:** Right.

22 **MS CASTLE:** You would accept that the cost of the collective settlement with survivors, or the
23 money that the survivors received collectively is almost half of what had been paid in legal
24 costs by PSC?

25 **MR WAITE:** Correct.

26 **MS CASTLE:** Am I right that the complainants' counsel, Gordon Payne, that his fees were only a
27 very small proportion of the figure that's there?

28 **MR WAITE:** Less than 10%.

29 **MR CASTLE:** So the balance would have gone to Dr Barton and PSC's legal advisors?

30 **MR WAITE:** Correct.

31 **MR ASGHAR:** Correct.

32 **MS CASTLE:** Do you recognise the power imbalance there?

33 **MR WAITE:** Of course.

34 **MR ASGHAR:** Yes.

1 **MR WAITE:** I mean I'm horrified at what we spent for Dr Barton's investigation.

2 **MS CASTLE:** We've talked previously about how during the period -- so Berhampore was open
3 until 1985. We talked about how up until the early 1980s Presbyterian ministers were
4 running the board of governance. What role did the Church have in investigating the
5 complaints and responding to reports of abuse at Berhampore?

6 **MR WAITE:** I haven't found any evidence that they actually had investigated complaints. When
7 there was a complaint it was referred through from them to us to deal with.

8 **MS CASTLE:** Do you think they should have taken more of a role in investigating and
9 responding to those reports?

10 **MR WAITE:** I can't speak on behalf of the Church.

11 **MS CASTLE:** Did the Church contribute to the settlement costs at all, or was that met solely by
12 PSC?

13 **MR WAITE:** Solely from PSC.

14 **MR ASGHAR:** Solely PSC.

15 **MS CASTLE:** Can I call up document PSC0000376. This is a PSC board paper dated
16 29 September 2005, so this was right in the crux of when these issues were being raised.
17 And at paragraph 1.1 on page 1 there under the heading "Church Insurance Fund", it says:
18 "Discussions continue with representatives of the Presbyterian Church on both the
19 future structure of the fund going forward and the status of the fund in the past.
20 Presbyterian Support Central and the Church have similar views as to how to ring-fence the
21 fund in the future."

22 Do you know what this was talking about? Was it being explored whether PSC
23 could access the Church's insurance fund?

24 **MR WAITE:** No, as I understand it looking back through the records, and I've read through in
25 this detail, the Church and the Presbyterian Support organisations had a shared and
26 common insurance policy. So we had liability insurance covered from within a general
27 fund. This was the end of that arrangement we had. From then on we were on our own.
28 The insurance were not interested in supporting what happened to us. So we didn't get
29 much out of insurance companies.

30 **MS CASTLE:** Okay. So we referred earlier to the lessons -- you've talked a lot about it, Joe, the
31 lessons learned from the Barton investigation. And Joe, you say in your evidence.

32 "I know that if an investigation was to be run today it would be significantly
33 different to the way it was run by Dr Barton QC, particularly the way he interviewed
34 survivors and test the veracity of the allegations. I and PSC would require a very different

1 approach and would achieve this in part by making it clear in the terms of reference or
2 engagement that the investigator must adhere to our survivor-centric principles of
3 responding to complaints."

4 If I can call up another document, PSC0000092 and this will be a PSC board paper
5 in September 2007 titled "Berhampore Lessons Learned." That paper, you'll see the list
6 there, identifies in total 20 -- so there's several pages -- 20 improvement opportunities. I'm
7 summarising, but these included a lack of adequate complaints procedure, PSC adopting an
8 oppositional mode that meant complainants were not believed, those assumptions as to the
9 truthfulness of complainants prejudiced the process and relationships, treating survivors as
10 a group was seldom if ever appropriate; in fact they're a heterogeneous collection with a
11 different agenda and motivations. The issues driving the approach were legal and financial.
12 As a result, engagement with survivors became confrontational rather than collegial,
13 significant barriers to effective communication with survivors.

14 It's now been 15 years since these deficiencies in the response by PSC to survivors
15 of Berhampore were identified. This is the opportunity we talked about earlier, Joe. Do
16 you want to explain for the Commissioners how over these last 15 years these lessons
17 learned have been implemented by PSC?

18 **MR ASGHAR:** Yes, thank you for that, Alisha. I'd say that, you know, the principles or the
19 learnings that have been identified here have, I think, been in part evident by the way that
20 Pat and I have spoken this morning, and in fact I hope, through some of the interactions
21 you've had with survivors who have lived in our home.

22 The policy that we have now around historical abuse very much picks up on the vast
23 majority, if not all, of the items described there. Talking about how we will interact with
24 survivors, the fact that we will believe, the fact that the initial contact in itself can be
25 particularly traumatic and challenging, the way that we deal with and provide information
26 from the survivor, how we communicate with kindness and care the next steps and work
27 with the survivor at a pace that they want to work at, respecting their culture, respecting
28 where they want to meet so that they feel entirely safe. All of these things are absolutely
29 essential.

30 At the same time we need to recognise our obligations to Te Tiriti, we want to make
31 sure that if someone is from a Māori or Pasifika background that we reflect and respect
32 wishes, that we -- I'm kind of jumping all over the place there, but we get to the point of
33 redress, we talk about what is going to help that survivor, that individual with the healing
34 journey that they're on, so that we're not making an assumption. We don't set out the

1 runway or the path to healing, that's not our goal, it's not our aim; it's for the survivor to
2 work with us and for us to apologise for what we've done and to help them on that journey
3 to healing. Which might involve counselling, might involve other forms of support, may
4 involve their wider whānau, but we need to do that, and we need it peer-reviewed.

5 We constantly check and double-check with each other to make sure that we are
6 being caring and sensitive in how we respond to e-mails, how we respond to phone calls,
7 because this is traumatic. It's something that we can't, as I've said before, truly ever
8 understand and I would hate my children to go through it.

9 **CHAIR:** I think we agree with that, Joe. Joe, can I just ask this question. You talk about the
10 survivor-centric way in which you structure your -- not structure, but in which you convey
11 your support and acknowledgment of what they've been through. We heard yesterday from
12 the Methodist Church that they have tried to do more than just hand over a cheque and an
13 apology, which I think is what your approach is.

14 **MR ASGHAR:** Yes.

15 **CHAIR:** But they confronted a difficulty when they tried to -- I think it was when they tried to
16 quantify these other matters other than just paying out to measure the harm. When they
17 tried to make a pay-out, for example, for counselling, or for the person to get a new hearing
18 aid, or whatever it was that that survivor needed, they came up with some opposition within
19 their own ranks about the appropriateness of monetising the assistance.

20 So I'm just really interested if you can, and quite shortly given our time, we might
21 even ask you to give some more information after if you would, but just how do you deal
22 with that issue of not wanting to put a money value but giving the value to the survivor of
23 this holistic approach that you're referring to?

24 **MR ASGHAR:** We -- and again we've taken learnings from our experience with David, and again
25 I want to acknowledge David -- we've taken a learning from our interactions from other
26 survivors and from other entities and agencies who have found themselves in this position.
27 And the way I'd look at it is we've taken the best of the experiences and to try and describe
28 a framework, and we have a framework, that will be under constant evolution, because
29 there will be aspects --

30 **CHAIR:** I understand, sorry, we're going to -- sorry, I wanted just to bring you, if I can because of
31 time, just straight to the point. Do you, for example, if somebody says -- and it's entirely
32 hypothetical -- "one of the impacts of the abuse I suffered was that I suffer hearing loss,
33 I got hit around the head etc and I've never had proper hearing and I would really welcome
34 some hearing aids." Do you give the money for the hearing -- do you quantify that and say

1 go and get it, or do you get it for them, just practically? And I appreciate it's not one size
2 fits all, that's one example.

3 **MR ASGHAR:** No. So Madam Chair in specific, we have, as I've said, a framework, we take
4 into account the different forms of abuse. We haven't had the situation where we've been
5 specifically asked for, for example, a hearing aid. If we've been asked for counselling we
6 will give the counselling that that person needs. But it needs to be determined by them in
7 terms of who their counsellor is, it's their choice rather than us saying "this is what you
8 must have" because that's not then listening to the individual.

9 **CHAIR:** And do you pay the bill for --

10 **MR ASGHAR:** Yes.

11 **CHAIR:** Right, that's how it happens, so you don't give them \$1,000 for counselling?

12 **MR ASGHAR:** No.

13 **CHAIR:** You just say "go and get your counselling we'll pay the bill"?

14 **MR ASGHAR:** No, this is a relationship.

15 **CHAIR:** Exactly, so it's a relational matter, thank you for clarifying that. Sorry to intrude on your
16 valuable time, Ms Castle.

17 **MS CASTLE:** No worries ma'am. I've skipped through a lot of my material quite quickly so we
18 have a little bit of time before the morning adjournment.

19 I just want to turn to you, Pat, do you have anything you want to say in addition to
20 what Joe's expressed about the implementation of lessons learned?

21 **MR WAITE:** When I look through that list, clearly we were deficient when you look at that list,
22 they're the areas that they identified. It's clear to me that we actually took a very legalistic
23 approach to the interviews, Dr Barton had a legal perspective. And we're realising, reading
24 now those reports and reading the feedback that people gave, that it was very badly
25 founded.

26 And so now our approach is very much around I want to listen to people. This man
27 explained to me what happened to him. I can't judge whether it's true or not, why should I?
28 He felt it genuinely happened to him. He told me he was hit on the head with a hammer; I
29 believe him. I mean that's -- how can I say it didn't happen to him? And I'm not going to
30 ask any child, or any person now who's now grown up -- actually many of them are older
31 than I am or the same age as me -- to explain what happened to them when they're five
32 years old.

1 So that's a very different -- very much, and this the reason why we basically have
2 one point of contact, and that's me, and then beside me is Joe, our Chief Executive. So the
3 two of us handle all the inquiries and complaints.

4 **MS CASTLE:** You've said in your evidence, Joe, with reference to the redress process, that the
5 entry and exit point is critical, so you both are now those -- you said, Pat, on the website it
6 says that you're the person to call.

7 **MR WAITE:** Yeah.

8 **MS CASTLE:** Are you aware of survivors who have suffered abuse in the care of PSC who have
9 gone directly to the Church to make that report because in their mind they don't see the
10 distinction between the Church and the Support organisations?

11 **MR WAITE:** Certainly if you go back to prior to 2007, there is evidence from some of the
12 survivors who then went to the Church first and then were directed to us. And that's how
13 the process started from there, from 1990 onwards. But there was a perception, I suspect,
14 that they thought it was a Church.

15 **MS CASTLE:** Do you think that that perception was only at that time, or do you think that there
16 are survivors today who would still see the Support organisation as falling under the
17 umbrella of the Presbyterian Church?

18 **MR WAITE:** I actually think some people may still think that. The man who phoned me
19 yesterday was thinking that I was a Church, and explained to me as if I was a Church
20 Clergy, when in actual fact I had explained we're not the Church, we're a social arm which
21 we do independently of the Church. So his conception was he was complaining to the
22 Church. I think that's still there for those people, the 30 or so we're now engaging with, or
23 now 40 almost, know there's a difference. But there's another 900 and something people
24 who don't.

25 **MR CASTLE:** Yes, and of course people who might be watching this hearing and haven't
26 reported abuse who may have thought that the Support organisation came under the
27 Church.

28 In terms of that entry and exit point, we heard yesterday from the Methodist Church,
29 and that Church has a complex legal structure and had separate legal entities that ran care
30 homes much like what we see here. And the Methodist Church is coordinating the response
31 to reports of abuse, so survivors go directly to the Church.

32 **MR WAITE:** Right.

33 **MS CASTLE:** Do you see any merit in the Presbyterian Church doing that?

1 **MR WAITE:** I would hate to think we could put barriers in the way of people coming direct
2 to us. I think it would be more preferable if they came direct to us. We
3 understand -- otherwise you need to go through a whole range of people to get through to
4 me and I'm the person that they should be talking to. And I encourage the Church, and they
5 have referred people through to me if they get inquiries. But I don't think like that idea of
6 the Church being a barrier through to come to us.

7 **MS CASTLE:** Right, in the current circumstances if someone goes to the Church they refer them
8 to you?

9 **MR WAITE:** They refer to us, they refer to us.

10 **MR ASGHAR:** Correct, correct.

11 **MS CASTLE:** Are you familiar with Puretumu Torowhānui, the Commission's redress report?

12 **MR ASGHAR:** Yes.

13 **MR CASTLE:** You will know that the Commission has recommended a single independent entity
14 to be established to be responsible for redress to survivors of State and faith-based care. Do
15 you support there being a single entity in place for this?

16 **MR WAITE:** I don't, I don't actually. I think that just purely from my experience now for two
17 years of dealing with people, I think we give a face to the entity that they experienced the
18 abuse from. We're the ones who are accountable. I'd hate to think we go through like an
19 ACC organisation where you basically go through a whole lot of people who don't have the
20 heart and the empathy that we should have.

21 **MR ASGHAR:** Correct.

22 **MR WAITE:** Those people who are responsible for those organisations should be facing that
23 responsibility.

24 **MS CASTLE:** Do you acknowledge --

25 **MR ASGHAR:** And if I may, David Crichton has said explicitly, without a connection there is no
26 correction. So I would reflect that back that if we have a centralised agency that lack of
27 empathy and caring and understanding is at risk.

28 **MR WAITE:** I think also each of us should be responsible for cleaning up our mess. This is us.
29 We can't move away from what happened in the past. Even though I was at school when a
30 lot of these things happened, we can't exclude ourselves from that, we should be made
31 responsible for cleaning it up. I think the idea of reporting to an agency is okay, but I think
32 the agency, we should be the ones dealing with those people.

33 **MR ASGHAR:** Yes.

- 1 **MS CASTLE:** Do you both acknowledge there may be survivors who don't want to return to the
2 entity under whose care caused them harm and for that reason an independent entity might
3 be preferable?
- 4 **MR ASGHAR:** Yes.
- 5 **MR WAITE:** I can appreciate that, yeah.
- 6 **CHAIR:** Can I just ask the question that I asked of the Methodist Church yesterday, are you
7 aware that as a result of our Puretumu Torowhānui report last year that the government is
8 starting the process of looking into setting up a redress system?
- 9 **MR WAITE:** I understand that, yes.
- 10 **CHAIR:** And that our recommendations were that it should not set it up unilaterally but in
11 consultation, more than that, in collaboration with survivors etc.
- 12 **MR WAITE:** Right.
- 13 **MR ASGHAR:** Correct.
- 14 **CHAIR:** My question is: That recommendation was made by us to encompass, and for them to
15 start formulating and planning, not just with the State agencies, but with the faith-based. So
16 my question is, has PSC, as a significant player in this game, have you been approached by
17 the Crown Response Unit --
- 18 **MR WAITE:** No.
- 19 **CHAIR:** -- at all?
- 20 **MR WAITE:** No, we haven't at all.
- 21 **MR ASGHAR:** No.
- 22 **CHAIR:** Not at all?
- 23 **MR WAITE:** No.
- 24 **CHAIR:** Would you like to contribute to the discussions they are having in their planning to
25 convey your views about these matters?
- 26 **MR WAITE:** I think it would be very helpful if we're able to contribute. We've got some certain,
27 as you can hear, some certain ideas.
- 28 **CHAIR:** And experience.
- 29 **MR WAITE:** And experience in dealing with it. So I think there are other parties who contribute
30 as well. So I'd like to be able to contribute if they were inviting us.
- 31 **CHAIR:** Good, thank you.
- 32 **MS CASTLE:** Ma'am, I've reached the end of my questions, thank you to you both. Before
33 I hand to the Commissioners for questioning it's just occurred to me that I didn't give a
34 visual description at the outset, particularly after encouraging other counsel so much to do

1 so. So for those who cannot see me I'm a female in my early 30s of Māori and Pākehā
2 descent, I'm wearing a white top, a black jacket and glasses.

3 **CHAIR:** Thank you Ms Castle. People will have to try and remember what you've said now.

4 Thank you. I'm conscious that I've asked questions, I'm going to invite, and I'm conscious I
5 have something at my side who would like to ask, so Dr Erueti you can ask away.

6 **COMMISSIONER ERUETI:** Yes, if I may, just following on the point about redress. It's not
7 only the independence of the redress scheme that we've suggested, but also the fact that it's
8 unitary. So the idea there is to ensure there's consistency and equity in the approach
9 towards addressing the needs of each survivor. So if we have this proliferation, which we
10 currently have, of redress schemes then that defeats that purpose.

11 But I recognise and acknowledge the passion that you have for wanting to provide a
12 connection and not just correction, as Mr Crichton puts it. I think we've heard that from all
13 the faiths. But what we've also consistently from survivors over the last three years that
14 we've been working on redress, is the significance of there being an independent body, not
15 a Crown agency, this would be something independent of the Crown and faiths, but an
16 independent body and also a single point of reference for survivors to approach that is
17 underpinned by values and principles that survivors want in a redress scheme.

18 So I just -- yeah, we had this discussion yesterday afternoon, I'm not sure if you saw
19 that, with the Methodist Church too and all the faiths say that, say that we want to engage
20 with survivors in this process. And we understand that, and there is a way in which the
21 faiths can do that through an apology, or provision of pastoral care if survivors want it.

22 But again, as we discussed with the Methodist Church yesterday, we're encouraging
23 the faiths to really engage with that report and these ideas, because they're really the voices
24 of survivors that have made their way into the report. Ultimately it's up to them to engage
25 with the Crown to determine what the content of the redress scheme will be, of course. But
26 again, that's driven by survivors. So yes, I know you've read the report, but again, implore
27 you to really engage with those ideas in it. Thank you.

28 **MR ASGHAR:** Thank you, ka pai.

29 **CHAIR:** I'll just give my other colleagues an opportunity. Sandra Alofivae.

30 **COMMISSIONER ALOFIVAE:** Talofa Joe, talofa Pat. Thank you, we understand your legal
31 structures, they're very clear, it's well set out what the links are and where there are no
32 links. But a question that we discussed yesterday also with the Methodists was really
33 around accountability and the moral accountability, whether or not the mother ship should
34 actually be standing together with the different entities, in this case PSC, around the

1 collective ownership of the harm that was caused, and whether or not you had a view on
2 that.

3 **MR WAITE:** Our name is Presbyterian, which gives an impression that therefore it is a
4 Presbyterian entity. So I can't speak on behalf of the Church, but we don't see ourselves as
5 Presbyterians, we see ourselves as an agency that's providing care for people. So that's a
6 matter for the Church to respond to. I wouldn't want to put that burden on them.

7 **MR ASGHAR:** No, no.

8 **COMMISSIONER ALOFIVAE:** Just so that I'm clear, you're quite prepared, and in one sense
9 happy to trade on the name of the Presbyterian which is recognised as a faith, as an
10 institution, but anything that happens contrary, which is what's happened here, the
11 significant abuse and the horrors that occurred, they shouldn't take responsibility, even
12 though they knew, they know that you're trading under their name?

13 **MR ASGHAR:** I think if I may, ma'am, one of the points that we made was that Enliven and
14 Family Works trade as Enliven and Family Works, and so all our -- going forward we
15 moved away from the Berhampore Home which was under the auspices of Presbyterian
16 Support, if that's the reference we make, so that that accountability for anything that
17 happens in the businesses that we've got is fairly and squarely in those businesses and not
18 on Presbyterian Support Central.

19 So we're all part of the same, I accept that these are paper walls, but we do very
20 much recognise our accountability and our responsibility. And I don't think, ma'am, that
21 we're trading off the Presbyterian name to further our business interests.

22 **COMMISSIONER ALOFIVAE:** Thank you for that, thank you.

23 **CHAIR:** Paul, do you have some questions?

24 **COMMISSIONER GIBSON:** Yes thanks. I'm aware that some providers whose core business is
25 aged care services also provide Disability Support Services, respite services for people
26 under 65. Does PSC or Enliven provide any of those services?

27 **MR ASGHAR:** Yes, we do have some clients under the age of 65, through those Disability
28 Support Services, and aged care services, but there are very few, we're talking handfuls of
29 people that may be in our care.

30 **COMMISSIONER GIBSON:** We would be interested in your experiences, we're aware they
31 have few options in life and what happens to them is of interest to the Inquiry.

32 **MR ASGHAR:** Kapai.

33 **CHAIR:** And just, because we're nearly at the end, you've provided us with a rich explanation of
34 the past, as far as you can, and the present. You will also be aware that we've probably got

1 a lot of other questions in our minds, and I'm just wondering would either of you gentlemen
2 be prepared, or both, to maybe receive further questioning from us after the event? Not in
3 public, obviously, but in writing, and would you be prepared to assist us further if we need
4 more information?

5 **MR WAITE:** Of course, we'd be very pleased.

6 **MR ASGHAR:** Without doubt, yes.

7 **CHAIR:** We would be very grateful for that and we are very, very grateful for you both taking the
8 time and trouble to prepare for this and to come to us today. And Joe, I just want to
9 acknowledge again, I think it's time you probably had a break, you've been through a lot
10 and we really, really appreciate the fortitude you've shown today, and your sympathy
11 towards the survivors. So tēnei te mihi mahana ki a kōrua and we wish you a safe journey
12 home and I hope you recover well soon, Joe.

13 **MR ASGHAR:** Kapai.

14 **CHAIR:** On that note we will take the morning adjournment and return at about 11.15 thank you.

15 **Adjournment from 11.01 am to 11.21 am**

16 **CHAIR:** Is it Mr Hider or Ms Smith who's going to be fronting? Ms Smith?

17 **MS SMITH:** It is both. I have an even briefer short statement and then Mr Hider will lead the
18 evidence.

19 So just as an introductory comment, to date PSO has received six complaints of
20 abuse, all of those relate to the time period of 1950 to 1951, and the homes that were run by
21 PSO during that time.

22 So we talked about those this morning but just for any new people that are listening,
23 from 1930 to 1991 PSO operated the Glendinning Presbyterian Children's Home and that
24 had three cottages within it: Cameron, Nisbet and Somerville and it also offered the
25 Mārama Home in Lawrence from 1942 to 1943.

26 Today you're going to be hearing evidence from PSO's CEO, Jo O'Neill. She has
27 been in that role since September 2019 and during that time has met with survivors, listened
28 to them and helped resolve complaints.

29 Ms O'Neil will give evidence of that process, what she's been able to learn from the
30 past and the engagement and so on. But one thing I did want to address now was that one
31 area of focus for the Commission has been on PSO's records and in particular the disposal
32 of children's files in 2017-18.

33 Ms O'Neill was not at PSO then, but in responding to the Commission's notices was
34 made aware of that disposal and she's investigated it, and you will hear from her that she's

1 been unable to reach a conclusive view on what happened and why it happened and why
2 those documents were not kept. But what she wants to emphasise and what she will, you'll
3 hear her say today, is that while she doesn't have a complete understanding of what
4 happened and why the decision was reached, what she does know is that she doesn't think
5 she'd make the same decision and she certainly wouldn't make the same decision today,
6 because she knows how important those documents are to survivors.

7 Just one concluding remark from me and, again, reiterating that PSO is grateful for
8 the opportunity to be here today. It sees its involvement as a further opportunity for it to
9 learn, to engage with survivors of existing and any new survivors that may come forward
10 from this process and also to assist the Commission in any way it can.

11 And I did just want to reiterate, again, that PSO wants to extend that further
12 invitation also to survivors, if any want to speak with PSO to discuss their experiences or if
13 they want to make a complaint about their time in PSO's care, PSO's website has a
14 dedicated form that they can use, and Ms O'Neill is very happy to receive letters or any
15 type of contact at all from survivors if they would prefer that method of contact also. But
16 the message is the door is open.

17 **CHAIR:** Thank you for that, Ms Smith.

18 Good morning, Ms O'Neill. I'll just ask you to take the affirmation before we go
19 any further.

20 **JO O'NEILL (Affirmed)**

21 **QUESTIONING BY MR HIDER:** Tēnā koutou katoa, survivors, Madam Chair, Commissioners,
22 my name is Sam Hider and I will be assisting with Jo O'Neill's evidence today. Ms O'Neill
23 would prefer to be called Jo this morning, and I'll just make a few remarks and introduce
24 her and after that Jo is going to read some of her statement, although she will leave the
25 lessons learned part for later during questions, as we've done earlier.

26 So Jo, how long have you been in your role as CEO of PSO?

27 **MS O'NEILL:** Since September 2019.

28 **MR HIDER:** Just before we go any further, I thought I'd just mention my physical appearance.

29 So I am a Pākehā male in my late 20s, I'm wearing a dark grey suit and a grey tie, and
30 I wear glasses.

31 Jo, could you please provide your physical appearance as well?

32 **MS O'NEILL:** I am a Pākehā female with red hair and glasses wearing a black outfit with a blue
33 blazer.

1 **MR HIDER:** Thank you, Jo. So turning again to your role as CEO of PSO, you started that role
2 in September 2019 and before that you were a CEO at Mornington Health Centre, and what
3 did you do immediately before that?

4 **MS O'NEILL:** I worked for Servants Health Centre which is a free clinic which provides care to
5 people experiencing low socioeconomics.

6 **MR HIDER:** Thanks, Jo. I think from here if you could please read from paragraph 5 of your
7 statement.

8 **MS O'NEILL:** Absolutely:

9 "First and foremost I want to apologise to all of those who have been harmed while
10 they were in the care of PSO. This harm is the complete opposite of what should have
11 resulted from the care provided by PSO and I am very sorry that that happened.

12 Although PSO no longer provides direct care to children, young persons, or
13 vulnerable adults, I am committed to ensuring that we do our part to right any past wrongs
14 and to engage with survivors, if that is something that they would like to help them heal and
15 to also learn from their experiences. All organisations, whether they continue to provide
16 care or not also have a part to play in ensuring the safety of our young people.

17 Since joining PSO in 2019, I have been involved in meeting with survivors and
18 working with them to help resolve any complaints of abuse that have been made. I am
19 saddened by their stories, but humbled by their willingness to engage with PSO and allow
20 us to work with them not only to resolve their complaints but to learn from their
21 experiences and as an organisation, this is an essential point for us to learn. We know that
22 we probably still aren't getting things right and we want to do the absolute best that we can.

23 I realise that survivor experiences are different, as are the ways in which survivors
24 want to engage with organisations if they choose to do so. With the complete support of
25 the PSO Board, I am committed to engaging with survivors in any way which works for
26 them.

27 I want to highlight for the Commission some gaps in the documentation which PSO
28 holds. In its Response to Notice to Produce 1, PSO provided documents to the Commission
29 and let it know about other information it holds. It also described the searches PSO
30 conducted to respond to the notice.

31 The search is focused on the periods when children in PSO's care lived at the
32 Glendinning Home's complex in Dunedin and Mārama Home in Lawrence. These are the
33 only two residential care facilities that PSO operated from 1950 to 1991 when they closed.

1 During the searches I was made aware of destruction of children's files relating to
2 their time in the homes in 2017 and 2018. We told the Commission about this in the
3 response to the notice. I am sorry that these documents are no longer available as I know
4 how important they are to survivors.

5 In terms of document retention, and from the information available to me, I am not
6 aware of a formal policy about document retention in the early days. However, from
7 inquiries made, it appears that all children's files were initially kept but over time some of
8 those may have been lost or destroyed.

9 In 2005 PSO adopted a formal policy on documents and records, but this was aimed
10 more at what information PSO would provide if former residents or family members asked
11 for information.

12 In July 2018 PSO updated its policies around access to documents, essentially
13 reiterating the 2005 policy and adopting policies for inactive and historic client files. The
14 inactive client files policy refers to the Health Regulations 1996 which requires information
15 not to be retained for longer than necessary for lawful purposes. The policy says that all
16 inactive files are kept for 10 years from the date when PSO last provided services to an
17 individual. It mentions lawful purposes as including research, legal or business risk and
18 historical collections.

19 The historical retention client files policy also talks about the regulations, but
20 describes a process for where a client file is retained for historical archive purposes and
21 instead of being destroyed after 10 years, it is transferred to the archive.

22 It then describes the process to be followed for documents from July 2009. Any
23 children's files relating to their time in the homes were much older than that, and so already
24 older than the 10 years. But the policy applied to other files that we had for the services we
25 now provide, hence the 2009 date. The policy explained that three sealed client files would
26 be archived and the rest deleted. The files that were destroyed in 2017, 2018 were already
27 much older than 10 years, but I do not know why more of those files or all of them could
28 not have been kept.

29 There are some conflicting accounts of the circumstances of this destruction, which
30 I cannot resolve. From the information available to me, it appears that GRO-C reviewed
31 the records held and a decision was made by GRO-C to destroy all of the remaining
32 children's records apart from the registers of names and dates. I do not know how many

1 documents there were by this time, given the time that had passed since the homes had
2 closed in 1991.

3 I was also not at PSO at the time, so I do not have all of the information available to
4 those that were and therefore cannot say for certain what I would have done. However,
5 what I can say is that if presented with the same information now I would make a different
6 decision for two reasons.

7 First, regardless of whether there is information in a file that is relevant to
8 allegations of abuse, I know how important records are to survivors and former residents in
9 general.

10 Secondly, by 2017 there had been complaints made to PSO alleging abuse, and PSO
11 might consider there to be a legal risk of other complaints. Client files do not necessarily
12 contain information relevant to allegations of abuse, but they may. And that may be
13 information that is useful to the survivor and PSO in addressing allegations of abuse.

14 There are six allegations of historical abuse that have been reported to PSO for
15 which PSO have records. Three of these allegations relate to events in the 1950 to 1960
16 period, and three relate to events in the late 1980s to 1991 when the last PSO children's
17 home closed.

18 I have helped resolve two of those complaints personally, both of which had been
19 submitted to PSO before my arrival. I met with both complainants individually and their
20 lawyers. I listened to their stories and experiences and offered a heartfelt apology and
21 access to any services we could possibly provide. We discussed how PSO could manage
22 complaints of this kind better to enable us to learn. Both complaints were resolved through
23 the process of focusing on healing and helping.

24 Although PSO no longer provides care, we are committed to doing all that we can to
25 engage with survivors that want to engage with us. We have adapted our processes by
26 reflecting on different survivor experiences and will continue to do so.

27 Implementing training and support for staff, and we've changed our processes so
28 that anyone who wants to lay a complaint can choose to speak directly to me if they wish.
29 All complaints are also discussed at governance level and reported on as they occur
30 alongside everything identified through the investigation with appropriate confidentiality
31 restrictions in place.

32 PSO have also created a separate page on the website for anyone wishing to receive
33 contact from PSO about anything relating to the Royal Commission's work. I want to
34 encourage survivors to contact me or anyone else within our organisation, any door is the

1 right door to come through to make contact, assuming of course that is what any of the
2 survivors would wish to do. Thank you.

3 **MR HIDER:** Thank you very much, Jo. As I said, I think we'll leave things there. There is a
4 section in the statement as well about lessons learned, but that is likely to come out during
5 questions, so I'll pass you over to my friend Ms Castle now.

6 **CHAIR:** Just to reassure you we do have your evidence that you've filed and we've read that too.
7 Yes, Ms Castle.

8 **QUESTIONING BY MS CASTLE:** Tēnā koe, Jo. You would have heard this morning in
9 discussions with representatives for PSC that a topic was the historical and contemporary
10 relationships between the organisation and the Church. Originally PSO's constitution
11 required that half the Committee members should be members of the presbytery, so the
12 regional body or council of the church; is that your understanding?

13 **MS O'NEILL:** That's my understanding of the very early days, yes.

14 **MS CASTLE:** And in 1909 I understand that the requirement changed to a majority of Committee
15 members being Presbyterian businessmen.

16 **MS O'NEILL:** I'm unsure whether that was stipulated, but I do believe that was the reality of
17 what was the Committee at the time.

18 **MS CASTLE:** And in terms of the current constitution of PSO, the board consists of between
19 three to five out of the maximum 12 members drawn from the five southern presbyteries
20 and the rationale is stated as being to maintain a consistent proportion of southern
21 presbytery members to other members. That's right?

22 **MS O'NEILL:** That's correct, yes.

23 **MS CASTLE:** This topic also came up this morning with PSC, because similarly the constitution
24 provides that one of the board members is to be appointed by the Māori Synod of the
25 Presbyterian Church and I note in your constitution at clause 2.1:

26 "An objective of PSO is to provide quality, accessible services targeting these to
27 those in need in accordance with principles of social equity and the Treaty of Waitangi."

28 **MS O'NEILL:** That's correct.

29 **MS CASTLE:** Similarly to PSC, that position on the board is currently vacant, isn't it?

30 **MS O'NEILL:** It is, yes.

31 **MS CASTLE:** And PSO experiences difficult in recruiting and retaining people in that position.

32 **MS O'NEILL:** We do, yes.

33 **MS CASTLE:** Do you have any comment to make on why you think that that is?

1 **MS O'NEILL:** I would simply be speculating myself to be honest, but I do see that historically
2 there has not been great relationships between PSO and local iwi and that is something the
3 board and myself as CEO are working very hard at correcting. And it's ensuring that we
4 are in touch with the right people at the right time and doing the right things.

5 **MS CASTLE:** In terms of record-keeping, which came up this morning and records kept by PSO
6 about the ethnicity and disability status of those in care, just confirming that PSO doesn't
7 have any record of ethnicity or disability status of those children?

8 **MS O'NEILL:** I do note, having reviewed the registers, that some ethnicity statuses were
9 recorded, but not all and not consistently.

10 **MS CASTLE:** Sorry, I should have been more specific. Were Māori and Pacific ethnicities
11 recorded by PSO?

12 **MS O'NEILL:** Some were but not consistently.

13 **MS CASTLE:** Your counsel talked about complaints of abuse being received by PSO from six
14 survivors. They relate to abuse that occurred between the period 1950 to 1991 and I
15 understand that PSO received those complaints during the period 2004 to 2019, that's
16 correct?

17 **MS O'NEILL:** That's my understanding, yes.

18 **MS CASTLE:** And those, all six of those complaints relate to abuse at the Glendinning complex
19 which was comprised of a number of cottages or homes.

20 **MS O'NEILL:** I do believe so, yes.

21 **MS CASTLE:** Evidence received by the Commission from Cooper Legal, who summarised
22 anonymously the experiences of some of their clients, that's document EXT0020476, that
23 document at pages 43 to 44, and I believe that will be coming up on the screen, includes the
24 experience of one of the survivors, and that survivor has been given the pseudonym PN. So
25 we're looking at paragraphs 303 to 308, which goes over the page.

26 That survivor was at the Glendinning orphanage in Dunedin from five years old to
27 13 or 14 years old. It says there at paragraph 304:

28 "PN described during this time she was subjected to severe physical and
29 psychological abuse. This included being beaten by staff with objects, being locked in a
30 broom cupboard overnight on multiple occasions and being tied naked to a flagpole as a
31 punishment for grieving over her father's death."

32 At 305 it says:

33 "In addition, PN described being pulled from bed and molested, raped and
34 sodomised on multiple occasions as well as being passed around a ring of paedophiles who

1 she recalled were parishioners of the local Presbyterian Church. These individuals raped
2 and sodomised PN, often when she was made to visit them for meals, or after Church
3 services. PN also described being repeatedly raped by the orphanage gardener and having
4 her breasts fondled by the orphanage manager."

5 You would agree that that's shocking abuse, isn't it?

6 **MS O'NEILL:** It's abhorrent.

7 **MS CASTLE:** And this example of PN is an example of the experiences of other survivors.

8 **MS O'NEILL:** I have not personally read anything that bad.

9 **MS CASTLE:** The children at the Glendinning complex who we take it from PN's experience
10 would have attended Church as part of their time living in the home?

11 **MS O'NEILL:** Sorry, can you repeat the question?

12 **MS CASTLE:** Did the children living in the Glendinning complex attend Church?

13 **MS O'NEILL:** From the historical records, that would appear to be the case.

14 **MS CASTLE:** And like what PN described she experienced, this will have exposed them to risk
15 of perpetrators within the Church?

16 **MS O'NEILL:** It would certainly appear so.

17 **MS CASTLE:** Do you think that the Church should also be taking accountability for what
18 happened to survivors like PN, as well as PSO?

19 **MS O'NEILL:** I can't personally speak for the Church. I can only speak to PSO and any
20 complaint that comes forward to me will be dealt with in a very survivor-focused manner.

21 **MS CASTLE:** Okay. PSO has received only six complaints. Do you accept that there are likely
22 many more survivors that haven't come forward?

23 **MS O'NEILL:** I do accept it's likely.

24 **MS CASTLE:** And PSO has made a number of acknowledgments in the documents it's provided
25 the Commission, and I'm summarising in the interests of time, but these have included that
26 when PSO did provide care through a children's home it did not have a process for people
27 to report abuse or make a complaint; PSO staff did not have the necessary training to
28 identify abuse and handle reports of abuse; PSO did not have a robust recruitment process
29 or vet staff.

30 There's a statement in the response to notice 518 at paragraphs 7 and 12 which says:
31 "Individuals who were married, part of the Church or who were involved with
32 community objectives were believed to be upstanding and suitable to be involved in the
33 care of children."

1 Further acknowledgments include that there was no external State agency review or
2 audit of care standards of any of PSO's homes, the focus was on maintaining financial
3 viability, and we heard about that this morning from PSC.

4 And finally, the culture at PSO did not encourage children and others to raise
5 concerns.

6 You would accept that those were all contributing factors that enabled abuse to
7 occur in these homes?

8 **MS O'NEILL:** I would, yes.

9 **MS CASTLE:** In terms of how PSO has handled complaints of abuse, I just want to call up your
10 response to notice 518 at pages 4 and 5. That's document PSO0000797. It should be
11 coming up on the screen.

12 At paragraph 14(b) it says there:

13 "Responding to complaints initially with hesitation or belief, being too trusting of
14 staff and not questioning behaviours and attitudes, the intent of the Presbyterian
15 organisation was to do the right thing and because of this I think historically people
16 struggled to believe that anyone given authority to assist in this endeavour was capable of
17 abuse. As a result I think that initially complaints were handled in a way which included
18 hesitation or disbelief."

19 So you'd agree that those reports of abuse were met with disbelief of survivors?

20 **MS O'NEILL:** Certainly at least a couple of them that I have read through it would appear that
21 was the case.

22 **MS CASTLE:** And there existed an inherent trust of those in authority who were subject to the
23 report.

24 **MS O'NEILL:** That's correct, yes.

25 **MS CASTLE:** You say in your evidence at paragraph 8 that PSO was committed to engaging
26 with survivors in the best way that works for them. I just want your comment on the
27 experience of one survivor who Cooper Legal has told us about, in the evidence
28 EXT0020476, at page 40. That survivor has been given the pseudonym PJ.

29 And from paragraph 281 it outlines the experience of PJ. So Cooper Legal wrote to
30 the PSO with the details of PJ's abuse at Cameron College, the impact on him, sought
31 compensation and an apology. For context, PJ was physically and sexually assaulted by a
32 female staff member at the home when he was 12 years old.

1 PSO responded through its lawyers, refusing to offer any apology or compensatory
2 payment to PJ and emphasising the difficulty that he would have in proving his allegations
3 in court but offering to meet with him.

4 In April 2009 in a reply from Cooper Legal, the highly technical and legalistic
5 approach taken by PSO was criticised, and they queried the benefit to PJ of the meeting
6 offer.

7 Paragraph 283 talks about engagement between the lawyers for PSO and -- sorry,
8 the lawyers for PSO -- and I believe this will be yourself at that time?

9 **MS O'NEILL:** No.

10 **MS CASTLE:** Oh, September 2019, so the previous CEO, sorry -- about PJ's claim, reiterated the
11 offer to meet.

12 Ultimately, PJ, through his lawyer, filed proceedings in the Dunedin High Court in
13 October 2020. After this, PSO agreed to engage in an out of court settlement process to try
14 and resolve PJ's claim and a meeting was held in April 2021, and all parties agreed that that
15 meeting was a positive one.

16 **MS O'NEILL:** That was a meeting that I was present at. So from the October notice was the first
17 that I was made aware of PJ's case.

18 **CHAIR:** Just for clarity, so we know exactly, you were not involved at the beginning. When did
19 you become CEO? The month really matters, doesn't it?

20 **MS O'NEILL:** Yes, it does, September 2019.

21 **CHAIR:** Right.

22 **MS O'NEILL:** So the October notice that was put into the court was the first that I was made
23 aware that that was a case that had been presented to PSO.

24 **CHAIR:** You didn't know about it before then.

25 **MS O'NEILL:** No.

26 **CHAIR:** Okay, thank you.

27 **MS CASTLE:** Leading up to that process, there had been a period of about two years, hadn't
28 there, and then the filing of High Court proceedings and then we had you entered the role
29 and a positive meeting held between the parties.

30 There was an offer of settlement from PSO and I understand there was some
31 negotiations about amounts. But one thing that's noted at paragraph 287 is that:

32 "PSO refused to consent to the proposed inclusion of clauses intending to permit PJ
33 to reopen his settlement based on any favourable recommendations from the Royal
34 Commission of Inquiry in the interests of certainty and affordability."

1 Do you have any comment to make on the approach taken by PSO to that?

2 **MS O'NEILL:** I mean, really all I can say, Alisha, to be honest, is this was my first experience
3 with dealing with a survivor of abuse in this manner. Obviously, as a Registered Nurse and
4 somebody involved in social care I have cared for survivors personally. But this was a
5 document that was created by the lawyer and understood -- I understand it to be kind of
6 standard at the time, having not -- not having the ability to come from a legal perspective I
7 was unable to dispute that, I felt at the time. Not that that excuses it in any way, shape or
8 form.

9 **MS CASTLE:** Did you have the benefit of legal advice at the time?

10 **MS O'NEILL:** It was the lawyer who was involved in that process.

11 **MS CASTLE:** I understand.

12 If I can call up document PSO0000802, this is PSO's website and we heard
13 reference to it this morning from your counsel. It encourages survivors to come forward to
14 the Commission and to engage with PSO on these issues. If we go to the bottom of that
15 page, it says in the final bullet point:

16 "If you have signed a settlement relating to an abuse claim with Presbyterian
17 Support Otago we waive any confidentiality clause or obligation on you that might have
18 restricted you talking to the Royal Commission."

19 So can we take it that this was a position that was taken by PSO at one point in time
20 that may have restricted survivors in pursuing that pathway and now this statement
21 indicates PSO is willing to retract that and enable survivors to pursue it?

22 **MS O'NEILL:** From memory it was a statement which was made legalistically in some of the
23 prior cases and upon meeting with one of the survivors that was part of the discussion, and
24 they suggested that we make it clear that people can share their stories, that that's not an
25 expectation. And that's why that bullet point was added.

26 **MS CASTLE:** Are there any other -- this is a web page on PSO's website. Are there any other
27 ways in which you've made survivors who have settled with PSO aware of this, of this
28 change in position?

29 **MS O'NEILL:** I'm unsure to that to be honest, but we've certainly discussed it with Cooper Legal
30 and with the legal parties.

31 **MS CASTLE:** I'm very mindful of time. I'm moving forward to an issue I'm sure you're
32 anticipating and that's been raised this morning about the record-keeping and destruction of
33 records.

1 So I understand you weren't there at the time, but in searching through documents,
2 reviewing documents for the purpose of responding to our request for information, you
3 carried out your own investigation.

4 So PSO's response to the first notice at paragraph 26, and that's document
5 PSO0000795, at page 9, if that can be brought up on the screen. It says:

6 "In or around December 2017, January 2018, a senior decision-maker within PSO
7 carried out a review of records held by PSO covering the period of time children stayed in
8 the residential homes. It appears that following this review that decision-maker decided
9 that PSO would destroy all personal individual children's records held apart from the
10 register of the names and dates."

11 We talked earlier about PSO having received complaints during the period 2004 to
12 2019, so it was very much aware of complaints of abuse at this time?

13 **MS O'NEILL:** That's correct.

14 **MS CASTLE:** And the decision -- we've heard from other faiths and organisations about records
15 being lost as a result of a fire or a natural disaster, but you would accept that in this case the
16 loss of these records was the result of a deliberate decision to destroy them.

17 **MS O'NEILL:** Yes.

18 **MS CASTLE:** And we've talked about -- there's been mention this morning of the conflicting
19 accounts of the circumstances in which they were destroyed and reasons for it. If we can
20 bring up document PSO0000237. That's titled "Historical Abuse Claims Royal
21 Commission."

22 Are these your notes from that investigation process you undertook to respond to
23 the first Notice to Produce?

24 **MS O'NEILL:** They are, yes.

25 **MS CASTLE:** Near the halfway mark of the page it says that:

26 "The senior decision-maker referred to in the document had advised that PSO was
27 not legally obliged to hold detailed accounts of the children's time at the homes. That
28 senior decision-maker indicated that an advisor was involved and that they had signalled
29 that having the records was too much of a risk to PSO."

30 It says further that:

31 "A senior staff member was unsure of when the records were gotten rid of, but that
32 the directive was given from the senior decision-maker and the decision was made to just
33 hold the names and dates."

34 On the second page of this document, about halfway down, it says:

1 "The destruction was done in reaction to the case that had been received though. It
2 was a direct response to the legal case we had received."

3 Was a complaint received by PSO in 2017?

4 **MS O'NEILL:** I believe a letter from Cooper Legal in response to one of the settled cases that I
5 was subsequently involved in arrived in 2017.

6 **MS CASTLE:** So this note indicates that it may have been in response to -- that's the suggestion,
7 that it may have been in response to that being received.

8 **MS O'NEILL:** It has been a suggestion, that's why I documented it.

9 **MS CASTLE:** The document says further:

10 "A staff member also stated there had been some sanitising of notes because people
11 wouldn't understand the treatment that was dealt out back then. The staff member stated
12 examples of this treatment as being washing a child's mouth out with soap and water,
13 clipping them around the ear, locking them in rooms. He said that kind of thing was okay
14 then but people would be horrified now. A staff member was referred to as knowing more.
15 She wanted the records kept. The decision by the senior decision-maker to destroy the
16 documents wasn't questioned by anyone because she said she'd received advice. The senior
17 decision-maker didn't discuss the live cases. She dealt with them with a staff member
18 only."

19 The notes say further:

20 "The senior decision-maker did it to protect PSO. People weren't careful about
21 what they wrote in notes back then, they were too honest."

22 You'd agree this paints a picture of PSO -- the decision being made by the person at
23 the time to destroy documents in order to protect PSO and avoid liability for what may be
24 included in the documents?

25 **MS O'NEILL:** I do believe there was an individual who was misguided in their decision-making
26 process.

27 **MS CASTLE:** If we can bring up document PSO0000236. This document appears to be a
28 statement, you'll be familiar with it, a statement by a staff member and it's signed and dated
29 by that person on 18 December 2020. It says in that document:

30 "I was working on a spreadsheet of information requested by the Royal Commission
31 of Inquiry. Staff members were passing my office and I asked them for assistance with a
32 formula which would calculate from admission to discharge date columns, the total number
33 of dates an individual was in care for each client listed on a spreadsheet. I stated how sad it
34 was that each child's life amounted to one line in a spreadsheet and that I had been unable

1 to find any further files, either electronically or physical files, on these clients in the PSO
2 archives. A staff member stated that I wouldn't find anything because in relatively recent
3 years a senior decision-maker had ordered that all records that were held in relation to the
4 children's homes previously run by PSO, apart from the register of names, were destroyed
5 and that she had stated at the time that this was advice given. I indicated my surprise at this
6 situation and why files would be destroyed and that there must have been something in the
7 files that could have been detrimental to PSO, and he said there was, very detrimental."

8 It's interesting that the statement was signed. Do you think that this might indicate
9 that the author thought it was a serious matter and that the document might need to be
10 relied on at some point in time?

11 **MS O'NEILL:** I am an individual who believes that any statement made should be signed and
12 dated.

13 **MS CASTLE:** Can we bring up document PSO0000233, and if we go to page 9, these are e-mails
14 between staff members, because one of the things we're aware of is references to a 10-year
15 period for retaining records and that's been talked about in this context.

16 **CHAIR:** This is correspondence in 2021, January?

17 **MS CASTLE:** That's right. Thank you, ma'am.

18 It says there in the e-mail exchange:

19 "I asked her if she was aware of the destruction of any records. She said yes, and
20 that this was done under the senior decision-maker's explicit instructions. The staff
21 member stated that she did not agree with the destruction of the records as although we
22 were not legally obliged to keep them for longer than 10 years, she had kept them in good
23 faith and guarded them with intensity as she knew their importance to the children
24 concerned. Her feeling on the destruction was that the senior decision-maker did this to
25 protect the agency."

26 At the time that the decision was made to destroy the documents, the 2005 policy
27 applied, didn't it?

28 **MS O'NEILL:** That would be correct, yes.

29 **MS CASTLE:** And that, you referred to it earlier in your evidence-in-chief, but that didn't include
30 a policy for retaining documents for only 10 years, that's right?

31 **MS O'NEILL:** Directly, no. In relation to the legislation for health records is the comments that
32 it does make.

33 **MS CASTLE:** And at the point in time when the records were destroyed, they had already been
34 held for a period of approximately 27 years since the homes were closed.

- 1 **MS O'NEILL:** That's correct, yes.
- 2 **MR CASTLE:** And so the policy that PSO has now for retaining documents for a period of 10
3 years, that was implemented in July 2018 post destruction, you'd agree?
- 4 **MS O'NEILL:** For children's records or for all records? Because we provide aged care health
5 services presently which fall under the 10-year record policy.
- 6 **MS CASTLE:** And that was included in the July 2018 amendment to the 2005 policy?
- 7 **MS O'NEILL:** Yes.
- 8 **MS CASTLE:** You've said yourself in your evidence that this wasn't a decision that you would
9 have made.
- 10 **MS O'NEILL:** Definitely not.
- 11 **MS CASTLE:** That's because you recognise the importance of these files to survivors.
- 12 **MS O'NEILL:** I have been blessed with the opportunity in my career to care for people who have
13 survived abuse.
- 14 **MS CASTLE:** And these records are so important, aren't they, because they allow survivors to
15 piece together parts of their life, are integral to their identity, they may be used -- they also
16 may be used as evidence to substantiate their claim or to help a survivor understand things
17 such as their memories, feelings, medical diagnosis, trauma, etc?
- 18 **MS O'NEILL:** Absolutely, but not just for them, for their subsequent family as well. We find
19 children and grandchildren really want to know what happened for their relatives too.
- 20 **MS CASTLE:** Yesterday in an exchange between the Chair and a representative for the
21 Methodist Church there was a discussion about the importance of naming the pain and hurt
22 that survivors suffer as a result of poor record-keeping, or in this case deliberate record
23 destruction. Do you have any comment to make about that pain and hurt?
- 24 **MS O'NEILL:** I would simply say that I do believe it is an extremely sad situation when an
25 individual is unable to access information about their life's journey because it is their life
26 and as an organisation responsible for a part of the caring for them, I would personally find
27 it extremely important that they could access information.
- 28 **MS CASTLE:** So PSO would take responsibility for the fact that that can no longer occur for the
29 children that resided in those homes?
- 30 **MS O'NEILL:** Absolutely.
- 31 **MS CASTLE:** And this is the opportunity now that your counsel referred to that you were hoping
32 to cover in evidence-in-chief, but if you want to provide some reflections and make
33 comment on the lessons learned by PSO from this and from the previous topics we've
34 talked about and how PSO has implemented the lessons that it's learned.

1 **CHAIR:** Just before you do, just a quick question about the records. We know all about the
2 destruction of the children's records. Do you know whether employees' records were kept?
3 You might not know, I don't know.

4 **MS O'NEILL:** I could not answer that question. I could find out.

5 **CHAIR:** Could you do that, please, that would be good. And the reason why I'm raising it, to be
6 transparent, is we've heard so often that when complaints were made against staff members,
7 records of those complaints were actually held on the employee's files in the absence of a
8 central register, sometimes they're a valuable source of information. So that's why I'm
9 asking you, and we'd be very interested to know if employees' records were indeed kept.

10 **MS O'NEILL:** I do note as well, Commissioners, that the centennial book for Presbyterian
11 Support Otago is very much a warts and all story of the organisation.

12 **CHAIR:** Thank you. I'll leave that point there and you can carry on now with your --

13 **COMMISSIONER ERUETI:** Can I just briefly ask a question too, I just wonder, it would be
14 speculating, but the timing of destroying the records might have been influenced by the fact
15 that the inquiry was about to be established and there was a lot of discussion at that time
16 about establishing an historical inquiry. Do you think that may have influenced the
17 destruction of the records?

18 **MS O'NEILL:** I would be speculating, to be honest, but I do think that everybody was aware that
19 there was a plan for the Royal Commission to be put in place, so it would seem that that
20 would overlap that period.

21 **MS CASTLE:** Jo, do you want to now provide us with your reflections on the lessons learned and
22 how PSO has learned from them and implemented changes?

23 **MS O'NEILL:** Absolutely. I think some of the key things really for me is every situation which
24 comes forward to us gives us an opportunity to learn as an organisation. That's not simply
25 about processes or policies, but it's about individuals. So we have a lot of care people and
26 social workers and Registered Nurses who are continually in a professional place where
27 they want to learn, and real life situations of what has happened allow us to do that.

28 So some of the things that we have in place is training support, education and
29 supervision for our staff to ensure that we all learn from this situation.

30 I would hope that the situations could never arise again. Certainly in Presbyterian
31 Support, but I do realise the reality of providing care means that -- to vulnerable people
32 means that that is a potential, whatever the situation.

33 So it is really important that we do have good structures and processes in place, and
34 that whatever we do is very much focused on the people we care for, for whatever their

1 needs are when we care for them, but also when they've left our services. If there are any
2 issues they wish to raise, it's very important to walk that journey with them.

3 So I think they're probably the key ones without reading out everything that I wrote
4 down.

5 **MS CASTLE:** Thank you, Jo.

6 Ma'am, I've reached the end of my questions and there's a lot for us to get through
7 today, so I'll hand over to Commissioners for any questions now.

8 **COMMISSIONER ALOFIVAE:** It was a very full brief, Jo, so I'm very, very grateful, I don't
9 really have any additional questions for you at this point.

10 **COMMISSIONER GIBSON:** At what point did you first hear about the allegations of
11 paedophile rings?

12 **MS O'NEILL:** I believe the case that came forward in 2020 that I was made aware of, there was
13 some information that I read. Having read thousands and thousands of documents in
14 relation to this whole situation, there was something I read that I recall did talk about
15 children being passed from one to another, or accessing people's homes, which would
16 indicate a kind of situation such as described.

17 **COMMISSIONER GIBSON:** Given what we've heard about those allegations, and children
18 going into the homes of Presbyterian parishioners and what we've heard about the
19 destruction of records, I know you're only speaking -- you've only spoken as the PSO
20 leader, but as a human with a bit of common-sense and some empathy, isn't there a need to
21 actually get some joined-up thinking to really investigate, from your perspective, from the
22 Presbyterian Church and Presbyterian Support Organisations what actually happened down
23 there to the children?

24 **MS O'NEILL:** Yeah, I do absolutely agree. At this point in time we are two separate entities, but
25 I do think that any coordination -- I recognise from the interim report as well, the
26 suggestions of kind of a central situation, to get directives on that would be fantastic, to get
27 people to engage in that would be fantastic. And I think responsibility and accountability,
28 actually, has to be at the foundation of this, as well as the learnings that need to be taken.

29 **COMMISSIONER GIBSON:** So it's about two years since you've been aware, PSO and the
30 Church has been aware, but nothing's been done in a joined-up way linking or investigating
31 paedophile rings and destroyed records?

32 **MS O'NEILL:** No, there hasn't, and I think the key reason for that is because we are two very
33 separate entities, even though our beginnings were intentionally -- Presbyterian Support

1 came from the Presbyterian Church. Since reasonably early times we have been a very
2 separate organisation. But I agree, everybody needs to be at the table.

3 **COMMISSIONER GIBSON:** Given the extreme seriousness of these allegations, how do you
4 think that sounds to survivors at two years nothing seems to have happened?

5 **MS O'NEILL:** I suppose our focus has been on ensuring that we're accountable for what
6 happened to those people who were in our care, and I recognise that part of what we've
7 been saying is we can't speak for the Presbyterian Church, but I would totally appreciate
8 that survivors would want as much done as possible to ensure the safety of a journey as
9 well as the safety of anybody else who came into our care.

10 **COMMISSIONER GIBSON:** Thanks.

11 **COMMISSIONER ERUETI:** Jo, can I just ask about the path to redress. I'm just trying to get
12 my head around it. So there are two paths you can go through, PSC if you're in the homes
13 that they govern, say, but also PSO, given you're in the care of the homes that were the
14 responsibility of the PSO. Is that correct?

15 **MS O'NEILL:** We are seven separate organisations across New Zealand as Presbyterian Support
16 and we cover specific regions, and so we would not have been involved with the PSC
17 homes and they wouldn't have been involved with ours. We have connection at Chief
18 Executive level, but each organisation is an autonomous organise.

19 **COMMISSIONER ERUETI:** You can see the dilemma -- so there are two separate processes.

20 **MS O'NEILL:** Mmm.

21 **COMMISSIONER ERUETI:** Yeah, the dilemma for survivors seeking redress. One confusing
22 aspect is that some are going to the Church directly and not to PSC but now there are in fact
23 two redress schemes being operated under the umbrella of the Church, if you like, by these
24 two different organisations. Could you see how that can lead to some confusion for those
25 wanting to access redress in a holistic manner?

26 **MS O'NEILL:** Yeah, I absolutely could. And, of course, we have Presbyterian Support
27 New Zealand which is our centralised office, and I am aware that some complaints do go
28 through that office and then they're distributed to the correct region to deal with them.

29 **COMMISSIONER ERUETI:** Yeah, so there's lots of different routes to seek redress.

30 **MS O'NEILL:** There is lots of different routes.

31 **COMMISSIONER ERUETI:** Okay, thank you.

32 **CHAIR:** I'm going to ask the same question I asked of your colleagues from PSC and that's
33 relating to the outcome of our report from last year on redress, Puretumu Torowhānui, and
34 whether or not -- did you hear that exchange?

1 **MS O'NEILL:** I did, yes.

2 **CHAIR:** So you understand what I'm asking about, whether the Crown Response Unit which is
3 currently working on the beginnings of the implementation of those recommendations, or
4 some of them, whether they have been in touch with you as CEO of the PSO.

5 **MS O'NEILL:** I haven't had any contact, but I -- personally I can see, I recognise Pat's response
6 to that question about wanting the accountability to sit with the area that was responsible
7 for those homes. I think that's really important. But I also acknowledge that ensuring that
8 everybody is held to the same standard and that everybody has the same accountability and
9 the same responsibility is an important part moving forward. And, of course, having a
10 centralised process would enable people to go to the right place.

11 **CHAIR:** That's right. There's another issue that I didn't raise this morning and should have, and
12 that was that our understanding from survivors is very clear that so many of these,
13 particularly children, didn't just go to one place, so they were held maybe at Berhampore
14 Home or they might have gone through to one of your establishments or they might have
15 been sometime in State care or foster care, so that having -- they might have multiple
16 opportunities for bringing a claim against multiple agencies, State and faith-based, and so
17 the virtue of a single entry point at least to get into the door has some things.

18 But really my main point is to find out whether you have had any opportunity to
19 consult with the Crown Response Unit to share the ideas that you've just shared with us
20 today, and the answer I think is no.

21 **MS O'NEILL:** Not at this point, no.

22 **CHAIR:** All right thank you very much for that.

23 **COMMISSIONER ERUETI:** Can I just check with our counsel too, Chair, about -- we will be
24 exploring governance issues including Te Tiriti in more detail after the break, is that right?
25 Or is now an opportune time to raise them?

26 **MS CASTLE:** With this witness yes, that will be a topic for discussion with the Presbyterian
27 Church who are appearing after the break.

28 **COMMISSIONER ERUETI:** Ka pai, I'll wait until then.

29 **CHAIR:** Ms O'Neill, thank you very much for coming, we appreciate your candour and your
30 willingness to share as much as was available to you and the work that you have had to put
31 in to answer our responses, we know that's onerous, but absolutely essential and we're
32 grateful for that, and for your appearing today.

33 So on behalf of the Commissioners I just wanted to thank you for coming along and
34 helping us with our inquiry.

1 **MS O'NEILL:** Kia ora.

2 **CHAIR:** On that note I can happily say we have bought ourselves 10 whole minutes. I'm also
3 very conscious of the time constraints for the end of the day so my suggestion is that we
4 take a lunch break and say come back at quarter past 1 rather than 1.30, shall we give
5 ourselves another 15 minutes, so let's take the lunch adjournment and back on time at
6 quarter past 1. Thank you.

7 **Adjournment from 12.20 pm to 1.18 pm**

8 **CHAIR:** Nau mai hoki mai, welcome back, everybody, for this afternoon's hearing. I think this
9 afternoon we have Mr Hague; is that right?

10 **MR HAGUE:** Yes, Madam Chair.

11 **CHAIR:** Welcome to the Commission, Mr Hague. Would you like to introduce yourself then I'll
12 do the affirmation for the witness.

13 **OPENING STATEMENT BY THE PRESBYTERIAN CHURCH**
14 **OF AOTEAROA NEW ZEALAND**

15 **MR HAGUE:** Good afternoon, Madam Chair and Commissioners. My name is Matthew Hague
16 and I'm the counsel for the Presbyterian Church of Aotearoa New Zealand, which I'll refer
17 to as PCANZ from here on in.

18 I am a white male, 36 years old, medium build, with reddish brown hair.

19 I intend on keeping my opening remarks short, as will Reverend Wayne Matheson,
20 who I'll introduce shortly. In this way we want to allow the Commission to hear from and
21 ask questions of Wayne and in this way we believe we can best support the time and work
22 of the Commission.

23 At this stage I would like to, as has been done this morning, acknowledge the
24 survivors and their families and the acknowledge the impact and cost of both the abuse but
25 also the subsequent reporting process on them and their families.

26 I'd also like to offer survivors who wish to make a report to the Church about abuse,
27 perhaps prompted by what they hear and see today, to contact PCANZ about their
28 experiences or to make a complaint. There are various ways I could do this. One way
29 which I thought I could offer during my time now is our 0800 number, which is
30 0800244357.

31 I'd like to offer a brief description of PCANZ because it has a relatively unique
32 governance structure compared to some other denominations. It is decentralised compared
33 to some other churches within New Zealand. It is separated into different levels, starting at
34 the top with the General Assembly, which sits biannually, down to the presbyteries of

1 which there are seven, five regional, one Pacific Presbytery and Te Aka Puaho, which is
2 formally known as the Māori synod, which I will talk about more today. And then
3 underneath the presbyteries sit the local parishes.

4 But despite this seemingly hierarchical structure, the day-to-day operations of the
5 Church are led by local parishes, supported by the presbyteries and supported by the
6 National Office in which Wayne sits as Assembly Executive Officer.

7 The Book of Order is the, perhaps not foundational document of the Church, but it
8 is our best reference and day-to-day document that we rely on and within the Book of Order
9 it lists a range of other authorities, some theological, it lists the Treaty of Waitangi on
10 multiple occasions throughout the Book of Order and there are other important, what I
11 would call constitutional documents for the Presbyterian Church.

12 A chapter in the Book of Order is committed to Te Aka Puaho which, as I said, is
13 the Māori Presbytery in the Presbyterian Church. The presbyteries, all seven of them fulfil
14 a senior leadership role within the Church. Te Aka Puaho is unique in several respects but
15 one being that they have a privilege of being able to appoint ministers to serve nationally
16 whereas other presbyteries are only able to appoint ministers to be appointed to specific
17 positions within specific churches.

18 The Assembly Executive role, which Reverend Matheson fills, is based in
19 Wellington and is part of the National Office, and I would describe Wayne as perhaps the
20 closest thing the Presbyterian Church has to a Chief Executive Officer. Wayne reports to
21 the Council of Assembly and he is responsible for the day-to-day leadership of the National
22 Office and the National Office supports presbyteries and parishes.

23 That concludes my opening remarks and I would hand over to Madam Chair
24 perhaps to affirm Wayne.

25 **CHAIR:** Although I believe you would like to take the oath; is that correct?

26 **MR MATHESON:** That's correct.

27 **WAYNE MATHESON (Sworn)**

28 **QUESTIONING BY MR HAGUE:** Wayne, can I please ask that you introduce yourself?

29 **MR MATHESON:** My name is Wayne Matheson, I'm a European male, aged 61, I'm of medium
30 build, have blonde hair, wear glasses and hearing aids, I'm wearing a dark suit, blue shirt
31 and blue tie.

32 **MR HAGUE:** Thank you. And you have before you a response to a Notice to Produce numbers
33 523 and 530. And I understand that's available on the Commission's website for those who

1 are watching who may want to read that in full. But is there an introductory statement that
2 you'd like to read?

3 **MR MATHESON:** Yes.

4 The Presbyterian Church of Aotearoa New Zealand has a policy of zero tolerance of
5 abuse by representatives of the Church. We know that this has not been consistently and
6 thoroughly applied. For this we are deeply sorry.

7 We are extremely troubled that trust placed in the Church has been broken by the
8 abuse of people in our care. We have worked to reach out to those affected to offer our
9 sincere apology, pastoral care and support.

10 Our theology leads us to affirm that the Church is a public institution with public
11 accountability. We seek to learn and reform the Church, taking into account, amongst other
12 things, societal understandings and professional advice. We have sought to change our
13 policies and procedures when our approaches were not thought to be or were shown to be
14 either unfair or unsafe. We welcome the work of the Royal Commission in this ongoing
15 process.

16 As far as we have been able, we have apologised directly to those we have failed
17 and we will continue to offer support. We affirm the rights of those who have been abused
18 to determine how they wish to engage with us and to decide what they need from us. We
19 do not wish to cause further harm or distress.

20 **MR HAGUE:** Thank you, Wayne. Wayne, I'll hand over to my learned friend for further
21 questions.

22 **CHAIR:** Tēnā koe ano, Ms Castle.

23 **QUESTIONING BY MS CASTLE:** Tēnā koe, ma'am. Tēnā koe, Wayne.

24 Just picking up on some of the questions that -- the statements that were made by
25 your counsel in opening in terms of the governance of the Church. The Church was formed
26 in New Zealand in 1840, that's right?

27 **MR MATHESON:** That's correct.

28 **MS CASTLE:** So it's been established here for a long time. And your counsel talked about this
29 hierarchical structure of the Church and I understand there's presbyteries and synods; are
30 you able to explain the difference between the two?

31 **MR MATHESON:** Sure. In our Book of Order we have described the work of a presbytery,
32 which is a regional body, often geographically based, and there are five of those throughout
33 the country. You'll have heard Mr Hague indicate that Te Aka Puaho was known as the

1 Māori synod, it was given the powers of a presbytery some time ago and so therefore has
2 the same powers as other presbyteries, it has its own chapter within our Book of Order.

3 There is the Synod of Otago and Southland which is a separate entity which is
4 established independently. They tend to look after property, for example, and other assets
5 in that part of the world.

6 **MS CASTLE:** Counsel referred to the day-to-day operations of the Church being carried out by
7 the parishes. Can you briefly describe at what level within the Church decisions are made.

8 **MR MATHESON:** Certainly. Decisions that affect the local church are made by the local
9 Church Council, that's made up of elders or other elected people from the congregation and
10 usually if there is a minister they will moderate that, they are often called the moderator in
11 that sense. So the day-to-day decisions of the running of the Church are made there.

12 The regional body, the presbytery or the Pacific Presbytery, which also is not bound
13 geographically other than within Aotearoa New Zealand, they make decisions to assist the
14 ministry of the local church in responding to its call to be involved in the mission of God.

15 **MS CASTLE:** Thank you. The Church's commitment to Te Tiriti is described as a bicultural
16 commitment, is that right?

17 **MR MATHESON:** That's correct.

18 **MS CASTLE:** When was that commitment made by the Church?

19 **MR MATHESON:** That commitment has been made on a number of occasions at general
20 assemblies and I think that information is in the document itself, and it's enshrined in our
21 Book of Order. It's, for example, in opening comments in chapter 1, it's re-affirmed in
22 other places as well.

23 **MS CASTLE:** Are you aware at which point was the first point in time that the Church made that
24 commitment?

25 **MR MATHESON:** I don't have that information in front of me but I'm happy to provide it for
26 you.

27 **MS CASTLE:** Okay. The Church's Book of Order says it is within the Treaty of Waitangi, Te
28 Tiriti o Waitangi, that the Church recognises a bicultural partnership between Te Aka
29 Puaho and its other Church courts. These bicultural partners work together within the
30 mission of God. Were you observing the hearing via livestream or in person yesterday?

31 **MR MATHESON:** No, I wasn't.

32 **MS CASTLE:** Yesterday the Commissioners heard from a representative of the Methodist church
33 who talked about a similar commitment made by that Church, the bicultural commitment,
34 and she said that this is expressed in the way in which decisions are made together and by

1 agreement at every level of governance from the rohe to the synod to the highest level of
2 governance, which is the Conference. She said that they share power in a very real -- in
3 very real and tangible ways, for example resource sharing and decision-making.

4 When we asked the Church to what extent tino rangatiratanga can be exercised
5 within the Presbyterian structure, you said the ability of Māori to exercise tino
6 rangatiratanga is reflected in the status given to Te Aka Puaho in the Church. So I just
7 want to explore with reference to what we heard yesterday what that looks like in terms of
8 the Presbyterian Church.

9 You will have -- sorry, just before I move on, can I ask you, based on your answer
10 to that, when you were answering that question, what your understanding of tino
11 rangatiratanga is?

12 **MR MATHESON:** Certainly. In terms of the Presbyterian Church etc? That's the nature of your
13 question?

14 **MS CASTLE:** When we ask the Church to what extent tino rangatiratanga can be exercised
15 within the Church structure, but I'd be grateful to hear your understanding of tino
16 rangatiratanga as a concept.

17 **MR MATHESON:** Certainly. I understand your question. I'll answer it by referring to some of
18 the things that we currently do which might give some background to my understanding. In
19 terms of Te Aka Puaho and its work etc, you'll see in our Book of Order the information
20 there around how it organises its life, which is slightly different to how the rest of the
21 Church is organised in terms of that. That's one way that's a reflection of that. In terms of
22 Te Aka Puaho, has the ability in terms of conversations that we have at our General
23 Assembly to indicate to the General Assembly that it does not want to take part in such
24 conversations.

25 It might choose to stand aside for a variety of reasons, it's not obliged to indicate
26 what those reasons are, other than to say we wish not to take part. Another way in which
27 it's able to exercise that.

28 So in terms of that, there's an ability in terms of, in the life of the Church, to see that
29 out worked etc. In terms of my understanding around that, and in terms of a partnership as
30 defined in the Treaty, particularly in the te reo version, it talks very much of a relationship.
31 I think the English version is far more, in terms of, in my words, legal things. In the te reo
32 version it's far more relationship, doing life together, and so walking together means that
33 you continue to listen, understand, change, adapt, etc, as that relationship grows and
34 develops.

1 So in terms of that, we're on a journey together in that and how we exercise that
2 both at the local church level, via parish council, at a presbytery level and at the assembly
3 level

4 **MS CASTLE:** You will have read a submission from Reverend Dr Wayne Te Kaawa who was
5 the previous moderator of the Māori synod, wasn't he?

6 **MR MATHESON:** Yes, he was.

7 **MS CASTLE:** He's provided a submission to the Commission and it says at paragraph 26 that:

8 "At an organisational level, Te Aka Puaho does not provide true tino rangatiratanga
9 or mana motuhake within the Presbyterian Church."

10 I just want to go through you with a couple of the reasons he gives for that.

11 If I can call up document EXT9990373, so that's Dr Te Kaawa's statement. On
12 page 5 at paragraph 24, and with reference to the reflections made yesterday about resource
13 sharing as being part of a bicultural commitment, he says:

14 "In my experience the Māori Synod is the financially poorest part of the
15 Presbyterian Church. This has led us into a dependency syndrome where we have to rely
16 on wider Church grants which does nothing towards achieving mana motuhake. I don't
17 think it is right that we have to consistently ask for funds. When I was in the leadership of
18 the Māori Synod, I would have to do the asking. I would hear statements directed at me in
19 response about us being 'bludgers', 'special privilege', 'not pulling your weight', 'learn to say
20 please and thank you', and possibly the worst comment I had to endure was 'when are you
21 going to stop being a burden to the Church'."

22 Do you accept the position of Dr Te Kaawa that there hasn't been a fair sharing of
23 resources with the Māori Synod?

24 **MR MATHESON:** My view would be that when the Māori Synod was established it was always
25 recognised that it would need a gift from the wider Presbyterian Church family to be able to
26 fulfil its mission.

27 **MS CASTLE:** In terms of fulfilling its mission, can you describe what, I guess, the role of the
28 Māori Synod is within the Church and what are the expectations of the wider Church of the
29 Māori Synod?

30 **MR MATHESON:** The responsibilities of Te Aka Puaho are outlined in the Book of Order,
31 Chapter 11, and I will refer you to that in terms of the things that it does. But one of the
32 things that it does is it has oversight of the parishes, or pastorates under its responsibility to
33 ensure that the word of God is preached, that pastoral care is offered, and that within a
34 Māori understanding of Christianity, that that work is advanced.

1 **MS CASTLE:** And that's at the national level?

2 **MR MATHESON:** That happens within Te Aka Puaho itself. At a national level, Te Aka Puaho
3 sits on the Council of Assembly, the highest administrative body of the Church and
4 between our biannual assemblies. The moderator sits there as does another person that they
5 choose. They are given the opportunity to be exempt from other processes of the Church
6 which lead to appointments to serve in that place and so they appoint the people that they
7 want to have sitting there, etc.

8 There are other bodies around which they also are invited and have a seat, for
9 example on the leadership subcommittee and the resource subcommittee of the Church.

10 There are other places as well where they serve nationally.

11 **CHAIR:** Can I just ask a question, please.

12 Wayne, you said before that, I've forgotten which body, when this Māori Synod or
13 it's called Te Aka Puaho was set up, that it was recognised there would be a need to give it
14 resources out of the Church funds. You said they recognised the need. Was that provided?

15 **MR MATHESON:** Madam Chair, yes, it was, it has been consistently provided. I would point
16 out it's not a grant, a grant gives an indication that you therefore have to give an account of
17 money etc, it comes as a gift.

18 **CHAIR:** And is it annually given?

19 **MR MATHESON:** Yes, it is.

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

21 **MS CASTLE:** The responsibilities that you just outlined that Te Aka Puaho has, do you think that
22 the resources it receives are sufficient to enable it to carry out those responsibilities?

23 **MR MATHESON:** There is a conversation that happens yearly around the gift that is made to
24 ensure that the national Church, via its assembly assessment, makes a gift to enable Te Aka
25 Puaho to complete or undertake its work as they advise.

26 **MS CASTLE:** Dr Te Kaawa says that Māori ministers are currently unpaid and are ministering
27 for aroha; are you aware of that?

28 **MR MATHESON:** Yes indeed, he's referring to one of the four strands of ministry within the
29 Presbyterian Church. The strand is called amorangi and it was gifted as a strand of ministry
30 to the wider Church by Te Aka Puaho. You'll see information, etc, around that in our Book
31 of Order. It was recognised when it was initially established that often folk had life
32 experience and spiritual mana within their communities to be able to offer leadership, etc,
33 and those folk would be trained within Te Aka Puaho to serve in those places. So that is a
34 gift, etc, that they offer to the Church.

1 I'd also point out that there are many others in the life of the Church who also offer
2 ministry in different streams that are also not paid.

3 **MS CASTLE:** And in that same vein, are there other ministers in the Church that are paid?

4 **MR MATHESON:** Yes, there are ministers within the Presbyterian Church, and one of the
5 strands being either nationally ordained ministry or locally ordained ministry are stipended.

6 **MS CASTLE:** Would you accept that if Te Aka Puaho is in fact operating with limited resources,
7 that wouldn't be reflective of the true partnership that's envisaged in the Book of Order?

8 **MR MATHESON:** If Te Aka Puaho in those conversations indicates that it would like to have
9 additional resources, etc, it can certainly enable those conversations to take place, certainly.

10 **MS CASTLE:** Just very quickly touching on a point, we just spoke about the payment of
11 ministers, are any Māori ministers within the Church paid, to your knowledge?

12 **MR MATHESON:** If a minister is in a stipended position they would be. It's possible, for
13 example, for a minister not to be serving in Te Aka Puaho but to be serving in the wider
14 Church, etc, in a stipended position. Dr Te Kaawa, for example, is a lecturer at
15 Otago University, so he's not receiving a stipend; he's receiving a salary from the
16 university. In terms of that, I don't have information in front of me whether any of our
17 other ministers who will identify as Māori are in stipended roles but I can certainly provide
18 that for you if you'd like.

19 **MS CASTLE:** Okay. At paragraph 18 of his submission, Dr Te Kaawa says:

20 "I have seen Māori appointed in advisory roles, but the Church does not prioritise
21 building internal capability and investing in its Māori leadership to fulfil these roles. This
22 limits our ability to exercise tino rangatiratanga within the Church structure."

23 You will have heard the evidence earlier from PSC and PSO, where we talked about
24 the positions reserved on their governance board for members of the Māori Synod and the
25 difficulty that they're experiencing in filling and retaining people in those roles. You would
26 agree that seats reserved for Māori are meaningless if they can't be filled.

27 **MR MATHESON:** From support organisations?

28 **MS CASTLE:** Yeah, anywhere, any seats for Māori, if it can't be filled it's meaningless, isn't it?

29 **MR MATHESON:** I wouldn't say that it was meaningless, I think that that goes back to the very
30 nature and essence of the body that's seeking to have someone there. I think that if at a
31 certain time a group does not have the ability to fulfil those obligations, it can certainly
32 engage with others in the life of the Church to find those people, etc. It may well also be
33 that if the constitution of an organisation says that it requires someone from Te Aka Puaho

1 and they don't have anyone suitably qualified, there are other folk within the life of the
2 Church who Te Aka Puaho could reach out to to appoint to those roles.

3 **MS CASTLE:** Can you tell us what the Church is doing to help with the building of internal
4 capability in that area so seats like those reserved for Te Aka Puaho can be filled?

5 **MR MATHESON:** Sure. We engage with Te Aka Puaho regarding what it needs to increase its
6 capacity, our Council Assembly has an opportunity to listen to the moderator of Te Aka
7 Puaho and its other representative to talk about those things to see what we can do in terms
8 of the ability to increase the work of the local Church for which these folk are likely to be
9 part of, etc. If Te Aka Puaho needs assistance in terms of that we're more than happy to
10 engage and respond to those requests.

11 **COMMISSIONER ERUETI:** Can I just ask quickly, it just doesn't seem there's a strategy or
12 plan or policy to grow the talent from within the faith and also that the expectation is really,
13 or the responsibility seems to be moved towards the Māori members to carry out that
14 function; is that fair?

15 **MR MATHESON:** If you're asking is there a national strategy to increase the work of Te Aka
16 Puaho or -- etc, then the answer to that is Te Aka Puaho has the ability to say it needs some
17 help and we would certainly respond to that. We're not assuming they don't have that
18 ability.

19 **COMMISSIONER ERUETI:** No, my question was whether there's a strategy from the Church
20 leadership to grow talent from within to encourage and make that a priority, or having a
21 policy which shows that you are making that a priority. So my question is: Do you have a
22 strategy or a policy or plan?

23 **MR MATHESON:** We engage with the moderator of Te Aka Puaho to tell us what, etc, they
24 might require and we'd certainly respond to that. We don't have a separate policy
25 irrespective of them.

26 **COMMISSIONER ERUETI:** Yes, you don't? Thank you for that answer.

27 **MS CASTLE:** We circle back to this issue of resourcing, don't we? So if Te Aka Puaho are
28 telling the Church we don't have the resources to build internal capability so that these
29 positions can be fulfilled and we can fulfil our responsibilities, your position is that the
30 Church would assist them with the resourcing to do that?

31 **MR MATHESON:** Yes.

32 **MS CASTLE:** Another issue that Dr Te Kaawa raises is the lack of ability for Māori within the
33 Church to influence decision-making. He says at paragraph 18 of his evidence that:

1 "The structure of the Church gives token representation to Māori at all levels.
2 Co-governance is beyond the articulation and understanding of the average Presbyterian.
3 There is no ability for Māori to influence decision-making by the Church."

4 In the earlier discussions about the governance structure of the Church the Māori
5 Synod sits at the same level as the presbyteries, doesn't it?

6 **MR MATHESON:** That's correct.

7 **MS CASTLE:** Would you describe this, in light of the General Assembly being the highest
8 governance level of the Church, would you describe this as reflecting co-governance
9 having the Māori Synod sitting at presbytery level?

10 **MR MATHESON:** The General Assembly is made up of commissioners that come from
11 presbyteries, etc, and those folk are commissioned by the presbyteries to come to the
12 General Assembly. The General Assembly would have the ability to change the way that it
13 works, etc, around that. To date you will see that it's not done that. As I mentioned earlier,
14 Te Aka Puaho has the ability to advise the General Assembly when it is in session that it
15 does not wish to take part in a conversation, discussion, debate on any particular matter.
16 And the General Assembly would have the ability to suspend such debate or to move on to
17 next business, etc, as a result of that, that ability does not exist to any other body in the life
18 of the Church.

19 **MS CASTLE:** So in terms of the practical ability to influence decision-making, you've talked
20 about their ability to remove themselves from a decision. If they wanted to influence the
21 outcome of a decision, am I right that there being five regional presbyteries, the Pacific
22 Presbytery, the Māori Synod and then the Otago Synod, are decisions made by -- how does
23 that work at General Assembly level? Is it by majority in which case the Māori Synod
24 would be outnumbered?

25 **MR MATHESON:** Sure. Just a point of clarification there, the Synod of Otago and Southland is
26 not represented at the General Assembly. In terms of decision-making, each individual
27 person that comes to the General Assembly has a vote and so in the light of that, it's not
28 divided up in terms of presbyteries, in terms of the presbytery voting, so you only have, for
29 example seven votes. So, in the light of that, all commissioners at assembly have the
30 ability to speak on motions and to engage in debate, etc. And so they are not, in terms of
31 co-governance, they don't have that ability in terms of the -- I think where your question is
32 going.

33 **MS CASTLE:** So the Synod of Otago can make decisions for itself independent of the General
34 Assembly?

1 **MR MATHESON:** The Synod of Otago and Southland is a separate body, etc, as I indicated, it's
2 not represented at the General Assembly, the folk who are members of the Synod of Otago
3 and Southland are the same people who are members of the Southern Presbytery, so
4 therefore they don't get to go twice, etc, in that regard, if that makes that clear.

5 **MS CASTLE:** In terms of addressing some of the issues that Dr Te Kaawa has raised in terms of
6 looking forward, the Church has said in response to Notice 523 that there is -- this is at
7 page 12, paragraph 10(a) for your reference, you say:

8 "There is an ongoing conversation in the Church about ways it can further honour
9 tino rangatiratanga being exercised by Māori. Steps being taken include the more active
10 use of te reo Māori through the Church and the commemoration of major events including
11 Waitangi, Parihaka and the season of Matariki. The Church has a national marae at Ohope
12 on which, among other things, all people training for the ministry receive bicultural
13 education."

14 So if there's steps being taken, are those steps more recent steps, more active use of
15 te reo Māori, celebrating important events, events important for Māori; they're recent
16 events being taken by the Church?

17 **MR MATHESON:** In terms of the national marae, the national marae has been there for a
18 considerable period of time, and we take our training ministers, our interns there to sit and
19 listen and to engage and to understand the history, etc, around that. There is a long history
20 of association with what was the Theological Hall, then the School of Ministry and now the
21 Knox Centre for Ministry in terms of engagement with Te Aka Puaho in terms of training,
22 etc, around that.

23 In terms of going to Waitangi, for example, is that it's often been the moderator of
24 Te Aka Puaho who has accompanied the moderator of the General Assembly there. That
25 has been in place for a number of decades. In terms of more frequent use of te reo in
26 services, that's been something that's been growing over the past 10, 15 years.

27 **MS CASTLE:** Dr Te Kaawa's evidence talks about how tino rangatiratanga, mana motuhake
28 would involve the Māori Synod being self-sufficient in its mission in ministry. He refers to
29 financial independence and says this looks like having the ability and resources to train
30 Māori ministers in a Māori context with a Māori-focused training and curriculum. He also
31 refers to co-governance at the highest level of the Church.

32 You talked before about that not being something that is on the Church's radar in
33 terms of co-governance at that level for Māori. Is that something that the Church is
34 committed to exploring and pursuing further?

1 **MR MATHESON:** I wouldn't say it's not on the radar, I would say that it is noted and in terms of
2 working through our own structures, how we would go about that, etc. There are
3 conversations to be had in that regard to what we might both aspire to do and be able to do
4 within our current structures, etc, in terms of the role and function of the General
5 Assembly, for example.

6 So it's certainly not off the radar in terms of ongoing conversations, absolutely.

7 **MS CASTLE:** Okay. So there is an intention to review the current structure in the context of
8 co-governance --

9 **MR MATHESON:** There's an opportunity there for us to walk that path.

10 **MS CASTLE:** And there's an intention for that to happen.

11 **MR MATHESON:** In conversations with Te Aka Puaho around that, absolutely.

12 **COMMISSIONER ERUETI:** Can I ask, Mr Matheson, what's driven that intention? Have there
13 been ongoing discussions on this kaupapa for some time or is it something that has emerged
14 more recently, say, in response to -- because, you know, to be honest with you, for someone
15 like Dr Te Kaawa to say -- someone who is a member of the faith and immersed in it to say
16 these things, they are very candid, quite scorching comments about the role of Māori within
17 the leadership and governance of the Church. So I'm trying to gauge the commitment, the
18 level of commitment, how concrete it is.

19 **MR MATHESON:** Sure. As noted, Reverend Dr Te Kaawa was a member of the Council of
20 Assembly and during that time, to the best of my knowledge, did not raise any of those
21 issues while he sat around that particular table. He may have done so, but certainly I'm not
22 aware of that. In terms of an ongoing journey and discovery and development, we're on
23 that path, etc, around that.

24 And is it more recent conversations? Yes, it is. For example, at our General
25 Assembly held online -- sorry, our Special Assembly held online in April this year, there
26 was a proposal which the Assembly agreed in relation to a sale of Māori -- of land, etc,
27 around that, an indication of part of that journey continuing.

28 I can reference that for you independently if you like, to see that.

29 **COMMISSIONER ERUETI:** Sorry, about sale of land, there was a resolution about sale of
30 land?

31 **MR MATHESON:** That is if a property is to be sold it should be offered to a local Māori entity,
32 be it hapū, iwi, etc, around that, before it goes to the general market.

33 **COMMISSIONER ERUETI:** Okay, thank you.

34 **MR MATHESON:** That, for us, is quite a step in that regard.

- 1 **COMMISSIONER ERUETI:** Yes, and the fora for the big decision-making are the biannual
2 General Assembly meetings, so at your next General Assembly meeting, do you expect
3 there'll be something on the agenda to talk about this kaupapa?
- 4 **MR MATHESON:** I would imagine that there would be, yes. That will happen about this time
5 next year, so I don't have any of the agenda items in front of me, but I'd be surprised if there
6 wasn't.
- 7 **COMMISSIONER ERUETI:** But there's a real commitment to --
- 8 **MR MATHESON:** To continue to engage.
- 9 **COMMISSIONER ERUETI:** -- to address the issues. Tēnā koe, thank you.
- 10 **MS CASTLE:** Just picking up on that point you raised, the recent, I think it was -- was it a 2020
11 decision, in the recent period by the General Assembly, to allow the right of first refusal to
12 iwi when land is being sold by the Church, there was also the recent return of land at
13 Maungapōhatu, wasn't there?
- 14 **MR MATHESON:** Yes.
- 15 **MS CASTLE:** Was that a sale or was that a gift back?
- 16 **MR MATHESON:** That was a gift back.
- 17 **MS CASTLE:** Is there an intention by the Church to not only offer the right to purchase land back
18 but to return land to mana whenua, like it did at Maungapohatu?
- 19 **MR MATHESON:** The Church property trustees hold land for the Presbyterian Church north of
20 the Waitaki River and are governed by that act, etc, around how they respond as trustees in
21 terms of their responsibilities. It would be possible for a local Church to, having
22 investigated whether the land that they now -- a Church property now sits on, etc, how it
23 came into being and indicate that they would like to engage in a process to gift that, it's
24 entirely possible. You'll find information about that in the Church Property Trustees
25 Handbook which is available on our website.
- 26 **MS CASTLE:** All right. So there is the discretion to do that, it's not only the right of first refusal.
- 27 **MR MATHESON:** The discretion sits with the trustees, they make the decision, their name's on
28 the title, not the local Church.
- 29 **MS CASTLE:** Ma'am, my friend has prompted, I understand he might have a couple of questions
30 for his client on this topic.
- 31 **MR HAGUE:** Yes, thank you, ma'am.
- 32 **CHAIR:** I think we'll do that and then we'll move on to -- I think we've got to get on to the abuse
33 questions, it's very pressing for survivors.
34 Yes, Mr Hague.

1 **MR HAGUE:** Yes, ma'am. Ms Castle and I did speak and say it may be more appropriate that I
2 raise questions at the time rather than waiting until re-examination.

3 **CHAIR:** All right, as long as it's reasonably quick.

4 **MR HAGUE:** Very quick, ma'am.

5 Wayne, did you speak to the current moderator of Te Aka Puaho about Reverend
6 Dr Te Kaawa's response?

7 **MR MATHESON:** Yes, I did.

8 **MR HAGUE:** And can you tell us -- and, ma'am, this will be provided too in a response to the
9 Commission, and in fact already has in draft form.

10 Can you tell me, Wayne, what her response was to Reverend Dr Te Kaawa's
11 response?

12 **MR MATHESON:** In terms of what is going to be in her written statement?

13 **MR HAGUE:** Mmm.

14 **MR MATHESON:** She indicates there that the relationship between Te Aka Puaho and the
15 Presbyterian Church is in the form of relationship where we work together to embrace and
16 collaborate with each other in both whānau and informal settings. She indicates that we
17 have discussions around the Treaty and racial terms used in the Church. We have
18 maintained an open airway for those conversations to take place and she names me and
19 herself in that.

20 She indicates that the relationship with the wider Church via the Assembly
21 Executive Secretary, that's myself, has always been very open and considerate with
22 conversations that have led to change and there's always an understanding of our context.
23 She indicates that she has a close working relationship, and -- with myself, and with
24 moderators of the Church both past and present.

25 **MR HAGUE:** And this is from the current moderator, Marina Rakuraku. How long has Marina
26 been moderator of Te Aka Puaho?

27 **MR MATHESON:** For six years.

28 **MR HAGUE:** Has Marina raised the concerns that Reverend Dr Te Kaawa has raised in his
29 response with you?

30 **MR MATHESON:** No.

31 **CHAIR:** Yes, thank you, Ms Castle.

32 **MS CASTLE:** Wayne, in terms of the relationship that the Church has with the Support
33 organisations, that's been a topic discussed this morning, you will have received a
34 document that Presbyterian Support New Zealand provided to the Commission, and that

1 document talks about when those Support organisations were established the regional
2 boundaries of them were determined by the boundaries of the presbytery at the time due to
3 the close association with the Church; you will agree with that?

4 **MR MATHESON:** Yes.

5 **MS CASTLE:** And that entity says further that communication was strong between the
6 Presbyterian social service associations and together they would present a report to the
7 General Assembly of the Church which appointed a social services committee to oversee
8 national coordination. And that was in place until 1983.

9 **MR MATHESON:** That's what I've read, yes.

10 **MS CASTLE:** So the Church was largely coordinating the operation of these Support
11 organisations until that time?

12 **MR MATHESON:** Each organisation had its own governance structure, etc, and had the ability
13 to appoint people, including people from the Church to serve in that, but the General
14 Assembly did not direct the work of Support.

15 **MS CASTLE:** You refer to its own governance structure. You will have heard this morning in
16 discussions with PSC that up until the early 80s its governance board was comprised
17 largely of Presbyterian ministers, is that your understanding?

18 **MR MATHESON:** That's what I heard this morning.

19 **MS CASTLE:** The Church says that today the organisations are legally and functionally separate
20 and they're autonomous from each other in the Church. And the position is that while some
21 Support organisations have members in board positions, or other governance roles, these
22 members act independently from PCANZ in their function as it relates to Presbyterian
23 Support.

24 How do you know that they're acting independently? And the reason I ask is
25 because my understanding is that to be Presbyterian is to hold a belief and it governs your
26 way of life. Is that an expectation that that's left at the door of those board meetings?

27 **MR MATHESON:** I can't speak for any individual member, but I can offer my personal opinion
28 around that. If the board of any Support organisation appointed someone who was a
29 Presbyterian, the expectation I think would be fair and reasonable, they will continue to
30 hold the values and beliefs that they have that saw them appointed to that role once they
31 entered the boardroom, and make decisions, etc, accordingly.

32 **MS CASTLE:** Having these positions reserved in constitutions today, do you see that's an
33 evolution of the earlier governance structures where we saw Presbyterian ministers
34 comprising the majority of board members on some of these organisations?

1 **MR MATHESON:** I can't speak for Presbyterian Support, any of the regions, etc, around that, but
2 one would think that would be a fair summary.

3 **MS CASTLE:** The Church didn't monitor or oversee care homes, did it?

4 **MR MATHESON:** No.

5 **MS CASTLE:** Do you accept that when the care homes were being operated by Support
6 organisations where the boards of governance were largely Presbyterian ministers and
7 where, for example, with Berhampore the manager was a Presbyterian Church leader, that
8 the Church should have done more to monitor and oversee the operation of that home?

9 **MR MATHESON:** The board would have the possibility to do that. If board members were
10 appointed by the presbytery to serve on that board and the board was made aware of issues,
11 etc, they would certainly have some responsibility for that. I heard this morning that the
12 board -- that it was indicated the board was not made aware of those, so...

13 **MS CASTLE:** We're talking about a legal distinction, because with PSC, for example, those
14 Presbyterian ministers sitting on that board of governance, the Church would say weren't
15 sitting there on behalf of the Church, they were sitting on the governance board of that
16 separate organisation. But Commissioner Alofivae raised earlier the moral obligation. Do
17 you have any comment to make about what the moral obligation of those Presbyterian
18 ministers sitting on the board that runs that home, who are also involved in the Church,
19 would have to children that are in the care of that home?

20 **MR MATHESON:** I can't speak for them personally, but I would indicate that the moral
21 responsibility, as I indicated earlier, the values, the beliefs that someone has, you don't
22 leave those at the door when you come and sit around the board table and are dealing with
23 matters, in the case of the Berhampore Children's Home, relating to that entity. One would
24 expect they would bring a godly approach to matters that were there and ensure that good
25 Christian conduct and practice was undertaken there.

26 I think that would be a fair assumption that someone could make about people
27 sitting around that table.

28 **CHAIR:** Wayne, if they don't -- they mustn't leave it at the door, we get that, they take their
29 personal, their religious values with them; what about when they leave the room? What is
30 their obligation, at least in a moral way, ethical way, of reporting back? "Hey, there's
31 something seriously wrong here, I'm sitting on a board."

32 **MR MATHESON:** Sure.

33 **CHAIR:** Do you accept there was a responsibility for the tide to go back the other way as well?

1 **MR MATHESON:** Yes, I would think if I was sitting on a board and heard matters that were
2 deeply distressing, I would -- and the board was not -- was either unwilling or unable to
3 take what I considered appropriate action, I would want to vote against any motion, etc,
4 would also want my vote to be recorded and probably offer my reasons for dissent, so that
5 they were on record in terms of that.

6 **CHAIR:** Would you want the body that basically sent you there to know about that as well?

7 **MR MATHESON:** I certainly would.

8 **CHAIR:** That's the point, I think, that we're trying to get to. That some communication back of
9 what's going on.

10 **MR MATHESON:** I think, Madam Chair, there's certainly a moral responsibility in that sense.
11 One might also indicate that if the matter was serious as I've just outlined, that one would
12 resign from that board and advise the body that appointed it the reasons for that as well so
13 that it was on record. I think that would be a moral responsibility that someone would have
14 in that regard.

15 **MS CASTLE:** We heard from -- in the exchange with representatives of PSC this morning about
16 how when complaints were made to the board during the time that Walter Lake was
17 operating the home, that board members in at least one instance told that -- asked that staff
18 member who had raised the reports to resign. There was an inherent belief of Walter Lake
19 over those who were raising the concerns. Does the Church take any responsibility for the
20 Presbyterian ministers that comprised the board at that time for not taking further steps
21 when issues were raised?

22 **MR MATHESON:** If issues were raised with the board, to the board or a board member, etc, one
23 would expect that that person would take the appropriate action in terms of the situations
24 you outlined, I don't know whether that person was a Presbyterian, let alone a minister, etc,
25 but one would think that if it was, that would certainly not be the sort of behaviour that we
26 would want to see exhibited in that space.

27 **MS CASTLE:** Its constitution at the time required that those board members be Presbyterian
28 ministers, so the Church would take some responsibility for how those Presbyterian
29 ministers conducted themselves as board members in not responding to those reports of
30 abuse?

31 **MR MATHESON:** The Church would want its ministers always to behave in the best interests in
32 terms of their own values, etc, around that. So, yes.

1 **MS CASTLE:** And in terms of how -- sorry, the response by PSC to the allegations of abuse at
2 Berhampore Home, the Presbyterian ministers who didn't take action at that time, would
3 you accept that that enabled the abuse to continue?

4 **MR MATHESON:** If they were aware of it yes.

5 **MS CASTLE:** The Church hasn't been involved in the response to allegations of abuse at that
6 home, has it?

7 **MR MATHESON:** No.

8 **MS CASTLE:** Do you think, given what we've just discussed and those governance positions
9 being held by Presbyterian ministers, that the Church should have had more of a role in that
10 process?

11 **MR MATHESON:** That's a great question. I think that because the issue was raised with
12 Support, etc, around that, it could have chosen to engage with the local presbytery at the
13 time regarding that. Certainly I would have thought that they may have chosen to do so.
14 Certainly, as we heard this morning, they appointed their own legal counsel to investigate
15 that and I didn't hear that there was any relationship or connection to the presbytery in that
16 regard.

17 **COMMISSIONER ALOFIVAE:** Ms Castle, if I may just ask a question.

18 Talofa, Wayne. Just in this context, and it was at a particular point in the history of
19 our nation when the name of the Presbyterian Church was out there in headlights associated
20 with what was going on at this particular home, did the Church not think that there was a
21 reputational risk to it that should have been addressed, coupled with the moral
22 responsibility that you've just referred to, which is always the beauty of hindsight and
23 reflection, that for the people, the Presbyterian population who were part of the
24 congregation, voluntary, willingly, that go to their churches, that put their money into the
25 plate every Sunday, that there should have been a point where perhaps the mother ship
26 could have stood up and alongside the board to actually own the responsibility of what
27 went on?

28 It's a question that we often ask, you know, on hindsight, once we know the facts
29 and as they unfold a lot more.

30 **MR MATHESON:** With hindsight, I think the other would be yes.

31 **COMMISSIONER ALOFIVAE:** Because yesterday when we were talking with the Methodist
32 Church, the very top of the Church said to us, so the President or the General Secretary
33 made a very clear categorical statement that today in 2022 they own the abuse that went on
34 in the Methodist Churches and all of the related institutions. And I guess I'm just -- we're

1 interested in understanding the position of the Presbyterian Church, reflecting back, given
2 the significant abuse that has now unfolded as a result of things that were, if we say it in the
3 Pacific, our title of the Pacific hearing with Tatala e Pulonga, so the dark cloud that was
4 hiding so much ugliness underneath it.

5 **MR MATHESON:** I'm not sure that question has ever been addressed at a governance level or at
6 our General Assembly so I don't know whether I can adequately answer your question.

7 **COMMISSIONER ALOFIVAE:** We'll leave it with you.

8 **MR MATHESON:** It's one I'd like to reflect upon, thank you for it.

9 **MS CASTLE:** We were talking about the Church not having a role in the response process and
10 that PSC took it upon themselves to run it. I just want to play a short clip from the Sunday
11 programme, we had a short clip earlier when PSC representatives appeared from The
12 Monster of Berhampore story that aired in 2005. And what that clip talks about -- again,
13 we can't livestream it unfortunately, but that clip talks about a Presbyterian deaconess
14 actually raising Walter Lake -- concerns about Water Lake with the head of the
15 Presbyterian Church in 1991, so some years before there was this formal response by PSC
16 to the allegations.

17 If we could play that now, please.

18 **[Video played]**

19 **MS CASTLE:** For the benefit of those watching the livestream who couldn't see the clip, Mavis
20 van Dalen, a deaconess of the Presbyterian Church who had worked at Berhampore
21 Children's Home before Walter Lake arrived said that 14 years before appearing on the
22 Sunday programme, so in 1991, she had told the then moderator of the Presbyterian Church
23 that Walter Lake was a sexual predator.

24 She said she was so alarmed about Walter Lake she repeatedly phoned Reverend
25 Duncan Jamieson, doing so on three separate occasions, he said he would pass on her
26 warnings to a Presbyterian Committee but she never received a response.

27 Does that change the answer that you gave before which indicated that the Church,
28 having not been aware of this, took no role in the response that PSC carried out?

29 **MR MATHESON:** The moderator of the time, Duncan Jamieson, according to the information
30 just provided, was advised of that, what he did with that I'm not able to advise you. He's
31 since deceased and so I can't make any comments about that, what he may or may not have
32 done, but if the allegations that are made in that clip were true, that's deeply disturbing.

33 **MS CASTLE:** If he had have taken steps on behalf of the Church at that time, you would be
34 aware of them, being in your position, wouldn't you, there'd be records relating to that?

1 **MR MATHESON:** Yes.

2 **MS CASTLE:** SO no steps were taken, were there?

3 **MR MATHESON:** There's no record of that, no.

4 **MS CASTLE:** And the deaconess refers in the clip to "I can't believe this is happening in my
5 Church". So she isn't drawing a distinction between the Support organisation and the
6 Church, is she?

7 **MR MATHESON:** Not in that clip no, she's not.

8 **MS CASTLE:** Do you accept on the basis of our discussion that the Church should have done
9 more?

10 **MR MATHESON:** Certainly if someone like the moderator was advised, absolutely.

11 **MS CASTLE:** So more to prevent abuse at the time that concerns were being raised to
12 Presbyterian ministers and more to respond to those allegations subsequently?

13 **MR MATHESON:** If the allegations were passed on to the moderator and the moderator had
14 passed those on, etc, then the answer would be yes.

15 **MS CASTLE:** And much like how Mavis described it, you would accept that notwithstanding the
16 distinct legal structures, survivors don't see the distinction between the Church and the
17 Support organisations, do they? They often refer to them collectively as "the Church".

18 **MR MATHESON:** Often they do.

19 **MS CASTLE:** Now in terms of how the Church has responded to complaints of abuse in its care,
20 can you please briefly outline what the steps in that complaints process involve.

21 **MR MATHESON:** Certainly. They're found in chapter 15 of our Book of Order. Around that
22 we have an independent person, the complaints and disputes manager, who people can
23 phone or e-mail, as Mr Hague pointed out, he shared the 0800 number. If they want to
24 make a complaint, etc, the complaints and disputes manager will assist them with that, will
25 point them to a contact person in their region, in their area, who will enable them to work
26 through that process to file a complaint.

27 When a complaint is received, etc, it's then passed on to the respondent who has an
28 opportunity to respond. When they have done so, the complainant receives a copy of that
29 response. They can make a further response to that if they wish to. If they choose to do so,
30 that is given back to the respondent who has an opportunity to respond. That information is
31 then passed on to a group of assessors who will assess the complaint and determine what
32 action should be taken.

1 I would point out that in initial conversations or at any point during that time if it is
2 clear that the indications are that a crime has been committed, the person would be warmly
3 encouraged and supported to go to the Police and to raise it there.

4 Once the matter reaches the assessors, they will determine what should happen to it.
5 For example, it might go to a pastoral resolution if it's of a minor nature. It might go to a
6 hearing and the hearing will enable the matter to be dealt with, and whether the conduct of
7 the person who has been complained against reaches a standard of conduct unbecoming,
8 what a reasonable person would expect, the person who has the complaint made against
9 him could or should have responded.

10 **CHAIR:** Can I just ask you the range of -- "complaint" is a wide-ranging word, isn't it?

11 **MR MATHESON:** Yes.

12 **CHAIR:** This Commission is concerned with reports of abuse by people in care. Reports of abuse
13 by people in care of the Church, are they considered to be part of this -- as part of this
14 complaints system as well?

15 **MR MATHESON:** Yes.

16 **CHAIR:** So a survivor who makes a complaint goes through this reasonably formal process going
17 through to assessment, possibly a hearing, about what's accepted as fact and not?

18 **MR MATHESON:** Yes. One of the issues would be if it was related to something that's
19 happened in a local Church for example, that's how it would be dealt with. But as
20 I indicated, if the allegations are serious, people would be encouraged to go to the Police
21 around that, as that's the most appropriate way that justice will be dealt with in the wider
22 setting in that sense.

23 **CHAIR:** If a child, say an 11-year-old girl comes and says, "I have been sexually abused by a
24 local minister" --

25 **MR MATHESON:** Yes.

26 **CHAIR:** -- that child would go through that process?

27 **MR MATHESON:** The child would clearly need to be supported in that process, etc, around that.
28 But around that, that allegation would indicate that that should go to the Police in the first
29 instance. While we might set up a parallel process, we would suspend it while the Police
30 investigate it. The issue in our process is have you broken the code of ethics, have you
31 breached the code of ethics, not in terms of the civil nature of whether it's beyond any
32 doubt.

33 **CHAIR:** You don't have to prove it to beyond reasonable doubt?

34 **MR MATHESON:** No.

1 **COMMISSIONER ERUETI:** It seems to be a disciplinary process, right, rather than a redress
2 scheme? But it seems that you've grafted a redress scheme on to that for historical redress?

3 **MR MATHESON:** It would be possible, yeah. If a person made an allegation
4 against -- regarding the terms of reference for this Inquiry, etc, we would want to listen to
5 them in the first instance, hear what they have to say, and then determine what steps or
6 steps should be taken next.

7 **COMMISSIONER ERUETI:** Okay. So it's fundamentally a disciplinary service function, yeah.
8 Has that been operating for long?

9 **MR MATHESON:** No, in terms of that, if we received such a complaint today that sits around
10 that and it related historically, we would set up someone to sit with that person and work
11 through that and work out what's appropriate, led by the complainant.

12 **COMMISSIONER ERUETI:** But the disciplinary procedure has been around for much longer.

13 **MR MATHESON:** Oh, the disciplinary process has been around for quite a while, yes, yes.

14 **COMMISSIONER ERUETI:** Like a couple of decades, say?

15 **MR MATHESON:** Yeah, more.

16 **COMMISSIONER ERUETI:** So more recently you've incorporated the possibility of historical
17 redress as part of the process?

18 **MR MATHESON:** If we had received any we would attend to it in that particular way. It's
19 possible, for example, for someone to make a claim that they were abused and had been
20 abused, and the information that we heard this morning, for example, maybe while in care
21 of Support and maybe by someone in a local Church, we'd want to work collectively and
22 collaboratively around that.

23 **COMMISSIONER ERUETI:** Thank you. We've seen this before, okay, thank you.

24 **MS CASTLE:** The inquiry has heard from a survivor and she was acting in her capacity as a
25 support person for another survivor who was abused in the care of the Presbyterian Church.
26 She provided a report to the Church, so I understand you'd be familiar with this, outlining
27 her experience of the complaint process.

28 If I can call up document EXT0018275, on page 1, paragraph 2. So she had
29 submitted feedback to the Church because she wasn't entirely pleased with the experience
30 that the person she was supporting had. And she says:

31 "Until the primary purpose of the complaint process is to heal the victim rather than
32 protecting the Church and managing the minister, it is unworthy of a Christian gospel based
33 Church and humanely inappropriate. Restoring peace and unity in the Church is impossible
34 without a reversal of priorities, plastering over the cracks in a Church and parish, while the

1 victim leaves with emotional, physical, spiritual and possibly economic damage is just
2 wrong."

3 In her documents, which we've disclosed to you, she questions whether the purpose
4 of that process is healing the victim, managing the Church's integrity, ensuring good
5 standing of ministers, or covering the Church's back. And picking up on your exchange
6 with Commissioner Erueti about it more looking like a disciplinary process, do you have
7 any comment to make on what it actually means for survivors experiencing -- going
8 through that process and to what extent that process goes towards healing for them?

9 **MR MATHESON:** Our complaints process is primarily a disciplinary process. It doesn't mean to
10 say that healing and re-prioritising a person who has been -- who has made a complaint
11 cannot be part of that. But it's primarily aimed at disciplining the person if the charge is
12 proved, rather than anything else. In terms of, I'm not aware that our process which is run
13 independently of our office, etc, is about protecting the Church, I would actually say it's
14 around dealing sincerely and with great care with the complaint that has been made. And if
15 a person, whether they be a minister or a lay person, has breached our code of ethics, that
16 that is brought to light.

17 **MS CASTLE:** So the process is focused on the person who is subject to the complaint, you would
18 accept that it's not a survivor-focused process?

19 **MR MATHESON:** The complaint process, yes.

20 **MS CASTLE:** The person who provided the Commission with that evidence refers to, in the
21 situation that she participated in, refers to the perpetrator of abuse receiving counselling
22 support from the Church but counselling support was not offered to the survivor. Are you
23 aware of that happening in the complaints process?

24 **MR MATHESON:** If it is the case that a hearing is held or in the process of the assessors etc,
25 there would be the ability of those folk to offer appropriate care and oversight of folk
26 involved. I'm not aware of this particular case so I can't comment about that particular one.

27 **MS CASTLE:** So counselling would be offered, would be able to survivors engaged in it?

28 **MR MATHESON:** Yes.

29 **MS CASTLE:** Because of course in participating in the process and providing the information
30 required to take that disciplinary action, it would have a re-traumatising effect for that
31 survivor, wouldn't it?

32 **MR MATHESON:** Absolutely.

33 **MS CASTLE:** Is there an intention by the Church to develop this further and make it more
34 survivor-focused?

1 **MR MATHESON:** Yes, you'll see in our submission that we continually are reviewing our
2 process and have -- will have something coming to our General Assembly next year. As a
3 first step around that we made some changes to our Special Assembly this year. We'll be
4 reviewing those in a couple of years' time to see whether that's still appropriate or could be
5 improved on. It's an ongoing process and development.

6 In terms of that, it's a living process, that is what are we learning, what can we
7 improve, it's not set in stone never to be attended to again.

8 **MS CASTLE:** When you were talking about the steps and the possible pathways the process
9 might take, you refer to pastoral resolution.

10 **MR MATHESON:** Yes.

11 **MS CASTLE:** Does that involve mediation?

12 **MR MATHESON:** Mediation is another way of attending to that as well, yes.

13 **MS CASTLE:** The survivor who shared her experience with us, she said that:

14 "Mediation is always inappropriate where there is a power imbalance and this is
15 always present in complaints by lay people against ministers. If the complaint is
16 supposedly resolved by mediation, this lets the Church off any responsibility for ongoing
17 disciplining and monitoring of the minister."

18 Do you have any comment to make on that?

19 **MR MATHESON:** One of the reasons why mediation is not offered in complaints of a sexual
20 nature is due to the power imbalance, and if mediation is offered and attended to, it would
21 be possible in terms of that for us to make some learnings about what did we hear, what
22 extra training or responsibilities or up-skilling do we need to give ministers, or remind
23 ministers, etc, all the way through from those in training through to those undertaking
24 ethics workshops on a regular basis.

25 **MS CASTLE:** Am I correct that you referred to cases where sexual abuse is alleged and
26 mediation never being appropriate because of a power imbalance, do you agree no matter
27 what the nature of the abuse is, there would be a power imbalance when a minister is
28 involved?

29 **MR MATHESON:** There's often a power imbalance and that's why the abuse has happened, and
30 around that, and it would be the task of the mediation process to address that in terms of the
31 mediation of the folk involved in that particular issue, yes.

32 **MS CASTLE:** You wouldn't accept that mediation is never appropriate even when there is always
33 an inherent power imbalance?

1 **MR MATHESON:** Mediation can often be appropriate, etc, but if there is a power imbalance that
2 needs to be addressed in that process.

3 **MR HAGUE:** Sorry, Ms Castle, just one relevant question here if I may. I just want to perhaps
4 bring, Wayne, your attention to the Book of Order which at para 15.16 specifically
5 prohibits mediation in cases of sexual misconduct. Are you aware of that provision?

6 **MR MATHESON:** Yes, that's what I was referring to.

7 **MR HAGUE:** Thank you.

8 **MS CASTLE:** Wayne, to what extent does tikanga Māori feature in the complaints process?

9 **MR MATHESON:** In the way that's been described earlier, it does not.

10 **MS CASTLE:** And to what extent do Pacific cultural values feature?

11 **MR MATHESON:** In terms of the complaints process itself, the processes outlined, it covers
12 everyone in the life of the Church, it doesn't have specific reference to any particular
13 ethnicity. However, one of the issues in appointing people to serve on those bodies, etc, is
14 we bring people with appropriate skills, life experience, and ethnicities to the table so that
15 folk can be aware of all of the reasons why that matter might be before a commission.

16 **MS CASTLE:** Is that one of the changes that the Church intends to implement so that when
17 participants have Māori or Pacific or other cultural values, that the appropriate process can
18 be followed and those can be accommodated and catered for?

19 **MR MATHESON:** That's one of the things that we're looking at in terms of the ongoing updating
20 of that process.

21 **MS CASTLE:** Dr Te Kaawa in his statement talks about how the restoration of a person's tapu
22 and mauri should be a priority in the process and he questions whether this happens as a
23 result of the Church's process. How does the Church ensure that the tapu and mauri of the
24 survivor is restored as a result of the processes you have in place?

25 **MR MATHESON:** We don't have anything specifically in that space at the moment.

26 **MS CASTLE:** Just one more point and it's circling back a little bit to the context of the Support
27 organisation. You will have heard earlier during evidence from PSO, we talked about the
28 experience of a survivor, with the pseudonym PN, and she described her experience, she
29 was in the care of one of the Glendinning homes. And she describes being passed around a
30 ring of paedophiles who she recalled were parishioners of the local Presbyterian Church.

31 We've already talked about monitoring and oversight of the Church, but Jo
32 mentioned PSO being aware of that evidence for the last two years. Was the Church aware
33 of it, is there an information sharing mechanism between the two where the Church would
34 be alerted to Church-based abuse.

1 **MR MATHESON:** The Church was not aware of that. If Support was made aware of that it
2 could choose to share that information. That information was not shared with us, so that is
3 news to us. We are deeply concerned by those comments and would indicate we would
4 want to be active in investigating those things now that they've been made known.

5 **MS CASTLE:** Right. So now that the Church is aware of those allegations, this will trigger an
6 internal investigation by the Church?

7 **MR MATHESON:** We will be in contact with our regional body, the presbytery, to engage with
8 Support Otago around that, yes.

9 **MS CASTLE:** Thank you, Wayne.

10 Ma'am, I'll hand it to the Commissioners for any questions.

11 **CHAIR:** Thank you.

12 **COMMISSIONER GIBSON:** Two lines of questioning just following on from that latest, I think
13 if I was to borrow a phrase from Presbyterian Support Central, you haven't had
14 conversations with Presbyterian Support Otago about paedophile rings in that area. Do you
15 just have warm, fuzzy meetings or do you actually talk about the substantive issues and
16 holding people to account and working out what has happened in the past? What
17 proactively does the Church do?

18 **MR MATHESON:** As I indicated, that information has only just been made known to us, so in
19 terms of, I'm not aware that we've had any warm, fuzzy meetings, etc, around that. That
20 information has been made known, I will be in contact with the regional body, the
21 presbytery, asking them to engage with Support Otago in investigating that particular
22 matter.

23 **COMMISSIONER GIBSON:** We heard also this morning about the deliberate destruction of
24 documents and does the Church structure, as you interpret it with its -- the Church -- with
25 the independent Support organisations and almost the lack of conversations, does that
26 facilitate the non-investigation, even potential cover-up of extreme abuse?

27 **MR MATHESON:** If an organisation was made aware of abuse and chose not to tell another
28 body around which it was associated, one would want to have some pretty serious questions
29 and conversations with that body, why it would choose not to do so.

30 **COMMISSIONER GIBSON:** I'll move on to another home which was in the GRO-C region,
31 GRO-C, which I think started up independently but then was funded by Presbyterian
32 Support Services in that region, run by a woman by the name of GRO-C who got given an
33 honour, a Queen's Service Order or something of that nature. What processes does the

1 Church have both at a, I suppose at the Support, the regional Support organisation level and
2 potentially the Church nationally, what should it have or should it have had in the due
3 diligence around taking on the organisations and funding them?

4 **MR MATHESON:** As Support is an independent -- each of the region's Support is independently
5 around that, they would make their calls around their own due diligence process, so I can't
6 speak for them about what they may or may not have done in that regard. If there were
7 Presbyterians on the board involved in that, they may well have made some contributions in
8 terms of the process that was outlined.

9 But any of the region's Support is not obliged to advise either the regional body, the
10 presbytery, or the national body of its decisions, etc, around that. So I can't speak about
11 what they may or may not have done. I'm not aware, sufficiently aware of that particular
12 case to make any other comments than that.

13 **COMMISSIONER GIBSON:** It was a place that had perhaps two, three or four non-disabled
14 children and more than 100 disabled children go through the place, most of whom would
15 struggle to find their way to our Commission or to you. And we have heard some horrific
16 abuse stories from there. What role is there for the Church nationally as well as for the
17 Support organisations locally to be proactive about seeking redress, seeking a better life for
18 those who have gone through places like that, disabled kids, and to take the lessons, the
19 learning forward so that this kind of thing doesn't happen again?

20 **MR MATHESON:** I can't speak for Presbyterian Support but I can say I would hope that they
21 would be proactive in contacting those folk or relatives, etc, to enable them to seek the
22 redress that they are due.

23 **COMMISSIONER GIBSON:** If, hypothetically, Walter Lake, now deceased, GRO-C, if
24 Walter Lake was given a Queen's Order, a medal, what should be the response of our
25 Commission, response of the Church in light of what we now know?

26 **MR MATHESON:** I'm not sure I'm understanding your question.

27 **COMMISSIONER GIBSON:** I suppose, hypothetically, how do we deal with somebody who
28 might have been given an honour back in the day who we now see may be far from
29 deserving of that kind of honour?

30 **MR MATHESON:** I think the Commission would have it within its ability to make some
31 comments about that and I would expect that it would.

32 **COMMISSIONER GIBSON:** Thanks.

33 **COMMISSIONER ALOFIVAE:** Talofa, Wayne, once again.

1 Wayne, I'm really interested in the structure, but actually the use of the name, the
2 Church name Presbyterian. So we're very clear on the structure and the legalities, thank
3 you very much to everyone who's provided that evidence for the Commission.

4 But the general populace out there, so when we talk in legal terms, we understand
5 who's who, what the contractual arrangements is, but in the clips that we've seen this
6 morning, everyone just refers back to the Church, to the Presbyterian Church. No-one
7 refers to the individual organisations where the abuse and the allegations were borne from.

8 And I'm just wondering if now in 2022 that is a situation that, or a circumstance that
9 the Church can still take, so General Assembly is the overarching decision-making body,
10 but it's made up of representatives from the presbyteries, which are made up of
11 representation from the congregations.

12 In terms -- if we use, I think, what the Church would be familiar with, risk
13 management language and it's around how do you then -- how can the Church, which is
14 made up of the people, continue to distance itself from what's gone on so it really is -- it's
15 coming back to that moral obligation, which is part of, you know, the faith, the doctrine,
16 and marrying that with the legal obligations, because in one sense the Church should
17 actually push back on these other entities and sue them for the disrepute that it's brought
18 upon the Church name, or the Church could turn around and say, actually, we're part of that
19 because they were borne out of us, and we need to stand together collectively, because it is
20 a collective responsibility. So the rhetoric is one thing, the practice is another. I'm just
21 interested in your comments around that.

22 **MR MATHESON:** Sure. The name Presbyterian is not unique to the Presbyterian Church of
23 Aotearoa New Zealand, we don't copyright the name, etc, around that, and I'm sure the
24 Commission will be aware that there are other churches that use the name Presbyterian that
25 are not part of the Presbyterian Church of Aotearoa New Zealand, independent bodies, etc.

26 I'm not sure that we've had conversations around the two possible ways forward that
27 you've suggested, Sandra, around that. And it would be interesting to reflect back on the
28 work that we've engaged with, etc, in submissions, etc, here, the work of the Commission
29 to see of those two options is there one preferred or is there other ways, etc, around that.

30 I think all the parties would want to step back and say what have we heard, what
31 have we learned, what are we learning and what do we want to do.

32 **COMMISSIONER ALOFIVAE:** Because if we apply it to the context that we've just heard this
33 morning, and we appreciate it's absolutely new news to you around an alleged paedophile
34 ring or a paedophile ring, and the concern that that would raise. So just pushing it back to

1 the presbytery, to the regions, that's a contractual obligation, they sort it, is there something
2 there, is there nothing there, but the Church doesn't take an overarching interest to actually
3 hold the local presbytery accountable for following it up or not.

4 **MR MATHESON:** When I write to the presbytery, etc, around that I will be asking them to be
5 updating us, because certainly it would be a matter of risk management and part of my
6 responsibilities is to alert our governing body, the Council Assembly to that, not knowing
7 that before, etc, and if that body has been in receipt of that information and not shared it,
8 that is a risk around which we would be deeply concerned and want to have conversations,
9 etc, around that.

10 But we would have more than just a passing interest, we would want to make sure
11 that that was followed through.

12 **COMMISSIONER ALOFIVAE:** Thank you, that gives us confidence, then, that actually there is
13 a direct line, I suppose, back and forth and that it would be an ongoing issue until it was
14 resolved on your General Assembly agenda. Thank you very much.

15 **COMMISSIONER ERUETI:** Kia ora anō, Mr Matheson, thank you for your testimony. I just
16 wanted to ask a brief question about redress. We've asked earlier with the other witnesses
17 about how -- whether you appreciate how confusing it might be for survivors having now
18 three different redress/disciplinary schemes operating within the Church, about where to
19 go, and -- yes, whether you'd accept that?

20 **MR MATHESON:** Certainly the -- if a complaint comes to Support it could go to one of the
21 seven regions of Support, so I'd suggest there are more than just the three that you mention
22 around that. And then if it was a matter for the Presbyterian Church that then makes eight,
23 etc, around that possibility. We have had conversations with the Crown Redress Unit. I
24 was surprised to hear this morning that none of the regions of Support that appeared had.
25 I wonder if they might be reminded about the broadness of your original statements and
26 your initial report which came out, I wonder if they understand the nature, independent
27 nature of the regions of support. I offer that as a thought.

28 One would think that it would be great if there was a single point of entry in terms
29 of complaints that then might be dispersed in terms of where that needs to be attended to. I
30 think that the danger of a centralised process is that how does the body involved actually
31 get to hear and make changes appropriately and attend to that? I think that's a risk with
32 that, I think that could be mitigated, but I'd offer that as initial support.

33 We are willing to take part in those conversations and have had a couple already.

1 **COMMISSIONER ERUETI:** There's been an interesting discussion about that in Australia with
2 the -- they established a National Redress Scheme and faiths contributed through, I think
3 they called it a direct personal response, or something like that, in the form of apologies and
4 pastoral care. So they own it in that way.

5 My other question is, there seems to be a lot going on in terms of -- it's not just
6 survivors, individual survivors, I'm thinking -- let's start with Māori. I assume the large
7 number of tamariki that went through the homes were Māori because a lot of them came
8 from State care and there were a lot of Māori in care at the time during those particular
9 decades, but also that when you provide the function of social services today that you have
10 a large Māori community that is a part of that process. That's why I ask about the
11 governance issue, and the issue also of redress to not only Māori but also not only
12 individuals, but also to Māori as collectives, because I can see that that has become an issue
13 too in terms of the relationship between different hapū and iwi in the Church in terms of
14 land, but also we heard from Jo about how the relationship between local iwi and PSO had
15 been bad for a long time.

16 So I can see there's an intention to do well but I can see there's a lot of mahi to do in
17 both those areas in terms of Māori individual survivors plus the collective hapū as well.

18 Then we have the Pasifika and we'd have other ethnic groups too that I imagine are
19 well represented within the social services arm of the work that you do.

20 Would you agree that you have a big journey ahead of you here?

21 **MR MATHESON:** Yeah.

22 **COMMISSIONER ERUETI:** Ka pai, thank you so much for your time, thank you.

23 **CHAIR:** Finally from me, Wayne, three areas. Number one, we heard from a witness this
24 morning and I, for the life of me, can't remember who it was but it was one of the service
25 providers who spoke about a joint insurance arrangement between that service provider and
26 the Presbyterian Church. Do you have any knowledge about that?

27 **MR MATHESON:** No, I hadn't heard it that until this morning.

28 **CHAIR:** You heard it this morning?

29 **MR MATHESON:** Yes, it is possible that there was joint insurance arrangements for public
30 liability and public indemnity cover but that's before my time, I had no knowledge of that.

31 **CHAIR:** The importance of that, of course, is number one, it shows a linkage between the
32 organisations for responsibility or legal liability at least.

33 I think it's worth having a look at to see what the story is there, because I think it
34 informed, having the insurance policy of course means insurance companies, lawyers and it

1 can inform the mode of the response to a complaint which I think we've seen has been very
2 legalistic when that's driven by insurance companies.

3 So that's one thing which I raise with you as a matter of fairness to see if you knew
4 anything about it and may be something to look at.

5 My second question relates to the historic claims, so these are claims brought
6 directly to Presbyterian Church about abuse alleged not by the service providers but by
7 members of the Church, whether they be ministers or in pastoral care or whatever. How
8 many, have you got a sense of the numbers that the Church itself has received and dealt
9 with?

10 **MR MATHESON:** In terms of the broadness of this Inquiry?

11 **CHAIR:** That's right. Between 1950 and 1999.

12 **MR MATHESON:** Only a few.

13 **CHAIR:** Only a few? What does that mean? Roughly. Are we saying 10 or 100 or?

14 **MR MATHESON:** In terms of ones that were dealt with nationally, just a small handful. Of
15 course, as you'll have seen in the submission, before the Book of Order was changed in
16 2006, most of those were dealt with at a parish level or by the presbytery level and in terms
17 of that there's certainly numbers of those.

18 **CHAIR:** So these are people who would have alleged that something happened in their presbytery
19 or in the congregational parish level and they took that complaint to the local or regional
20 level and it was dealt with at that point.

21 **MR MATHESON:** Yes, as per the submission, that's the way it was handled, except for serious
22 sexual complaint against ministers which was changed a little bit earlier, but historically
23 that's where those matters were attended to. And in the papers that we were asked to
24 provide and searching our records, we asked parishes to go back to 1950 and search all
25 their records to see what was documented around that and that's why the records were from
26 parishes, etc.

27 **CHAIR:** So there's no central register, is there, of the number of complaints of this nature, of
28 these sort of historic abuse claims? Is there a central register at all?

29 **MR MATHESON:** From modern ones from 2006 onwards yes, but not prior to that.

30 **CHAIR:** And how many extant claims do you have at the moment, outstanding? Do you have
31 any?

32 **MR MATHESON:** Outstanding ones? I saw an e-mail that arrived late yesterday indicating there
33 might be one and that would be the only one that's on record at the moment.

34 **CHAIR:** There may be more as a result of this perhaps.

1 **MR MATHESON:** Yes.

2 **CHAIR:** And then just finally, and again it's pertinent, isn't it, to this issue of what is the
3 Presbyterian Church, where do the responsibilities lie? You're at least perceived by the
4 Crown Response Unit as being the repository for complaints made against Presbyterian
5 "organisations". Do you see that that may be a sign of, again, the confusion, even going up
6 into the Government layers?

7 **MR MATHESON:** Certainly, and Madam Chair, when we were asked to provide some
8 documents to the Commission at its outset we did indicate the relationship of Support and
9 Church schools, for example, to make that clear.

10 **CHAIR:** Yes, but that's to the Commission, it's interesting, though, as a matter of Government
11 perception still that it might be there. Did you discuss -- it may be privileged and if you
12 don't feel like saying what you said to Crown Response, please don't, but I just wonder
13 whether you were able to point out the areas of responsibility as you've described them to
14 us today.

15 **MR MATHESON:** They haven't asked, I simply assumed that they had contacted Support, they
16 hadn't have -- they contacted the Church but I wasn't aware they hadn't contacted --

17 **CHAIR:** That may be some unfinished business.

18 **MR MATHESON:** Indeed.

19 **CHAIR:** Thank you very much. You have provided a lot of, as you've indicated, a lot of
20 information behind the scenes in your response to the notices presented and we're grateful
21 for that, it's involved a lot of reading and a lot of interest. As you can see, it's given us a lot
22 of food for thought. Thank you for your responses today and for your, I hope your
23 willingness maybe if we've got other questions that we might come back to you for
24 clarification --

25 **MR MATHESON:** Sure.

26 **CHAIR:** -- after the event. You're happy to do that?

27 **MR MATHESON:** Absolutely.

28 **CHAIR:** We'd be very grateful, thank you. That brings us to the conclusion, Ms Castle, of the
29 Presbyterian Church and other organisations institutional hearing; is that correct?

30 **MS CASTLE:** Yes, ma'am. Perhaps now is an appropriate time to take our afternoon
31 adjournment.

32 **CHAIR:** We will, we'll take it to about 5 past 3, and at that stage we will resume and we will be
33 dealing with the Dilworth survivors and the Dilworth School. Thank you.

34 **Adjournment from 2.52 pm to 3.11 pm**

1 **CHAIR:** Welcome back, everybody, to our final session of the day and welcome to all the new
2 faces in the room. We'll get to those shortly. But in order to avoid extreme confusion,
3 instead of just minor confusion, I am going to ask for some appearances of those who have
4 not appeared before, and if you could say your name clearly and who you're representing
5 I'd be most grateful. So...

6 **MR BARKER:** Andrew Barker appearing with Honor Lanham for Dilworth School and Dilworth
7 Trust Board.

8 **CHAIR:** Thank you, Mr Barker.

9 **MR VAN DER PLAS:** Karl van der Plas and Jaiden Gosha for the Dilworth Class Action Group.

10 **MRS GUY-KIDD:** Fiona Guy-Kidd, Jeremy Johnson and India Shores for the Anglican Church.

11 **CHAIR:** Thank you. That gets us all back into line again. Thank you, Ms Anderson.

12 **MS ANDERSON:** Madam Chair, the order is the opening address from the Dilworth Class Action
13 Group to begin, followed by Mr Barker's opening address in relation to the Dilworth Trust
14 Board and school, and then we'll move on to the evidence of Dr Murray Wilton who's here
15 in the witness box with his support people.

16 **CHAIR:** All right. I just say thank you, Mr Wilton, for coming in early, you're going to have to
17 sit through the opening addresses, I hope that's all right for you. Are you comfortable
18 doing that?

19 **DR WILTON:** Perfectly.

20 **CHAIR:** Thank you. Very well.

21 So, Mr van der Plas, I think it's for you to open, thank you. Good afternoon,
22 Mr Harding, welcome back.

23 **OPENING STATEMENT BY THE DILWORTH CLASS ACTION GROUP**

24 **MR VAN DER PLAS:** Ko te whare e tū nei tēnā koe, mihi atu ki te mana whenua o te rohe nei
25 Ngāti Whātua Ōrākei tēnā koutou. Ki te hunga mate, haere, haere, haere e te hunga ora kua
26 tae mai nei. Ko Karl van der Plas tōku ingoa. Ki Te Horo ki te rohe. Ki Pukemoemoe(?)ki
27 te maunga, ki Ōtaki ki te awa.

28 Esteemed members of the Commission, Madam Chair, my name is Karl van der
29 Plas and I appear alongside with Mr Neil Harding one of our clients on behalf of the
30 Dilworth Class Action Group. This is the first opportunity that you've heard from us during
31 this Commission of Inquiry.

32 I am a Pākehā male in my late 20s with blonde brown hair, I am wearing a black
33 suit and turquoise tie.

1 I acknowledge the house in which we stand. I acknowledge those who hold mana
2 whenua, I acknowledge those who have passed and those who are present and living.

3 I wish at the outset to also acknowledge the many courageous survivors who have
4 engaged with this Commission of Inquiry and continue to engage with this Commission. In
5 particular, I specifically want to acknowledge those who we have the privilege of
6 representing, -- Mr Harding who's beside me, and Mr HS, who isn't present today, and
7 along with the full class of Dilworth survivors that they both represent.

8 Mr HS has automatic name suppression and because of that we refer to him as HS
9 and only by those letters.

10 In addition to appearing with me, Mr Harding will separately address this
11 Commission later during the hearing to present a survivor led initiative and petition.
12 Mr Harding and HS both jointly brought the Dilworth class action, both are survivors of
13 sexual abuse at Dilworth and both have courageously put themselves forward in the
14 interests of survivors for the benefit of survivors. They are supported by a team of
15 professionals, all of whom have given up their time to act pro bono in their assistance.

16 Our team has been brought together and is supported by LPF Group, a well-known
17 and renowned litigation funder, Rachael Reed, an experienced King's Counsel, who won't
18 need any introduction to this Commission, leads our team. Ali van Ammers is an
19 experienced barrister and is also instructed as counsel.

20 The solicitors for the class action are Wilson Harle and our team is made up of Ian
21 Denton, Andrew McCombie, Jaiden Gosha, our law clerk who is seated behind me, and
22 myself.

23 Finally, Bronwynne Howse, communications expert with Joyce Howse Consulting,
24 has led survivor and public communications.

25 The Dilworth Class Action Group was established in early 2021 in response to
26 Dilworth's failure to adequately apologise to and redress survivors of sexual abuse at the
27 school. Our clients commenced the class action by filing a detailed complaint with the
28 Human Rights Commission on 24 June 2021.

29 This alleged that the widespread institutional sexual harassment of vulnerable
30 students breached the Human Rights Act 1993. The complaint seeks to hold Dilworth
31 accountable for knowingly failing to protect all survivors in its care between the 1950s and
32 as recently as the last 15 years.

1 Since filing, over 130 survivors and numerous witnesses have registered with the
2 class action. However, the total number of Dilworth survivors far exceeds this and the
3 class action has been brought for all of their benefit.

4 For Mr Harding, the class action was borne out of his realisation that many boys had
5 been abused before he was and had any one of their complaints been acted on by Dilworth,
6 his abuse simply would not have happened. For HS it was the shock of the scale of the
7 abuse uncovered and his desire to ensure that what happened to him never happened to
8 anyone else again.

9 But for both of them it was the disconnect between Dilworth's inadequate redress
10 response and the scale of the abuse and the suppression of it that galvanised their resolve.

11 The complaints sought that Dilworth establish an independent inquiry and an
12 independent programme to provide comprehensive redress. At the point of filing the
13 complaint, Dilworth had not apologised for its role in the abuse, or its suppression of it, and
14 it had not offered or even publicly expressed a desire to explore redress or commission an
15 independent inquiry.

16 Now, a year later we have gathered for this important hearing to consider both
17 Dilworth and the Anglican Church's institutional response. We understand that the
18 Commission is particularly interested in exploring, amongst other things, how these
19 institutions responded to abuse at the time and how they have since responded and, in
20 particular, looking at Dilworth's independent inquiry redress programme and listening
21 service.

22 In considering these issues, we ask the Commission to consider the following
23 kaupapa. He waka eke noa. He waka eke noa.

24 This whakataukī translates at its simplest to, "We are all in this boat together". It is
25 underpinned by the principles of partnership, working together, shared values, recognition
26 and mutual respect. These principles are at the core of a best practice approach to
27 complaints of abuse and redress, and we say are therefore at the core of the Commission's
28 consideration of the institutional response.

29 Like many institutions that harboured abuse, the power imbalance between
30 Dilworth, the Anglican Church and survivors was immense.

31 Dilworth is a private boarding school that was established to provide education and
32 care for vulnerable and disadvantaged boys. It was entrusted with their guardianship and
33 their pastoral care. Instead, from at least the 1960s, a culture of violence, fear and silence
34 developed in the school in which this abuse occurred. Despite many brave boys

1 complaining, Dilworth suppressed knowledge of the abuse, quietly moved on perpetrators,
2 did not investigate, alert parents or authorities and sought name suppression when offenders
3 were brought before the courts.

4 Regrettably, this power imbalance is still present today. Dilworth is a prominent
5 and a wealthy school. Its net assets as of last year exceeded \$1 billion and it made a surplus
6 exceeding \$50 million. It is anticipated that the school may suggest that its redress
7 programme is world leading. This is simply not accepted.

8 While it has taken some positive steps, the school initially resisted establishing an
9 inquiry and the redress programme that has now been commenced is neither comprehensive
10 nor best practice.

11 The Commission may wish to consider in particular the school's approach to
12 including student on student abuse within the terms of the inquiry in the redress
13 programme, imposing a financial cap on redress payments and to provide redress before the
14 inquiry is complete.

15 While changes were made by Dilworth following consultation with survivors,
16 including the Dilworth Class Action Group, the manner and the process in which these
17 changes occurred was akin to a commercial negotiation. And not all of those changes were
18 made.

19 Survivors feel that Dilworth's approach was to limit its own financial exposure and
20 they consider that this process caused them further trauma.

21 **CHAIR:** When you say not all changes were made, do you mean not all changes suggested the
22 group, by your action group?

23 **MR VAN DER PLAS:** By the group, that's correct, ma'am.

24 **CHAIR:** Thank you.

25 **MR VAN DER PLAS:** And it's specifically to the redress programme.

26 **CHAIR:** Right.

27 **MR VAN DER PLAS:** The process by which redress is -- the process by which appropriate
28 redress, including a full apology for all actions is reached, is just as important as the end
29 result. To be truly best practice the institution needs to work with survivors in a partnership
30 and good faith rather than paddling in a different direction that might better serve its own
31 interests.

32 As the Commission hears from the witnesses for Dilworth and the Anglican Church,
33 we ask that it keep in mind and consider five factors. First, the Commission is only hearing

1 from witnesses from these institutions, not the survivors who have engaged with these
2 entities on redress. The evidence to be heard will therefore be an incomplete picture.

3 Second, Dame Silvia Cartwright and Frances Joychild KC are comprehensively
4 considering the abuse and Dilworth's responses both then and now as part of their
5 independent inquiry. The Commission should be cognisant of this inquiry and the fuller
6 detail it is receiving when considering this evidence it hears over the next couple of days
7 and when making its findings.

8 Third, we ask that the Commission consider how many vulnerable boys could have
9 been spared and how many decades of abuse could have been prevented had Dilworth acted
10 appropriately on numerous occasions.

11 Fourth, when considering whether Dilworth's current redress response is truly
12 comprehensive and truly best practice, we ask that it be assessed against present day
13 standards and expectations, rather than by comparison to past attempts by other institutions.

14 Fifth and finally, we ask that the Commission in particular consider whether
15 Dilworth's approach to engaging with survivors on redress was itself truly survivor focused
16 and best practice. Survivors have joined together in the same waka, he waka eke noa, but
17 has Dilworth and has the Anglican Church?

18 Commissioners, Madam Chair, may it please the Commission.

19 **CHAIR:** Thank you very much.

20 I'll now invite you, Mr Barker, for your opening statement, thank you.

21 **OPENING STATEMENT BY DILWORTH SCHOOL and**
22 **DILWORTH TRUST BOARD**

23 **MR BARKER:** Tēnā koutou e ngā Kaiwhakawā. As I said earlier, my name is Andrew Barker,
24 I'm appearing with Ms Lanham on behalf of Dilworth School and the Dilworth Board of
25 Trustees.

26 I am a 52 year- -old Pākehā male, approximately 6'2", wearing a grey suit white tie
27 and a check,- sorry, a white shirt and a -checkered tie of predominantly pink colour.

28 I filed this morning with the registry an opening statement; do the Commissioners
29 have that?

30 **CHAIR:** We have that, thank you very much for doing that.

31 **MR BARKER:** Obviously, I won't be able to go through that in detail, I was just intending to
32 focus on a few points, summarise a few others and, unfortunately, have to ignore other
33 points in their entirety.

1 **CHAIR:** Because you filed it earlier we've been able to go through it, it will be published and
2 we're grateful for it, but if you'd like to summarise, it's a good thing too and we have read it,
3 thank you.

4 **MR BARKER:** Thank you. At paragraph 3, I just wanted to start there and just emphasise this
5 point.

6 The need to confront the history of abuse at Dilworth School has been one of the
7 greatest challenges this school has faced in its history.

8 The school was established to give disadvantaged young men opportunities in life
9 that they may not otherwise have had. The fact that so many of their students suffered
10 abuse while they were in their care reflects a failure of Dilworth in its core mission to
11 provide them with a safe and supportive environment in which they can thrive.

12 I want to acknowledge the bravery of those who have come forward to this
13 Commission and in other contexts and recognise the harm that has been done to them. That
14 is an acknowledgment that comes from me as counsel, but it is not -- it is appropriate that it
15 is one that is made by the school directly, and Mr Snodgrass will be doing that tomorrow
16 when he gives evidence to this Commission.

17 In terms of the evidence that the Commission will hear, the Commission indicated
18 earlier on that it wished to hear from those persons who had direct knowledge as to what
19 abuse happened in the past, and for that reason it approached the former headmasters
20 Mr Wilton and Mr MacLean and the former chair Mr Firth directly to seek their evidence
21 for this Commission, so I simply note that they are witnesses being called by the
22 Commission, and Dilworth has not briefed them or instructed them in respect of their
23 appearances today.

24 The evidence on behalf of Dilworth will come from Mr Snodgrass who is the
25 current chair of the Board of Trustees and he's going to focus on three key parts, really
26 trying to describe and inform the Commission of the response that Dilworth has made to
27 this history that has emerged.

28 And I'll briefly overview those, but in summary they are what it has done to ensure
29 the safety of its current student body and its student body going forward; what it has done
30 to understand its past and the causes for that; and what it has done in respect of redress.

31 In my opening statement at paragraph 12 and onwards I talk a little about the
32 background, I won't go through it but I think there are probably three factors that the
33 Commissioners just need to bear in mind which may be distinguishing factors for Dilworth
34 as opposed to other schools that you have encountered.

1 The first is that Dilworth School was established by the will of James Dilworth, so
2 as part of his will he directed that his estate would be applied to form a school to educate
3 disadvantaged youth going forward and that is the origin of so much that happens at
4 Dilworth, the will, it guides everything that the school does and is actually the foundational
5 document for it. So that's something that's in slight distinction, I think, to any other
6 schools.

7 The second is that Dilworth is a solely boarding school, I think it's the largest
8 boarding school in the Southern Hemisphere, so all of the students who attended Dilworth
9 to date have been boarders on site.

10 And the third point is that they have all had their fees and all costs met by the trust
11 established by James Dilworth in his will. So fully paid for care at the school.

12 I've noted there, just so the Commission has the background, the break-down, the
13 break-down of the current school's make-up, that is something that has changed over time,
14 and also the three campuses through which it operates.

15 I then move to just give the Commission some information about the extent of abuse
16 that has happened at Dilworth School. It is something that, unfortunately, Dilworth is in
17 the process of trying to understand the extent of abuse, because as is the nature of much of
18 this abuse, and Dilworth has to accept the culture of the school at the time, is that victims of
19 abuse were not able, did not feel able to come forward to the school and share their
20 experience. It is only as they find their voice now that they have been able to do so and
21 they are, understandably, choosing to share those experiences with other institutions than
22 the school such as the Commission itself, my friend Mr van der Plas' Class Action Group
23 and also the independent inquiry that's been experienced.

24 So this is something that Dilworth does not fully understand, is the reason why
25 we've established this, one of the reasons why this Inquiry has been established, so that the
26 school and its community can have a full understanding of what actually happened and why
27 it was able to happen.

28 But I have given you some information there to give you some understanding of the
29 extent of the abuse that occurred. I note that 11 men have been convicted of sexual
30 offences in respect of students at Dilworth School.

31 We have statements from the Police that have indicated that they received 139
32 complaints, those are statements we have taken from the press, they haven't been given
33 directly to us.

1 There are similar statements from the Dilworth Class Action Group of numbers in
2 around 130 people coming to them to register with their group. We have the listening
3 service that has had to -- that has dealt with over 100 people so far, so it's another source,
4 and I finally note that in respect of the redress programme that I'll come to it in a moment,
5 66 people have registered for redress with that programme to date.

6 So, as I said, we don't know the extent of it or understand the extent of it, but that is
7 giving the Commission some idea that it is significant and substantial.

8 **CHAIR:** I presume some of those numbers would overlap but we won't go into the detail of that at
9 this stage.

10 **MR BARKER:** Yes, that leads into the first part, really what I want to just focus on is the three
11 responses of Dilworth to this, the first being that inquiry and really at the heart of this
12 inquiry is trying to understand what was the extent of the abuse and how was it able to
13 happen. And you'll have seen from the documents that Dame Silvia Cartwright and
14 Frances Joychild KC have been appointed as inquirers. They are undertaking their work. It
15 is not work that involves us. We receive information requests much in the way as the
16 Commission receives information requests and they are getting on with their task.

17 The point I did want to make, I'm sure you'll at some point -- two points. First, I
18 would encourage the Commissioners at some point to look at the website that they have
19 established because it does give a lot of the information about the work of the inquiry and a
20 similar comment relates to the redress programme. I've given the links in my written
21 submission.

22 But the second point on the inquiry is I do set out in the written opening the terms of
23 reference because they are broad and they are direct and they will be confronting. You'll
24 see that while there are matters of scope such as factors that may have caused abuse, so
25 purpose, when they go into the scope, they are being asked to look at issues such as was
26 abuse covered up, were the policies adequate, and so on and so forth. So the inquiry is
27 seeking to look at the hard questions that need to be asked and answered.

28 The second point I talk about really starts at paragraph 41 and Mr Snodgrass will be
29 able to talk to this as well, is: What has Dilworth done to ensure that the current student
30 body is safe? And he details the history of that, and it was a history, perhaps no different to
31 many other schools where these issues arose, where policies are changed, efforts are made
32 to educate and so forth, but certainly for Dilworth, in around 2019 it realised it had to do
33 something more than this, and that is the time it approached the Australian organisation,
34 Child Wise, which is an entity associated with the Save the Children organisation and has

1 done a lot of work off the back of the work of the Australian Royal Commission, to
2 re-design its school, re-design its structure, re-design its focuses such that children and
3 child safety become the focus of the school.

4 That has been a three year process and there are, perhaps if the Commissioners are
5 interested in that, one of the documents that Mr Snodgrass refers to is a PowerPoint slide
6 that the current headmaster has been asked to, --he's been asked to present to other schools
7 about the work on Child Wise. It's an easy way to understand the work that has been done.
8 There's also a more significant document in the bundle as well, but that would be quite a
9 helpful resource.

10 But I summarise some of the changes that has led to in the school in my opening,
11 just to highlight some factors, such as a full-time safety officer in the school now, on a
12 full-time basis with that being their sole focus. The rewriting of all policies that there are,
13 and rewriting them in conjunction with the students themselves, so that there is input from
14 the students in terms of their understanding and recognition of the interests that they have.

15 That leads to this entire idea of student empowerment that started to work through
16 the entire school and examples of that are given by Mr Snodgrass. The advisory groups
17 were Māori and Pasifika communities, and you'll see that certainly Dilworth now is very
18 strong, I think the student body is 50% Pasifika now, these are core parts of the school
19 itself.

20 Training and so forth. Perhaps one of the novel ones is the ability to report abuse
21 through an anonymous system, and I think I've called it an online portal, I actually think it's
22 an app on the kids' phones that they can use to report abuse anonymously.

23 That has led to Dilworth last month being accredited as a child-safe school by Child
24 Wise, it's the only school in New Zealand to hold that accreditation.

25 Finally, I just wanted to draw the Commissioner's attention to the redress
26 programme that has been established. Redress did start with the listening service that has
27 been well used by old boys and survivors, that was established in 2019 and has had over
28 100 people who have been referred to counselling through that. But more recently, in
29 August 2022, a substantive redress programme was launched, it is being -- I would, again,
30 refer the Commissioners to the terms of reference that are on, I suppose the website that
31 sets out a whole lot of the information about it.

32 But just a couple of words of overview, is that at its heart is the establishment of an
33 independent panel to provide redress in a way that has no connection to Dilworth, within
34 some broad guidance that they are given, and that panel, we are very fortunate to have been

1 able to appoint people of the highest calibre to that, we have Dame Judith Potter, Professor
2 Ian Lambie, who one of the leading clinical psychologists at the University, with a
3 speciality in this area, as well as Rukumoana Schaafhausen, who's a leader in the
4 community, in the Māori community in particular.

5 But at the heart of the programme is the discretion they are given to work out
6 redress that is appropriate for each individual student,- each individual survivor. That will
7 include apologies, it will include counselling and the like and it will also include substantial
8 financial redress, and I've set the limits out there. It is most-,- in most cases it will be
9 \$200,000, up to \$200,000, and for the most severe cases they have the discretion to increase
10 that to \$300,000, but they're given very-,- you'll be familiar with the way these systems
11 work, a lot of them are banded, this is just simply-,- there is a number, there is a cap, if you
12 like, but within that the discretion is entirely up to you as to how you choose to mould this
13 financial compensation.

14 I note also the application process is very informal, there's a low evidential standard,
15 the standard that the Commission has talked about in its report of a reasonable likelihood,
16 and there is also assistance for them to put together their application through redress
17 facilitators.

18 **CHAIR:** When you say report, are you referring to our Puretumu Torowhānui report?

19 **MR BARKER:** Yes, ma'am, I could go on to a lot of ideas --

20 **CHAIR:** No, I just needed to clarify which report you were talking to. It's that one, that's fine,
21 thank you.

22 **MR BARKER:** The only other issue to note is just with the Anglican Church, and I'll very briefly
23 comment because it might be, it's probably again another point of distinction for Dilworth
24 as opposed to some of the other faith based organisations that have come before you. It is
25 an Anglican school and the directive and the will is that students are to be educated in the
26 tenets of the Anglican Church, but beyond that being the school, the actual involvement of
27 the Anglican Church and its management is very limited and essentially it has no
28 governance role at all. Its role is limited to, I suppose, advice and consultation in respect of
29 a chaplain and there is also the process of an actual visitation which takes place, which is an
30 opportunity for the Bishop to come and look at the school and take it from there.

31 **CHAIR:** I think we are getting a little signal for you to speak into the microphone.

32 **MR BARKER:** Sorry. I can probably save the transcript there, because unless you had any
33 further questions that was all.

1 **CHAIR:** I think that's a comprehensive summary. Thank you very much again for your opening
2 statement, Mr Barker.

3 Yes, Ms Anderson.

4 **MS ANDERSON:** Thank you, Madam Chair, perhaps before you administer the oath/affirmation
5 to Dr Wilton, I should probably introduce myself visually given I haven't had an
6 opportunity to do that today.

7 **CHAIR:** Yes, please do.

8 **MS ANDERSON:** For those listening, I'm a middle aged female Pākehā of short stature with
9 medium length brown hair, I'm wearing green rimmed glasses and a white and cream
10 coloured jacket with brown flowers.

11 **CHAIR:** Thank you, Ms Anderson.

12 **MS ANDERSON:** Would you like to administer the affirmation.

13 **DR MURRAY WILTON (Affirmed)**

14 **QUESTIONING BY MS ANDERSON:** Murray, welcome. You've provided a detailed written
15 statement to the Inquiry and together with a further two page statement that you and
16 previous chair Mr Firth have prepared. But you've also prepared a summary document to
17 speak to in opening for--,-- to give a summary of your evidence.

18 **DR WILTON:** That's correct.

19 **MS ANDERSON:** Would you like to begin with your opening in the way you wish to begin, and
20 when you've concluded we'll move into the phase where I'll be asking you some questions
21 arising out of your witness statements and from some of the documents that you've seen in
22 the bundle of documents that's been provided to you.

23 **DR WILTON:** Yeah, I understand.

24 **MS ANDERSON:** I'll hand over to you.

25 **DR WILTON:** Kia ora tātou. Ngā mihi nui. Tēnā koutou, tēnā koutou katoa. Kei te whare, e
26 rangatira mā, tēnā koutou katoa. Good afternoon, everyone, I greet you and acknowledge
27 the mana of this Royal Commission gathering, Madam Chair, Commissioners, learned
28 counsel and victims of abuse. I want to begin with just one or two introductions.

29 Quite a number of people have come along here today to give me moral support.
30 I won't name them all, I will simply refer to the two who are sitting beside me in the
31 witness box. The first is Gerald Smutz, sitting on this side here, who is the president of the
32 Dilworth Old Boys Association of which I am the patron. He was one of the first Pasifika
33 boys admitted to Dilworth and is one of my former students from the 1980s.

1 Sitting next to me is another man, Vaughan Couillault who was a brilliant teacher
2 and housemaster on my staff in the 1980s, one I had identified as a young man going
3 places. He is not a Dilworth Old Boy. He is now the principal of the Papatoetoe High
4 School and the president of the Secondary Principals' Association of New Zealand. As an
5 acknowledged outstanding educational leader you may have seen him interviewed in the
6 media on educational and Covid matters. He is a shining example of the quality of the
7 overwhelming majority of my Dilworth colleagues who were men and women of
8 unassailable integrity.

9 Acknowledgment of abuse survivors. I want to begin by taking advantage of this
10 first opportunity, for me at least, to acknowledge publicly the harm done to survivors of
11 abuse at Dilworth School. I offer my personal apology to all who suffered abuse at any
12 time but especially on my watch from some of my most trusted colleagues. It was an
13 abominable dereliction of duty by those men and an unforgivable betrayal of trust. They
14 were wolves in sheep's clothing and they deceived everyone,-- the survivors, of course, and
15 their own teaching and management colleagues at Dilworth. And their own families.

16 In my written submission I referred to the genuine alleged victims of abuse at
17 Dilworth, that was an injudicious choice of words for which I apologise. I do not mean to
18 suggest that some victims are more genuine than others, or that some claims or allegations
19 may not be true. I want to clarify immediately, so there is no room for misunderstanding,
20 that I accept without issue the legitimacy and genuineness of the survivors' complaints of
21 abuse at Dilworth. It happened. Of that, with huge regret, I have no doubt. I am very sorry
22 that it happened at an institution that I love and that some of the abuse happened on my
23 watch as headmaster.

24 To the extent that I could have done something, in hindsight or otherwise, that may
25 have avoided any instance of abuse at Dilworth, I am truly sorry. I do not and did not
26 condone any abuse, sexual, physical or verbal at Dilworth. The lifelong effects of abuse on
27 the survivors is heart-breaking to read. I have read the statements. I understand its awful
28 consequences and I'm deeply sorry for them.

29 I dealt with what I knew about at the time in what I believed at the time was an
30 appropriate way.

31 No doubt in some aspects Dilworth and I as its headmaster could have done better.
32 I did my best at the time but I am not perfect. Time and changing social contexts have
33 highlighted that we ought to have done better in order to prevent abuse in the past. I accept

1 categorically that to the extent that abuse existed at all at Dilworth, the leaders of the school
2 failed the victims of it. I tender my sympathy and my apology to all victims.

3 A word on sexual abuse reported to me during my tenure as headmaster. I was
4 headmaster at Dilworth from 1979 to 1997, having attended Dilworth myself as a student
5 from 1944 to 1954 and served as a young teacher there from 1961 to 1968. I spent 11 years
6 in between 1968 to 1979 studying and teaching in Canada. In 1979 I was employed as
7 headmaster of Dilworth at a time when its reputation for excellence had diminished. The
8 Trust Board's financial circumstances were difficult and a sea change was required to
9 restore Dilworth's fortunes and deliver on the promise of our students.

10 I was not briefed in any detail about the abuse perpetrated by a previous Dilworth
11 chaplain uncovered in the 1970s prior to my arrival as headmaster. I knew little about
12 sexual abuse in institutions. Teachers were not trained about how to deal with such matters
13 in those days. I had never been privy to the investigation or management of any cases of
14 sexual abuse in my previous employment here in New Zealand at Dilworth or overseas in
15 Canada.

16 At Dilworth I was a hands on headmaster and committed, but I also, like all school
17 principals, relied on and trusted the staff at the school. However, it was expected that all
18 complaints about the conduct of staff would be referred to me and the Board expected me
19 to inform them of any serious issues. In fact, the Board had the last word on all matters of
20 staff discipline.

21 When cases of abuse or unacceptable conduct arose, I took what I considered an
22 open and common-sense approach for the time. I sought advice from headmasters of
23 similar schools, King's College and Auckland Grammar School in particular. I involved the
24 Dilworth Trust Board on every occasion.

25 What was considered to be the appropriate response developed as the years
26 progressed.

27 Now I wish to summarise the instances of abuse reported to me and the school's
28 response. Rex McIntosh, December 1979. My first term as headmaster. McIntosh was
29 reported to me for showering naked with the boys. I immediately informed the Board.
30 I discussed the matter with the Police at Newmarket who advised that the conduct was
31 likely not criminal and should be dealt with internally. There was no Teaching Council at
32 the time. The Board Chair and I confronted Mr McIntosh and he was asked to leave the
33 school immediately. No reference was given. Allegations of sexual abuse against
34 McIntosh were not made until 2019.

1 Howard Wynyard, June 1983. An inappropriately close but apparently platonic
2 relationship with a student in Wynyard's boarding house was reported to me. Wynyard's
3 family had apparently and seemingly adopted the boy, but that was not permissible in a
4 boarding school context. I fully briefed the Board. Wynyard was told to end the
5 relationship or resign. He chose to resign. We investigated thoroughly.

6 At the time, he protested his innocence of anything untoward. There did not appear
7 to be anything approaching criminal conduct at that time according to our inquiries. There
8 was no Teaching Council to report to at that time. A brief reference was given to him
9 indicating what I deemed a mental health issue as his reason for departure. Allegations of
10 sexual abuse in his case did not surface until 2019.

11 After initial denials, Wynyard has now pleaded guilty and is due for sentencing this
12 month, I believe.

13 Leonard Cave, June 1985, reported to me for providing alcohol and inappropriate
14 touching of one boy. The victim and his mother reported the episode to me in person and
15 insisted that no Police report be made. I fully briefed the Board. Cave was asked to resign
16 and he did so. Investigations of other boys on the trip revealed no other abuse. There was
17 no Teaching Council at the time.

18 I provided a reference because the victim and his mother did not want Mr Cave's
19 career to be irreparably damaged. No subsequent employer ever contacted me about
20 Mr Cave. Further abuse allegations in his case came to light in 2019.

21 The next name is redacted and referred to in the text as GRO C 3, December 1994.
22 Ongoing sexual abuse of a boy aged 15 was reported to the deputy headmaster who then
23 passed it on to me. I immediately briefed the Board. GRO C 3 was reported to the Police,
24 prosecuted and convicted. The Teaching Council, when it existed then, was notified. No
25 reference was given. Further allegations in his case arose in 2019 and 2020.

26 Ian Wilson, 1996. Report was first made to me on 17 July 1996 by an Old Boy
27 victim of abuse which had occurred apparently in the 1970s. The complainant was
28 encouraged to report to Police and eventually he did so. Dilworth checked to ensure that
29 that occurred. I fully briefed the Board who were intimately involved in the process. Legal
30 advice was taken. At an interview with me and the Board Chair, Wilson resigned in
31 December 1996, while not admitting the abuse.

32 Wilson was prosecuted and pleaded guilty in 1997. The Teaching Council was
33 advised. In his case a reference was provided on his request before the complaint was

1 received. Wilson presumably later used this now inaccurate reference to gain employment
2 at the Manukau Institute of Technology. The MIT never contacted me about him.

3 And finally, Alister Harlow was accused of an abuse offence after I had retired and
4 Ross Browne was accused of sexual misconduct many years after I departed Dilworth. No
5 offending or misconduct was ever reported to me in regards to these two men while I was
6 headmaster.

7 Ironically, and awfully in retrospect, Browne was the chaplain and led the school's
8 outreach programme to help vulnerable boys with low self esteem. I was asked by Browne
9 for a reference after he resigned in 2006. I had not been informed at that time of the reason
10 he left and wrote the reference in complete ignorance of those reasons and, of course, the
11 subsequent accusations made against him.

12 It can be seen from this brief summary that the school became more rigorous in its
13 approach to reports of abuse in the 1990s than in the 1980s. In both decades, the Board was
14 fully involved and the staff member would be confronted with the complaint and in all
15 cases left the school immediately.

16 By the 1990s, all such complaints were referred to the Police and there was the
17 Teaching Council also to be advised.

18 Mistakes were made. As I say in my full submission to the Commission, my deep
19 regret is that the instances reported to me as outlined above were not fully and properly
20 investigated to uncover other instances of abuse at the time. In that respect, our response
21 was inadequate. I fully accept that had the complaints about McIntosh, Wynyard, Cave,
22 GRO C 3 and Wilson been fully investigated by appropriate experts, their other abuse may
23 well have been revealed then. And possibly the abuse perpetrated by Harlow and Browne
24 may also have come to light as a result of investigations into abuse by these other staff.

25 A further contributing factor to the failure to uncover abuse at Dilworth sooner is, I
26 think, that the boys did not feel safe in coming forward about abuse. I am so sorry for that.
27 I always assumed that boys would not hesitate to report anything as depraved and obviously
28 illegal and immoral as sexual abuse. I was wrong about that.

29 It may be partly because boys were concerned that they might lose their scholarship
30 to Dilworth, or that they didn't want to be a tell-tale or would not be believed or might be
31 ridiculed by staff or other boys whether they were believed or not, or felt guilty that the
32 abuse had in some way been their fault. But it is clear to me now that it is extremely
33 difficult for survivors of sexual abuse to come forward, especially when a complaint is
34 made against a person in a position of authority over them. Special efforts and systems

1 need to be in place to encourage and enable reporting and support the victims. That has
2 perhaps become clearer in all aspects of our society more recently.

3 I regret that the culture of the school at that time that I was headmaster was not
4 sufficiently nurturing and supportive to allow victims to feel safe in coming forward.

5 In regard to child abuse, today's schools are much better informed, have better
6 access to specialist support and are more generously resourced. They have the safety net of
7 the Police vetting system and records are held by the Teaching Council. They are bound by
8 a more structured and well thought out system than was available to previous generations of
9 educators.

10 Under current legislation, educators are required to act on all concerns that may
11 affect the life and learning of students, the lives of teachers, parents and legal guardians.
12 There are directives in place that provide guidance to government and management in all
13 educational settings. 40 or 50 years ago, none of that was available to Dilworth or any
14 other school.

15 All schools now benefit from having access to sophisticated computing systems and
16 software that enable far more efficient recording and monitoring of student and staff
17 behaviour. In the 1970s there was no computer support and even in the 1980s and early
18 1990s, computing was still in its infancy and was crude and inefficient.

19 Allegations of cover-up. I did not receive or uncover any reports of abuse other
20 than those I have mentioned above. I want to state categorically that at no point did I nor
21 the trustees nor any Dilworth staff attempt to cover up reports of abuse or turn a blind eye
22 to it. This allegation is very distressing to me personally and to those who were my loyal
23 team, as well as to the Dilworth trustees past and present.

24 I abhor sexual abuse and any kind of abuse. I dedicated my life to educating and
25 producing fine, well adjusted young men who from sometimes difficult circumstances
26 would have better opportunities in life because of their time at Dilworth.

27 That's what Dilworth is all about. It has been successful in that goal for thousands
28 of boys over decades. But abuse of boys at the school absolutely destroys that mission.
29 I do not and never have condoned it or ignored it. I did everything in my power that
30 occurred to me at that time to improve the living conditions and safety of the boys
31 committed to our care. There was no coverup.

32 Every reported abuse event was immediately investigated and action taken
33 according to the guidelines in place at that time, adequate or inadequate as they might now

1 seem. I certainly did not turn a blind eye. I trusted staff not to be abusive, but I took very
2 seriously any suggestion that any abusive behaviour was occurring on my watch.

3 Remembering all the victims of abuse. The collateral damage caused by sexual
4 abuse of children is wide and affects many people. In my full submission to the
5 Commission I appealed for all the victims of abuse at Dilworth to be kept in mind in the
6 Commission's deliberations and reports. First and most importantly, of course, those
7 survivors who were the object of unforgivable acts by teaching and hostel staff at Dilworth.

8 The victims' families likewise deserve to be remembered, all of them affected and
9 damaged by the events. The damage done by abuse can be intergenerational, even the
10 families of the abusers are forever tainted by the actions of their nearest and dearest. There
11 are thousands of Dilworth students, past and present, and their families, the reputation of
12 the school that gave them exceptional opportunity to break out of poverty and achieve
13 success in careers and in adult life has been sullied by the revelations of historic abuse. As
14 a Dilworth Old Boy myself, I know that this is a very difficult matter to deal with.

15 Finally, there are many hundreds of academic residential and support staff who
16 educated and cared for the boys at Dilworth, men and women of upright character who
17 were genuinely concerned for those in their care, and are now wounded by association with
18 a relatively small group of very rotten apples.

19 The ripples of abhorrence and criminal conduct spread wide. I truly wish I had
20 done more, known more, and acted with greater foresight to prevent abuse on my watch at
21 Dilworth.

22 I hope that in acknowledging and apologising for the abuse and mistakes that could
23 have been uncovered or prevented and taking this opportunity to learn lessons about what
24 can be done to prevent further abuse will bring some relief to the hearts and minds of the
25 survivors.

26 Finally, I hope that my written and oral submissions and my responses to questions
27 today will assist the Royal Commission in their important task. Thank you.

28 **CHAIR:** Thank you very much.

29 Yes, Ms Anderson.

30 **QUESTIONING BY MS ANDERSON:** Thank you, Murray. Just beginning at the point in time
31 when you were a student from, I think from 1944 was when you began as a seven year old
32 at Dilworth and then you finished there in about sort of mid 50s, that's right, isn't it?

33 **DR WILTON:** It is.

1 **MS ANDERSON:** You describe in quite harsh terms in your evidence the culture that you
2 experienced as a child at that time; can you just clarify in very brief terms what that culture
3 was like for you?

4 **DR WILTON:** Well, in my full submission to the Commission I pointed out the fact that it was
5 the last stages of the World War and that things were very difficult in terms of supplies of
6 equipment, of the inability of the Board to provide comfortable surroundings for the boys in
7 their care. It was quite a small school --

8 **MS ANDERSON:** That translated into an environment you described it as austere and
9 draconian --

10 **DR WILTON:** Absolutely.

11 **MS ANDERSON:** -- and severe punishment for very trivial offences.

12 **DR WILTON:** That's totally correct, that's the way it was. But I'm not sure that isn't the case for
13 most boarding schools at that time, I don't think it was a particular Dilworth thing.

14 **MS ANDERSON:** Well, we're not comparing it at the moment, but you say that bullying was
15 endemic and that there was also,-- the masters bullied boys and senior boys bullied junior
16 boys.

17 **DR WILTON:** I think I mentioned that because in a sense it's learned behaviour, the masters
18 bullied in the sense that their punishments, physical, severe corporal punishments were
19 handed out for fairly trivial offences, and I believe that boys who suffered that kind of
20 punishment, and I have to say myself, not that I was a very good boy, but I managed to
21 escape justice, that it's possible, in my view, that that was learned behaviour so that other
22 boys, older boys, bigger boys, bullied smaller boys.

23 **MS ANDERSON:** And then you've had a short period of, relatively short period teaching and
24 then you've come back in 1979 to the headmaster role, and shortly after you've started in
25 that role, you learn about the dismissal of the chaplain who'd been at the school; that's right,
26 isn't it?

27 **DR WILTON:** That is correct.

28 **MS ANDERSON:** In terms of when you were informed about that, what information did you
29 gather for yourself about what had actually happened that had led to that chaplain leaving
30 school? Do you recall?

31 **DR WILTON:** I didn't do any information gathering, it was a past event, it seemed to have been
32 dead and buried in the minds of the trustees at that time. It was barely ever mentioned and
33 I didn't discuss it with them.

1 **MS ANDERSON:** The reason I ask, there's a reference in one of the documents, and it might not
2 be quite accurate, that about in 1980 this chaplain returned to the school, was on the school
3 grounds, and there's reference to the headmaster marching them off the grounds, which I
4 had understood to be you.

5 **DR WILTON:** That's correct.

6 **MS ANDERSON:** So you had some reason, some knowledge that led you to take that action of
7 marching him off the grounds?

8 **DR WILTON:** Yes, certainly by that time I was well aware of what had occurred and why he
9 wasn't,-- well, why he was persona non grata at the school.

10 **MS ANDERSON:** Was there discussion with you, because that chaplain has left in late 1978,
11 you've come on board in '79, was there any discussions that you were involved with about
12 finding out what -- how many boys might have been harmed by that chaplain?

13 **DR WILTON:** No, that was never discussed with me. I know that the Board did an investigation
14 at the time and they had a certain number of names, I believe, of boys who were either
15 actual victims or potential victims, and they offered counselling and advice to them.

16 **MS ANDERSON:** There's a reference in the documents, isn't there, that I think you've seen, that
17 in around '92 or '93, the documents relating to that investigation might have been destroyed
18 in some document clean-up process, do you recall that?

19 **DR WILTON:** Yes, I do. It's my understanding, I knew nothing about it at the time, it was
20 something that occurred later, it wasn't the school records, it was the Trust Board records.

21 **MS ANDERSON:** What is the distinction between the school records and the Trust Board
22 records?

23 **DR WILTON:** Well, the Trust Board records related obviously to personal details about the
24 families of the boys. But my understanding was that they had documents relating to the
25 previous abuse situations.

26 **MS ANDERSON:** That that had been investigated by the Board?

27 **DR WILTON:** Yes.

28 **MS ANDERSON:** And so are you saying it was a Board record that would have been destroyed
29 in about '92, '93?

30 **DR WILTON:** I believe so, I mentioned in my report to the Commission that I was under the
31 impression that, well, my memory is that we weren't able to keep such documents in the
32 school premises because they were so sensitive and so many people had access to them.

33 **MS ANDERSON:** And so you've come into the role of headmaster and you've described in your
34 witness statement that the headmaster is the last line of defence for abuse of any kind, and

1 you describe the housemaster having the,-- being the first line of defence. In relation to you
2 describing your role as the last line of defence, why is it that you characterised it in that
3 way?

4 The reason I ask that is, you know, leading from the top, would normally be
5 expected to set the tone and the culture of an institution. So it's interesting that you've
6 considered yourself the last line of defence.

7 **DR WILTON:** Well, I think again, I explained in my submission that a boarding school is a
8 complex place and there have to be levels of management who deal directly with the boys
9 and then report it further up the chain to me. That's all I intend by that comment.

10 **MS ANDERSON:** And we've certainly seen some evidence from survivors of abuse at Dilworth
11 who described the environment at school in the 70s and into the 80s as being a cruel place.
12 Now, so you've come in at the end of the 70s, do you accept that characterisation that the
13 experience of the boys might have been that it was a cruel environment to be living in?

14 **DR WILTON:** I think it probably was. I mean, I wasn't there in the 70s so I can't speak with
15 authority, but everything I have read and heard about things that went on in that period
16 suggest to me that yes, it probably was a very uncomfortable and threatening environment
17 for many boys.

18 **MS ANDERSON:** And in terms of physical violence at the school, in the period in the 80s, I
19 think you say that you took steps to make sure that corporal punishment was phased out, is
20 that right?

21 **DR WILTON:** I did.

22 **MS ANDERSON:** But there's still a lot of reports from survivors of quite a high degree of
23 violence in the living environment there. Do you accept that there was a culture of
24 violence, boy on boy, at the school at that time?

25 **DR WILTON:** No, I wouldn't accept that there was a culture of violence. I think bullying is a
26 problem in all schools, always has been and still is. But I believe that over time we
27 instituted corrections that would enable, or that would prevent that type of bullying from
28 taking place.

29 **MS ANDERSON:** So if you'd seen that kind of bullying in your role as headmaster or had it
30 reported to you, what would you have done?

31 **DR WILTON:** In the first instance, if it was reported to me it would obviously be because it was
32 ongoing and needed my attention. I do recall there were some cases where boys were
33 actually removed or lost their scholarship for bullying that went on.

1 **MS ANDERSON:** I'm going to take you to a document that's dated October 1979. The reference,
2 it will come up on the screen in front of you, is DWS0000901.

3 **CHAIR:** As there's lot of new faces in the back, just to explain that the Commissioners and
4 counsel and the witness can see these documents, but I'm afraid that you cannot, and that is
5 because they contain a lot of material that is private and sensitive and inappropriate to give
6 to the public. So I apologise. Counsel will read out the relevant parts that she's referring
7 to.

8 Thanks, Ms Anderson.

9 **MS ANDERSON:** Thank you, Madam Chair.

10 You've seen this document in the bundle, Murray?

11 **DR WILTON:** I have, yes.

12 **MS ANDERSON:** So it's a couple of months after -- you've arrived in August 1979, that's right?

13 **DR WILTON:** Correct.

14 **MS ANDERSON:** And this is a letter to HH, which will be headmaster, is that right?

15 **DR WILTON:** HM, I think it is.

16 **MS ANDERSON:** HM, difficult to read the handwriting there, but I think we can agree it's
17 addressed to you. And it's reporting a series of references of physical violence on boys by a
18 particular staff member. It refers to a student being hit on the arm that was sufficient to
19 cause him to be treated by the doctor and an investigation revealed he'd been hit on the
20 same spot by a member of staff, a tutor at the house.

21 It says that the same staff member had hit another student hard enough to cause the
22 boy to cry, but the staff member describes both incidents as accidents. There's a further
23 report of a student hit on the back of the head by the same teacher, and then a further report
24 of the physical violence of a tutor twisting the boy's wrists for making a noise in
25 preparation.

26 Would what you have done, do you recall, on receiving a report of this kind of level
27 of violence by a staff member to students?

28 **DR WILTON:** Well, first of all, I need to explain that the house tutors were young men with no
29 training or experience in dealing with young people and they may well have come from a
30 background themselves of violence in the schools that they attended and assumed that that
31 was a way to deal with it at Dilworth. In answer to your question whether I would have
32 dealt with it, if it was brought to my attention I certainly, - I- don't recall the detail of this

1 case, but I am absolutely sure I would have called him, [GRO-B], in and dealt with it
2 firmly and possibly, - I'm- pretty sure that he didn't last much longer in that position.

3 **MS ANDERSON:** But it's an indication of the culture that you inherited when you came into the
4 role.

5 **DR WILTON:** Well, this particular incident isn't a culture of boy bullying, it's bullying by a
6 house tutor.

7 **MS ANDERSON:** That's right, by a staff member.

8 **DR WILTON:** Who was untrained and didn't have the understanding or common-sense to realise
9 that this was unacceptable behaviour.

10 **MS ANDERSON:** And then you've come on board, you've learned sometime at a certain point
11 about the previous chaplain's circumstances in which he left the school, but you don't recall
12 exactly what you were aware of at the time in terms of the nature of the behaviour that had
13 led to his departure from the school.

14 **DR WILTON:** No, I did not know any details at that point.

15 **MS ANDERSON:** And not within your remit at that time to turn your mind to whether there
16 needed to be an investigation as to whether other boys might perhaps have been harmed by
17 that chaplain?

18 **DR WILTON:** Well, you make a very good point and I wish that such an investigation had been
19 carried out. With the knowledge of hindsight I wish I could have that time again, I would
20 certainly have looked into it more closely even though it was not on my watch.

21 Sorry, I missed the second part of your question.

22 **MS ANDERSON:** No, I think you've answered, you've gone to the point of -- I'd asked you
23 whether it was part of your remit to find out whether other boys had been harmed and I
24 think you've answered that you think it would, with the benefit of hindsight, it would have
25 been a helpful thing to do at the time.

26 **DR WILTON:** It certainly would.

27 **MS ANDERSON:** And quite proximate with that you get the report about Rex McIntosh that you
28 refer to in your opening, where he's reported to be taking showers naked with boys. You
29 appear to characterise this as not being something in the nature of sexual abuse. Have I
30 understood your evidence correctly?

31 **DR WILTON:** Yes, you have, except I probably should say that at that time I didn't consider it
32 was sexual abuse. The manner in which it was reported, it came through a young staff
33 member who attended a party near the end of the year with some of the leaving boys who

1 apparently came out with this comment and this young man very sensibly decided to refer it
2 to me.

3 **MS ANDERSON:** And in fact this person was away from the school at the time of this report of
4 abuse and was allowed to resign. Is that right?

5 **DR WILTON:** I had never met Mr McIntosh. He was on a term's leave of absence overseas. So
6 my first encounter with him was to tell him he was on his way.

7 **MS ANDERSON:** But you didn't consider that this was an example of what could be
8 characterised as indecent exposure by one of the staff.

9 **DR WILTON:** Well, certainly, that's what it was, but no, I didn't at that time, it didn't enter my
10 mind that we were dealing with someone who was probably doing much more than that.
11 I wish I had, it should have been done. I say that very clearly, I wish I had been more
12 sensitive to the fact that this was possibly an indication of what he was up to.

13 **MS ANDERSON:** And this is the beginning of a,-- of conduct which I'll characterise, and correct
14 me if I've got it wrong, as offenders being allowed to resign rather than being dismissed.
15 So that's what happened in relation to Mr McIntosh, wasn't it, that he wasn't dismissed, you
16 say that because he would not confirm or deny the allegations, you thought your only
17 option was to ask him to resign.

18 **DR WILTON:** Yes, well, "ask" is a nice way of putting it. We really gave him no option, we
19 said, "You must resign."

20 **MS ANDERSON:** And you say that you've spoken to,-- not a formal report to Police, but you've
21 spoken to a Police liaison officer.

22 **DR WILTON:** Yes.

23 **MS ANDERSON:** And that you've also spoken to the head of King's College who advised you to
24 "get rid of this man as soon as possible".

25 **DR WILTON:** That's correct.

26 **MS ANDERSON:** So that's the sentiment of moving this person on from,-- get the problem off
27 your books but potentially on to somebody else's books.

28 **DR WILTON:** I wouldn't put it that way myself, but I think the culture of the time in all schools
29 was if something of that nature occurred you had to get rid of the problem, talk to victims if
30 there were any, there weren't any particular victims of this event, it was a very
31 unsatisfactory misdemeanour on the part of a trusted employee who should have known
32 better.

1 **MS ANDERSON:** Well, I think a lot of the people listening will find it difficult to hear that
2 indecent exposure characterised as a misdemeanour. Do you want to reconsider the
3 language that you've used there?

4 **DR WILTON:** Yes, all right. In retrospect I would say that it was a very serious offence and
5 that's the reason we took the action we did.

6 **MS ANDERSON:** And you did provide just a very short reference for Mr McIntosh, we'll just
7 call it up because it's very, very --

8 **DR WILTON:** It's not a reference.

9 **MS ANDERSON:** It's not a reference, it's a certificate, a very short document, DWS0000071.
10 You can see there it's just two lines, "There is to certify that Mr McIntosh was employed as
11 a full-time teacher at this school from 1 February 1971 until January 1980."

12 **DR WILTON:** Yes.

13 **MS ANDERSON:** And so that's what you describe as,-- that's not characterised as a reference.

14 **DR WILTON:** It's simply a record of his employment.

15 **MS ANDERSON:** That's right.

16 What was the explanation to the school community for Mr McIntosh's departure?

17 **DR WILTON:** I don't remember with clarity but I'm fairly sure I gave them the basic facts.

18 **MS ANDERSON:** That he'd resigned for serious misconduct or that he'd resigned?

19 **DR WILTON:** No, that he'd been forced to resign for unacceptable, immoral behaviour. I mean,
20 we're talking about something that occurred, if I get my numbers right, something like 43
21 years ago. I don't remember with absolute clarity.

22 **MS ANDERSON:** We're just going to call up the reference that you provided for Mr Wynyard
23 that you've referred to in your opening statement, DWS000922, I think I've got the right
24 number of zeroes there, Felix.

25 So we can see there, can't we, that it's a more detailed document than you provided
26 for Mr McIntosh and that you've described it as being,-- that he brought to the housemaster
27 position a strong sense of duty and responsibility and that it was a great disappointment to
28 you and the school at large when ill health forced his resignation last term. And that's, I
29 think, in your opening statement you've said what you're referring to there is mental ill
30 health.

31 **DR WILTON:** That's correct.

32 **MS ANDERSON:** And I think, again, you say that no one contacted you to ask you about this
33 reference.

1 **DR WILTON:** No, Mr Wynyard went on to teach successfully elsewhere I believe, but I was
2 never contacted by anyone. The reference itself, if you compare it with others that I have
3 written and that I wrote over many years, is very short and in some respects it damns him
4 with faint praise.

5 **MS ANDERSON:** Well, the last sentence says there:

6 "I commend Mr Wynyard to prospective employers as a highly competent teacher
7 who will give valuable service and be an asset to any school."

8 That's a key message.

9 **DR WILTON:** Yes, it is. But if anyone had doubts about him they could have and should have
10 contacted me. Nobody ever did.

11 **MS ANDERSON:** And we know, don't we, from the Operation Beverley matter, that some of the
12 guilty pleas he entered related to events after his employment at Dilworth. Are you aware
13 of that?

14 **DR WILTON:** I'm not aware of that, no.

15 **MS ANDERSON:** And no suggestion of going to the Police at that time.

16 **DR WILTON:** Well, he hadn't committed an offence at that time.

17 **MS ANDERSON:** It seems to be quite a sort of strong insistence of characterising something as
18 not really being abuse. Is that what you're saying?

19 **DR WILTON:** Well, once again, if I had my time again, I would have looked at this much more
20 closely. I didn't do it and I apologise for that.

21 **MS ANDERSON:** We've seen,-- we've heard evidence from, and read evidence from survivors at
22 Dilworth and many other institutions where there's a strong pattern of grooming behaviour
23 leading up to more physical contact types of sexual abuse. So when you're thinking about
24 McIntosh now and Wynyard and what's displayed here, do you accept that there seems to
25 be evidence of teachers grooming boys through showering with them, through having what
26 you described as a relationship with one of them, that it's,-- perhaps grooming wasn't
27 something that was on your radar back as headmaster. Would that be fair to say?

28 **DR WILTON:** Yes, it would be fair. I don't think anyone talked about grooming in those days.
29 Again, if we had our time again I'm certain we would have investigated it more thoroughly
30 than we did. We did, in fact, put quite a lot of time into trying to find out what this episode
31 was about in Mr Wynyard's case and we never, at any point, either from the boy concerned
32 or from him, or from his family, got the impression that it was anything other than a
33 platonic relationships.

- 1 **MS ANDERSON:** So with these incidents from the previous chaplain through to McIntosh and
2 through to Wynyard, do you accept that it would be fair to characterise it as each report
3 being considered as a sort of one-off matter and not really drawing the threads together as
4 to whether there might be a systemic issue within the school that needed to be examined?
- 5 **DR WILTON:** No, because these episodes were several years apart and it didn't occur to me at
6 that time, I wish it had, that we were dealing with something that might have been a thread
7 running through the system.
- 8 **MS ANDERSON:** And then in relation to Mr Cave, who's currently serving an eight -year prison
9 sentence in relation to abuse of Dilworth boys and boys at St Paul's College, you've
10 characterised the report of abuse as "supply of alcohol and one incident of inappropriate
11 touching". So that's what you've --
- 12 **DR WILTON:** Correct.
- 13 **MS ANDERSON:** That's what you say was reported to you. Do you accept that other people
14 might characterise that as getting a young boy drunk and sexually assaulting them?
- 15 **DR WILTON:** No, because it was a fairly sizable group of people who were there, it wasn't just
16 one boy, it's just that that particular boy and his mother had the courage to come forward
17 and report it.
- 18 **MS ANDERSON:** But I'm talking about the actual conduct. So if there was a boy that was
19 inebriated and then one of the staff was inappropriately touching them, that's sexual abuse,
20 isn't it?
- 21 **DR WILTON:** Certainly it is.
- 22 **MS ANDERSON:** And again there's a Trust Board decision to ask him to resign and not to report
23 that to Police.
- 24 **DR WILTON:** The Trust Board certainly made the final decision in these matters, it was not my
25 prerogative to do that.
- 26 **MS ANDERSON:** And you've reached out to [GRO-C] at [GRO-C] and you've got the advice
27 from him, "get rid of the problem quickly".
- 28 **DR WILTON:** Yes.
- 29 **MS ANDERSON:** So you have had that message twice now, haven't you?
- 30 **DR WILTON:** I expect so, I don't recall exactly.
- 31 **MS ANDERSON:** Would you say that was a -- did that surprise you, were you surprised at that
32 response?
- 33 **DR WILTON:** Sorry, which response?

1 **MS ANDERSON:** "Get rid of him quickly".

2 **DR WILTON:** No, not in the climate of the times. I'm sorry, but 40 to 50 years ago things were
3 very different from what they are now. Today, yes, it would be considered much more
4 differently and dealt with much more differently. I accept that and agree.

5 **MS ANDERSON:** Just the reference that we looked at previously, and we're just going to come
6 on to look at the reference you gave for Leonard Cave, when you say that the Board is
7 making all the decisions, are they authorising the content of references that are being given
8 to staff who have been allowed to resign following a report of abuse?

9 **DR WILTON:** No, no, certainly not.

10 **MS ANDERSON:** So they're not involved, it's your discretion.

11 **DR WILTON:** It's my responsibility.

12 **MS ANDERSON:** We'll call that up, DWS0000099, it's quite a densely packed document so we
13 might just call up the last paragraph on that first page. It will just get enlarged on the
14 screen, Murray, so you'll be able to see that.

15 **DR WILTON:** Thank you.

16 **MS ANDERSON:** Just that last sentence, last paragraph:

17 "He's left behind a heritage of fine music and also left his stamp on the new music
18 facility. He will be sorely missed at the school but I fully recognise that having spent
19 almost his entire career at Dilworth he is due for a change and a new challenge. I wish him
20 well in his search for a new position and commend him enthusiastically to prospective
21 employers."

22 Do you think that it was a responsible step to take to provide that comment in the
23 reference for Mr Cave?

24 **DR WILTON:** In retrospect with the knowledge of hindsight, no, I wish I could have withdrawn
25 it. But I think I also explained, in my submission, that I was often called upon by teachers
26 to provide references and I often got them together and had them ready to go if somebody
27 had asked me, as in Mr Cave's case, at a time earlier than these allegations were made, that
28 he was thinking of moving on to a new position. So I suspect, as far as I can remember,
29 that I used the template of the reference that I was putting together for him at an earlier
30 date, and simply put it in the one that he finally went off with.

31 **MS ANDERSON:** But you've issued it with full knowledge of the circumstances in which he's
32 left.

33 **DR WILTON:** Yes.

1 **MS ANDERSON:** Just moving on to the 1994 report of abuse that we've referred to with the
2 anonymised name, that was a report to the deputy headmaster who then informed you, you
3 say that you considered the sexual activity to be consensual and there was an element of a
4 lover's tiff; do you recall that statement in your written evidence?

5 **DR WILTON:** Yes, I do.

6 **MS ANDERSON:** There'll be a lot of survivors who will be wondering how a behaviour by a
7 staff member with all of the authority and mana and control that they will have, the power
8 imbalance between them and a student, that a sexual relationship between a staff member
9 and a student could ever truly be characterised as consensual.

10 **DR WILTON:** Well, I entirely agree with your comment, but at the time that's the way it was
11 reported, that's the way I understood it, and the facts of the case seem to indicate that it was
12 such a situation.

13 It is possible for these things to go on with consent even though it's an evil and
14 shouldn't happen.

15 **MS ANDERSON:** I'm not going to ask you any further questions about that, you've made your
16 view clear. In terms of the examples that I've taken you through, do you accept or reject the
17 proposition that there seems to be an element of minimising the interpretation of the
18 conduct that's occurred, that it's trivialised or minimised in some way? What do you have
19 to say about that?

20 **DR WILTON:** I don't think it was consciously minimised, I think that simply the facts of the
21 earlier cases were such that the impression was given that these were one off events that
22 were not at the high end of sexual abuse offending.

23 **MS ANDERSON:** We know now, don't we, that even, that the measure of the impact and the
24 harm on the victim doesn't necessarily correlate to what you might put on a spectrum of
25 criminal offending from something that would get a lower sentence level than a high
26 sentence level, that the impact is not necessarily correlated to the nature of the abuse, it's
27 the fact of the abuse.

28 **DR WILTON:** Yes, I agree.

29 **MS ANDERSON:** I'm going to bring up document DWS0000214. This is a document that relates
30 to the 1994 matter that we've just mentioned. If we just call up the paragraph "Action."

31 **CHAIR:** Can I just check, is this the one that is subject to the restriction, the suppression order?

32 **MS ANDERSON:** Yes, we won't say the name.

33 **CHAIR:** The name won't be mentioned, thank you.

1 **MS ANDERSON:** No. So we see this person's been confronted by the headmaster, which would
2 be you, has admitted the event and was dismissed. But he wasn't dismissed, was he? This
3 is a note, a record that's been prepared by the school, it's not your note, but it's recorded
4 dismissal as opposed to resignation, a reference to insisting that the counselling be provided
5 to the complainant, and the notation there "there could have been other victims." Do you
6 recall the consideration in 1994 about whether there might have been other victims of this
7 person?

8 **DR WILTON:** Not with any clarity. I know that subsequent events have shown that there were
9 other victims, but at that time I was not aware of it.

10 **MS ANDERSON:** Well, again, and I think you do make it clear in your written statement that you
11 do appreciate that in each of these incidents and collectively, if there had been
12 investigations at the time, as you've said in your summarised opening statement, it could
13 have made a difference to preventing harm to others, and also what I'm suggesting to you, it
14 could have made a difference to finding out those who might have been harmed and
15 actually needed some support from the school for the effect of the harm on them.

16 So my question is, you've accepted in your evidence that further investigations
17 would have been a sensible, helpful thing to do, but do you see that in not undertaking
18 those investigations you've missed the opportunity to find out whether there were boys out
19 there harmed who actually needed help?

20 **DR WILTON:** Yes, I entirely agree with that, and I've said on numerous occasions I wish we had
21 done it better and that we'd made more effort to investigate these things.

22 This document, incidentally, was not written by me.

23 **MS ANDERSON:** No, no, it's not your document, I wasn't suggesting it was.

24 **DR WILTON:** Many years later. So the comment there, "There could have been other victims"
25 has obviously been inserted in there by the person who created that document.

26 **MS ANDERSON:** At the time, and the document's not dated itself.

27 **DR WILTON:** Well, it refers to subsequent events at the bottom, you'll see, which says person
28 called the Board office in 2003 and 2005.

29 **MS ANDERSON:** I'm going to call up a further document, DWS0002169. This is a file note
30 dated in June 2000, so it's been made, it's a document that's been made after you've finished
31 your term as headmaster. I'll just give you a moment just to look at that document. You've
32 looked at this document in the bundle, Murray, do you recall it?

33 **DR WILTON:** I have, but I just need to look at it again.

34 **MS ANDERSON:** Just look at again before I just call out one of the sections.

- 1 This is a file note in relation to the person who's got the name suppression.
- 2 **DR WILTON:** Yes.
- 3 **MS ANDERSON:** And can we call out just the, about the middle of the page where it's referenced
- 4 to somebody speaking to the headmaster Dr Wilton. You see here,-- so a family member is
- 5 said to have come forward to you and basically, and the quotation is:
- 6 "She was basically told there could be no truth in the allegation and that he had
- 7 every confidence in this person as a GRO-B."
- 8 Do you recall having somebody come to speak to you?
- 9 **DR WILTON:** No, because it didn't happen. If it had I would have reacted much more firmly
- 10 than is suggested there.
- 11 **MS ANDERSON:** So you say this is not an accurate.
- 12 **DR WILTON:** It is totally inaccurate. I did not work that way.
- 13 **MS ANDERSON:** Then coming on to 1996, this is where you get a phone call from an Old Boy
- 14 about having been abused by Ian Wilson in the 70s and you say that they're asked to report
- 15 that to the Police. Do you recall that part of your evidence?
- 16 **DR WILTON:** I do, yes.
- 17 **MS ANDERSON:** The document to call up DWS0000097. Just while that's coming up, Murray,
- 18 I'll orientate you. It's a file note dated October 1996 relating to the phone call that's been
- 19 received in July of that year. Again, do you recognise this document that you've seen?
- 20 **DR WILTON:** I do, yes.
- 21 **MS ANDERSON:** This is a note that you've made, haven't you?
- 22 **DR WILTON:** Yes.
- 23 **MS ANDERSON:** And the file note records that this Old Boy is surprised to learn that Ian Wilson
- 24 is still on staff, and tells you that this person should not be in a school environment. Do
- 25 you agree that that is what is on the file note as?
- 26 **DR WILTON:** I agree, that is correct.
- 27 **MS ANDERSON:** And you ask the Old Boy if he knows anything about other staff members,
- 28 that's recorded in this file note, isn't it?
- 29 **DR WILTON:** Must be so, yes.
- 30 **MS ANDERSON:** And there's a reference in here to,-- I'll just see if I can call it up, I'll just get
- 31 my copy of the document. Just turning to the last sentence on the second page, this records
- 32 that "two students have gone to the Police because they were inpatient with what they

1 perceived to be a lack of action on our part", and that "our part" is a reference to the school,
2 isn't it?

3 **DR WILTON:** Yes.

4 **MS ANDERSON:** And that's because they've come forward in July of that year, and this file note
5 is in October of that year. And in fact, Ian Wilson has remained on staff, he hasn't been
6 stood down or anything at this time, has he?

7 **DR WILTON:** No, he hasn't. Because it was an anonymous call and we didn't have any
8 information that would suggest that we needed to look further at that point.

9 **MS ANDERSON:** And this file note records that it's at this point, just on the top of -- the
10 paragraph at the top of page 2, so it's just noting that it's at this point in October that you
11 make the decision to inform the Board. So my question to you is, the reason for that period
12 between July '96, when you've had the phone call, and this file note in October, as to that
13 time period for informing the Board.

14 **DR WILTON:** Because my recollection is that since this was an Old Boy making a complaint
15 from many years previously, before my time, that he should talk to the president of the Old
16 Boys of that time and the president at that time was Ben Barker and my understanding was
17 that he would encourage him and talk to him about making sure that the report was made to
18 the Police. There was a long chapter of failed efforts to get this seen to by the Police at that
19 time.

20 **MS ANDERSON:** But as the school and as the employer, even if Police are taking their time
21 you've still got an obligation to make sure the boys are safe, don't you?

22 **DR WILTON:** Yes.

23 **MS ANDERSON:** I understand that that's the justification for the delay, but it's a period of some
24 months before he leaves the school later in 1996.

25 **DR WILTON:** Correct.

26 **MS ANDERSON:** And we're just going to go to a document, a media article that refers to a
27 reference that you've given in relation to this person, the document number, MSC008682.

28 Turning over to page 2 of that document, there's some references to you saying that
29 "Wilson was a stimulating and inspirational teacher" in this reference and that you've
30 concluded the reference by saying that "Wilson was ready to take on further challenges and
31 new directions" and that he had your unreserved support and encouragement.

32 Now, you say that this was a reference written before July '96, do you? Is that what
33 you say?

- 1 **DR WILTON:** I can't remember the exact date, I don't have a copy of it, I haven't seen it, I'm not
2 sure how Stuff got these extracts from it, but somebody must have it.
- 3 **MS ANDERSON:** Somebody must have it but the school doesn't have it, and the Inquiry doesn't
4 have it, so I'm asking you, these quotations in this media report, does it seem words that
5 you would have used?
- 6 **DR WILTON:** I suspect so, because Mr Wilson was in fact a very outstanding teacher. That's the
7 tragedy of these things, a lot of these perpetrators were in fact outstanding teachers.
- 8 **MS ANDERSON:** That depends on what you're incorporating in that concept of "outstanding
9 teaching", isn't it, whether it's simply about the educational element or whether you're
10 considering that in the round with all of the behaviours and characteristics.
- 11 **DR WILTON:** Well, if I write a reference at a time when I don't know anything about his
12 offending, naturally I'm going to say good things about him.
- 13 **MS ANDERSON:** It seems a curious practice to be keeping references on hand for staff that, like
14 Mr Wilson, have been very long-serving at the school, hadn't he, and you've got draft
15 references on hand for everyone. Is that what you're saying your practice was?
- 16 **DR WILTON:** Certainly not for everyone but there were some people who came to me and said
17 they were thinking of making a move and they would like me to think about writing a
18 reference and I sometimes drafted a reference and just kept it for later use.
- 19 **MS ANDERSON:** But Mr Wilson hadn't given you that indication, had he, that he was thinking
20 about making a move?
- 21 **DR WILTON:** Yes, he had.
- 22 **MS ANDERSON:** When do you say he'd given you that indication?
- 23 **DR WILTON:** At a much earlier date when his wife, who was the school nurse, was coming to a
24 decision that she didn't want to remain in the position, she was much older than him, near
25 retirement age in fact, and they were thinking of making a new start somewhere.
- 26 **MS ANDERSON:** And there's some arrangement for effectively a paid period of leave for him to
27 finish up and some payments to Mr Wilson in respect of his resignation, is that right? Do
28 you recall that?
- 29 **DR WILTON:** I'm not clear on my memory of this, but I believe that he was, instead of his three
30 month notice, he was asked to go immediately and the Board agreed to pay him the time up
31 to that three month notice.
- 32 **MS ANDERSON:** And then,-- we're not going to go to the document, but you also say that, as
33 you said in your opening, you've provided a reference for Chaplain Browne after you'd
34 ceased your period as being the headmaster and he'd approached you directly, and you

1 didn't know anything about the circumstances in which he'd left the school. So my question
2 to you is, do you think that's a policy or protocol gap where somebody like yourself can be
3 put in that position of being asked for a reference and providing it, having no knowledge of
4 the abuse circumstances that had actually led to his departure from the school?

5 **DR WILTON:** Well, I expect you could describe it as a protocol gap,-- is that what you said,
6 policy gap?

7 **MS ANDERSON:** A protocol or policy. So when you left the school there was no policy that you
8 were required to adhere to if any former staff members approached you for a reference?

9 **DR WILTON:** No, not at all, but I was quite often asked by former staff to write references for
10 them.

11 **MS ANDERSON:** And you make one comment in your witness statement that I'm just going to
12 repeat to you and give you an opportunity to clarify what it was that you intended to convey
13 by that relating to Ross Browne. Because you say on page 23 of your witness statement,
14 you have the question: Was Ross Browne really guilty of the accusations against him? Do
15 you recall making that statement in your witness statement?

16 **DR WILTON:** I do, yes.

17 **MS ANDERSON:** And when you've given your statement, of course Ross Browne's already been
18 convicted, hasn't he, in December last year?

19 **DR WILTON:** Correct.

20 **MS ANDERSON:** So what were you intending to convey with that question that you posed?

21 **DR WILTON:** I wish I hadn't put it in there now of course, but Ross Browne had sent a message
22 to quite a number of his family and friends, and it came to me as well, indicating that he
23 was not guilty of the charges but that he couldn't afford the cost of a long drawn out court
24 case at the end of which he might still be found guilty. So he decided to plead guilty even
25 though he wasn't. That's the reason I say, "Was he guilty?"

26 **MS ANDERSON:** So do you have a personal view about whether he's,-- the victims who have
27 come forward reporting abuse by him are telling the truth and should be believed.

28 **DR WILTON:** Yes, I believe they should be believed, I think it's absolutely correct.

29 **MS ANDERSON:** And it probably was an unfortunate way that you phrased that.

30 **DR WILTON:** Yes, it is, and I'm sorry, I withdraw it.

31 **MS ANDERSON:** Just drawing the threads together from the evidence that we've covered, the
32 propositions I want to put to you, and this is your opportunity to say what you want to say
33 in relation to each of them: The first proposition is that there's a clear pattern of failing to

1 investigate in respect of all the reports of abuse you were aware of during the two decades
2 you were headmaster.

3 What do you say to that?

4 **DR WILTON:** I say there's a clear pattern of inadequate investigations in the early stages but
5 over time we reached the point where we dealt with things in the manner in which they are
6 today.

7 **MS ANDERSON:** And do you agree that there's a pattern of really no support being provided to
8 boys who might be harmed, have been harmed by some of the teachers, the witness
9 statements that you've seen, Neil Harding abused by the chaplain, nobody came and sought
10 him out, the other witness statement, that it was one of those students whose, before your
11 time, but whose mother got a letter suggesting that her son might be a victim of abuse but
12 never any direct approach to that victim, to talk with him about what had happened, and we
13 see that through these other series of responses to reports of abuse, that there's just nothing
14 in them or evidence of what was actually done to support the boys.

15 **DR WILTON:** Well, because it isn't recorded doesn't mean to say it doesn't happen. I know for a
16 fact that we tried to identify victims and to offer them support. Unfortunately, a lot of that
17 support was in the hands of Ross Browne. And in retrospect, clearly that was totally the
18 wrong person. But that was our only option at that time.

19 **MS ANDERSON:** And do you agree that with all of the events leading up to 1996, we've just
20 finished talking about Ian Wilson, that the type of inquiry that the Trust Board has initiated
21 now in 2021, to find out the nature and extent of the abuse at the school and what needs to
22 be done for the boys, that in fact there was enough information there at that time that could
23 have and should have led to actions by the Board to actually ask the questions that are
24 being asked now back then in 1996?

25 **DR WILTON:** Yes, I agree with that, that's correct.

26 **MS ANDERSON:** Finally, before Commissioners have an opportunity to ask you any questions,
27 in relation to the proposition that there was a deliberate lack of interest in finding out the
28 nature and extent of abuse at the school, do you agree that there was a,- it can be
29 characterised as a deliberate lack of interest in uncovering that?-

30 **DR WILTON:** No, I would not characterise it as a lack of interest. I was concerned for the
31 welfare of the boys. I was an Old Boy myself. I think that we didn't do enough to
32 thoroughly investigate in those times, but I would not say that we ignored it or did not wish
33 to pursue it.

1 **MS ANDERSON:** So what is the reason, do you think, for not initiating those investigations back
2 then? If it's not lack of interest in understanding the extent of the problem, what was the
3 reason, do you think?

4 **DR WILTON:** Again, I'd say it's not lack of interest, certainly it was lack of knowledge, lack of
5 understanding, lack of competence and support programmes that would have enabled us to
6 carry out a proper investigation.

7 **MS ANDERSON:** Thank you, Murray, that's all the questions I have for you.

8 The Commissioners may now have some questions for you.

9 **CHAIR:** Thank you, Ms Anderson, I'll just check with my colleagues.

10 Dr Erueti will ask you some questions.

11 **COMMISSIONER ERUETI:** Tēnā koe, Mr Wilton.

12 **DR WILTON:** Tēnā koe.

13 **COMMISSIONER ERUETI:** I only have a question about the redress programme because we
14 won't be discussing that this afternoon, wait until tomorrow, but I wondered whether you
15 had an opportunity to review the terms of reference and if you had any opinion about the
16 terms of reference for the programme.

17 **DR WILTON:** I have not been consulted, I wasn't asked to give an opinion on any of that. I
18 would happily have assisted if they'd asked.

19 **COMMISSIONER ERUETI:** I've just been looking at it briefly, and in clause 8 I think it is, it
20 talks about,-- I'd be interested just to get your views on this about the scope of the terms of
21 reference, it talks about sexual abuse, this is experienced by any former student in their
22 time if they were subjected to sexual abuse and serious physical abuse by representatives of
23 Dilworth.

24 I wonder if you had any views on that, whether it's broad enough, for example?

25 **DR WILTON:** Well, I wasn't aware, or perhaps I hadn't read it thoroughly to know that they were
26 talking about other forms of abuse. I presumed it was just sexual abuse. I also assumed it
27 was sexual abuse by adults on children, not boys on boys. Is that what you're referring to?

28 **COMMISSIONER ERUETI:** It says "representatives of Dilworth", so I assume they're talking
29 about teachers in that context.

30 **DR WILTON:** Must be employees then, yes.

31 **COMMISSIONER ERUETI:** That's right, the employees, yeah. But you didn't have any opinion
32 on "serious physical abuse", about whether that was too limited or whether it should
33 include all forms of physical abuse?

34 **DR WILTON:** I would agree that it probably should, yes.

1 **COMMISSIONER ERUETI:** The second clause in A talks about sex,-- it's now talking about
2 peer on peer abuse. It does talk about sexual abuse but it's only limited to sexual abuse, it
3 doesn't include physical abuse, and I just wondered if you had a view on that, whether you
4 think it would be fair to include physical abuse as well as sexual abuse by fellow students?

5 **DR WILTON:** I find it difficult to answer that because history shows that abuse in the form of
6 bullying was endemic in all schools and it hasn't gone yet, it's still there and takes different
7 forms, as we know. But I personally think yes, that they should include that form of
8 bullying.

9 **COMMISSIONER ERUETI:** Okay, thank you. Thank you for your time, tēnā koe.

10 **DR WILTON:** Tēnā koe.

11 **CHAIR:** Sandra, do you have any questions?

12 **COMMISSIONER ALOFIVAE:** I do.

13 Talofa Murray, just a couple of questions from me, please. I don't want to assume
14 anything and I've heard your answers very clearly this afternoon, so thank you very much
15 for that. I just want to understand what you personally considered abuse to be back in the
16 period when you were headmaster.

17 So in terms of the incidents that we've been discussing this afternoon with Rex
18 McIntosh, so the showering naked, so from one end to the other end, where there's the
19 general restriction order where that particular teacher was referred to the Police and you felt
20 was a lovers' tiff, are you able to just help me understand so I'm not assuming anything
21 about what your personal understanding of what sexual,-- what abuse was, let's just use that
22 phrase?

23 **DR WILTON:** In the case of McIntosh and his naked showering, as I've suggested, it was quite
24 probably an indication that something else was going on, and I admitted and accepted that
25 we should have investigated it more thoroughly. It happened very early on my watch, I was
26 new to the job, I had no experience of this sort of thing before, I'd never heard of anyone
27 doing such a thing, and unfortunately I didn't put two and two together to work out that
28 something else may have happened.

29 **COMMISSIONER ALOFIVAE:** And then coming to the other end where the general restriction
30 order applies, was that because you were aware that it was actually a criminal act, it was
31 actually against the law for an adult to be having sexual relations with a minor, why it was
32 reported to the Police?

33 **DR WILTON:** Yes, absolutely.

1 **COMMISSIONER ALOFIVAE:** So just on that note, we've heard a lot of evidence from
2 survivors, including Dilworth, around the imbalance of power around teachers and students.
3 So it's really hard to say what's consensual, what's not, the law is very clear in terms of the
4 current age. I'm asking you a question really about the future for your views.

5 Do you think the law should be changed specifically for the school population
6 where most children, there's an expectation that they would be in school until about 17, 18,
7 that actually that particular cohort, that it should actually be lifted to, say, 18 years?

8 **DR WILTON:** I would totally agree with that. I think any sort of contact of that kind between a
9 student and a teacher or employee in a school is totally abhorrent and should not happen,
10 I totally agree it should be raised.

11 **COMMISSIONER ALOFIVAE:** So you would support, then, a national conversation around
12 that, how else can we protect our students in our schools, that's but one lever?

13 **DR WILTON:** Yes, absolutely. One problem with it is if it's allowed for a certain group because
14 of their age then it becomes more possible that it will happen with the younger ones.

15 **COMMISSIONER ALOFIVAE:** Thank you very much, no further questions.

16 **CHAIR:** Do you have some questions?

17 **COMMISSIONER GIBSON:** Yes.

18 I understand that when one person was leaving the school you said it was because
19 of, -- he was resigning for reasons of ill health, the implication being mental health.

20 **DR WILTON:** Yes.

21 **COMMISSIONER GIBSON:** We live in a time where we're trying to destigmatise issues of
22 mental health and recognise something different there. Were you conflating mental health
23 with child abuse at the time, or what was happening? Can you explain that a bit more to
24 me?

25 **DR WILTON:** No, I was not associating the actions of that particular person with child abuse at
26 that time. It was an inappropriate connection that didn't make sense to any of us. It clearly
27 did to Mr Wynyard but it didn't to us, so that's why we asked him,-- first of all, we gave
28 him the option to desist, but he took the course of saying, "No, I'm not going to, so I'll
29 resign."

30 Does that answer your,-- is that what you wanted me to say? Sorry, I'm not sure if
31 I answered.

32 **COMMISSIONER GIBSON:** I just wanted to understand your truth as opposed to wanting you
33 to say anything in particular, but thank you.

34 **DR WILTON:** Okay.

1 **CHAIR:** Murray, I am the last one on the list and I've just got one question, and I'll explain why
2 I'm asking it. Obviously this Royal Commission is based very much on the survivor
3 accounts and to that extent we've listened to many individual accounts and we're putting
4 those together in a way that shows us some patterns. The reason for that is that we are
5 required to look at the systemic reasons for the abuse and neglect of children, young
6 people, vulnerable adults. So what I'd like to ask you about is the systemic nature of what,
7 and now, using your word, hindsight, has happened here.

8 You referred to "bad apples" at some stage and it seems to me,-- what did you mean
9 by that when you were talking about "bad apples"?

10 **DR WILTON:** Well, just the figurative term relating to,-- we had some obviously totally
11 misguided and evil men on our staff, a small number comparatively, I mean, any number is
12 wrong, but comparatively they were a small number, and the bad apples could infect others.

13 **CHAIR:** Yes, I think that's maybe put the finger on it, because I know some people would think if
14 you say it's a few bad apples and it's just a few isolated incidents that are unrelated and it
15 relates to the character of those individuals. The other way of looking at it and the way I
16 think many survivors look at it and indeed experts who we have heard from, indicate that
17 these bad apples are only there because they're tolerated more or less, that there's something
18 in the systems in the institution that either allows them to come in, allows them to
19 perpetuate the abuse and allows them to get away with it.

20 So I'm just asking whether in the course of this intensive preparation you've done
21 for us, whether that's occurred to you that there was something in the air, something in the
22 culture of that school at the time that, unwittingly to you, allowed this to carry on, and it
23 wasn't just a few perverted individuals, but a systemic thing going on?

24 **DR WILTON:** Yes, I think I would agree with you that there was a pattern emerging, it's clearer
25 to us in retrospect, obviously, than it was at the time. When you're in the place and you're
26 dealing with thousands of other things every day, those sorts of issues don't always become
27 clear to you when you're dealing with the isolated reports, which is what they were at that
28 time.

29 **CHAIR:** But looking back now, as we can, do you think there were things, systems in the school
30 that allowed this to happen?

31 **DR WILTON:** Yes, I've pointed to the fact that some of the physical amenities of the school were
32 very unsatisfactory in the 1970s and I ensured over the time that I was there that those
33 things were eliminated, that we improved the facilities so that there was a more open space
34 for visibility. The old house in which some of those victims lived was a rabbit warren of

1 little cubby holes and hiding places that probably made it more possible for people to
2 offend.

3 **CHAIR:** So that's the physical aspect of the whole thing. What about oversight and people
4 keeping a close watch? Do you think there was a lack of that, I think you've already
5 referred to that.

6 **DR WILTON:** Yes, it was inadequate in those early days and that was another thing that
7 I accomplished in my time was to persuade the Board that we needed much better
8 supervision to be able to ensure the safety of the boys.

9 **CHAIR:** Yes. Finally, is there anything final that you'd like to say before we close and before
10 I thank you. Anything you'd like to say? You've been very generous with your time but
11 just I want to give you a final opportunity.

12 **DR WILTON:** No, I just want to thank you for the opportunity to appear before you and to give
13 my version of events such as I can remember it at my advanced age and such a long time
14 ago, but I thank you for the opportunity.

15 **CHAIR:** Well, then, it remains for me to thank you, because it is a long time and I think you've
16 presented, if I can show the world, a large document of detailed remembering way, way
17 back and for that we are very grateful, and I think it's important that the number of men in
18 the room who have sat and listened today have heard your version and it's important that
19 happened.

20 So the Commissioners thank you very much I indeed.

21 **DR WILTON:** I wish you well in your deliberations.

22 **CHAIR:** Thank you very much. And thank you to your two supporters who have stood loyally
23 beside you, I'm sure it's been very important to Murray you've been there.

24 On that note, it is our custom to close with karakia, if you'd like to stay there and be
25 part of it you can, if you'd like to leave, it's up to you, but kua mutu aku mahi i tēnei wā,
26 can I, ka kaumatua, kei a koe to karakia.

27 **Hearing adjourned at 5.16 pm to Thursday, 20 October 2022 at 9 am**