

**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

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Ms Sarah Kuper and Mr Matthew Hague for the Presbyterian Church

Venue: Level 2
Abuse in Care Royal Commission of Inquiry
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AUCKLAND

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TRANSCRIPT OF PROCEEDINGS

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Adjournment from 11.01 am to 11.21 am

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

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

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

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

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

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

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

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**