

**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'imua Sandra Alofivae
Paul Gibson

Counsel: Mr Simon Mount KC, Ms Kerryn Beaton KC, Ms Katherine Anderson, Ms Tania Sharkey, Mr Michael Thomas, Ms Kathy Basire and Ms Alisha Castle for the Royal Commission

Ms Rachael Schmidt-McCleave and Ms Julia White for the Crown

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

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

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TRANSCRIPT OF PROCEEDINGS

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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**