

**ROYAL COMMISSION OF INQUIRY
KŌMIHANA A TE KARAUNA**

**In the matter of the Royal Commission of Inquiry into Historical Abuse in
State Care and in the Care of Faith-based Institutions Order 2018**

PRESBYTERIAN CHURCH OF AOTEAROA NEW ZEALAND

RESPONSE TO NOTICES TO PRODUCE 523 AND 530

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Introduction

- a) The Presbyterian Church of Aotearoa New Zealand (“the Church”) has a policy of zero tolerance of abuse of people in the case of the Church. We know this policy has not been consistently and thoroughly applied. For this we are deeply sorry.
- b) We are extremely troubled that trust placed in the Church has been broken by the abuse of people in our care. We have worked to reach out to those affected to offer our sincere apology, pastoral care, and support.
- c) Our theology leads us to affirm that the Church is a public institution with public accountability. We seek to learn and reform the Church, taking into account, among other things, societal understandings and professional advice. We have sought to change policies and procedures when our approaches were thought to be, or were shown to be, unfair and unsafe. We welcome the work of the Royal Commission in this ongoing process.
- d) As far as we have been able, we have apologised directly to those we have failed and we continue to offer support.
- e) We affirm the rights of those who have been abused to determine how they wish to engage with us and to decide what they need from us; we do not wish to cause further harm or distress.
- f) As you read the following you will find that some responses are similar where a response is relevant to more than one question. In these instances, we have duplicated this part of our response to assist the reader.

NOTICE TO PRODUCE 523

Looking back

From 1950 until present day, please explain:

- 1) With the benefit of hindsight, what are the biggest mistakes PCANZ has made that enabled abuse against children, young people and vulnerable adults in the care of the faith to occur? Why were these mistakes not identified and addressed sooner?
 - a) The Church has always had a Book of Order that, among other things, states behavioural expectations for those stated, especially at times of ordination and induction of ministers and elders. The Church also seeks to communicate expectations in its regular gatherings and in its reflections on the Bible. Over time, the Church has made certain behavioural expectations more explicit as in its adoption of a Code of Ethics in relation to pastoral care in 1995. However, the Church is a geographically diffuse and ethnically diverse organisation. We recognise that the Code is not consistently upheld and breaches are not consistently reported. The Church has learned that it needs to be more active in education relating to its Codes and in making explicit the expectation of reporting. It has also learned that it must make more requirements relating to safety binding on every part of the Church.
 - b) In some congregations, the value of inclusion was interpreted in such a way that people who might pose a risk were not removed from unsupervised participation in the Church where there might be association with children, young people and vulnerable adults. In its policies, the Church more clearly states that safety is the paramount value and limits must be placed on participation in proper circumstances.
 - c) The Church has sometimes been reluctant to make binding rules, especially where there might be difficulties in enforcing them. In some circumstances this may have communicated that enforcing standards locally was discretionary. The Church has learned, especially from overseas partner churches such as the Uniting Church in Australia, that making obligations explicit is essential for safety.
 - d) After the enactment of the Employment Relations Act 2000, the Church adopted a Conditions of Service Manual that set out national expectations for employing staff at all levels, including at individual parishes. Until then, there was considerable variance in local practice. That continues to some extent. Also, robust processes were not always followed in relation to appointing people to unpaid roles. This meant that the processes for appointing people for the care of children, young people and vulnerable adults were insufficiently rigorous. In 2018, the Church adopted a binding Child Protection Policy to more clearly state expectations. For example, people working or volunteering with children, including ministers, are required to have a satisfactory Police check. There is also a mandatory reporting to Police or Oranga Tamariki requirement when there are allegations of abuse against children and young persons.

- e) There is an issue of organisational culture. Church people often see their local congregation in an informal way. There can be resistance to what is seen as the importing of formal processes especially when a large number of congregations have a small number of participants. This applies in a range of areas, including in appointing volunteers, in communicating expectations and in ensuring safety. The Church has sought to address this through being more active in education and being more explicit in stating national expectations. For example, Ethics Workshops which are delivered regularly and are a requirement for ministers and certain other roles, include content on preventing and reporting abuse.
 - f) In some situations, people in congregations could not imagine that the ministers, elders or leaders they knew would cause harm. There was sometimes strong resistance to involvement by wider Church authorities. There was a dynamic of protecting the congregation from outside interference. In such situations, the Church has learned to be more determined in its processes.
 - g) Loyalty to ministers, elders, leaders and those trusted by the congregation led some local leaders to discount complaints. As a result, complaints were not communicated to the proper Church authorities or to the Police. Complainants felt isolated and unsupported. They did not have the strength or confidence in the Church and its processes to pursue their complaint. In some instances, Church mistakes in processes at an early stage discouraged further pursuit of the complaint. The Church is now more explicit and more active in support of complainants, including in financial support where that is needed. The Church has learned that it needs to be continually active in education and in publicising its processes. It has also used its theological resources in critiquing its own abuse of power.
 - i. Despite its aspirations, the Church knows that its behaviour over the years has not been better than other bodies. There must have been times when there was a reluctance to confront abuse. This must have meant that people were unable or unwilling to actively respond to the risk of abuse and to respond properly if abuse was seen or reported.
 - ii. In all of these cases, we feel shame and sorrow that our failures have contributed to the harm suffered by those who have been abused. We want to offer appropriate amends and offer appropriate forms of support.
- 2) With the benefit of hindsight, what are the biggest mistakes PCANZ has made in relation to responding to reports of abuse? Why were these mistakes not identified and addressed sooner?**

As with the response above, there are some common themes that have been identified:

- a) Until 2006 when the Book of Order was substantially rewritten, complaints that did not relate to ministers or sexual harassment could be dealt with by local church councils and were only escalated at the discretion of the local leaders. The then Book of Order provided that complaints could be dealt with by “private dealing”. A process of “formal inquiry” applied to more serious complaints. The Church

recognised that this left too much discretion with local leaders. In the early 1990s, the Assembly adopted a process by which presbyteries or regional bodies attended to complaints of sexual harassment. There were more detailed provisions that took more account of the principles of natural justice. The changes were made in response to the surfacing of more complaints in the Church and in wider society. When the Book of Order was substantially rewritten in 2006, no complaints could be dealt with by local church councils. The Book of Order introduced language used for other professions such as “conduct unbecoming” and processes more aligned with other professional bodies.

- b) Some allegations of abuse were not reported by the people who received the complaint or became aware of it. Often, it seems that the reason for failing to report an allegation was a misplaced desire to not escalate the matter and ‘protect’ the person who had been abused and other innocent parties affected. In other cases, it was because the person who had been abused was not believed, or because of an unacceptable sense of loyalty towards the perpetrator. Whatever the reason, the failure to report an allegation meant that it could not be properly investigated, and the perpetrator may have been able to continue their abuse.
- c) In some cases, the person who had been abused or those who witnessed it may have not known how to report abuse, or they might have been afraid of being disbelieved. This was particularly the case historically, when talking about abuse, particularly sexual abuse, could be less acceptable in the same way that talking about other sensitive topics like divorce, abortion, etc was taboo.
- d) Sometimes the Church has struggled to balance natural justice obligations to everyone, including the perpetrator, while still keeping the person who had been abused central in the process and validating their experiences. It appears that there was a period when, with a change of personnel, a previous focus on supporting the complainant in the Church’s process became compromised so that the complainant became the “driver” of the process. When the risk was recognised, the process reverted to more actively support the complainant.
- e) There was a matter in the late 1990s where a complaint of abuse was made against a minister. When the process was underway and the minister was about to be disciplined, the minister resigned from the Church and the ministry. At the time, the Church did not provide for a process to continue once the minister went beyond the jurisdiction of the Church. The Book of Order was amended at the next General Assembly to ensure that a process once begun could continue if a person resigned.
- f) Sometimes people within the Church have taken a narrow approach to the issue of abuse, removing the perpetrator from the area they had responsibility for but not considering the risk the perpetrator posed in other areas.

That these failings were not identified and addressed sooner was often the result of lack of knowledge, lack of previous experience, poor judgment and at times incompetence. There have been rare occasions where a deliberate attempt at suppressing reports of abuse was made.

Looking forward - prevention/response/monitoring and oversight

- 3) What are the most important changes that need to be made by PCANZ to protect children, young persons and vulnerable adults in the care of the faith from abuse?**

- A. How would you design and implement these changes?**
- B. What changes are needed to ensure there is adequate monitoring and oversight to ensure relevant safeguarding policies and practices are delivering the intended outcomes?**
- C. What are the timeframes for such changes?**
- D. In 2018 the Church adopted a binding Child Protection Policy which was widely publicised through the Church. It is presently being reviewed and rewritten to make it more accessible to a wider diversity of people. A new Policy will be adopted by June 2023. Once adopted, national staff will ensure it is widely publicised through the Church so that child safety becomes more deeply embedded in the culture of the Church. Staff will also review the system of regional and local Safety Officers and continue the work of improving processes and support.**
 - a) The Church continues to review information gathered for the Royal Commission to identify further steps that can be taken to improve processes and address any organisational culture issues. A report regarding this work will be provided by the Council of Assembly for the General Assembly meeting in 2023.
 - b) The Church will, over the next year, while protecting confidential information, communicate to its members what it has heard through the information provided by the various parts of the Church to the Assembly Office for the Royal Commission. In this way, it plans to alert the whole Church to the need for vigilance in ensuring safety and to make the whole Church aware of how abuse occurs in the Church.
 - c) The Church will strengthen its Code of Ethics training. Information gathered for the Royal Commission is being used to create new training scenarios that reflect real examples of abuse. These training scenarios have been delivered at Ethics Workshops that are delivered at least every two years to ministry workers. Ethics Workshops will be reviewed and, if need be, strengthened in relation to the training of ministers, elders and other leaders including those who work with children and young people. A review will be undertaken to identify those ministers who have not undertaken Code of Ethics training and appropriate action taken in relation to them.

- d) We will review how we can better resource the people and processes we have in place to prevent abuse, and review how we respond to reports of abuse. Some specific examples are:
 - i. Better guidance and access to information for people who have been abused, and for those in positions of responsibility for the care of children, young people and vulnerable adults.
 - ii. Better training for those who are in positions of responsibility for the care of children, young people and vulnerable adults, and those who may be the first to receive a report of abuse.
 - iii. The person who has been abused needs to be better supported through the reporting and complaints process.
- a. Although our focus has been on our own systems, the overarching goal is to prevent abuse and respond appropriately when it happens.
- b. Changes will be designed and implemented in collaboration with people who have been abused and their families, and specialists in this field.
- c. We seek to work closely with other churches, including for example the Uniting Church in Australia, in continuing to make improvements in our own processes. An example is that the Child Protection Policy became binding as a result of learning from the experience of the Uniting Church.
- d. We also will rely on the findings of the Royal Commission for insight and direction on how we can better protect children, young people and vulnerable adults.

4) What are the most important changes that need to be made to the way PCANZ responds to reports of abuse?

- A. How do you intend to design and implement these changes?**
- B. What changes are needed to ensure there is adequate monitoring and oversight of responses to reports of abuse?**
- C. What is the timeframe for such changes?**

- a) Our current system involves:
 - i. Notices in a prominent location in every church building of how to make complaints and to whom complainants can go for support;
 - ii. A national network of contact people to whom complainants can go, which is available to all complainants at the earliest opportunity;
 - iii. A national Complaints and Disputes Manager to whom people can go directly if they wish and whose contact details are publicly available, who coordinates the national complaints

system, and to whom ministers and others are encouraged to go for advice and action when a matter is of a serious nature or might involve a crime;

- iv. If a matter is one that might involve a crime, support is given to enable the complainant to go to the Police and the Complaints and Disputes Manager is required to support the Police in their processing of a complaint;
 - v. A panel of competent persons from which assessment committee members are appointed to attend to complaints;
 - vi. A panel of qualified persons from which members are chosen for judicial bodies including disciplinary commissions;
 - vii. In 2021, the General Assembly adopted amendments to the Book of Order that, while ensuring consistency, provided more responsiveness to particular circumstances in the disciplinary process and required all complaints to be forwarded to the Complaints and Disputes Manager within 10 working days.
- b) Before June 2023, we will undertake a review to determine:
- i. The coverage of the notices required in every church and to attend to where there is lack of coverage;
 - ii. The capacity of the local contact persons who can support complaints to undertake their work and steps needed to remedy incapacity.
- c) We will immediately institute a policy by which the Council of Assembly reviews the reporting and recording processes of every complaint at least every two years.
- d) In 2024, the Book of Order Advisory Committee, the body that attends to ensuring the Church's processes are regulated and legislated, will review the processes rewritten and adopted in 2021, and identify any further needed amendments, including in response to the findings of the Royal Commission.
- e) The Book of Order Advisory Committee will present to the next Assembly a proposal that every person being ordained as minister, elder or deacon sign the Church's Code of Ethics at the time of their ordination. As these services of ordination are frequent and involve congregations, this action should heighten the Church's awareness of and commitment to this aspect of the Church's life and the steps that follow a breach of the Code.

5) What barriers to disclosure continue to stop survivors from reporting abuse? How do you intend to reduce or eliminate these barriers?

- a) The harm caused by abuse in the context of a faith-based institution is a fundamental breach of trust experienced by the person being abused. A perpetrator will often take advantage of the trust that a person being abused has in the Church, and in many cases, the

perpetrator. When this trust is broken, it makes it difficult for a person being abused to have trust that the same organisation that the abuse happened in will receive their complaint and act appropriately to take proper action.

- b) Some perpetrators are in positions of power over the person being abused, for example a youth leader or minister. For someone being abused, reporting that they have been abused by a person in power, a person they see others trusting and respecting, can be especially difficult. A person being abused may doubt they will be believed.
- c) Some perpetrators use faith to manipulate the person being abused. They may tell them that the abuse is between them and God, or that it is unchristian to report the abuse to authorities. They may ask the person being abused to forgive them, and then pressure the person being abused to remain silent by wrongly claiming that is what forgiveness requires.
- d) In seeking to reduce and eliminate these barriers, the Assembly Office will ensure there is consistent, clear and regular communication of the standards of the Church in relation to safety, its zero tolerance of abuse, and the ways in which complaints can be made. Without breaching confidentiality, the Assembly Office will also communicate, in ways similar to other professional bodies, what the Church is learning from situations of abuse experienced in the Church.

Record keeping

6) What issues, if any, have you identified with PCANZ's record keeping policies and practice relating to reports of abuse? How do you intend to improve current record keeping policies and practice?

- a) The Church has always had a disciplinary process. Throughout its history, the Church has disciplined ministers, elders, leaders and members. Ministers and elders have received various sentences, including suspension and dismissal.
- b) The discipline processes for members and elders has a history from Scotland of people, for example, being excluded from participating in Holy Communion by decision of the church council. While these processes became much less strict over time, the fundamental structures remained until 2006. Processes undertaken locally led to decisions that were not communicated beyond the congregation until the Church put in place reporting requirements.
- c) For much of its history, in relation to ministers, discipline processes were undertaken by regional bodies called presbyteries. There was a right of appeal to the highest court of the Church, the General Assembly. When presbyteries undertook such processes, they normally received support from nationally appointed judicial advisors. Information was shared with the Assembly Office.
- d) In the early 1990s, the Church adopted disciplinary processes specifically relating to sexual misconduct. This included aspects of

abuse of children, young people and vulnerable adults. These records were kept in the Assembly Office.

- e) In the 1990s, the Church adopted a system whereby the Assembly appointed a panel of people to serve on specialised judicial bodies. Such bodies normally were chaired by legally qualified persons or had a judicial advisor. This was to ensure more consistency of quality in decision-making. The records of processes relating to these tribunals were kept in the Assembly Office.
 - f) In 1996, the Assembly instituted a system that recorded every potential complaint, some of which became formal complaints. These continue to be kept in the Assembly Office. Older files, usually from prior to 2000, are kept by the Presbyterian Research Centre.
 - g) Through these years, the disciplinary processes were mostly administered by or in consultation with the Church's national secretary, the Assembly Executive Secretary.
 - h) In 2006, a Complaints Manager role was established, and disciplinary processes continued to be administered in consultation with the Church's national secretary, the Assembly Executive Secretary.
 - i) The Church has a Presbyterian Research Centre which keeps its archives. There are gaps in some of the records relating to the time when church councils and presbyteries undertook disciplinary processes.
 - j) Throughout its history, when a minister was suspended or removed from office, this was advised to the whole Church and reported to the General Assembly. Until 1998, the General Assembly met annually and comprised ministers and representative elders from every congregation. Since 1998, the Assembly has usually met biennially.
 - k) The quality of local and regional record-keeping has varied. Often these records were transferred to the Presbyterian Research Centre, but sometimes they were not.
 - l) The Centre keeps extensive records. It can be difficult finding records that relate to specific topics.
 - m) The way that reports of abuse were recorded also varied. Sometimes information was retained locally because of concerns about confidentiality. This means that when people moved on from their role, this information could be forgotten or lost.
 - n) The Church has a dedicated archives workgroup which is well resourced. However, we think we can improve record keeping practices and policies by issuing policy about the storage and retention of documents, specifically to make clear what information should be passed to archives once it is not required locally.
- 7) There has been poor recording of ethnicity of survivors reporting abuse by faiths (and the State). What changes are you planning to make in relation to recording survivors' ethnicity?**

- a) The Church believes that the recording of ethnicity is a matter of choice for those who have been abused. If an individual wishes us to record their ethnicity we would do so. If they wish us to also record their gender and/or sex we will. We will always be led in our interactions with people who have been abused by them.
- 8) Does PCANZ collect data about its members who have a disability or mental health condition? If not, what changes are you planning to make in relation to collection and/ or recording of such data?**
 - a) The Church does not keep data about its members who have a disability or mental health condition. Such information may be known informally in congregations but we do not have a policy of recording such information. We sense there would be resistance to doing so as impacting on the privacy that individuals value.

Governance/Rangatiratanga

- 9) What do you consider is the role and responsibility of faith-based governance and management bodies in ensuring that Māori can exercise their rights as guaranteed by Te Tiriti o Waitangi in Aotearoa New Zealand? Does the answer change if faith-based governance and management bodies are exercising powers that the Crown has delegated to them or are funded by the Crown to deliver?**
 - a) The Church's Book of Order includes this provision within its first chapter outlining the Church's constitution: "It is within the Treaty of Waitangi (Te Tiriti o Waitangi) that the Church recognises a bicultural partnership between Te Aka Puaho and its other church courts. These bicultural partners work together within the mission of God."
 - b) Te Aka Puaho is a national presbytery of the Church. It was formed in 1952 and is the formal body with which partnership has been exercised.
 - c) For many years that partnership was managed by an Assembly committee that contained representatives of the Assembly and Te Aka Puaho. More recently, Te Aka Puaho has been more directly engaged with the Church's central committees.
 - d) The Church's bicultural commitment is further stated in chapter 11 of the Book of Order which includes these words:

"This work and mission, beginning with home missions and having developed an identity of its own, was recognised by the establishment of the Māori Synod that later became known as Te Aka Puaho. The relationship of Te Aka Puaho with the courts of the Church therefore paralleled the relationship between the Crown and Māori begun with Te Tiriti o Waitangi and gives rise to similar obligations and responsibilities between those involved.

Te Aka Puaho is that part of the Church within which Māori, and those others who choose to associate within and under the maru of that part of the Church, can carry out the mission of God from a Māori cultural perspective.

Te Aka Puaho is a court of the Church that provides and maintains its maru throughout Aotearoa New Zealand. Although Te Aka Puaho has many

characteristics of a presbytery, it does not have the territorial boundaries that define the jurisdiction of a presbytery, and those who come within and under its maru do so from all parts of Aotearoa New Zealand.”

- e) Our commitment to Te Tiriti o Waitangi does not change if we are exercising powers that the Crown has delegated to the Church, or services that are funded by the Crown. If acting on behalf of the Crown, we are fully supportive that the Crown would want us to align the way that we provide services to its obligations under the Te Tiriti o Waitangi.

10) To what extent can tino rangatiratanga be exercised by Māori in PCANZ’s governance structure? What needs to change to ensure that Māori can fully exercise their rights as guaranteed by Te Tiriti in the governance and management of faith-based institutions that care for children and vulnerable adults? How should such change be led and implemented?

- a) The ability of Māori to exercise tino rangatiratanga is reflected in the status given to Te Aka Puaho in the Church. There is an ongoing conversation in the Church about ways it can further honour tino rangatiratanga being exercised by Maori. Steps being taken include the more active use of te reo Maori through the Church and the commemoration of major events including Waitangi, Parihaka and the season of Matariki. The Church has a national marae at Ohope on which, among other things, all people training for the ministry receive bicultural education.