ABUSE IN CARE ROYAL COMMISSION OF INQUIRY FAITH-BASED REDRESS INQUIRY HEARi.NG

**Under** The Inquiries Act 2013

ln tbe matter of

**Royal Commission:**

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

Judge Coral Shaw (Chair) Dr Andrew Erueti

Ms Sandra Alofivae Ms Julia Steenson

**Counsel:** Mr Simon Mount QC, Ms Katherine Anderson, Ms Kenyn

Beaton, Ms Lorraine MacDonald, and Ms Kirsten Hagan for the Royal Commi.ssion

Ms Jenny Stevens, Mrs Matthew Gale and Ms Jaime Laing for The Salvation Anny

Mrs Fiona Guy Kidd QC, *Mr* Jeremy Johnson and Ms India

Shores for the Anglican Church

Ms Sally McKechnie and Mr Alex Winsley for the Catholic Church

**Venue:** Level 2

Abuse in Care Royal Commission oflnqui1y 414 Khyber Pass Road

AUCKLAND

**Date:** 18 March 2021

TRANSCRIPT OF PROCEEDINGS

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1. **Q.**
2. A.

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##### Q.

1. A.

2] **Q.**

1. A.
2. **Q.**
3. A.

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

Yes.

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

That's right, and possibly, the phrase that's been comi.ng to me is the phrase from the Bible, take this cup from me.

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

That's right.

I think we've all come to realise actually it's just a simply very necessary thing if our processes are to gain any sense ofreal credibility.

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

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

Thank you very much and thank you for being here, putting yourself under fire and - It's important.

* for responding so genuinely, we real appreciate that.

Kia ora.

You are now Iiberated.

Thank you.

1. **CHAIR:** Ms Anderson, Mr Johnson is going to lead the next witness, **1** understand, would you
2. like to start now or would you like to take an earlier adjournment?
3. **MR JOHNSON:** Entirely in the Commission's hand on that, we'll only have 15 minutes, it might
4. make sense to adjourn now.
5. **CHAIR:** *I* think it makes some sense. Ms Anderson do you wish to comment on that?
6. **MS ANDERSON:** That seems entirely sensible.
7. **CHAIR:** In that case we will back at 2 o'clock.
8. **Luncheon adjournment from 12.45 pm to 2.02 pm**
9. **CHAIR:** Good afternoon Mr Johnson and welcome to the Tribunal, it's your first appearance *1*

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believe.

1. **MR JOHNSON:** Yes, it is, thank you Madam Chair.
2. **CHAIR:** Thank you. And good afternoon to you Bishop, it's Bishop Peter?
3. A. Yes.
4. Q. I'll just ask you to take the affirmation.
5. BISHOP PETER CARRELL (Affirmed)
6. **QUESTIONING BY MR JOHNSON:** Bishop Peter, you have prepared two witness statements
7. for the Commission.
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!Nods].

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

"In the evidence of Ms Jacinda Thompson she references at paragraph 179 an e-mail that

1. **J** sent to Bishop Eaton on 12 April 2005. Ms Thompson is correct in saying that at that
2. time I did not have the full details of her complaint against Mr van Wijk.

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**Individual Restriction Order** !

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18 : **Individual Restriction Order** Later it became obvious that

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.19 this was not true and did not reflect the actual situation that gave rise to Ms Thompson's

1. complaint.
2. I regret naively accepting what I was told and not asking further questions before
3. commenting. I apologise if this e-mail has caused Ms Thompson any additional pain and
4. suffering.
5. Ms Thompson also mentions that I was providing Mr van Wijk with pastoral care
6. and that was a conflict of interest. J acknowledge the perception of a conflict. l had a
7. pastoral responsibility for Mr van Wijk and other curates in training along with another
8. ministry trainer, the curates' training vicar and other local colleagues in the college that the
9. curates are placed in.
10. The new Title D process avoids any real or perceived issues of conflict and should
11. provide a survivor more confidence in the process."

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If I could take you forward in that statement to paragraph 32 please, which is a response to Ms M foUowed by an apology. J might haveyou read please paragraphs 32 to 36.

In my response to Ms M, "1 was greatly saddened to hear of Ms M's experiences in homes she was placed in. l want to acknowledge her courage in giving evidence and also in

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

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

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

More general apology. "1 apologise on behalf of the Diocese of Christchurch to all survivors of abuse. It is unacceptable that you have suffered abuse while in the care of the diocese. It is also unacceptable that the diocese has not always responded appropriately or fairly when you have approached the Anglican Church about your abuse.

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

Thank you, Bishop. You can put that statement away. Perhaps to provide some context for the Commissioners, could you explain a bit about your role as the Bishop of Christchurch? T was elected the Bishop of Christchurch about two and a half years ago and became the Bishop of Christchurch in February 2019. That is, I was ordained into and appointed into a role with responsibility for some 58 ministry units in Canterbury, Westland and the Chatham Islands, with responsibilities especially in the role of warden of the Anglican Care organisation which is particularly involved in life in Christchurch and parts of Canterbury and warden of six Anglican schools and two Anglican halls of residence. That's a kind of bare bones approach to a role of leadership for all things Anglican in the region of Canterbury, Westland and the Chatham Islands.

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

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

Q. You described yourself as the warden of Anglican Care. Can you perhaps provide a bit

1. more detail on what your relationship with that body is?
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So Anglican Care is governed by a trust board, Bishop of Christchurch is ex-officio on that trust board and has the role of warden, which is a kind of guardianship role. Quite often Bishop of Christchurch bas also been Chair of the Trust Board. More recently the Board has been chaired by a lay member of our diocese.

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

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

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

I myself have had a particular involvement in the board of Christ's College, I was appointed a representative of the diocese in Februa1y 2011 and held a role on the board until I was elected Bishop. As Bishop I have continued to take an interested role in Christ's College. I am an old boy of the school and it's a school that has a particular place of affection in my heart.

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

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relation to that school?

I'm not actually l 00% sure that the bishop was the Chair of that board back in tbe day, though I think the bishop probably was. But my understanding is that for several decades the bishop has been warden and not Chair. That was certainly the case for my predecessor and is the case for myself. As warden J'm in reasonably frequent contact with the principal with the chaplain and 1 have been consulted on a number of matters as they have arisen, but l'm not normally at board meetings.

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

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

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

So for approximately the last 30 years - sorry, about 25 because the monitor position was finally established, *1* think, in 1995, for approximately the Last 25 years the monitor has played a critical role in the reception of complaints and in the monitor's receiving and investigating complaints bringing a detem1ination to the bishop of the day and that determination has then led to what kind of redress might be made involving a complainant, a survivor.

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

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

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

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

Thinking about the, not the current process but the past sort of period of time you've described, do you have any reflections to offer on the adequacy of that complaint process? You mean since 1995?

Since 1995.

I was out of the diocese from 1990 to early 20 IO and then I had about nine years in a role in which I was not - I was close to the Bishop of Christchurch but not close to the monitoring process and reception of complaints, unless they happen to involve me in the processing of them, one or two did.

My general estimation, including reading through many documents for the Commissi.on, is that the monitoring process has been very helpful to the Diocese of Christchurch in receiving complaints, in avoiding perceptions of conflict between the Bishop and a respondent to a complaint, and *1* believe that in most cases the resolution of those complaints has been satisfactory.

**1** am aware that there are some complaints that, having been resolved at a certain point in tin\_1e, have generated, in the light of the Commission's work, some communication to me which suggests that we need to revisit probably at least two complaints were dealt with. Again, I'm separating that out from how the complaints against Rob McCullough were handled.

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

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

situation which Ms Jacinda Thompson not only brought to the attention of the church

1. through an original complaint but also through further work with the church, including an
2. appearance at General Synod last year; T think we have al.so had highlighted for us the
3. importance of taking much, much more account of a survivor's view, of survivor's views in
4. bow we process complaints. And I think that's a learning as I listened to other bishops that
5. we're very, very open to and we're very aware that we need to do a Jot more work on.
6. **Q.** You've mentioned on a couple of occasions which was the situation -
7. **CHAIR:** I think speed has become another issue. I suggest that everybody breathes between
8. sentences, it really helps.
9. A.

#### Q.

I'm trying not to be a stumbling witness.

You just be yourself, Bishop, if you keep your eye on these poor people here who are

1. desperately trying to translate what you're saying that might giveyou some assistance.
2. **QUESTIONING BY MR JOHNSON CONTINUED:** Bishop, you've mentioned on a couple of
3. occasions the situation involving Rob McCullough. ls there anything further you would
4. like to say on that particular situation case?
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I think reading through many, many documents in relation to that case in preparation for this hearing that when we look back on that case, how it arose, how complaints were received, how complaints were handled, how redress was undertaken, that while, in my view, people were acting in good faith in trying to do their best, ifwe, from the vantage of hindsight, look at the whole situation, it was not handled well. And I want to acknowledge that now. That has been acknowledged in the past through apologies from one of my predecessors, Bishop David Coles, but I would say there is more work to do in our diocese and I am happy to lead the further work we need to do.

To give a specific instance, there was an attempt made in the, I think it was in the I990s, if not it was the early 2000s, to agree on the wording of a plaque and to install that plaque as a memorial in our cathedral, a memorial in favour of the survivors. That, for various reasons, got nowhere at the time.

I think now that I am aware that there was a desire to have that plaque, but it got nowhere we need to re-1.ook at that. We need to do it from a continuing survivors' perspective. So 1 will need to lead a process of communication with the survivors on that. But we should have a memorial to this very dark chapter in the life of our diocese.

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

1. Again, I would preface my remarks by acknowledging that there was a particular process of
2. redress around the complaints made against Rob McCullough that bad, in one sense, a
3. difficult and complex life of its own. So **T** want to separate that out and not try and say that
4. was part of our normal process.
5. We, similar to Bishop Ross and what he said about the Diocese of Auckland, we
6. haveno formal process to guide us through writing as to how we handle redress. That I
7. think could be viewed negatively, but I actually view it positively in the sense that we are
8. open to redress that is appropriate to the situation as it is encountered and narrated by the
9. survivor. In other words, we don't pre-determine where we might go.

IO But alongside acknowledging some advantages to a:n ad hoc approach, and I think

1. the rest of our church are very much listening to the possibility of a much more guided
2. process with some kind of determination of how redress would happen, what kind of
3. compensation might be available, and some of this has been set out in a paper by Dr David
4. Winter, commissioned for our church, and this needs I think to be part of the national
5. process we're now embarking on and the Diocese of Christchurch will follow all such
6. guidance.
7. **COMMJSSIONER ERUETJ:** I think it's Stephen Winter rather than David.

I 8 **MR JOHNSON:** Thank you Commissioner. Madam Chair, I have no further questions.

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

1. **QUESTIONING BY MR MOUNT:** Good afternoon Bishop Peter.
2. A. Good afternoon.
3. **Q.** You are a relatively new bishop?
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Yes.

About two years in? Just over two years.

What sort of induction did you get when you sta1ted?

**l** had the opportunity to do some visits with other bishops, which I undertook before **J** was ordained. I had a timetable clash over the possibility of joining a bishops' course in Canterbury in England, it was occurring at the same time as I was due to be ordained, so that was ruled out, and **1** knew that would not be repeated for a couple of years. I had money made available to me by the church to embark on education as I chose and saw fit. Unfortunately, after I became bishop some things arose which got in the way of travel plans and in particular of course the whole Covid imposition on pretty much all. travel a year ago.

In te1ms of induction into the role, I do have the benefit of becoming a bishop at

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

Q. Any training on safeguarding or child protection principles as part of the induction of the

new bishop?

A. No, no specific training on those.

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

A. No specific training on that.

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

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

And J would say for myself that the last two years have been a steep but very

important teaming curve, and in particular, **l** mentioned Dr David(sic) Winter's paper, which you would know I think, as a key learning around redress process and how we might embrace that as a whole church.

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

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

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

A. **l** will.

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

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

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

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

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Your statement describes the church as historically a slow learner l think? Yes.

In your experience, bas the diocese been good at preserving its institutional memory in the area of abuse and safeguarding?

May **1** ask do you mean kind of anecdotally or in terms of archives or both? Both.

Where our diocese, where we have lots of interconnections between people, and so anecdotally my personal experience of the Diocese of Christchurch is strong anecdotal memory. But we also have well-kept archives. We happen to have an archivist who's been in the role for many years, 1 can't tell you how many, but it's longer than the years I've been back in the diocese, so more than 11 and she's been of great help to us as we've sorted out the files in the instance of providing them for the Commission.

Focusing on clergy misconduct, has there been a commitment to learning from the events

of the past?

Yes, there has. I outlined before in particular a diocesan learning in respect to misconduct which became revealed in late 1989 which led, through the 1990s, to a specific process around the position of monitor and support through the Monitoring Committee.

1 would think that my predecessors, who are intelligent and able people, will have learned each time they handled a case and built that into bow they handle the next case.

**1** myself find I'm doing that. But I would also say that we have continued to be open to

learning and, as J said before, I myself have particularly been learning lessons as I paid attention to events of the last few years, remembering that in specific instance of Ms Jacinda Thompson I myself had a role to a small degree but a painful degree as events unfolded in the life of the Diocese of Nelson when I used to work for them. I have been learning a lot. **T** try to pass those learnings on into our processes, both around our boundaries training and how we handle complaints, though right now, of course, we now have new system, and we're learning bow to run that new system.

When you took over, did you look back at any past reports to see whether the diocese had

implemented past reconunendations, for example?

No, I didn't look over past reports to see whether there were recommendations for, if you like, the general learning of the diocese, no.

I want to ask you about one report as an example, a report by Yvonne Pauling from 1998 entitled "Churches Responding With Jntegrity in Clergy Sexual Misconduct", you will see the titl.e page on the screen. Do you k.rnow that report?

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No, 1 don't know that report in particular, no.

**J** want to take you to some of its key conclusions. Appreciating you're seeing it for the first time I take it, would you like a hard copy so that you can see it in context, or are you

happy -

l'm happy to look at the screen.

Do you know who Yvonne Pauling is?

I know who she is, she was the first diocesan monitor appointed.

I think from an introduction we can see, as you've said, she was the first monitor. I think also involved in the diocese's response to complaints from about 1992, does that sound right?

[Nods).

Will you take it from me that this report followed a visit to the United States where she was funded to learn from churches in the US about this topic?

Yes.

And I think she also attended a four-day training session in Sydney?

INods).

The focus was on vulnerable adults rather than children, but J think the report says that it

18 may also be relevant to those who come forward as adults to describe what happened as a

1. chi.Id. 1f we can move on to page 13 of the document, the topic of mediation is discussed.
2. **CHAIR:** Just so we're absolutely clear, l think it's becoming evident from what you're showing us,
3. this relates to the Anglican Church, is that right?
4. **MR MOUNT:** It does.
5. **CHAfil:** Solely to the Anglican Church?
6. **MR MOUNT:** Correct, this relates to the Anglican Church and specifically to the Christchurch
7. Diocese.
8. **CHAIR:** Thank you.
9. **QUESTIONING BY MR MOUNT CONTINUED:** Could we zoom in on the second paragraph
10. beginning "the experience". For the benefit of our record, would you like to read that
11. paragraph for us, bearing in mind speed?
12. A. "The experience of relying on mediation, or having it as an option, in the complaints
13. process has been confusing and unsatisfactory. Responses from complainants at the end of
14. the process have usually been negative or at the very least they have expressed a sense of
15. dissatisfaction. lt has often been my experience that at the end of a mediation. process that
16. we have been left at the place we began - the complainant maintaining that they have been

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| 2 Q. | harmed and tbe respondent minimising or denying any such ham1ful action."  We will run through a series of points before I ask you some questions about them. So the |
| 3 | next is on page 20 under the heading "Swnmary", if we could zoom in on that bottom half |
| 4 | of the page. Again, could I ask you to read the first paraf,>raph please? |
| 5 A. | "Mediation is not recommended as an appropriate response to clergy sexual misconduct. |
| 6 | Clergy misconduct of a sexual nature is not a matter of dispute or conflict. When one |
| 7 | person with greater power takes advantage of someone with lesser power then mediation is |
| 8 | very likely to only compound the victimisation." |
| 9 Q. | Can we move to page 41 and zoom in on the top part of the page beaded "Summary". If |
| IO | you could read the first paragraph for us? |
| 11 A. | "All those involved in the life of thechurch will benefit greatly from education about this |
| 12 | issue including bishops, legal advisors, clergy, lay and youth leaders, seminarians and their |
| 13 | teaching staff and congregations. It is seen as very important that this training and |
| 14 | education continues on a regular basis, e.g. every three years and is not just seen as a |
| 15 | 'one-off' exercise". |
| 16 Q. | Page 45, again the top paragraph under the heading "The Role of the Advocate"? |
| 17 A. | "The Role of the Advocate. Thereseems to be unanimous agreement among aU churches |
| 18 | that a victim of clergy misconduct should be offered the support of an advocate who has |
| .19 | been especially trained to support them through the complaints process." |
| 20 Q. | Page 64 point 1. |
| 21 A. | "An abusing minister will almost always minimise, lie, and deny when first confronted |
| 22 | about the complaint." |
| 23 Q. | Ifwe can come back to page 55, there were a total of 18 recommendations. I want to |
| 24 | highlight only a handful of them. First point 2. |
| 25 A. | "Mediation, currently the commonly practised method in New Zealand, is not an |
| 26 | appropriate process to use when responding to clergy sexual misconduct." |
| 27 Q. | Point 3? |
| 28 A. | "ln responding to complaints of clergy sexual misconduct the investigative method, as |
| 29 | outlined in this report, is a more just and fair process for both the complainant, respondent |
| 30 | and all others affected. It reflects the seriousness of the issue, signals that the church is |
| 31 | taking its responsibility appropriately and is more acknowledging of the fact that an abuse |
| 32 | of power has occurred." |
| 33 Q. | Point 4? |
| 34 A. | "Practises of acknowledgment and openness are crucial to the ongoing health of any |

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

Across the page, point 8?

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

* 1. clergy and all church workers need thorough training about boundary issues.
  2. a fonnal and ongoing education and training process on issues of sexual misconduct needs to occur at every level in the church community. Such education and training should happen as an integral and ongoing process in the life of the church." And lastly point 9?

"To minimise the possibility of repeat offending procedures" - sorry I'll start that again,

I need to work out where the pause comes. "To minimise the possibility of repeat offending, procedures of redeployment need to be implemented and carried out with care. Churches must take all responsible steps to prevent offending ordained or lay leaders from being redeployed into positions where they might repeat the offending."

ls there anything you've just read that strikes you as unreasonable?

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

Apart from that point, anything else strike you as unreasonable i11 the things that you read out?

I don't think anything's unreasonable, but I sense you've got another question coming. lt's a report from 1998.

Yeah.

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

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be taken up if they hadn't already?

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

1 consider that when 1 became bishop T was well trained at the boundaries level and, of course, bad all sorts of awareness because of just all sorts of things that had happened of how things can go wrong and so forth. But1 would Look back and say it would have been helpful and I think we need to move to making it mandatory that becoming a bishop and regularly as a bishop there is specific training in our role as bishop in the handling of complaints.

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

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

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

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

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

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

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

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

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

###### !Nods].

And that there was a promotion of mediation as part of that 2000 revision of Title D, is that right?

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

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

Now **1**cannot speak for other diocese around whether mediation in Title D hasn't also involved the practice where the complaint is misconduct of bringing complainant and respondent into the same room, but *l* have, of course, just talked about i.n the life of the Diocese of Christchurch seeking to work on misconduct matters in a way that doesn't involve that ham, to the complainant.

Can we focus on a different diocese for a moment, the Diocese ofNelson, because I th.ink you talked about your training role i.n that diocese in the 2000s?

###### INods].

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

* 1. I do in the sense it's 2006 and I was the ministry educator, but in my own memory I don't

1. cany a picture of that document.

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If we come over to the third page of that document, and zoom in on the top half, do we see in the first paragraph that this training document came about as a result of the revision of Title D in 2000?

lNods].

And it's an attempt to provide resources for people to get to grips with Title D and understanding it?

!Nods].

And if we zoom in on the remainder of that first page, the following paragraphs, do we see in the third paragraph that in particular this document pays attention to the relationship between Title D and the sexual harassment obviously and the ethical standards, ethical guidelines. And do we see at the bottom your name and the date May 2006 and I think in fairness to you, you were happy to put your name on it, but you didn't want to face liability for it, is that true?

I'm happy to face liability for it, I'm just saying in my own memory I cannot remember every piece of writing I've written, yeah.

Understood. lfwe can move over to page 12 ofthi.s document, under the heading "When difficulty arises", if we can zoom in on that section. There was a summary of the Title D process where it would start with informal dealing, then move to mediation, and then only if there's not a satisfactory outcome does it move to a most fonnal determination process.

Perhaps if we go to the next page, page l 3, under the heading "Not at all", and just to get the context, maybe just take in above "Not at all" and take in the three bullet points, otherwise "Not at all" won't make sense. If we can take just a moment to read that?

Do you want me to read it out loud or just read it for myself?

Just for yourself I think. ls it fair to say that in this particular context of sexual harassment, as well as other contexts, the first port of call is mediation and only if mediation fails do you move to the determination level?

Yes. J would understand - first of all let me say that in the Diocese of Nelson there was not a diocesan monitor role so that was not an option that we had for ourselves. 1 would understand the mediation level here to be about an attempt to work out a matter that's come by way of complaint in a way that, as far as possible, was informal in order to be respectful, particularly of the complainant, remembering that in an understanding of Church Tribunal it was a concept of a court process, lawyers, witness statements, cross-examination, so

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mediation was not simply here, in my view, around we force two people to be in a room who may not want to be together, but about trying to trying to respond to a complaint without having to take it up to that, you know, potentially more traumatic level of a detem1ination.

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

There had been such clear messages in 1998 about how inappropriate mediation is in cases

of clergy sexual misconduct. How could it be that those messages and those lessons appear to have been lost just a few years later when this document is being prepared in a neighbouring diocese?

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

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

I'm not quite sure what you mean by "loss of institutional memory" in the sense if Yvonne

Pauling's document didn't come to us in Nelson, we didn't have it to lose; it should have come to us, it should have been part of a uniform approach across our church, I absolutely acknowledge.

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

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aware that what the Commission is highlighting for us is a need for a more unifom1 approach across all the episcopal units on those matters too, boundaries training and discernment for ministry.

Js it happening already?

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

So coming back to your initiation as Bishop, I take it there weren't any other

New Zealand-based reports available to you to check in on the status of safeguarding or clergy misconduct in your diocese, nothing else that you had available to you at that stage? Nothing from the wider church or other diocese, but I was confident because **1** have been involved in education in our diocese for the preceding nine years and working closely with other members of our diocese ministry team, J was confident that we bad some very good documents, and still do within the life of our diocese, about safeguarding child safety policies and so forth.

Had the work of the Reverend Patricia Allan come to your attention at all?

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

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

Many reasons, yes.

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

###### JNodsJ.

Can you speak out loud?

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

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

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There is absolutely value. And over the years I believe that boundaries training in the life of our church as a particular instance has received quite a lot of influence and input as people have either, a *bit* like Yvonne Pauling, gone to the United States of America to the Episcopal Church in particular and unde11aking training and so forth.

When you started as a bishop, did you or your colleagues look across to the work of the Australian Royal Comm.ission into institutional responses to child sexual abuse?

The only specific point of looking across is the work we commissioned from Dr David

1. Winter whose paper is influenced by the Australian Royal Commission results.
2. **CHAIR:** We're all flinching slightly, his name is Stephen Winter.
3. A. Stephen, sorry, I apologise.
4. **Q.** That's all right.
5. A. Stephen, right.
6. **QUESTIONING BY MR MOUNT CONTINUED:** We just do a mental correction every time

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you say that.

I apologise.

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

!Nods].

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

lNods).

Although in fairness to the Anglican Church, there was quite a drop, I think the Catholic Church about 62% of the reports and the Anglican Church 14.7%. You'.11take those numbers from me?

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

New Zealand.

**1** want to put on the screen a document MSC ending in 2222. This is a research report conunissioned by the Royal Commission analysing child sexual abuse complaints in the Angli.can Church in Australia. Have you ever looked at that report?

**J** have not looked at that report, no. Any summaries of *it?*

Not a summary of that report, no.

Has it been discussed among your colleagues in the bishops' conference? Not that I'm aware of.

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

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

!Nods].

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

Yes, we do.

ls the same truein New Zealand that our dioceses vary in their approach to the central collection of information about complaints?

Our dioceses vary in the collection of any data, so I'm pretty sureit would absolutely vary in the collection of that particular kind of data.

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

INodsl.

Again, if we just do this technique of going through the key points, paragraph 44, do we see that the largest proportion of complaints came from the 1970s, but fully three quarters of them were in the period J 950 through to J 989?

Yeah.

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

Yes.

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

Yes.

So quite a significant issue in Australia? Yes.

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|  | **Q.** | Are you surprised there hasn't been suggestion of this among your colleagues as bishops in |
| 2 |  | your time? |
| 3 | A. | Well, I'm not surprised in the sense that I expected there would be a discussion and it hasn't |
| 4 |  | happened. It hasn't happened possibly because the incidents of child sexual abuse across |
| 5 |  | our dioceses is perhaps low. **1** mean I cannot speak for other dioceses, but in tenns of |
| 6 |  | preparing for the Diocese of Christchurch and the Commission and all the complaints we |
| 7 |  | have submitted, in some ways l've been surprised that there were not more files on child |
| 8 |  | sexual abuse complaints. That could always mean, of course, that people have not |
| 9 |  | complained and abuse has occurred, but it could be that we, for reasons I - I'm not a |
| 10 |  | sociologist etc, but we simply happen to have low statistics. |
| 11 | **Q.** | We'll come back to that thought. |
| 12 | A. | Sure, yeah. |
| 13 | **Q.** | Ifwe goover the page, page 14 of the document, paragraph 55, we see that in this study |
| 14 |  | 569 alleged perpetrators were identified and if we come across to page 32, ifwe look at the |
| 15 |  | bottom graph and paragraph 93? |
| 16 | A. | Can **J** just ask, we've got figure 5 but 93 refers to figure 6, is there a graph over the page? |
| 17 | **Q.** | There will be, let's just move in on paragraph 93. You'll see that in more than half of the |
| 18 |  | cases the gap between the sexual abuse and the complaint was more than 30 years? |
| 19 | A. | **lNods].** |
| 20 | **Q.** | And more than 20 years in 70% of the cases? |
| 21 | A. | **[Nods].** |
| 22 | **Q.** | So the norm for these complaints was for a gap of decades? |
| 23 | A. | Yeah. |
| 24 | **Q.** | Between abuse and the report. With an average of29 years I think. lfwe had a similar |
| 25 |  | pattern in New Zealand - |
| 26 | A. | Yes. |
| 27 | **Q.** | - of a l.ong gap between abuse and complaint, and if in New Zealand we had a large group |
| 28 |  | of allegations around the 1970s and 80s - |
| 29 | A. | Yes. |

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* would that mean a bishop like you, taking over in 2020 or thereabouts, might expect to be receiving something of a bow wave of complaints from the 1980s and thereabouts?

Statistically that could happen, yes.

Looking at this information now, even if we did the crudest of comparison on raw

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

In population would that suggest that if our experience of child sexual abuse in New Zealand was in the same balIpark -

Yes.

* as Australia, and I realise that's a big if, but if we were in the same ballpark - Yes.
* it could suggest roughly 100 perpetrators and 200 or so complaints over the similar

period?

Yes.

Those would be very concerning numbers? They would be.

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

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

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

However, **l** would also acknowledge of course that largely our Angli.can schools, and noting what happened in the diocese of Brisbane around its compelling of statistics from its schools, of course our populations in our schools have tended to be much more

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

Accepting all those limitations of looking at - Sure.

* overseas material, do these numbers give a good reason for the New Zealand church to

look hard at your own numbers to try and figure out whether, as you say, New Zealand is a much safer place for children in the Anglican Church, or perhaps whether the New Zealand Dioceses have been poor at understanding the scale of the abuse?

J think it's a bit too much to suddenly say we've been ve1y poor at something when we may not have been. I think what you're saying is that part of our continuing ]earning as a church would be that we should ask ourselves, perhaps with some outside guidance and research, not only have we missed something, but have we not communicated well to those who are survivors from those eras who may have wanted to complain and felt they couldn't, didn't know bow, were intimidated into not complaining. I see what you're saying as a call to do some work that we haven't done, and we haven't talked about doing.

We will come right back to that thought. Just before we do, to round out the topic of international studies -

Sure.

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

J have not looked at other studies as such. I have been paying attention to what is

happening in the Church of England around its safeguarding practises, which in the last few years have been under extreme scrutiny, particularly from within the church. The scrutiny

i.n part is that the safeguarding process is inconsistentand in another part it's that it's

excruciatingly long in dealing with things.

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

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

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point of following them in their practice.

What particular sources of information have you had from the UK?

l'm sorry this is not going to be very academic answer. I have undertaken as bishop to subscribe to Church Times, the premier church newspaper for the Church of England. J read it every week and I've been keeping in touch with unfolding developments in safeguarding practice.

Back to the thread we bad a moment ago. ln your statement, first one, paragraph J 50, you say that there are no known cases of an adult abusing a child since 1999, so no child abuse for 20 years in your diocese?

None that's been reported to us. I'm well aware, and everyone in my diocese involved in these things will be aware that tomonow there could be a complaint come in or ten complaints, but I'm not aware of a complaint over the last 20 years.

Have you drawn some comfort from that belief that there havebeen no reported cases of child abuse?

1have drawn some comfort and the comfort is around the fact that in instituting and as far as possible prosecuting - Police vetting happening for people involved in working with children in our diocese, we have been very diligent. But I cannot say we've been perfectly diligent and it's difficult to keep 58 ministry units up to scratch on this. But I would want

to honour the Police vetting process. It is a comfort to know that we have it and we have been particularly assiduous jn propagating the need for workers with children to follow that.

I would also take comfort from various training practises for our children in youth work. But l don't take - we are not complacent, we are vigilant, we are often talking about our practices and how we perform them and seek to improve them, and we are well aware that, if you like, tomorrow there could be a quite different narrative emerges.

Given the information in Australia that an average victim might take 30 years to report, do you think the diocese in Christchurch has done enough to understand whether there are victims out there who simply haven't come forward yet?

J don't think we've done enough in the sense that we could do further communication,

eliciting complaints. We did do some from memory back in late 2019 because part of our church-wide response to the Commission was to ensure that we were advertising and soliciting or eliciting complaints in order that people would come forward and so we would be repo1ting to the Commission on up-to-date things as much as our historic complaints.

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

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

I can't give you a statistical answer on that. What I can say is that in the life of our ministry

1. units we do draw people who are vulnerable in terms of mental health, some of our
2. congregations would have quite a high proportion of people who struggle with mental
3. health and in various ways are vulnerable adults. We do have congregations, by the way,
4. that do have fairly good Sunday schools and youth groups. So we have people vulnerable
5. by age and generation.
6. We do have ministry among the elderly and some of those, of course, are
7. vulnerable to, say, the potential of someone to kind of prey upon them financially and so

I 8 forth. Until recent!y we had three elder care rest homes, we have sold out of those

.19 businesses in the last few years, but they have been a feature of our life. And through

1. Anglican Care, through the City Mission, we're engaged with many people who are
2. vulnerable in various ways, whether it's through mental health or struggling with poverty
3. issues, homelessness and so forth.
4. **MR MOUNT:** Madam Chair I think it's 3.30.
5. **CHAIR:** J think it is 3.30, I think it's something we can all agree on. Let's take the afternoon

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adjournment. Can **l** just remind you please, Bishop, not to speak about your evidence during the break.

###### !Nods].

Thank you.

1. **Adjournment from 3.30 pm to 3.48 pm**
2. **CHAJR:** Yes Mr Mount.
3. **QUESTIONING BY MR MOUNT CONTINUED:** Could you tell the Commissioners how you
4. see the rote of the bishop in relation to safeguarding and abuse within the diocese?
5. A. **l** see th.e bishop as overall responsible for our safeguarding and related practises such as our
6. boundari.es training. So although a lot of the work is delegated out to others in order to

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

Thinking about Title D, J'm going to pull up a quote from a document T think you were involved in in Nelson, this is ANG ending 1566. *This* is one of these training documents we looked at before. Ifwe come through to page 13, recognise that title page as it flicks in front of you?

I do now.

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

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

Yes. That role of a bishop when things have moved to a disciplinary mode - Yes.

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

No, J don't think it is. The bishop has considerable opportunity and responsibility to

exercise power, authority etc, it's important that the bishop is exercising all those things in ways that are about also the fence at the top of the cliff as well as the ambulance or policeman at the bottom. Clearly Title D is a specific response to when a complaint happens, so we're at the bottom of the cliff. But 1 think - I can't think of any bishop who would think that one only kind of exercises those things, power, authority, etc, only when we get to the bottom of a cliff.

No doubt. Focusing on the fence at the top of the cliff? Yes.

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

Yes.

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

Yes, it is. And I find that the due diligence aspect of that is taking great care, for example, in our discernment process and 1 find myself, for example, being encouraged to look at,

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

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

It's at the core?

At the core, yeah.

In your first statement from paragraph 20 onwards you've described quite a range of entities

within the diocese, schools, halls of residence, social service agencies as well as the individual parishes. ls it part of a bishop's role to exercise some form of due diJigence over that broader group as well as the parishes?

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

These entities are very much part of the diocese?

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

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Some are governed by statute of Synod, some are not. The College House and Bishop Julius Hall have a relatively distant relationship with the diocese and certainly compared to what it was, say, 30, 50 and l 00 years ago.

Jdeally, in a well-functioning church organisation, would the bishop have the ability to exercise some degree of due diligence and oversight of all those entities within the diocese? 1 think the ability would exist if per chance we appointed, call it a safeguarding officer with responsibility to do that due diligence on aU aspects of the diocese's life. ln our paperwork I have talked about recently appointing a half-time safeguarding officer, but the focus of that person is very much on our 58 ministry units, so it would be an extension of that role. It would be a conversation with entities that possibly would be a bit surprised to find the diocese took a due diligence interest in their policies and procedures, but I'm sure they'd be open to that conversation.

Desirable?

It would be desirable. To go back in our conversation this afternoon, I've taken note of the Diocese of Brisbane, if you like, compelling statistics on child abuse to be reported to the diocese. We do not have that reporting line in our schools in Christchurch, but we could do.

How many entities are there in the diocese beyond the parishes?

Well, we have six schools, two nails ofresidence, we have two further Anglican schools that have no structural relationship with the diocese or with me, I am not their warden, but they have a long-standing relationship with their local parishes. We have the Anglican Care Board and quite a number of people working for it, particularly for the City Mission. We have a camp in South Canterbury which is run by a trust board. That's a very distant relationship these days with the diocese but it is connected to us. I'll probably wake up in the middle of the night and think of something else, but that is the essential core of bodies that call themselves Anglican in relation to the diocese of Christchurch.

ls there an organisation chart anywhere that maps out these various bodies?

If there is I haven't seen it. It's in my mind, and in the minds of many of our leaders.

I appreciate the legal relationships will vary. Yes.

Is there a document anywhere that collects those, perhaps a briefing for you, so that you can easily understand here are the entities within your zone of responsibility and here are the levers that you could pull or the fomrnl relationships that exist for each of them. Js that done conveniently anywhere?

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Yes, when I became bishop there was a briefings folder which gave me information on each and everybody which l would have a connection as bishop.

Could you make that available to us?

Certainly, yes. Could J have a moment to write that down?

Of course. I think Mr Johnson is also going to do that at the same time. If you are something Like the hub of the wheel as the bishop, and you may rebel against that analogy, but if you are something like that, would it be useful to you in understanding the potential scale of an issue you may have with safeguarding to have something of a census of the children and vulnerable adults right across these various entities?

Well, it could be useful, but I wouldn't want to say that to have a census when we don't have a census means that I'm sort of operating in some kind of vacuum of knowledge right now. There is a lot of communication across our diocese. We're not a large population centre in New Zealand terms. I find moving around Christchurch it's amazing how many connections there are between people involved in all our entities and conversations and discussions and so infonnally, anecdotally I think people such as myself as bishop, other people involved in our senior leadership across our entities, have a pretty good grasp of what is going on.

So if we picked right now as a point in time, do you know the numbers of children and vulnerable adults that are within that broader group?

Not in my head, but I have a pretty - I'd have to give myself a couple of minutes to sort of jot down the numbers of children involved, for example, in our schools. We do keep, across our 58 ministry units, annual statistics about congregationalattendance, involvement in children and youth ministry, so T mean the statistics are there.

Demographic breakdowns?

We don't have demographic breakdowns across our parishes. That's something I'm, for another reason, am keen on because I'm keen on our diocese working on regenerating itself through the next ten years and I would like to have a better statistical feel for how the actuality of generations in our diocese work out.

Do you have the information going back to previous decades to know, for example, bow many children, vulnerable adults were in the care of the church in the 60s and 70s and so on?

We have been keeping statistics for a long time, yes.

And those numbers could be made available to the Inquiry?

Yes indeed. I'm dredging my memory a bit, but I thought we did provide quite a few

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statistics to the Commission, but maybe we didn't, but I thought we had worked on that. What are your highest risk entities from an abuse perspective?

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

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

That is the main policy. Wben's that first drafted?

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

Was there any external input into its drafting to your knowledge?

**1n** terms of the revision for 2017 **T** recall our -- because that revision was particularly driven by our youth and children ministry staff I recall there was input into that through a Tikanga Pakeha organisation called Strands which has sort of a Tikanga-wide oversight of children's ministry. **l** find that our diocesan youth and children's workers are pretty aware of developments in otherparts of children and youth ministry work, because of their contact with people in sin1ilar positions in other church organisations and so this was not something sort of just dredged up within the mind of a couple of people who paid no attention to wider church and society life.

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

Has it been externally reviewed at all?

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

Good practice to have an external review of a critical document like that?

It would be good practice to have that external review.

Q. You said already that there isn't a policy document to guide redress for claims of abuse. I

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l think it's a strength because of the flexibility that offers to respond to the particular circumstances that present themselves. One of the things I have noticed in my short ti.me as a bishop in terms of complaints that have been made to me is that they are extremely varied, and each one seems somewhat unusual or unique in its own right. But I did also say before that that doesn't. mean that we should not be open to, and especially across the whole of our church, a best practice that would mean we committed ourselves to much greater unifom1ity of response and redress.

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

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

T have no knowledge of whether it was in the past a subject of discussion about a redress policy.

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

I do not have a regular practice of review of implementation of such a policy. I try to keep an eye on the situation, I have regular meetings with, for example, the diocesan ministry team which includes our youth and children's workers. We have a lot of policies in our

diocese and J have found in the two years I've been bishop that it is a busy life and so I have not yet developed a regular practice of review. I think frankly in tem1s of my timetable I would need to delegate to a person to do that review and report to me if it was to be done properly and consistently across all our policies.

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

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

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to commit to a more regular review.

What is your current confidence that policies are being implemented based on?

Well, the first part of my confidence is that at this point in time we're not seeing a plethora of complaints which would certainly highlight a lack of implementation. Secondly, J am confident because a significant part of Police vetting is canied out by my executive assistant and 1 work closely with her and l'm aware of her diligence in that area. Thirdly, as 1 said before, l have immense confidence in our diocesan youth and children's workers and in the approach they're taking to following safe practice.

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

One of them is that we've got a much better record-keeping about Police vetting across the whole of the diocese. So there's a certain amount we do from the diocesan office and there's a certain amount we've entrusted to the local ministry units to do. But that does mean that at any given time we may not be JOO% sure that JOO% of people working with children have been Police vetted. So the recent appointment is designed to, from a

record-keeping point of view, have much!,>reater confidence, but the person appointed is not just there to keep records but to work with parishes on improving their practice.

When did that person start?

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

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

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

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

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

Would that deter you?

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

Jn one of the case studies we'll come to, I believe it appears sorneone who was meant to

have done boundaries training hadn't. Are you aware of that case, Mr van Wijk? Jn the Nelson Diocese?

Yes.

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

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

To be honest, my memory is a bit vague, we're -

**We'IJ** come back to it.

Okay, thank you.

Staying with the bishop's role, you talked about the warden position, I just want to

understand that a bit more. In your statement you describe it as something of a kaitiaki role?

Yes.

ls the due diligence concept central for those bodies where you are warden? You mean that the warden would do due diligence and they would expect that? Yes.

No, T don't think it is central to the bodies' understanding of the warden's role. Should it be?

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

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a difficult question arises, but it would be a bit of a surprise to bodies such as our schools if

**J** wrote a letter tomorrow saying I'm about to do due diligence on aspects of your life. Paragraph 69 of your first statement has the statement that the schools should have appropriate policies and processes in place, pruiicularly in discussing Christ's College. Is that enough for you as warden to say they should have the right policies and processes, is that due diligence?

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

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

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

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

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

Do you know how many?

Off the top of my head I can't remember a number mentioned in a circulation to me. It

would be in the multiples of tens.

ls that something you should know?

rm not sure I should know a specific figure, I should certainly know, and I do know, that there are multiple old boys who have got in touch with the school to talk about situations they experienced. And I should also know and do know that the school has set up what I believe is a good and helpful process for seeking both to hear the complaints and to work on redress and **J**commend the school for the way in which it is addressing the situations. You say multiples of tens; do you have an idea ofa ballpark numbers?

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

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experience of life at the school in the time that the person complaining was a pupil there. This is following the evidence in this Inquiry in December last year?

Yes.

As bishop, as warden and as a board member, what interest have you taken in the school's redress process in response to these further notifications?

My interest has been to see that in the redress process the school, as far as l understand it, is following best practice. And as 1 said before, in the light of a number of things l've been learning myself in recent months, and through the Commission's work, I am impressed with the way the school is responding.

What does best practice mean in this context?

Best practice is partly about the way the complaint is received and bandied and any ensuing conversation, and I see the Board Chair and the principal of the school, executjve principal as responding well in terms of making themselves available to listen to stories told to them and to work with each complainant about how redress might unfold, and I think the school is following a line which is that redress would be relevant, pertinent to each person and the experience they share and what they're seeking from the school.

Has there been expert advice to the school about how to respond?

I can't quote chapter and verse, but the school, as **1** understand it, has sought external input. From who?

That's what I'm sorry *l* cannot remember to you, recal1 to you.

As a board member, have you seen a framework or a document setting out the approach the school will take?

The board members have been circulated, I don't know whether I'd call it a framework as so much as a process that would be followed the way that the principal and the Board Chair would seek to work. And as l say in my reading of that I've been impressed and felt this was a good way for the school to deal with it.

For any fom1er student of Christ's College who was abused, how would they know what would happen if they were to make a complaint or make a claim?

I confess I'm not sure of that, I'd have to check, for example, whether there's information actually on the school website. I would say that in the communications to the old boy community, which of course is, if you like, the old boys on a contact list, may not be absolutely every old boy, and to the parent community there has been some sense of bow a contact could be made in a hopefully safe way.

We may need to seek some more details about this in due course.

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

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bringing to assess the process as an individual?

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

Have you seen that positive feedback?

1. A. Yes, in writing it was circulated to the Board.
2. **Q.** Thank you.
3. **QUESTIONING BY MR MOUNT CONTINUED:** I want to ask now about the extent to which
4. your diocese has taken into account Treaty obligations or obligations to Maori more

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generally in your approach to safeguarding or redress.

So, again fairly similar to Bishop Ross and the Diocese of Auckland, we have been pretty monocultural since the change to the church structure in the early 1990s into a three tikanga church. That in part is because we are fairly mono-European New Zealand, Pakeha. And we have immense respect for Tikanga Maori and how they're doing their work within

Te Waipounamu, so the Hui Amorangi of Te Waipounamu encompasses Nelson, Christchurch and Dunedin dioceses and each of the bishops have a relationship with the bishop of Te Waipounamu.

In my reading of our files of complaint and in my own recent experience, we have

not had Maori complaining in the last few decades, I'm not particularly aware of complaints from other cultures, races. We do not have a process that is influenced by Te Tiriti in writing and fonnally. J'm sure we would approach a complaint that involved Maori or in our case we do have a Tongan congregation in our diocese, we would seek to approach that in a cultural.ly sensitive and relevant way, but we do not have that in writing.

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

That is one possibility.

Would it be desirable to seek some advice or to work with Ngai Tahu or any other iwi to understand whether your processes are in fact suitable for Maori?

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That would be desirable. It would also be desirable in tenns of the current make-up of our diocese to have regard, as I said, for our Tongan congregation and we have Tongan's worshipping in other parishes and increasingly we have a presence of people from Asia which could be in particular Chlnese and Korean, maybe some Japanese.

Do you have any retlection for us as to why that hasn't happened until now?

**1** think I have a particular reflection on why that hasn't happened in our complaint process.

1. We are a diocese that has treated bicultural relationships respectfully and well, we have a
2. Bicultural Educational Committee, for example, which has operated for some decades. As
3. **T** say, we have a good relationship with Tikanga Maori. So I think in the end, because we
4. haven't been forced, if you like, to reflect on whether we're inadequate in this area by
5. complainants who are Maori or Tongan or Asian, hasn't risen as a question to consider for
6. my predecessors or for me to date.
7. **Q.** Would you welcome a recommendation to do better in this area?
8. A. Yes.
9. **COMMJSSIONER ERUETI:** Can I just intervene and ask here; Bishop when you say we are

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Pakeha, what do you mean by, who's the "we"?

At this point I'm meaning the predominant people who make up the congregations of our ministry units.

So of the 50 or so units you're talking about, they're mostly Pakeba in those parishes, is that what you're saying?

Yes, J would say as J go around the diocese and visit congregations we've probably got

95% of regular worshipers are European New Zealanders, there might be, say, 2% who are Tongan, maybe another couple of percentage who are Asian, and very few Maori because there is the opportLmity for Maori to identify with their tikanga and worship with Tikanga Maori.

So are you saying they would go to the Pihopa o Aotearoa rather than your diocese? Generally, yes.

Even if they lived in one of those 50 or so parishes they would identify more with the other,

Pihopa o Aotearoa?

That could vary because there are not tikanga congregations in every district of our diocese, but even then, the numbers in some of our parishes are very few.

This is your estimate from your experience of going amongst the parishes - Yes.

**Q.** -rather than data? ls that correct, yes?

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Yes.

And also, of the "we", **J** suppose there's also the people that you are engaging with as consumers if you like, with like the - one of your organisations is the City Mission, right, for example, and these other organisations. Do you have a sense of how many Maori or Tongan or Pasefika or Asian consumers?

I don't have a sense myself, I'm sure the proportion is higher than we're experiencing in our

ministry units. That does raise the question of what, for example, the *City* Mission complaints procedure and policies consist of and the extent to which they're informed by Te Tiriti principles. So **1** would need to look into that.

You don't know right now, but you're going to follow that up for us?

**l** will follow that up.

If there is a poster, say, talking about your complaint process, would it only be in English - Yes.

* or they're in several languages? Okay, that's it for now, thank you.

1. **QUESTIONING BY MR MOUNT CONTINUED:** Picking up on that line of questioning but in
2. relation to disabled people. Are you doing enough to ensure that people with disabilities
3. are aware of their potential to complain and if so, they are supported to do that?
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I'm sure we're not doing enough.

Would you welcome a recommendation to do more?

I would welcome a recommendation to do more. I would observe that we're now in this new situation, so it will be for the Ministry Standards Commission to promulgate the consistent materials that will appear across our episcopal units around complaint processes and related information. And it will be for them, with an agreed wording, to make that available in multiple languages, and in other forms that enable the disabled, including those who have poor sight, to be able to feel they're in connection.

Paragraph 85 of your statement says "It is important to distinguish between complaints of abuse and claims for abuse". Why is that important?

In my understanding it's important in this way: If someone were to complain about abuse

and suppose Mary complains against John and then John denies the complaint, there is a problem around how to then proceed around the fact that there's a claim and a counterclaim. And, you know, due process needs to be worked out to resolve that complaint in a helpful conclusion for the complainant, but maybe come controverted and difficult because of

denial of the complaint.

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| 2 | A claim I would distinguish as that a church, in this instance, accepting the |
| 3 | complaint and working with the complainant on redress, whether or not it's able to sort out |
| 4 | the respondent to the complaint. In other words, I would understand that one could focus |
| 5 | on a complaint and kind of hold up a claim process, a process of securing redress because |
| 6 | you get stuck say between lawyers and sorting out the complaint, and the clain1 part would |
| 7 | be the church being able to move more quickly to do something helpful for the |
| 8 | complainant. But they're obviously associated because as the complaint hopefully is |
| 9 | resolved, that also then leads into redress. |
| IO **Q.** | ls it a distinction that makes any sense from a survivors' point of view do you think? |
| 11 A. | I don't know. **l** could imagine survivors saying they can't make or find it difficult to make |
| 12 | the distinction. I would say as a bishop in a sense I have to make the distinction, because if |
| 13 | the complaint were such that one was looking at, say, the dismissal of a clergyperson or a |
| 14 | youth worker, one has to proceed in the dismissal of a person in either an appointed or |
| 15 | employed position with due regard to matters of natural justi.ce, of employment law and so |
| 16 | forth. |
| 17 | So in other words, there may be a threshold of proof that means the bishop bas to |
| 18 | take into account, you know, how to end an employment or an appointment well, and in a |
| .19 | way that is evidenced and justify - sorry, justi.fied, J'm not denying evidence, because |
| 20 | evidence can be controverted. We have instances in the life of our diocese where |
| 21 | complaints have been brought and the respondent has denied, and maybe it bas gotten to a |
| 22 | kind of she said/he said kind of back and forth and lawyers have got involved and it's |
| 23 | become difficult. That's a problem for the bishop, **l** want to stress, but we've got to have |
| 24 | regard for the survivor in such a situation. |
| 25 **Q.** | From a survivor perspective, imagining you've been abused by a person of responsibility in |
| 26 | the church, you contact the church to say "This happened and I want to talk to you about |
| 27 | putting that right"? |
| 28 A. | Yeah. |
| 29 **Q.** | Is it sensible that they essentially might be asked, "Well, do you have a claim or do you |
| 30 | have a complaint?" Would that make sense do you think? |
| 31 A. | Well, T can't imagine that being the response to the complaint. The response to the |
| 32 | complaint would be to hear the complaint and to work with the story that is told and with |
| 33 | what the complainant is seeking in that situation and how we could respond in a helpful and |
| 34 | hopefully life-giving way to the complainant. |

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

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

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

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

But J think l'd also want to stress that in how Title D can work in practice as we

work with a complaint against a clergyperson for abusive behaviour, by working not so much on the mediation track but on an informal but intentional track governed, if you like, by Title Das a background and a presupposition that we are able to bring the clergyperson being complained about, bring their appointment to an end, say through resignation, and in that way maybe achieve something that's a lot speedier than if we were to go, say, to the Tribunal level of things. And in securing that resignation being in a much better place to work with some reasonable speed on the redress side of things.

lo your paragraph 85, part of your definition of a claim is a request for some type of monetary restitution. Is the issue of money at the core of the way the church bas responded

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to claims?

Sorry, could you just put the sta1t oftbat question again?

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

**Jt** may have been in the past in the sense that maybe a fear that a claim would lead to monetary compensation bas led to a how can we get away with paying as little as possible approach; or are we legally liable to monetary compensation, no, we're not so that's good. It would appear that in past times we have taken that kind of line, speaking in a s01t of colloquial way.

I think in what I've said in that paragraph I've probably focused on claim as meaning money, whereas **1** think the word "redress" is a more encompassing term about what it is that will help a person to cope with or even overcome the ongoing trauma from abuse. And that's not necessarily about money at all, it may be, but it need not be.

And certainly in the limited experience **l** have had in responding to a few

complaints, I've noticed that people are not looking for money, but are looking for a sense that the Church is listening, is taking a complaint seriously, and is in some way working with the respondent to the complaint.

Ts there an insurance dimension to a financial claim for abuse in your diocese?

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

Has that happened?

I'm not personally - I've not personally been directly involved in conversations with the insurer about claims for abuse and how they may have been responded to by the insurer. **1** am aware, for example, of a claim in our diocese about an employment conflict that raised the insurer's involvement and to be honest I'd have to look that up to see how helpful that involvement was.

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

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

1. **CHAIR:** Are you saying you don't refer the matters to your insurer because - is that what you're
2. saying, that you just prefer to deal witb it without going to your insurers?
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No, .I'm saying we have referred matters to the insurers, we've had a bit of a mixed response as to their interest in situations. In my experience, recent experience, this has been more about some conflict resolution stuff in the workplace, that kind of thing, there has not been a significant complaint and claim about abuse in the last couple of years. So I have not been party to it or directly party to a discussion with the insurer.

During your term as bishop?

Yes, and I can't recall significant signs of the insurer sort of governing process in a longer period than that. But I'm not saying that since 1995 they've sort of had no governance or

1. intrusion. Again, part of my learning over the last l 2 months as the Commission has been
2. doing its work is that the insurer tends to, understandably from their perspective, take a
3. quite legal view of what they will or won't happen and we certainly need to move away
4. from being constrained by legal considerations in claims reviews.
5. **Q.** Thank you.
6. **QUESTIONING BY MR MOUNT CONTINUED:** So just to summarise that from a past
7. perspective in a survivor's point of view, a claim relating to abuse that has a money
8. dimension, the risk is it goes off to an insurer dominated process with legal defences,

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Limitation Act, privilege, all of that sort of response, that's one possibility?

It's a possibility, but I think in the Iight of what I've been learning in the last 12 months that if we bad a significant claim,*1* would be working with our diocesan manager who nom1ally conducts the communication with the insurer on not making a claim because we would need to follow best redress practice, not follow lawyer's advice.

The other thing I might say in terms of what you've said earlier this afternoon

about we might have a number of claims we've yet to discover going back, say, 30 years, the insurer has been very clear that nothing before 1995 would count even if we did bring it to them.

Record-keeping. Can we pull up ANG ending 8002. This was the Christchurch response to Patricia Allan's survey. Page 4 of that document describes the record-keeping process. That's the first page just to orient you. 1f we can zoom in on the bottom half under the heading "Records". It's not easy to read in that colour, I'm sorry. But is this the practice in your diocese that firstly tbe monitor wi11 keep full records of an investigation, interview notes and so on?

A.

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That's my understanding. And they are kept -

1. **CHAffi:** Before you go on, Mr Mount, who's answering these questions? We've beard from
2. Bishop Ross that be answered the questions, did you answer these questions Bishop Peter?
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**l'm** sorry, Commissioner, I can't remember exactly my role in putting these answers together. I believe I was working with my executive assistant who has done a lot of work on preparing materials for the Commission.

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

And you had a hand in it, but you were assisted by somebody else, is that roughly - It's my memory that we worked together.

Okay, so you do know about the document?

Oh, yes, yes.

Okay, thank. you.

1. **QUESTIONING BY l\llR MOUNT CONTINUED:** So the monitors keep careful records, which
2. are then kept, but they are destroyed after the time for an appeal; is that right?
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I'm sorry, I'm hesitating because Tm not sure we've got a time for an appeal, a statute of limitations on making an appeal, but I recognise when I read that sentence that there is a contradiction between sufficient time and should they be required for any further action or appeal because that, in theory, could be an unlimited amount of time. So that is probably something I need to check in with the monitor that they actually keep their records forever, in other words they are archived.

Yes, if we just tum over to the next page at the top of the page, under the bullet "How are they disposed of". lf we zoom in on those top two bullet points, it l.ooks as if they get shredded. ls that right?

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

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

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

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some sort of usual confidentialities, especially in regard to the complainant. I'd actually need to talk to the past and present monitor and say how did that practice develop, why aren't we keeping all the notes for the archives.

**Jf** we go back to the previous page, it's clear that the bishop also receives a report on the case?

Yes.

Not the primary documents, a report, is that right? Yes.

ls it then up to each individual bishop how long they keep that for and how that information is stored and so on?

It is up to each bishop. I'm aware that, this may be anecdotal, but the bishop about four back I'm told had a bonfire at the end of his time as bishop. I'm not exactly sure what went into the bonfire. The only thing **l** could be sure is kept is stuff we still have kept in the archives. I would think the more consistent practice for about 30 years that records are kept, I think there's much greater consciousness of the fact that good practice is to keep the paperwork relating to different situations, and certainly ifl go back to the Rob McCullough case which goes back to 1989, reading through the documents there's certainly a vast number of handwritten notes as well as formal letters and other communications that are in our archives. So I'm kind of assuming that practice at least for, say, 30 years bas been to keep all documents.

The bishop who may or may not have had a bonfire, was that Bishop Pyatt?

**l'rn** told that, yes.

Who I think from your statement held office for nearly 20 years, 1966 to 1983? That's right.

It must be unsatisfactory to think that potentially nearly 20 years worth ofrecords would have been destroyed, whether in a bonfire or in any other deliberate way?

That is frustrating and you probably are aware of a case in the paperwork of the Commission where it is specifically mentioned that Bishop Pyatt may have written a reference which, .in hindsight, should not have been written. And there appears to be no record of correspondence about the issuing of that reference.

If the Australian experience is anything to go by, and there's a big bow wave of complaints from the 70s and 80s, potentially that 20-year period under Bishop Pyatt could be a very large hole in the Church's records of response to abuse?

Well, it could be.

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

1. **CHAIR:** We'U take the evening adjournment. Bishop Peter, again just to remind you not to talk,
2. but you haven't- T don't know if you were present when 1 said the other day, that if a matter
3. has arisen in the course of the examination questioning that you need to raise something,
4. talk to your counsel and he will discuss it with Mr Mount. So it's not total silence if there's
5. something pressing that you need to talk about, but otherwise don't talk about it. Thank
6. you.
7. Hearing closes with waiata and karakia mutunga by Ngiiti Whiitua Orakei
8. **Hearing adjourned at 5.03 pm to Friday, 19 March 2021 at 10 am**

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