

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

Under The Inquiries Act 2013

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

Royal Commission: Judge Coral Shaw (Chair)
Dr Andrew Erueti
Ms Sandra Alofivae
Ms Julia Steenson

Counsel: Mr Simon Mount QC Ms Hanne Janes, Ms Katherine Anderson, Ms Kerryn Beaton, Mr Winston McCarthy, Ms Lorraine MacDonald, and Ms Kirsten Hagan for the Royal Commission
Ms Jenny Stevens, Mr Matthew Gale and Ms Jaime Laing for The Salvation Army
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 of Inquiry
414 Khyber Pass Road
AUCKLAND

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TRANSCRIPT OF PROCEEDINGS

INDEX

MURRAY HOUSTON	
Questioning by Ms Janes continued	162
OPENING STATEMENT BY MS ANDERSON	203
OPENING STATEMENT BY ANGLICAN ARCHBISHOPS	207
OPENING STATEMENT BY MRS GUY KIDD	208
BISHOP ROSS GRAHAM BAY	
Questioning by Mrs Guy Kidd	213
Questioning by Ms Anderson	221

Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei

(10.00am)

CHAIR: Tēnā tātou katoa, nau mai hoki mai ki tēnei hui. Good morning Ms Janes.

MS JANES: Ata mārie, good morning Commissioners.

QUESTIONING BY MS JANES CONTINUED: Good morning, Mr Houston, you remain on your previous oath and affirmation. You said at paragraph 7.67 of your evidence that you're very clear in your mind about how each settlement has been reached for The Salvation Army; correct.

A. Yes.

Q. And you have also said at paragraph 7.57 that there's no formal set of criteria for the dollar amounts and that they have not been published at any stage; correct?

A. [Nods].

Q. You've also said at paragraph 4.71 that at times settlements are higher depending on whether there may be dire circumstances, so that alludes to the discretion that you're able to exercise in settlements amounts; correct?

A. 7.41? Yes.

Q. There have been occasions where you have been exercising the redress process, and you've talked about the Grant Cameron band exercise that you went through that was in 2005?

A. Yes, the bands that Grant Cameron set, yes.

Q. And gave evidence yesterday that Grant Cameron did an assessment of his clients against that band, you for The Salvation Army did your own assessment and some came within the bands, some were lower, some were higher; correct?

A. Not entirely correct, so Grant Cameron actually provided their recommended bands, as said in my witness statement, I can't recall if there was any discussion or negotiation between Grant Cameron and The Salvation Army in reaching those bands. So we weren't aware of the background of how they reached those sums.

Q. And so was that the first time that in the redress process for The Salvation Army it had come to your attention that a matrix or a banding system was used by others engaged in redress processes?

A. At the time I understood that Mr Cameron had had involvement with other large actions.

Q. And you hadn't done that exercise on behalf of The Salvation Army in terms of looking internationally or at other -- no?

A. No, other than as I explained yesterday, about our process for looking at how we reach what our settlement proposals might be.

- 1 **Q.** And you say also at paragraph 7.13 of your supplementary brief that you didn't
2 subsequently use those Grant Cameron bands for any of the other survivors but past
3 settlements in similar cases have been helpful?
- 4 **A.** Yes.
- 5 **Q.** Are you aware that in the Royal Commission in Australia, which we understand you were
6 liaising with your counterparts, that in, I think it's case 10 which was the for the Eastern
7 Territory of Australia which I understand takes in New South Wales, Capital Territory --
8 **A.** Queensland I think.
- 9 **Q.** -- Queensland and Australian Capital Territory?
- 10 **A.** Yes, I'd have say at this point that most of my liaisons was with the Southern Division
11 based in Melbourne, not the Eastern Territory in Sydney, but nevertheless, yes.
- 12 **Q.** But you would have been aware about what the Royal Commission in Australia was
13 looking at in terms of Salvation Army abuse in their care settings generally?
- 14 **A.** Yeah, to a point.
- 15 **Q.** Because they produced an exhibit from a Major Peter Farthing, just to give the context for
16 the Commissioners, he was a major with The Salvation Army, had been an officer for 36
17 years, was involved in the Royal Commission Response Committee, Publication Secretary
18 and also had been Secretary for Personnel 2004 to 2009?
- 19 **A.** [Nods].
- 20 **Q.** And he gave evidence about a matrix that they had put in place and talked about how that
21 was re-engineered, effectively they determined ex gratia payments, intuitively initially,
22 which aligns a little bit with what we've heard of your system; correct?
- 23 **A.** Mmm-hmm.
- 24 **Q.** And then he says that at paragraph 119 to 120, "After about two years in 2005 I sat down
25 and worked out a matrix for calculating payments. I reverse engineered starting with our
26 payment levels asking what sorts of things we based them on. I noted that those factors
27 included the age the child was, the length of time in the home the kind of abuse they
28 suffered, the impact on their later life."
- 29 I take it that you wouldn't disagree that those would be similar factors that would
30 go into your calculation?
- 31 **A.** Sure, yes.
- 32 **Q.** Then just quickly having a look at that matrix, which is a 2005 exhibit, if we can ask the
33 registrar to -- and it's a relatively simple document, but it does provide the bandings or the
34 matrix that he had calculated on the basis of what I've just read out to you. Are you able to

1 give that copy to the witness, thank you, so that he's able to -- **[Copy provided]**

2 **CHAIR:** So we know, this is guidelines for assessment of personal injury claims, is that right?

3 **MS JANES:** Yes, but in their redress, personal injury --

4 **CHAIR:** I'm just reading what the document says.

5 **MS JANES:** In their redress process, correct.

6 **QUESTIONING BY MS JANES CONTINUED:** We won't spend a lot of time, it's really just an
7 indication of the types of matrices that for this one, a faith-based institution similar to The
8 Salvation Army in a different jurisdiction. So they look at length of stay in years and there
9 is a particular amount, can you see that, for less than one year, one to three years, three plus
10 years?

11 A. **[Nods].**

12 **Q.** And that's if you're over the age of 12 and if you're under the age of 12 likewise less than
13 one year, one to three and three plus?

14 A. Sure, sure.

15 **Q.** And then they also have other amounts for aggravating factors which you'll see there in
16 counselling?

17 A. Mmm-hmm.

18 **Q.** 5,000. He gives an example of his evidence about application of that matrix and the
19 amount. Now admittedly this is a very serious incident, it relates to somebody who went
20 into Salvation Army care at the age of 12 years, was there for that over the three year
21 period, they suffered psychological, emotional and sexual abuse as well as cultural
22 alienation?

23 A. Mmm-hmm.

24 **Q.** I won't take you to it, because it's not entirely relevant for our purposes, but if you would
25 accept my word on the calculation, which is at paragraphs 122 to 126, they talk about how
26 they go about that assessment, and in this particular case age and length of stay was 20,000,
27 emotional, psychological and cultural abuse 15,000, sexual abuse 30,000, profound impact,
28 which is that part of the discretionary factor, 10,000, the Personnel Secretary's discretionary
29 offer, 95,000, counselling 5,000 and it totals 175,000.

30 The main point, though, is, would you agree that where you have a matrix where
31 you can take account of the individual circumstances but your starting point is on a
32 principled known basis, that is both useful for the organisation as well as engendering trust
33 for survivors that it is fair and equitable?

34 A. Hmm, in the case of The Salvation Army in New Zealand today on the information we've

1 gained over the last 20-odd years, it would be possible to form the basis for a matrix of
2 some sort today but not in 2003 because we had no experience.

3 **Q.** But you'd accept that particularly once you had gone through that 2003 and 2004 heavy
4 numbers coming through, that that would have been a wealth of data that would have
5 permitted a matrix to be established?

6 **A.** In saying that there's a wealth of data, out of our total number of claims it's about 110 out of
7 270 odd. You know, is that a sufficient number of claims to actually form the basis for a
8 matrix? I'm not sure. But as I've also seen in recent times, you know, the severity and
9 effects of the abuse are becoming more apparent. So I'll say again that if we were to look at
10 a matrix today we would possibly have sufficient information and data to begin that
11 process, but not then.

12 **Q.** And you'd accept it has to start somewhere, though, and it may well be an evolving
13 document, and an example of that is the Ministry of Social Development matrix. Before
14 I go there I will produce The Salvation Army exhibit as exhibit --

15 **CHAIR:** 8.

16 **MS JANES:** 8, thank you, correct.

17 **QUESTIONING BY MS JANES CONTINUED:** And we'll now look at the MSD matrix. And
18 they would be the first two to pick up on your point that this has been an evolution that they
19 started probably again around that 2005 period. Again, don't want to spend a lot of time on
20 it, but if you have a quick look you'll see that it is more sophisticated in picking up those
21 severity, major extent of abuse factors?

22 **A.** Mmm-hmm.

23 **Q.** And I'll produce this as Exhibit 9, although again it is a public document. So would you
24 accept that that transparency, that ability to have at least a starting benchmark, albeit open
25 to any level of discretion that an organisation feels appropriate, allows trust in the system,
26 allows consistency of the process irrespective of who the person is that is looking at a
27 claim?

28 **A.** Indeed, and I'd probably refer back to our discussions yesterday in regard to the fact that
29 yes, we do have a redress programme, however it is not published. And we all agreed that
30 to have a published document accessible to anybody would be very advantageous.

31 Similarly, in future I would see that if there was a matrix system that was initiated,
32 then that would form part of that overall redress disclosure, that if certain abuses were
33 suffered, then, you know, there may be a range of remedies that would be available that
34 concluded in that redress document.

- 1 **Q.** And did it occur to you in 2015 when the International Headquarters made contact with
2 you, and just for reference the document is SAL ending 230, we can look at it if you need
3 to but you may recall --
- 4 **A.** I think I recall that e-mail documentation, yes.
- 5 **Q.** So it's dated 23 January 2015, International Headquarters is obviously looking at this and
6 they have said "We'd be grateful for a copy of any template or schedule used to calculate
7 compensation payments and any supporting documentation". You'll remember that
8 request?
- 9 **A.** Mmm-hmm.
- 10 **Q.** And you replied on 26 January 2015, "We have not documented a formula as such to
11 calculate claim payments", and explain that you've utilised experience and claimant
12 expectations to strike a balance.
- 13 **A.** Mmm-hmm.
- 14 **Q.** Would you accept that there is a high level of subjectivity in how you describe the process
15 operates?
- 16 **A.** I believe that how I've described it and how it operates and, for the most part, I would say
17 that it has achieved for most people what is required from a redress process.
- 18 **Q.** And the Ombudsman in 2020 in the Crown redress context indicated at page 3 paragraph 3
19 the claimants must have access to rules, guidance and policies affecting their claims to
20 make sure they are receiving a service that is consistent and fair. I take it you would accept
21 that would equally apply to survivors coming through The Salvation Army process?
- 22 **A.** And I've consistently said that as per our discussions yesterday that we have a redress
23 process, it is not published, it should be, and we would do that. So that everybody is then
24 clear on our process and the options and remedies that are available to them. Yes, totally
25 agree with that.
- 26 **Q.** And would you accept that it's very late in the day, 20 years hence, that that is not available
27 to survivors and victims wanting to engage?
- 28 **A.** As I sit here this morning, The Salvation Army currently has no outstanding claims that
29 require settlement decisions. All claims to date have been settled by agreement. I'm
30 currently working on three or four relatively new cases in their initial stages that I'm
31 working through legal representatives with. And in actual fact, Ms Janes, I thought
32 overnight, and thank you for your input, because after my involvement with this Royal
33 Commission I will be back into that work and will be immediately able to implement some
34 of the recommendations and issues that we've discussed over the last couple of days in

1 regards to cultural sensitivity and various things like that. So I thank you for that, but I will
2 reiterate that currently there are no cases that are pending settlement terms.

3 **Q.** Would you accept, though, that, picking up on the point that you say that survivors, you
4 have settled and reached agreement?

5 **A.** Mmm-hmm.

6 **Q.** But that is in a vacuum for them, because they don't know what survivors in similar
7 institutions, similar perpetrators, similar severity, they don't know what they don't know
8 and if there's not a matrix or some public guidance they settle for whatever they think you
9 believe is appropriate?

10 **A.** That is right to a point. However, I'll draw you to a case, and I believe that I can mention
11 her name, Gloria White, she mentioned in her evidence that on the second meeting where
12 I presented The Salvation Army response to her claim, it also presented an apology and a
13 discharge. I asked, or I informed Ms White that she could gain advice on that, which she
14 did. And I can recall her statement saying that, and I can't recall the gentleman's name, that
15 a local lawyer did contact me to put my proposal for Gloria in some context, of which he
16 was entirely happy with.

17 **Q.** Because we did hear from a number of the survivors, I'm just trying to find the references,
18 but just putting the proposition, that they didn't -- they thought the settlements were low,
19 but they didn't think they had any option and actually they needed the money and so they
20 took it. You recall that evidence from a number of the witnesses both oral and written?

21 **A.** I can recall certain conversations and also the fact that those proposals were agreed to.

22 **Q.** And you'd accept it is a vulnerability for many survivors that because of their life
23 circumstances that the offer of 10 or 20 or more thousand is really quite a big deal at that --

24 **A.** 30 or 40 or 50,000 more recently, but yes, it is a big deal.

25 **Q.** And so if they don't know whether that has parity or consistency with other settlements,
26 their circumstances dictate that they do settle and they do sign a discharge for that amount
27 of money?

28 **A.** Mmm-hmm. I've, as I did with Ms White, I attempt to explain fully what our process is.
29 Also I'd add that over recent times the inquiries that we have received and claims that we
30 have received have been legally represented and, as I mentioned yesterday, legal
31 representatives today quite often will, along with a letter of history of the abuse that
32 occurred, they'll also be making recommendations to The Salvation Army as to what they
33 think the settlement figure should be.

34 For some considerable time now we have accepted what those legal

1 representatives have recommended as a settlement figure. So as I said yesterday in my
2 overall discussion about how we reach settlement agreements, I did say that as well as
3 looking at our own legal advice, that also I took some comfort from those survivors that
4 were legally represented that their representatives would be acting appropriately for their
5 clients.

6 **Q.** Obviously Janet Lowe was the first claim in 2001, at that point you must have, as an
7 organisation and individually responsible for the redress process, said what is my starting
8 point, what are the factors. Did you get advice about court awards that were known such as
9 the *S v Attorney-General* case, the *W v Attorney-General* case, they were around the
10 \$150,000 compensation mark?

11 **A.** I'm not aware of those, but remembering that Ms Lowe's first approach to The Salvation
12 Army was 2001, and as we've already discussed, the fact that we did not approach that
13 claim appropriately, it wasn't until the mid-2000s and part of the Grant Cameron group that
14 we settled with Ms Lowe.

15 **Q.** And just looking at exhibit, so if we can bring up MSC 2219. It's page 5 of that particular
16 document. And again recognising that averages bear a wealth of information underlying
17 them. So this is really just looking at years of settlement in sort of a global sense. You'll
18 see there's a total amount of settlement paid per year, count being the number of claims and
19 then the average obviously derived from that.

20 **A.** So these are the figures that you've produced?

21 **Q.** These are the figures that we've produced from your section 20 spreadsheet, so again open
22 for verification.

23 **A.** Sure, I've seen this but obviously haven't had the chance to verify it.

24 **Q.** So the question really is looking at the trends and patterns, and if you look at 2003 there
25 obviously are some variations. It jumps in 2005, which is sort of when the Grant Cameron
26 cohort is settled?

27 **A.** Mmm-hmm.

28 **Q.** 2007, clearly there is quite a big jump to 43,889, another big jump goes back down into the
29 20s, another big jump in 2011, 43,889 again, goes down into the 10s and 20s again until
30 2018 and then we have 37,500, 2019 46,111, and 2020 57,500. And nothing in 2013,
31 which must have been a good break for you in terms of workload.

32 But looking at that variation and the dips and changes -- and if it helps graphically
33 that's on page 6, so if you can move to page 6 -- but how would you help the Inquiry and
34 also survivors looking at these numbers who say "Well look, I fell in that particular year,

1 I'm not sure where I sit comparably." How should we be looking at those changes in
2 numbers to be able to ascertain consistency, parity and fairness?

3 A. Clearly graphically there are some ebbs and flows. Averaging is always difficult, but what
4 I would say is that those numbers particularly give an excellent indication of the variances
5 from year to year in the numbers of claims that we've received, other than those initial
6 couple of years. It also is an indication, and remembering I can't bring to mind all of the
7 cases and the current -- all the abuses that they suffered, but also what it's an illustration of
8 is the wide and varied experiences of survivors.

9 There are some bigger numbers there which is indicative of not only just the
10 numbers of claims per year, but also the information we're receiving about individual
11 claims, and, as I've said before, individual circumstances. Averaging's fine but it in no way
12 illustrates the overall response to individual survivors.

13 Q. And we look at that very, quite significant upward trend 2017 to 2020. Are you giving
14 evidence that the severity and nature of those particular cases has been so much greater
15 than anything that you have heard in the prior 17 years?

16 A. Not altogether, but I would say that over the last three to four years that the severity of the
17 abuses that have been suffered by those that have come forward are somewhat greater than
18 has previously been experienced. Look, I think anybody in this that's had involvement in
19 this knows the long, long lead-in time for survivors to actually say "Look, this is what
20 happened to me."

21 And there are various triggers. It may be that the Royal Commission, for example,
22 is triggering some people to say "I think I should take action." And from my experience,
23 particularly women and their experiences, it's extremely hard for them to actually admit,
24 and that's not to take it away from men, but look, some of these recent survivor experiences
25 have been most harrowing.

26 Q. And so if I'm a survivor who has settled much earlier, and you've indicated the Royal
27 Commission may be a factor, but is it possible that the Royal Commission is a factor, it's a
28 bit of a lottery, in that because there was going to be scrutiny the settlement figures have
29 increased since the Royal Commission was announced?

30 A. Back in 2017/18, with respect, I had no idea what the Royal Commission would look like.

31 Q. You didn't have an idea what it would look like because of the Australian experience that --

32 A. No, just meaning that it had no bearing on the way that I have approached survivors.

33 Q. Just before moving on, the calculation of compensation you've raised the issue about male
34 and female survivors. Something that I found surprising in looking at your figures was the

1 percentage of male claimants was 71% with only 29% of the claimants being female. Does
2 that surprise you, or are you able to explain why that might be the case?

3 A. I haven't actually done that calculation or am aware of what you're referring to, so...

4 Q. We just looked at the gender of the claims and, as I say, 71% were male and 29 were
5 female?

6 A. Without any science or technical issues attached to it whatsoever, the only thing that comes
7 to mind immediately is that for a considerable time by far the larger populated homes were
8 solely boys' homes. Other than that, I couldn't make any further comment.

9 Q. That standing back seemed to be the most likely explanation.

10 A. Mmm.

11 Q. If we can turn to page 7 of this particular exhibit, in a way this sort of marries with the
12 Australian matrix in terms of looking at -- you've talked about one of the major components
13 being the nature and severity of abuse and how that translates into the quantum. So this has
14 looked at settlement amounts by the alleged nature of the abuse and you'll see that for
15 alleged physical abuse the average is \$16,625, alleged sexual abuse \$30,449, alleged
16 physical and sexual abuse \$30,211, alleged physical and psychological abuse \$23,991,
17 alleged sexual and psychological abuse \$26,667 and physical, sexual and psychological
18 \$34,714.

19 So clearly there is a difference in terms of how you apply the nature and severity
20 of abuse. But going back to that transparency, do you accept that had you done a similar
21 exercise at some point that this could have formed the basis for a matrix that again then you
22 could have a discretionary envelope around?

23 A. I suppose my initial reaction to this is that, you know, if we were talking of forming a
24 matrix then we do have a good basis, because once again we come back to averages, but
25 we'll pass that. But in actual fact it illustrates that the settlements that we have made are
26 pretty much on trend for paying higher amounts for greater levels of abuse,
27 physical/sexual/psychological is at the top, and physical abuse is further down. So
28 trend-wise then it would be in keeping with what you would hope if you did have a matrix
29 that what the standard and ideal redress would be would match that.

30 Q. And then when we actually look at a particular example, being John Gainsford who we
31 have talked a little bit about, but when one drills down into the settlement specific to John
32 Gainsford as a single abuser, and that's putting to one side there are a lot of cases where he
33 is one abuser amongst a number of others.

34 But looking at the data that we were able to extract from your spreadsheet, there

- 1 were 23 cases where he was named, 12 of those there were physical, sexual and
2 psychological abuse, there were four where there was physical and sexual abuse, three
3 physical/psychological, one sexual and psychological, two sexual and one physical. So
4 what factors, how would you have applied consistency across those levels of severity and
5 payments, or how did you look at, say, the John Gainsford cohort of survivors?
- 6 A. I haven't got those figures.
- 7 Q. They would have been available to you as you were looking at other Gainsford --
- 8 A. Sorry, not -- yeah.
- 9 Q. -- Gainsford claims?
- 10 A. I think, and this -- as I said, I can't reference the document that you have cited, however I
11 will need to go from memory, that the severity of abuse suffered from Mr Gainsford's abuse
12 was from the very significant end to not quite so significant and variables in between. It's
13 hard for me to bring to mind all 23 cases as we speak, but as I've said, we would have made
14 a payment appropriate to the individual's circumstances.
- 15 Q. And so the payment ranged from \$5,000 through to \$80,000 and there were four at
16 \$80,000?
- 17 A. [Nods]. I remember that.
- 18 Q. So when you look at that particular breakdown of nature and severity in the document?
- 19 A. Mmm-hmm.
- 20 Q. How does one look at that \$5,000 to \$80,000 range and how would you -- what criteria
21 would you have applied to reach your settlement figures?
- 22 A. As I've said previously, and in my witness statement, we look at the overall circumstances
23 of the survivor, including the abuse that was suffered. We look at what the survivor is
24 asking for, what they need, and then a level of parity between survivors and the abuse that
25 they suffered.
- 26 Q. And you have said, you have accepted at paragraph 7.59 of your brief that you
27 acknowledge some errors of judgment or assessment may occur in some cases, and you
28 would stand --
- 29 A. Sorry, 7 point?
- 30 Q. 7.59.
- 31 A. I agree with that statement.
- 32 Q. And then at 7.55 you've also indicated that some claims that had been previously settled
33 were reopened in light of extenuating circumstances which became known after settlement;
34 correct?

1 A. Yes, in a way it's good that -- regretfully we have to talk of this, but you have brought up
2 some interesting aspects of our overall redress process. As I said yesterday, we use this
3 term "verification". I'm not comfortable with that because, as I explained, it wasn't a matter
4 of verifying a particular person's experiences, more it was a matter of affirming what they
5 had said.

6 In the Gainsford cases early on, 2004 maybe, a female survivor contacted us and I
7 followed our process and arranged a face-to-face meeting. At that meeting it was the first
8 occasion ever that I had heard and became aware of Mr Gainsford's offending. At that time
9 we settled for what we thought was appropriate.

10 Clearly events escalated in terms of Mr Gainsford, it became more and more
11 apparent as to his activities and as we know he was arrested, charged and sentenced.
12 Within that sentencing there were three charges of rape. Following the sentencing we were
13 approached by the survivors and the outcome for them was completely different in light of
14 the fact that we were now aware, totally conclusively, of what the extent of abuse -- of the
15 extent of his abuse was, we were able to adapt our process to accommodate that
16 information.

17 **Q.** Just on that point, again looking at the information provided under John Gainsford it looks
18 like the date of the first claim was 2003, and it talks about that person first contacting The
19 Salvation Army in 93 and then again in 2003?

20 A. Yes, Colonel Gribbet.

21 **Q.** Yes, we don't need to go down that except we don't know whether he existed.

22 A. He doesn't, I've triple-checked there is no, and never has been a Colonel Gribbet.

23 **Q.** But just on that, it is actually an important point and I don't make light of it, but if The
24 Salvation Army in 93 received a letter containing allegations addressed to a Colonel
25 Gribbet, one assumes that does not get forwarded on to somebody who will take it seriously
26 and do something with it?

27 A. Once again, that -- the witness -- sorry, evidence bundle was the first time I'd actually set
28 eyes on that letter. The survivor at our subsequent face-to-face meeting, and I can't
29 remember exactly when that occurred, however, she had indicated that she had, through her
30 support people, had approached The Salvation Army in 1993. Look, then I just have no
31 idea what, if anything, happened.

32 **Q.** It's an important point to know that there was at least some information in 2003 about John
33 Gainsford and the allegations, because I will then go to that 2004 case that you raise,
34 because it is quite an interesting case study about how The Salvation Army dealt in that

- 1 particular circumstance. So if we can go to witness 250026. The name's redacted but
2 hopefully you will be able to have a sense of -- but it's really the principles rather than the
3 name, but it is a female complainant, the letter is dated 26 July 2004, Grant Cameron to
4 McElroys. It notes a particular Salvation Army survivor in Australia had been granted
5 AU\$45,000 and in this particular case who had also been abused by Mr Gainsford at
6 Temuka. Grant Cameron goes through an analysis of their cases and why, in his opinion,
7 he is representing that there should be comparability. Can you see that?
- 8 A. Is there any further pages?
- 9 Q. Yes, we can go to the second page thanks.
- 10 A. Look I'm not familiar with this letter.
- 11 Q. So would it have been the case that McElroys would send letters between lawyers that you
12 were not consulted about or had knowledge of?
- 13 A. I probably had knowledge then, but I just can't recall this individual letter today.
- 14 Q. Because the response then is at witness 250025. Just while that's pulling up, just curious
15 that that letter references US\$45,000 and the information we've received the highest, there
16 is one Australian and it's AU\$22,500. I'm not sure whether that's a record issue or...
- 17 A. We have paid survivors in Australia more than once.
- 18 Q. We only have information on one payment.
- 19 A. Okay, the probable reason behind that is that the payment has been illustrated in
20 New Zealand dollars in the spreadsheet not Aussie dollars, I would suspect, but we've
21 certainly paid more than one.
- 22 Q. Okay, that's useful to know, thank you. So in this particular case it is quite a high amount,
23 AU\$45,000, and then we see in this particular document, just if you could pick up the date
24 for me please?
- 25 A. Sorry, this is 2004.
- 26 Q. Yeah, so it's in reply to the Grant Cameron letter to McElroys?
- 27 A. Are we talking an Australian resident or --
- 28 Q. This is a New Zealand resident.
- 29 A. A female?
- 30 Q. A female.
- 31 A. Right, okay.
- 32 Q. But Grant Cameron is saying look these cases in terms of length of residence, severity of
33 abuse, impact, effectively they should be line ball if one were applying consistent criteria.
- 34 A. Right.

- 1 **Q.** And you'll see that, perhaps if you can call out -- thank you, that would be helpful. So we
2 look at paragraph 2 you'll see, and I think you would accept at 2004 The Salvation Army
3 was still relying on the Limitation Act defence?
- 4 **A.** Clearly it states it there. I would say more that, as we discussed yesterday, that The
5 Salvation Army was still insured for claims at that point. So McElroys' response would be
6 in respect of that aspect as well.
- 7 **Q.** And at paragraph 4, the last sentence, it says "The Army declines to draw overt
8 comparisons with other claimants". But the question really is, if you do not draw overt
9 comparisons so that there is comparability, parity, consistency, how do you reach your
10 settlement amounts?
- 11 **A.** Well, I think that this falls into the category, as we've earlier discussed, around forming the
12 basis for a matrix. We simply didn't have the information back then. Nor at this point, nor
13 in 2004 we would have, at that point, wouldn't have had all that many comparisons to
14 make.
- 15 **Q.** At paragraph 6 it talks about an offer made to this particular person which it's said to be at
16 the top of the range. No other claimant has had such a clear-cut limitation barrier?
- 17 **A.** I think I do recall this case now, and yes, at that time that payment would have been in
18 keeping with a recently high payment, yes, I'm pretty sure I recognise who this survivor
19 may be.
- 20 **Q.** If you do recognise it, this survivor actually ended up getting 80,000?
- 21 **A.** Yes, okay, that confirms it then, thank you.
- 22 **Q.** So the question really is, had there been consistent, principled, known criteria, and she may
23 well have accepted 25 because she didn't know that there were higher amounts being paid.
24 So how can a survivor have any level of comfort or trust in the process where there can be
25 just such a very big variation in what they're initially offered and what eventually is settled?
- 26 **A.** Well, I think as you mentioned, it was an interesting test case, I think you said, or, sorry,
27 interesting --
- 28 **Q.** Case study.
- 29 **A.** -- case study of the previous case, but then 2004 we didn't have the information. We
30 weren't aware of the severity and multitude of abuse events that occurred. Now I think that
31 we have that background, we have that information and our approach is far more consistent.
32 We haven't got the reliance or the, is it the right word, the dependency on insurance, we
33 have experience. I believe we are doing things better now than then. We have learned.
- 34 **Q.** Just looking at the date of claim for the John Gainsford, there are seven in that 2003/2004

1 period, so how have you over time -- that's quite a body of knowledge that was coming to
2 you over that very short period of time and obviously later as well, but in that 2003/2004
3 the name must have been hitting you seven times with the circumstances of that particular
4 perpetrator and the nature and severity of the abuse. What did you do to try and ensure that
5 consistency and parity, even at that stage before 2006 conviction?

6 A. Well, as I mentioned yesterday and in my witness statement, that I was communicating
7 almost daily with our legal advisors around different claims. Once again, these dates,
8 which, you know, I haven't been able to verify, of course there's the added complication
9 then of when claims are notified and when they are paid, you know, being different
10 circumstances. But look, the point being that, you know, I did converse regularly in
11 attempting to reach parity, and relativity for claims and claims payments, at the time that
12 we were settling them.

13 Q. And you've said that some claims were reopened in light of, as we've said, the extenuating
14 circumstances?

15 A. Three of them, yes.

16 Q. Apart from the Gainsford cases, which you did reopen and re-look at?

17 A. Mmm-hmm.

18 Q. And just before we move on from that, if we can call up SAL806, this is a document from
19 27 February 2007, so the conviction was I think mid-2006. So this was clearly a
20 consideration when you were re-looking at the Gainsford trials post-conviction, does that
21 sound right in 2007, February?

22 A. It's 2005.

23 Q. 2005, sorry, I have got the wrong date.

24 A. Just for the record that's a letter from me to Detective Tracey Miron in Timaru, yes.

25 Q. That's not the document I'm after, we will try and find the right document.

26 A. Just while you're doing that, I suppose there's a couple of stems of activity around the
27 revisiting of claims, and I mentioned yesterday that as more information became available
28 to us we've attempted quite vigorously to re-establish connections with survivors that we
29 had earlier declined because of the fact that over time more and more information has
30 become available to us, and regretfully there were some survivors that we were not
31 conscious or not aware of what they were telling us in the past, however we are now
32 re-looking at those cases in light of new material. As I've said, to date I have contacted,
33 re-engaged and made redress settlements with four of those people.

34 So once again, we've talked about the fact that we've reacted and reopened cases in

1 absolute situations where somebody's been sentenced for a crime. This is also actually
2 reviewing and re-establishing contact with those that we may not have treated so well then.

3 **Q.** And you've actually jumped exactly to where I was wanting to take you, is that you have
4 undertaken that review of the declined claims?

5 **CHAIR:** Before you do, can I just clarify with Mr Houston; when you say that you were not
6 aware or conscious of what the survivor was saying, what do you mean by that?

7 **A.** Well, not aware. So and I think I talked about the verification process yesterday and the
8 fact that it's become a lot easier, and I've illustrated that this morning with Mr Gainsford,
9 where the first time I ever became aware of his offending was from a survivor that came
10 forward. Now of course if Mr Gainsford is mentioned then we have a body of
11 knowledge --

12 **Q.** But what did you mean when you say you weren't aware or conscious of what the survivor
13 was saying. Does that mean that at that time you didn't believe the survivor who was
14 bringing a claim but you subsequently found and believed them to be because learned about
15 Mr Gainsford later, is that what you're saying?

16 **A.** Yes, and there have been other perpetrators in that situation.

17 **Q.** Thank you.

18 **QUESTIONING BY MS JANES CONTINUED:** I think just picking up on that point, though, it
19 puts us back in the Janet Lowe frame, she's the first one to come forward, there is that level
20 of disbelief and there is quite a range of evidence about -- it was going to be under process
21 issues but I'll jump to it now because it's been raised in that -- we heard from Roy Takiaho
22 at paragraphs 101, 106 and 116, he felt that there was no accountability, not properly
23 acknowledging anything, that sense of Mr A paragraph 25 felt disbelieved, he felt that The
24 Salvation Army view was of gold-digging claimants. We have Mr N, paragraphs 87 to 88
25 and 101 to 102, felt that the Salvation Army process was cold and disbelieving. And they
26 span that whole -- so we're not talking just the early 2000 period, we're talking claims that
27 went into, you know, the 2010s, where again there was that sense of disbelieving.

28 So how do you manage, you first get Janet Lowe, you get your first Gainsford, how
29 can you improve your process so that they are not met with that disbelief and have to wait
30 for that body of knowledge to develop before they're actually treated with the respect and
31 the belief that they deserve?

32 **A.** Certainly I mentioned that Ms Lowe's case was a catalyst for change and in some
33 situations. But I would concede that, you know, some of our interpretations and some of
34 our responses to those, to survivors, even up to 2010, were regrettable. That would not

- 1 happen today.
- 2 **Q.** So you've looked at your declined claims and you've already come up with four that need to
3 be revisited?
- 4 **A.** No, no, that's four that I have already re-engaged with and settled. So there are three or
5 four others that we're actively looking for through their legal advisors. Clearly it's not a
6 simple matter of retrospectively then trying to re-establish connection with these people,
7 but we have made it clear to their legal advisors that we are open and willing to re-look at
8 their claims.
- 9 **Q.** And I'm understanding from your evidence that there is an acknowledgment that those four
10 were declined but on a re-look should not have been declined because you've settled?
- 11 **A.** Yes, and as much as our historical record-keeping is circumspect in some areas, as you're
12 aware by our claims files that we have -- on almost every file there is a verbal recording of
13 the face-to-face meeting. So once reconnection is made it's not a matter of the survivor
14 having to go through the entire process again, we already have that information. So it's a
15 matter of reconnecting. If the survivor's agreeable and all of them have been so far, that
16 I meet with the survivor again. I not only apologise for the way in which we initially
17 treated their claim, I apologise for the abuse that occurred and present a settlement proposal
18 to them. But without having to go through the entire, you know, questioning process again.
- 19 **Q.** And just looking at that whole revisit situation, you may not be aware, and don't expect you
20 to, but in the Crown evidence, Ministry of Social Development has a revisit policy which is
21 publicly available?
- 22 **A.** Right.
- 23 **Q.** Describing very much, as you have, that if new information comes to light after you've
24 settled we will re-look at your case?
- 25 **A.** Mmm-hmm.
- 26 **Q.** Would you consider that that is something that would also be valuable for Salvation Army
27 survivors to know what circumstances they could approach you to have their case reviewed
28 rather than you being the one to instigate that?
- 29 **A.** Certainly, and albeit the number of declined cases relatively is very low, and also albeit you
30 can say that one declined case is one too many and I would agree with that, but we're doing
31 our best. But sure, if that information was available and possibly as part of, not wishing to
32 go back to it again, but the publishing of our redress process, it could be part of that.
- 33 **Q.** What I'm really suggesting is wider than the declined policy. So I'm actually looking at the
34 settled policies --

- 1 A. Okay, sure, yes.
- 2 Q. -- where they were settled, perhaps new information has come to light, or there is now
3 greater acceptance of those claims.
- 4 A. Sure, and I think Colonel Walker actually made comment on that yesterday.
- 5 Q. And again, you may or may not be aware of this because you engaged more with the
6 Southern Territory in Australia rather than the Northern Territory --
- 7 A. Eastern, sorry, Eastern.
- 8 Q. Eastern, absolutely, thank you for the correction. So there was the case study 5 and case
9 study 10 which took place in Australia January to March 2014 and The Salvation Army
10 Eastern Territory following that public hearing made a public commitment on its website
11 that they would review amounts previously paid to survivors who received redress to
12 ensure all survivors had their case considered against the same standards for payments to
13 ensure equity, fairness amongst survivors?
- 14 A. Mmm-hmm.
- 15 Q. And that was for claims settled at any time after 1990 that had not been reviewed by that
16 2014 date?
- 17 A. Mmm-hmm.
- 18 Q. Would you accept that as your process has evolved it is probably time to make a similar
19 commitment to claimants in terms of the knowledge that you have gained and whether that
20 parity and consistency actually is a fair objective that has come about in practice?
- 21 A. Yes, it would, and I go one step further and from my knowledge I understand that in
22 Australia that, you're quite right, that cases can be revisited. And I might be getting
23 confused here, but I've also heard that survivors in Australia, to actually take advantage of
24 that situation, virtually have to re-traumatise themselves by completing a 35 page document
25 which they once again have to outline the abuse that they've suffered to pinpoint accuracy,
26 who did it, when, how, why etc, which would be quite daunting to do it again for anybody.
27 As I've explained in our four cases we would not expect them to have to go through that
28 process all over again, because we've got the information.
- 29 Q. And Colonel Walker yesterday spoke in glowing terms of your meticulous records and that
30 you had cap -- he said Murray has captured all the information, it's clearly documented, we
31 know exactly where it is, we know exactly how to source it. He did say that if something
32 happened to you he would be confident they'd be able to search through the record-keeping,
33 and while it may take a bit of time, another person would be able to capture the critical
34 information?

- 1 A. Absolutely, and to assist in us responding to the Royal Commission, all claims files up to
2 late last year have now been all digitalised, so not only have we got, you know, those
3 original paper files, they're all available on a digital basis as well. So yes, we have that
4 information.
- 5 Q. So under provisions of strict confidentiality, Salvation Army could engage an external third
6 party, not re-traumatise survivors, but would be able to go through the records that you
7 have and be able to do that analysis of parity and consistency across time?
- 8 A. That wider decision around independence would be a decision for the wider Salvation
9 Army.
- 10 Q. Because would you understand that probably a survivor would not want you to do that
11 exercise because you were the person who was involved in the initial decision-making?
- 12 A. I can't speak for them on that.
- 13 Q. But you would accept it may -- the exercise might have greater trust if it were done by
14 somebody who was not the initial decision-maker but was a reviewer?
- 15 A. I would accept that.
- 16 Q. Just turning to -- the non-monetary and that discretion element is so important and accept
17 that that is an integral part of the process and values that you stand by. But looking at how
18 you connect survivors to those services, whether they are sourced from Salvation Army
19 social services or elsewhere, how and where is that captured, because somebody would
20 need to be able to understand what you were thinking?
- 21 A. Mmm-hmm.
- 22 Q. And why -- obviously the compensation is one thing?
- 23 A. Mmm-hmm.
- 24 Q. The counselling is another, the legal contribution?
- 25 A. Yeah.
- 26 Q. But other services, where could somebody capture, review and understand your thinking on
27 those non-monetary aspects?
- 28 A. Clearly that would form part of and be attached to our written redress policy that would be
29 made public.
- 30 Q. So again, if you had an external reviewer, very much as we saw from the Australian one,
31 you could see what the discretion amount was?
- 32 A. Yeah, and through our -- through the experience we've had so far, we could give examples
33 of what, you know, that non-monetary type redress may look like. And there's been --
34 maybe over time we have funded seven or eight survivors for tattoo removal, for example,

1 which has been an important part of the removing the remnants of a life that they're actually
2 trying to leave behind. We've funded hearing aids, dental work, obviously counselling, but
3 also life coaching skills etc. So we could give some round examples of what it is, but of
4 course each, you know, every circumstance is different, individuals may require something,
5 but I suppose what the communication should be is that if there is something that would
6 benefit you, please let us know.

7 **Q.** So we heard from Mr A that he would -- while initially he was grateful for the money --

8 **A.** Mmm-hmm.

9 **Q.** -- what actually would have been of more value to him is a life coach?

10 **A.** Yes.

11 **Q.** And talking about your prison reintegration here, so how does that get offered and how do
12 you connect your survivors into those social services?

13 **A.** So once again it's -- when I'm engaging with survivors now, it's a matter of, you know, I
14 would offer that to the individual. But in terms of Mr A, once again, that was a regretful
15 response. Today it's different in two ways, in that one we would be more than willing to
16 connect Mr A with the services that he wished. And that's two-fold, one because we would,
17 and two because the services in that area that The Salvation Army runs is far more known,
18 far more sophisticated and far more successful than what it was, the reintegration process.

19 Look I -- roughly the success figures around that transforming of prisoners back
20 into normal life is roughly 60% success. So it does work. And in actual fact one of the
21 survivors that I have reconnected with just recently in Invercargill Prison, offered him that
22 service which he had actually heard about within the prison but just wanted to know how he
23 made that connection. So once again, it is something that we could document and make
24 part of that redress, that whole redress plan.

25 **Q.** Because listening to the Salvation Army evidence about the redress process over the last
26 couple of days, you'd accept that it's very dependent on you as an individual person?

27 **A.** Yes.

28 **Q.** It's very dependent on the records kept by you and known to you?

29 **A.** Indeed, but within those records, as you mentioned before, there's sufficient information
30 there, both written material, correspondence and verbal recordings to gain a complete
31 picture of the survivors' experiences and what the response of the Salvation Army has been.

32 **Q.** And it seemed that there was not a lot of transference of perhaps knowledge and expertise
33 from The Salvation Army social services in terms of cultural matters or dealing with
34 dealing with people with disabilities. It seemed a little bit like, certainly to this point, that

- 1 the redress process operates as a silo separate to the rest of the Salvation Army services.
2 Would you accept that is an impression that is fair looking back in hindsight?
- 3 A. I would agree that there are certain areas that if we had have interacted sooner then the
4 process may have been more streamlined.
- 5 Q. And just very quickly rounding out that revisiting, so you've revisited for the Gainsford
6 ones?
- 7 A. [Nods].
- 8 Q. What other circumstances have you re-looked at quantum, did Raymond Vince conviction
9 lead to that at all?
- 10 A. My recollection is that any survivor that I have engaged with in regards to Ray Vince was
11 after his conviction. So I think that was 2008; is that correct? So I have engaged with at
12 least one or two survivors and that was after that conviction. And from memory that was
13 actually discussed at the face-to-face meeting, and also from memory I do recall the
14 settlement in one situation was, or took that conviction into -- not specifically, but it
15 certainly was discussed at the interview. Also from recollection that that survivor was
16 legally represented and the legal representative recommended what a settlement might be,
17 so yeah.
- 18 Q. And where time is marching there is a wealth of information you've provided to us, can't in
19 any way do justice to that wealth of data and examined in great detail at this particular
20 hearing?
- 21 A. Sure.
- 22 Q. So I'm just going to go through some areas that might be something that survivors would
23 like to just hear about and understand, so really just some short propositions. So, for
24 example, at paragraph 3.6 to 3.9 of your evidence you accept that delay risked causing
25 further upset to survivors, and you talked yesterday in your evidence about sometimes
26 being able to settle in a matter of days and in your written evidence sometimes less than
27 two weeks, but acknowledging some take longer?
- 28 A. Yes, although once again with that body of knowledge, with the support of Salvation Army
29 leadership and the decisions that I can make, today, you know most settlements would be
30 made within, and I give myself a bit of leeway here, but within two to three months at the
31 most.
- 32 Q. So when we look at three cases that took 10 years or more to settle, you'd agree that is just
33 not an acceptable timeframe?
- 34 A. Those three cases were when?

- 1 **Q.** There was one that took 11 years, one 12 years and one 10 years looking at your
2 spreadsheet. So just looking at that 238 claims, 12% took 18 months or longer. Would you
3 find that surprising and disturbing for the survivors that so many took so long?
- 4 **A.** Yeah, I think I would suspect that you giving those numbers, over 10 years? Okay.
- 5 **Q.** Three over 10.
- 6 **A.** But there was a period where, you know, we talked briefly about yesterday that there was
7 some complexities around the settling of claims which did elongate that process. That
8 certainly wouldn't happen today.
- 9 **CHAIR:** What sort of complexities Mr Houston? Was it about verifying the --
- 10 **A.** No, I'm referring to our relationship with Cooper Legal.
- 11 **Q.** So you're saying that negotiations with lawyers took -- those cases took longer, is that what
12 you're saying?
- 13 **A.** They did for a period.
- 14 **Q.** Thank you.
- 15 **QUESTIONING BY MS JANES CONTINUED:** I was only going to very briefly touch on the
16 complexity with Cooper Legal, it was in relation to reliance on the limitation --
- 17 **CHAIR:** Come to it when you're ready, Ms Janes, don't feel you need to deal with it at this
18 moment, as long as you are going to deal with it.
- 19 **MS JANES:** I am going to and I will do it now.
- 20 **QUESTIONING BY MS JANES CONTINUED:** It's in the context, Mr Houston, that in 2008
21 that there were eight civil claims, I will shortly find the document for my friend. But
22 McElroys wrote to the Legal Services Agency on behalf of the Salvation Army indicating
23 that they believed they would all be subject to the Limitation Act and therefore really
24 asking them to look at the legal services payments.
- 25 **A.** If it helps --
- 26 **Q.** You accept that was not probably very helpful?
- 27 **A.** If it helps, I'm familiar with that correspondence so you don't necessarily have to bring it
28 up, but that was a defence, but there were wider issues and, you know, you may recall some
29 complexities and some uncertainties with legal services at that time and McElroys were just
30 trying to ascertain what the position actually was around legal services and Legal Aid in
31 general. But as you say, there were six to eight proceedings against us which were
32 involved in that. However, ultimately all of those claims were subsequently settled by
33 agreement.
- 34 **Q.** But you'd accept for a survivor --

- 1 A. That letter was abrupt. And I accept that.
- 2 Q. Thank you. And you'd accept also for a survivor that being legally represented and the
3 threat of Legal Aid being removed is a traumatising and distressing circumstance?
- 4 A. Indeed.
- 5 Q. Just returning to our very sort of quick propositions, noting that we're heading timewise;
6 again, can't really go into the complexities of comparisons of settlements, but on analysis,
7 would you accept that there are a number of very high settlements that relate to
8 Mr Gainsford, The Nest, Whatman, that other claimants would say that they had
9 comparable circumstances at least in terms of setting, perpetrator, time, severity, who then
10 got much lower settlements and there's a sense of inequity and justice?
- 11 A. On the spectrum and timeline of settlements that's more than possible.
- 12 Q. Just looking, nothing much may turn on it and it's really just asking if there is an
13 explanation, but again, limitations on averages, so you may not have an answer, but I'll just
14 quickly ask the question.
- 15 A. Mmm-hmm.
- 16 Q. We've talked about the male claimants versus the female number of claimants, but the
17 average payment for a male was \$27,891.67, the average payment for a female is
18 \$31,329.08, not a lot in it, but any sense of how or what factors might play into that?
- 19 A. Severe -- this is notwithstanding, as I've already said, that any difference in gender. I
20 would hope that everyone would agree that prolonged severe sexual abuse on, as it was
21 then, young girls, is abhorrent and our settlements reflect that.
- 22 Q. And you'd accept a lot of survivors, not necessarily in the evidence that you've heard, but
23 that the Commission has heard, that for males, serious sexual assault and abuse is horrific
24 for the same reasons but also a lot of other psychological consequences, would you accept
25 that equally male and female sexual abuse is abhorrent at any level?
- 26 A. Ms Janes, I've sat before well in excess of 150 survivors and know first-hand the effect of
27 that abuse, whether it be male or female.
- 28 Q. And again, I don't know whether you are able to describe, when one looks at the
29 comparisons of the settlements by setting, The Nest and The Grange are at the far end of
30 the average settlements?
- 31 A. So what far end sorry?
- 32 Q. So they're at around the 40,000 average settlement for The Nest?
- 33 A. Okay.
- 34 Q. Around 38 for The Grange. So is that a possible factor that led into the higher female

1 settlements in that the settings where females, Grange and The Nest, just trying to get a
2 sense of why some of the settings are so far disparate?

3 A. Have to just pinpoint that a little more, I didn't quite get the point.

4 Q. And again it's a disservice to everyone in that there is a wealth of knowledge, so I may
5 actually not pursue that point because it is too complex in this particular setting.

6 CHAIR: It is complex. Does it occur in the numbers that you have produced?

7 MS JANES: It previously did, it doesn't currently.

8 CHAIR: It doesn't currently, I think I understand why.

9 MS STEVENS: And I think this points to it because there is an issue around the way that that's
10 been done and the averages. So, for example, some of these we have a lot higher numbers
11 of people in boys' homes and it's just creating a --

12 CHAIR: I've trodden on some delicate ground here and I appreciate I've waded into something,
13 I do get that. Ms Janes, I'm going to leave it to you. I think the point is whether you
14 accept, Mr Houston, that there may be differences in levels, again averaging, different
15 levels of payments to survivors depending on which institutions they were in.

16 A. Yes, and taking that into account, I would suspect that, and I'm not 100% sure, but for
17 example, The Grange and the Florence Booth home in Wellington were both girls' homes.
18 From my recollections of what both ex-staff and survivors have said that, for example, at
19 those girls' homes, as much as some forms of abuse did occur, which is unacceptable, the
20 prevalence of various types of abuse may have been reduced because of the staffing and
21 who that may have been. If I can sort of say in a roundabout way.

22 Q. So in some cases what you're saying, I think, is that the abuse was more prevalent and
23 wasn't mitigated by other staff members being kinder or more vigilant, is that what you're
24 saying?

25 A. I suppose what I'm really saying is that at the girls' homes there was less likely to be a
26 significant male presence on those premises, whereas Temuka, of course, was entirely
27 different, yeah, so that's what I'm saying.

28 MS JANES: I suppose that's what we're grappling with, because where there was sexual abuse it's
29 interesting that where there isn't a male presence --

30 A. Mmm-hmm.

31 Q. -- can probably surmise that it's more psychological, physical?

32 A. Physical, yes.

33 Q. So that's why we're really trying to get a sense of why the sexual abuse prevalence in other
34 settings, the averages are lower, whereas in the less sexual abuse homes they are at the

1 highest level of average payments?

2 A. Okay --

3 **Q.** I'll let you reflect that on that over morning tea.

4 **CHAIR:** Shall we take a break, give you an opportunity, and if you wish to speak, of course, to
5 counsel and to discuss this further please do, I don't want to close it down, but equally if the
6 evidence is not ready then we won't go any further. Thank you. We'll take the morning
7 adjournment for 15 minutes.

8 **Adjournment from 11.34 am to the 11.53 am**

9 **CHAIR:** Yes Ms Janes.

10 **QUESTIONING BY MS JANES CONTINUED:** In the time we've got available I'm just going
11 to do some very short topics with you, Mr Houston.

12 A. Sure.

13 **Q.** We've spent quite a bit of time with Colonel Walker on the Limitation Act so I don't want
14 to spend a lot of time with you. Would you accept that we have seen that certainly the
15 letters to claimants or their representatives still alluded to the Limitation Act bar through to
16 letters in 2009, Mr A being one example in 2009?

17 A. Yeah, I think over time, and I'm sure that our counsel provided this material, but I think
18 you'll find over time that our letters and/or responses and letters to survivors have changed
19 considerably over time and, as we've talked about, because of, you know, insurance
20 considerations and various other things like that, we did include material around limitations
21 and what it meant. Over time we continued to mention the Limitation Act but said that
22 we're not taking that into account.

23 And look, I can't remember exactly when it is, but early in the 2010s and 11s
24 maybe, even maybe a bit later, I just don't know, that we removed any reference to
25 limitation or indeed many legal remedies that we may have had altogether. And as I said
26 yesterday, you know, legal implications just do not drive our responses today.

27 **Q.** We'll just quickly pull out a document SAL1036, and this is a letter from yourself to
28 Cooper Legal, 14 September 2009. It's in relation to six of their clients. We did see this
29 particular letter a couple of times in individual evidence, but this is the full letter, you'll see
30 that there are six claims that are being dealt with in this particular letter. Just a couple of
31 things that I'd like to highlight, because in terms of what your thinking was and how you
32 were responding to claimants in 2009.

33 So at page 1 paragraph 1, if we call that out, it just notes that you've given
34 thoughtful consideration to each claim, do not believe we have any legal liability to the

- 1 claimants because of at least limitation issues and in some cases Accident Compensation?
- 2 A. Sure.
- 3 Q. So that's just consistent with the evidence that you have given that even when you take that
4 non-legalistic approach, those legal defences still do factor in to some degree?
- 5 A. Clearly because we mentioned it here, but regardless of that, we continue to make offers.
- 6 Q. And you talk about taking into account the seriousness of the allegations and other
7 comparable claims. If we can just skip over then to page 1 paragraph 4 and you talk about
8 not being prepared to make offers of compensation to some in particular of those
9 claimants?
- 10 A. Mmm-hmm.
- 11 Q. Because it involved punishment. And then I've got a noting that amounts inclusive of legal
12 costs not anticipating this will be the start of a **[document shown on screen]** -- ah, thank
13 you. So this really is indicating quite an intransigent approach in that it is a take it or leave
14 it offer, all inclusive, won't be contributing to legal costs?
- 15 A. As I said in our previous session, that was a particularly blunt and brutal letter and one that
16 we would not even consider writing today. That period we've talked about the fact that
17 there were, you know, other considerations that were occurring around legal services etc.
18 And as I said, we just wouldn't do that today.
- 19 Q. And it highlights again, disparity of outcomes for some survivors in that?
- 20 A. Sure.
- 21 Q. Some had their legal costs paid, even some of the Grant Cameron ones a number got their
22 legal costs paid, others did not, Cooper Legal likewise.
- 23 A. And certainly today we actually have an arrangement with legal advisors that, you know,
24 we will pay 50% of -- make a contribution of 50% at the least, other circumstances we pay
25 more. So once again, we've progressed from what some could describe as harsh conditions
26 through to being that more survivor-focused and providing a redress package that is
27 actually meaningful and will make a difference.
- 28 Q. In the information you've provided, contribution to legal costs ranges from \$300 to just
29 actually over \$10,000. What is the criteria and circumstances that you make a decision to
30 contribute to the legal costs and the level, because I'm sure most of the survivors will want
31 to know particularly those who didn't get a contribution why they didn't?
- 32 A. So the question doesn't arise these days, so that if the survivor is legally represented the
33 bottom line is we will, you know, we will contribute 50% at the minimum. We may
34 discuss that further. But that just forms part of our redress response.

- 1 **Q.** And if you're looking at the total compensation or acknowledgment redress package, you'll
2 accept that looking backwards, that could make quite a significant difference to those who
3 settle earlier and didn't get legal contributions?
- 4 **A.** Yes, and you mentioned that we've paid, what, \$500 to \$10,000.
- 5 **Q.** \$300 to \$10,000?
- 6 **A.** Okay, sure, that's dependent on the degree of difficulty, I suspect, with that particular claim.
7 Albeit, you know, today as I've said, generally all claims through legally represented, all
8 survivor claims through legally represented sources are settled quickly and amicably.
- 9 **Q.** Because in the oral evidence and also the written evidence Mr Timpson had to pay \$4,000
10 from his settlement, Mr A had to pay \$3,750, so the actual amount that they received was
11 quite substantially in proportion diminished because of those -- you'd accept that?
- 12 **A.** Yes.
- 13 **Q.** Just very quickly looking at some of the process issues that have been raised by survivors in
14 terms of engaging with The Salvation Army?
- 15 **A.** Mmm-hmm.
- 16 **Q.** There are a number, and we have covered it slightly so it's really just putting it to you, that
17 a number felt that the allegations were minimised and, even in our discussion this morning,
18 the first Gainsford complainant, Janet Lowe. So a number of claimants when they have
19 come forward have just had the sense that the Salvation Army has minimised liability, and
20 we look at those letters saying no legal -- can you accept that for survivors, having come
21 forward, again, very courageous step, to have that type of response is painful, hurtful,
22 enhances the sense of grievance?
- 23 **A.** As I said yesterday, what I've learned to discover is that one of the biggest fears of any
24 survivor is that they won't be believed. I've learned that. And certainly our responses are
25 reflective of that today. And I will reinforce that at least twice, certainly at the face-to-face
26 meeting, that I believe the accounts that they have told me. And secondly, in our written
27 response I'll also re-emphasise that in that letter.
- 28 **Q.** Just moving on to the next little topic, can you confirm for us when McElroys and the
29 insurers were disengaged, if I can put it in those terms?
- 30 **A.** Yes, I've had a think about that and -- so we sort of went from a situation where almost --
31 not almost; every claim was passed to McElroys and the insurers. And so a lot of the
32 responses were predicated around what their thoughts were. And our policy had certain
33 clauses around retroactive periods. Like initially -- or not -- retrospective periods. So
34 before these claims became apparent we had an unlimited period where we could make a

1 claim of this nature. Of course when these claims started mounting, particularly around 03,
2 4 and 5, then gradually that insurance cover was withdrawn, but along the way there were
3 other nuances where there might have been a limit on each claim, or they may have
4 increased the deductibles for any given claim. So there was a period there where the terms
5 and conditions that we may receive each year were uncertain.

6 The other thing, of course, is that with these insurance policies that the claim is
7 registered, the year that it's registered, so that might be, for example, 2004, however the
8 settlement may have occurred later than that, and that figure would show up later as an
9 insurance payment because it was registered earlier.

10 So look, what I'm really saying, is that I'm not exactly sure when the insurance
11 cover was withdrawn completely, but it would have been prior to 2010 I think. Now from
12 there, so, you know, we had legal advisors that were acting for them and they sort of
13 gradually, you know, withdrew from providing advice to us.

14 **Q.** And we won't go to it because we did see this document yesterday and I don't know if you
15 were here, but in 2003 there is a document where there was mention of the insurer being the
16 person that would be compensating and -- the quick question is, do you accept that mention
17 of the involvement of an insurer and compensation being at the behest of insurer has a
18 pretty chilling and barrier-like effect?

19 **A.** Yes, so I don't need to see a letter, I'm familiar with what that wording was and it would be
20 somewhat disconcerting.

21 **Q.** And again, don't want to spend a lot of time on it, but just want to check that another barrier
22 that we have seen in the documents that was imposed or felt to be imposed by The
23 Salvation Army is requirement for psychiatric and medical records to justify, again it was
24 in that legalistic framework?

25 **A.** Yeah, and actually that -- now that you've brought that up, that was another catalyst to our
26 insurance cover ceasing, because once again, I'm not a technical expert, but in terms of
27 making a claim of this nature back then, there were two basic criteria that the insurers
28 required. The first was limitation, the second was that the survivor had to present with
29 some form of physical, psychological or mental illness for that to be a valid claim.

30 So there was from time to time -- we did ask for those reports, but, look, once we'd
31 already said that we were not going to take into account the limitation, there was also little
32 point in gaining reports that I'd have to say at the end of the day really made no impact on
33 our response anyway. So I can't recall the last time we asked for that, you might be able to
34 bring that up in documentation, but maybe 2009, 2010.

- 1 **Q.** I think that would be right.
- 2 **A.** So look it's just not a feature of what we needed to --
- 3 **Q.** So that is not a requirement any further?
- 4 **A.** No, no.
- 5 **Q.** Again, won't really touch too far on it, but one of the issues for many survivors is
6 attendance at interviews and attendance at interview where there is a Salvation Army
7 officer in a uniform?
- 8 **A.** Yes.
- 9 **Q.** And I'm just trying to find the outside date, 2017. Just for the record it's SAL2080, that
10 seems to be when you were communicating officers would not attend in uniform?
- 11 **A.** What year was that?
- 12 **Q.** That was -- so SAL2080 is --
- 13 **A.** 2080, I thought you said 2018.
- 14 **Q.** No, this is in 2017. So it's a request from Cooper Legal for two clients to not attend an
15 interview with you face-to-face?
- 16 **A.** Sorry, is that in regard to uniform?
- 17 **Q.** In the same one you say that they wouldn't be attending in uniform, so it seems -- let's take
18 it in two parts.
- 19 **A.** Sorry, what year was this?
- 20 **Q.** 2017. So by then you had abandoned the uniform?
- 21 **A.** Long before.
- 22 **Q.** Long before?
- 23 **A.** Yeah, yeah, I was thinking there's actually some correspondence from Cooper Legal
24 probably as far back as the early, maybe 2010/11 where they had voiced that it was
25 inappropriate for officers to wear uniforms and we adopted that from then I'm sure.
- 26 **Q.** Although there is a document, witness 250012, which is 1 February 2011, it's a letter where
27 they've queried your role, you've outlined the process, and say that at page 2 paragraph 2 "a
28 senior uniformed Salvation Army officer would accompany me on my visit"?
- 29 **A.** Can we just go back to the first paragraph.
- 30 **Q.** Yes, of course.
- 31 **A.** That was 2011.
- 32 **Q.** Yes, 2011.
- 33 **A.** Okay, as I said, I'm not exactly sure of the date, but it was around about then that it became
34 clear that it was entirely inappropriate for whoever was accompanying me to be wearing a

1 uniform. So look I'm sorry, I'm not pinpoint on the dates, but certainly from there on it
2 would not have occurred unless a survivor had requested that. And that has happened from
3 time to time.

4 **Q.** And you would certainly accept that you were aware of the intimidating and threatening
5 perception of survivors in being confronted by a uniform at a much earlier stage, so it took
6 a number of years for that to be recognised and withdrawn?

7 **A.** Well, in retrospect it's very similar to the Royal Commission's ruling on religious garb for
8 this hearing. That, of course, something like a uniform or other religious attire can be a
9 trigger, so yes.

10 **Q.** And that issue of having to attend a face-to-face interview seems to be a consistent theme,
11 again we don't really have time to go, but quite a range of communication where the request
12 has been made not to have a face-to-face interview and the response is no, that is a
13 cornerstone of our process, you must attend?

14 **A.** Sure. Remembering that, you know, some of these instances I've just heard of around this
15 particular hearing. However, that was -- that particular e-mail to Cooper Legal, it was in
16 response to one particular issue around a survivor not wishing to meet face-to-face. As far
17 as I'm aware it's only happened twice and those survivors, including the one that we refer to
18 there, have subsequently met with us.

19 I can see under certain circumstances that might be a daunting process and -- but
20 as I explained yesterday, it was seen as a cornerstone because we did want to show that we
21 were empathetic, that we wanted to listen, that we wanted to impart verbal apologies at the
22 time. Although I must say just in recent times that I have actually accepted two survivor
23 claims without them having to go -- well, I'll define that. One late last year of a survivor
24 from The Grange had actually been through the Historic Claims Unit and they had on
25 record, similar to what we have, a verbal recording of her evidence. Just before coming to
26 this Commission last week I got another call from the Historic Claims Unit with a similar
27 circumstance.

28 In relation to the first survivor, I've said look, if the material is already recorded
29 that I can identify and have sufficient information to make a decision, we will not insist on
30 the survivor having to go through that process again. And as I said, just last week I have
31 reiterated that to another member of the Historic Claims Unit saying that if you have this
32 material recorded that it's sufficient for me to make a decision, then I'm more than happy to
33 accept that.

34 The only additional thing I've mentioned is that in keeping with that empathetic

1 approach, I've said, and it's completely up to the survivor and in this case the first survivor
2 I'm talking about, did wish to meet with us, I said look The Salvation Army would still like
3 to meet with the survivor, but for the purpose of presenting our redress proposal, letter of
4 apology, and to deliver a verbal apology. No pressure, they don't have to. And the first
5 survivor I did meet with, it was a very constructive meeting, I've yet to hear back in regard
6 to the very current situation.

7 **Q.** So I'm hearing you say that from this point forward the process can be much more flexible,
8 survivor-focused and respecting their --

9 **A.** Yes, the whole purpose of that face-to-face meeting was, as I've explained, it's two-fold, to
10 be empathetic. We wanted to listen first-hand to the survivor's experience. We also wanted
11 to convey our regrets and apologies. But on the other hand it enabled us to gain the
12 information we required first-hand to be able to make a response.

13 **Q.** Because if I can put a hypothetical to you, that overnight someone has reached out to the
14 Commission, they are considering making a claim but don't feel safe doing so if they must
15 attend a face-to-face interview?

16 **A.** Mmm-hmm.

17 **Q.** So for that person and any others who may find themselves in the same position, what are
18 you able to say about how you would adapt your process to meet their needs and ensure
19 they are not retraumatised?

20 **A.** Sure. Interestingly, and in talking about approaches to the Royal Commission from
21 survivors, to my knowledge there's maybe been two or three because I've already been
22 approached by another survivor that was in first contact with the Commission. I've since
23 engaged with that survivor and we have made a settlement. So thank you for that referral.

24 But if there are other circumstances that people are not comfortable, I do believe
25 that we still need a mechanism to be able to hear of the experiences of the survivor. As
26 long as we can do that then we can be flexible and that will be important.

27 **Q.** Again just quickly changing topics into the one of records, you outlined the process that
28 you go from appeared on the whole to be a relatively efficient process in terms of retrieval?

29 **A.** Mmm-hmm.

30 **Q.** Would it surprise you then firstly that there was the evidence from Janet Lowe who
31 requested her file first in 19 -- obviously you weren't there, the process wasn't in place --
32 requested the file in 1983 but it was denied to her and then she had to request them again in
33 2001, a couple of complaints to the Privacy Commissioner?

34 **A.** Yes, although there are a couple of stems to that. So Ms Lowe was looking to gain her

1 personal records and secondly, and I can recall vaguely some correspondence where Ms
2 Lowe had brought up the issue of the payments that her father was making on behalf of her
3 and her brother that was in the home. Two and a half shillings a week from memory, but
4 anyway, that's beside the point. But Ms Lowe had also requested more general information
5 about, you know, where those funds went, how they were applied etc, etc. And I do recall
6 some correspondence around that in attempting to ascertain some material around that. So
7 there were two strains of material that she was looking for.

8 **Q.** And there are a couple of cases where it took longer than a year to provide records. Would
9 that be because they were hard to locate or what would explain that long period?

10 **A.** If that was in my time --

11 **Q.** Yes, that was.

12 **A.** It was, okay, the only thing I can think of off the top of my head is there were two or three
13 occasions where survivors made a claim against the Salvation Army but then, and I'd
14 looked for files and couldn't find them, but then it actually transpired that they are known
15 today by a different name than they were in the home, so once we ascertained the name of
16 the person who was in the home, then we were able to provide the files. I can't off the top
17 of my head think of any other reason why it would take that long to provide survivor
18 records because usually it's done within a few days.

19 **Q.** And we had a range of evidence both oral and written, I'll just quickly -- it came from Janet
20 Lowe, Darren Timpson, Roy Takiaho, Mr L, and Mr N all raising the concern that from
21 their perspective it felt like the Salvation Army process was really get them in, pay them,
22 get them out, with the main point being that there was no follow-up or support. Are you
23 able to -- firstly, what would you say to them about that lack of follow-up and what
24 claimants going forward could expect to be different?

25 **A.** I think we touched on this yesterday, but certainly Mr A at the time, Roy Takiaho, I can't
26 recall the other two, maybe I can, I'm just thinking, but anyway, Mr A and Mr Takiaho
27 were in prison and I can actually very vividly recall Mr Takiaho's evidence and around the
28 sourcing of suitable and appropriate counselling within the prison system. And also that if
29 we are once removed from the survivor, ie through legal representatives, it's just not
30 possible to actually provide any follow-up, although in saying that, and, you know, if the
31 legal representative was willing, and in actual fact I've had no requests from any legal
32 advisor to follow-up on behalf of their client, so if there were requests from the legal
33 representative that their client maybe did want follow-up of some sort, or some additional
34 redress, then we would be willing to do that.

1 I think the other thing, though, is that over time I found that there are other
2 survivors who, once they have engaged with The Salvation Army and followed through
3 with this process, they don't really want anything more to do with us. And that's their
4 decision.

5 **Q.** Would there be a simple expedient of asking them so that there is an invitation and an
6 option and a personal choice?

7 **A.** For sure.

8 **Q.** And then in our last remaining little topic we're going to go to apologies, which actually is
9 a huge topic on its own which we've heard a lot about.

10 **A.** Mmm-hmm.

11 **Q.** But there are just some very quick thoughts that it would be useful to gain from you.

12 **A.** [Nods].

13 **Q.** So looking at the information that we have, there are a number of apology letters where the
14 apology letter is a significant time after the settlement by more than three months. So, for
15 example, there were 11 where the apology came more than two years after settlement and
16 two between one and two years. Can you outline why apologies and settlements were so
17 disparate in time?

18 **A.** Today, as I've explained, apologies are actually made verbally at the face-to-face meeting.
19 That is -- in our response there's a short form unreserved apology and maybe if the survivor
20 requests it there is a stand-alone apology. Further back and looking at some apologies that
21 were delivered through legal representatives, there was some delay there where there was
22 sort of a mid-step, I can't really recall why, that between settlement and then providing the
23 apology.

24 There was also a period around the Grant Cameron cases where, look, we just fell
25 down there, that what we said we would do and follow through with, being a transcript or
26 copy of the interview along with the letter of apology, was not delivered when we said it
27 would. However, once that was drawn to our attention by a member of parliament we very
28 quickly worked to providing those letters of apology and the other material that they had
29 requested.

30 **Q.** What is the systems breakdown that leads to -- take a step back. Would you accept that
31 healing, the apology and any other redress, needs to be proximate in time, it can't really,
32 you know, it's detrimental to drag on for a couple of years because you have to stay
33 engaged in that mindset and can't move on?

34 **A.** Yes, I certainly acknowledge that, yes.

- 1 **Q.** And so what would be the breakdown in the systems that led to such big gaps between
2 settlements and apologies, given for a lot of survivors the apology actually is the critical
3 component?
- 4 **A.** Certainly, and look, I'll reiterate that just wouldn't happen today. Looking back to that
5 time, once again it's my recollection that we just failed to deliver in those 10 or 11 cases.
- 6 **Q.** And the converse also happened in that there are a number of apology letters that came a
7 significant time before the settlement, being more than six months, so we had three where
8 there was an apology two years before settlement, one over five years, two over three years.
9 Can you describe again why the system delivered apologies so far in advance of settlement?
- 10 **A.** The only -- once again, so this was when?
- 11 **Q.** This was in your period of tenure.
- 12 **A.** But earlier on?
- 13 **Q.** I don't have the dates, I can look at them quickly if that helps?
- 14 **A.** I'm just thinking, once again off the top of my head, how that may have occurred is that you
15 may recall me describing yesterday that contacts were coming from a number of sources by
16 phone, by e-mail, and it may have been that we actually engaged with survivors. We talked
17 and issued apologies and actually there is one case that comes to mind that at the time the
18 survivor said "Look thank you, you know, you listening to me, issuing an apology is
19 sufficient for me." But then they've gone away and thought about it a little more and have
20 come back to the Salvation Army a little later and said "Actually, we do believe that
21 appropriate redress would be appropriate." That's a scenario I can recall occurring in a
22 couple of cases. So we've engaged with them initially, you know, we've come to an
23 agreement, we've issued an apology but then they've had a change of heart at which stage
24 we have engaged with them again.
- 25 **Q.** And just for your information, in the record these occurred in the period 2004 to 2014, so
26 there were a number over the years?
- 27 **A.** I would think that would be the reason why.
- 28 **Q.** And in 2006 there was a public statement, just for the record rather than to bring up, is
29 NZP7273, a public statement on 21 December 2006 by Salvation Army Officer Ross
30 Gower. It's in relation to the Gainsford conviction, but the salient point is it says that
31 whenever sexual abuse victims are paid compensation they always receive a written
32 apology as well. When a settlement is made, is it the policy or practice that an apology is
33 always accompanying that settlement, or -- because there are circumstances where there
34 were settlements but no apology letters and quite a number of them. If I can just give you

1 some context perhaps before you answer?

2 A. [Nods].

3 Q. When we look at those 41 out of those 238 claims, so 17%, where there is a common
4 perpetrator, some received apologies, some didn't. For example, out of the Gainsford
5 victims 18 out of the 23 got apologies, Blanche Christopher five out of six got apologies,
6 McCready four out of nine got apologies and there are other examples. So why would
7 known perpetrators where there was a body of knowledge, why would some get apologies
8 and others not?

9 A. So there's two forms of apology, three actually. So there's a verbal apology at a
10 face-to-face meeting, there is an unreserved apology within the body of our response, our
11 full response letter. So there's a paragraph that unreservedly apologises. And then there's a
12 third level where a specific and separate written apology and specific apology is written.

13 Why in some cases there are no apologies, I can't answer that. The only thing
14 I might add is that within the body of that response letter there may -- there will be an
15 apology, there may not be a separate apology. Without looking at files I couldn't comment
16 any further. But today, as I said, in every single case at a face-to-face meeting we reiterate
17 the fact that we believe the survivor, we apologise for the abuse, and that's also in a
18 separate letter if the survivor requests that.

19 Q. And we heard a range of evidence from both oral and written witnesses that for them the
20 apology letter they received just did not have meaning?

21 A. Mmm-hmm.

22 Q. It was not worth the paper it was written on, it brought no closure. We did have conversely
23 Gloria White's example where the process was flexible, she was able to ask for one that met
24 her needs. So really the easy question is, at the point that you reach settlement, or are going
25 to reach settlement, apology forms part of that redress?

26 A. Yes.

27 Q. Best to ask them how an apology would meet their needs?

28 A. Indeed.

29 Q. You'd agree?

30 A. Yes.

31 Q. I'm actually going to stop there so that the Commissioners have some time to ask questions
32 before the lunch adjournment.

33 **CHAIR:** Thank you Ms Janes.

34 **COMMISSIONER ERUETI:** Tēnā koe Mr Houston. I had a question about the very formative

- 1 first stages about whether you consider doing a global settlement it's sometimes called, like
2 the Lake Alice settlement perhaps setting up a panel, you know what I'm talking about?
- 3 A. I do. And in actual fact in the evidence bundle there is a letter from John Miller it is, isn't
4 it? Yes, John Miller, who is proposing exactly that. I suppose from the evidence over the
5 last couple of days that we didn't adopt that global form of responding to claims. However,
6 I think also I'd have to state that, and I think Colonel Walker actually mentioned it as well,
7 that under no circumstances has any settlement proposal been rejected by The Army.
- 8 Q. But in brief, why did you opt for that singular individual survivor approach as opposed to
9 global?
- 10 A. I suppose, you know, in the wider context of redress, and look I'm no expert, but I did sort
11 of mention something of it yesterday when it came up about the independence, that of --
12 and maybe an independent body, which is I think something that should be considered, but
13 also there should be an option for survivors to actually engage directly with the institution
14 that, you know, was responsible for that abuse, to enable more personalised forms of
15 redress.
- 16 Q. Thank you. Sticking with those first formative stages, trying to get a sense of who you're
17 engaging with and thinking about the process and designing the process. So we've heard
18 about the role of lawyers and insurers, but were you able to engage also with Māori given
19 the large numbers in the homes, other survivors?
- 20 A. Regretfully at that point we did not.
- 21 Q. But at a later stage, as you develop it organically, are you able to talk about survivors and
22 Māori to get the input into the content of the process and the procedure?
- 23 A. As I've said, other than the redress process, some survivors have not wished to engage with
24 Salvation Army again. However, it is certainly something that we could consider for those
25 survivors that would be happy to engage with the Commission. And I mentioned maybe
26 yesterday the fact that we organised a meeting with a survivor whom we'd already been
27 through the redress process, he wanted a verbal apology, he was a Māori, at that point we
28 could have engaged with him about the process, yes.
- 29 Q. And I'm trying to understand what of the, you know, like the fundamental values
30 underpinning the redress scheme. Because I see all this activity within the governance
31 structure about the Treaty dating back to 2005 and different iterations in the strategic plan,
32 but that seems to be separate and apart from your process. So I'm just wondering in terms
33 of the underlying principles, is there a role for the Treaty or Christian values or what
34 underpins it?

- 1 A. You mean then?
- 2 Q. Then and throughout, and today.
- 3 A. I mean certainly the process, albeit as I've explained I'm a lay person, but it is on the
4 underlying Christian principles of the Salvation Army that we wished, in the ways that we
5 have engaged with survivors, and attempted to change that over time to better suit their
6 needs.
- 7 Q. And I don't think there's been an external review of your processes at any point has there?
- 8 A. No.
- 9 Q. I wonder too about the unrepresented claimants. You said 50% of them are represented I
10 think that's largely Cooper Legal.
- 11 A. Mmm-hmm.
- 12 Q. Do you have a sense of how many of them are Māori?
- 13 A. You mean overall?
- 14 Q. Yeah.
- 15 A. Look, 35, 40%.
- 16 Q. Okay, yeah, thank you. And on data on the ethnicity, it hasn't been gathered, but you are
17 planning on doing that going forward?
- 18 A. [Nods].
- 19 Q. The other puzzle for me is the relationship between your redress scheme and the complaint
20 process that comes under -- I think Colonel Walker administers that, we talked about that
21 was it yesterday, early yesterday.
- 22 A. Yes.
- 23 Q. I'm wondering with your process it's largely orientated towards the children's homes which
24 closed, the last one in 1999?
- 25 A. Yes.
- 26 Q. But have you had any claims come to you from survivors outside of that context, so, you
27 know, as part of the corps, as part of the interactions that you have through your social
28 services arm?
- 29 A. Yes, I have and it would be fair to say that in more recent times in terms of our addressing
30 claims overall outside the children's home scenario, that I have been involved in some, yes.
- 31 Q. Yeah, I'm just struggling with where does one go in that context, to the complaint process
32 that Colonel Walker spoke of, or to your process and who --
- 33 A. Yes, I think, you know, looking at the Officer Review Board, which I think was discussed,
34 but also just with survivors from corps activities. In my experience so far I can't see a huge

1 difference in what survivors might be looking for in terms of a redress process and the
2 outcomes, you know, it's fundamentally the same.

3 **Q.** But we find that in terms of process and content they differ.

4 **A.** Yeah, it's hard to comprehend, but that complaints process that Colonel Walker was
5 describing was more to do with the officership and claims or complaints against officers,
6 which traditionally had followed a different path.

7 **Q.** My last question is about the matrix that counsel spoke of before from 2005 developed by
8 The Army in Australia.

9 **A.** Oh, yes.

10 **Q.** And quite a few components to that.

11 **A.** Mmm-hmm.

12 **Q.** I just wondered with your description of your process about whether you took into account
13 the length of time that someone was in isolation in the homes?

14 **A.** You mean isolation from family?

15 **Q.** I mean in secure within the homes.

16 **A.** You mean like in a cage?

17 **Q.** Where children are locked away in secure or in isolation.

18 **A.** Well, yes and no. So unlike maybe State institutions there's no -- sorry, just as an aside, for
19 those buildings that exist I had visited them and looked at them, for example Hodderville in
20 Temuka, I've actually been through the homes, there was no secure room as such. There
21 have been statements where survivors have said that they have been locked in a, like in a
22 bedroom or locked in some other facility where there's a door, but there's no -- am I getting
23 this right, there's no sort of secure facility as such contained in a home.

24 **COMMISSIONER ALOFIVAE:** A seclusion room I think is --

25 **A.** Yeah, there was no seclusion room.

26 **COMMISSIONER ERUETI:** Let's say just being placed in a room and locked in there.

27 **A.** Right. There have been a couple of occasions where survivors have said "Look we were
28 put in a room of some sort", yes.

29 **Q.** It doesn't seem that is part of your matrix, if you like, that up employ in arriving at a figure?

30 **A.** It has been taken -- where somebody has been forcibly removed and put into whatever
31 confinement, if you like, we have taken that into account in our process. Sorry, I was just
32 struggling when you said in isolation.

33 **Q.** Sure, okay, thank you. Another component they have is cultural separation.

34 **A.** Yes.

- 1 **Q.** Do you want me to unpack that?
- 2 **A.** [Nods].
- 3 **Q.** You do?
- 4 **A.** Well, if what you're talking about I have experienced on a couple of occasions and certainly
5 with a survivor that I visited in Melbourne, you know, his concern, he said he was not
6 abused physically or sexually, it was around the isolation from his culture and the fact that
7 when from time to time boys, or in this case boys, were allowed to spend weekends and
8 time with members of the public and their family situations, that always he found that he
9 was placed with a Pākehā couple, for example.
- 10 **Q.** Yeah.
- 11 **A.** So yes, I'm aware of that.
- 12 **Q.** And so when you have someone, say Māori or Pasifika, that's always a component that you
13 apply?
- 14 **A.** If it is relevant then absolutely.
- 15 **Q.** Thank you very much Mr Houston, appreciate it, thank you.
- 16 **COMMISSIONER ALOFIVAE:** Mr Houston, thank you for your evidence and your honesty in
17 your answers. I've just got a couple of questions, just a point of re-clarification over the
18 ethnic data.
- 19 **A.** Yes.
- 20 **Q.** Was that just in the residences space or does that also cross-over into your corps activities
21 where the data is not collected ethnic specific?
- 22 **A.** Look I can't give you the detail, but I know for a fact that whatever process we have for
23 recording corps activities today, then definitely ethnicity is recorded and I think
24 I mentioned yesterday that Māori and Pasifika make up 12.5% or thereabouts. So in
25 relation to us not accurately recording that is solely related to those statistics I have on
26 children's homes.
- 27 **Q.** Okay, thank you. And then just I'm interested in a forward perspective really, because
28 you've really been afforded an autonomy which is quite unusual and it's been a singular role
29 and one that you've carried out, in light of your evidence and all of the documentation that's
30 been submitted, you've been able to really powerfully describe things that you've seen,
31 things that you've heard, so you've really accumulated a wealth of knowledge over the last
32 20-plus years, which actually probably makes you an expert in your organisation.
- 33 **A.** Some would have a differing opinion.
- 34 **Q.** Actually, taking that and in light of the comments that you've shared this morning but also

1 that Colonel Walker expressed yesterday, that redress is a process that really crosses all of
2 your business lines, not just the children's residences which are now closed?

3 A. Yes, for sure.

4 **Q.** What's your perspective of what a survivor-centric redress should actually look like then for
5 The Army? We've heard snippets all the way through, there should be an apology, there
6 should be a wrap-around service, but given what you know and not waiting until the
7 recommendations that come through from the Royal Commission, what are some of the
8 things that you could actually shape up now based on your knowledge, taking The Army
9 forward?

10 A. Well, I think the one thing that has been sadly lacking is that cultural element and the
11 realisation and acceptance that different ethnic groups would like to be treated in different
12 ways. Also as much as I think for a redress process there needs to be one, you know, to --
13 for a number of reasons that I've already described around parity and gaining, you know,
14 the right information to be able to make accurate and decisions that make a difference. But
15 I think overall if that's made clear to the survivor and also that they can come completely
16 unhindered in terms of what they have to say to us then, you know, that would be a very
17 powerful tool to be incorporated in a process.

18 **Q.** So your learnings then could actually be quite influential to the rest of The Army's corps
19 activity?

20 A. I believe it probably would be, and maybe this Commission, there may be people from the
21 Salvation Army who are viewing this right now to say that if we'd only known that, we
22 could say that to others within the overall organisation of the Salvation Army.

23 **Q.** Thank you Mr Houston.

24 A. Thank you.

25 **COMMISSIONER STEENSON:** Tēnā koe Mr Houston.

26 A. Afternoon.

27 **Q.** Thank you for your thoughts and discussion in the last couple of days. I just have a couple
28 of points of clarification. So I'm still not clear on, and as Sandra has alluded to, you have
29 over time become an expert in your own right in this area; but I'm just trying to understand
30 over time in developing the process who exactly was engaged with it, because it sounds like
31 there wasn't Māori, Pacific, disabled groups involved, there was insurance and lawyers, but
32 internally and externally, I'm just trying to understand who else was involved in developing
33 that process, other than survivors and really cutting your teeth on how that went?

34 A. Sure. I think I said that right from the start there was, you know, our Territorial

1 Commander Shaw Clifton at the time, who was an extremely directive man, there was the
2 Personal Secretary or Personnel Secretary and also the Secretary For Programme, all of
3 whom were the, in lay terms, they were the bosses of, you know, various sectors of
4 Salvation Army activities. They were and myself were involved in forming this process
5 early on, right back in 2001, 2002 to 2003. And although we have adapted and changed,
6 that initial process is still enduring today albeit we have changed it, we attempt to be
7 flexible, and certainly after the last two days and also reading the principles of what a good
8 redress process should look like in your interim report, that that will enable us, I think, to
9 make those changes necessary to make it an even more, I suppose, acceptable and
10 accommodating process for survivors from any phase of Salvation Army activities either
11 historic or present.

12 **Q.** Thank you. And so not outlining or putting in writing the process, because I think you've
13 outlined it in your statement.

14 **A.** Mmm-hmm.

15 **Q.** It appears to have been applied somewhat consistently, but the thinking behind why it
16 wasn't documented is still not quite clear, I think you talk about being flexible, but there's
17 still been some flexibility applied. So...

18 **A.** To be honest I can't really answer why we haven't documented it. I suppose I've been too
19 busy working in it.

20 **Q.** Thank you. Just one last question, or clarification really. So you talked about offering
21 survivor services that the Salvation Army already provides.

22 **A.** Sure.

23 **Q.** Which obviously would be quite useful to a lot of them, and that you offer that to them.
24 How is that determined and how does that kind of occur? Is it in the meetings you kind of
25 decide that they might be -- or do they say to you something; how does that work?

26 **A.** Looking at The Salvation Army overall there's one thing that hasn't been mentioned, and
27 there are many survivors that are -- and look admittedly I have not done any research into
28 this, it's anecdotal evidence from survivors, but there are a number of survivors that have
29 mentioned that they are using the wider social services of the Salvation Army. For
30 example, food, also budgeting, community ministries, the family stores, they're actually
31 using those as an individual. In terms of those non-monetary settlements related to the
32 redress process, I suppose it would be fair to say that comes around by talking about a
33 survivor through what their needs are, you know, establishing that this would be really
34 helpful for me in a current situation. So you know, I would agree to that. So it does occur

- 1 in those meetings, yes.
- 2 **Q.** So you wait for them to ask or you offer?
- 3 A. Not all the time.
- 4 **Q.** I'm just trying to understand because, as we heard yesterday, some cultures are very
5 whakamā so very shy to ask?
- 6 A. Indeed. I do refer to the fact that we can do things outside of, you know, what is strictly
7 monetary counselling, and apologies, you know, there are other things we can do. And as
8 I said, it's also come about as our own services have developed as well, and I referred once
9 again to the prison reintegration service, which is very useful to many people.
- 10 **Q.** Nga mihi nui ki a koe.
- 11 A. Thank you.
- 12 **CHAIR:** Mr Houston, I have the last opportunity to speak and I just want to encapsulate
13 something I think the Commissioners have all felt throughout this process of listening and
14 hearing you and indeed Colonel Walker. I think it's quite plain that in the early 2000s you
15 were taken terribly by surprise.
- 16 A. Mmm-hmm.
- 17 **Q.** And I think you've said that it was almost unimaginable that such allegations could have
18 been true but you quickly came to realise that they were.
- 19 A. It was unfathomable.
- 20 **Q.** Unfathomable were exactly the words you used. And then the reaction of the Salvation
21 Army was, having got through the lawyer's part and all the rest of it, to develop a process.
22 I accept that throughout the development of that process you've made it better, that you
23 have strived in a very real way and a very sympathetic way to make it more empathetic,
24 more flexible, more survivor-focused, to the point that you're still saying yes, you've
25 learned things and we will continue to develop.
- 26 A. Mmm-hmm.
- 27 **Q.** That is all accepted and understood. The problem that I have is, and Commissioner
28 Steenson used the words you were cutting your teeth in a way through this process.
- 29 A. Mmm-hmm.
- 30 **Q.** Developing it as you were running it, and also you said that you were -- in a way you were
31 too busy working on it, on the individual cases to stand back and be able to oversee. Do
32 you accept all of that?
- 33 A. Yes, mmm-hmm.
- 34 **Q.** That's the strong narrative that's come through. From the survivor perspective, can you see

1 and accept that with all the best intentions that you and others had in doing this, that you
2 left survivors in your wake, that people were not deliberately but inadvertently and
3 unfortunately harmed by the very process that you were trying to develop. Would you
4 accept that?

5 A. As our Commissioner said earlier on, we won't duck and weave, neither will I, so I have
6 been responsible for this process for the last 20 years, so those criticisms I certainly take on
7 board directly.

8 Q. Thank you for that, I appreciate your candour in doing so. Are there any other questions
9 arising? Ms Stevens, no; Ms Janes?

10 **MS JANES:** No thank you.

11 **CHAIR:** We're right on 1 o'clock, we've finished with you but I want to say something before we
12 finish. This is Ms Janes last hoorah. Ms Janes has been with the Royal Commission from
13 very early days and has been the most extraordinary contributor from a legal perspective,
14 not just a legal perspective, to our work. She was highly active during our very first
15 contextual hearing, which was, talk about cutting teeth, was a learning experience for all of
16 us, she guided us through that, and then she stayed on to contribute and indeed lead the
17 redress hearings and investigation. And she did so underresourced and in very difficult
18 circumstances and we want to acknowledge that, Ms Janes, and to thank you and to say that
19 you are -- I think we'd give you the most valuable person award, not player, because this is
20 not a game, but you are a most valuable person and we deeply appreciate the effort you've
21 had. I think, I don't like to speak for survivors, but I know from our experience that we've
22 seen you interacting with survivors and how deeply grateful they have been for your
23 empathetic, sympathetic and intelligent response to them. So we wish you all the best and
24 we are sorry to lose you but very grateful for what you've done for us.

25 **MS JANES:** I feel very humbled and deeply from the bottom of my heart, thank you and the
26 Commissioners for the support and a pleasure and a privilege to have been engaged with
27 you and also the work of the Inquiry.

28 **CHAIR:** Thank you, Ms Janes, go well. We'll take the lunch adjournment.

29 **Luncheon adjournment from 1.03 pm to 2.07 pm**

30 **CHAIR:** Afternoon Ms Anderson.

31 **OPENING STATEMENT BY MS ANDERSON**

32 **MS ANDERSON:** Thank you. Tēnā koutou katoa, ngā rangatira mā e huihui nei ki te kaupapa.
33 Ngā mihi mahana ki te mana whenua o Tāmaki Makaurau, ko Ngāti Whātua. Ko Katherine
34 Anderson ahau. Greetings to the Commissioners. I acknowledge the mana whenua of this

1 place, Ngāti Whātua and greetings to everyone is in attendance today and watching via the
2 live stream. My name is Katherine Anderson. As many in this room know, I'm counsel
3 assisting leading the Anglican investigation. I have members of my team with me, Kirsten
4 Hagan, Lorraine MacDonald and members of the in-house team that have been supporting
5 this work.

6 Before I move formally into the part of the opening I'm going to pause and make
7 certain acknowledgments. First, as I've indicated in my opening, Ngāti Whātua, mana
8 whenua of this place and who are guiding us through their waiata and words of wisdom at
9 the beginning and close of each day.

10 Importantly, I acknowledge the victims and survivors who have come forward and
11 who have given us witness statements and those who have appeared and given oral
12 evidence at the hearings last year. I mention those witnesses Jacinda Thompson, Neil
13 Harding, Jim Goodwin, Ms M, Robert Oakly, Ms C, Louise Deans, Margaret Wilkinson
14 and Mrs D. I also acknowledge all those other victims and survivors who have been abused
15 in the care of the Anglican Church and their whānau and their friends who support them
16 through the work of the Inquiry.

17 I wish to warmly encourage those who have not yet come forward to the Inquiry to
18 do so to the extent they feel that it's appropriate and timely for them to share their
19 experience so as to assist with this important work of the Inquiry. I also acknowledge those
20 others attending, including members of victim and survivor groups and of course, as I've
21 mentioned, the much wider community that's watching this on live stream.

22 In relation to this fourth public hearing of the Commission in the second phase of
23 the faith-based redress hearing process, what you're going to be hearing from, and as you
24 know, are the Anglican witnesses who are attending. They're going to be talking about the
25 Church's responses to disclosures of abuse in their care.

26 I want to make the point, as Ms Janes did in her discussion and opening, is that what
27 occurs in this hearing is not the sum total of the Inquiry's work. So for those who are
28 watching, there's other investigations, other researchers, other policy work going on and the
29 investigation continues. So to the extent somebody watching this part of the hearing thinks
30 something has not been intended to by the Inquiry team, I can assure them that that work is
31 continuing and the mahi is significant.

32 In relation to the Church witnesses that you're going to be hearing from today,
33 they're part of a large Church in New Zealand. It has at least 300 parishes and over 30
34 schools associated with the Church. There are seven Tikanga Pākehā diocese and five

1 Tikanga Māori diocese. Tikanga Pasifika, a part of the Church, has four episcopal regions
2 but those are outside the physical boundaries of New Zealand. That is two in Fiji, one in
3 Tonga and one in Samoa.

4 Given the hearing constraints, the time constraints, we are not hearing from all of
5 the witnesses who have given evidence on behalf of the Anglican Church. So who are you
6 hearing from today? First up will be Bishop Ross Bay. I understand, from my colleague,
7 that his preferred way to address him is Bishop Ross. Then you'll be hearing from Bishop
8 Peter Carrell, again who prefers to be called Bishop Peter, the Most Reverend Philip
9 Richardson, who's Archbishop of Tikanga Pākehā part of the Church, his preferred mode of
10 address is Archbishop Philip, and the Most Reverend Donald Tamihere, whose preferred
11 form of address is Archbishop Don.

12 There's a joint evidence statement of the three primates of the Church, and this is a
13 unique feature of the structure of the Anglican Church. Because under constitutional
14 arrangements in 1992 the Church was split into three cultural streams. These constitutional
15 arrangements are unlike any other Anglican Church, often known as the Church of England
16 in other jurisdictions. So it's unlike any other governance arrangements for Anglican
17 Church in the world, and in fact unlike any other faith-based institution in New Zealand.

18 How these constitutional arrangements affect responses to victims and survivors
19 will be of great interest to the Commissioners as you hear this evidence, for many reasons,
20 but including the extent to which the principles of tikanga Māori, Te Tiriti, the Treaty of
21 Waitangi were and are incorporated into relevant redress processes.

22 Unlike the Catholic Church where control levers stretch back to Rome and The
23 Salvation Army, that you just heard about, which has links to a head office in London but
24 has a reasonable degree of self-determination here; the Anglican Church really has
25 autonomy and self-determination here, subject to the terms of its constitution, which, with
26 small limitations, it can change.

27 In this regard, responsibility and accountability for both the design and the
28 implementation of safeguarding the redress policies and processes sits with the individuals
29 and the institution they represent here in New Zealand. You will hear what's commonly
30 referred to as Title D. This will be mentioned in evidence in questioning in this part of the
31 hearing. This is a reference to the canon law provisions applying to both Tikanga Māori
32 and Tikanga Pākehā parts of the Church. These set standards of behaviour and processes
33 for responding to complaints of abuse and other matters.

34 You'll recall that Jacinda Thompson gave evidence last year about the problems she

1 encountered with this Title D process and how she thought the process could be reformed.
2 You will hear evidence from the Anglican Church witnesses about this Title D process,
3 which historically has rarely been used by the Church, has been reformed. You will no
4 doubt be very interested in the upcoming evidence about those reforms and the principles
5 that they're designed to focus on and the improvements that are intended through that
6 process.

7 I wanted to turn to the voice of the survivors, this is a fundamental part of the
8 Inquiry's activity, so before we move on to hearing from the Anglican witnesses I thought it
9 helpful just to give a summary of some of the key themes that emerged through the
10 evidence that we heard last year.

11 In relation to the topic of trauma-informed engagement and support and responses
12 to disclosure of abuse, it was a very clear theme emerging from the witnesses, the redress
13 processes need to be attuned to the trauma survivors are experiencing, not just the abuse
14 they suffered, and that's necessary to prevent further trauma.

15 That trauma may have evolved over decades as it can take a survivor years into
16 adulthood to reveal the abuse they suffered as a child. This was very eloquently described
17 by Neil Harding, who was 55 when he gave evidence, about the abuse he suffered as an
18 11 year old. We know from the evidence that the first responses to disclosure are critical
19 and need to offer the appropriate support and access to information about the choices
20 available to survivors and the next steps they may decide to take and what support is
21 available to them along that way, and that word "choices" is important, because we'll be
22 looking, through the process of the evidence, about what did they know about the processes
23 so that they could make informed choices about how they wish to engage.

24 In terms of safeguarding, you heard that safeguarding of or preventing the future
25 abuse of others was and remains a key motivation of survivors coming forward. They want
26 to know with certainty that others will be protected from experiencing what they have. We
27 heard this repeated many times. And questions were asked, what did the Church know,
28 when, and what steps did they take to protect others? Did the Church utilise available
29 secular safeguards?

30 In relation to the investigation and assessment, the themes that emerged in there is
31 that there's a very differing and at times inadequate or inconsistent levels of information
32 available to survivors about how their reporting abuse would be investigated and assessed.
33 Many survivors were left in the hands of the individual they were dealing with, with no
34 clarity about the choices available to them.

1 Nor do they have supported access to advisors to assist them in navigating those
2 processes. The survivors uniformly raise issues about access to information held by the
3 institution, they want to see the records the Church has held about them. That includes
4 during the period in care, but also about the information being gathered in the process of
5 investigating their disclosure. They want to understand the reasons underpinning the
6 decisions made about them and the abusers involved.

7 In short, survivors are seeking transparency, accountability and fairness when it
8 comes to the investigation and assessment of their abuse.

9 Another, and the final point that I'll make here, is an important point for survivors
10 was the need for an acknowledgment. We've heard the importance of a role of a
11 meaningful apology can play in the process of responding to a disclosure of abuse in
12 working with trauma.

13 When hearing the evidence that you're about to hear from the Church witnesses, you
14 will want to keep in your mind these survivor voice and themes that have emerged and they
15 will no doubt affect the questions that you may wish to ask of the witnesses as we proceed
16 over the next few days.

17 In terms of redress outcomes that just focus on the temporal abuse and not on the
18 survivor as they are now, we've heard from the survivors, and the final point I make about
19 those themes is that it's unlikely to be helpful to, in a meaningful way, to manage the
20 trauma they're experiencing which is a lifetime trauma, it's not a moment in time.

21 With those survivor voice themes to the fore I now conclude and pass you to
22 counsel for the Anglican Church, no reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

23 **CHAIR:** Kia ora Ms Anderson. Good afternoon Ms Guy Kidd.

24 **MRS GUY KIDD:** Ttēnā koutou katoa, ko Mrs Guy Kidd ahau, ka tu mātou ko Ms India Shores,
25 mo to General Synod Te Hīnota Whānui of the Anglican Church of Aotearoa New Zealand
26 and Polynesia.

27 **COMMISSIONER ERUETI:** Tēnā koe.

28 **MRS GUY KIDD:** I would now like to bring to the front and introduce to you Archbishop Philip
29 Richardson of New Zealand and Archbishop Donald Tamihere of Aotearoa who would like
30 to mihi the Commission. Thank you for that opportunity.

31 **CHAIR:** Kia ora.

32 **OPENING STATEMENT BY ANGLICAN ARCHBISHOPS**

33 **ARCHBISHOP TAMIHERE:** (Waiata) Ahau e inoi atu nei, akona mai e te atua kia tino pono
34 taku kii, kāti I tau.

1
 2 (Kōrero) Heoi anō he mea tika kia tukuna ki ā ia te kaihangā o te rangi me te whenua te
 3 whakamoemiti te whakawhetai nō reira kei te mihi ake, ki ā ia te puna o te oranga te ariki,
 4 te atua. Ā (inaudible), tēnei te mihi atu kia koutou te Kōmihana ki ā koe e te Tiati, te
 5 Heamana nei rā te mihi ki ā koe ā, kia koutou katoa e hika mā. Nā koutou I waihanga tēnei
 6 wāhi mā mātou kia pūpuri ki tēnei tikanga ā mātou ā tātou hoki ki te mihi I ngā mihi kā tika
 7 kia koutou huri noa ki te hunga katoa ā kua rūpeke nei ki te kaupapa o tēnei rangi nō reira
 8 nei rā te mihi atu ki ā koutou, nei rā hoki te mihi ki ō tātou mate hūhua, rātou mā kua wehe
 9 atu ki tua o te ārai nō reira, rātou ki ā rātou huri noa ki ā tātou tēnā koutou, tēnā koutou kia
 10 ora huihui mai tātou katoa. He mea tika kia waihangatia tēnei wāhi nō te mea he kaupapa
 11 tapū tēnei, he kaupapa tapū tēnei ā, kia koutou, kia mātou katoa hoki. He kaupapa tapū kua
 12 tapūngia e te kōrero ā mā te hunga kua ngaukino e te ringa weriweri o te mahi tūkino ā, he
 13 mea kua tapūngia hoki ā, e te mahi tika o ngai tātou katoa nei ki te whakautu ki ā rātou I te
 14 manaakitanga o te ātawhai me te aroha ā I runga I te whakaaro, te wawata me te inoi kia tau
 15 ihō te mauri o te atua kaha rawa ki runga ki ā rātou me te noho ana ki raro I te pānga mai o
 16 te mahi tūkino ā ki ā tūkuna atu ki ā rātou ngā mea e tāria ana te rongoa me te hōhou I te
 17 rongoa mā rātou. Nō reira tēnā koutou e te Kōmihana nāu kua waihanga tēnei wāhi mā
 18 mātou ki te tuku mihi kia koutou ki tō tātou atua ki tēnei whare katoa. Tēnā koutou, tēnā
 19 koutou ā kia ora hoki mai koutou katoa.

20 **COMMISSIONER ERUETI:** Tēnā koe.

21 **CHAIR:** Tēnā koe.

22 **ARCHBISHOP RICHARDSON:** We begin by acknowledging God, the life source in whom
 23 each person's very image is held and therefore sacred. We want to acknowledge the
 24 Commission, to acknowledge each one of you with gratitude for your work. We want to
 25 acknowledge those who are assisting you. We want to acknowledge that this is a sacred
 26 space, a tapu space, sacred and tapu first of all because of the courage of survivors who
 27 have come and told their stories, shared their pain. Sacred also because of the
 28 responsibility and the obligation that we carry to acknowledge that and to manaaki that.

29 **ARCHBISHOP TAMIHERE:** (Kōrero) Anā, ka whakamutu I tēnei wāhi nā runga (inaudible)
 30 himene ā rātou.... (Waiata) - E te ātua, kua rūia nei ō purapura pai hōmai e koe he ngākau
 31 hōu kia tūpu āke ai. (Kōrero) Nō reira āpiti hono, tātai hono ratou te hunga wairua kia
 32 ratou, āpiti hono tātai hono, tātou ki ā tātou e tuia, ki runga I te tika, ki runga I te pono I
 33 runga hoki I te aroha tēnā koutou kia ora hoki mai tātou katoa.

34 **CHAIR:** Kia ora.

1 **COMMISSIONER ERUETI:** (Kōrero) E tika ana kia mihi atu ki ā kōrua e ngā rangatira ā tēnei
2 tē rā nei te Kōmihana tēnei te mihi mahana ki ā kōrua ā me te Pīhopatanga ki te Pīhopa
3 Matua/Mātāmua me ngā Pīhopa o Aotearoa. Mauria mai o koutou mana, o koutou
4 wairuatanga o koutou tikanga ki wāenganui ia mātou ā, nō reira nau mai hāere mai ngā
5 mihi nui ki ā kōrua, kia koutou mā

6 **OPENING STATEMENT BY MRS GUY KIDD**

7 **MRS GUY KIDD:** I speak as counsel for the Anglican Church and as an Anglican and as
8 someone who has been in the criminal justice system caring for and working with
9 survivors, men, women and children for the last 25 years. Centrally and primarily
10 I acknowledge the survivors of the Anglican Church, I recognise the abuse they have
11 suffered and the trauma that continues.

12 The General Synod, Te Hīnota Whānui, which is our governing body of the
13 Anglican Church, wrote to the Prime Minister of New Zealand in a letter in March 2018
14 asking for the Anglican Church and its agencies to be included in this Inquiry and we are
15 very pleased to be here.

16 At that stage as you will recall the Inquiry was only to address abuse in State care.
17 Archbishop Philip Richardson, who you've just heard from, also met with the then
18 Commission Chair, Sir Anand, and spoke publicly of this Church's desire to be included in
19 the Commission.

20 This Church is intent and determined on engaging fully with the Commission within
21 its terms of reference. Archbishop Donald and Archbishop Philip have issued statements
22 encouraging Anglican institutions to support survivors of abuse and care to share their
23 experience with the Royal Commission, and I repeat that request for those people to come
24 forward who may not have come forward so far should they choose to.

25 In order for the Commission and for our Church to learn as much as we can about
26 what has happened in the past and why, the Anglican Church decided to waive legal
27 privilege in its documents and provide the Commission with communications between
28 itself and its legal advisors. It also encouraged other Anglican entities and schools to do the
29 same. Just for the lay people watching this, these are communications which the law
30 protects and treats as privileged so as to encourage free and frank discussions between
31 lawyer and client. So often they are unguarded, they are just meant for the legal advisor or
32 vice versa. But some of those letters and communications will be put to witnesses so we
33 can learn about what has happened.

34 Now, we represent the Anglican Church, the Anglican Care and social service

1 organisations and most Anglican schools in New Zealand. Archbishop Philip Richardson
2 has outlined in detail, and it's in my opening address where those particular references are.
3 But just in general, we first represent the Church proper being comprised of the General
4 Synod, Te Hīnota Whānui, and five Amorangi which comprise Tikanga Māori, so those are
5 geographical areas which comprise Tikanga Māori, and the seven diocese which comprise
6 Tikanga Pākekā.

7 Each amorangi and diocese is headed by a bishop. Tikanga Māori is headed by an
8 archbishop which is currently Donald Tamihere and Tikanga Pākeha is headed by an
9 archbishop which is currently Philip Richardson.

10 We represent six social service agencies throughout the country, one of which is an
11 organisation run together with the Catholic Church. In relation to schools we represent 30
12 schools throughout New Zealand affiliated with the Anglican faith. Some of these are
13 integrated, some are private institutions. Some, to put it in general terms, are closer to the
14 Church, some are further away. And I'm speaking in terms of governance and
15 responsibility.

16 I do wish to acknowledge, as my learned friend Ms Anderson, Counsel Assisting,
17 has mentioned, evidence which has been filed on behalf of the Church that we're not going
18 to hear from orally but which is before the Commission, particularly so that survivors
19 listening are aware of that. There has been evidence filed by representatives of three
20 schools to respond to the accounts of three survivors. And individual apologies have been
21 sent in private to survivors that we heard from the schools.

22 Evidence has also been filed for this hearing from Mr Kevin Brewer, who is the
23 Chair of the Trust Board for the Anglican Trust for Women and Children which operated in
24 Auckland. His evidence in part addressed and responded to the survivor evidence of
25 Margaret Wilkinson and GRO-A-4 and GRO-A-1. They spoke poignantly regarding their
26 experiences in St Mary's Home and Brett Home and I understand that the Commission may
27 well return to those topics.

28 Mr Brewer attended the hearing in December and listened to those survivors of
29 abuse from the Anglican Trust for Women and Children and its predecessors and in his
30 statement he said the following and I would like to say this to the survivors. Mr Brewer
31 says:

32 "I apologise to those survivors and all individuals that have suffered from abuse or
33 neglect while in the care of the Anglican Trust for Women and Children. The Anglican
34 Trust for Women and Children's response to hearing of the suffering of survivors has at

1 times been entirely inappropriate and unreasonable. I apologise for that as well. I thank
2 survivors for providing the Anglican Trust for Women and Children with the opportunity to
3 listen to their accounts, to try and make things right, and to learn from past mistakes.

4 Independent expert evidence was commissioned by the Anglican Church from Dr
5 Stephen Winter of the University of Auckland. His report has been filed and it was our
6 attempt to provide some help to the Commission. He's an independent expert professor
7 who has evaluated and commented on different options for the delivery of redress.

8 Evidence was also filed from the Bishops of Auckland and Christchurch and the
9 Archbishop of New Zealand on behalf of the Church and a joint witness statement of what
10 is called the primates which is another name for the Archbishop of the Anglican Church of
11 Aotearoa New Zealand and Polynesia has also been filed.

12 You are going to hear from the witnesses which have been selected by Counsel
13 Assisting the Commission and the first witness you will hear from is the Right Reverend
14 Ross Bay, the Bishop of Auckland. He has been Bishop of Auckland for 10 years and
15 Auckland starts at the top of Cape Reinga and goes down to a line underneath Auckland
16 until we get into Waikato. He was ordained as a priest in 1989.

17 The second witness is the Right Reverend Dr Peter Carrell, the Bishop of
18 Christchurch. He has been Bishop of Christchurch for two years. He was ordained first as
19 a deacon in 1986 and a priest in 1987.

20 The third witness you will hear from is the Most Reverend Philip Richardson who is
21 Bishop of Waikato and Taranaki and also the Archbishop of New Zealand. He was first
22 ordained as a bishop in 1999 and first held the role of an Assistant Bishop of Waikato in
23 Taranaki, then co-equal Bishop of Waikato from 2008 to 2018 when there was an equal
24 sharing arrangement there, and then sole Bishop of Waikato and Taranaki since 2018. He
25 was appointed Archbishop of New Zealand nearly eight years ago in 2013.

26 Finally, the statement of the primates will be read and the primates are the Most
27 Reverend Philip Richardson, Archbishop of New Zealand; the Most Reverend Donald
28 Stephen Tamihere, Archbishop of Aotearoa; and the Most Reverend Fereimi Cama,
29 Archbishop of Polynesia. And I have also spoken there of Archbishop Donald Tamihere.
30 He was appointed Bishop of Tairāwhiti in 2017 and Bishop of Aotearoa Archbishop and
31 primate in 2018.

32 These witnesses, as you will have realised, were all appointed as bishops this
33 century. Many of the documents will relate to cases which occurred before they assumed
34 their positions of responsibility and in relation to which they have no personal knowledge,

1 but they will do their best to respond to the questions as best they can.

2 I turn to the topic of what is described as discipline. Church canons covering the
3 discipline of clergy and office bearers in the Church date back to 1865. The document is
4 known as Title D of discipline. The first version of relevance to this Commission is dated
5 1949. It decreed that in every diocese a Bishops Court was established to have and exercise
6 jurisdiction over all members of the Church who have assented to the authority of the
7 General Synod. So the people who have assented to the authority of the General Synod are
8 clergy and those who have bearing office within the Church.

9 Title D provides for offences and it's important to note that this governs all issues of
10 discipline within the Church, so it might govern issues relating to the content of a sermon
11 as well as other issues of significance. Back in 1949 the offences governed by improper
12 conduct were any crime which is a crime under the Crimes Act, an act of adultery, an act or
13 habit of dishonesty or immorality, or any gross indecency of life or conversation,
14 drunkenness, any culpable disregard of the obligations recognised by law in reference to
15 family relationships.

16 As society has changed the Church has changed and we have adapted, as has the
17 criminal law, to changes in society. And various versions of Title D have been
18 promulgated over the years. In 1992 for the first time the offences governed by improper
19 conduct that I've referred to had added to them as an additional matter, any act or habit of
20 sexual harassment or disregard for personal relations. And I comment that that change
21 reflects what was happening in society in the late 1980s and early 1990s with a burgeoning
22 of understanding regarding sexual harassment.

23 Mediation had been adopted within the diocese prior to and separate to Title D.
24 That came about probably when the lawyers in society were appreciating the benefits of
25 mediation. So then in 2000 Title D formally included mediation within it.

26 Finally — we will look at these matters in more detail obviously, but finally in 2020
27 we have a very significant change of the creation of a Ministry Standards Commission. It
28 was a critical change which has taken power away from the bishops to an independent
29 tribunal and body and the bishops are required to follow the recommendations of that
30 tribunal. In doing so, that has assisted in avoiding the internal conflict that was always
31 there between the bishops as the pastor of the priests with their pastoral care for priests
32 conflicting with their care for members of their church and survivors, and that conflict is
33 acknowledged

34 I note that survivor, Jacinda Thompson, spoke at the General Synod of the Anglican

1 Church in relation to these changes when they were put before that body which has to
2 approve changes to that Title D. Her input is appreciated.

3 Now Title D does not cover discipline of those in care organisations who work in
4 care organisations or schools unless a person happens to hold a licence from a bishop. So it
5 may be that a principal of a school or a chaplain does hold such a licence, but not all people
6 within those hold a licence or are office bearers.

7 Claims for compensation or assistance from survivors have been dealt with by
8 individual bishops and often indeed most often taking advice from lawyers and we will see
9 some documents regarding that.

10 The future. The future is in your hands and in our hands too. Archbishop Philip
11 Richardson spoke at paragraph 127 of his evidence which is before the Commission on this
12 topic. Most of the issues that I will comment on he says indicate that Anglican institutions
13 are not well placed to manage processes for redress for survivors. Instead, it may be that a
14 national system encompassing all State and Faith-based institutions would be better
15 equipped to fairly and consistently enable survivors to seek appropriate redress.

16 I acknowledge the powerful comments of Dr Heasley and Ms Tonks in their
17 opening and the comments of Archbishop Richardson there align and reflect with some of
18 the views they have expressed. Ngā mihi, thank you.

19 **CHAIR:** Tēnā koe Ms Guy Kidd.

20 **MS ANDERSON:** Chair, this is the opportunity I think for Ms Guy Kidd to call her first witness.

21 **CHAIR:** Yes, I'm just wondering if there was anything else to be said before we do that. I invite
22 you to call your first witness, thank you Ms Guy Kidd.

23 **MRS GUY KIDD:** Thank you, I call Bishop Ross Bay.

24 **CHAIR:** Good afternoon Bishop Ross.

25 A. Afternoon Commissioners.

26 **Q.** That's the correct form of address to you?

27 A. Thank you.

28 **Q.** Good. Can I ask you please to take the affirmation.

29 **BISHOP ROSS GRAHAM BAY (Affirmed)**

30 **QUESTIONING BY MRS GUY KIDD:** Bishop Ross, you've prepared two statements for the
31 Commission.

32 A. That's right, yes.

33 **Q.** The first was originally prepared and dated 18 September 2020?

34 A. Correct.

- 1 **Q.** And a supplementary second witness statement dated 4 December 2020?
- 2 **A.** That's right.
- 3 **Q.** Bishop Ross, could you just please tell us a little bit about yourself, when did you first
4 become a priest?
- 5 **A.** In 1989 I was ordained a deacon and then a priest later in the same year.
- 6 **Q.** And after being ordained as a deacon and a priest, what roles did you take in general?
- 7 **A.** I've taken a number of roles as an assistant over those first few years while I was learning
8 the practice of being an ordained person. And I've served in a number of parishes in the
9 Diocese of Auckland as a vicar until finally I became bishop in 2010, so nearly all of my
10 ministry, apart from a couple of years overseas, has been served in Auckland.
- 11 **Q.** And who was the Bishop before you?
- 12 **A.** Bishop John Paterson served for 15 years prior to me.
- 13 **Q.** And did you assist him in any way in relation to matters which are of relevance to the
14 Commission?
- 15 **A.** There are a number of years through the 1990s when I served as part of what was then
16 called the Sexual Harassment Monitoring Group that assisted the Bishop with managing
17 complaints of sexual harassment and abuse. In the early 2000s after the canons changed
18 around how complaints were to be managed, I served for a couple of years as part of an
19 advisory group to the Bishop when the, if you like, the power or the responsibility for
20 managing complaints returned far more to the Bishop.
- 21 **Q.** Bishop Ross, we have an hour so we've got limited time. The Commissioners have read all
22 of your evidence and there are five topics that you would like to speak to?
- 23 **A.** That's right.
- 24 **Q.** The first is to give an apology and I'd ask if that document could be brought up on the
25 screen. You have before you your two statements. It's going to come up on the screen.
26 Can you read that, or would you like to look at the hard copy?
- 27 **A.** I've got the hard copy, it's a little easier to see I confess. I would like to reiterate the
28 apology I have recorded in my second statement. Thank you to those survivors that have
29 come forward and spoken of your abuse. I appreciate that there are also survivors that
30 decided not to share your experience in a public forum. Your experiences are no less
31 important, and I hope this process gives you the strength to share your suffering so that the
32 Anglican Church has the opportunity to not only make it right but also to learn from these
33 instances of abuse and neglect.
- 34 I apologise on behalf of the diocese to all those that have been in any way abused

1 or neglected while in our care. I also apologise for the times when the Anglican Church has
2 compounded your pain and suffering by responding to such instances of abuse and neglect
3 in an inappropriate manner.

4 The diocese and the Anglican Church must ensure that real and meaningful
5 protections continue to be implemented to safeguard our most vulnerable. I am committed
6 to ensuring that occurs. I am also committed to ensure the diocese works with the
7 Commission to establish an appropriate pathway for survivors to achieve the appropriate
8 redress they deserve. I reiterate the things that our Archbishops have said about the
9 opportunity to be part of the work of the Commission so that we can indeed learn and
10 respond more appropriately than we have.

11 **Q.** Bishop Ross, your second topic that you would like to speak to is the care around the
12 selection of clergy. So can you just explain for us what clergy means?

13 **A.** Yes, those are the people who are ordained and therefore given the authority to lead and to
14 extend spiritual care to members of the Church and to the wider community as appropriate.

15 **Q.** And what is the relevance of the selection of clergy to abuse in care?

16 **A.** It's part of my belief that we create a safer environment within the Church if we take
17 considerable care over those who are selected to hold those roles of leadership and
18 therefore exercise that kind of purpose within the life of the Church. So care and selection
19 we would hope increases the care of the environment within which they work and which
20 people attend.

21 **Q.** So could you then speak to and explain to the Commission about developments in relation
22 to the selection of clergy?

23 **A.** I think in years gone by bishops used to rely an awful lot on what they knew personally of
24 people, perhaps committed Anglican families and parishes, perhaps take a view that we
25 know that family, they've been part of the Church for a long time, they would seem a
26 suitable person to become ordained, that's putting it quite simply.

27 I think there was more emphasis on that in past years and I'm talking 30 to 40
28 years or more ago. Some advice was taken from other clergy having conversations with
29 them and then offering their view to the bishop, but largely there wasn't a lot of due
30 diligence done, if you like.

31 I think since the 1980s in particular, considerable effort has been put into doing
32 wider reference checking, to having a wider set of people not just clergy who would
33 examine suitability of people. By, in particular, moving towards some psychological
34 testing to ensure that we get some psychological assessment of the person and identify

1 perhaps their motivations for why they might want to be involved in this kind of thing.

2 So a lot more rigour is involved with the process now taking usually a 12-month
3 period to make the assessment of someone's suitability and to discern that.

4 **Q.** And so that's a process you call discernment?

5 **A.** It is, we're essentially, as a faith organisation, seeking to discern the call of God on a
6 person's life, it's a response to their own sense of their own personal spirituality and to their
7 faith and alongside that applying what we would hope to see is particular skills and
8 attributes within a person who would be suited for ordained life.

9 **Q.** So you spoke about getting a psychological assessment on the candidate or the prospective
10 person, can you tell us a bit more about that, how that works?

11 **A.** Yes, that's an independent professional psychologist that we use who is not herself a
12 member of the Church, but who has skills in those kind of assessments for people working
13 in the caring organisations, it involves a person completing a self-assessment questionnaire
14 ahead of an hour and a half interview with the psychologist who takes them through a
15 number of questions related to their well-being.

16 **Q.** And what information do you get after that meeting?

17 **A.** A psychologist then writes a report to me that's available to other advisors so that we can
18 have some sense of their view of a person's well-being, their mental health and perhaps
19 some of their motivations for wanting to do this kind of work, and they go as far as
20 questioning a person around, you know, any issues they might have with substance abuse or
21 other addictions in their life, so those kind of things are examined.

22 **Q.** Is there anything further you wish to say about that topic?

23 **A.** No, I think that's sufficient, but just really to emphasise the element of rigour that we place
24 around that now.

25 **Q.** The third topic that you wish to talk about which is also of relevance to the issue of
26 safeguarding the vulnerable in our Church is around care around monitoring of clergy.
27 What do you wish to say about that issue?

28 **A.** I think one of our risk factors in the work that clergy do is that largely they do work in quite
29 independent ways. For instance, many of our clergy working in local parishes, which is the
30 local church in the community where most of our clergy would work, they're often
31 undertaking that role on their own, they don't have another colleague they work alongside,
32 they're working with volunteers who are members of the parish. And there is the danger of
33 them becoming isolated in that work, and so we put a lot of emphasis on ensuring that there
34 are collegial structures in place to bring those people together, ongoing professional

1 development, and the kind of oversight that is the bishop's role worked out through myself
2 and others to keep in touch with those people, provide them with support and, you know, to
3 the best extent we can, monitor that their practice is what we expect within their work.

4 **Q.** And you spoke of that monitoring happening through yourself and others, who would be
5 the others who would do that?

6 **A.** Working with part of my team I have three full-time people who we call archdeacons, an
7 archdeacon has responsibility for a geographical region and so each of them would be
8 looking after, say, 30 or three dozen-odd parishes each and I have particular responsibilities
9 for maintaining contact with the clergy in those parishes. So it just divides the labour and
10 delegates down a more manageable group of people.

11 **Q.** Is there any, what we would call, professional supervision of clergy?

12 **A.** Each of our clergy are required to have their own professional supervisor that they would
13 meet with regularly, clergy choose a person that's suitable for themselves to see.
14 Sometimes it might be professional counsellor or therapist who has the skills to help them
15 to reflect on their work and their practice. Sometimes clergy choose another skilled
16 clergyperson.

17 Whoever it is, the intention is that they are regularly reflecting on their work and
18 their practice in order to keep it as professional as possible. I think it's a similar practice
19 that's involved in people, say, involved in social work or counselling work.

20 **COMMISSIONER ERUETI:** May I just ask in this pause, intervene, I just wanted to clarify,
21 please Bishop, you said four archdeacons working for you personally in your Diocese.

22 **A.** Three others, Commissioner, yes.

23 **Q.** Three and then between each one of them would have 30 parishes within their —

24 **A.** Around that, yes.

25 **Q.** Thank you.

26 **QUESTIONING BY MRS GUY KIDD CONTINUED:** Just so we understand that further, is
27 that the primary role of the archdeacon is to liaise with those 30 parishes?

28 **A.** Yes, there would be other pieces of work they would do from time to time, but their
29 primary responsibility is to assist me with that oversight working in a particular area.

30 **Q.** And I assume, but can you tell us, is there feedback that comes back from the archdeacons
31 to yourself?

32 **A.** Yes, our team meets once a week to keep in touch with one another and the work that we're
33 doing, and it's there in confidential meetings that we would be able to receive and consider
34 any issues of concern, any confidential matters that we would all need to know about to

1 maintain our overall work of oversight and care for the clergy.

2 **Q.** The next topic we're going to turn to is your relationship as Bishop of Auckland with
3 associated entities in the Auckland Diocese and this is appendix 1 to your first statement.
4 But I'll just get you to speak to that. So firstly, in your Diocese how many Anglican Care
5 institutions or entities are there?

6 **A.** There are three which are independent organisations associated with the Church. One is the
7 Anglican Trust for Women and Children, the second is the Auckland City Mission, and the
8 third is the Selwyn Foundation. The Selwyn Foundation's area of work is in aged care
9 facilities, which I understand have not been, you know, kept within the scope of this
10 Commission, so I don't think they're actually on the schedule in terms of the Commission's
11 work.

12 **Q.** Can you just briefly explain for us your relationship in relation to each of those two
13 remaining ones, first the Anglican Trust for Women and Children?

14 **A.** So the Diocese of Auckland is empowered to appoint the majority of the trustees to their
15 governing body. So in that sense we have the power over their governance. I personally
16 don't have a direct governance role within that organisation, I maintain a relationship with
17 them and their work, but our relationship is worked out through appointing governors to
18 their—trustees to their Trust Board.

19 **Q.** And I'll return to them when we deal with claims, but then moving to the Auckland City
20 Mission?

21 **A.** Similarly, the Diocese has the opportunity to appoint a number of people to their governing
22 body, to their Trust Board. The Bishop of Auckland is given a seat on that board, but
23 ordinarily that's delegated to somebody to represent the Bishop in my stead.

24 **Q.** And then turning to the schools which are within your Diocese?

25 **A.** So there are four schools, three are them King's College, King's School and Diocesan
26 School For Girls, the Bishop of Auckland has a seat on each of those boards of governance
27 and I also am given responsibility of chairing the Board of Trustees of King's College
28 which is a separate trust board that is technically the owner of the school's properties. We
29 don't have responsibility for appointing other governors, it's simply the Bishop's
30 opportunity to have a seat as one of the governors in each of those schools.

31 Dilworth School is an entirely independent school, the Church has no role in
32 appointing any of its trustees, but the Bishop is invited to be a visitor to the School and
33 each year to make a formal visit to the school to maintain the relationship and to comment
34 on any matters that we might note.

- 1 **Q.** And that is in accordance with the will of James Dilworth who set up that school?
- 2 **A.** That's correct.
- 3 **Q.** Just so that we understand some of the Commissioners and those listening may be aware of
4 schools such as St Stephen's, it now no longer exists, and Queen Wikitoria which was in
5 Parnell. Why are those not listed here?
- 6 **A.** They are under the jurisdiction of Te Pihotapanga o Te Tai Tokerau which is in Tikanga
7 Māori, so that's the jurisdiction, the Māori jurisdiction for this part of the country, Te Tai
8 Tokerau but not part of my jurisdiction.
- 9 **Q.** The final topic that we're going to refer to arises out of your second statement where you
10 dealt with and specified reports of abuse within the Diocese. So as at 4 December 2020
11 when you completed that statement, you recorded that you had 12 reports of abuse within
12 the Diocese. When you're referring to within the Diocese, am I correct in understanding
13 you are not referring to the Anglican Trust for Women and Children complaints which are
14 in addition to those?
- 15 **A.** That's correct, yes. So these 12 refer to complaints that have come directly to the Bishop of
16 Auckland in relation to the clergy working in parishes or perhaps schools, wherever their
17 place of Ministry is. So they relate directly to abuse by clergy.
- 18 **Q.** Since you have prepared that statement, have you found additional documents of
19 relevance?
- 20 **A.** We have, we've made further disclosures. I apologise to the Commission that when we
21 reformatted the December witness statement to a new format to resubmit on the date that's
22 on it now, 12 February, I should have identified at that time that the numbers had in fact
23 changed because we had made further disclosures since then. So my apologies that we
24 should have updated the statement at that time, but I did the administrative reformatting and
25 redated it. So we have now disclosed in relation to a total of 18 complaints and those 18
26 complaints relate to 12 different clergy in the period concerned.
- 27 **Q.** Can you explain to us what the approach has been in relation to complaints that involve
28 abuse within the Anglican Trust for Women and Children and its predecessor homes, thank
29 you?
- 30 **A.** The approach there has been for the ATWC, as it's often known, abbreviated, to manage
31 those complaints within the organisation. The Diocese of Auckland has, for some time
32 now, taken responsibility for meeting the costs of any settlements and any related legal
33 costs. We share those severally with the ATWC. That's recognising that the Anglican
34 Trust for Women and Children now inherited a number of separate pieces of social service

1 work that had existed for over a century or more in different ways, some of which had
2 originally been more directly under the control of the Diocese. So the ATWC brought
3 together a lot of work under one umbrella. So we've recognised over the years some joint
4 responsibility when it comes to settlements.

5 But unless an approach has been brought directly to the Bishop of Auckland,
6 where the Bishop's involvement has been sought, perhaps by way of an apology on behalf
7 of the Anglican Church, it's the ATWC themselves that have understood their responsibility
8 to investigate and process any complaint.

9 **Q.** Thank you Bishop Ross. Is there anything further you wish to add at this point in time?

10 **A.** No, I think that's sufficient for now thank you.

11 **CHAIR:** Could I ask a point of detail about the Anglican Trust for Women and Children, can you
12 give us an indication of the number of complaints that have come their way? Have you any
13 idea? It's not mentioned in your brief.

14 **A.** No. I'm aware that there are quite a number, at least perhaps 40 or more that I'm aware of,
15 there could be more than that.

16 **Q.** I don't want to put you on the spot, Bishop, I'm asking the question, it may be that you
17 could gather that information up over the next day or so and let us know, that would be
18 very helpful.

19 **A.** Certainly.

20 **Q.** Thank you.

21 **COMMISSIONER ERUETI:** Could I also ask Bishop Ross, so the process that they use is
22 developed by themselves internally?

23 **A.** That's right, yes.

24 **Q.** Separate from any other process we're discussing?

25 **A.** Yes, it's not part of the processes that the Church has in place for complaints brought about
26 clergy or ministers holding a bishop's licence.

27 **Q.** Thank you.

28 **QUESTIONING BY MRS GUY KIDD CONTINUED:** Commissioner Shaw, I note that the
29 supplementary brief of evidence of Kevin Brewer as at 18 December 2020 addresses the
30 point that Your Honour—the Commissioner asked, and as at that date, as recorded in
31 paragraph 4, his register included the names of 35 people, 24 of those people had made a
32 claim of abuse at institutions operated by the Anglican Trust for Women and Children, a
33 further 11 had asked for information or otherwise come to their knowledge. So 35 on the
34 Historic Claims Register.

1 **CHAIR:** Thank you. Yes Ms Anderson.

2 **QUESTIONING BY MS ANDERSON:** Thank you Madam Chair. Bishop Ross, just to
3 introduce myself, I'm Katherine Anderson, I'll be asking you some questions. I'll be
4 ranging through a number of different topics just on different aspects. I'll signal when I'm
5 moving from topic to topic just so you can orientate yourself.

6 I'm going to start with some broader themed matters that don't require us necessarily
7 to go to documents apart from one central one that I'll put up on the screen. But I did just
8 have a question arising out of the additional information you provided about the increased
9 number of claims that you've become aware of and I'm sure we'll be liaising with counsel
10 for the Church in relation to further information that those matters relate to.

11 But I'm interested in just what was the process of discovery of the additional, is this
12 new things that have come in the door or is it a different process of looking back over your
13 documentation?

14 A. I don't think it's a different process, I think it's a reflection of the volume of records that are
15 contained within the Church's archives. And the fact that over the years different archivists
16 have taken different approaches to the archiving process that bishops over the years have
17 taken a different approach to how they have assembled material, what files it's been kept
18 within.

19 Q. So is the process of review of those materials continued after the date you've provided the
20 response to notice number 1 and notice number 2 and so you've continued that process
21 which is—

22 A. We have.

23 Q. And probably gained greater insights about where information is stored?

24 A. Yes, around the middle of last year, early part of last year, we appointed a full-time
25 researcher because we realised that we did not have sufficient resources ourselves to
26 effectively search all of our records and the archives. And so that person has, over the last
27 nine months or more, continued to search our records and uncover other matters that we
28 had not previously been aware of.

29 Q. Certainly in relation to notice number 1, which sought information about enrolments and
30 numbers of complaints and certain other matters including policies, you provided an
31 updating response when you discovered a 1994 policy document, didn't you, you provided
32 that to the Inquiry?

33 A. Yes, we've done a number of pieces of, I guess what I'd call progressive pieces of
34 disclosure. So as we become aware of more, or further relevant material, we've made an

- 1 additional disclosure in response to an earlier notice.
- 2 **Q.** And so you'll be working towards providing an updated response to notice number 2 which
3 is one of the documents that we'll be looking at through the questioning, but is the format in
4 which your Diocese provided that complaint information to the Inquiry?
- 5 **A.** Yes, I'd have to look carefully at that notice to remind myself of exactly what it says, but
6 each time, and I think in relation to these latest numbers that I have just provided to the
7 Commission, that in fact the relevant documents have been disclosed to the Commission
8 have been filed through our solicitors.
- 9 **Q.** It might simply be that the summary information that, as provided in the notice, hasn't been
10 updated, but that can be attended to?
- 11 **A.** Yes.
- 12 **Q.** So thank you. So the first series of questions I've got for you, as I said, are not document
13 intensive, I'm really wanting to explore with you your role as a bishop, the role of a bishop
14 generally, and then the role of the bishop in relation to, I'm going to call it disclosures,
15 when somebody comes forward to some part of the institution or your clergy or one of your
16 office holders and indicates that they've experienced abuse, either that abuse in the past or
17 more contemporary. So I'm just wanting to check that you would agree that as a bishop
18 you've got a key leadership role within the Church itself?
- 19 **A.** Yes, definitely.
- 20 **Q.** That's not really surprising, is it?
- 21 **A.** No.
- 22 **Q.** How do you see that leadership role in relation to preventing abuse in the care of the
23 Anglican Church?
- 24 **A.** I think it's to do my best as a bishop to ensure that processes are in place both to seek to
25 prevent abuse and then to respond to it if it is brought to our attention. In the broadest
26 terms I could perhaps say those two things.
- 27 **Q.** So in the processes and the response. And I note the point that my colleague took you to in
28 your second brief where you made a strong expression of commitment to ensuring that
29 safeguarding the vulnerable occurs in the Church. Are you able to just very briefly, in
30 terms of carrying out that intention, what is it that's most on your radar of what you'll be
31 doing in that regard?
- 32 **A.** So a key thing we've worked very hard on over the last couple of decades is a programme
33 on training for clergy on professional boundaries to ensure that the practice of their
34 Ministry is being undertaken in a safe way, and that's a programme that has had review

1 again in the last few years about its content.

2 **Q.** And are you involved in that review?

3 A. No, that's something I've delegated to people who have the skills to both develop and then
4 teach that programme. But it's been a key mechanism for trying to help to maintain safe
5 practice of our clergy.

6 **Q.** So through an educative function?

7 A. It's a key educative function for clergy, that's one element of it. A second element is doing
8 our best to ensure that clergy are receiving the professional supervision that they are
9 expected to undertake, that's another key element of maintaining safe working practises.

10 And then the third broad element as I was explaining around the question of
11 monitoring, we have the challenge of clergy largely working in independent places and
12 ways, and so trying to maintain a sense of collegiality and contact so that we're aware of the
13 work that clergy are doing.

14 **Q.** Thank you for the overview, those are all topics that we'll be coming back to later on in the
15 questioning. The second aspect that you identified in relation to leadership role and
16 prevention was as a bishop and how you respond to it. So how do you see your leadership
17 role in relation to responding to people coming forward saying that they've suffered abuse?

18 A. Just talking -- you mean talking quite generally?

19 **Q.** Personally, so you're a leader, you're a senior leader in the Church, so you've got direct
20 levers of control and you'll have obviously the lever of influence. So what is it that you
21 think you can do as a leader in terms of providing the appropriate response, ensuring that
22 not only yourself but others in the Church respond in an appropriate way to people coming
23 forward with disclosures?

24 A. So I think people who are making disclosures first and foremost need to feel that they've
25 been heard and believed. So I think where it's been appropriate I've wanted to meet with
26 people who have suffered abuse and who want to seek that level of response. However, in
27 the first instance I want to take care that the processes, the policies for complaints that are
28 in the Church are followed as well as we can. By that I mean that matters are heard and
29 investigated appropriately. So I think my responsibility is to ensure that the people are
30 heard and believed, responded to with care and that we do our best to follow processes that
31 allow a matter to be fairly heard.

32 **Q.** Does that leadership role in terms of ensuring that the policies and procedures are followed,
33 does that leadership role also extend to influencing the content of those policies and
34 processes?

- 1 A. Well, the policies and processes are set by the Church as a whole through our General
2 Synod. So what we've referred to as Title D, which is about the maintenance of standards
3 and processes for managing complaints, those processes the General Synod, which is the
4 national governing body of the Church, sets those. I am a member of that General Synod,
5 so I have a voice among others as part of it.
- 6 **Q.** The Synod is the sum of its parts, isn't it?
- 7 A. Yes.
- 8 **Q.** So as a leader you contribute to the conversations in that forum, and presumably as a leader
9 you have the opportunity to drive conversations and issues that might be appropriate for
10 General Synod to consider?
- 11 A. I have that opportunity, yes.
- 12 **Q.** Thank you for that sort of background highlight, that's helpful. I'm going to have one of the
13 bishops ordination put up on the screen so that will come up in front of you, that's
14 document ANG0017762 at 913. Are we able to make that a little bigger? Thank you. Can
15 you see that on the screen?
- 16 A. I can, yes.
- 17 **Q.** The reason I'm taking you to this as a starting point is just to check with you, this is
18 effectively the promise you make when you are ordained as a bishop, and there are some
19 concepts in there that you want to explore and ask you questions about, it's not that there's a
20 right or wrong answer, but I think it will help the Inquiry to understand the underpinnings
21 of the bishop's role so that when we're later looking at the bishop's role in the redress
22 context, which includes safeguarding, we can be reflecting back to these concepts that are
23 expressed here.
- 24 Clearly the first thing is that bishops are to lead by their example, that reflects the
25 leadership you've just been talking about. And there's a reference there in the second line,
26 they are to be Christ's shepherds in seeking out and caring for those in need. I wondered if
27 you had any reflection on that promise that you've made in terms of seeking out and caring
28 for those in need in relation to the Church's response or your role as Bishop, what you
29 bring, bringing that to life and how you want your Diocese to respond to people coming
30 forward?
- 31 A. Well, I would hope that we would respond with care. I want to acknowledge that in some
32 ways that aspiration has not always been fulfilled by us in relation to those who have come
33 reporting abuse as survivors of abuse. I want to acknowledge that right up front, that we've
34 had aspirations that we haven't always lived up to or fulfilled. A bishop's ministry is shared

1 with the clergy of a Diocese as a whole. So we often talk when we licence somebody to a
2 particular role in the Church, we talk about this ministry being both yours and mine. So in
3 that sense, a bishop's ministry is meant to be reflected through clergy who represent the
4 bishop in different places and in different roles.

5 **Q.** Because you can't be everywhere at once?

6 **A.** That's right, so it's a ministry that's representative and shared. In that sense the bishop has a
7 responsibility to model and to set the tone for what that ministry should look like.

8 **Q.** And so in terms of setting the tone for seeking out people who might have been harmed in
9 the Church, have you got any reflections about what's possible for you to do in that
10 context? Just while you're gathering your thoughts, I'm asking that because what we
11 haven't seen is the Church—yes in relation to the Commission it's encouraged victims and
12 survivors to come forward to the Inquiry, but we haven't seen that internal seeking out of
13 what is its past and current state in relation to abuse and how might we seek out those who
14 have been harmed and respond to them. So the focus here in the language is to seek out
15 and to care for those in need. I think we can agree, can't we, that victims and survivors will
16 largely be persons who are in need?

17 **A.** Yes indeed, they are. I guess my reflection would be that perhaps this may seem a small
18 thing, but one of the things that we have done in recent years is to make more statements
19 publicly visible in our churches, for instance the policy that I think is in the bundle of
20 papers that harassment is not okay, that harassment is wrong, that any form of abuse is
21 wrong in the Church and there are mechanisms for addressing that. So those posters are to
22 be publicly displayed in each of our churches to give the opportunity for people to come
23 forward.

24 **Q.** And one of those posters is attached to your brief of evidence, isn't it?

25 **A.** That's right.

26 **Q.** We'll come to that later. So in terms of seeking out, that's one mechanism which is a poster
27 in a religious venue, or a venue associated with the Church. What other mechanisms do
28 you think—don't limit to what has opinion done in the past but what could be done?

29 **A.** I see. Ms Anderson, I confess I'm a little bit of a loss to know quite where you're taking me
30 or how to respond to the question immediately.

31 **Q.** We can come back to it, you can reflect on it, but the question which I've got and which the
32 Inquiry will be interested in when it's preparing its report is understanding what steps the
33 different faith-based institutions have taken to both make a pathway accessible when
34 somebody wants to come forward, and you've indicated the poster is a mechanism for that,

1 but the other way is what is the proactive going out and seeking to find those people who
2 have been harmed. So you'll recall Neil Harding's evidence, did you listen to Neil
3 Harding's evidence at the December hearing?

4 A. Last year, I did hear it, yes.

5 **Q.** And he's expressed the question "Why did nobody come to find me?" And so bringing that
6 lens to this proposition, what could you in your leadership role do, what are the range of
7 possibilities as to processes for seeking out people who might have been harmed in the
8 church?

9 A. Thank you, I acknowledge that's a significant wero that is before me and the Church as a
10 whole as to how we can do that and be more proactive in that.

11 **Q.** Is it that you've got something in your mind that could be a proactive step, or are we best to
12 leave that at the moment?

13 A. I'd be grateful for the opportunity to consider that more to be honest thank you.

14 **Q.** We can come back to that.

15 **CHAIR:** Would this be a good time to take the—

16 **MS ANDERSON:** Yes, I think—

17 **CHAIR:** The Bishop can reflect, you can have a whole 15 minutes, no pressure, but I think we'll
18 take the afternoon adjournment at this point.

19 **MS ANDERSON:** Thank you Madam Chair. And obviously the answer around the Anglican
20 Women and Children's Trust numbers have been answered and I think you've given
21 previous witnesses just an indication of the limitations on what they can talk about.

22 **CHAIR:** Absolutely. Just for your information, this is not just for you but for all witnesses who
23 are being questioned, would you please not speak about your evidence in the break.

24 A. Yes, I understand that thank you.

25 **Q.** If you do find the need to refer anything to counsel, just speak to counsel and she will
26 discuss that with Ms Anderson, otherwise keep mum. Thank you.

27 **Adjournment from 3.30 pm to 3.48 pm**

28 **MS ANDERSON:** Bishop Ross, before I move on and ask you some questions about some of the
29 other text in this ordination, have you had anything you reflected on that you'd wish to add
30 in relation to seeking out those who have been abused?

31 A. Yes, thank you, I appreciated having a few minutes to consider that. I think the two things
32 that came to me were first and foremost being proactive about encouraging people to come
33 forward. So finding some mechanisms for acknowledging abuse has been part of our
34 history as a church and we would welcome people coming to speak to us about that.

1 But I think secondly it could be about where we have been aware of instances of
2 abuse in a particular place, taken the opportunity to more actively seek out whether the
3 abuse that's been brought to our attention was a one-off thing or whether there could have
4 been other instances within a particular parish or a place. So being more proactive about
5 investigating more widely than the instance that was brought to our attention.

6 So those are a couple of the things that have occurred to me that we could be more
7 proactive in doing.

8 **Q.** So that might be, for example, a particular setting that might be higher risk-based, like a
9 boys boarding school or some other kind of facility where it might be emerging that
10 perhaps potentially systemic abuse has occurred, that in that circumstance one option might
11 be mechanisms to encourage people to come forward?

12 **A.** Certainly that would be one example and perhaps also even in a parish situation if we hear
13 of an instance of abuse or inappropriate behaviour, trying to find a careful and sensitive
14 mechanism but nevertheless seeking out whether there may have been other instances and
15 giving, creating more of an environment of confidence for people to be able to speak up if
16 that might have happened.

17 **Q.** Because that environment of confidence for speaking up is fundamental, isn't it?

18 **A.** Yes, so trying to create and improve culture around those things I think would be an
19 important one.

20 **Q.** And certainly all of the leaders in the Church have a key role in creating that culture?

21 **A.** Yes.

22 **Q.** The next aspect in the ordination I wanted to take you to is the next sentence where the
23 bishop—where you've taken this, I'll call it an oath, you may have another word for it?

24 **A.** It's a statement of the nature of the role of a bishop and a commitment to it, yes.

25 **Q.** A commitment to it, yeah, this is the commitment that you've made and this is to heal and
26 reconcile, uphold justice and strive for peace. These are very powerful words obviously.
27 So when I'm coming to this looking at it from a—I'm not a member of the Church, I'm
28 looking at this language as effectively a command in your role to heal and reconcile, uphold
29 justice and strive for peace, that sounds like a complex bundle of concepts to merge into
30 one sentence. Is it difficult to apply when you're contemplating how to respond to abuse in
31 your Diocese? How do you live out this commitment?

32 **A.** One of the temptations I think for a bishop, or for anyone in Christian ministry, is around
33 the idea of reconciliation. So the temptation to want to try to find mechanisms for how can
34 this be fixed perhaps in a more easy way, how can we reconcile people. And I think that

1 for instance one of the changes made in the new Title D processes whereas there used to be
2 an encouragement for bishops to first of all seek to reconcile parties, I think that sometimes
3 in a bishop's mind it could create an opportunity for an easy—to try and find an easy
4 solution rather than ones that actually reflected justice.

5 So I think in all of these things there are often tensions in a bishop's mind and in a
6 bishop's practice about how we live out these ideals, particularly where a significant
7 amount of our ministry focus is on seeking support for the Church's clergy. Our work is
8 often focused in that way. So I think it creates—

9 **Q.** We'll come down to that in the ordination because that's the—

10 **A.** Sure.

11 **Q.** —concept of pastor to the pastors—

12 **A.** It is.

13 **Q.** —that's inherent in the bishop's role.

14 **A.** I guess the point I'm trying to make just at the moment, though, that we can approach these
15 things sometimes with an innate bias in that way towards our clergy. So the idea of healing
16 and reconciliation I think we can approach it often with a bias towards what role might
17 I play to try and make things right and perhaps do that in too simplistic and easy a way.

18 I think when you add the line about upholding justice, there's a strong reminder in
19 there that justice needs to apply most particularly to those who have been wronged, they're
20 the ones entitled to justice and seeking justice. So I suppose what I'm trying to talk about is
21 the tensions in that.

22 **Q.** Can I ask you about the language—yes acknowledging the tensions?

23 **A.** Yes.

24 **Q.** But the language you've used about the temptation being just to make things right, and is
25 that make things right in relation to the person who's accused, or does it mean make things
26 right in relation to the victim or survivor or does it mean both?

27 **A.** I think in our—I think it means both, but I suppose what I'm trying to say is in our minds it
28 can be easy to be drawn to two easy a solution, I suppose that's the point I'm trying to make.

29 **Q.** And is a too easy solution one that puts the problem off the table potentially?

30 **A.** I think there can always be that temptation to try and see if there's a mechanism where this
31 can be more easily resolved and perhaps in our minds imagine that's about reconciliation
32 but reconciling what's happened about wanting people to be able to face and come to be at
33 peace with one another about a matter. But I think I'm increasingly understanding that,
34 particularly having listened to survivor evidence, that our greater concern needs to be with

1 the healing of those who have been affected by whatever abuse or wrong has been carried
2 out.

3 **Q.** And am I right in discerning your response, and I appreciate you're being very candid,
4 you're being very honest which is, you know, of course very helpful to the Inquiry, and you
5 will have heard the previous witness not—you know, facing up to things, but what I'm
6 discerning through your responses in relation to this is perhaps an acknowledgment that the
7 concept of reconciliations that had a prominence in the response to abuse over other
8 considerations?

9 **A.** I think it's fair to say that perhaps in our minds, I can speak for myself as a bishop perhaps,
10 but in my mind that has at times perhaps been the case. Perhaps not so consciously, but
11 perhaps an unconscious driver.

12 **Q.** We'll certainly see when we come into the documents there's a strong focus on
13 reconciliation in some of the materials, including the 1990 policies and things in the
14 Auckland Diocese. So I think your acknowledgment is fair but we can see that playing out
15 over time, including focus on mediation as a means of—I don't want to use the term resolve
16 matters, but mediation as a response.

17 **A.** [Nods].

18 **Q.** In terms of the reference, just in the next part of the ordination, to maintain wise discipline
19 within its fellowship, you've already given me some indication of the new steps in terms of
20 your commitment to ensure supervision and monitoring and training, which is one side of
21 the safeguarding coin, but the other angle, of course, is the discipline when something goes
22 wrong. So are you able to explain, and just in your own practice as a bishop, how you
23 bring this commitment to life when somebody comes forward and discloses abuse?

24 **A.** I think you're right to say that we have had a strong emphasis on processes of mediation.
25 So perhaps if I just speak generally about an approach I might take. It would be to appoint
26 a person either as a mediator or an investigator to learn of the experiences of the person
27 who was making a complaint or reporting the abuse, and then have those presented to the
28 person who's the respondent in a matter to seek their response to what they are being
29 accused of.

30 **Q.** So that's the information-gathering phase?

31 **A.** Yes. And then depending on what their response is, because so many of our processes,
32 particularly since I became more involved in this in the mid-1990s, focus around the
33 process of mediation, that has somewhat influenced the approach I have taken as a bishop
34 under the Title D provisions that have been in place until recently.

1 **Q.** Just to pause there, sorry to interrupt your train, but so the Commissioners can understand
2 that under the Title D, as they were and for a period I think from at least 2000, potentially
3 earlier, when a matter is coming forward for a Title D process the bishop has had a key role
4 in determining whether to refer it on a mediation path or to refer it on a determination path.
5 So when you heard the Jacinda Thompson evidence last year, that was a Title D that was on
6 a determination aspect, just to clarify.

7 **A.** That's right, and I think that what I was saying before about the concept of reconciliation, is
8 that in my mind it's been the case that a mediated, professionally mediated process offers
9 the opportunity for people to face up to the wrongdoing they may have committed and the
10 impact on the other person, and so seek to respond to what it is that a survivor is seeking
11 from them as a result.

12 **Q.** The termination part of the Title D would also enable that person to face up to what they've
13 done?

14 **A.** Yes, it would, both would, yes. And I think that I've always understood—I want to perhaps
15 add to that that if it was a matter of seriousness that involved criminal activity, I don't
16 believe that a mediation process would be the appropriate mechanism to follow.

17 But I've always hoped that it can bring about a swifter resolution of a matter,
18 particularly, you know, in the hope that would be helpful to a complainant that matters
19 don't drag on for a long period while the determination tribunal is put in place and the onus
20 on them to come and be a witness to their own case before such a tribunal.

21 **Q.** I think in your witness statement you note, don't you, that the Bishop before you, Bishop
22 Paterson, you thought that there was a tendency to try and avoid using the Title D
23 mechanism during the time he was Bishop?

24 **A.** And bishops before him I think.

25 **Q.** Do you think your approach is the same or different in terms of resource to Title D as a
26 discipline mechanism?

27 **A.** I have not instituted a tribunal in the time that I have been Bishop, a determination tribunal.

28 **Q.** And that's in 10 years?

29 **A.** In the 10 years, that's correct.

30 **Q.** I know you've given the information on the number of complaints being 18, but how many
31 of those would have been in your period of bishopship?

32 **A.** To give you the accurate number I'd have to be able to review them, but a small number of
33 those, four or five perhaps, but I'd need to check that to give you an accurate answer.

34 **Q.** But none of those have gone to a Title D?

- 1 A. They have used the Title D mediation process in some matters, and these are the ones that
2 relate to abuse, there have been some other matters of complaint about matters that haven't
3 been to do with abuse.
- 4 **Q.** That are not behaviour-related in the way that we're talking about now?
- 5 A. That's right, they've been other discipline matters, yeah, beyond these 18, yes, or beyond
6 the few that I'm identifying in my own time where I've had to deal with matters.
- 7 **Q.** Then just moving down to the last part of the ordination where one of the commitments
8 you're making is to—you're sent forth to care for the Church's pastors. That's what I think's
9 often referred to as you're pastor to the pastors?
- 10 A. Correct.
- 11 **Q.** And do you want to make some comment about, in your bishopship in carrying out that
12 commitment, how do you think that's influenced your response to disclosures of abuse that
13 you've received?
- 14 A. I would like to believe that it hasn't led me to actively protect somebody who may have
15 abused. Certainly not. But I think in response to them, one of the tensions I was pointing
16 to before that's created is that the bishop is conscious of the call to offer that kind of support
17 to clergy, the bishop's conscious of the often isolated and demanding situations in which
18 some clergy work, the pressures on them. The sense in which clergy often feel under-
19 resourced and not as supported as they might like to be, and the fact that, as Bishop, you are
20 in relationship with these people that you see quite often, and in many cases you've known
21 for many, many years and like to feel that you've got an essential confidence in them and
22 their work. So that where there is a lapse of some kind, you can't help but bring all of that
23 wider awareness of who they are and the things that they do and so on to your response to
24 them.
- 25 **Q.** So that empathy is really what you've summarised in combination with the relationship.
26 Are you saying that in practical terms in your own experience that that tips the
27 considerations in favour of the relevant clergy and perhaps might be minimising what the
28 person coming forward with a disclosure is dealing with?
- 29 A. I think it creates that possibility. I think it adds that difficulty or complexity for a bishop in
30 that response, because on the one hand I want to both be true to a complainant and what
31 they are bringing to me, but I do so coloured with my knowledge of the person involved
32 and I personally have found that at times a difficult space to occupy.
- 33 **Q.** And in occupying that space, when you now reflect, do you think that you've maybe
34 personally—would you say you've always struck the right balance, sometimes, sometimes

- 1 not? How would you characterise your own leadership role?
- 2 A. I'm sure it will be sometimes, sometimes not would be my honest reflection. I wouldn't
3 pretend that I will always have got that right.
- 4 Q. So I think what you're articulating, and correct me if I'm wrong, is that the different
5 commitments that are made in this ordination process when taking the leadership role of the
6 bishop creates in itself some obstacles for the bishop in leading an appropriate response to
7 abuse disclosures?
- 8 A. I think what we see described there is quite a complex role and one that has lots of perhaps
9 almost impossible demands on in terms of an individual trying to embody all of these
10 things and do them well.
- 11 Q. I'm sure that's a fair summary in terms of the complexity that's inherent I think in the
12 language there. So thank you for your honesty and candour as to how you answered those.
13 If a bishop was to act inconsistently with these commitments made at ordination, would
14 that itself be a disciplinary matter?
- 15 A. It could be. It could be if it's a deliberate breach of a standard related to them then most
16 definitely. It could be if it's a failure to sufficiently live up to what's expected then that
17 would be a, if you like, almost a performance issue, the lack of appropriate performance in
18 relation to the role.
- 19 Q. And would that performance issue be dealt with under Title D or some other process?
- 20 A. I think that if it was an ongoing failure to act appropriately, particularly if the failure had
21 been drawn to the bishop's attention, then it could become a matter for Title D.
- 22 Q. Can I check whether you're aware, because you will have probably seen a lot in the media
23 about abuse in the context of the Catholic Church and evidence and allegations of failing to
24 investigate properly or to take proper steps. And so my question to you is, is there an
25 equivalent of that in the Anglican Church context, and if so does it arise out of this
26 commitment here or does that disciplinary consequence arrive from a different source?
- 27 A. I'll just clarify that I understand the question properly. Are you effectively asking if a
28 bishop was to fail in their responsibilities towards safeguarding in some way?
- 29 Q. Yes.
- 30 A. Fail to take the appropriate action or to put the appropriate things in place?
- 31 Q. Yes.
- 32 A. I think it opens that possibility. I'm not aware of that having arisen in our Church, but I am
33 aware of it having arisen in other Anglican jurisdictions elsewhere in the world, particularly
34 at the moment the Church of England has faced that with a couple of bishops and other

1 senior clergy where there have been safeguarding failures that have been identified and
2 those particular clergy have had to face a process of discipline around that.

3 **Q.** And some of the evidence around that has come out through the international inquiries,
4 hasn't it?

5 **A.** I think so, the Church of England and the UK have had their own inquiries into those
6 matters.

7 **Q.** Are those matters that you've followed closely?

8 **A.** Not in great detail, but I've certainly followed the tenor of them, yes.

9 **Q.** And no doubt it's quite a topic within the leadership of the Church, the developments
10 including the October last year, October 2020 report on the Church of England that came
11 out from the UK inquiry?

12 **A.** Yes, I'm not sure that our bishops have actively discussed that report, but certainly they are
13 matters, and more particularly related to this Commission, that we discuss.

14 **Q.** I've just got one final question on the ordination before I move on to just some other
15 broader areas, the language of heal and reconcile that's in this bishop's ordination. How do
16 you think survivors might characterise their experience of healing and reconciliation
17 through their experiences of engaging with the Anglican Church?

18 **A.** Listening to the evidence of many survivors, I would understand that they could be quite
19 cynical or dismissive of such language because I accept that it has not often been their
20 experience that we have acted to bring about what would look like healing and
21 reconciliation for them and that's something that we must face.

22 **Q.** So we've talked a bit about the impact of the concept of reconciliation. The other aspect, of
23 course, that gets mentioned often in the Anglican Church's documents in connection with
24 reconciliation is forgiveness. So those two concepts of forgiveness and reconciliation. In
25 the context of a disclosure of abuse, how do you see those concepts affecting the Church's
26 processes in responding to somebody coming forward?

27 **A.** Can you just unpack the question a little bit more please?

28 **Q.** I'll just break it down. So in the religious context there's a fairly well-established concept
29 of forgiveness and reconciliation. Certainly forgiveness of wrongdoing is a component of a
30 theological basis—

31 **A.** Yes.

32 **Q.** —that you operate in. Dealing first with forgiveness. In your view, how has that value or
33 theological underpinning of forgiveness impacted the design and mechanism of how the
34 Church responds to somebody who's accused of abuse and responds to the person bringing

- 1 forward that accusation?
- 2 A. I don't believe that we apply the concept of forgiveness cheaply. I don't believe that we are
3 driven by a desire to try and move quickly to forgive a person who has been the perpetrator
4 of abuse. Not in the sense of wanting to convey that it's okay what you did and we fix it so
5 now you're forgiven. I don't believe they're motivated in that way by that virtue or
6 aspiration. We certainly hold to it and the opportunity that exists for people to receive
7 forgiveness, the forgiveness of God in a reconciling way spiritually, and also the
8 forgiveness of others. But I don't believe we want to offer it cheaply, in cases where
9 wrongdoing has been caused it's been undertaken. And we certainly—I certainly don't
10 anticipate or put any pressure or suggestion on a survivor to in some way imply that they
11 have to be able to forgive the person, that would be a place they'd have to get to themselves
12 without pressure from me.
- 13 Q. We have seen in the evidence, and I'll just allude to it as a proposition rather than taking
14 you to the documents, where people have been accused, the outcome has been that the
15 complainant is believed and there have been certain sanctions imposed that might include
16 removal of a license or some other conditions.
- 17 We certainly see in the evidence that people can be relicensed after a period of
18 time. So my question in relation to that, and for the moment I'm just asking you to assume
19 that that has happened, on that assumption, is that influence, do you think, by the concept of
20 forgiveness or is it something else that might have resulted in that outcome?
- 21 A. I suppose it could be characterised as forgiveness in the sense that if it was determined that
22 after a period of time or undertaking certain work, perhaps, that a person was fit to return to
23 ministry, then you could say that by implication they had been forgiven. I wouldn't
24 personally, though, characterise it in that way. I would not want to withhold forgiveness
25 from a person who had shown genuine remorse and had taken action to improve or to
26 change. So it would be about the suitability of him being ready to return to that kind of
27 work. You could put the language of forgiveness around it but that's not the normal use of
28 forgiveness in relation to those things.
- 29 Q. What language would you ascribe to that?
- 30 A. I guess what I just said about determining the suitability of a person to be fit to return to
31 duties depending on work that they had done in relation to the matter that they'd had to
32 face.
- 33 Q. You've referred to having listened to the survivor evidence from the hearing last year. I'm
34 just interested in what are the sort of three or four key impacts or messages that you took

1 out of the evidence that you heard?

2 A. I think the particular one that I have heard really clearly is that our processes and our
3 responses have not been survivor-driven, that we have not placed the survivor as our
4 primary concern in matters, that one stood out for me very much. I think the second one is
5 that failure to necessarily recognise that, and I think you might have used a language in
6 your own introduction, the temporal moment of an incident, but what—so we're focused
7 perhaps on that and dealing with something that once happened without recognising at
8 times the impact through a person's life of that action, the way that's flown through, been
9 woven through their life since then.

10 And I think the third thing is a, at times, quite fair perception that the Church has
11 acted in different ways to ensure the well-being of its own people and the opportunities for
12 its own people to continue in ministry and to have other chances, where that hasn't seemed
13 fair to survivors in relation to the way that they have been treated through a process. So I
14 think those particular themes have stood out for me that I've heard in a really clear way.

15 Q. And am I right to assume that in your leadership role that when you're making this
16 commitment to improve things for the future that those concepts are likely to really come to
17 the fore and play out in relation to improvements, changes, enhancements that are needed?

18 A. I'd like to think they will become far stronger drivers for me in relation to my own work,
19 yes.

20 Q. Would you have had any of the sense of those three matters that you've just outlined about
21 survivors' perspectives if you hadn't heard their evidence in the Royal Commission
22 hearing?

23 A. I think not to the same extent. I think meeting with people from time to time through the
24 years around particular issues, some of which have been particularly confronting when I've
25 been involved with perhaps making an apology in relation to someone's experience and
26 listening to those experiences, that's been confronting. I think hearing the evidence and the
27 more focused, concentrated way in which it's come through the Commission's work has
28 really brought those things to sharp focus and I think that's one of the reasons why this
29 process is important and important for us to participate in, and again why we genuinely say
30 we're grateful for the courage that people have shown in sharing those experiences, because
31 I think hearing them in this way in this environment, the focus of what change might come
32 about as a result very much focuses our minds and our hearts.

33 Q. So would that be fair to say that although it has an impact on you and you might be
34 involved directly with a victim or survivor, there hasn't been that standing back while

1 you've been the decade in your leadership role of thinking what is the cumulative message
2 from what I'm hearing when I'm either meeting directly or I'm dealing with somebody else
3 in my team who's met directly with them?

4 A. I'm sorry, you'll just have to ask that again, I just lost the thread of it a little bit sorry.

5 Q. Just wanting to check with you that, just stepping through it, that you've met individually
6 with survivors and that's had an impact on you, and you've had other people in your team
7 who will have been meeting and dealing with allegations of abuse. But it doesn't appear to
8 me that you've stood back until the Royal Commission context and tried to piece together
9 from your own information that's held within your own team as to what systemic issues
10 might be being revealed on that response by response cascade over time?

11 A. I think—I don't think it's entirely fair, I think that there certainly has been in the developing
12 of additional safeguarding mechanisms that we've put in place, I think there's been a
13 reflection that we have undertaken about responsibility to seek to create safer environments
14 and to ensure that safe practice is being maintained. But I think it is fair from the
15 perspective of not doing the reflection on how can we make more effective responses to the
16 survivors, I think that's where the missing element has been, particularly for me I recognise.

17 Q. Because the three elements you identified are really survivor voice components, aren't they,
18 their experiences—

19 A. Indeed.

20 Q. —what they need. And in the future processes with the Church, are you looking to have
21 that survivor voice inform or collaborate with you as you develop and improve your
22 systems and processes?

23 A. Yes, I mean I think a reflection for me through this process is that that would be an
24 important component to begin to build and as the Church as a whole develops these things
25 more. I think it's not just about, again, me as an individual bishop, I have obviously a
26 responsibility and a role within my own Diocese, but these are processes and responses that
27 the Church as a whole needs to develop in a more consistent way.

28 So I think that's—there's personal work and local work, but I think there's
29 importantly whole of organisation work to undertake in that regard. That would
30 particularly perhaps be the case when the new Ministry Standards Commission begins to
31 dig more into its work and to offer us advice about these matters.

32 Q. Because you'd expect, wouldn't you, from that the new Commission who's going to be a
33 central register and central repository of knowledge which—

34 A. And body of advice.

- 1 **Q.** —we can agree that that hasn't existed, it's been a jurisdiction by jurisdiction—
- 2 **A.** That's correct.
- 3 **Q.** —approach without much collaboration?
- 4 **A.** That's right.
- 5 **Q.** Apart from the Title D that applies to everyone?
- 6 **A.** Title D applies to everyone but then it's been left to each bishop as to how in practice
7 they've applied it.
- 8 **Q.** And different practises by different bishops over time and in different areas?
- 9 **A.** Correct, yes.
- 10 **Q.** In terms of messages that you've heard from survivors, has that emphasised to you the need
11 for a trauma-informed approach when designing your practices in terms of disclosures
12 coming forward?
- 13 **A.** Certainly, as I said, that's one of the themes that's stuck out for me. And so I think yes,
14 when it does come to a lot of work we will still have to do, not only how we fine-tune our
15 processes in terms of attending to the temporal issue of a complaint, but how we responded
16 by to a survivor in the whole of their experience. I can't pretend to—I don't have the
17 specialist or I can't pretend to sit here now and say what that should look like, how it should
18 be, but I think for me it's stuck out as one of the things we have to take more account of in
19 the way that we respond to people through our processes.
- 20 **Q.** And probably important to prioritise that trauma-informed approach?
- 21 **A.** Yes, it would be a priority, yes.
- 22 **Q.** So when you are thinking about a trauma-informed approach, can you explain just what
23 you think that involves?
- 24 **A.** Well, I think I could offer some perspective for myself, but I think before I came to strong
25 conclusions about that it's one of the areas in which I think it would need to be developed
26 and informed by survivors, because I can't pretend to really understand what that means and
27 what the kind of response they would need would involve, so I think it's one of the aspects
28 of, you know, a process that's developed, you know, survivor-informed development.
- 29 **Q.** But the language of a trauma-informed approach is well-established in academic and other
30 processes, isn't it, so are you saying that you're not familiar with that body of work?
- 31 **A.** I apologise that I personally am not familiar with that, no.
- 32 **Q.** I'm going to take you to a document that has got a definition in it. It's a New South Wales
33 Officer for Children's Guardian document, the reference is MSC0001131. It's just going to
34 come up on the screen. Sorry, we've just got a technical glitch over the document. I'm

1 going to read you a definition. So this is a document that is put out by this New South
 2 Wales Office of the Children's Guardian in New South Wales, obviously Australia. It
 3 follows the Australian Royal Commission, so it's after that's concluded. And it's a
 4 guideline on engaging sensitively with survivors of abuse and it's a guide specifically for
 5 Faith-based organisations, so a useful resource.

6 There's a definition in there of what being trauma-informed is and I'm going to
 7 read that out just quite slowly so that you can—we might need to break it down. It says
 8 "Being trauma-informed means being aware of the impacts of stress on the body and brain.
 9 It also means that you understand that people with experiences of interpersonal trauma have
 10 had their trust violated and may treat even your well-meant conversation with suspicion."

11 So in terms of designing your processes, it's obviously important to have
 12 appropriately trained people in the positions that might be engaging directly with people
 13 coming forward with disclosures of abuse. So I won't ask you more than that, but would it
 14 be fair to summarise that that's an area that you recognise that you don't have a current
 15 understanding of but is likely to be something that you'll be looking at in the future?

16 A. In many areas of our work as bishops we have to acknowledge the limits of our knowledge
 17 and our skill, and we seek to open ourselves to the advice and the expertise of others as we
 18 go about our work and try to form policy, but I would never pretend to be an expert on all
 19 things and like to seek to be open to good advice.

20 Again, perhaps my comment would also be that in the way that I understand the
 21 Ministry Standards Commission as being established, it's ensuring that there is a body of
 22 expertise in many aspects of its work to—one of those areas is the people who would
 23 respond to survivors. So that I believe that the intention is to ensure that there is a skill and
 24 qualified body of people who would work directly with survivors.

25 Q. That's really something that needs to be accommodated and in place and operational before
 26 a system goes live, doesn't it, because people are going to be ringing or contacting the
 27 Commission?

28 A. [Nods].

29 CHAIR: That was a nod, was that a—

30 A. Sorry, my apologies.

31 Q. Hard to type a nod.

32 A. I agree yes, thank you.

33 QUESTIONING BY MS ANDERSON CONTINUED: Touching back to a concept that we
 34 dealt with which is the temporal aspect, that it's not—the impact's not back then, it

1 continues, you will have heard the language that reference to historical abuse is not
2 appropriate because it happened in the past, but the—

3 A. Yes.

4 **Q.** —the impacts are being felt now, or in contemporary period. I'm going to play you a clip
5 which pulls together some of the comments from the witnesses in the December hearing
6 about the questions around finding closure. So we'll just have the registrar play that.

7 **[Video played]** So very powerful words directly from survivors?

8 A. Yes.

9 **Q.** The question I have for you arising out of that is when you're thinking about what the
10 Church can do for or give to survivors, do you accept that there's a need for that response to
11 deal with the lifetime impact of the abuse they've experienced?

12 A. Yes, I do accept that.

13 **Q.** So it would be probably quite a bit more than six or 12 counselling sessions, for example?

14 A. Indeed.

15 **Q.** And that these people might need support for very long periods in their lifetime?

16 A. That's right, I do accept that.

17 **Q.** And would it be fair to say that in the response to claims which we'll be coming to in the
18 later part of the discussion with you, that really can be summarised as they might have got
19 an apology, they might have—this is matters that are accepted as having—

20 A. Yes.

21 **Q.** —where the victim or survivor is believed. That they might get an apology, they might get
22 an apology and/or some counselling assistance, or they might get a—and we won't talk
23 about the numbers, but they might get an ex gratia payment which is a payment at a point in
24 time. Reflecting now on this need for potentially support for a much longer period, do you
25 think the responses to date have been appropriate and met the victims' needs?

26 A. No, as I understand some of the trauma impact stuff that we've been hearing, I think it's
27 clear that we can't now simply resolve matters in a temporal way and say that there's one
28 moment at which we perhaps reach a settlement, offer an apology, perhaps make a
29 payment, perhaps offer to pay for a bit of counselling, or whatever it is, and say that that
30 resolves and finishes the matter. I think that's what we have done, I think that's what we
31 have imagined we've faced up to something and settled and resolved.

32 But I think the implication of what we're hearing there is that the Church needs to
33 be open to what survivors may need in an ongoing way if we're going to in any way be part
34 of assisting them towards finding, as our ordinal says, a greater level of healing around the

1 things that have happened to them through their participation in the Church and its
2 institutions.

3 **Q.** Well, it's not in relation to their participation, it's in relation to the harm that's been done to
4 them through the members of the Church?

5 **A.** Yes, that's what I was meaning, I'm sorry if I phrased it wrong, but yes, the fact through
6 them being exposed to some aspect of the Church's work, that's what I was meaning.

7 **Q.** So in your experience with victims and survivors that have come forward, how would you
8 characterise your understanding of what it is that they are looking for?

9 **A.** There's a number of things through my experience; they're certainly looking to be believed,
10 that the experiences they're recounting are true, they need to believe that, you know, you
11 accept and believe what they're bringing to you. My experience has been that an important
12 thing that they're wanting is a meaningful apology. And, you know, that means not just a
13 simple "I've heard what you've told me and I'm very sorry it happened" and that's the end of
14 it, but I think it's meaningful, very much based on the experiences that we have listened to.
15 I think that they are often looking for a tangible expression of that. I think that's one of the
16 ways in which we have not done well in the past, we've done very poorly in the past, is
17 being willing to back up our expression of regret and sorry with something tangible.

18 **Q.** And tangible meaning more than it's not simply money is it?

19 **A.** It would be what the survivor needs from us. In some cases it may be money, in some
20 cases it might be an ongoing support for counselling or whatever therapy is going to be
21 helpful. It's whatever it is that the survivor needs. But I think we have failed sometimes by
22 imagining that simply listening and then offering an apology is sufficient to avoid other
23 tangible expressions of that.

24 And then as we've just been discussing, I think part of that tangible response is
25 responding to the way in which their experiences have impacted on the whole of their life
26 and how can we make a response that does face that and accept that.

27 **Q.** And I think would you also accept that they often are motivated to come forward by
28 concerns that no-one else is harmed by the relevant person?

29 **A.** Yes, I have heard that from time to time, "I want to make sure that nobody else has to
30 experience what I have experienced", yes.

31 **Q.** And some of them have wanted access to records as a response, including access to records
32 where a person's been in care when they're trying to piece their life together based on
33 records and they're wanting those records?

34 **A.** Yes, that's most particularly around records. What I've heard is it's when they've been in a,

1 say in a care home or institution of some kind, what records are available from that period
2 of their life.

3 **Q.** Stephen Winter, who's the expert who's given evidence for the Anglican Church in relation
4 to redress, he specifically identifies, doesn't he, that the provision of personal records can
5 be an important redress component?

6 **A.** Yes.

7 **Q.** Do you agree that, in an overall sense, that often that need for access to accurate records
8 about a person's time simply hasn't been able to be met by the relevant part of the Church or
9 the institution under its umbrella?

10 **A.** Yes, my experience is often the records are simply missing altogether, lost in some way, or
11 any records that were kept especially from longer ago were very scant, very little was
12 recorded.

13 **Q.** So when you're designing a future system to improve things, that practical component of
14 making sure that records are properly gathered and kept so that they can be available in the
15 future will be an important aspect to look at as well, won't it?

16 **A.** Yes, and I believe in relation to the work of our social service agencies now, there are—far
17 more extensive records are kept of the work that's undertaken with people.

18 **Q.** Just returning to the first point that you noted, which hits the nail on the head and we've
19 heard this consistently, that victims and survivors want to be believed. At what point in
20 your processes that you've been involved with do you think that can or does occur for
21 individuals? The reason I ask that, just to give some context, is that they need to be
22 believed the first time they have a conversation with somebody, is that negated by them
23 getting a legal letter saying we've got no liability. So how do your systems and processes
24 for responding to disclosures of abuse seek to accommodate that fundamental need?

25 **A.** Look I personally find that really tricky, because of the legal framework that I think we
26 don't—I don't think it's wrong to work within a legal framework, I think it is important to
27 do so, but I think using a legal framework as a way of avoiding is definitely inappropriate.

28 But yes, I find that real tension in that when I've met with survivors who have
29 come to tell me of their experiences, I believe that my response in each case with people
30 has been to respond to them in a way that demonstrates I believe them, not just making a
31 pretence of that, but genuinely believing the experiences that I have heard.

32 Sometimes, particularly if it relates to a matter of then discipline holding to
33 account perhaps a minister in relation to the experience, you then have the, if you like,
34 I won't use the legal terms properly I'm sure, but the burden of proof, we would then have

1 to prove it and a person would have to defend it and give their own perspective.

2 So for me there's personally a tension in that. And I won't confess I know how to
3 immediately resolve that reality. Nevertheless, I want to respond to people in a way that
4 respects the genuineness of the experiences that they may bring to me.

5 **Q.** And so if you've been in that setting where you've listened to somebody and believed them,
6 would you normally, at that time, give them an apology?

7 **A.** Yes, I've normally, in fact I think I've always offered having listened to their experience
8 and allowed them to speak to me about it, on behalf of the Church I've always offered an
9 immediate verbal apology for what I've heard and the experiences that they have suffered.

10 **Q.** And do you agree that it would be very rare for you to have experienced somebody telling
11 you that abuse occurred and for you to not believe them at that first instance?

12 **A.** Yes, I think it would be rare, if it's ever happened.

13 **Q.** But can you appreciate that having the experience of you communicating that belief and an
14 apology at that point in time, their sense of being believed could change over time
15 depending on subsequent outcomes when they might be asking for something more than an
16 apology?

17 **A.** Depending on, yeah, a process that's followed subsequently to that, yes, I do accept that.

18 **Q.** So even if a person's felt believed at that point in time by the end of their redress experience
19 with the Church, they might feel that they have not been believed?

20 **A.** I can accept that they might feel like that. And I suppose the particular experiences that I'm
21 thinking about have been when people have wanted to meet me to tell me about their
22 experience of being, you know, in some form of State institutional care when they were a
23 child, or one of our orphanages or children's homes, and then yes, the process that
24 sometimes has been followed subsequent to that has put all sorts of legal impediments in
25 the way of us actually, you know, being able to resolve some sort of claim to help towards
26 resolving the matter.

27 **Q.** We'll come later on to that sort of—the capability or ability to give a response from a moral
28 perspective as opposed to a legal but we'll come to that.

29 **A.** Yes, I think that is perhaps a distinction I'm starting to point towards and, when we come to
30 it, some of the ways in which we've begun to change aspects of how we've done that to
31 address the moral responsibility we're sensing more and more.

32 **Q.** And in relation to, I think you've given the number, and accepting it's just an estimate, that
33 perhaps in your ten years as Bishop you might have had four or five people come to you to
34 make disclosures of abuse, do you think that it's likely to be an accurate reflection of abuse

- 1 that's occurred?
- 2 A. Almost certainly not, because I accept that it's probably a much smaller number that come
3 forward to tell of their experiences than those that do (sic).
- 4 Q. And in terms of the barriers that might impact on decision-making to come forward, what
5 do you think those barriers might be?
- 6 A. I think one of them is probably the fear that they won't be believed if they do come forward.
7 The fear that they might be ostracised, for instance, if they're still part of the Church
8 community in some way that they feel that creates a barrier to them being able to have an
9 ongoing effective place, the ostracisation fear. I think it's the—I'm trying to think of the
10 right words—I think it's the fear—well, perhaps I'll put it this way, the fear that nothing
11 will change, kind of almost it would be pointless if I—I guess it's related to not being
12 believed, but that desire, "I want to share my experience and that things won't change and a
13 feeling that well I don't think that anything would change", so what would be the point.
14 Those would be some of the things that I would imagine could be impediments.
- 15 Q. So in terms of the second one that you indicated there was the fear of being ostracised by
16 the Church. But within the Church, do you think because of the nature of a person who's
17 ordained, do you think there's an aspect of the fact that abuse might have occurred in a
18 religious context by a person of faith that might create some additional barrier to disclosure
19 that you might not have present in the State context?
- 20 A. So you're meaning by that that—perhaps if I just try and think of an example to see if I've
21 got my understanding right. Say a person who's within one of our parish churches and
22 wants to make a complaint about the priest in their parish and the impediment of them not
23 doing that because of—
- 24 Q. The impediment of having to face the fact that a person who's been ordained representing
25 the faith is the person that's abused them, so the spiritual conflict arising in that
26 circumstance?
- 27 A. Yes, I imagine that it could be, yes.
- 28 Q. Do you think there might be cultural aspects that might be a barrier? The reason I'm
29 exploring these with you is because in your leadership role and the commitment that you've
30 given to change and the future for the Anglican Church, you've got a thought leadership
31 role in relation to understanding these aspects, because you can't change them if you don't
32 know what they're—what's in the kete?
- 33 A. Yes, I think within some cultures there can be that sense of shame that people may feel, that
34 could be an impediment to them coming forward that it's more difficult to talk about these

1 matters and describe them.

2 **Q.** So you've talked at the moment about posters that are displayed and other mechanisms for
3 people to come forward that are in development, is there something that you can point to
4 that you've done in the last two years since this Inquiry got underway, or since the
5 Australian Royal Commission reported, that you might have put in place changes to reduce
6 the impact of those barriers on people coming forward?

7 **A.** I think in terms of the work that I've done collaboratively with the Anglican Trust for
8 Women and Children, which is the area where in my time as Bishop, you know, I've had to
9 listen to more experiences of survivors, I think of that particular situation where together, as
10 we've listened to the changing environment and the expectations and realise that our own
11 practises, the way that I, on behalf of the Church and the trust working together, haven't
12 responded well enough to survivors, that the approach of the trust now and actively going
13 out and seeking out survivors who had previously reported abuse and seeking to bring
14 about a better resolution with them, I think that's been one thing that I'm pleased that we
15 have worked at together. So I think it brings a greater sense of those survivors being
16 believed and then an active seeking out of them.

17 **Q.** That's a pool of people that the Anglican Trust of Women and Children's already aware of,
18 isn't it?

19 **A.** Yes, and we haven't responded well in the past.

20 **Q.** That's right, so you're looking to potentially improve outcomes for people who have gone
21 through that complaints process, which is different from what are you doing to reduce
22 barriers from other people coming forward.

23 **A.** Yes. No, I regret that in the last few years no, I have not, as your earlier questions to me
24 about what could be done, I accept the challenge of that in that we haven't yet done
25 sufficient to try and improve that.

26 **Q.** Would there have been a change over time, so for example if somebody came to you
27 tomorrow disclosing abuse relating to a child, what would be the first step that you would
28 take in relation to that?

29 **A.** I'd have an obligation now to immediately report that to the registrar who will manage
30 complaints on behalf of the Church as a whole. I wouldn't be empowered in terms of any
31 process to begin any kind of process of investigation. However, I would still want to
32 respond personally to a person and to do my best to ensure that they had the support they
33 needed, any assistance that they needed and that they could see through the process of
34 bringing their complaint and allowing it to be well heard. If it related to an instance of

1 child abuse then I would have an obligation to ensure that that was reported to the Police
2 and/or Oranga Tamariki so that it was transparent.

3 **Q.** That's an obligation that would fall on you as opposed to the Registrar, is that what you're
4 saying?

5 **A.** Well, I think if the matter was reported to me, I would personally feel an obligation to
6 ensure that those things happened and that might be in consultation with the registrar as to
7 whether it was the registrar's responsibility to do that. But I would want to play my part in
8 ensuring that it did happen.

9 **Q.** And if we turn back the clock, so if we're talking about this time a year ago, just the
10 beginning of 2020 when you don't have the Commission, if somebody had come forward to
11 you at that time disclosing abuse of a child, what would the steps that you would have taken
12 at that point?

13 **A.** I think I most definitely would have had the responsibility to ensure that the Police and
14 Oranga Tamariki were made aware of that. And then the obligation would have fallen on
15 me as Bishop of the Diocese to then manage the particular complaint within our own
16 processes. There are always those questions about ensuring that our own processes don't
17 interfere with any mechanism of the State and particularly a Police investigation into any
18 matter.

19 **Q.** So effectively you've assumed a mandatory reporting obligation in relation to harm of
20 children as I've described it?

21 **A.** Yes.

22 **Q.** Is there an example that springs to mind, without giving the private details of it, where
23 you've taken that step of going to the Police or Oranga Tamariki?

24 **A.** Not in relation—you mean in relation to the abuse of a child or in other respects?

25 **Q.** I'm not confining it, yeah.

26 **A.** Certainly a number of years ago a case of family violence was reported to me where a
27 family wanted to make me aware of a clergyperson.

28 **Q.** That's the example that you've discussed in your evidence is it?

29 **A.** It is in my evidence, yes. And they didn't empower me to confront the person within their
30 household about it, so I felt constrained in that way, they wanted me to be aware, but I did
31 report to the Police and had a discussion with a detective about that who said they were
32 unable to act without a complainant, without a statement from a witness. So I think of that
33 one in particular where I felt an obligation to advise the Police of a report that I'd received
34 about something that was criminal.

1 **Q.** And did the response that you received from Police at that time, which is they require the
2 evidence from the person who's experienced the harm, would that shape and influence your
3 response in the future to a similar situation?

4 **A.** I don't think it would stop me going to the Police, if there was a matter of criminal concern
5 that I'd been made aware of. I think it was a learning experience for me in terms of what
6 might be able to happen as a result. But I think I would still feel an obligation to at least
7 discuss with the Police what I've been told.

8 **Q.** Thank you. I've got one short point to deal with before we finish at 5. There's a lot of
9 reference in the documents to offering pastoral care to victims and survivors, and if you
10 could explain to us your understanding of what's encompassed in that?

11 **A.** So in essence for me that would be to seek to provide them with a support person, so a
12 person they know they can be in touch with about the process. If it's a mediator process it
13 may be the mediator that they know they can speak to, to ensure they understand process
14 things. We would also offer them the opportunity to receive any immediate counselling or
15 have pastoral support of a person they trusted that we might appoint to help them for some
16 emotional or spiritual support while it's going on.

17 **Q.** That's care that can be offered that isn't offered in all circumstances?

18 **A.** Yes, that's probably fair to say, I'm talking generally.

19 **Q.** Thank you.

20 **MS ANDERSON:** I think, Madam Chair, if we pause there before I move on to a new topic.

21 **CHAIR:** Yes, perfect timing Ms Anderson.

22 Bishop Ross, you'll be coming back tomorrow, I think you're aware of that already,
23 aren't you. Might I just repeat my request to you not to discuss your evidence overnight.

24 **A.** I've heard that loud and clear, yes, thank you.

25 **Q.** Thank you.

26 **CHAIR:** Time for our waiata.

27 **Hearing closes with waiata and karakia mutunga by Ngāti Whātua Ōrākei**

28 **Hearing adjourns at 5.03 pm to Thursday, 18 March 2021 at 10 am**

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