

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
STATE 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, Ms Hanne Janes, Ms Kerryn Beaton, Ms
Katherine Anderson, Mr Joss Opie, Ms Echo Haronga, Ms
Tania Sharkey, Mr Michael Thomas, Ms Jane Glover and Ms
Lorraine Macdonald appear for the Royal Commission

Ms Sonja Cooper for Survivor Mary Marshall

Ms Sally McKechnie, Mr Alex Winsley, Mr Harrison
Cunningham and Ms Fiona Thorp appear for the Catholic
Church

Mrs Guy-Kidd, Mr James Anson-Holland and Ms India
Shores appear for the Anglican Church

Ms Jenny Stevens and Ms Helen Thompson appear for the
Salvation Army

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

Date: 7 December 2020

TRANSCRIPT OF PROCEEDINGS

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OPENING REMARKS

CHAIR: E ngā mana, e ngā reo, e ngā hau e whā, tēnā koutou, tēnā koutou, ara tēnā rā koutou katoa. Welcome to the second week of our hearing into redress concerning faith-based institutions. Counsel for assist today is Lorraine McDonald, Good morning Ms McDonald.

MS MACDONALD: Counsel assist is Lorraine McDonald and I am assisted by Kirsten Hagan.

CHAIR: Good morning.

MS GUY KIDD: Good morning, Commissioners, I appear today with Mr Jeremy Johnson and Ms India Shores for the Anglican Church of New Zealand.

CHAIR: Mr Johnson, Ms Shores, thank you. Thank you, Ms McDonald, we will start with the affirmation. Oh, we have opening statements. We do. Forgive me, Ms Guy Kidd.

MS GUY KIDD: That's fine, thank you, Madam Chair.

CHAIR: Just to explain, may I call you Jacinda?

A. Yes.

CHAIR: You understand, before we hear your evidence, Ms Guy Kidd is going to be making an opening statement, do you understand that?

A. Yes.

CHAIR: I don't want you to think we're ignoring you.

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**OPENING STATEMENT ON BEHALF OF THE ANGLICAN CHURCH BY MS
GUY KIDD**

MS GUY KIDD: Good morning. We appear on behalf of the Anglican Church of Aotearoa New Zealand and Polynesia, Anglican care organisations from throughout New Zealand and most Anglican schools. I wanted to touch on two topics in this opening. First, just to address some matters of our history and our structure, and then turn to our response to the survivors.

The Anglican Church in New Zealand had its beginnings way back in 1814 when the Māori Chief Ruatara agreed with the Reverend Samuel Marsden to give protection to three missionaries and their families in the Bay of Islands, and it is from that, that our Church started in this country.

Women were first ordained as Priests in 1977 and in 1990 the Reverend Dr Penny Jamieson was ordained as Bishop of Dunedin and in doing so, she became the first Anglican woman Bishop in New Zealand and also in the rest of the world.

The Church in New Zealand is autonomous, it does not take direction from overseas, but we are part of a worldwide Anglican communion.

In 1992, the representative and governing body of the Anglican Church, which is called the General Synod or Te Hīnota Whānui of the Anglican adopted a revised constitution which requires equal power sharing between the three partners - Tikanga Māori, Tikanga Pākēhā and Tikanga Pasifika and each of these tikanga has its own Archbishop.

The approach to decision-making in the Church requires that Bishops, clergy and lay people from each

1 of these tikanga all share in the leadership of the
2 Church and are represented in the General Synod and
3 involved in decision-making.

4 I now turn to our response to survivors. In
5 attendance at the Commission for the next three days
6 are Archbishop Donald Tamihere from tikanga Māori and
7 Archbishop Philip Richardson from tikanga Pākēhā.
8 Representatives of relevant Diocese, including Bishops,
9 representatives of Anglican care organisations and
10 schools will also be in attendance to hear directly in
11 person from those who have been affected in their
12 organisations and areas.

13 The Anglican Church acknowledges the considerable
14 courage of the survivors who have come forward and will
15 come forward and share their experiences with this
16 Commission.

17 The Archbishops have released a public message in
18 advance of these redress hearings which I have provided
19 to the Commissioners and it is on the New Zealand
20 Anglican Church website and has been distributed to all
21 members of our organisations and those we represent.

22 The two Archbishops acknowledge that the evidence
23 will show that people have been abused within the
24 Anglican Church, our schools, our agencies and our
25 organisations. The Archbishops record that there are
26 clear examples of the Church failing to handle
27 complaints of abuse appropriately and thus, further
28 victimising survivors. This is, in their words,
29 "completely unacceptable".

30 We are committed to doing better.

31 When the evidence is heard from the Church
32 representatives at the redress hearing in March, an
33 unequivocal apology will be tendered directly to
34 survivors from those at the highest level in the
35 Church. The Archbishops in their statement conclude:

1 "What is most important now is that the survivors of
2 abuse be heard and that they be treated with the
3 dignity and respect they deserve". Thank you.

4 **CHAIR:** Thank you, Ms Guy Kidd. So now we move to the
5 evidence. Before we start, I have two matters just
6 before I take the affirmation. Just by consent, by
7 consent of the witness, I make a direction that the
8 anonymity provision and general restriction order that
9 was made previously does not extend to the name and
10 identifying details of Jacinda Thompson. That means
11 that you don't wish to be treated with anonymity, you
12 are prepared to have your name and details made forth
13 at this hearing; is that correct?

14 A. Yes, that's correct.

15 **CHAIR:** Thank you. Last formality, that's the question
16 of your affirmation.

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JACINDA THOMPSON - AFFIRMED

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EXAMINED BY MS MCDONALD

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6 Q. Good morning. Now, before we start, I just want to say
7 to you that the statement that you have prepared is
8 already part of the evidence that's gone to the
9 Commissioners and so it's on the record, as it were,
10 and we don't need to say everything that's in your
11 statement for it to be evidence that will help the
12 Commissioners make their final recommendations at the
13 end of the Inquiry process.

14 So, I'll be taking you through parts of your
15 statement but it's also important to say that this is
16 the chance for you to say what you want to say. And
17 so, if you feel that we've missed anything important,
18 I'll give you an opportunity at the end to cover that
19 but hopefully we'll be able to cover the events and the
20 redress that you attempted to achieve and eventually
21 did.

22 So, if you just start with your statement, if you
23 just start at paragraph 2 and basically tell the
24 Commissioners why you're here today.

25 A. Sure. The evidence that I want to give to the
26 Commission is about my attempts to gain redress after I
27 was subject to predatory and abusive behaviour as a
28 parishioner of the Nativity Anglican Church in Blenheim
29 in late 2004 and 2005. I wanted accountability from
30 the Church and for no-one to go through what I went
31 through.

32 Q. Thank you. Now, if you go to paragraph 4, if you could
33 just read the next three paragraphs from there, thank
34 you.

1 A. I have chosen not to go through all the details of the
2 actual abuse for this particular hearing for many
3 reasons, not least that speaking about those details is
4 difficult for me. Instead, I'm going to give evidence
5 of all the different ways I tried to get redress, in
6 the sense of acknowledgment, apology, recompense and
7 assurance that my suffering would be learned from by
8 the Church so that it could be avoided in the future or
9 at least dealt with properly, humanely and with empathy
10 and care.

11 The context of my attempts to gain redress was that
12 I was sexually harassed, abused and psychologically
13 bullied under the guise of grief care and spiritual
14 guidance following the traumatic death of my baby son.
15 The perpetrator was my Parish Priest. My grief and
16 trauma from the bereavement became and has remained
17 indelibly linked to the trauma from the abuse.

18 My evidence covers the aftermath of my reporting
19 what happened to the Anglican Church and then further
20 attempts through New Zealand Police, civil proceedings,
21 the Anglican Church's internal disciplinary process and
22 the Human Rights Commission and the Human Rights Review
23 Tribunal.

24 Q. Thank you. Jacinda, what was your background as
25 regards this Church or any Church?

26 A. Um, I grew up not in a religious family. Our family
27 didn't go to Church or anything. But in the year 2000,
28 our family suffered a devastating bereavement and that
29 led me to have lots of questions about death and how to
30 deal with my grief and that led me to seek comfort and
31 guidance from the Nativity Anglican Church in Blenheim.

32 Q. And so, by early 2001 you were actually attending
33 Church regularly there and becoming involved in quite a
34 practical level. Can you just talk about that briefly?

1 A. Yes. By 2001, I had become very involved there. I was
2 running the crèche on Sunday mornings. I also went on
3 Sunday nights to the evening service and helped out
4 there as a communion assistant, I was donating money to
5 the Church, I had a real passion for wanting to do
6 God's will, but I didn't have any other Christians in
7 my immediate family or friend group, so I very much
8 looked to the Church to learn about the faith that I
9 adopted and to teach me how to live for God.

10 Q. And can you just say something briefly about the Priest
11 who abused you and you are able to name him?

12 A. The Priest who abused me was Reverend Michael van Wijk.
13 I felt that he had a lot of power over me because he
14 was almost 10 years older than me but more so because I
15 trusted him, due to the fact that he was a man of God.
16 At one point during the period of abuse, he told me
17 that he could actually see a vision of Jesus cradling
18 my deceased son in his arms. I also think the Priests
19 have a lot of power, simply for the fact that their
20 role is they are a representative of God and they have
21 an almost supernatural power in the Church because
22 things like, for example, they're the only ones that
23 can consecrate the bread and the wine for communion and
24 the clothing they wear, they're definitely or I saw the
25 Priest as being of God, representing God essentially.

26 Q. Thank you. So, without going into detail about the
27 process that you've described in your statement as
28 grooming, being bombarded with emails, all part of this
29 grief counselling and religious guidance, you say in
30 your statement that the abuse became sexual and that
31 this was happening while you were sobbing base you were
32 talking about your son?

33 A. Yes, that's true, yes.

34 Q. So, can you tell the Commission about the first
35 disclosure that you made to Nativity, paragraph 12.

1 A. Yeah. It started, I told, when I told my husband Aaron
2 what was happening, I was really confused at that point
3 and I was quoting Bible verses to him. He rang to tell
4 the Vicar, Richard he will in a, but he wasn't able to
5 get hold of him, got hold of Rev Terry Terrill and told
6 him I had been preyed on by one of his Ministers and he
7 guessed it was reverent van Wijk before Aaron said his
8 name.

9 Q. How were you feeling at this time?

10 A. For me, I was feeling really confused, a lot of
11 emotional pain, anxiety. I thought it must all be my
12 fault because van Wijk was the one that was a man of
13 God. I thought that I'd hurt everyone. That if I'd
14 dealt with my grief better, none of it might have
15 happened. I was still dealing with flashbacks of the
16 death of my son, they had increased in frequency since
17 the starting of the counselling with both the female
18 Church Council who were and also with van Wijk.

19 Q. Thank you. So, after that first phone call, what was
20 the response from the Church? If you just go to
21 paragraph 17, sorry, I should have said that.

22 A. Nobody from the Church contacted me to ask for any
23 details. I felt really isolated at this time, I felt
24 cut-off from the Church, due to van Wijk's presence
25 there. Neither of us heard anything back from them
26 until about a week later when we found a handwritten
27 note under our backdoor from the Vicar Richard Ellena
28 that said he was sorry for not being in touch and that
29 we could call him, left his phone number.

30 Q. Was the Priest who abused you still trying to make
31 contact with you?

32 A. Yes, he was still contacting me by email and phoning up
33 during the day. He kept saying that he wanted to help
34 me still and promising that he would now keep
35 boundaries. He told me that he had met up with Richard

1 Ellena, that he managed to cry at the meeting and that
2 he had Richard's sympathy and he was going to do some
3 counselling in Nelson to make things look good. He
4 told me he spent 3 hours talking with Reverend Terry
5 Terrill in a cafe in Picton and he said he made our
6 relationship sound as natural as he could and just said
7 to let him take care of it, otherwise he could get in
8 serious trouble and lose his job.

9 Q. Thank you. If you go to paragraph 21.

10 **CHAIR:** I know you've been told, Jacinda, and I know
11 it's really hard when you're trying to read something.
12 If you keep an eye on the signers and our stenographer.

13 A. Sure.

14 **MS MACDONALD:**

15 Q. Eventually, somebody from the Church came to see you.

16 Can you tell us about that?

17 A. Yes. Richard Ellena and his wife Hilary, they called
18 in.

19 Q. Did you know they were coming?

20 A. No, it was unannounced. Aaron wasn't home and it was a
21 brief visit. Vicar Ellena told me that I would be
22 forgiven. He spoke a bit about affairs. He never
23 asked for any information at all about what had
24 happened. I was afraid to speak to Vicar Ellena as van
25 Wijk had told me that he couldn't keep anything
26 confidential and that I was not to trust him.

27 Q. And did his wife say anything to you?

28 A. Yes, she asked whether I would be able to let Reverend
29 van Wijk go. This was really upsetting for me as it
30 was, he who had not stopped contacting me. I told
31 Richard Ellena this and he promised that he would make
32 him stop contacting me. They then said a prayer and
33 left.

34 Q. So, if you go to paragraph 25, please. Did Reverend
35 van Wijk keep contacting you?

1 A. Yes, he kept emailing and then sent me a new email
2 address for him and a cellphone number. He said that
3 he'd been told he wasn't allowed to email me anymore,
4 so instead he was going to email himself as a diary and
5 blog and that he would use this new email address as a
6 way for him to process everything and he told me that
7 the account password for the new email would be my
8 name.

9 Q. If you can just carry on from there.

10 A. I didn't email him on this email but eventually I did
11 check it to see if he was writing these diary entries.
12 On reading them, I thought that he was writing them
13 with the plan that I would read them, so I would read
14 them but mark them unread. On this email he setup a
15 folder called "Jacinda's writings" and it had emails in
16 it I had sent him in the past, including my personal
17 thoughts and poetry about my brief. I felt really
18 angry that he had them, and I didn't want him thinking
19 that I would be adding any more writings to that, so I
20 deleted it.

21 Q. And did you show some of this email and blog to anyone?

22 A. Yes, I told both my husband about it and also the
23 Church counsellor and also Richard Ellena.

24 Q. So, the Church counsellor that you were seeing, was
25 that something that you were paying for?

26 A. Yes, it was, yep.

27 Q. If I could take you to paragraph 33, a short paragraph
28 there about something that the counsellor had said to
29 you.

30 A. Yes. After the abuse, I had a session with the Church
31 counsellor. She already knew that there had been some
32 sort of relationship, but she thought it sounded like
33 grooming and that Richard Ellena needed to know more.

1 Q. So, you had a meeting with Richard Ellena on the 7th of
2 June 2005. So, if you just want to read from that
3 paragraph, to the end of that paragraph.

4 A. Yes. At that meeting, I found Ellena's behaviour quite
5 insulting just after we all sat down, and I was about
6 to speak he announced he needed to take a leak and he
7 left the room. He later noticed that I appeared a bit
8 fearful of him and started pulling stupid monster faces
9 and then smiled and said he was one person, Jacinda,
10 we're not all like that. I told him about the email
11 and the password for the new email blog that van Wijk
12 was writing to me. I gave him all the details and
13 thought he would access that to get evidence but
14 instead, he simply asked van Wijk about it who promptly
15 deleted it all.

16 Q. And how do you know that van Wijk deleted it?

17 A. Because Richard Ellena told me that, yeah.

18 Q. And if you want to just go to paragraph 35, just the
19 end of that paragraph, the sentencing starting with,
20 "He also said", this is talking about Richard Ellena or
21 you could read the whole of paragraph 35.

22 A. That was at a meeting with Richard Ellena when Aaron
23 challenged him over a lack of supervision of van Wijk.
24 At that meeting, Ellena admitted that he knew that
25 despite being a Christian at the time, that van Wijk
26 had a lot of sexual partners before he got married and
27 he did have some concerns about him. He also said that
28 someone in another parishioner's family had expressed
29 concerns to him about van Wijk's support of her.

30 Q. So, if you go to paragraph 37, you discuss there that
31 you gave the Vicar a written statement or complaint?

32 A. Yes. I wasn't able to speak about what happened, but I
33 did give Richard Ellena a written complaint and I also
34 gave him some printed copies of some of the emails that
35 van Wijk had sent me, including one that proved the

1 existence of the diary. This included evidence of
2 grooming and content where van Wijk stated that I could
3 trust him, that I needed to let him massage the pain
4 from my heart, that also included evidence of my trying
5 to end contact with him.

6 Q. Can you carry on with paragraph 38.

7 A. I had written this statement off my own back. I hadn't
8 been asked by anyone in the Church what had happened.
9 I was not told that it was an official complaint or
10 whether it would be part of any investigation. At the
11 time of writing it, I was also still influenced by
12 pressure from van Wijk not to get him into trouble and
13 to take some of the blame. I was also embarrassed to
14 go into the full detail of the sexual abuse as Richard
15 Ellena was the Vicar of my Church. He didn't read the
16 complaint at the meeting and I didn't speak about its
17 contents. He said it needed to go straight to the
18 Bishop and that he would do that immediately and seal
19 it up and make sure no-one else read it.

20 Q. Thank you. If we could just call up exhibit 013? Is
21 that on your screen?

22 A. Yes.

23 Q. If you could please highlight the last paragraph, if
24 you could bring it up?

25 So, this is an email from Richard Ellena to Michael
26 van Wijk. Would you like me to read this?

27 A. Yes, that would be good thanks.

28 Q. "In her six pages, Jacinda quoted many things that I
29 had shared with you, or that we had talked about as a
30 staff team. Confidential stuff that we discussed or
31 shared about each other, it was there in black and
32 white - things Jacinda said that you had spoken to her
33 about. I was deeply disappointed, and felt quite
34 betrayed, but chose at the time to just leave it there.
35 Then the same day that Aaron and Jacinda came to see

1 me, someone else came to see me about her baptism. At
2 the end of our meeting, she told me about her meetings
3 with you and her sense of real discomfort; how she had
4 met with you and said that while she spoke to you and
5 shared stuff with you as a Priest, she couldn't
6 continue that on in any other sort of relationship.
7 She then told me that you kept or calling her even
8 after she had said 'no relationship'."

9 So, another month later, on 13 July 2005, you and
10 your husband went to Nelson to meet with the Bishop,
11 Derek Eaton?

12 A. Yes, yep, we met with Derek Eaton and Richard Ellena.
13 I was anxious at that meeting about what I might have
14 to talk about. I was still feeling very upset and
15 ashamed. At the meeting I didn't talk at all about
16 what happened, but the focus was on what would or what
17 should happen, in terms of disciplining van Wijk.
18 Bishop Eaton opened the meeting by apologising for what
19 had occurred but then explained that because Reverend
20 van Wijk had resigned, that he no longer had the power
21 to hold him to account. He assured me that he had
22 removed his licence though which would effectively mean
23 he could never Minister in another Anglican Church in
24 New Zealand.

25 Q. Can you just go to paragraph 45 and read?

26 A. I later found out that it went on record that Reverend
27 van Wijk did not have a licence, but it did not say
28 that the Bishop had removed it. Instead, it had
29 written that Reverend van Wijk had surrendered it.

30 Q. And can you carry on from there?

31 A. Bishop Eaton commented that what happened wasn't really
32 serious and pretty low end, compared to what's going on
33 overseas. He said I would have to attend another
34 Church and that he could help arrange that for me, an
35 offer that I refused. I felt hurt that my children and

1 I were being expected to find another Church while van
2 Wijk and his wife and children were still at the
3 Nativity.

4 Aaron said that we were thinking of going to the
5 Police and Eaton and Ellena shook their heads and said
6 that we would not want to do that. Aaron asked why van
7 Wijk was getting counselling and why I hadn't been
8 offered any. At this point the Bishop agreed that they
9 would fund some counselling for me.

10 Aaron said that van Wijk should be held to account
11 by the Church through their own Tribunal process.
12 Bishop Eaton briefly explained a thing called Title D
13 but he questioned Aaron as to why he would want to put
14 me through that.

15 Q. What reason did he give for that?

16 A. He said it would be too hard for me, that I would be
17 rigorously questioned over what had happened, including
18 whether I had consented, and that it would mean that
19 everyone would then know about it. He also said I
20 would have to speak about the loss of my son. He told
21 Aaron not to be selfish, that he needed to think of me
22 and not himself, and he also said that justice was up
23 to God.

24 Q. Can I call up exhibit 004, please? Do you recognise
25 this Sexual Harassment Policy?

26 A. Yes, I do.

27 Q. Is that something that was given to you at the time?

28 A. No, I didn't come across this until some years later.

29 Q. How did you find that?

30 A. I think that I found it online, yeah.

31 Q. So, if you can go to page 2 of this document, please,
32 and if you can pull out the first paragraph? Would you
33 like me to read this, Jacinda?

34 A. Yes.

1 Q. "Sexually abusive relationships. Current opinion
2 suggests that a relationship is sexually abusive when
3 someone in authority or with some responsibility
4 crosses professional boundaries to make sexual advances
5 to a person for whom they have a professional or
6 pastoral responsibility. This is so even when the
7 advances are welcomed. It is always the responsibility
8 of the professional person to maintain the boundaries".

9 Now, you find out later that this policy was in
10 place at the time you were talking to the Church?

11 A. Yes, this policy I think was around about 2001 it came
12 in.

13 Q. Now, Bishop Eaton gave you reasons to not take up the
14 Title D process but did they miss anything that you
15 think is important?

16 A. Well, I thought if they had told me some of the things,
17 such as Title D does not have to be held in a public
18 setting, it can be held privately, that I could have
19 name suppression, that I could have taken a support
20 person, that I could have waited a few months until I
21 felt more ready for it. They didn't tell me that I
22 would be able to read my statement or even only provide
23 a written statement and not attend. They didn't tell
24 me I could have a lawyer and didn't suggest the Human
25 Rights Commission as an avenue.

26 Q. So, you followed up from that meeting which was held on
27 the 13th of July and you emailed Eaton and Ellena on
28 the 17th of July; is that right?

29 A. Yes.

30 Q. If we could just call up exhibit 002. This was a two-
31 page email. I just wonder if you could pull out
32 paragraph 4, that's the biggest one that's highlighted.
33 It's just under the "GRO-C". Would you like to read
34 that yourself, Jacinda?

1 A. Yes. "The final thing that concerns me is your
2 statement, Derek, that a Church Tribunal would involve
3 the questioning of my consent. My understanding is
4 that Church law prohibits sexual relationships between
5 clergy and those they are counselling regardless of
6 whether the person gives consent. The Church's need to
7 examine my consent suggests to me a complete lack of
8 understanding of the issue, which is that those seeking
9 emotional, mental and spiritual help are often so
10 vulnerable that any consent is invalidated, just as
11 consent by children cannot be taken as valid. In fact,
12 as soon as I outlined events to the Church counsellor,
13 she said that pattern of child abuse follows exactly
14 the same previous taken steps. The building of trust
15 is often someone who is in a respected position and has
16 become a family friend and dependence, and the
17 establishment of a special friendship which must remain
18 confidential, touch that is justified as some sort of
19 special care, controlling behaviours, including
20 emotional blackmail and so on."

21 Q. Thank you. That was quite a long detailed email that
22 you sent, and I wonder, did you get any response to
23 that email?

24 A. No, neither the Bishop, nor Richard Ellena replied to
25 my email. On the 2nd of August, I sent a follow-up one
26 to ask them if they got it and to remind them. Vicar
27 Ellena replied to say sorry, that he's been busy
28 working on a school play and that he had had some trips
29 away.

30 Q. Did you follow-up again?

31 A. Yes. In August, after still hearing nothing back, I
32 had to initiate contact again to ask what was happening
33 and about the promise in the meeting to provide some
34 counselling. I emailed Vicar Ellena expressing
35 frustration at the delays and I also added an article I

1 had found online that set out how Churches should
2 respond to exploitation by clergy and explained again
3 why there was no consent. He replied to my email
4 saying sorry for the delays but made no actual response
5 to the article.

6 Q. Did you eventually meet with Vicar Ellena in August?

7 A. Yes, I did. I asked him if he got my email about the
8 meeting with the Bishop and he said he did. He said to
9 me, look, if this goes public 10 years of my Ministry
10 to build up the numbers in this place will go to waste.
11 The Church still meant a lot to me. I didn't want the
12 responsibility of destroying its reputation. In this
13 meeting, I asked him who had already been given my name
14 in relation to these events and he said all of the
15 clergy, of whom there were six on the staff, all their
16 wives had been told, the youth leader and his wife
17 knew, the People's Warden and the Vicar's Warden had
18 all been told.

19 Q. At around this time, did the Church counsellor you had
20 been seeing come to you for a specific bit of advice?

21 A. Yes, she came to me concerned as a female relative of
22 her's was spending a lot of time with Reverend van
23 Wijk. She wanted to know if I considered him a safe
24 person. I said I definitely didn't consider him a safe
25 person.

26 Q. So eventually you started counselling, is that right?

27 A. Yes.

28 Q. And who funded that counselling?

29 A. The Church had offered to fund it and they gave me the
30 name of a woman, Lorraine Moffat, who worked at the
31 Bread of Life Centre but she when I told her what had
32 happened said this is sexual abuse and so is covered by
33 ACC, so ACC paid for that.

34 Q. Does that mean a bill wasn't sent to the Church?

35 A. No.

1 Q. What happened with your relationship between you and
2 the Church after this?

3 A. The Church never followed up to ask whether my
4 counselling had started. I never spoke with anyone
5 from there, never heard from anyone. I was away from
6 the Church for five years. The loss of the Church
7 community in that way was hard for me and also hard for
8 my children. It left me very unsure of myself and what
9 to believe because I'd actually wholeheartedly believed
10 the Church's teaching, that you're Brothers and Sisters
11 in Christ, that you're one big family. If one member
12 suffers, we suffer together.

13 Q. Thank you. If you could just go to paragraph 61 and -

14 A. Yeah. In 2007, I came across the book Whistle-
15 blower - Abuse of Power in the Church, a New Zealand
16 story written by Louise Deans who had experienced
17 sexual harassment in the Anglican Church. I made
18 contact with Louise. She was keen for me to take some
19 action for justice as she had been promised by the
20 Church that they now had much better processes than
21 what she had experienced.

22 Q. So, what's the first step that you took, in terms of
23 redress?

24 A. I made a complaint to the Health and Disability
25 Commission, but the Commissioner replied to say that it
26 fell outside of their jurisdiction and suggested Title
27 D.

28 I didn't trust the Church leadership and the way it
29 had been described to me was very intimidating, so I
30 didn't want to pursue that again.

31 Q. And can we go to paragraph 65 please?

32 A. I resumed contact with Louise Deans in 2007 and she
33 sought advice for me from Nicholas Davidson QC. Under
34 Louise's guidance and recommendation, I made contact

1 with a lawyer Rob Osborne via Duncan Cotterill with a
2 view to making a civil claim.

3 Q. So, you met with that lawyer, but you didn't take it
4 any further at that stage?

5 A. No, I found it too difficult to speak about.

6 Q. So, if you go to paragraph 68?

7 A. 2008, Duncan Cotterill made contact querying why I
8 hadn't been in touch and I told them that I was unable
9 to continue with the legal action.

10 Q. And was that because of the effects that you were
11 feeling at that time?

12 A. Yes, I had been diagnosed with PTSD, was having a lot
13 of problems with bad sleep, anger, nightmares,
14 memories, and I knew that this was just the start of
15 the process, so I had also started to get suicidal
16 thoughts and I was scared that I might act on those, so
17 I put it all aside.

18 Q. And then if you go to paragraph 71, there was a reason
19 that you decided you did want to return to the Nativity
20 Church?

21 A. Yes, all my children had been baptised at Nativity and
22 Aaron and I had another child and his birth got me
23 thinking about the possibility of returning. I thought
24 it was unfair on him not to be christened because of my
25 issues. I contacted Nativity to arrange this. I knew
26 then that all the staff had changed, and I thought I
27 could go back and would be able to cope and forgive the
28 past.

29 Q. Thank you. How was it when you started attending
30 services?

31 A. It was very difficult. There were lots of areas that I
32 needed to avoid. Attending services was difficult
33 because I suffered flashbacks and distressing memories,
34 so I'd always sit at the back of Church and would often
35 leave. My attendance was pretty sporadic. It wasn't

1 so much the actual Church setting but the phrases used
2 that would trigger me.

3 There are many references in Church to trusting God
4 the Father but van Wijk had told me to come to him for
5 comfort when distressed. When I hesitated, he would
6 say you can come to the Father. I learnt many years
7 later during Title D that he had taken a particular
8 interest during his Ministry training in the God
9 Attachment Theory and how a person can put clergy in
10 the place of God.

11 Q. Thank you. Now if you just pause, I'll just - just in
12 terms of how much we still need to talk about because
13 you've been through so many processes. If it's okay,
14 I'll just run through some of the people that you've
15 met.

16 There was a family Pastor at the Church and she was
17 quite helpful to you; is that right?

18 A. Yes, that's right.

19 Q. And you wrote to her to explain some of what had
20 happened?

21 A. Yes, I did because I still found it difficult to speak
22 about, yep.

23 Q. And eventually, you found the Sexual Harassment Policy
24 that we looked at earlier that was Exhibit 4?

25 A. Yes, I did.

26 Q. And then in November 2014, it is now, something
27 prompted you to make a complaint to the Police? That's
28 paragraph 83, I should have said that.

29 A. Yes. I was Chairperson of the school board at my
30 children's school at St Mary's School in Blenheim and
31 the Priest on the school board was charged with
32 indecent assault and after seeing how that behaviour
33 was dealt with by the Catholic Church and that there
34 seemed to be a process they were following, I again
35 felt the injustice of how van Wijk had seemingly to me

1 just gotten off and the Church had dealt with it
2 incorrectly and I also felt a moral obligation because
3 what if he was still hurting other people. So, I made
4 a decision to contact the Police, yep.

5 Q. And in 2016, early in 2016, the Police made a decision
6 about your case. If you go to paragraph 87.

7 A. Yes, they concluded that no charges would be laid. I
8 was stunned at this meeting because it was the first
9 time I had met the Detective on my case and this was a
10 meeting to tell me the file was being closed. I felt
11 like I had no chance to respond to the information they
12 had based their decision on, nor any chance to submit
13 further evidence.

14 Q. What did they say to you?

15 A. After various to-ing and fro-ing and discussions, they
16 said that if I wanted to have a Police case there
17 needed to either be multiple victims, an eyewitness or
18 video footage. If I didn't have any of these three
19 things, that I was wasting my time and theirs.

20 Q. If you go to paragraph 91.

21 A. Yes. Yeah, I felt that the officers didn't understand
22 the law around consent very well. They didn't seem to
23 understand misrepresentation of an act and how that
24 applied to consent, in that in my case van Wijk had
25 presented the spiritual practice of foot washing in the
26 Christian faith as a way of touching my feet and legs.
27 They didn't seem to understand how mental impairment
28 through PTSD could be relevant, even though I had
29 counselling notes that showed a diagnosis of that in
30 the days prior to the abuse.

31 Q. So, just going back to paragraph 90, you offered your
32 counselling notes that were made immediately after the
33 abuse or close after the abuse, you offered those to
34 the Police?

1 A. Yes, I offered them those, but they weren't interested
2 in further evidence.

3 Q. So, if we just move forward to paragraph 94, please.

4 A. Yes. The Police, they did say that they would review
5 my case but a year later they hadn't done that, so I
6 made a complaint to the IPCA, they accepted the
7 complaint and said that they would make sure that my
8 case was reviewed.

9 Q. So, that's the Independent Police Complaints Authority?

10 A. Yes.

11 Q. And how long was it before the IPCA responded?

12 A. Two years went by and there was very little
13 communication with me over that time. When I contacted
14 them, they assured me that they were chasing the Police
15 up and would get them to do their review but I didn't
16 feel they were very independent, in that they were just
17 asking the Police to review it themselves. Eventually,
18 I got an apology for some of the conduct of the
19 Blenheim Police, but they still didn't investigate it
20 more thoroughly or answer any of my specific queries.

21 Q. Thank you. So, it was 2009 when you finally got a
22 decision from the IPCA but if we just go back a few
23 years, if you go to paragraph 97, and you can tell the
24 Commissioners about you initiating a complaint to the
25 Human Rights Commission?

26 A. Yes. In 2016, I made a complaint to the Human Rights
27 Commission. I then amended that complaint to include
28 the Diocese of Nelson as I had learned that Reverend
29 van Wijk was employed by the Diocese.

30 Q. Now we're going to come back to the Human Rights
31 Commission in more detail, but you also wrote to the
32 Nelson Diocese in 2016 asking them to reopen your
33 complaint from 2005. So, can you just read from
34 paragraph 98?

1 A. Yes. On the 8th of May 2016, I wrote to the Nelson
2 Diocese and asked that my 2005 Church complaint to be
3 re-opened and that Title D procedure actually be used.
4 The then Vicar General, Reverend Tim Mora, was asked to
5 stand in the Bishop role due to the now Bishop, Richard
6 Ellena's, conflict of interest. I was relieved that
7 Reverend Mora agreed that there needed to be a Title D
8 process started.

9 Q. Now, we're not going to go into a lot of detail about
10 the actual format of the Title D hearing, save to say
11 that it happened and it finished in November 2016. And
12 there was a conclusion which was made in your case,
13 it's just at your statement, if you can pull up exhibit
14 005. Would you like to read that yourself, Jacinda, or
15 would you like me to read it?

16 A. You can read it, yep.

17 Q. "Having reviewed the documents and heard the evidence",
18 the one on the screen is clearly a literal
19 transcription, "Having reviewed all the documents and
20 heard the evidence, the Tribunal finds that Reverend
21 van Wijk committed conduct inappropriate and unbecoming
22 to the office and work of a Minister, including
23 committing an act of corruption and immorality,
24 committing an act of sexual harassment and disregard
25 for responsible personal relations. In particular, we
26 find that Reverend Michael van Wijk knowingly engaged
27 in sexual conduct with the complainant which she did
28 not truly consent to. He also engaged in sexual
29 abusive behaviour by crossing professional boundaries
30 to make advances to a person for whom he had a pastoral
31 responsibility. We consider his behaviour to have been
32 reprehensible and as a result of these findings, we
33 will recommend deposition. We will also recommend that
34 our findings and reasons be publicised but with the
35 complainant's name and identifying details suppressed".

1 So, what did you think about this outcome?

2 A. I thought it was a fair outcome and I agreed with what
3 the Tribunal Chair had said.

4 Q. Now if you can pull up exhibit 006, please.

5 If you could pull out the first paragraph, would you
6 like to read this or would you like me to do it?

7 A. You can do it.

8 Q. "I Venerable Tim Mora, determine that the Reverend
9 Michael van Wijk knowingly engaged in sexual conduct
10 with the complainant when she did not truly consent.
11 In doing so he engaged in misconduct by acting in a
12 manner inappropriate and unbecoming to the office and
13 work of a Minister including", pull up the next
14 paragraph, please?

15 "An act of corruption or immorality; and an act of
16 sexual harassment or disregard for responsible personal
17 relations".

18 And the Reverend was duly deposed.

19 If you go to paragraph 102, how did you feel about
20 the wording of this outcome?

21 A. I was disappointed that the wording had changed. He
22 was now found guilty of an act of sexual harassment or
23 a disregard for personal relationships. To me, the
24 change in wording meant that the finding of sexual
25 harassment was now optional. The reference to sexually
26 abusive behaviour and that he had been in a pastoral
27 role had disappeared.

28 Q. Now, there was an appeal filed against the findings by
29 Reverend van Wijk or Michael van Wijk by now. Were you
30 represented in that appeal hearing?

31 A. Yes, I was. At that stage, I decided that I would need
32 a lawyer so, yes, I had Nura Taefi represent me.

33 Q. And did you pay for that lawyer yourself?

34 A. Yes, I did.

35 Q. And how long did the appeal hearing take?

1 A. Oh, I think it was a couple of years maybe before or
2 was it a year?

3 Q. If you just go to paragraph 107, by the time of the
4 appeal, the content of the appeal, the grounds of the
5 appeal had changed, and it was now simply about
6 publication; is that correct?

7 A. Yes, right before the appeal took place Reverend van
8 Wijk changed his mind and said he now accepted the
9 findings, but he was still appealing publication.

10 Q. And did you pay all of your costs for this appeal or
11 some of them?

12 A. I paid them all initially and then afterwards I
13 approached the Church to ask if they would pay them and
14 the Nelson Diocese agreed to pay 50% but the Appeal
15 Tribunal themselves would not pay the other 50%. Their
16 view was that I didn't need to attend it.

17 Q. And so, if you go to paragraph 109?

18 A. The Title D outcome was read out at the Sunday morning
19 service at the Nativity Church in Blenheim. In
20 response to media inquiries, the Nelson Diocese gave
21 the Blenheim Sun newspaper a pre-prepared statement
22 which stated that Reverend van Wijk had been
23 disciplined for making an inappropriate sexual advance.
24 I felt that this grossly minimised the sexual violation
25 that I had experienced. I also felt that I had
26 honoured the restriction of publication set down by the
27 Appeal Tribunal, whereas the Church were saying words
28 outside of this.

29 Q. Thank you. Now, you've already discussed earlier at
30 paragraph 53 that your name was given to all of the
31 clergy back in 2005. What happened after this Title D
32 outcome was read out?

33 A. The current Vicar, Bob Barnes, then held a staff
34 meeting and again all the clergy and administrative
35 staff were told that I was the complainant. I knew

1 this because Reverend Susan Howarth contacted me and
2 asked how I felt about everyone knowing. She had
3 assumed I must have given my permission for this. I
4 had spoken to the Vicar previously about the upcoming
5 Title D announcement and had assumed that he would keep
6 my name confidential. I don't think there was anything
7 malicious in this breach of confidentiality, but it
8 does concern me that the level of training and dealing
9 with sensitive issues is still lacking.

10 Q. So now, just moving on to paragraph 111, we're going to
11 go through both the pros and the cons. We'll start
12 with the cons.

13 If you can just tell the Commission about some of
14 the negative aspects of Title D that you encountered?

15 A. Yes. One of the problems is that it's up to the Bishop
16 to decide if Title D should be used. As you know, the
17 Anglican Church is divided into several diocese based
18 on geographical areas and each diocese has their own
19 Bishop.

20 Q. Okay, thank you. If you move on to paragraph 112?

21 A. There's no lawyers provided for the Title D hearing.
22 For me, the Priest accused employed his own QC and I
23 then had to navigate the Title D Tribunal process on my
24 own, which included having to cross-examine a witness.
25 It wasn't until the appeal stage that I hired a lawyer
26 and, as I said earlier, the Appeal Tribunal would not
27 pay for any of those costs. I thought it unfair
28 because I was essentially using personal funds to
29 assist with the Church's disciplinary process.

30 Q. And what about attendance of witnesses at a Tribunal?

31 A. Yeah, the Title D Tribunal can't compel people to
32 attend or to co-operate, so the leaders involved in my
33 original complaint, Richard Ellena and Derek Eaton,
34 they simply provided written statements for my Title D

1 Tribunal. They didn't turn up in person to be
2 questioned.

3 Q. Okay, thank you. If you turn to paragraph 114.

4 A. Yeah, a Nativity Church counsellor that I spoke to in
5 2005 about my abuse by the Priest destroyed the
6 original copy of my notes in 2016. She said to me that
7 she was within her rights to do this, as they were now
8 more than 10 years old, but she had been involved in
9 the Police investigation in 2015 and hadn't provided
10 them with those notes when she still had them at that
11 point and she also knew about the legal action I was
12 taking against the Church, so I thought this was at
13 worst a move to protect the Church or at best just very
14 irresponsible. Fortunately, I had used the Office of
15 the Privacy Commissioner to obtain a photocopy of those
16 notes prior to this, so I did still have the evidence
17 but not in as high a quality as I would have liked.

18 Q. The Church counsellor, did she have another role within
19 the Church other than a paid counsellor?

20 A. Yes, she was also, at the time of my abuse she was the
21 Vicar's Warden.

22 Q. How long did the Title D process take in total?

23 A. That's another problem with it, that there's no set
24 timeframes on it. It took two years for me, which was
25 a time of prolonged stress. During the appeal part of
26 it, the communication with me was very poor. There
27 were delays and no reasons given for them. Reverend
28 van Wijk was given a 6-month extension to file appeal
29 information and no reason was given for this.

30 Q. And do you have any comment on the makeup of the
31 Tribunal itself?

32 A. At the Appeal Tribunal stage in particular, it's
33 heavily loaded with Bishops and Priests. In my case,
34 there was a Panel of five; three of them were Bishops,
35 one of them was a Priest and then a Chair. And so,

1 given the issue that we were discussing at the appeal
2 level was publication, I thought that was quite a
3 conflict of interest, given that Panel members would
4 likely have an interest in protecting the reputation of
5 the Church and one of these Bishops had also worked
6 with one of the parties giving evidence.

7 Q. Now, in your case, the Tribunal recommended certain
8 outcomes and for the most part these were followed but
9 are the findings binding?

10 A. No. So, the Tribunal is essentially the Bishop's
11 Tribunal and he can then, or she can then decide on
12 whether or not to actually take action on them. In my
13 case, the Tribunal recommended full publication of the
14 outcomes and also what occurred but the Acting Bishop,
15 Tim Mora, originally said no, he wasn't going to
16 publish the findings of fact.

17 Q. And did he change his mind?

18 A. Yes. I was able to persuade him that they should be
19 published. The reason he had decided they wouldn't,
20 was because he had had personal communication with
21 Reverend van Wijk's wife during Title D and had
22 promised her that he would protect her family.

23 Q. Now, if you go to paragraph 120, that covers the
24 literal definitions in what are called the Canons for
25 Title D. Do you have any comment on them?

26 A. Yeah. The misconduct definitions in the Canons are not
27 well defined and they cover broad categories. In my
28 case, what was repeated sexual violation was left
29 having to come under rule 3.14 which states, "An act or
30 habit of sexual or other harassment or disregard for
31 responsible personal relations". So, a sexual assault
32 is essentially defined only as a type of harassment or
33 some sort of disregard for responsible personal
34 relations. The only mention of sexual abuse in the
35 Title D Canons was in relation to children but even

1 sexual abuse of children is not listed in the
2 misconduct section.

3 Q. And if you can go to paragraph 122.

4 A. Yeah, the complaints process also makes it very
5 difficult to complain about a Bishop. These special
6 conditions for those further up the hierarchy just adds
7 to this notion that such people are immune from
8 misconduct or are somehow God-like. If a Bishop
9 mishandles an abuse complaint, as in my case, to
10 complain about that Bishop, I would require the
11 signatures of six baptised Anglicans. I told the
12 Archbishop, Philip Richardson, that my complaint was
13 mishandled but that getting those signatures was a
14 barrier. He advised that he would look into it but
15 then changed his mind when he learned of my Human
16 Rights Review Tribunal claim stating that they could do
17 it.

18 Q. I just want to make clear that the version of Title D
19 that you are talking about there is the older version
20 that was in force at the time of your hearing?

21 A. Yes, yes, there are some changes happening at the
22 moment, I believe.

23 Q. And we can come to some of those if you wish to talk
24 about some of the changes.

25 So, as far as you know, although, and we'll come to
26 this later, there have been admissions about how your
27 complaint was handled and there have been apologies and
28 we will cover that. To your knowledge, has there ever
29 been any Church discipline of the heads of the parish
30 that were dealing with you?

31 A. No, not that I know of.

32 Q. Just pull up 007, this is an article from 2002, and if
33 you could go to page 3 of that, please. This article
34 was by Richard Randerson who was at that point Vicar
35 General of the Anglican Diocese of Auckland.

1 Paragraph 6 it reads, "Church leaders, as well as other
2 professionals, lose credibility if they transgress the
3 conduct code or fail to take action to deal with the
4 transgressions of others. Resignation from office may
5 well be the appropriate course for leaders who seek to
6 sweep cases of sexual abuse or exploitation under the
7 carpet or persistently fail to act on complaints".

8 Do you have any comment to make about that?

9 A. Just my concern that the Church sometimes makes
10 statements in the public that don't translate to what
11 happened in reality.

12 Q. If you go to paragraph 125.

13 A. Another problem is that congregation members have no
14 knowledge of the standards or complaints process or
15 what Title D really involves.

16 Q. And paragraph 126?

17 A. There's also no guidelines around any financial
18 compensation for the victim. The focus of Title D is
19 on disciplining the Priest, rather than compensating
20 the victim. In my case, I would have liked to have
21 given something like a victim impact statement but
22 there was no place for that.

23 Q. Now, you did find some positive aspects of the Title D
24 process, so if you just start at 127?

25 A. Yes. The high threshold for proof required in Criminal
26 Court proven beyond reasonable doubt doesn't apply.
27 Instead, you need to prove that it is highly probable
28 the events occurred, as in civil proceedings.

29 The process can be healing for the complainant, in
30 that the institution that harmed them is dealing with
31 it and accepting responsibility and making it clear
32 that they don't tolerate such behaviour.

33 The caseload wouldn't be as heavy as the Criminal
34 Court, so cases you would think can be dealt with, with
35 fewer delays.

1 A Tribunal can address behaviours that are
2 misconduct but fall short of being criminal.

3 A Tribunal has the added understanding of context.
4 The members are familiar with the faith, the dynamics
5 between parishioner and Priest and the workings of the
6 Church.

7 Q. Is that something that you found during your hearing,
8 that that was helpful?

9 A. Yes, yes, my first Title D Panel was a mix. It had
10 like a lay person and a clergy person and a legal
11 person.

12 Q. So, if we can just go to paragraph 135, I'll ask you to
13 talk about the Human Rights Commission and the Human
14 Rights Review Tribunal. And you've already mentioned
15 that you had gone to the Human Rights Commission in
16 2016, so could you just carry on from 136?

17 A. Yes. They determined that my complaint was too late
18 because the harassment occurred in 2005.

19 Q. Okay. And then, did you then make a claim to the Human
20 Rights Review Tribunal?

21 A. Yes, I did. That was a claim for sexual harassment
22 against Reverend van Wijk and also his employers,
23 Bishops Richard Ellena, Derek Eaton.

24 Q. If you go to paragraph 138?

25 A. I was granted free representation by the Director of
26 Proceedings. Without the assistance of lawyer Nura
27 Taefi, I wouldn't have had the ability, knowledge or
28 time to rebut the arguments made by the Church.

29 Q. So, can you just tell the Commissioners what some of
30 those arguments were?

31 A. The Church had responded by their Legal Team to state
32 that God employed clergy and not them. That Churches
33 don't offer goods and services, so are exempt from the
34 Human Rights Act. That I was barred by the Statute of
35 Limitations. That the Church is not a legal entity and

1 that anyway, they took reasonable care to prevent the
2 harassment occurring.

3 Q. Can you just pull up exhibit 004, please. Back to the
4 Sexual Harassment Policy in place at the time. If you
5 could go to page 2, please. Just at the last of the
6 highlighted paragraphs which he'll read. "A person who
7 has experienced sexual harassment or sexual abuse may
8 also have rights under laws such as the Human Rights
9 Act, Employment Contracts Act and the common law.
10 There may also be a liability on the respondent under
11 the criminal law (in a complaint to the Police)".

12 If we go back to paragraph 138, you mentioned
13 earlier that your lawyer Nura Taefi helped you rebut
14 the arguments of the Church, and what did that include?

15 A. She helped me collate all my mental health records and
16 arranged for me to visit a psychiatrist to get an
17 expert opinion about my soundness of mind during the
18 years immediately after the abuse as a way of rebutting
19 the Church's position that I ought to have made my
20 claim during the time period required by the Statute of
21 Limitations. The Church, however, challenged the
22 psychiatrist's report and brought in their own
23 psychiatrist which was distressing to me.

24 Q. If you go to paragraph 139 and just read the first two
25 sentences of that paragraph, please?

26 A. The disclosure process revealed a clear employment
27 agreement between van Wijk and the Nelson Diocese. The
28 signed paperwork stated that he was employed by the
29 Nelson Diocese as an agent of the Bishop to whom he was
30 licensed.

31 Q. And if you just go to paragraph 140, please.

32 A. The defendants still argued that under the Church
33 Canons, clergy are not employed but they are appointed,
34 and said that they had just used the wrong form.
35 Fortunately, the Human Rights Act also includes

1 "agency" and if not employment, we had a strong case
2 for arguing that van Wijk was an agent of the Bishop to
3 whom he was licensed.

4 Q. At the same time as the proceedings were going forward
5 and you were providing evidence and statements and
6 briefs of evidence, there was also a negotiation
7 process going on at the same time; is that correct?

8 A. Yes.

9 Q. And, as a result of that negotiation, you actually
10 reached agreement with the Diocese?

11 A. Yes. I eventually settled with the Church and got an
12 agreement that included several important changes to
13 the Health and Safety Policy and procedures in the
14 Nelson Diocese and it included a public apology. And I
15 also insisted that the settlement amount to be public.
16 I think that without public settlement amounts other
17 survivors are left in the dark when it comes to knowing
18 if they are getting a fair amount in comparison to what
19 others have received.

20 The Church also made a public statement agreeing
21 that they are liable for their Priests under the Human
22 Rights Act as a Priest is an agent of their Bishop.
23 This acceptance of liability was important to me for
24 future survivors.

25 Q. Thank you. If you can pull up document 009, please,
26 that's the apology itself which was made public.

27 If it's okay with you, Jacinda, I will read some of
28 this, obviously not all of this.

29 If I just go to the third paragraph down, please.
30 "The office of the Bishop of Nelson accepts liability
31 under the Human Rights Act for the sexual harassment of
32 its parishioner. We accept that in his role as an
33 ordained Minister acting under the Bishop's licence,
34 Michael van Wijk was acting as an agent of the Bishop.
35 We accept that the Human Rights Act 1993 applies to the

1 pastoral services provided by Michael van Wijk, and
2 assume responsibility for Michael van Wijk's conduct".

3 And the next paragraph down, please.

4 "We deeply regret that one cloaked in priestly
5 authority, by misusing that authority and ignoring
6 priestly boundaries, has perpetrated such harm. We
7 apologise to the parishioner of this Church who
8 suffered as a result of those actions. We are deeply
9 sorry that we failed to protect her from this harm. We
10 acknowledge the hurt she and her husband and children
11 have suffered as a result and regress we did not
12 provide her with support in the direct aftermath of the
13 events, while providing significant support to Michael
14 van Wijk and his family".

15 Next paragraph, please.

16 "By March 2005 we knew some of what occurred and in
17 June 2005 we received a detailed written complaint. We
18 regret that we failed to recognise the conduct as
19 sexual harassment and attempted to minimise and excuse
20 Michael van Wijk's behaviours, despite having received
21 the separate complaint about his behaviour towards
22 another parishioner. We regret that we failed to take
23 sufficient steps to resolve the victim's complaints by
24 neglecting to follow our policy."

25 And if we can just go to the paragraph that starts,
26 "We were wrong". Next page, sorry.

27 "We were wrong to allow Michael van Wijk to resign
28 without any disciplinary action. Had we followed
29 proper procedure we would have insisted upon a
30 disciplinary process at the time, rather than simply
31 accepting his resignation and the surrender of his
32 licence".

33 And if we can go to the second to last paragraph on
34 page 2.

1 "As a result, the Diocese of Nelson is putting in
2 place additional structures to better protect and
3 support parishioners, including by bolstering and
4 improving the vetting process for ordination
5 candidates, the training programme for Ministers,
6 supervision of Ministers and the complaints process."

7 So, that was a statement that you had agreed through
8 your lawyer with the Church; is that correct?

9 A. Yes, that's correct.

10 Q. And because you'd reached agreement, the case against
11 the Bishop and the Vicar, as representatives of the
12 Diocese, was dropped?

13 A. Yes.

14 Q. Or was discontinued?

15 A. Yes.

16 Q. But you still had a case against the ex-Priest himself,
17 is that correct?

18 A. Yes, yes, I'm still waiting for the outcome of that.

19 Q. And when was that heard?

20 A. In June, early June of this year.

21 **CHAIR:** What forum is that in?

22 **MS MACDONALD:** The Human Rights Review Tribunal.

23 **CHAIR:** That's still the Human Rights Review Tribunal?

24 A. Yes, I've had the hearing but not the determination.

25 **MS MACDONALD:**

26 Q. As part of the settlement, you asked for specific
27 improvements within the Diocese of Nelson. This is
28 document ANG ending 2434 and it's page 3 of that
29 document. If you could highlight the last paragraph
30 and then we'll move on to some of the paragraphs on the
31 next page. Perhaps you would like to read these since
32 you were involved in their formation?

33 A. Yes. "The Bishop of Nelson agrees to take the
34 following steps to address sexual harassment and
35 improve safety for parishioners. To continue the

1 process of requiring annual parish reporting against
2 specific areas of safety compliance (including Police
3 vetting, referee checking and safety training of
4 volunteers under SafeHere".

5 Q. If you can go to the next page, please.

6 A. "And to continue personally to promote adherence to
7 Diocese safe Ministry procedures. The Bishop of Nelson
8 will communicate this to parishioners via various
9 channels and personnel as soon as possible and by no
10 later of 6 April 2020".

11 Q. Can you go to paragraph (b), please, the next
12 paragraph?

13 A. "To implement a system through the diocese by April
14 2021 which requires Ministers to account for their
15 time. The system will ensure better accountability
16 for, and oversight of, Ministers' time. Further work
17 is needed to ensure that any system protects
18 confidentiality while serving its desired purpose. A
19 secure digital diary noting date, time and person with
20 whom meeting is preferred".

21 Q. Why did you think that was important, Jacinda?

22 A. Because Priests are often meeting up with people in the
23 privacy of their own homes and there's no record kept
24 of who is met with and what for. And I know in my
25 case, that had there been then surely somebody would
26 have raised a red flag for somebody.

27 Q. If you go to paragraph (d), we won't go through all of
28 them but if we could go to paragraph (d) and if you
29 could read that please?

30 A. "To ensure that parishioners receive more visible and
31 detailed information about who to contact in the event
32 of a complaint. By October 2020, more detailed
33 information about the complaints process will be
34 available on parish websites as well as the Diocese

1 website. By April 2021, the Diocese will have a
2 comprehensive complaints process which includes:

3 A clearer Complaints Policy which includes a much
4 clearer description of the complaints process and what
5 a complainant might expect (including timeframes). The
6 policy will include a commitment to using the Title D
7 process to investigate all serious complaints involving
8 a breach of standards, subject to the terms of Title D
9 as revised. A plain language description of Title D
10 with diagrams of the process."

11 **MS MACDONALD:** Madam Chair, are you happy for us to
12 continue for a bit longer?

13 **CHAIR:** Are you still going on this document?

14 **MS MACDONALD:** Sorry, no, I'm finished with it.

15 **CHAIR:** If you have finished with the document and I
16 see from the brief that we're moving into the area of
17 the pros and cons of the Human Rights Review Tribunal?

18 **MS MACDONALD:** Yes.

19 **CHAIR:** I think we should take a morning adjournment.

20 **MS MACDONALD:** I think that is a good idea. Hopefully,
21 we won't have too much more to go after that.

22 **CHAIR:** I think everybody could probably do with a
23 break, so let's take the 15-minute morning adjournment,
24 thank you very much.

25

26 **Hearing adjourned from 11.34 a.m. until 11.50 a.m.**

27

28 **MS MACDONALD:**

29 Q. Jacinda, we were just talking about some of the
30 positive aspects of the Title D process for you. To be
31 honest, I can't remember if we covered paragraph 133,
32 so if we already did, my apologies.

33 A. Yeah, 133, another positive was that the Statute of
34 Limitation/Limitation Act does not apply for the Title

1 D process, so they are free to deal with historic
2 complaints.

3 Q. Can I just ask you, did you have formal name
4 suppression when you went through that process, the
5 Title D?

6 A. When you say "formal"?

7 Q. Did you have anonymity?

8 A. Yes, yes, I did.

9 Q. Non-publication?

10 A. Yes.

11 Q. So, if we go forward to paragraph 143, and you provided
12 a very clear set of, again, pros and cons in your
13 statement. So, if we start with the advantages of the
14 Human Rights Review Tribunal process as a means of
15 redress, if you start at 143 and just talk about the
16 importance of that one.

17 A. Yes. The funding was important for me, having the
18 assistance of a barrister and the Director of
19 Proceedings was a real game changer for me.
20 New Zealand is apparently quite unique in offering
21 this, although I do note it's only granted to a small
22 number of cases, particularly those that have the
23 potential to create meaningful change for wider
24 New Zealand as opposed to redress for the complainant
25 only.

26 Without that funding, I wouldn't have been able to
27 fight the Church who initially opposed liability and
28 had the resource to engage Wynn Williams to strongly
29 defend any liability. This was all draining
30 emotionally and it took up a lot of my time but at
31 least it came at no financial cost.

32 Prior to this, I had considered a civil claim
33 through Cooper Legal but my income was too high to get
34 Legal Aid, so I was forced to abandon that option.

1 I believe that without funding, the vast majority of
2 survivors would be financially barred from effectively
3 seeking justice in the civil courts when going up
4 against a well-resourced institution, such as the
5 Anglican Church.

6 This no doubt contributes to survivors settling for
7 lower amounts than they deserve and agreeing to
8 confidential agreements that hide the abuse from the
9 public because what alternative do they have?

10 Q. So, paragraph 146, you talk about mediation but, just
11 to be clear, it was really a negotiation process that
12 went on at the same time as the main legal proceedings?

13 A. Yes, that's right, and it was useful to have that room
14 for that because it meant that we could negotiate
15 outcomes that actually went beyond what the Human
16 Rights Review Tribunal could offer via the hearing
17 avenue.

18 Q. And by those outcomes, is that the improvements to the
19 process, that sort of thing?

20 A. Yes, and also the public apology.

21 Q. And if you just move to paragraph 147.

22 A. The Human Rights Review Tribunal, another advantage of
23 that is that they focused more on the survivor than the
24 perpetrator. They look at how to compensate the
25 victim, more so than focusing on how to punish the
26 perpetrator. It was also helpful to me to be able to
27 tell the Panel the effects of my abuse on my life and
28 for that to be relevant.

29 Q. If you just carry on at 148, please.

30 A. Open justice, the HRRT is open to the public. Their
31 outcomes are on the public record. Open justice is
32 held in high regard by them and any exceptions to this
33 are not taken lightly. This is in stark contrast to
34 the Church Tribunal which is held behind closed doors
35 and then the Bishop decides if the findings of fact

1 will be public and how and if they will be published.
2 You will find that there is very little on the public
3 record about Title D Tribunal cases.

4 In my experience, the Church behaves differently in
5 public than behind closed doors and survivors are
6 treated better when the Church's actions can be seen by
7 all. It appeared to me that when the media reported
8 the arguments the Church were defending my claim with,
9 they then had a change of heart, dropped most of them
10 and had a renewed interest in settling.

11 The HRRT was also more professional than the Church
12 Tribunal process. They had the power to subpoena
13 witnesses. They did not allow extensions for no
14 reasons and witnesses certainly weren't having private
15 phone calls with the Chair before the hearing.

16 Q. What about the standard of proof required in the
17 Tribunal?

18 A. The level of proof required is not as high as that
19 required for the beyond all reasonable doubt level set
20 in the Criminal Courts, so again it's more achievable
21 to prove that something is probable, particularly when
22 the cases are often historical. The impact of abuse on
23 survivors often means that such abuse is reported many
24 years after it occurs.

25 Q. And what are some of the disadvantages of the Human
26 Rights Review Tribunal as a means of redress?

27 A. For me, a big one has been the time taken. I had to
28 wait 4 years to get my hearing in early June of this
29 year and after the hearing, the Tribunal were unable to
30 give me even an approximate date of when they will have
31 their decision written up. At present, cases are
32 taking years to be written up. I understand there's a
33 backlog of cases and the workload on the Chair is high
34 because of the way the legislation sets up the Tribunal

1 and these delays make it difficult to get justice. I
2 think many survivors would simply give up.

3 Q. How was it for you?

4 A. It is emotionally exhausting being stuck in the Justice
5 System and I've felt like my life was on hold as I
6 needed to get this done in order to have the time and
7 energy to face other challenges relating to my mental
8 health and career. It's been hard trying to plan life
9 ahead, not knowing when I might finally get a hearing
10 date. And also, in my case, the media found out about
11 my claim, so for years I've had to endure speculation
12 in my local community because I have not been free to
13 simply set the record straight with a determination.

14 Q. Do you have any comment to make on public perception of
15 the sorts of things the Tribunal can deal with?

16 A. I think many survivors are unaware of the Human Rights
17 Review Tribunal as an avenue for redress. There's also
18 a misperception that sexual harassment is limited to
19 things like wolf whistling and inappropriate comments
20 in the workplace and that it would not include sexual
21 assaults or sexual abuse experienced while accessing
22 goods and services in New Zealand.

23 Q. What about the kinds of outcomes that are possible?

24 A. Although there is a wide variety of outcomes that you
25 can achieve via mediation, the Tribunal itself is
26 limited to financial payments of compensation and
27 ordering training. It cannot do things such as
28 ordering that a Priest be defrocked or stopped from
29 continuing to work as a Priest or put on a sex offender
30 register.

31 Q. Having been through both processes, the Title D process
32 which did have a formal hearing and also you did have a
33 hearing in the Human Rights Review Tribunal against
34 Mr Van Wijk, what were the differences that you would

1 say between formalities of the different processes, the
2 actual hearings themselves?

3 A. It was a lot more formal in the Human Rights Review
4 Tribunal, just in terms of those things I said about
5 you couldn't have extensions and witnesses contacting
6 people involved in the decision-making.

7 Q. Okay. And in terms of the healing itself, was it
8 similar to this sort of situation with lawyers and -

9 A. Yes, the Human Rights Review Tribunal was, yes.

10 Q. So, if you wish to, you could talk about some of your
11 own reflections on the effect of the abuse and possibly
12 just the length of time it's taken?

13 A. Yeah. I did recently read an independent review of a
14 case in the Church of England about Bishop Ball who was
15 convicted for abusing vulnerable adults. One of the
16 outcomes of that review was a statement that the trust
17 that's accorded to clergy does bring an exceptional
18 level of power, and I think that perhaps isn't apparent
19 to others and it is a power over the lives of people
20 that are seeking assistance or direction from them. I
21 could really relate to this because I viewed clergy as
22 doing God's work and that had led me to trust van Wijk
23 a great deal. I shared with him deep and intimate
24 things that I had told no other and I had trusted him
25 to guide me more than I had trusted anyone else.
26 Essentially, I had trusted him as I would trust God.
27 The breaking of this trust has made it very difficult
28 for me to allow people to get close to me or to know me
29 well. And, in particular, it's been hard to trust men,
30 the Church, and God.

31 I have found it hard to even trust myself because
32 sometimes I think I believe something, then I get
33 anxious that I am being deceived and afraid that I'm
34 going to be hurt. I have found counselling itself very
35 difficult because I find it hard to trust the

1 counsellor. I don't feel I would ever be able to get
2 counselling from a male.

3 It has also been hard living in a small town.
4 Rumour was allowed to develop because the Church
5 breached my confidentiality and there was no truthful
6 public statement made. I was in too much of a state of
7 despair and confusion to speak for myself at the time,
8 so I was left humiliated and feeling powerless and
9 totally ostracised from my Church family and unwelcome
10 even by those that did know of the misconduct.

11 I have always been diligent and conscientious, so it
12 was devastating for me to let down the families I
13 served in the Church crèche and the families I was
14 helping in my tutoring business. That business I
15 closed down when it all happened.

16 I felt that those people would think badly of me for
17 just walking away without any explanation and yet I had
18 to see these people daily. I felt like people were
19 judging me and would avoid going out and felt very
20 isolated.

21 Q. If you can go to paragraph 163.

22 A. The journey back to faith and back to Church has been
23 extremely hard. After 5 years of total avoidance, then
24 another 5 years of trying and failing, I think I have
25 finally rebuilt my faith, although I still have to
26 manage my PTSD symptoms and I still have the occasional
27 setback. I'm probably the only parishioner that's
28 counting plugs in worship rooms or know there's 26
29 trapezium shaped windows in the Church hall because if
30 I am triggered and memories start to flood my mind then
31 I count them and I try to estimate the mathematical
32 areas of them as a strategy to get through. There are
33 things I still cannot do that others can. I cannot
34 pray with others, especially with my eyes closed. I
35 can't hug male clergy, I would not let them hold my

1 hand. I struggle to call God Father and I will not be
2 anointed with oil. I will not let anyone wash my feet
3 and so on. I don't know if I'll ever be able to
4 overcome these things. I have just accepted that's the
5 way it is for me. I no longer feel bitter towards the
6 Church. I do want what is best for them and, in my
7 view, that is to bring abuse out into the light and to
8 deal with it openly and honestly, to actually take it
9 seriously and do everything they can to prevent it
10 occurring. Care of victims and the prevention of
11 further victims has to take priority over concerns
12 about things like representation and finances.

13 Q. Thank you. Now, you have been quite involved with the
14 Church in terms of changes to their processes, so if
15 you would like to go to paragraph 168?

16 A. Yes. I was able to meet with Archbishop Philip
17 Richardson and with lawyer Jeremy Johnson about the
18 proposed changes to Title D. And I asked to speak on
19 that issue at the Anglican Church's Synod in July and I
20 was allowed to do so. I was really pleased to see some
21 significant changes voted in, including the moving to
22 setup an independent Ministry Standards Commission to
23 deal with complaints. The changes are a big step
24 forward but there are some issues that still concern
25 me.

26 Q. What are some of those?

27 A. The definitions of misconduct are still not good. And
28 it also doesn't apply to volunteer Church staff, of
29 whom there are increasing numbers.

30 Q. If you can just go to paragraph 169, halfway down that
31 paragraph the sentence that starts, "Of course", if it
32 you could just read that, please?

33 A. Of course, the real proof will be to see if what is
34 written down as policy and as procedure is actually
35 applied. In my case, in 2005 there was already a

1 reasonable Sexual Harassment Policy and protocol, as
2 talked about in the newspaper articles, but that was
3 ignored. Due to the settlement agreement with the
4 Nelson Diocese, I am watching closely to make sure they
5 do meet their obligations and set actions are required
6 on their behalf to improve Church safety and complaints
7 process.

8 Q. If we can go to paragraph 174, you don't necessarily
9 have to read it, but were you happy with the apology
10 that was a result of the settlement?

11 A. Yes, I was happy with the apology, yes.

12 Q. I have already read through bits of that but if you go
13 to 175 and read that?

14 A. Yes. The apology included breaching my
15 confidentiality, failing to support me and my family
16 afterwards and giving significant support to van Wijk
17 and his family. This felt like another abuse of trust
18 in itself, because in the Church you're taught that you
19 are a Church family. You're led to believe that you
20 are valued and cared for. It led me into a state of
21 despair where I felt not just hurt but very unsure of
22 myself and confused about how to know what was even
23 real. And it does concern me that there still may be
24 this pattern in the Church when there's abuse, of
25 minimising it, trying to hide it and trying to move the
26 person on.

27 Q. You can carry on from there.

28 A. The Nelson Diocese emailed me to say they had provided
29 the Royal Commission with all the information they had
30 regarding my case and that they were fully supportive
31 of the Commission.

32 In some of the internal emails that I know they have
33 and assume have been provided, I see this pattern
34 attempted to be played out, that of the perpetrator
35 who's quietly moved to another Church. In this case,

1 it was made more difficult for the Church because he
2 did not stop his behaviour and because I didn't stay
3 away and stay quiet but rather, came forward and my
4 husband and I asked for some accountability.

5 Q. Now, if we could bring up exhibit 010, Exhibit 10.

6 This here is a handwritten note of a meeting between
7 the Bishop and Reverend van Wijk quite early on in the
8 piece, 31 March 2005. If you're happy for me to read?
9 If you could pull out paragraph 5, please.

10 Obviously, it's in note form. "Talked about
11 original resignation - (intercepted by Richard).
12 Wanted to know what happens if he resigned. Explains
13 still has ordination and if and when well could apply
14 anywhere for position".

15 Paragraph 6, please. "Discussed possibility of
16 Title D process - if other party raised the issue or if
17 Dio felt necessary but probably not if he voluntarily
18 resigned".

19 And if we can go to the next page, please, page 2,
20 and just pull up the paragraphs where it says,
21 "Agreed". "I would accept resignation if proffered.
22 The Dio would pay for counselling. I would find some
23 help for petrol/mileage to come to Nelson for therapy."

24 At that stage, did anybody in the higher levels of
25 the Church, including the Bishop, have your account of
26 what had happened, that's at 31 March 2005?

27 A. 31 March, they didn't have my written account of what
28 had happened, but they had had Aaron's phone call.

29 Q. If you could call up document ANG...1543, please. If you
30 could just pull out that first highlighted section?

31 This was an email from Peter Carrell who was quite
32 involved with education within the Ministry, is that
33 correct?

34 A. Yes, he was, I believe, the Diocese educator at the
35 time, so he was teaching the clergy and staff.

1 Q. So, he says, "A possible analogy. Sometimes when
2 people shoplift it is a deliberate and intentional act
3 of thieving. Sometimes it is an unintended action
4 because the shoplifter's mind is stressed to the max
5 and they walk out of the shop simply forgetting to pay
6 for the goods in their hand. What happened with
7 Michael seems to me to be more akin to the latter than
8 the former" and the date of that, if you could
9 highlight the date of that for me, please? That was 12
10 April 2005 and at that stage had they asked you
11 anything about what had happened?

12 A. No, nobody had asked me about what had happened. They
13 would have just been aware from Aaron's phone call
14 again that something had happened between a parishioner
15 and a Priest.

16 Q. If you could go to paragraph 181?

17 A. It was astounding to me that someone could excuse any
18 sexual interaction with a parishioner as some sort of
19 accidental action. Although Carrell did not have the
20 full details of my complaint when he wrote this email,
21 he did know that I was a parishioner and that van Wijk
22 was a Priest. He also knew van Wijk had interviewed
23 him for his ordination training in 1996 and was
24 providing him with pastoral care at the same time as
25 contributing to decisions on disciplinary measures; a
26 conflict of interest that I believe clouded good
27 judgment.

28 Q. Just keep that document up there just for a second. I
29 will just leave that, thank you.

30 So, if you could pull up document 011, please. I am
31 at 182. This is undated but it would appear to be
32 during the reporting phase, one might call it. If you
33 can pull out the third paragraph, the first highlighted
34 paragraph? Are you happy for me to read that for you?

35 A. Yes.

1 Q. "I was a little apprehensive meeting with Michael, as
2 you are both aware, because of his ability to twist a
3 conversation and place you (meaning me) in the role
4 persecutor. So I was reasonably guarded in what I
5 shared".

6 Thank you, that's all I need from that document.

7 Do you have any comment on that, Jacinda?

8 A. It was just, yeah, enlightening to know they were all
9 aware of van Wijk's manipulative personality, to the
10 extent that they were wary of interacting with him, yet
11 they didn't let this influence their decision to just
12 accept his word about what had happened with me or to
13 bother asking me what had happened.

14 Q. If we go to paragraph 184, in May 2005, would you like
15 to just read that first bit of that paragraph, please?

16 A. Yeah, in May 2005 van Wijk applied for permission to
17 officiate documents so that he could officiate at
18 weddings, funerals and the Eucharist after he had
19 supposedly been stood down from work. He was granted
20 this by Bishop Eaton who also said please be assured of
21 our love, prayers and support for you over this
22 difficult time. As a Christian, I understand providing
23 pastoral care would be the case whatever a person had
24 done but the same love and prayers and support were not
25 extended to me. More importantly, I don't think the
26 same people should be offering the pastoral care as are
27 making key disciplinary decisions, as was the case with
28 Eaton, Ellena and Carrell. You wouldn't accept a Judge
29 also acting as a support person for the accused. They
30 needed to appoint either someone independent to make
31 the disciplinary decisions or someone independent to
32 offer the pastoral care.

33 Q. If you just carry on, please, Jacinda?

34 A. It seems to me that there was a plan to gradually bring
35 van Wijk back in while moving me out to another Church.

1 Ellena sent an email to van Wijk on the 8th of June
2 2005, the day after the meeting where I had given him
3 my six-page written statement.

4 Q. If I could call up that document, please, 013, carry on
5 reading to the end of the paragraph, please.

6 A. He therefore had much more detail about me, about what
7 van Wijk had done, and had also found out that van Wijk
8 had betrayed his confidence as Vicar by telling me all
9 sorts of confidential information.

10 Q. If you can go to page 2 first of this document, the
11 email is actually a reply from Richard Ellena to
12 Michael van Wijk who, if you can just highlight the
13 bottom paragraph, it said, "I note at the informal
14 meeting we had it was agreed that the three of us sit
15 down but obviously you wanted to avoid that. I have to
16 say I deliberately not rung because I didn't want to be
17 the one to chase you up and I guess for me I am not
18 surprised that you found no time to ring, text or visit
19 me to see how things are. I guess out of sight, out of
20 mind".

21 So, if we can go to page 1, please. Just the first
22 paragraph there, not the highlighted one, the very
23 first paragraph. So, that email explains why
24 the - gives a context to the Vicar, apologising at the
25 beginning of the email about drafting a statement.

26 And then if you can go back to page 2, sorry, and if
27 you can highlight the whole of the first paragraph and
28 the second paragraph, thank you.

29 He says, "Michael, I did ask, back when we had
30 coffee in Nelson, that you don't counsel anyone - you
31 don't follow-up one-on-one with parishioners, yet you
32 consider doing just that. I did that mainly to keep
33 you safe. Your continued contact with vulnerable women
34 has put me in a very difficult position. I have tried
35 to stand alongside you when you were at your lowest. I

1 wanted to make sure that the Diocese supported you with
2 the very best of counselling. I wanted to make sure
3 that everything that happened left the door wide open
4 for you to re-enter Ministry if and when you felt
5 ready"

6 If you could pull up the second to last paragraph?
7 "I'm obviously not the person who is going to be able
8 to Pastor you through this journey as much as I would
9 love to have supported you, and yet you need that
10 pastoral support from the Church".

11 And then the highlighted section, "I would suggest
12 maybe that Peter Carrell become your supervisor and you
13 link into the parish of Wairau Valley while you make
14 decisions about where life is leading you".

15 So, if you just read your final paragraph at 187?
16 A. Ellena suggests that van Wijk moves to the parish of
17 Wairau Valley with Peter Carrell as his pastoral
18 supervisor. It seems to me that there was a plan to
19 bring him back again but van Wijk was making that
20 difficult with his ongoing behaviour around women. The
21 Church still did not consider Title D necessary,
22 despite receiving evidence from another parishioner on
23 the same day as receiving my six-page statement which
24 suggested that van Wijk was potentially a serial
25 offender.

26 Q. That's the conclusion of the formal part of your
27 statement. Are you happy to answer any questions that
28 the Commissioners have and then if you want to say
29 anything else at the end, you will be given the chance
30 to do that.

31 A. Yes.

32

33

34

35

1 **JACINDA THOMPSON**
2 **QUESTIONED BY COMMISSIONERS**

3
4

5 **CHAIR:** Thank you, Jacinda. I will just ask my
6 colleagues if they would like to ask you any questions.

7 **COMMISSIONER ALOFIVAE:** I just had one, if I may,
8 Jacinda. Thank you so much for the clear and
9 articulate way in which you've laid out the matters for
10 us this morning. So, your original complaint was in
11 2005, your first disclosure?

12 A. Yes.

13 **COMMISSIONER ALOFIVAE:** And thank you for the different
14 processes that you've outlined you've had to go
15 through. But the Title D process didn't happen until
16 2016?

17 A. That's right, yes.

18 **COMMISSIONER ALOFIVAE:** 2016?

19 A. Yes.

20 **COMMISSIONER ALOFIVAE:** And concludes in November 2016.
21 But yet, the documented evidence on their record, which
22 was a document that you were shown by counsel, that
23 goes back to 31 March 2005 where Michael actually
24 GRO-C, so they've known since 2005?

25 A. Mm-Mmm.

26 **COMMISSIONER ALOFIVAE:** And it's taken 11 years to get
27 to the Title D and then 4 years again after that to get
28 to the resolution we are at today?

29 A. Yes, yes. They were - in 2005, they were not keen on
30 doing Title D and persuaded us against that. It wasn't
31 until I went to the Police and was not pleased with the
32 outcome there, that I thought well I'll try Title D
33 again.

34 **COMMISSIONER ALOFIVAE:** And that was based on the
35 record that we have in front of us, them knowing that a

1 full admission or certainly an admission had been made,
2 that the perpetrator had actually admitted to his
3 behaviour with you?

4 A. Yeah, well, they knew that right back from 2005, yes.

5 **CHAIR:** My question derives directly out of that and
6 the long time it took from the first time you reported
7 the behaviour to the final resolution up here in March
8 2020. You have given compelling evidence about the
9 effect of the abuse on you. Would you be able and
10 prepared to tell us about the effect of the process on
11 you? It might be difficult to separate the two, but I
12 wonder if you can. And if you can, I would be
13 interested to hear that.

14 A. Yeah, the long timeframe that it's taken has taken a
15 real toll on myself and my family. We have a very
16 large gap between our children which has been partly in
17 regard to this because we just were too exhausted to
18 even contemplate that. And also, yeah, it's very hard
19 to plan ahead because you're always, you're kind of
20 stuck, and even now I still don't have the
21 determination from the Human Rights Review Tribunal, so
22 even today I can't walk out of here and go, "Right,
23 it's finished, it's done with" and it's very hard to
24 move on when you're stuck still trying to get outcomes.
25 I could have finished the Title D but the Church's
26 refusal to make public what actually happened or have
27 an open record of that meant that I had to carry on
28 with the Human Rights Review Tribunal to try and get
29 something on the public record that wasn't archived
30 away in a - I felt essentially that a lot of Title D
31 was a bit of a waste of time for me because that was a
32 key outcome for me to actually bring into the light
33 what had occurred and instead the Appeal Tribunal made
34 the decision to archive that, so then I felt I had to
35 carry on with the Human Rights Tribunal process to try

1 and get something on the public record as to what
2 actually occurred.

3 **CHAIR:** So, apart from the obvious matters you've
4 raised - not obvious but matters you've raised of
5 having to put important decisions in your life on hold,
6 are there any other effects that you have? What else
7 does it do, this delay? What does it do to a human
8 being?

9 A. Well, also for me, I've been wanting to address, I
10 still have a diagnosis of PTSD and I have a
11 psychologist that is wanting to work through an EDMR
12 process to help me with that but it's a very taxing
13 process and so, when I go for mental health help it's
14 you need to get this justice stuff out of the way first
15 because what we do might affect your memories, it might
16 affect your ability to cope. You know, so I've kind of
17 had to put my own healing on hold as well because I
18 need to get through all of this.

19 **CHAIR:** So, it's delayed your recovery? The process
20 doesn't sound like it's added to your recovery, it
21 seems to have delayed it?

22 A. Yes. There's been aspects of the process that have
23 been healing. It was healing for me to actually sit
24 round the table with Richard Ellena and Derek Eaton and
25 have our settlement and for them to personally
26 apologise to me and to ask my forgiveness. That
27 actually meant a lot to me, so there's been steps along
28 the way that have been helpful but it's just the
29 prolonged time that's more the issue.

30 **CHAIR:** Thank you for that. I'll just leave you now in
31 the hands of Commissioner Erueti.

32 **COMMISSIONER ERUETI:** Kia ora. Just a quick question
33 about independence and it is a matter that comes up a
34 lot in your brief of evidence about conflict of

1 interest and the issues that you experienced through
2 Title D.

3 And you mentioned there's an Independent Ministry
4 Standard Commission, can you tell us more about this
5 process set? You said it, in itself, remains flawed?
6 For example - I'll let you explain it. To what extent
7 does this shift meet your concerns about the lack of
8 independence in the process?

9 A. It is a step in the right direction, but I still have
10 concerns, in that it will still be run by the Church.
11 And everyone in the Church seems to know each other,
12 with New Zealand being a small country, so I do worry
13 about how independent that will be. It's still kind of
14 in the process of being setup, is my understanding, so
15 I have no experience of what it's like for anyone to go
16 through it or I don't think the details have been set
17 down yet as to who will be on that Tribunal or
18 Committee or whatever it is. But it is a far better
19 step than going to a Bishop who's friends with and
20 working with the Priest and expecting them to, you
21 know, juggle all those conflicts of interest. So, it's
22 a step in the right direction but I still worry that
23 the Title D process is set down for Priests, so it
24 won't cover, there's a lot of kind of lay, say a youth
25 worker or a lot of other workers and Churches won't
26 come under it.

27 **COMMISSIONER ERUETI:** You said that's growing, the
28 number of lay people in the Church is growing?

29 A. Yeah, I think Churches are struggling to find Priests
30 and they are using more and more non-ordained people to
31 carry out Ministry work.

32 **COMMISSIONER ERUETI:** I expect we will be hearing more
33 about this reform, particularly at our next hearing
34 when we look at the institutional evidence.

35 A. Yes.

1 **COMMISSIONER ERUETI:** I am also curious about your
2 contribution and how you came to contribute and your
3 experience of that, and if you felt that you were given
4 a voice through this process? Like, you spoke at the
5 General Synod, I think you said there?

6 A. Yeah, I did, and it was good to have a voice at that
7 but it was something that I had to initiate. So, it
8 would have been good if the Church themselves had said,
9 "Look, we're changing Title D, let's approach the
10 people that have been through it and hear how they
11 found it" but it wasn't like that. It was that I read
12 online they were looking at it and had to step forward
13 and say, "Can I have some input on this?".

14 **COMMISSIONER ERUETI:** Okay, that's good to know, thank
15 you, Jacinda. I'm the last one asking questions and it
16 falls on me to thank you both, Aaron for coming and
17 your tautoko for your partner and for you Jacinda for
18 your courage and persistence. It was illuminating,
19 your evidence, the many different processes that you've
20 been through from the Disability Health Commissioner
21 right through the Human Rights body and your measured
22 way of describing your experience, both the pros and
23 cons, it's very useful for us. We saw a lot of common
24 themes that had arisen over the course of the last 6
25 weeks, from both state-based and faith-based evidence.
26 We've seen some new things too through the faith-based
27 evidence which is very important for us in
28 illuminating.

29 So, I just, in short, want to thank you for coming
30 and giving your evidence and speaking in the public
31 domain. We feel your sense of frustration about life
32 being on hold for you and your whanau, so our thoughts
33 and best wishes are with you both for the process going
34 forward. So, kia ora, kia ora, kia ora korua

1 A. Thank you. Thank you also for the Commission, it's
2 wonderful to be able to be heard and to have some hope
3 that there will actually be some real changes come out
4 of this.

5 **CHAIR:** Thank you. I think it's time we took a break
6 now before our next witness, thank you.

7

8 **Hearing adjourned from 12.35 p.m. until 12.40 p.m.**

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NEIL CONRAD HARDING - AFFIRMED

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EXAMINED BY MS ANDERSON

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6 **CHAIR:** Good afternoon, Ms Anderson.

7 **MS ANDERSON:** Good afternoon, and good afternoon, Neil.

8 Before the Chair takes your affirmation, can I get you

9 to confirm for the record that your full name is Neil

10 Conrad Harding?

11 A. Yes.

12 Q. You might need to move the microphone up a little bit

13 towards you.

14 A. Is that better?

15 Q. That's perfect, thank you. If I can get you to sit

16 there while the Chair administers the affirmation.

17 **CHAIR:** How do you like to be referred to?

18 A. Neil. (Witness affirmed).

19 **MS ANDERSON:**

20 Q. Thank you, Neil. Before we make a start through your

21 evidence, do you wish to introduce the support people

22 you have brought here with you this afternoon?

23 A. Yes. Can I begin, tēnā koutou katoa. With me is my

24 partner Theresa and Steve Brown, the president of the

25 Dilworth Old Boys Association.

26 Q. Thank you and welcome to you both and thank you for the

27 support through this process. Two other procedural

28 aspects, Neil, before we move on. As I have explained

29 to you, the Commissioners have your full written

30 statement and we're going to be going through that but

31 not all of it might be given in oral evidence but for

32 confirmation again that the Commissioners have the full

33 statement and of course that statement will be

34 available in its entirety on the website after you've

35 given evidence.

1 A. Yes.

2 Q. And just a reminder, as we've discussed with the pace,
3 as you'll see we have some people here signing and we
4 have the stenographer taking down the evidence, so if
5 at any point you get a little quick, either I or the
6 Chair will interrupt to bring you back to a slower
7 pace.

8 A. Sure.

9 Q. The evidence that you are giving here today, Neil,
10 relates to your time at Dilworth School?

11 A. Yes.

12 Q. Can you explain what was special about the nature of
13 Dilworth School, in terms of who it admitted as its
14 student base back in the time when you were attending,
15 this was in 1977?

16 A. Yeah. Dilworth is a private boarding school that
17 offers free scholarships to boys from disadvantaged
18 circumstances.

19 Q. And what was it, Neil, about your circumstances that
20 meant you met the criteria for entry to the school at
21 that time?

22 A. My parents separated. My father left for another
23 woman, wasn't paying any - contributing towards my
24 upbringing, and so I therefore met the criteria to be
25 accepted.

26 Q. And you've said in your evidence also that an aspect of
27 the vulnerability, in addition to those factors that
28 you've just identified, was that you were very much
29 looking for a father figure?

30 A. Yeah, I had to deal with abandonment and rejection from
31 my father. I think my maternal grandfather, I think
32 thought I reminded him of my father, so there was sort
33 of like, there was a difficulty around those male role
34 model figures in my life, so I was seeking that kind of
35 attention.

1 Q. And we've got a photograph to bring up of you at the
2 time when you were at school in 1977. We will just
3 wait a moment, that will come up on the screen. You
4 might need to expand it. That's you in the second row?

5 A. That's correct.

6 Q. And that's you as, what age were you in that
7 photograph?

8 A. 11.

9 Q. You were 11 years old. And the person we can see in
10 the front row there, can you identify that for the
11 Commissioners?

12 A. The Very Reverend Peter Taylor.

13 Q. That is a person we will come on to talk about in your
14 evidence?

15 A. Yes.

16 Q. Thank you. And before you attended Dilworth School,
17 had you been - were you and your family active in the
18 Anglican faith?

19 A. I was born, christened, born in Masterton, christened
20 in the Anglican Church but I don't recall attending
21 Church services prior to my time at Dilworth.

22 Q. You had some connection but not an overly strong
23 connection?

24 A. I was considered Church of England, so the school was
25 my faith.

26 Q. And how did you and your mother react to the news that
27 you had gained a place at Dilworth?

28 A. We were really excited, it was a big thing. Dilworth
29 is particularly impressive. It was going to be a
30 wonderful opportunity for me to be given that free
31 scholarship at a place like Dilworth and it was going
32 to take a huge amount of pressure off her financially.
33 I had an older sister, so it was kind of an opportunity
34 for me to really do something to help them make their

1 lives better and an opportunity for me to get a really
2 good education and a wonderful opportunity.

3 Q. So, an opportunity very well received by both you and
4 your mother at that time?

5 A. Yeah, it was a special moment.

6 Q. And you've started school at Dilworth in 1977 at the
7 beginning of the school year, haven't you?

8 A. Yes.

9 Q. So, can you explain to us, you've come in as a boarder,
10 so that's day boarding Monday through to Saturday
11 afternoon and then home Saturday afternoon and Sunday?

12 A. That's correct.

13 Q. And can you explain for the Commissioners, you know,
14 what your first impressions were of Dilworth School and
15 explain the circumstances in which you found yourself?

16 A. It was a shock. I discovered very quickly there was a
17 culture, it was kind of, it was overly harsh, it was
18 kind of Military style, it was certainly not what I was
19 used to. I was used to, kind of, kindness and
20 gentleness and kind and loving and it was the opposite.
21 It was brutal and there was - I saw quite quickly there
22 was injustice, there was all sorts of stuff going on,
23 it was a real shock to me.

24 Q. So, as an 11-year-old coming into this environment that
25 you've indicated was shocking to you, how were you
26 referred to by your fellow students and your teachers?

27 A. The staff referred to me either as Harding or 409 which
28 was the number I was given. I think the boys, I can't
29 remember whether we were always, we knew each other's
30 first names but maybe we even started calling each
31 other by our surnames as well but certainly the school,
32 at house meetings and things they would be using the
33 number, not the name.

34 Q. What was the impact on you of being referred to by a
35 number as opposed to your normal name?

1 A. Pretty depersonalising.

2 Q. So, you've come in as an 11-year-old into this
3 environment which is a big change for you. What were
4 your coping mechanisms at the time as you came into
5 this environment?

6 A. I have a placid nature, I'm not overly aggressive,
7 physically aggressive, so it kind of - it wasn't
8 particularly useful in that environment. I think the
9 kids who adapted better were the ones that were
10 naturally physically aggressive and could easily stand
11 up and defend themselves. I, sort of, it's not
12 inherently in my nature so I tried to practise
13 invisibility. I found being invisible made me less of
14 a target.

15 Q. And can you briefly explain, in the dormitory in which
16 you were spending your evenings, what was the culture
17 like in that dormitory? What did you experience there?

18 A. In the first year, we're talking?

19 Q. Yes, 1977. There's quite a large number of boys in
20 that dormitory?

21 A. Yeah, there was about 11. We had kind of inspections
22 where, you know, we'd have to make the bed properly and
23 proper hospital corners. If it was not done to
24 perfection, then there was a real song and a dance
25 about the bed being stripped off and you had to do it
26 again. So, there was - and clothes, shoes had to be
27 polished and we had to be dressing smart and looking
28 the part, which was all kind of fair enough but there
29 was a lot of fear connected with not doing it right.
30 At that age, that was kind of - it's sort of not what I
31 expected, so the point, I suppose it wasn't terror, it
32 was just fear at that point.

33 Q. In terms of the incidents that gave rise to that fear,
34 did you witness and experience some forms of corporal
35 punishment?

1 A. Yeah, I do recall one incident, which I remember really
2 clearly because it really upset me, was after the
3 evening meal before house meeting we had to brush our
4 teeth, so our toothbrushes were lined up in toothbrush
5 holders in the bathroom, so there was a whole series of
6 toothbrushes, one for each boy, with your particular
7 number. Your toothbrush was in your toothbrush holder
8 with your number on it.

9 One tactic was for boys to instead of brushing their
10 teeth, put their toothpaste on someone else's brush who
11 had already brushed their teeth. And just before house
12 meeting, the matron would come through, take the
13 numbers of the boys who hadn't brushed their teeth and
14 after house meeting they were caned.

15 So, I do recall one instance of a boy that had been
16 framed, he had brushed his teeth, pleading with the
17 tutor after house meeting to smell his breath, that he
18 had brushed his teeth. And despite his pleas, he was
19 caned, and I still recall the sound of the cane on the
20 bare backside is a pretty horrific sound. Also, his
21 crying and the crying more for the injustice in what he
22 had experienced.

23 Q. Would it be fair to say that it would not be uncommon
24 to be a witness and exposed to this action of caning
25 other students?

26 A. Yeah, well, I mean -

27 Q. And experiencing their distress?

28 A. Oh, totally, yep.

29 Q. In terms of the aspects that you're going to cover in
30 relation to your abuse, this occurred in the following
31 year. So, you've come through 1977, it's been quite
32 dramatic, from what you've said, but nothing compared
33 to what follows in the following year?

34 A. Yeah, in the first year I was in the junior house, so
35 we were separated at night from the older kids. But

1 then at the end of the first year, I was put up into
2 the senior school.

3 Q. You've come back in 1978 and gone into Hobson House?

4 A. Yes, correct.

5 Q. You had a new number?

6 A. 320.

7 Q. And what kind of numbers of other older students did
8 you have around you at that point?

9 A. From 2nd form through to 7th form.

10 Q. Compared to the culture of the first dormitory
11 situation you were in the previous year, was there any
12 difference in the culture in 1978 relative to what
13 you'd already experienced?

14 A. Yeah. What I realised in the senior house, it was a
15 bit of a free for all really. The older kids did
16 whatever they wanted to the younger kids and there was
17 an absence.

18 Q. How did they get away with doing that?

19 A. Just, I don't think we were supervised adequately, I
20 would say.

21 Q. Supervision not being on-site and -

22 A. Well, it was probably, yeah, well the culture, the
23 degree of supervision allowed the boys to do what they
24 did. It was a consequence of whatever their
25 supervision was or wasn't.

26 Q. So, just summarising, before we move on to events that
27 are the focus of your evidence, would it be fair to
28 summarise that there was again a lot of violence,
29 student on student, in that environment?

30 A. Yeah. You can say bullying. Bullying is just like,
31 it's not the right word. It's more violent physical
32 assault. We'd get night raids, where we're sleep in
33 bed and a dorm of older boys would attack the dorm of
34 younger boys. Each one would pick a bed and you would
35 wake up being punched and kicked through the bedding

1 which didn't provide much protection and then they
2 would run off. That created a sense of - going to
3 sleep at night there was a sense of terror of am I
4 going to be violently assaulted and woken up while I'm
5 sleeping?

6 Q. In terms of your tactic of invisibility that you'd
7 adopted as your strategy in year 1, 1977, did you
8 continue that strategy into 1978?

9 A. Yeah, I tried to.

10 Q. Was there something that happened in that year that
11 gave you greater protection than you had experienced
12 the previous year?

13 A. Yeah. On the Sunday evening Church service my mother
14 and older sister would accompany me to Church service.
15 The Head Boy took a liking to my sister, so the word
16 went out to leave me alone.

17 Q. And that gave you a measure of protection?

18 A. A degree, not in my own house, I still certainly had
19 things happen to me but it was a little bit concerning
20 for me because I kind of didn't want it because it
21 wasn't part of my invisibility tactic. I became
22 visible through the fact that the word had been out to
23 kind of leave me alone.

24 Q. And did that have another consequence for you?

25 A. Yes.

26 Q. Can you explain what that consequence was?

27 A. I remember a boy towards the end of that second year
28 approaching me kind of like a hyena circles its pray
29 and said, "You wait until he leaves, you're going to
30 get it" and I believed him.

31 Q. The Head Boy, when would he be leaving the school?

32 A. At the end of the school year.

33 Q. It was a signal for you that you were protected for
34 1978 but things were likely to change for you?

1 A. I knew I was going to get, it was going to be bad for
2 me. When you become a target like that, I knew that
3 they were going to follow through.

4 Q. And before we come on to talking about the experience
5 that you had with Peter Taylor, you've mentioned in
6 your brief something that stood out for you in relation
7 to your lessons with your English teacher. Do you just
8 want to briefly comment on that aspect?

9 A. Sure. Mrs Morgan, she was probably the only female
10 teacher I recall at my time at school. She was my
11 favourite teacher and when I look at that, it's not
12 just because she was a really good teacher but because
13 she was a female and I felt safe in her presence, and I
14 think that's really an important aspect to this, is the
15 absence of women, particularly the paedophile sniffing
16 variety, is really, really good, and I think there was
17 an absence of those kinds of women that would kind
18 of - in that environment. Anyway, that's an aside.

19 We studied William Goldie's book the Lord of the
20 Flies which, as we went through the book, I kind of
21 didn't miss the irony of the book and at that stage
22 being the younger boys, I remember having discussions
23 with a couple of boys about who was Piggy and we all
24 felt like we were Piggy.

25 Q. For those people who haven't read the book, the
26 significance of that Piggy reference, is that that's a
27 person who's taunted and is the object of scorn and is
28 ostracised?

29 A. Yes.

30 Q. In that fiction?

31 A. Yes, a target. So, you know, my time at Dilworth was
32 really a Lord of the Flies kind of environment where
33 the big boys made up the rules, but the difference was
34 for me, was we were being predated upon by staff.

1 Q. Turning to that, we're going to talk about the, as you
2 referred to him, his title at the time, the Very
3 Reverend Peter Taylor. Can you explain to the
4 Commissioners what his role was at the school and how
5 you interacted with him relative to those roles?

6 A. So, he was the Anglican Minister. I was connected with
7 him through the chapel choir that I was part of. He
8 taught religious education. He also setup a hobby
9 club, I wasn't part of the hobby club but he setup
10 another club with young boys and ran electronics and
11 things of that nature. And, yeah, somehow I think he
12 selected me. I kind of -

13 Q. Before we move on to that, he lives on-site with his
14 family?

15 A. He lives on-site with his wife and young children, yes.

16 Q. And through that role, presumably he took the sermons
17 in the chapel?

18 A. Yes.

19 Q. So, he's got significant presence, would that be a fair
20 way to characterise him?

21 A. Yes, definitely.

22 Q. And you began to interact with him? As you said, you
23 think that he picked you out?

24 A. Yeah, he kind of selected me, yeah, I don't know what
25 it was about me that he selected me but I do remember
26 him arranging with my mother and with the school, I
27 think, I imagine it was through the school as well to
28 take me flying, he was a pilot. I went up flying with
29 him twice, once was in a Cessna, once was in a
30 Cherokee. I remember because the Cessna had the wing
31 above and I preferred the Cessna to the Piper Cherokee
32 because they had less view of the ground.

33 He took me to some Christian festival with his
34 family and a couple of other boys. He was kind of
35 working with me about kind of my faith and believing in

1 God and I was experiencing being a Christian and
2 thinking that one day I might be an Anglican Minister
3 potentially at that time. I was enjoying that
4 attention.

5 The other part of that though, was all the boys
6 called him Pumper Pete. There was a sort of a thing
7 about, and I thought that's me being a bit harsh, he's
8 married with kids, pumper, I don't know if I need to
9 explain what that might mean?

10 Q. What did you understand that to mean, back when you
11 were 12 years old?

12 A. It was a paedophiliac reference.

13 Q. You were interacting with him, how were you able to
14 reconcile the two aspects?

15 A. I suppose I kind of had my alarm bells up, I suppose.

16 Q. Would you describe it as being consistent on
17 inconsistent with your interactions with him at that
18 point to know that he had this nickname?

19 A. Oh, the further we went, the more I thought that he was
20 okay and that it was an unfair reference.

21 Q. And did it feel quite special to be taken flying by
22 him?

23 A. Of course.

24 Q. Did he take many boys flying?

25 A. I don't know if he took any other boys flying. I never
26 heard anyone else talk about being taken flying.

27 Q. We're going to move on to the time that you describe in
28 your witness statement about when you visited Peter
29 Taylor in his home, which is physically on the Dilworth
30 site.

31 A. Yes, behind the pool, out the back.

32 Q. Can you talk to us about that, including how it came to
33 be that you were going to his house?

34 A. I cannot remember the circumstances of why I was going
35 there or how that happened but all I remember is

1 passing his wife in the kitchen, she was in the
2 kitchen. I spoke to her briefly. He then escorted me
3 through out the back of the - towards the back of the
4 house, into the dedicated electric-train hobby room.
5 The boys in the hobby club had built an electric-train
6 with paper mache hills and setup this really cool
7 electric-train room dedicated for that. When he led me
8 in there, it was like why are we going in here? It
9 seemed a bit strange because I wasn't part of the hobby
10 club. And then he directed me to the corner of the
11 room, there weren't any chairs there, and I had to sit
12 down on the ground in the corner of the room
13 cross-legged and then he sat down cross-legged directly
14 facing me and I was trapped.

15 My alarm bells were kind of, something didn't quite
16 feel right about that.

17 Q. And then what happened next?

18 A. Well, then he proceeded to place his left-hand on my
19 right knee and started to move his hand up my thigh.
20 So, I grabbed his hand, pushed it away and leapt to my
21 feet and got out of there.

22 Q. So, you've managed to push him off and you've rushed
23 out of the room?

24 A. Yes.

25 Q. And you've headed out of the house?

26 A. Yep, and I passed his wife in the kitchen on the way.

27 Q. Were you able to talk to anyone about this experience?

28 A. No. The culture of the school is cop it and shut up.
29 I was conditioned to not saying anything about anything
30 to anybody and so, I do remember racing back to my
31 house, feeling terror of the fact that what I thought
32 was safe wasn't, and feeling a bit of an idiot really
33 too, that he was Pumper Pete.

34 Q. We're going to take the lunch break shortly, Neil, but
35 what I'd like to do, I think we talked about the fact

1 that you would read paragraphs 69 and 70 of your
2 statement out. We will take a lunch break after we've
3 got to this natural break in your evidence.

4 A. Okay. I knew another student who was in the Dilworth
5 chapel choir the same time as me who was older. He was
6 allegedly sexually abused by Reverend Peter Taylor. I
7 have been informed that he told the school at the time
8 and was never believed. I know his mother and brother
9 who are very clear about what happened here.

10 Apparently, the school were quick to close this down
11 and sweep it under the carpet. Approximately 10 years
12 ago he was killed in a car accident. If not for his
13 premature death, I am sure that he would be presenting
14 his submission to this Royal Commission. This has
15 given me more determination, strength and courage to be
16 here to also do this for him.

17 Q. Thank you, Neil. That's a strong motivation for you,
18 isn't it?

19 A. Yes.

20 Q. In terms of why you've come forward?

21 A. Yes. As you'll see through my submission, I kind of
22 gave up on personal justice and I sort of thought the
23 way I could find peace was maybe through helping
24 others.

25 Q. Thank you, Neil. I think that's a - if you are happy
26 to pause there, we can pause and take the lunch break
27 and come back.

28 A. Sure.

29 Q. And begin with the rest of your statement which is
30 focused on the redress processes that you've been
31 engaged with.

32 A. Sure.

33 **CHAIR:** And before we do, what time would you like to
34 resume, Ms Anderson?

1 **MS ANDERSON:** I think 2.15, given that we've run
2 slightly over.

3 **CHAIR:** All right, 2.15.

4

5 **Hearing adjourned from 1.08 p.m. until 2.15 p.m.**

6

7

8 **CHAIR:** Welcome back everybody. Thank you,
9 Ms Anderson.

10 **MS ANDERSON:**

11 Q. Thank you, Neil. Just before we broke for the lunch
12 break, you informed what motivated you to come forward
13 to this Royal Commission and your desire to search for
14 peace through helping others. We're going to come on
15 to that, what you did to activate your search for peace
16 through helping others in a moment but there's one
17 further matter of something you experienced at Dilworth
18 that we're going to uncover now and that relates to a
19 teacher you identified not by name in your statement as
20 having a predilection and interest in caning
21 individuals. Could you talk to the Commissioners about
22 what this person said to you and how you came to be in
23 the circumstances of being caned by him, and then of
24 course the third aspect of that is the impact that had
25 on you at the time?

26 A. Sure. In terms of individuals, I am not sure about
27 individuals, I only recall this really being isolated
28 to myself, but he was a tutor in my house, in my
29 boarding house. He had been assigned as the sporting
30 coach. He approached me one day when no-one else was
31 around during a game and said to me out of the blue, "I
32 want to cane you". And it was a real shock, I had to
33 process that quickly and all I could come up with was,
34 "I would have to do something wrong first, Sir,
35 wouldn't I?" and he said, "I'll be watching".

1 So, I then had to process this and on top of
2 everything else I was going through, I found that this
3 was particularly - it created real fear for me, the
4 fact that he's now watching me to find a reason to cane
5 me.

6 So, one day in prep, prep was time that we had to do
7 our homework, during prep I'd finished my homework and
8 so I decided to play Patience with a pack of cards.
9 All I knew was we couldn't talk, I didn't know we
10 couldn't play cards. He came up to me with a big smile
11 on his face and said "Gotcha, go to the duty room". I
12 went to the duty room and he was there, and the canes
13 were lined up in a pool cue rack and he took them one
14 at a time, bent them in half, put it back and went
15 through all the canes and I was looking at them going,
16 "I hope he doesn't pick the thin one. I hope he picks
17 the thick one". The thin one hurts more, it leaves
18 less of a bruise. But, no, he picked the thin one and
19 proceeded to cane me. And it was, again, a feeling of
20 processing a combination of fear and terror. That
21 someone that's supposed to be protecting me that has a
22 duty of care responsibility for me is playing some
23 sadistic game.

24 And at the time that act of Sadism enraged me more
25 than any other experience I had at Dilworth. Over the
26 years, I look at the whole thing and the whole lot
27 really rages me now but that particular act was so
28 unnecessary, so premeditated and sadistic.

29 I suppose, as an important context to everything
30 that's here, is, you know, if it wasn't bad enough.
31 Q. And so, at the end of that year when you've come to the
32 end of GRO-B and you know the Head Boy who's giving
33 you some protection is going to leave, you summoned the
34 courage to have a discussion with your mother and she
35 agreed that you could leave Dilworth and attend a new

1 school. You've got a memory of what it was like, your
2 first day coming home from Takapuna Grammar. Perhaps
3 you could share that memory which encapsulates the
4 distinction between the feeling of the two schools?

5 A. Until that point in my life, my first day at Takapuna
6 Grammar in 1979 was the happiest day of my life. I
7 went to school. I was riding my bike back home, I was
8 an out of zone student and wrote about 7 kilometres
9 home. I pedalled so hard, I was so happy and the
10 thoughts running through my head were 'I haven't been
11 beaten up' and 'no-one had stolen the pens out of my
12 pencil case'. Which is kind of like, eh? Such a weird
13 thing but I just could not believe that no-one had
14 stolen my stuff and no-one had bashed me up and I just
15 had this feeling of, wow, I'm safe. Something really
16 normal could be so profound. My kind of best day at
17 Dilworth was no better than my worst day at Takapuna
18 Grammar.

19 Q. Thank you, Neil. We're now at paragraph 80 of your
20 statement which is the section dealing with the impact
21 of the abuse on you, and you're going to read that
22 section out to the Commissioners beginning at
23 paragraph 80.

24 A. Sure. My Dilworth experience was one of lost
25 opportunity, melancholy and sadness. My time there was
26 characterised of ongoing trauma in various terms.
27 Paradoxically, it created both vulnerability and
28 resilience. However, none of these experiences should
29 a young boy have to endure.

30 I spent my adolescence and adult life confused as to
31 whether I was an abuse victim or not. If I had been in
32 a room with survivors who were raped or sodomised, I
33 would have been conflicted as to whether I had the
34 right to be there.

1 I had always qualified my abuse as attempted abuse.
2 It is only since analysing the definition of child
3 sexual abuse that I realised that I am a victim of
4 abuse, a survivor. I can now drop the word attempted
5 from attempted abuse. The impact of what I endured has
6 remained with me and has affected my actions, thinking
7 and behaviour to this date.

8 The following definition is from Dilworth School's
9 new Child Protection Policy. Definition: "Sexual abuse
10 involves enticing or forcing a child or young person to
11 take part in sexual activities, penetrative and
12 non-penetrative, such as rape and sodomy, oral sexual
13 connection, kissing, touching, masturbation, as well as
14 non-contact acts such as involving children in the
15 viewing or production of sexual images, sexual
16 activities and sexual behaviours. A sexual
17 relationship between an adult and a child will always
18 be wrong, unequal and unacceptable".

19 Mine was non-penetrative but it was inappropriate
20 and unwanted touching. I realise that the violation
21 and breach of trust has had the greatest impact on me,
22 more than the inappropriate and unwanted touching. It
23 is only through noticing the difference and changes in
24 my life from consistent and expert counselling that I
25 realise how much this abuse has affected me. I have
26 been attending regular, mostly weekly, counselling for
27 the last 3 years.

28 There was no escape for me, over a reaffirmation of
29 breach of trust from father figures and from a young
30 child onwards, left me reeling, abandoned and rejected,
31 as well as blunting my spirit.

32 It consequently changed my life and only now in my
33 mid 50s am I really coming to terms with who I am.

34 It is only now that I'm not desperately seeking to
35 belong.

1 It is only now that I'm not striving and striving
2 and striving to be good, to be worthy, to be good
3 enough.

4 It is only now that I am recognising that I do not
5 always have to try to be funny to be liked.

6 It is only now that I recognise the empty void in my
7 chest, battling loneliness, hyper-sensitivity to
8 rejection, and that I overeat to provide self-comfort.

9 It is only now that someone is really stepping up to
10 protect that child that still hides somewhere in my
11 chest.

12 It is only now that I'm learning to say no to even
13 my parents and sibling, to put my needs first.

14 It is only now that someone is speaking up for that
15 child that was abused to say that was not good enough.

16 It is only now that the child feels protected, safe,
17 validated and can relax enough to be himself and it is
18 okay.

19 I lost touch with my Anglican faith because of what
20 happened to me at Dilworth. Recently, I had occasion
21 to attend a funeral service at a Church. It was only
22 when I was inside and viewed the programme that I
23 realised it was Anglican. I spent much of the time
24 looking at the Reverend, wondering if he was a
25 paedophile.

26 Unfortunately, my mother, my father and my sister
27 have, for whatever reason, been unable to provide the
28 support I have asked of them during the last 3-year
29 journey. I therefore stand here without them, somewhat
30 isolated, feeling a broken link to my bloodline and to
31 those who have gone before me. However, it is enough
32 that I stand here for myself, along with the people who
33 have chosen to support me, including my children
34 overseas.

1 What is the price of a young boy's faith? What is
2 the price of dressing a wolf up as a sheep, giving them
3 the title "Very Reverend" and releasing them amongst
4 the lambs to groom and sexually abuse for a Very
5 Irreverent one-sided sexual gratification, then move
6 them along quietly and quickly into another paddock and
7 not ask any questions. The lambs might forget. This
8 lamb hasn't forgotten, and the price is difficult to
9 measure because the effects are ongoing. There is a
10 consequence. Since the age of 12 and for the last
11 43 years, even as I stand here now, I observe every
12 Anglican representative and wonder are you a wolf in
13 sheep's clothing? Are you a complicit harbourer? Are
14 you a paedophile? That is the consequence of blatant
15 hypocrisy.

16 The Anglican Church lost a young boy and what is
17 really sad is that no-one came looking for me. Luke 15
18 versus 3-5 says, "And he spoke this parable saying,
19 what man of you, having an hundred sheep, if he lose
20 one of them, doth not leave the ninety and nine in the
21 wilderness, and go after that which is lost, until he
22 find it? And when he hath found it, he layeth it on
23 his shoulders rejoicing". There has been no search
24 party, there has been no rejoicing. The shepherd has
25 lost one of its flock 43 years ago and still no-one has
26 noticed.

27 Q. Thank you, Neil. Now we're moving on to the part of
28 your statement that addresses your attempts to seek
29 redress.

30 The first time that this occurred was in 1997, so
31 this is 20 years after your first year at Dilworth.
32 Can you explain to the Commissioners the steps you took
33 to engage with the New Zealand Police?

34 A. I spent a number of years overseas living in Australia,
35 from 1985 to 2001. In 1997, I visited my mother at

1 Christmas time on Waiheke Island. It had been
2 concerning me the years leading up to that, that other
3 children may be at threat from Peter Taylor, so I
4 decided to go to the Police. So, I caught the ferry
5 from Waiheke and went to the Auckland Central Police
6 Station and asked to speak to someone. I went upstairs
7 to one of the rooms and met with a Detective, plain
8 clothes, I can't remember his name. And I shared my
9 experience of what had happened to me at Dilworth. At
10 that time, the Detective informed me that he wasn't
11 going to take a statement. That all he would do is
12 check the database and confirm to me that Peter Taylor
13 was a known paedophile.

14 So, I was kind of underwhelmed. It had kind of
15 taken a bit of courage and effort on my part and
16 expense to make that trip and that's when I kind of
17 lost faith of getting any kind of justice. After that
18 point, I assumed that my experience was not worthy of
19 anything.

20 Q. And the language you use in your statement, is you felt
21 the response was dismissive?

22 A. Totally, I was wasting his time.

23 Q. And so then from that point in 1997, it's effectively
24 another 20 years on, in 2018, when you take another
25 step?

26 A. Yes.

27 Q. Seeking to engage with Dilworth School in relation to
28 what you'd experienced there?

29 A. That's correct.

30 Q. And although it's not in your brief, perhaps for the
31 Commissioners you could explain, there was a trigger
32 event there, wasn't there?

33 A. Yeah, I had a pretty traumatic event occur on Christmas
34 Day 2017, which involved the Police. Again, the Police

1 did not take that particular matter seriously. I had a
2 bit of a, sort of a bit of a breakdown.

3 Q. It was at that point that you've entered into your
4 counselling?

5 A. Yeah, then I kind of sought counselling. My counsellor
6 expertly kind of asked me when at other times have you
7 not kind of experienced validation or support, and that
8 was when I explained my experiences at Dilworth and at
9 that point we kind of - she stopped and we kind of went
10 in a different direction and the ACC Sensitive Claims
11 Unit became involved and sort of the real counselling
12 began really.

13 Q. So, about a year into that counselling, so the
14 counselling began in 2017 and -

15 A. Early 2018.

16 Q. Early 2018, and it's also in early 2018 that you
17 approached the Dilworth Trust Board?

18 A. In the process of that, I thought, I was prompted to
19 write to the Dilworth Trust Board and that was again, I
20 had no sense I was going to get any personal justice,
21 so my way of finding peace was to say, okay, let's try
22 and help other boys. I certainly wanted to try and
23 make sure that Dilworth was safe now and I was
24 concerned about - I knew that there were a lot of
25 survivors of abuse from Dilworth and I wanted to make
26 sure they had a pathway for dealing with historical
27 abuse.

28 So, I wrote a report. I spent time on the Board of
29 Trustees of my local High School. So, I wrote a report
30 strategically sharing my experiences and giving the
31 current board really no option but to take my report
32 seriously.

33 Q. I'm going to call up on the screen a document which is
34 Exhibit 2, WITN0010002, just the bottom half of that
35 document, please.

1 Can you expand that bottom half? Just taking them
2 in chunks, that first section there. This is from the
3 letter that you wrote on the 18th of April where you
4 are outlining what you think are questions that the
5 school is going to have to deal with?

6 A. Yes.

7 Q. And so, you're identifying the questions that they're
8 likely to face are, what is the nature of any abuse?
9 Who are the known perpetrators? Who are the known
10 victims? Who are the unknown perpetrators and who are
11 the unknown victims? And indicated that you thought
12 the board's challenge was with those last two
13 questions. And then the bottom part of that is, what
14 does the school do when people come forward? You
15 outline the principles of the four steps to repentance?

16 A. Which are five, I've changed it.

17 Q. In your evidence and we'll come on to the fifth one in
18 your evidence.

19 Can we go to the next page? What you say is you
20 believe these four steps would serve the Trust Board in
21 dealing with historical child abuse. And the four
22 aspects are outlined there. Recognition, remorse,
23 restitution and refrain. And what you say there, Neil,
24 do you want to read out the last sentence?

25 A. "I am seeking to work collaboratively with the board in
26 this matter, with the intent of helping myself find
27 peace and closure and at the same time providing a
28 pathway that may help others".

29 Q. Then it's four months later, isn't it, in August 2018,
30 that, as you now understand things, the Trust Board had
31 a briefing from an experienced psychologist on the
32 issues of abuse?

33 A. Yes.

34 Q. Did the Trust Board give you a timely response to your
35 communication with them?

1 A. I was having regular email contact with, at the time,
2 Rob Campbell, the General Manager of the Board of
3 Trustees, and I found his communication to be really
4 effective and he was very appropriate to that process.
5 He was very, very good.

6 Q. Through that communication, you understood that the
7 Trust Board was working on reviewing the child safety
8 policy for the school?

9 A. Yes. The fact that it was taking a long time made me
10 feel comfortable that it was being taken seriously. If
11 they had of come back to me with a response in a couple
12 of weeks, I would have been disappointed.

13 Q. And in that collaborative mode, you were expecting to
14 work in a collaborative mode with the Trust Board in
15 relation to the review of that policy?

16 A. And particularly with the go-between of the General
17 Manager of the Board of Trustees, there was very much a
18 collaborative spirit of what we were doing.

19 Q. So, explain to the Commissioners the opportunity you
20 had to review that new policy?

21 A. So, a draft Child Safety Policy was written and in the
22 spirit of collaboration I requested to read the draft
23 through the eyes of an old boys' survivor.

24 Q. Can I pause you there, Neil, we just need to be careful
25 of pace, just in terms of delivery for the signing and
26 the stenographer. This is just to confirm where it's
27 landscaped in the timeline, this is July 2019?

28 A. Yes.

29 Q. So, you've first written in April 2018?

30 A. Yes.

31 Q. And you are now engaging in this process in July 2019?

32 A. That's correct.

33 Q. Please continue.

1 A. So, I requested a copy of the draft Child Safety Policy
2 to peruse prior to my meeting with them but they didn't
3 want to do that.

4 Q. But they did give you an opportunity to look at it?

5 A. Yes. So, I had an arranged meeting with the
6 psychologist that had put together the draft policy
7 document at the Dilworth Trust Board offices. So, I
8 went over to have this meeting, so I had an opportunity
9 to read the document immediately prior to this meeting.
10 So, I kind of felt, in that spirit of collaboration, it
11 was kind of a bit rushed for me to do the job properly.
12 I didn't really have time to peruse and consider and
13 look for appropriate feedback.

14 I think it was kind of a token read. I don't think
15 I was expected to provide much. I think they were just
16 kind of letting me be part of it.

17 Q. Would it be fair to say you viewed it as a token
18 gesture?

19 A. A token gesture, yes.

20 Q. You were able to pick up some aspects of that that were
21 important?

22 A. I found something I thought was very significant that I
23 missed and it was only through my experience as a
24 survivor that I picked up that omission.

25 Q. And this is dealt with in your statement beginning at
26 paragraph 130 and can I invite you to read paragraphs
27 130-133?

28 A. Yes, this is another point. One of the issues
29 preventing survivors coming forward to report abuse, is
30 the fear that they will not be believed. In the
31 introduction to the child safety policy, there was
32 reference to survivors "telling their story". To me
33 the word "story" is a synonym for fiction or make
34 believe and does not help this survivor feel he that is
35 going to be believed. I feel that it is patronising.

1 I voiced this concern and it was explained to me by the
2 psychologist how this was accepted vernacular within
3 psychology. As part of my university degrees, I took
4 some psychology papers and feel that just because
5 experts decide to use this term, it should not
6 necessarily override or negate feedback from a
7 survivor. My concern was noted by Rob Campbell and
8 said that he would change the wording. However, I got
9 the impression, I got the sense that the contracted
10 Dilworth psychologist was frustrated with me and felt I
11 did not understand that this was a widely used and
12 accepted term. I requested that telling their story be
13 replaced with "sharing their experiences". I believe
14 that the distinction between these two terms is
15 significant.

16 I was acknowledged by the trustees of the Dilworth
17 Trust Board for my contribution to the new child abuse
18 policy and addressing historic child abuse with a gift
19 basket. This arrived at home by courier one day. I
20 was upset to see that the note attached to the gift
21 basket said, "thanks for sharing your story". This
22 felt like a gut punch and was particularly insensitive
23 to my request.

24 I would like the Royal Commission to consider and
25 analyse all jargon and use of terminology from the
26 perspective of survivors as opposed to accepting
27 existing terms that may not be useful.

28 Q. Thank you, Neil. Then you've set out in your brief
29 you've had further communications with the Trust Board
30 over the development of the steps that it was going to
31 take and you've been quite complimentary of their
32 commitment to address the concerns that you'd outlined.

33 And you had, there was an event where you had
34 understood that you were going to be attending a
35 meeting with the Trust Board in the spirit of

1 collaboration that you'd approached them with? This is
2 in July 2019?

3 A. Yes, it was arranged for me to come in and meet the
4 board. So, I cancelled Monday's practice clinic and
5 made arrangements to go and meet the board. At the
6 last minute, I think on the Friday, they cancelled the
7 meeting on me and just rescheduled it for another day.
8 At the time, it kind of affected me more than I thought
9 it would. I thought it was kind of disrespectful and
10 not understanding the inconvenience that was - they
11 didn't really fully acknowledge what that meant.

12 Q. And so, then you were invited to attend the Trust Board
13 in August and you do attend that meeting, don't you?

14 A. That's correct, yes.

15 Q. And something important happened in that meeting for
16 you?

17 A. Yes.

18 Q. Do you want to explain to the Commissioners what that
19 was?

20 A. The Chairman of the Trust Board, Aaron Snodgrass,
21 apologised to me for what had happened at my time at
22 Dilworth. I think it was a spontaneous act on his part
23 and I sensed genuine feeling from him. And it was the
24 first time I really felt any sense of validation at
25 all.

26 Q. So, that was an important aspect of what happened and
27 what you experienced at that meeting?

28 A. Yes.

29 Q. And what you've said and explained in your statement,
30 much appreciated?

31 A. Oh, it was a deeply moving moment.

32 Q. Following on from this, you've then received an
33 invitation to a Dilworth Old Boys meeting, haven't you?

34 A. Yes.

35 Q. When did that occur?

1 A. 20 and 21 September 2019, the gala dinner.

2 Q. You received the email earlier in the month, haven't
3 you?

4 A. Yes.

5 Q. Was there something about the communication in that
6 email that surprised you?

7 A. Are you talking about the gala dinner or the Heritage
8 Hotel?

9 Q. The Heritage Hotel event. Perhaps if we turn to, I
10 will bring it up on the screen, Neil, Exhibit 4,
11 WITN001004.

12 A. Yes, there was a gala dinner and prior to that they
13 decided to call a special meeting at the Heritage
14 Hotel.

15 Q. Of Old Boys?

16 A. Of Old Boys only to announce their new Child Safety
17 Policy and pathway for dealing with historical abuse.
18 This came through as an email with the title "important
19 letter from the Chairman of the Board of Trustees".

20 Q. As it happens, you've opened that email and what you
21 found as the attachment is the letter we have up here
22 on the screen?

23 A. That's correct.

24 Q. We won't go through all of this, but it clearly refers
25 to the title of the document is, "The Royal Commission
26 of Inquiry", so at first blush that's what the letter
27 looks like it's about.

28 When we come down, the two paragraphs under the
29 heading "Support Services", can we enlarge that,
30 please?

31 The letter is saying, acknowledging there was abuse
32 at the school and the nature of that abuse. And I'll
33 read this out so it's in the record, "On behalf of the
34 board and the school, I would like to express our deep

1 regret and apologise to those Old Boys whose lives were
2 affected by abuse under our care".

3 And the next page, I won't take you to it but what
4 they're doing is they're inviting Old Boys to a meeting
5 on the 20th of September at the Heritage Hotel and the
6 purpose of the meeting in the letter is said to be to
7 discuss the support services the school is putting in
8 place for the Old Boys?

9 A. That's correct.

10 Q. As you have indicated, this meeting coincides is with a
11 reunion?

12 A. Reunion of the Dilworth Old Boys Association.

13 Q. Was there something about that letter that was a
14 surprise to you?

15 A. Well, it was a surprise to me, I knew in my
16 conversation with the board that we had discussed they
17 were going to be doing a press release, they were going
18 to be saying the process was survivor-initiated and
19 that was a clear understanding. I was very surprised
20 to get this email because I wasn't aware that this
21 meeting was happening. Under the spirit of
22 collaboration, I thought I may have been made aware of
23 it before getting this email. And what I noticed is
24 they had removed the bit about survivor-initiated and
25 instead, it was now a proactive board initiative.

26 Q. What was important for you having sought to have the
27 reference to survivor-initiated included in whether it
28 was a press release or a letter such as this?

29 A. It was really important. I was trying to break the
30 code of silence. If an old boy getting this message,
31 getting this letter, knew that an old boy had already
32 come forward, it might pave the way and make it easier
33 for others to come forward, but I felt the Trust Board
34 saying Old Boys come, we've got this thing, I'm

1 thinking that's not going to work. I was surprised, I
2 was stunned.

3 Q. But you did go along and attend that meeting?

4 A. Yes.

5 Q. And about how many Old Boys were there? How many
6 people?

7 A. There was about 20-25 people in the room.

8 Q. Did you go there with a support person? Were you
9 encouraged to bring a support person with you?

10 A. No, no. It was Old Boys only. So, any support people
11 were outside.

12 Q. Talk to us about the meeting because you've got some,
13 we don't need to go through the full text of how you've
14 described it in your statement but to give the
15 Commissioners a sense of what happened in that meeting,
16 I mean, survivors started to share their experiences,
17 didn't they?

18 A. Unfortunately, I got to the meeting a little bit late.
19 I had an important meeting with my local MP and I went
20 straight there and got there a little bit late, but it
21 seemed that the meeting was not being particularly run
22 that well. It got to a point where people started
23 sharing their experiences, survivors, and I'm thinking
24 this isn't good.

25 Q. Why didn't you think it was good?

26 A. I just didn't feel that it was an appropriate space. I
27 didn't feel like - I was really concerned that that
28 might happen because that was going to stir up
29 potentially a whole lot of emotion, particularly with a
30 room full of survivors potentially. I was also
31 concerned, at the end I was the last person to speak
32 when the floor was opened up for people to speak and I
33 kind of was prompted at the end to tell the truth to
34 the Old Boys that were there, to say that I was the old
35 boy who came forward and this process was actually

1 survivor-initiated and not a proactive board
2 initiative. So, I felt like I needed to make right
3 that piece of information.

4 The Dilworth Trust Board had said to me that their
5 legal advice had been to not mention that it was
6 survivor-initiated to protect my confidentiality but I
7 wasn't being named anyway. So, I had made requests
8 that they reconsider that, but I never got a response
9 to that.

10 Q. And there's something else relatively dramatic happened
11 in that meeting, at the end of the meeting, didn't it?

12 A. Well, once it was ended and everyone had a cup of tea
13 and coffee and there was some food there apparently,
14 this man, elderly man that was standing in front of me
15 and next to me, I sort of saw him and he looked a bit
16 unsteady and the next thing he collapsed. So, I kind
17 of leapt forward and caught him before he hit the
18 ground and lowered him to the ground and put him in the
19 recovery position. He was in a state of kind of
20 catatonic paralysis. So, I was in the process of kind
21 of performing first aid and making assessments as to
22 from a first aid perspective.

23 Q. Who came to your aid during that process?

24 A. No-one. So, I did - then three of his support people
25 came in of his family that were outside.

26 Q. They had been outside the room, not allowed to come in?

27 A. They had been outside. They sort of got ushered in, I
28 don't know who told them, I was completely focused on
29 performing first aid. So, they came in and said, "It's
30 okay, we don't need an ambulance, this is a known
31 condition. He will be okay. We just need some time".
32 As he's laying there and I'm kind of, sort of, calming
33 him and he sort of comes to a little bit and he starts
34 talking to me and then he says to me that he believes
35 that this condition that he has was a consequence of

1 abuse at Dilworth where older boys when he was a junior
2 boy would come up behind him and grab him around the
3 chest and squeeze until he passed out and then he'd
4 wake up unconscious on the ground and this happened a
5 number of times. He said that he was a doctor and he
6 first noticed this condition when he was doing junior
7 rounds at the hospital and he didn't know how long he
8 had to live. He didn't want that information to die
9 with him and wanted me to know and wanted me to know
10 this.

11 Q. Thank you, Neil. I'm going to now invite you to read
12 paragraphs 158-159 of your brief which records the
13 impact of this event on you?

14 A. This experience was incredibly upsetting and not what I
15 expected to occur at this meeting. It was way out of
16 control, that a fellow survivor should be left to
17 provide first aid and deal with this. Not a lot of
18 thought went into what survivors might need during and
19 subsequent to this meeting. For some, it stirred up
20 emotional trauma without the appropriate protocols to
21 support it. Given the way the meeting was not guided,
22 it was always going to be a recipe for disaster.

23 I shared this man's experience with the Chairman of
24 the Dilworth Trust Board Aaron Snodgrass.

25 Q. Neil, you also shared your experience, the impact that
26 this had had with you in a counselling session with
27 your counsellor after this event?

28 A. Yes.

29 Q. Tell the Commissioners about, you and your counsellor
30 end up on a phone call, don't you, as a consequence of
31 issues you've raised with your counsellor. Can you
32 talk to us about that?

33 A. Yeah, well, I raised concerns with the Board and they
34 just organised for the counsellor that was present on
35 that day to give me a ring. He basically said that he

1 knew something like that was going to happen. He said
2 he left me because he thought I could handle it. He
3 was pretty blasé and pretty flippant about the whole
4 thing and everything was kind of fine. I just was
5 stunned. I just thought that it was just, particularly
6 for someone of his professional area, I just thought it
7 was not particularly competent.

8 Q. So, didn't fill you with a sense of confidence?

9 A. Well, it was just like - it's not already bad enough,
10 you know, now to be having to do that and be left
11 alone. It's sort of like, I just had this sense of
12 frustration. If he knew that something like that was
13 going to happen, he should have called paramedics or
14 should have had someone there for when it did, not just
15 have good old Neil to have to step in and do it.

16 Q. Just moving on to paragraph 171 of your statement, you
17 invited the Chair of the Trust Board to attend your
18 private session with the Commission?

19 A. Yes.

20 Q. And what was the response?

21 A. He wished me the best and told me he supports the Royal
22 Commission and that it would not be appropriate for him
23 to attend in his capacity as Board Chairman.

24 Q. And what had been your motivation for asking him to
25 attend?

26 A. He was an Old Boy, I was working collaboratively with
27 the Board, I appreciated the Board's elements, mostly
28 what the Board had done I felt was good and I just
29 offered him that opportunity. So, it was okay, there's
30 no ill-feeling around or sense that he declined, it was
31 his choice.

32 Q. The next section of your statement, Neil, I'm going to
33 have you read through. You've given some quite
34 considered thought to recommendations of how things
35 might be able to be done better in the future in a

1 redress context. Can I invite you to begin reading at
2 paragraph 172?

3 A. I have been asked to comment on what I think Dilworth
4 could have done better when I raised the fact of the
5 historic abuse with them and what they could do better
6 in relation to supporting and helping survivors. I
7 understand this aspect of my evidence may help the
8 Commission when it is making recommendations about how
9 redress processes can be improved in the future.

10 As a survivor, it is not my place to define Dilworth
11 School's relationship with the Anglican Church or to
12 determine which one is ultimately responsible. But
13 because there is an overlap, including that an ordained
14 Minister was abusing children, I am concerned that one
15 may attempt to hide behind the other. I am not seeking
16 to blame, but I am wanting each to take responsibility
17 for their own part, in the sexual abuse that occurred.
18 I want them to consider both commission and omission;
19 in other words, what was done and what wasn't, in terms
20 of prevention, support for the abused children and
21 investigation. I would like to know when they reported
22 instances of sexual abuse to the Police.

23 The relationship between the Church and the school
24 then and now is an area that I would like the Royal
25 Commission to analyse carefully.

26 There is no doubt that in the past the approach to
27 dealing with abuse was to sweep it under the carpet.
28 It seems that perpetrators of abuse were often moved
29 along, rather than being made accountable for their
30 actions. This makes the institutions responsible.
31 Their historical records will therefore be inadequate
32 and inaccurate when it comes to providing transparency,
33 analysis or justification of the decisions that they
34 made. They also failed to record the names and
35 experiences of those boys affected.

1 Dilworth was complicit through their knowledge of
2 abuse as well as their inaction. I am unaware of any
3 steps being taken to determine the prevalence of abuse
4 of boys that were associated with known offenders under
5 their care.

6 The Anglican Church was also complicit because it
7 was their representative, the Very Reverend Peter
8 Taylor, that was convicted and sentenced for committing
9 sexual abuse of a boy at Dilworth and they never took
10 steps to determine whether other boys were affected. I
11 would like to know the parish history of Peter Taylor,
12 whether he was a known paedophile prior to his
13 appointment at Dilworth, and whether he continued to
14 serve as an Anglican representative after his release
15 from prison in the early 1980s.

16 The Anglican Church now needs to consider its
17 response to the Royal Commission. I would be
18 disappointed if I only received a weak apology about
19 the actions of the Very Reverend Peter Taylor. This
20 would be inadequate.

21 The Church needs to explain if it had a culture of
22 moving offenders along, rather than exposing and
23 holding them to account. If that was the case, who
24 were these people who did that? I am sure they had
25 names, for they would be just as responsible for
26 further offending as if they did it themselves.

27 It seems it could be that the reputation of the
28 Church was more important than its most vulnerable, the
29 children. Sexual abuse then became acceptable and
30 normalised.

31 I would like the Royal Commission to consider the
32 four Rs of repentance which when thinking about it are
33 actually five Rs. Recognition; recognising and
34 accepting that this occurred.

1 Remorse; communicating genuine remorse that this
2 occurred.

3 Recompense; making appropriate financial
4 reimbursement.

5 Restitution; considering how things can be made
6 right.

7 Refrain; putting into place policies and measures to
8 avoid this from reoccurring in the future.

9 I do not believe that it is appropriate for a
10 survivor, perpetrator or organisation responsible to
11 determine any recompense or restitution. This requires
12 an independent third party.

13 Q. Thank you, Neil. And you've got some concluding
14 remarks that you have carefully thought through, so
15 again can I invite you to read those to the
16 Commissioners, please, beginning at paragraph 182.

17 A. Sure. I do not really consider myself a true Old Boy
18 of Dilworth because I did not stick it out until the
19 end. I checked out early. I believe Dilworth School
20 missed out on a good student and alumni member with a
21 promising future.

22 I know events of this chapter cannot be re-written
23 and has influenced the following chapters in my life.
24 The boy that did not have anyone to stand up for him
25 then is now representing himself 40 odd years later.

26 I would like to think the next chapter also involves
27 the Dilworth Trust Board backing me by collaboratively
28 supporting personal healing, as well as considering how
29 it addresses the same issues that will having affected
30 other members of the Dilworth family.

31 The theme in my childhood was having numerous, a bit
32 of a shock experiences. Emotional, physical and sexual
33 trauma somehow became normalised for me into "a bit of
34 a shock". I would like to see organisations and
35 institutions focus on all elements of safety, share

1 their policies and knowledge with each other, so that
2 best practice standards will provide safety for all.

3 The questions for me are now, how do I now obtain
4 closure from these experiences and what in fact does
5 that actually mean? Does it require ownership from
6 those responsible and/or complicit? Do I need to work
7 on forgiveness?

8 If I am indeed the sum of my experiences, I must
9 consider that perhaps there will never be true closure.
10 Despite this, I still do carry the hope that
11 eventually, despite all that happened, I will find
12 peace.

13 And an important part of this has come from finding
14 my voice. The Dilworth motto may as well have been
15 "cop it and shut up". Generations of Dilworth boys
16 were trained to silence, and it is only now, some of us
17 are finding our voice and being heard. When the Royal
18 Commission's scope of inquiry did not originally
19 include faith-based institutions, it felt like another
20 unjust situation where the 11-year-old in me was to be
21 ignored and is still not allowed to speak. I applaud
22 the insight and decision to include faith-based
23 institutions which has given me a voice. I also
24 applaud the Police for the changes that they have made
25 since 1997 when my experiences and concerns were
26 negated. There has been a societal shift and not only
27 in relation to sexual abuse. Children now have a
28 voice, are empowered to speak but most importantly are
29 taken seriously. I hope that today's 11-year olds do
30 not have to wait until they're 55 to be heard.

31 Recently, I watched Making Good Men, an account of
32 bullying, honesty and forgiveness. In this, Manu
33 Bennett said to Norm Hewitt, his childhood bully, "We
34 have to travel this far to understand the past". It's
35 resonated with me. I am only now beginning to

1 understand the trauma in myself and the Royal
2 Commission has provided a vehicle for my journey and
3 for this I am truly grateful.

4 Q. Thank you, Neil. That brings us to the end of your
5 witness statement. Before I invite the Commissioners
6 to ask any questions they may have arising out of your
7 evidence, is there anything further you wish to add?

8 A. Yeah. I have been thinking about my meeting with the
9 Dilworth Trust Board and the person who really I felt
10 had the most impact with me, other than the Chairman
11 and his apology, was Mrs Valentine, the only female
12 board trustee and the first I think since Isobella
13 Dilworth in 1906, and I would encourage that the Board
14 considers that more females be involved. I felt that
15 she was particularly empathic, and I look at it and I
16 go, you know, in terms of boards, one is a token, two
17 is a minority, three is a voice, and I would like the
18 Dilworth Trust Board to consider that.

19 Q. Thank you, Neil. Rest there and we will see whether
20 Commissioners have any questions.

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NEIL HARDING

QUESTIONED BY COMMISSIONERS

COMMISSIONER STEENSON: Tēnā koe, Neil, thanks for sharing your evidence today. I have one question and it is around the meeting with the Old Boys in September at the Heritage Hotel. You talked about it not being run well and with minimal support. Can you tell me in your view what would have made it a better meeting? What are the sort of things you would have liked to have seen?

A. When I read that email, I thought what are they doing? I probably wouldn't have had the meeting like that.

COMMISSIONER STEENSON: There was nothing in particular -

A. I wouldn't have had it. I would have said don't do it, it's a recipe for disaster.

COMMISSIONER ERUETI: Kia ora āno. So, I just have some questions, they're about the Dilworth letter of 10 September 2019 talking about their closed reforms. I understand you collaborated and were participating in that process. I notice that there's nothing in here about monetary compensation, not that I can see. To your recollection, was that part of the discussions?

A. My effort was genuinely collaborative. I did not feel it was appropriate to discuss anything financial because that would kind of make it appear that I might have had an ulterior motive. And that's part of my submission, is that who decides what? You know, I'm not doing this looking for money. As I've certainly discovered certain things about absence of investigations and things have certainly made me fairly angry around the fact that if things had of been done

1 differently I may not have been abused. So, there are
2 things that have come to pass with that. But that's a
3 question mark that I have with the Royal Commission
4 really. Who has that work and who decides and how much
5 and what's the price. That hasn't been part of my
6 agenda.

7 **COMMISSIONER ERUETI:** Yes, I do see that as one of your
8 five Rs is recompense which is talking about financial
9 reimbursement?

10 A. Sometimes it's like, I mean for me with the Dilworth
11 Trust Board, maybe there could have been some
12 consideration of the fact that I lost a day's work.
13 Maybe that's coming into recompense, ferry trips and
14 things like that. They did offer me reimbursement of
15 my ferry fares and I said, look, just give me the free
16 tickets to the gala dinner. I kind of negotiated and
17 they were happy to do that. But in terms of all
18 the - that's where it starts getting messy, isn't it?

19 **COMMISSIONER ERUETI:** Setting out all these reforms
20 which include these independent Panels of expert
21 psychologists and a free listening service, but it just
22 seems to me that seemed to be missing from the usual
23 list of -

24 A. There's been no discussion in any of my collaboration
25 with the Board that relates to any kind of monetary
26 recompense.

27 **COMMISSIONER ERUETI:** And given the nature of the
28 school, about how it's there to provide for higher
29 education for vulnerable children in particular, I
30 imagine there's a lot of Pasifika and Māori, others,
31 perhaps children with disability; any discussion about
32 these particular factors when talking about a response,
33 to your mind, to your recollection?

34 A. No. The demographic has kind of changed a little bit
35 over the time. When I was there, it was mainly

1 European boys, with the odd Māori and the odd
2 Pacific Island boy but that's changed a bit. There's
3 been - my focus has been really about the pathway for
4 dealing, for them to get ready really. As I went into
5 this, you know, it was coincidental that the Royal
6 Commission was there and I kind of said to them, "Hey
7 look, it's probably good if you get yourself ready
8 because I think you might need to be" and to their
9 credit they have done a lot to be prepared,
10 particularly around Operation Beverley, in their press
11 releases and discussions with that they've kind of just
12 got themselves ready in time.

13 **COMMISSIONER ERUETI:** Thank you. One last question,
14 you talk about the relationship between the Church and
15 the school and I thought that's an interesting
16 question, right, for a survivor? For example, the
17 first question might be, where do you go to first if
18 you are seeking an apology or accountability? And, to
19 your mind, has that been a question that I have been
20 uncertain about, about whether you should be going to
21 Dilworth School or whether you should be approaching
22 the Anglican Church?

23 A. I've never considered approaching the Anglican Church.
24 I've never approached the Anglican Church.

25 **COMMISSIONER ERUETI:** Okay.

26 A. But that's kind of something that - my big concern is
27 that one may try to hide behind the other and I really
28 don't want that.

29 **COMMISSIONER ERUETI:** But to the mind of some
30 survivors, there might be that perception about -

31 A. Every if there's a perception of that, I don't want
32 that perception because that's not useful to a
33 survivor.

34 **COMMISSIONER ERUETI:** Kia ora, thank you.

1 **CHAIR:** One question for me, Neil. I think the
2 Commissioners all respect and appreciate the systemic
3 approach that you have taken. In spite of your
4 personal experiences, you are able to bring an
5 analytical lens to this which is appreciated.

6 One of the things in that regard that struck me, was
7 that you noted that Dilworth had failed to record the
8 names and experiences of those boys that were affected.
9 Record-keeping is a big issue for us, it's historically
10 been very wrong. What does it signal to you, that the
11 names and experiences of the boys who were affected
12 have not been recorded, what is the significance?

13 A. Sorry, I'm probably - I'm not privy to whether they
14 have or not, so I might be wrong, there might be a
15 list. If there is a list, I imagine you would love to
16 see it.

17 **CHAIR:** If there were a list, what would you have
18 expected Dilworth to have done with that list?

19 A. I would have expected the Police would have that list
20 and I would expect that, yeah, but it's really about,
21 you know, you hear these things come out and you go,
22 well, this particular person was here with these boys,
23 you know, it's the omission for me is greater almost
24 than the commission. There's so much more that wasn't
25 done.

26 **CHAIR:** Yes.

27 A. You know, and how much was it just ignored? How much
28 was it actually shutdown? And I know and I've heard
29 things, there's some things that I know that really
30 give me strong reason to believe that investigations
31 were shutdown to protect the reputation of the school
32 or maybe the individuals within the school.

33 **CHAIR:** Do you think there was any obligation on the
34 school to have, once one person's experience is brought

1 to light, to actively - proactively go out and find out
2 if there are other boys who were affected?

3 A. That's my big concern, I don't believe that was ever
4 done. I've never saw that. I've never heard that that
5 ever happened.

6 **CHAIR:** That answer implies the answer to my question
7 is, yes, there should be proactive searching up?

8 A. I think Dilworth now is a much different Dilworth to
9 what it was then and in discussions with the Principal,
10 I asked him this question. He gave me a really good
11 answer. I am very confident that the school now is
12 moving forward in a really, really healthy direction
13 and the pastoral care, you know, there's more people in
14 there looking to open the boys up, not shut them down,
15 bringing them out, you know. When I was there, we got,
16 you know, "shut up and cop it". What does that do?
17 You end up leaving Dilworth frustrated, traumatised,
18 unable to express your feelings and emotions and it's
19 "Go forth into the world. Good luck. Good luck at
20 relationships. Good luck at jobs. Good luck at
21 managing yourself" and many are dead. Many have drug
22 and alcohol issues, many have mental health issues and
23 it's "good work, good work". And that's a big part of
24 why I'm here today, is I'm speaking for myself and I
25 hope I'm speaking for some of those that aren't alive
26 and some of those that are not equipped to speak for
27 them.

28 **CHAIR:** Thank you for that. On that note, I am going
29 to turn you over to Commissioner Alofivae who I know
30 you have already met?

31 A. Yes.

32 **COMMISSIONER ALOFIVAE:** Thank you. Neil, just one
33 question or point of clarification. You referred to
34 independence. So, using your experiences and with the
35 benefit of hindsight, going back to the little 11-year-

1 old boy that you were back in the '70s, do you think
2 schools can be trusted to investigate themselves when
3 complaints of this nature come up?

4 A. In the past, no. You have to look at the reputation.
5 You know, Dilworth is, you know, that's sort of the
6 wealthiest private school in the country by a long way.
7 You know, it has a proud tradition. So, it risks,
8 there's all sorts of risks with that. So, you would be
9 looking at the policy and their ability to follow their
10 policy. I know that, you know, management, senior
11 management obviously would have to follow the policy of
12 the board but then who oversees the board, is the
13 question. And what accountability do they have? You
14 probably need to answer that one.

15 **COMMISSIONER ALOFIVAE:** Yes. What I think I hear you
16 saying is actually, it comes back to the people and the
17 ethics that are applied?

18 A. And the integrity.

19 **COMMISSIONER ALOFIVAE:** And the integrity of the
20 school?

21 A. And their genuine desire to fulfil their duty of care
22 obligations, and that needs to be central, and that's
23 what didn't happen. The reputation of the institution
24 is more important than the duty of care that they had
25 to the boys.

26 **COMMISSIONER ALOFIVAE:** Thank you. Neil, look, on that
27 note, can I thank you. It's been a very long morning
28 now into the afternoon for you. The evidence that
29 you've given has given us some really rich insights
30 into your experience and I like how you phrased it, you
31 found your voice to speak up. We often, we have a
32 saying that we use at the Commission sometimes, that N
33 doesn't equal 1 and your voice is often representative
34 of many of those who will not come forward for a myriad
35 of reasons that you have already outlined, so thank you

1 for the courage of putting yourselves out there and
2 speaking up to actually help others. I don't doubt
3 that there will be a sense of peace generated from
4 this, those that can take comfort who are here today
5 watching in person but who may also be watching online.
6 Can I extend my thanks on behalf of the Commission to
7 Theresa and to Steve, thank you for being such towers
8 of strength for Neil and for walking so strongly and
9 staunchly beside him in a process that has not been
10 easy. For that we extend our sincerest gratitude,
11 thank you so much.

12 **CHAIR:** On that note, we will take an adjournment
13 before our next witness. Thank you all very much.

14

15 **Hearing adjourned from 3.23 p.m. until 3.40 p.m.**

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JIM WILLIAM GOODWIN - AFFIRMED
EXAMINED BY MS MCDONALD

CHAIR: Yes, Ms McDonald.

MS MACDONALD: Thank you, Madam Chair. I would just like to introduce you to Mr Jim Goodwin, and he has his partner here with him, Janelle Muir, to support him.

CHAIR: Thank you. All right, is Jim okay?

A. That's fine. (Witness affirmed).

MS MACDONALD:

Q. Jim, good afternoon.

A. Good afternoon.

Q. Can you tell the Commissioners a little bit about your early life and how you ended up at Christ's College?

A. So, I was born in 1956 in Fairlie in South Canterbury. My family were farming people. I am reading. Dad was the farmer and Mum was the farm wife. I have four siblings, two Brothers and two sisters. I am the oldest and in terms of ethnicity, I identify as Pākēhā.

I lived with my parents in Fairlie until I was 12.5 and then I was sent to boarding school in Christchurch to Christ's College.

Q. Why were you sent to boarding school?

A. That's what we did. My parents went to boarding school, my grandparents went to boarding school, that's what we did.

Q. Was that because you were from a farming community, do you think?

A. Yes, and it was front page news in The Herald when Fairlie District High School got 50% pass in School Certificate, so we were sent to boarding school to get a good education.

1 Q. If I can ask, are your parents still alive?

2 A. No, no.

3 Q. You went to Christ's College, was that as a day boy or
4 a boarder?

5 A. I was a boarder, yep.

6 Q. How long were you there for?

7 A. I was there for five years.

8 Q. Was that between 1970 and 1974?

9 A. '70-'74.

10 Q. I'm going to ask you to talk about your experiences of
11 abuse while you were at Christ's College. And I want
12 to ask you about general as well as specific, so I'm
13 going to ask you to describe the general boarding
14 school environment first and what that was like for
15 you?

16 A. I'll read? Yep.

17 Q. You can read or you can just talk from your own
18 recollection.

19 A. I'll read. It's easier.

20 Q. Okay.

21 A. So, the school was based on four boarding houses and
22 four-day boy houses and I was at Richard's House. And
23 there were about just under 80 boys in the house run by
24 a House Tutor who lived in, a House Master and a
25 Matron. There were four adults. We didn't see much of
26 them, the house was run by the House Prefect. They
27 were 7th formers and I became a House Prefect myself
28 when I was a 7th former.

29 Q. Can I ask, was that an informal arrangement, that the
30 prefects sort of ran the house?

31 A. No, that was the formal arrangement. So, we had - you
32 would be the duty prefect, so you'd have a day where
33 you were in charge. We used to get the younger boys to
34 make it to meals on time, do rounds at night. I think

1 we locked up at the end of the day. Got everybody in
2 for house prayers in the evening, that sort of stuff.

3 Q. And when you were younger and just starting as a
4 boarder, what was the environment like for you?

5 A. I found it pretty tough. I introduced myself to one of
6 the older, one of the prefects on my first day, I said,
7 "Hi, I'm Jim" and he said, "No, you're not, you're
8 Goodwin". So, yeah, it was a long way from the farm.

9 Q. And what was it like in the dormitories?

10 A. So, they were big dormitories. I think the 3rd form
11 dormitory, first year dormitory, was 26 of us and it
12 was bed locker, bed locker around the room.

13 Q. In general, the school, do you describe it as a
14 peaceful environment?

15 A. No, it wasn't peaceful, it was pretty rough. As a 3rd
16 former, you were bottom of the heap and you'd get
17 pushed over and kneed in the leg and that kind of
18 thing. No, it wasn't peaceful.

19 Q. Was that a usual occurrence?

20 A. It happened all the time, mostly in the house, not so
21 much out in the school, in the classrooms.

22 Q. Did you have any old-fashioned traditions of, you know,
23 sort of public school?

24 A. So, the school motto is a good tradition well
25 maintained, bene tradita, bene servanda. Lots of old
26 traditions going back to the English public school like
27 fagging.

28 Q. Can you explain what that is?

29 A. A fag is like a 3rd form servant to a senior, a
30 prefect, yeah. So, I was a prefect, so they cleaned my
31 shoes and made my bed, like a batman in the Army.

32 Q. Was that relatively benign or would it depend on the
33 person?

34 A. It depended on the person, yeah.

1 Q. And as an individual, how did you fit into the Christ's
2 College?

3 A. Not so much these days but I looked like a rugby player
4 but I'm not a rugby player, and I like reading books
5 and making things and I'm not particularly sporty and
6 I'm reasonably chatty but, you know, I was a bit
7 different.

8 Q. So, would you describe yourself as popular?

9 A. No, not popular.

10 Q. And what about your family and their desires for you to
11 achieve there?

12 A. So, my father, bless him, sent me off to Christ's
13 College wanting me to be a sporting hero. He was very
14 specific. To be in the first XI or the First VIII,
15 First XV, to be a school prefect and to get a
16 scholarship to university, at which I do an LLB and
17 became a lawyer. He was very clear about that.

18 Q. I will just get you to clarify for my own edification,
19 so the VIII would be rowing?

20 A. Yes.

21 Q. The XI would be cricket?

22 A. Yes, XV rugby.

23 Q. You mentioned in your statement about an institution
24 called hauling?

25 A. Yes.

26 Q. Can you tell the Commissioners about hauling?

27 A. So, hauling was normally done on the grounds of
28 disrespect. So, it was done to a junior boy if more
29 senior boys, and they could just be a year older than
30 you, felt that you disrespected them or one of them.
31 So, it might be something like, oh, all sorts of
32 things. Not letting them go first at the tuckshop,
33 kind of thing. So, they would take you into their
34 study and do things to you. And most of the time

1 they'd push you round and shout at you and make you
2 repeat things after them and things like that.

3 Q. Were there any more unusual rituals that you observed?

4 A. Yeah. So, there was the press ups over compasses
5 ritual.

6 Q. Do you mean like pairs of compasses?

7 A. Yeah, so, you know, the mathematical instruments which
8 points up, you screw a pencil into it. The pencil
9 would be there, but it would be set the points were up
10 and the junior boy would have to do press ups over the
11 top. That happened a bit, more than a bit.

12 Q. Did that ever happen to you?

13 A. No, no.

14 Q. But you saw that happen?

15 A. I saw that happen, yeah.

16 Q. And so, if we move to the specific about your own
17 experiences, this hauling, did that ever happen to you?

18 A. Oh yay, yeah. I was hauled, I was hauled. I couldn't
19 tell you how many times. So, one of the things about
20 the fagging system is if a more senior boy wanted you
21 to go to the tuckshop to give him something, he would
22 give you money and you'd have to go. You would get
23 paid a cent or a few cents but you had to go. I
24 remember arguing that I was busy doing something else,
25 so I was sent to the tuckshop, came back and then I was
26 hauled for arguing.

27 Q. And what did that constitute, the hauling?

28 A. Just - so, we had nicknames, we were called nicknames,
29 and mine was unco for uncoordinated, or Jumbo for Jim,
30 so I'd be shouted that, shoved around the room, yeah.

31 Q. Was there one specific time in particular that you
32 remember when you were hauled?

33 A. Yes.

34 Q. Can you tell us about that, please?

1 A. So, I think I was in the 5th form, in my third year,
2 and I was going into the dining room for lunch and I
3 bumped into a boy a year older than me. So, 300 boys
4 funnelling in through doors into the dining room and I
5 bumped into him. And after lunch, he and a couple of
6 his mates came up to me and said, "We're going to haul
7 you, you've been disrespectful, come up to our study".

8 So, I went, you went.

9 Q. Did you feel you had a choice about that?

10 A. No, no, I didn't have a choice. I didn't believe I had
11 a choice. So, I went to the study which is on the top
12 of the house, one, two, three storeys up, yeah. I
13 think so it must have been a Wednesday or a Saturday
14 because they had hours, so they told me that I had been
15 disrespectful to him, I said I'm sorry, I didn't mean
16 to bump into you, and they said well we're going to
17 haul you.

18 So, should I keep going?

19 Q. Yep. You said that they had hours, do you mean by
20 that, that there wasn't any classes on?

21 A. There wasn't any pressing thing that we had to leave
22 for, yeah.

23 Q. And how many boys were involved?

24 A. So, this is in a study which had about five or six of
25 them in it but there were three main ones. The others
26 came and went but there were three people I remember,
27 yeah.

28 Q. I'm not going to ask you to name them, but do you
29 remember who they were?

30 A. Yep, yep.

31 Q. And so, can you just describe when the pushing around
32 turned into something else?

33 A. That started pretty quickly. So, they seemed to be
34 prepared. So, they had flagons, half gallons, I don't

1 know what that is in litres, of salty water that they
2 told me to drink.

3 Q. How did that make you feel?

4 A. I remember wishing I didn't have to. It felt horrible,
5 really horrible.

6 Q. Did you know how many you drank? I think a half gallon
7 is just under 2 litres, I think.

8 A. Yeah.

9 Q. But do you remember how many you drank?

10 A. It was two at a time, it was either four or six. It
11 got pretty blurry towards the end as I got sicker, but
12 it was four or six.

13 Q. And what was your physical reaction to that?

14 A. So, I was sick, I was vomiting. I was crying. I
15 remember my nose running. They kept shoving me and
16 saying, "don't spit it out, don't spit it out, swallow
17 it, swallow it, swallow it", so I kept on swallowing.
18 I was quite sure they'd kill me if I didn't, so I kept
19 on drinking this stuff.

20 And as I went, I mean I know now that my
21 electrolytes got all mucked up, so I was stumbling and
22 my speech was slurring, yeah, yeah, shaking.

23 Q. Did the behaviour towards you change at all when you
24 were so obviously sick?

25 A. No, it didn't, they didn't stop because of that. They
26 just kept on getting more flagons and making me drink
27 them.

28 Q. And were you being sick on the floor or -

29 A. No, they had one of those old-fashioned metal rubbish
30 tins that people used to put on the side of the road.
31 So, studies had those in their studies for rubbish and
32 I would be sick in that, yeah. And every so often
33 they'd send me off to empty it, so I would go all the
34 way down to the toilets, down on the ground floor and

1 empty it out and go back up, thinking if I didn't they
2 would come and get me and it would be worse, yeah.

3 Q. And so, did that going up and down to the bottom and
4 washing it out happen a few times?

5 A. I think it happened two or three times, yeah.

6 Q. And you're saying it was one of the sort of large,
7 maybe 700ml diameter?

8 A. A 30-litre rubbish tin, yeah. I remember it had a big
9 dent out of one side, for some reason I remember that.
10 And they sent me back a couple of times saying, "It's
11 not clean, it stinks", so I would have to go back down
12 and wash it again.

13 Q. What was the next thing that happened to you? Where
14 did they take you?

15 A. So, their study had windows that opened out on the
16 roof. The house in those days had a flat roof. So,
17 the water drinking was done in the study and then they
18 got me out on the roof with the rubbish tin, yep. And
19 they had, one of them had one of those commercial broom
20 handle, it had a big bracket that fitted over the top
21 of the broom and he was sort of using that, sort of
22 brandishing that at me, so yeah.

23 Q. And what did they then get you to do?

24 A. So, they tipped, or I tipped the rubbish tin over and
25 they got me to simulate having sex with it.

26 Q. And what were they saying to you?

27 A. They were saying, "It's your girlfriend. You're having
28 sex with her. Tell her what you say. You know, tell
29 her you love her", so they were telling me what to say
30 to this stinky rubbish tin, as if it was a woman.

31 Q. And how were you feeling at that time?

32 A. I didn't know anything about this. I didn't know about
33 that. I was a boy. So, pretending to be, they kept
34 telling me I wasn't good enough, making me repeat
35 myself, yeah.

1 Q. And then what did they do?

2 A. So, they had me with my arms around this rubbish tin,
3 "Put your arms around her, put your arms around her and
4 then pull your pants down". I said, "No, I'm not going
5 to do that", "Pull your pants down". I think they did
6 or I did, so my pants were pulled down and there I was
7 sort of trying to please them and one of them, the guy
8 with the broom handle, put it up my bum.

9 Q. How did it feel?

10 A. It hurt like hell, I'll never forget that. It was
11 humiliating.

12 Q. When did this stop?

13 A. About then. Someone else or somehow or other someone
14 said, I don't know who it was, "Stop", so they threw me
15 out.

16 Q. Did they ever express any sense they'd gone too far?

17 A. No, no. What they expressed to me was "don't tell
18 anyone or we'll get you", kind of thing, "Don't be a
19 pimp".

20 Q. And did anybody in authority in the school find out?

21 A. So, one of the people in my year, who I'd love to talk
22 to, went to the House Master. So, broke the code and
23 went to the House Master and said, "Something has
24 happened to Goodwin". So, the House Master called me
25 into his office and I was terrified of him. He had
26 never been bad to me, I was just frightened of him, so
27 I wouldn't tell him anything. So, I sat in his office
28 trying not to cry and trying not to bleed on his chair
29 because I was bleeding. He called that whole year
30 together. I wouldn't tell him who they were. He
31 called them altogether and told them he would expel
32 them if they touched me, and they never did again.
33 They said a few things, but they never touched me
34 again.

1 Q. And did he ask you if you would give him details of
2 what had happened?

3 A. Yes, he did, yeah.

4 Q. So, what was the physical effect of that assault on
5 you?

6 A. Well, immediately afterwards I was filthy, covered in
7 vomit and other bodily secretions. And I felt really
8 dirty, so I had to clean myself up. We had set shower
9 times, I can't remember how I cleaned myself up, but I
10 did somehow or other. And I believe for about two
11 weeks on and off afterwards, and I was terrified about
12 telling anyone about that because then they would want
13 to know the whole story, yeah.

14 Q. Did you have any medical intervention at all?

15 A. No, no, no, and I was pretty shaky and stumbly for a
16 while, had a really sore throat, yeah.

17 Q. Was that from the vomiting?

18 A. That was from the vomiting. So, I know now that I tore
19 my throat. If you vomit a lot you tear your throat,
20 yeah.

21 Q. In terms of systematic violence in the school, prefects
22 had quite a lot of authority?

23 A. Yep.

24 Q. Including corporal punishment, is that correct?

25 A. Yep. So, in my day we had boy caning. So, the head of
26 house who was a school prefect, there's two levels of
27 prefect, there's a school prefect who wore a silk tie
28 and the house prefects who only had authority over
29 people in the house, and the school prefect had a duty
30 of system for the whole school, so he could cane. For
31 example, in my day when I was a prefect if I caught
32 some people talking long enough after lights out, you
33 would take their names, pass it on to the head of
34 house, in the morning he'd talk to the House Master and
35 the House Master would say, yeah, that's too late, give

1 them two strokes. So, it had to be approved by the
2 House Master, yeah.

3 Q. The culture of hauling that you described, do you think
4 that the school staff were aware of that?

5 A. Oh yes, definitely, absolutely definitely.

6 Q. Is there any example of that, that you remember?

7 A. Yep. So, I remember in my study one of my year was
8 hauling somebody, doing the press ups over compasses
9 thing and the House Master walked in, said "what's
10 going on in here?", the boy doing the hauling said,
11 "I'm hauling so-and-so", he had done something or
12 other, "Okay, carry on" said the House Master and
13 walked out.

14 Q. How would you describe now what happened to you back
15 then?

16 A. It was abuse, it was systematic, deliberate abuse,
17 designed to shame and humiliate me.

18 Q. Did you know of any other boys who were sexually abused
19 by other boys?

20 A. At that time, no, no.

21 Q. And you have a son?

22 A. I have a son.

23 Q. Did you send him to Christ's College?

24 A. No. He went to St Bede's, he had a great time, loved
25 it and he played hockey.

26 Q. That's XI as well. Back then, did you understand what
27 had happened to you? How did you make sense of that?

28 A. No, I didn't. I didn't know for a long time that I'd
29 been sexually abused. I mean, I knew, this is the '70s
30 and people were talking about wife beating and baby
31 bashing and beginning to talk about rape as a power and
32 control and that kind of thing, so I knew that had
33 happened to women but I didn't know that happened to
34 men for many, many years.

1 Q. Did you have even the words to describe what happened
2 to you?

3 A. No, no, no.

4 Q. If you can, can you tell the Commissioners how what
5 happened to you that day affected you?

6 A. Aside from the bleeding thing, I had the shaking thing
7 that went on for days. That was the more immediate
8 stuff. I've had - I had flashbacks for years. To this
9 day, I wouldn't want to go to a rock concert or a big
10 sporting event. Having a beer in a busy pub with the
11 risk of someone coming up or brushing past behind me
12 still really sets me off, makes me feel pretty
13 uncomfortable. I had nightmares. I had nightmares for
14 years and years and years and years about being stuck
15 back at the school. My self-esteem was pretty, I
16 couldn't understand why they'd done it. You know, what
17 they'd done didn't match bumping into someone in the
18 dining room. I mean, these days, yeah, I get it, I
19 don't excuse it, but I understand now but for most of
20 my life I never understood why they did it, so I
21 thought there was something wrong with me. I thought I
22 wasn't good enough or, Mm.

23 Q. Did you tell anyone what happened?

24 A. I tried telling my family, my parents, and they
25 couldn't have that conversation until about 5 years ago
26 when I told my Mum. So, I worked at Sunnyside and then
27 Hillmorton Hospital as a nurse for years and I got in
28 trouble at work because I had a flashback with a
29 patient and my charge nurse came out to see me and then
30 I went for a walk and I told him, and that would have
31 been late '80s, early '90s. He was the first person
32 I'd ever told.

33 Q. And how did you feel having told someone?

1 A. I felt grateful that he listened and grateful that he
2 understood how I reacted to this person. I felt
3 grateful to him, for sure.

4 Q. So, you say you tried to tell your parents?

5 A. Yeah.

6 Q. And was it that you weren't able to tell them or was
7 there a blockage in another direction?

8 A. So, I rang up that night. So, 1970s toll call, ring
9 Fairlie, will you take the call kind of thing, and got
10 Mum and I said, "Mum, something terrible has happened,
11 I've been hauled" and she said, "I'll get your father".
12 She got Dad and I said, "Dad, I've been hauled" and he
13 didn't let me finish, he told me I needed to show an
14 interest in sport and needed to try harder at maths and
15 then I'd have more friends and that sort of thing
16 wouldn't happen. But he died before I could ever have
17 a conversation with him about that.

18 Q. So, I'm just going to move on to asking you about
19 pursuing any redress for what happened.

20 A. Yep.

21 Q. It says in your statement that you did think about
22 going to the Police. Around about when did you think
23 about going to the Police first?

24 A. So, I didn't think of going to the Police seriously
25 until I did my private submission to the Commission
26 with Sir Anand and he recommended I go to the Police,
27 but I didn't think the Police would be particularly
28 interested.

29 Q. Did you discuss this with anyone, the possibility of
30 doing it?

31 A. Not really, no.

32 Q. And what about contacting the school?

33 A. The main thing that was going on is I wanted to put it
34 behind me and get on with my life, so I didn't do much
35 but I did some therapy in maybe the late '90s/early

1 2000s through ACC and had a conversation with my
2 therapist about this and she said that she would
3 support me to do whatever I wanted but, in her
4 experience, people who had approached Christ's College
5 had been met with Queen's Counsel, were her words,
6 yeah. So, the school would lawyer up and it would
7 become a legal thing. She said that she would support
8 me but that it would be difficult, so I decided not to.

9 Q. And if I can just get you to talk about the intervening
10 period from school to the time that we're talking about
11 now.

12 A. Yeah.

13 Q. And you can just tell the Commissioners, if you want
14 to, I don't think you'll need to remind yourself of
15 your own life but paragraph 5 in your statement, just
16 in terms of what you chose to do with your life?

17 A. So, I did a year at university full-time and then I got
18 a job. I have been a psychiatric nurse for 36 years
19 and I left the hospital almost 2 years ago. I worked
20 for the Canterbury Men's Centre and Male Survivors of
21 Sexual Abuse Trust working with male abuse survivors as
22 a peer supporter which I loved, but I don't do that
23 now. I work for myself now, yeah.

24 Q. When you were working with the male survivors, how did
25 that compare with your work as a psychiatric nurse?

26 A. So, I worked in forensic mental health for the last
27 10 years of my career and you don't get in the forensic
28 mental health voluntarily, you're sent there by the
29 Court or the prison, so our guys didn't want to be
30 there, yeah, but a huge amount of sexual abuse of those
31 people. Whereas, when I was working with male
32 survivors, they wanted to be there, they were
33 volunteers, they could come and go as they wanted and
34 it was wonderful work, I loved it, loved seeing people
35 heal so quickly, yeah.

- 1 Q. You just said there when you were working in the
2 forensic psychiatric field, you were saying that you
3 thought there were many victims of sexual abuse that
4 you were dealing with?
- 5 A. I would say all of them. From time to time, a couple
6 of us would look at the bed board of the units we were
7 in and I hope I'm not breaching anybody's
8 confidentiality, but I would say all of them had
9 experienced sexual abuse. You know, the boys, Epuni
10 Boys' Home, that whole thing, plus at home, yeah, yeah.
- 11 Q. So, the know the three main people that did this to
12 you?
- 13 A. I do.
- 14 Q. And you still know where they are?
- 15 A. Roughly, yes.
- 16 Q. So, you said that you talked to the former Chair, Sir
17 Anand Satyanand?
- 18 A. Yes.
- 19 Q. And he advised you to go to the Police?
- 20 A. Yep, yep, yep.
- 21 Q. And so, is that something that you did?
- 22 A. So, I went to the Police with the aim, not of getting
23 the perpetrators into Court, but actually meeting them
24 to let them know my experience. And I was received
25 very well by the Police, they took a full statement and
26 they were very supportive, yeah. But because it's a
27 historic case, you know, if there's an immediate sexual
28 offence in Christchurch it goes to the back of the
29 queue and they have to deal with that.
- 30 Q. In terms of the school, you say in your statement at
31 paragraph 40, you talk about school. You might want to
32 read that one out?
- 33 A. So, my brother knows the current headmaster, Principal
34 actually, and he's talked to the Principal about this
35 and the Principal said he wanted to meet me which

1 sounded positive. So, what I wrote was "but he hasn't
2 been in touch and I am not surprised that the
3 headmaster has not made contact. He is probably
4 worried that it will be expensive for the school". The
5 Principal put out a message in the Old Boys Association
6 newsletter, and my brother told me, inviting people to
7 contact him, so I did. And I met with him and the
8 Chairperson of the board with a friend of mine, a
9 support person, and they were lovely, they were
10 absolutely genuine and concerned and supportive. So
11 different from back in my day. You know, they were
12 willing to hear as much as I wanted to talk to them
13 about. They've invited me to work with them, with
14 their boys now, around this sort of stuff, which I feel
15 very privileged about. They were absolutely lovely.

16 Q. So, in that meeting that you had with them, did you
17 discuss what sort of environment you would have needed
18 back then to be able to talk not just about the sexual
19 assault that happened to you but about the general
20 culture?

21 A. The hauling and stuff, yeah, yeah, yeah.

22 Q. And what do you think would be important?

23 A. So, two things. Adults around all the time. Not
24 adults sitting waiting in an office for a boy to come
25 to the door, but adults in and out of studies and
26 rooms, an adult presence all the time.

27 And the second thing is, in my day it was called
28 pimping, so that's telling, going to tell someone. I
29 would like to have it part of the school culture that
30 if someone does something to you that's not okay, you
31 just go and tell an adult.

32 Q. And do you think that something like peer support would
33 be a part of that as well?

34 A. So, the school is working in my nursing world view
35 positive psychology, positive education, so they're

1 wanting to create good men to go out into the world and
2 peer support may have a role in that, yeah.

3 Q. So, the Police investigation at the moment, is it right
4 that it hasn't gone all that far?

5 A. No. So, they've approached two of the - last I heard
6 they'd approached two of the abusers and they both, one
7 of them, they've both made statements that they weren't
8 there, that they hadn't done anything, and the last I
9 heard they hadn't gone to the third guy yet, yeah.

10 Q. But would you still be keen, if it were possible, to
11 initiate a meeting?

12 A. Yep.

13 Q. A restorative justice?

14 A. Yep, along restorative justice lines, yeah, yeah.

15 Q. How would you see that playing out?

16 A. So, how it plays out is there's a victim, I think they
17 call them victim specialist and a perpetrator
18 specialist. So, someone would spend time with them and
19 someone would spend time with me clarifying what I
20 wanted, what the questions I had that I wanted asked,
21 for example, answered for example, and then ideally
22 there would be a meeting facilitated by another person
23 and I could put my questions to them and they would
24 answer them, yeah.

25 Q. Would this be a safe environment, do you think?

26 A. Yeah.

27 Q. For both parties?

28 A. I think so. I mean, my attitude is I'm not after them,
29 but I would like them to know how their behaviour
30 affected me.

31 Q. And would you be - would you want all three of them to
32 do it or would you do it with even just one?

33 A. Well, it would be great if all three of them would be
34 there but if one of them refused, I'd happily meet with
35 the other two.

1 Q. You say in your statement that you weren't sure whether
2 you wanted to participate in the hearing, and how do
3 you feel now that you've -

4 A. It's hard telling my story. I'm not the sort of person
5 who wants to go and tell it lots of times, but I feel
6 privileged that I have had the opportunity. And I want
7 other people to come forward, I want to hear other
8 people's stories. That's so important. There's
9 hundreds of thousands of people with stories, I want to
10 hear them. So, if my story, telling my story
11 encourages other people, then that's great.

12 Q. I am going to ask the Commissioners if they have any
13 questions for you but before I do that, is there
14 anything else that you want to say or that we haven't
15 covered that you want to say?

16 A. No, thank you.

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JIM GOODWIN

3

QUESTIONED BY COMMISSIONERS

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5

6 **COMMISSIONER STEENSON:** Tēnā koe, Jim, thanks for
7 coming today. Just with regards to setting up a system
8 for allowing students to safely speak about abuse. Do
9 you see that as being something that would be
10 independent, say a phone line, or would you see it as
11 something within the school? I just want to flesh out
12 your kind of thoughts on that?

13 A. I would say both.

14 **COMMISSIONER STEENSON:** Okay.

15 A. Yeah, I wouldn't confine it to just within the school.
16 I would say both.

17 **COMMISSIONER STEENSON:** Okay. And were you aware of
18 anything like that kind of already existing in the
19 schools, any kind of complaints or support or anything?

20 A. Back then?

21 **COMMISSIONER STEENSON:** Yeah.

22 A. No.

23 **COMMISSIONER STEENSON:** Or even now?

24 A. Oh, there is now. I haven't talked to the school
25 enough to know but I know this is very important to
26 them now. But back then, no, there wasn't a way to do
27 it.

28 **COMMISSIONER STEENSON:** Tēnā koe.

29 **COMMISSIONER ALOFIVAE:** Good afternoon, Jim. It's not
30 about money, is it, redress?

31 A. No.

32 **COMMISSIONER ALOFIVAE:** There's a sense of closure that
33 you're after and it's about the processes that they use
34 to bring you that peace?

35 A. Yep, yep, yep.

1 **COMMISSIONER ALOFIVAE:** Thank you.

2 **COMMISSIONER ERUETI:** Kia ora, Jim. For some survivors
3 money is important, right? I mean, we have to
4 recognise that. We've heard that from some survivors
5 in testimony over the last couple of weeks. I did
6 wonder whether it seems with your experience with
7 Christ's College that - could you answer for me, it
8 seems that there is no formalised process at present to
9 respond to historical abuse, to provide the form the
10 restorative justice that you're seeking?

11 A. Can you - I got lost in your question.

12 **COMMISSIONER ERUETI:** Sorry, I'll repeat. In
13 describing your meeting with the Principal of Christ's
14 College, and I think it was the Chair of the Board,
15 from your account and brief it does not appear that
16 there is a formal process to address the concerns you
17 have, in terms of restorative justice?

18 A. No, I didn't - I mean, these are two good men wanting
19 to make things right but there was no - we didn't have
20 an agenda, put it that way, of a process to follow,
21 yeah. They may have in their mind, but I wasn't aware
22 of that at that time.

23 **COMMISSIONER ERUETI:** Yes. So, at this point in time,
24 it doesn't, well at least to your knowledge -

25 A. Yeah, yeah.

26 **COMMISSIONER ERUETI:** - a formal process that has been
27 disclosed to the Old Boys and the public at large or a
28 process, internal process, for complaints? Do you know
29 whether there's something now?

30 A. So, in answer to your first question and the second
31 thing, the school may have this but I don't know about
32 it yet. Yeah, we've had one meeting and we're going to
33 have more, so I don't know the process yet.

34 **COMMISSIONER ERUETI:** They may in fact have a
35 historical process that could provide you with -

1 A. Yes, but I've not seen it yet.

2 **COMMISSIONER ERUETI:** Just on this issue of restorative
3 justice, you talked about the possibility of a process
4 of bringing the three together. Who would organise
5 that process? Is it the Police that would organise it?

6 A. So, the first thing is the Police would. They have
7 offered to do this if they can get these people to the
8 table. The second option I have is to go get Project
9 Restore, which is outside restorative justice through
10 the Courts project, Project Restore is a charitable
11 trust I think, get them to approach the
12 offenders/abusers, whatever we want to call them, yeah.

13 **COMMISSIONER ERUETI:** Okay. And when answering my
14 colleague's question about the independence issue, you
15 said yes and no in a way. So, it seemed that you - are
16 you saying there that there could be an immediate
17 process for complaints happening today, say, that could
18 in the first instance be addressed internally, perhaps
19 your right of review?

20 A. At the school?

21 **COMMISSIONER ERUETI:** Mm.

22 A. Yeah, yeah.

23 **COMMISSIONER ERUETI:** But also an independent, what
24 would the independent process be?

25 A. Well, the question was, I took the question as being
26 what's a way for a boy who feels something is being
27 done to him to tell people? So, is it internal in the
28 school or is it someone outside? And I said they need
29 to have access to both.

30 **COMMISSIONER ERUETI:** Yes, I understand, okay. Lastly,
31 I'm just thinking of survivors who have been through
32 that school and whether they might see they have
33 several options. One might be say go to the Police.
34 The other might be to go to the school. The other
35 might be to go to the Church itself. Do you think

1 there could be an expectation there, irrespective of
2 the formalities between the relationship between the
3 Church and the school, the expectation that some
4 survivors might want to go to the Anglican Church?

5 A. They might. I can't predict what they would or
6 wouldn't do but my understanding is Christ's College is
7 independent of the Church. It was setup by the Church
8 but it's independent of, yeah. So, to go to the
9 Church, from my point of view, is to bring in an extra
10 layer of complexity with the thing.

11 **COMMISSIONER ERUETI:** Okay. Thank you, kia ora.

12 A. Thank you, kia ora.

13 **CHAIR:** Jim, I have no further questions for you
14 because I think you've fulsomely told your story, but
15 you did say that it was a privilege for you to come and
16 give your evidence. I want to say it is a privilege to
17 listen to you, as it is to all survivors who have the
18 courage and gumption to sit there and bravely talk but
19 also because you are a person who appears to be
20 dedicated to making things better for the next
21 generation and every survivor I think we speak to,
22 whether it's in private sessions or here in the public,
23 say we just want to make it better for people in the
24 future, for children in the future, and your special
25 talent is doing something proactively for that and we
26 respect that and encourage it and encourage the
27 institutions you're working with to glean something
28 from your experience and your knowledge and your
29 ability. I particularly like the focus on restorative
30 justice process, it's one that can heal both survivor
31 and perpetrator, and so that is not the only form of
32 redress, but it is certainly a very important and
33 fruitful line of inquiry for us which we're interested
34 in.

1 So, it has been a privilege to speak to you today.
2 I hope it's not been too harmful to you and I hope that
3 you can now rest and relax, knowing you've done your
4 duty to if not God then to the Queen in the form of the
5 Royal Commission.

6 A. Thank you.

7 **CHAIR:** Thank you. On that note, unless there's
8 anything else, we can invite our kaumātua to come
9 forward for the waiata.

10

11 (Closing waiata and mihi)

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Hearing adjourned at 4.30 p.m.