

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

Under The Inquiries Act 2013

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

Royal Commission: Judge Coral Shaw (Chair)
Dr Anaru Erueti
Ali'imuamua Sandra Alofivae
Paul Gibson

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

Ms Sally McKechnie and Ms Brooke Clifford for Te Rōpū Tautoko, the Catholic Bishops and Congregational Leaders

Ms India Shores for the Anglican Church

Ms Maria Dew, Ms Kiri Harkess and Mr Lourenzo Fernandez for the Methodist Church of New Zealand and Wesley College

Ms Lydia Oosterhoff for the Survivor Network of those Abused by Priests

Mr Brian Henry for Gloriavale Leavers' Support Trust

Mr Chris Shannon and Ms Clare Sykes for Gloriavale Christian Community

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

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TRANSCRIPT OF PROCEEDINGS

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21 **OPENING STATEMENT BY THE ROYAL COMMISSION**

22 **MS BEATON:** Tēnā koe Madam Chair, tēnā koutou, tēnā koutou, tēnā tātou katoa. Talofa lava,
23 mālō e lelei.

24 My name is Kerryn Beaton. I appear today at this hearing as Counsel Assisting the
25 Royal Commission of Inquiry, I am also a middle-aged non-disabled Pākehā woman with
26 long brown hair and today wearing a blue jacket.

27 I begin also by acknowledging Ngāti Whātua ki Ōrākei as mana whenua.
28 I acknowledge the survivors of abuse and neglect, including those who have passed and
29 their whānau. I acknowledge members of our Royal Commission Survivor Advisory
30 Group, our core participants and those who are granted leave to appear, and all of the many,
31 many people who have and who continue to contribute to this Inquiry's very important
32 work. Ngā mihi nui ki a koe.

1 The purpose of this opening statement is to briefly set the scene for this hearing into
2 the institutional responses of faiths to abuse in care, to explain which faiths and institutions
3 we will hear from over the next few days and the themes that will be addressed.

4 The Inquiry has the broadest terms of reference of any Royal Commission ever held
5 in New Zealand. And over the last three and a half years we have heard from literally
6 thousands of people in many different ways during private sessions, public hearings like
7 this, roundtables, wānanga, hui and fono, through formal witness statements and written
8 accounts. And this is the Inquiry's 14th and its final public hearing. And it will publicly
9 examine the responses of faith-based institutions to abuse in their care.

10 It's important to remember this hearing is just one way that we are gathering
11 evidence on these issues. During its investigations and its research and policy work, the
12 Inquiry has used its powers many times under the Inquiries Act to require people and
13 organisations, including faith-based institutions, to provide us with over – well over now –
14 a million documents containing relevant information to the issues that we are to examine.

15 And this work continues, it doesn't stop after this hearing. The Inquiry is due to
16 deliver its final report to Government by the end of June 2023.

17 Unlike most of our previous hearings, this one is not a situation where survivors of
18 abuse will be called to give evidence about what they endured in care. Instead, this hearing
19 focuses on selected faiths and their responses to the abuse that people suffered.

20 This Inquiry has heard over and over again, Commissioners, terrible stories of abuse
21 and of neglect of people in faith-based and in State care in places where they were
22 supposed to be being cared for and by people and organisations that were supposed to care
23 for them.

24 And as I said in my opening to you, Commissioners, in the August State
25 institutional response hearing, terrible abuse happened in faith and State care. And it's still
26 happening. And again, I repeat what I said then, it's not enough to say, yes, that was
27 terrible, but we shouldn't judge what happened back then by today's standards.

28 Many of the experiences of abuse and neglect in faith-based care that we've heard
29 publicly and privately were common, but they were never acceptable.

30 The whakataukī "Kia whakatōmuri te haere whakamua" (Let's look backward in
31 order to move forward) encapsulates the Inquiry's approach to these institutional hearings.
32 I walk into the future with my eyes on the past. The purpose of these last two final hearings
33 is three-fold: To seek acknowledgment and accountability, acknowledgment from the
34 faith-based institutions of the nature and extent of abuse that was suffered in their care, the

1 factors which caused or contributed to that abuse, the impacts of it, and accountability from
2 those institutions for the failures to prevent and respond to abuse.

3 Second, to hear what lessons the churches and faiths have learned from what
4 happened, what changes did they make or are they trying to make to prevent and respond to
5 the failures.

6 And third, to identify what changes are still necessary to address the harm that has
7 been caused, and what the faiths and the Crown still need to do to ensure that the factors
8 which allowed abuse to occur in faith-based care settings don't continue.

9 The challenge from this Royal Commission to the faith-based institutions and the
10 State is to participate fully and openly in this process, in this hearing, as we examine how
11 they can address the harm that was caused and how they can act to prevent further abuse in
12 the future.

13 As I said, the Royal Commission has heard from survivors from hundreds of
14 different institutions, including faith-based institutions and organisations, and it is not
15 possible to require all of those institutions to participate publicly in this hearing. But many
16 have provided written evidence to us and information to the Inquiry during the course of its
17 investigations.

18 In this hearing, the Inquiry will publicly focus on faith-based education for two
19 reasons: Because a large proportion of the survivors who have suffered abuse in
20 faith-based care and who have provided evidence to us about that, they were abused and
21 neglected in education settings. And schools are an example of the systems and the
22 structures that operate under the various faith-based institutions.

23 We heard evidence in our August State hearing from the Ministry of Education, the
24 Education Review Office and the Teaching Council, as well as other State agencies that
25 have a role in faith-based education, and many of the topics that were addressed in
26 questioning there will continue into this hearing.

27 We will hear evidence from representatives of three schools: St Patrick's College,
28 Silverstream; Wesley College; and Dilworth School which were selected because they are
29 examples of the systems that operate under the Catholic, the Methodist and the Anglican
30 institutions.

31 There will also, though, be evidence from leaders of other faith-based institutions in
32 this hearing that we haven't heard from publicly before: The Gloriavale Christian
33 Community, the Methodist Church of New Zealand, the Presbyterian church of Aotearoa
34 New Zealand, Presbyterian Support Central and Presbyterian Support Otago.

1 Questioning at this hearing will focus on a number of topics and they include the
2 following: The handling of complaints -- the Inquiry has heard from survivors about being
3 disbelieved when making complaints to the church, being belittled, and the leaders of faiths
4 viewing abuse as the fault of the survivor themselves; the culture of silence and the barriers
5 for survivors of abuse and for witnesses within the institutions from speaking out; the
6 nature and extent of the physical, sexual, psychological, cultural neglect; the failures by the
7 faiths to prevent abuse and to take responsibility for it; the autonomy of faith-based
8 institutions and whether there was and is a culture of impunity; the monitoring, the
9 oversight and safeguarding policies and practices of the faith-based institutions in caring for
10 children and adults at risk; how racism, ableism and bias has impacted on survivors,
11 including the extent to which the faiths supported or undermined the cultural continuity of
12 Māori and Pacific people, and whether they met the care needs of disabled people and
13 people with mental health conditions; Te Tiriti-based failings of the institutions; the focus
14 on the protection of church and reputation, including the use of, what's coined, the
15 “geographical cure”, a response of moving individuals accused of abuse to new locations;
16 the lack of record-keeping or the destruction of records by faith-based institutions; and the
17 lessons learned by the faiths and what steps they're taking now.

18 So while questioning over the next few days of this hearing will focus on many of
19 those issues, time will not permit us to publicly question every faith or every witness on
20 each of those topics. But those issues are being addressed in other ways. The Commission
21 has and continues to receive evidence and information in many non-public ways, including
22 under these formal Notices to Produce under the Inquiries Act, and we continue to welcome
23 and encourage the survivors of abuse and neglect in both faith and State care, and witnesses
24 to abuse, to contact the Inquiry to share their experiences with us.

25 In total, during this hearing, Madam Chair, you will hear evidence from 26
26 witnesses. Some sessions will involve multiple people giving evidence together in the
27 witness box as occurred in the August hearing.

28 There is an updated hearing plan now available on the Inquiry's website, but
29 I confirm that today we will hear evidence from leaders of the Gloriavale Christian
30 Community. Tomorrow the hearing will not be sitting. But we will resume on Monday, 17
31 October with evidence from representatives of St Patrick's Silverstream School and from
32 Catholic leaders.

33 On Tuesday next week we will hear evidence from representatives of Wesley
34 College and leaders of the Methodist Church.

1 On Wednesday 19 October, Presbyterian leaders will give evidence, followed by a
2 session later that day with evidence from Dilworth School representatives which will roll
3 over into the Thursday and will be followed on the Thursday by evidence from leaders of
4 the Anglican Church.

5 As you indicated, Madam Chair, the faith-based institutions who are giving
6 evidence and other organisations who are core participants in this hearing will each have
7 the opportunity to give a short opening statement like this. You will hear some of those this
8 morning, but others will be made at the beginning of the relevant session of evidence
9 relating to that faith.

10 Each of the faiths who have witnesses appearing in this hearing have filed formal
11 briefs of evidence for those people. Those briefs of evidence will be available to the public
12 for review on the Inquiry's website after the witnesses give their evidence, but there are
13 short biographies of each of those witnesses, who will appear at the hearing, on the website
14 now.

15 At beginning of each of the evidence sessions, the faith or the school will have the
16 opportunity to give additional oral evidence, addressing topics they wish to highlight in the
17 public nature of this hearing. There will then be questioning from Counsel Assisting the
18 Commission, one of my team, and there may be questioning from core participants and, of
19 course, from Commissioners.

20 Madam Chair, in relation to the use of documents, there will be references by
21 witnesses to documents where that is necessary, but different from our previous hearings,
22 the documents themselves will not be shown, will not be livestreamed. This is because
23 they have not been redacted to protect privacy rights of people, including survivors, and so
24 they cannot be published. Instead, as we have always tried to do, the lawyer asking the
25 questions will ensure that the relevant part of the document is read out loud into the hearing
26 transcript.

27 And for similar reasons, Madam Chair, in this hearing the names of survivors, of
28 perpetrators, and witnesses will usually be anonymised in questioning to protect privacy.

29 At the end of the evidence next Thursday afternoon, you will begin to hear closing
30 statements from the faiths and from the core participants and these will likely continue into
31 the Friday morning. And then at the completion of the closing statements from participants
32 and, as is entirely fitting, we will hear from members of our Survivor Advisory Group who
33 will address you and reflect on the journey of this Commission, before Ngāti Whātua will
34 formally close the public hearing chapter of our work.

1 Finally, I confirm I appear today, Commissioners, with a team of counsel who have
2 worked across the range of our investigations, Simon Mount KC, Katherine Anderson,
3 Tania Sharkey, Michael Thomas, Kathy Basire and Alisha Castle.

4 I wish to also acknowledge the huge preparation that has gone into this hearing from
5 the Inquiry's in-house teams across the board, ably led by Rebecca Harvey-Lane, Richard
6 Roil, Amy Prentice, Alex Leulu, and Lucy Wesley-Smith.

7 Tēnā koe, Madam Chair. I understand we'll now hear from my colleague for the
8 Crown.

9 **CHAIR:** Tēnā koe, Ms Beaton, and kia ora anō, Ms Schmidt-McCleave.