

**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'imuumua Sandra Alofivae
Paul Gibson

Counsel: Mr Simon Mount KC, Ms Kerryn Beaton KC, Ms Katherine Anderson, Ms Tania Sharkey, Mr Michael Thomas, Ms Kathy Basire and Ms Alisha Castle for the Royal Commission

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

Mrs Fiona Guy-Kidd, Mr Jeremy Johnston and Ms India Shores for the Anglican Church

Ms Maria Dew KC, Ms Kiri Harkess and Mr Lourenzo Fernandez for the Methodist Church and Wesley Faith

Mr Brian Henry, Mr Chris Shannon and Ms Sykes for Gloriavale

Ms Sarah Kuper and Mr Matthew Hague for the Presbyterian Church

Ms Helen Smith and Ms Sarah Kuper for Presbyterian Support Central

Mr Sam Hider for Presbyterian Support Otago

Mr Andrew Barker and Ms Honor Lanham for Dilworth School and Dilworth Trust Board

Mr Karl van der Plas, Mr Jaiden Gosha, Ms Rachael Reed and Ms Ali van Ammers for the Dilworth Class Action Group

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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16 Now I have lost my run sheet -- here we go. So that concludes the submissions
17 from the faith-based institutions, and now we lead appropriately into hearing submissions
18 on behalf of survivors and the first group of survivors is the Dilworth Class Action Group.
19 Welcome back, Ms Reed.

20 **CLOSING STATEMENT BY THE DILWORTH ACTION GROUP**

21 **MS REED:** Madam Chair, Commissioners, ko Rachael Reed tōku ingoa, no Tamaki Makaurau
22 ahau, ko Ohinerau te maunga, ko Tāmaki ki te awa. (Rachael Reed is my name, I am from
23 Auckland. Ohinerau is the mountain, Tamaki is the river). I appear along with Ali van
24 Ammers and Karl van der Plas, who you met earlier, for the Dilworth Class Action Group.

25 For those who need the assistance of a description, I am a 51-year-old woman and I
26 would like to think that I am taller than I am at 5 foot 7 and a half, I am Pākehā and I wear
27 a black dress with a blue jacket, and glasses. I have mousey-blond shoulder-length hair.

28 **CHAIR:** Just bring your microphone a little bit closer.

29 **MS REED:** In contrast, Ms van Ammers is a 37-year-old Pākehā woman, she's 5 foot 8, with
30 blond hair tied in a bun, she's wearing a dark navy suit and a light blue and pink blouse,
31 which actually means in summary she is younger, taller, slimmer, and prettier than me.

32 Mr van der Plas opened to you on Wednesday with the whakatauki: He waka eke
33 noa, we are all in this boat together. We have filed written submissions of the closing
34 address for the Commissioners and you should also have that in Word and in hard copy

1 form. We won't be able to address, in the time we have allocated, all parts of that closing
2 address, so we do ask you for your indulgence to only take highlights from it or parts of it
3 and skip through that closing address, but it was important for us to be able to do that in full
4 in writing to the Commissioners.

5 **CHAIR:** May I thank you and your team for doing that, they are very comprehensive. We only
6 received them recently --

7 **MS REED:** Of course.

8 **CHAIR:** -- so we haven't been through them, but you can be assured that we will be reading them
9 carefully and, again, they will be on the website for others to read. Thank you.

10 **MS REED:** Thank you, Madam Chair.

11 In this closing address for the Dilworth Class Action Group we address two key
12 issues, first, Dilworth's response to abuse at the time and secondly, its more recent redress
13 response. It is intended, with your indulgence, to split this closing address between myself
14 and Ms van Ammers, and the reason for that is important.

15 The work involved in this Dilworth Class Action Group has been immense for all of
16 us involved and we are all working -- I'm so sorry, I'm normally far too loud rather than far
17 too quiet.

18 **CHAIR:** And maybe a little far too fast as well.

19 **MS REED:** Of course, I will try and slow down. Thank you.

20 **CHAIR:** That's fine.

21 **MS REED:** It has been immense, the work for all of us involved, and as the Commissioners are
22 aware, we are with pride, working pro bono for the survivors of Dilworth. But it is
23 important that the huge contribution of each member of this team is recognised in a small
24 way and for Ms van Ammers that is in presenting part of this closing address to the
25 Commissioners.

26 So with that indulgence, if I could turn to Ms van Ammers for the first part of that
27 closing address.

28 **CHAIR:** Certainly.

29 **MS VAN AMMERS:** Thank you.

30 In opening we questioned whether in their approaches to redress and abuse Dilworth
31 and the Anglican Church have joined survivors in their waka, working together in
32 partnership, honouring the principles of shared values, recognition and mutual respect.

33 Now is not the time for us to address the Anglican Church's response. Discussions
34 between our group and the Church are still ongoing and in early stages. However, the Class

1 Action Group was heartened by the insight shown by the witnesses for the Church during
2 their evidence.

3 We encourage the Church to continue in this way and maintain that approach in its
4 discussions with us going forward.

5 Unfortunately, our experience with Dilworth has not been the same. Having heard
6 accounts of survivors across many decades, and now having heard the evidence from the
7 school, the school did not join with survivors at the time complaints were made and nor has
8 it now. Regrettably, our experience with Dilworth is not a redress success story. At least it
9 isn't yet.

10 Overall, the impression we have got is that the school is more concerned about the
11 Dilworth legacy or perhaps the perception it has of that legacy, rather than the reality of
12 students' experiences and the well-being of individual survivors. Certainly, that is the way
13 that their actions in recent times have been perceived by the survivors that we represent.

14 I will address our submissions on Dilworth's response to complaints of abuse as
15 they were made. All Dilworth witnesses acknowledged that the school's responses were
16 inadequate, at least until 2018. Plainly that was the case. While Dr Wilton and Mr Firth
17 appear to accept that had they known then what they know now, they would have acted
18 differently, they both attempted to justify and excuse their own and the school's failings.
19 Listening to those aspects of their evidence was extremely difficult. So long as these men
20 refuse to accept that they not only could but should have done better for survivors, their
21 apologies ring hollow.

22 For any apology to be meaningful, it must include an understanding of and
23 admission of the wrongdoing, but we have heard neither. In considering Dilworth's
24 responses to complaints, four key themes emerge from the evidence: The sheer number of
25 complaints and the number of offenders; Dilworth's lack of understanding of sexual abuse;
26 the school's failure to properly investigate allegations; and the school's extremely poor
27 treatment of complainants.

28 I will address each of these themes briefly in turn. To be absolutely clear, nothing
29 that has come out over the last few days establishes that there was no cover-up, or provides
30 any comfort the complaints were properly dealt with when made.

31 As the Commission is no doubt aware, Mr Wilton and Mr Firth's evidence is by no
32 means a comprehensive account of all of the complaints that were made to the school over
33 the years. Many other complaints were made but were not believed and were not elevated
34 to the Board.

1 Even if we accept the school's evidence at face value, allegations of sexual abuse
2 were not comparatively rare as was suggested; they were endemic. When Dr Wilton started
3 at the school, the first chaplain had just been moved on for sexual offending. During his 18
4 years as headmaster, he received complaints about five different staff members, two more
5 staff members were complained about after he left. That's seven known offenders. We
6 now know that there were at least 12.

7 This was a very small intimate school and consistently had sexual offenders
8 operating at it over four decades. For most of that period there were multiple offenders
9 operating at any one time. Many boys were abused not by one but by multiple offenders.
10 The unavoidable conclusion is that there was something in the culture of the school that
11 allowed the abuse to occur in the first place and then to continue.

12 Indeed, at his sentencing, Ian Wilson referred to being introduced to the
13 degenerative behaviour when he first arrived at the school in the 1970s. The suggestion
14 was that this was learned behaviour that was accepted amongst the staff. He was promoted
15 to assistant principal, relied on by Dr Wilton and remained at the school until he was
16 convicted for sexual offending in 1997.

17 Dr Wilton and Mr Firth's inability to see that the incidents that were reported to
18 them were serious demonstrates that the school has historically lacked knowledge and
19 understanding of sexual abuse, the dynamics of that abuse, key concepts like consent and
20 grooming. I'll just briefly touch on two examples.

21 Looking at the first chaplain, this man was in a position of special power and
22 influence. He was charged with the pastoral care and spiritual guidance of students. He
23 had been accused of inappropriately touching numerous boys, many of them very young
24 and all of them extremely vulnerable. It is difficult to envisage a world in which it was
25 appropriate for the school to simply move him on without reporting him to the Police.

26 Leonard Cave. In 1981 a boy reported that Mr Cave had plied him with alcohol in a
27 social setting and inappropriately touched him. Dr Wilton and Mr Firth sought to minimise
28 this incident by focusing on the supply of alcohol. Dr Wilton gave Mr Cave a glowing
29 reference so he could get another job in education. He says that is what the survivor
30 wanted. Even if that's true, and I'm not convinced that it is, this survivor was a young boy
31 who had recently been traumatised.

32 Dilworth was a powerful institution. It had a duty to protect vulnerable children.
33 Because it failed to do so, Mr Cave went on to offend at another school.

1 If Dilworth did not know the full scope and scale of the abuse occurring within its
2 walls, well, that's because it chose not to. On the school's own evidence, each time it
3 received a complaint, it failed to properly investigate the details of the abuse that occurred:
4 Whether any other boys had been abused by the same offender, whether any other staff
5 members had been offending in similar manners, what factors had enabled the offenders to
6 perpetrate the abuse, or what could have been done to prevent similar incidents from
7 occurring in the future.

8 Any investigations that were carried out were undertaken by the school itself and
9 cursory at best. The chances of the scale of the abuse coming to light were reduced by the
10 school's own actions in proactively seeking name suppression when offenders were
11 prosecuted and convicted for their crimes. Had it not done so, many other survivors would
12 have known that they were not alone. They might have come forward. Instead, the school
13 sought to and did maintain a culture of silence into the 2000s.

14 If the school had undertaken adequate investigations, reported incidents to the
15 Police, or not sought name suppression, the full scale of the abuse by each offender could
16 have been discovered and dealt with at the time. Offenders would not have been able to
17 simply move on and continue offending against children.

18 Survivors could have shared their stories and experiences earlier and received
19 support and redress decades ago. Much trauma and suffering could have been avoided.
20 Instead, the school left it until 2017, 40 years after the first chaplain's offending came to
21 light, to start looking into whether the school was in fact a safe environment.

22 It took the courage of survivors and Operation Beverley for the abuse to be
23 unearthed and confronted. It took even longer still with the Class Action Group's
24 intervention for the school to finally commission an inquiry and establish a redress
25 programme.

26 Lastly, Dilworth's treatment of complainants has been, quite frankly, disgraceful.
27 We heard yesterday about how long it takes survivors of sexual abuse to come forward, and
28 it is often decades. However, many boys bravely reported abuse at the time that it
29 occurred. Sadly, many of them were not believed and none of them were taken care of as
30 they should have been.

31 Strikingly, there is no evidence that any of the survivors who reported abuse to the
32 school were provided with any form of pastoral care or support. Mr Firth said that the
33 Board directed Mr Parr to ensure that the first chaplain's victims received counselling.
34 However, as he accepted, nothing was done to identify any other victims. Whatever

1 Mr Parr was told to do or in fact did, none of the survivors who were identified received
2 any support of any kind.

3 The school's treatment of survivors is a product of the attitudes of those in power:
4 The Board and the headmasters. Despite having handled sexual abuse cases as counsel and
5 having been involved in the Centrepoint proceeding, Mr Firth's attitude to survivors has
6 been callous in the extreme. His letter to Frances Joychild KC was chilling. If that was his
7 position then, surely it was his position in the decades prior and still is.

8 Even in his statement, Mr Firth criticised Mr Harding for media statements
9 suggesting that Dilworth had harboured known offenders. He referred to Mr Harding as
10 "mischievous". That characterisation of a survivor speaking out against abuse and those
11 who allowed it to occur is completely unacceptable. It is symptomatic of a culture of
12 disbelieving and disrespecting survivors.

13 Mr Firth accepted that his attitude reflected his age and his life view.
14 Unfortunately, the Board was made up exclusively of older Pākehā men with commercial
15 backgrounds for the entire duration during which the complaints were received. In these
16 circumstances, it is no wonder that the school's approach to complainants was so harsh.

17 Mr Snodgrass recorded the school having much the same attitude in 2018 -- worried
18 about money. The demographic of the Board has remained largely the same.

19 In summary, Dilworth's past responses to complaints of abuse have been woefully
20 inadequate, to put it lightly. The school failed survivors and their families. The consequent
21 harm has been immense and it continues today. Thank you.

22 **CHAIR:** Thank you, Ms van Ammers.

23 **MS REED:** Thank you, Commissioners. Now turning to the current redress programme, and this
24 is at -- from paragraph 43 of the closing address, although I won't follow exactly along, for
25 time purposes.

26 Turning to that response and in particular the independent inquiry, the redress
27 programme and the listening service, there are three areas we wish the Commission to
28 consider.

29 The first, which is important, is the process by way redress was reached and what
30 that says; second is the outcome of the redress process; and the third is the current culture
31 of the school as it relates to abuse and redress.

32 The last point is important, because culture drives behaviour and institutional
33 culture determines whether redress is truly restorative. Dilworth's process and the eventual
34 response demonstrates the culture of the Board now.

1 Having heard that evidence, one would be forgiven for thinking that the process by
2 way redress was reached was a collaborative and constructive one and it was unfortunately
3 not. As Mr van der Plas noted in our opening address, the process was akin to a
4 commercial negotiation and there was an absence of genuine recognition, mutual respect
5 and partnership.

6 As one of our clients described it, it was a game of legal tennis with no regard to the
7 trauma they have suffered and the impact that that approach would have. It's not possible
8 within this address to comprehensively talk through the process by which redress was
9 reached today. Because of that, our remarks are just brief.

10 But, in summary, a few key points of the process. First of all, prior to our clients'
11 complaint to the Human Rights Commission being filed, Dilworth had not apologised for
12 its role in the abuse, nor had it offered or even indicated that it wished to engage in redress.

13 On filing of the complaint, we wrote to Dilworth inviting them to work with us on
14 redress and in particular the establishment of an independent inquiry and an independent
15 process for administering comprehensive redress.

16 Dilworth responded in a legalistic fashion, refused to engage in discussion
17 immediately about redress, and rejected dealing with us on a class action basis.

18 The class action was obviously required to address the power imbalance for
19 survivors. And it is an avenue where we are genuinely committed to survivors getting full
20 redress in a manner that does not provide further trauma to them, and that was the time and
21 we were the people to engage with, and of course there are other survivor groups too. But
22 we have over 130 registered survivors of Dilworth in our class action.

23 Despite Mr Snodgrass's suggestion that the Board had been exploring an inquiry
24 since 2018, Dilworth initially refused our request and calls for a commission of
25 independent inquiry, noting that it was unnecessary because this Commission would be
26 considering abuse at the school. At that point, of course, the constraints that would be on
27 the Commission were known.

28 We conducted several detailed survivor surveys which we provided to Dilworth and
29 at no point have the Trust Board themselves met with us or our clients despite requests.
30 Still to this day, Mr Snodgrass has not met us and when I last looked was not in attendance
31 today to be heard, and that physical presence, or absence, is noted.

32 Witnesses for the Anglican Church also noted that Dilworth's approach was one of
33 consultation, not collaboration, and that is where the distinction lies, and that is crucial for

1 survivors to feel that they are brought back into the fold, that they are listened to, that they
2 lead what they need and the school hears what they need, and that has not occurred.

3 When Ms Anderson asked Mr Snodgrass about the distinction between consultation
4 and collaboration with survivors in the redress programme, he rightfully acknowledged that
5 he could have done better and when pressed he provided two explanations for why that
6 wasn't done, the first being one of timing; and the second being one of a lack of
7 understanding of abuse and how to respond to it.

8 Well, if they had come on board our waka, they may have gained that understanding
9 and committed to that collaborative process. We suggest and submit that the Commission
10 should take a very critical view of this.

11 Our timeliness. Our discussions with Dilworth occurred over nearly a year rather
12 than the four months suggested. Over 100 communications were sent between the parties.
13 Timeliness was simply not an issue. There was time to adequately collaborate and bring us
14 on board. This was a cultural response and a cultural response driven by what had been the
15 past of Dilworth and what Dilworth does.

16 Just segueing a moment away from the closing address. Primarily, Dilworth is a
17 large commercial organisation set up by the will but primarily manages property and has a
18 school. If you look for a moment at the assets of Dilworth and the limb of the school and
19 the constitution of the board, you will see that it is a commercial entity and driven by
20 commercial and property interests and there is a commitment of course to the school which
21 has wonderful aims, should they be able to complete it.

22 But primarily, that commercial approach has infected the process of redress,
23 meaning it is not collaborative, it is commercial.

24 The reality of it was that it was a commercial negotiation where Dilworth was
25 focused on dismissing our clients' complaints and moving through the process quickly so
26 that they could say they offered redress in a manner without understanding the needs of
27 survivors. It meant that in doing so they were taking the view of limiting their own
28 financial exposure, pursuing their own interests rather than engaging with survivors with
29 recognition and mutual respect -- and I do underline the word "respect" -- in a collaborative
30 approach, and that further proliferated the power imbalance between Dilworth and the
31 survivors and very sadly through this process has caused them further trauma, because they
32 are not listened to.

33 Turning to the outcome of the redress programme, and I do appreciate we have been
34 over time and I will be as quick as I can, but it is important to address this briefly if I could.

1 We do acknowledge at the outset there has been progress despite the process by which it
2 was reached. It was hard reached but we have had progress from where we started from.
3 And the independent inquiry has our utmost support and survivors have had positive
4 engagement with the inquiry heads.

5 The redress programme that is now in effect is very different to what it started out
6 as being. Many of the changes we have suggested have been accepted. However, there are
7 fundamental issues that remain and we can't set them all out in the time that we have, but
8 just in terms of an insight into what those are that remain, because they are quite
9 fundamental.

10 The first, and I have this at paragraph 58(a) of the closing address, is the issue of
11 boy-on-boy abuse. Dilworth did not initially include that at all within the redress
12 programme. We finally, after consultation, got to the point where the terms were extended
13 to the extent set out in subparagraph 6. I'll read that briefly. It includes:

14 "Sexual abuse by another student where a Dilworth representative failed to take
15 reasonable steps to protect against the potential for that abuse or where the sexual abuse
16 was encouraged or permitted by a Dilworth representative."

17 The message is that boys who were sexually abused at Dilworth by another student
18 will -- may or may not, get redress, depending on the evidence that they'll be able to present
19 as to whether a representative should have known for the potential of the abuse and done
20 something about it. They seek to distinguish between boys who were sexually abused
21 under their watch. That is not redress for all survivors of sexual abuse at Dilworth. It is
22 still carving out survivors from obtaining redress.

23 There are still concerns about the parallel process running in tandem and how
24 survivors will engage and how much they will be required to engage with one or both. It
25 was interesting to hear Mr Barker address that there has been a terms of reference or a
26 protocol between the inquiry and the redress programme. That was the first we had heard
27 of it. We have not seen it. We have not been able to comment on it. No consultation, no
28 collaboration with us.

29 In terms of the cap, survivors saw this as Dilworth, the entity that allowed their
30 abuse to occur, to be unilaterally determining the price for it. Mr Snodgrass says they had
31 to have a cap and we reject that. If they wished to establish a cap because of their trust
32 deed, they could have sought advice and a recommendation from the redress panel, having
33 heard the outcome of the inquiry and then set a cap. But at present, setting a cap now,
34 before the outcome of the inquiry, means they do not know the facts on which it is based.

1 They do not know what they are providing redress for. It is illusory and it is simply done to
2 limit the financial obligation of the school so that they can commercially, as they do, put a
3 number on it.

4 **CHAIR:** Ms Reed, had the survivors group heard of the responses to our questions the other day
5 about, when we drilled down as to what was available to survivors in terms of being able to
6 put a claim in now, that it could be revisited later, etc? Was your group aware of that
7 before this hearing?

8 **MS REED:** We are aware of the terms. Now, the terms themselves are not wonderfully clear
9 because a survivor still has to sign in full and final settlement if they receive redress.
10 So -- and then the redress panel may, should it wish, revisit that redress after the outcome
11 of the inquiry. If we just sit back and think about that process for a moment and how that
12 practically may occur, the inquiry comes out after a survivor has got redress, the survivor
13 may never see the outcome of the inquiry or realise that parts of it indicate that their redress
14 should have been greater.

15 The redress panel may well not go back to the inquiry, review every part of it,
16 review all redress they've already ordered and determine whether or not that should be
17 rectified based on the findings, or even how those findings may impact the position if the
18 survivor had known that.

19 So there are real difficulties in that type of process which, in our view, should have
20 been avoided. And there were other ways to deal with it. For example, if a survivor was in
21 great need, there could have been a preliminary payment to meet that need with redress
22 determined later when the outcome of the inquiry is known, without a survivor then having
23 to find an inquiry report, determine whether or not it relates to them, put their hand up and
24 go through the process again of reassessment.

25 So there are other avenues, other ways that it would have met that initial concern,
26 and that is not what has occurred and, in my submission, is not in the best interests of
27 survivors.

28 **CHAIR:** Is there an ongoing relationship and communication in relation to this scheme? There
29 was indications from, I think Mr Snodgrass, that they were open to further discussions
30 "evolving" I think was a word that was used quite a lot. Is the action group involved in that
31 "evolution"?

32 **MS REED:** Standing here right now, no, I have not heard of an evolution or been invited on
33 behalf of the Dilworth Class Action Group to evolve the programme. We proactively still

1 pursue these issues with the resources that we have, but no, certainly not, I have not seen an
2 invitation.

3 **CHAIR:** So, in a nutshell, what the action group is seeking is the collaboration, collaborative
4 approach that you referred to at the beginning.

5 **MS REED:** That's right and our message today that we want to send, and that can probably take
6 me to my conclusion quite nicely, which should give some comfort on timing too, I'm
7 sorry, Madam Chair, but the message today is that it is not too late.

8 **CHAIR:** Yes.

9 **MS REED:** We remain here ready, willing and able, as we always have been, to do the best for
10 survivors of Dilworth, and Dilworth can come to us, Dilworth can come on our waka and
11 do the right thing by them. And it is about determining first what the right thing is to do
12 before then working out the legal technicality of how you achieve that.

13 So our message to the Board, and I do hope that they are listening online, even
14 though not physically present, that they should come to us and change that approach and do
15 the right thing by survivors now rather than barrelling on with a redress programme that is
16 deficient, that does not meet their needs when they have been told it does not meet their
17 needs. He waka eke noa. Thank you.

18 **CHAIR:** Thank you, Ms Reed, and I think it should be noted that Mr Barker for the Trust is in the
19 room.

20 **MS REED:** He is indeed.

21 **CHAIR:** And I am sure ears wide open.

22 **MS REED:** Yes, thank you, Madam Chair, but the point is the message it sends.

23 **CHAIR:** Yes. It's the actual representatives who are missing.

24 **MS REED:** And it's the dismissal of the survivor voice and not being present to hear it and not
25 giving it that level of respect to do so. They should be in the room. Thank you.

26 **CHAIR:** Well, may I thank you sincerely, Ms Reed, and your team. It is not overlooked that you
27 are doing this pro bono and I think the survivors can be very grateful for that work that you
28 are doing.

29 I just want to thank you on behalf of the Commission for your cooperation with us.
30 Again, it's a lot of work, we appreciate that, and we are very grateful that we've had the
31 responses to our questions, the submissions and all the rest of it.

32 But can I just say, again, grateful to the survivors, for their presence through the last
33 few days, for the petition that they gave up to us, it was a very valuable document which we
34 are taking seriously, and just to know, as for everybody else, that the door is not closed

1 although this hearing is over, the door is not closed to survivors and we welcome their
2 approach as well.

3 **MS REED:** Thank you for the opportunity.

4 **CHAIR:** Thank you very much, Ms Reed.

5 **MR BARKER:** Madam Chair, can I just -- just on Mr Snodgrass's availability, because I wouldn't
6 want that to be seen as any disrespect to the Commission or, indeed, of course, the
7 survivors.

8 **CHAIR:** Yes, Mr Barker.

9 **MR BARKER:** This hearing was originally, of course, going to be on Friday.

10 **CHAIR:** Yes.

11 **MR BARKER:** However it got changed, it was very -- he lives in Gisborne, it was very difficult
12 for him to get up for Wednesday and Thursday, which he was able to do, but we didn't
13 know that the Class Action Group wasn't closing until about mid-afternoon yesterday.

14 **CHAIR:** Right.

15 **MR BARKER:** And so he wasn't able to -- A, flights were a difficulty but B, he just wasn't able
16 to change his work commitments he had for today. So his apology, but I wouldn't want it
17 to be seen as in any way a disrespect to the work that's being going on.

18 **CHAIR:** Thank you, Mr Barker.