

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

Under The Inquiries Act 2013

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

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

Counsel: Mr Simon Mount QC Ms Hanne Janes, Ms Katherine Anderson, Ms Kerryn Beaton, Mr Winston McCarthy, Ms Lorraine MacDonald, and Ms Kirsten Hagan for the Royal Commission
Ms Jenny Stevens, Mr Matthew Gale and Ms Jaime Laing for The Salvation Army
Mrs Fiona Guy Kidd QC, Mr Jeremy Johnson and Ms India Shores for the Anglican Church
Ms Sally McKechnie and Mr Alex Winsley for the Catholic Church

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

Date: 17 March 2021

TRANSCRIPT OF PROCEEDINGS

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

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

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

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

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

19 **CHAIR:** Tēnā koe Ms Guy Kidd.

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

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

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

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

25 A. Afternoon Commissioners.

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

27 A. Thank you.

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

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

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

32 A. That's right, yes.

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

34 A. Correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **Q.** Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **A.** Certainly.

20 **Q.** Thank you.

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

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

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

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

27 **Q.** Thank you.

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

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

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

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

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

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

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

22 A. We have.

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

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

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

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

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

1 again in the last few years about its content.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Q. We can come back to that.

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

16 MS ANDERSON: Yes, I think—

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

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

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

24 A. Yes, I understand that thank you.

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

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

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

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

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

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

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

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

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

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

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

21 **A.** Yes.

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

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

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

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

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

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

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

10 **A.** Sure.

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

12 **A.** It is.

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

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

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

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

23 **A.** Yes.

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

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

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

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

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

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

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

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

17 **A.** [Nods].

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

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

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

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

- 1 **Q.** Just to pause there, sorry to interrupt your train, but so the Commissioners can understand
2 that under the Title D, as they were and for a period I think from at least 2000, potentially
3 earlier, when a matter is coming forward for a Title D process the bishop has had a key role
4 in determining whether to refer it on a mediation path or to refer it on a determination path.
5 So when you heard the Jacinda Thompson evidence last year, that was a Title D that was on
6 a determination aspect, just to clarify.
- 7 **A.** That's right, and I think that what I was saying before about the concept of reconciliation, is
8 that in my mind it's been the case that a mediated, professionally mediated process offers
9 the opportunity for people to face up to the wrongdoing they may have committed and the
10 impact on the other person, and so seek to respond to what it is that a survivor is seeking
11 from them as a result.
- 12 **Q.** The termination part of the Title D would also enable that person to face up to what they've
13 done?
- 14 **A.** Yes, it would, both would, yes. And I think that I've always understood—I want to perhaps
15 add to that that if it was a matter of seriousness that involved criminal activity, I don't
16 believe that a mediation process would be the appropriate mechanism to follow.
- 17 But I've always hoped that it can bring about a swifter resolution of a matter,
18 particularly, you know, in the hope that would be helpful to a complainant that matters
19 don't drag on for a long period while the determination tribunal is put in place and the onus
20 on them to come and be a witness to their own case before such a tribunal.
- 21 **Q.** I think in your witness statement you note, don't you, that the Bishop before you, Bishop
22 Paterson, you thought that there was a tendency to try and avoid using the Title D
23 mechanism during the time he was Bishop?
- 24 **A.** And bishops before him I think.
- 25 **Q.** Do you think your approach is the same or different in terms of resource to Title D as a
26 discipline mechanism?
- 27 **A.** I have not instituted a tribunal in the time that I have been Bishop, a determination tribunal.
- 28 **Q.** And that's in 10 years?
- 29 **A.** In the 10 years, that's correct.
- 30 **Q.** I know you've given the information on the number of complaints being 18, but how many
31 of those would have been in your period of bishopship?
- 32 **A.** To give you the accurate number I'd have to be able to review them, but a small number of
33 those, four or five perhaps, but I'd need to check that to give you an accurate answer.
- 34 **Q.** But none of those have gone to a Title D?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **A.** Yes.

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

1 forward that accusation?

2 A. I don't believe that we apply the concept of forgiveness cheaply. I don't believe that we are
3 driven by a desire to try and move quickly to forgive a person who has been the perpetrator
4 of abuse. Not in the sense of wanting to convey that it's okay what you did and we fix it so
5 now you're forgiven. I don't believe they're motivated in that way by that virtue or
6 aspiration. We certainly hold to it and the opportunity that exists for people to receive
7 forgiveness, the forgiveness of God in a reconciling way spiritually, and also the
8 forgiveness of others. But I don't believe we want to offer it cheaply, in cases where
9 wrongdoing has been caused it's been undertaken. And we certainly—I certainly don't
10 anticipate or put any pressure or suggestion on a survivor to in some way imply that they
11 have to be able to forgive the person, that would be a place they'd have to get to themselves
12 without pressure from me.

13 Q. We have seen in the evidence, and I'll just allude to it as a proposition rather than taking
14 you to the documents, where people have been accused, the outcome has been that the
15 complainant is believed and there have been certain sanctions imposed that might include
16 removal of a license or some other conditions.

17 We certainly see in the evidence that people can be relicensed after a period of
18 time. So my question in relation to that, and for the moment I'm just asking you to assume
19 that that has happened, on that assumption, is that influence, do you think, by the concept of
20 forgiveness or is it something else that might have resulted in that outcome?

21 A. I suppose it could be characterised as forgiveness in the sense that if it was determined that
22 after a period of time or undertaking certain work, perhaps, that a person was fit to return to
23 ministry, then you could say that by implication they had been forgiven. I wouldn't
24 personally, though, characterise it in that way. I would not want to withhold forgiveness
25 from a person who had shown genuine remorse and had taken action to improve or to
26 change. So it would be about the suitability of him being ready to return to that kind of
27 work. You could put the language of forgiveness around it but that's not the normal use of
28 forgiveness in relation to those things.

29 Q. What language would you ascribe to that?

30 A. I guess what I just said about determining the suitability of a person to be fit to return to
31 duties depending on work that they had done in relation to the matter that they'd had to
32 face.

33 Q. You've referred to having listened to the survivor evidence from the hearing last year. I'm
34 just interested in what are the sort of three or four key impacts or messages that you took

1 out of the evidence that you heard?

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

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

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

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

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

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

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

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

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

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

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

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

19 A. Indeed.

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

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

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

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

34 A. And body of advice.

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

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

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

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

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

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

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

28 A. [Nods].

29 CHAIR: That was a nod, was that a—

30 A. Sorry, my apologies.

31 Q. Hard to type a nod.

32 A. I agree yes, thank you.

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

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

3 A. Yes.

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

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

8 A. Yes.

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

12 A. Yes, I do accept that.

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

14 A. Indeed.

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

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

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

20 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **A.** Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 matters and describe them.
- 2 **Q.** So you've talked at the moment about posters that are displayed and other mechanisms for
3 people to come forward that are in development, is there something that you can point to
4 that you've done in the last two years since this Inquiry got underway, or since the
5 Australian Royal Commission reported, that you might have put in place changes to reduce
6 the impact of those barriers on people coming forward?
- 7 **A.** I think in terms of the work that I've done collaboratively with the Anglican Trust for
8 Women and Children, which is the area where in my time as Bishop, you know, I've had to
9 listen to more experiences of survivors, I think of that particular situation where together, as
10 we've listened to the changing environment and the expectations and realise that our own
11 practises, the way that I, on behalf of the Church and the trust working together, haven't
12 responded well enough to survivors, that the approach of the trust now and actively going
13 out and seeking out survivors who had previously reported abuse and seeking to bring
14 about a better resolution with them, I think that's been one thing that I'm pleased that we
15 have worked at together. So I think it brings a greater sense of those survivors being
16 believed and then an active seeking out of them.
- 17 **Q.** That's a pool of people that the Anglican Trust of Women and Children's already aware of,
18 isn't it?
- 19 **A.** Yes, and we haven't responded well in the past.
- 20 **Q.** That's right, so you're looking to potentially improve outcomes for people who have gone
21 through that complaints process, which is different from what are you doing to reduce
22 barriers from other people coming forward.
- 23 **A.** Yes. No, I regret that in the last few years no, I have not, as your earlier questions to me
24 about what could be done, I accept the challenge of that in that we haven't yet done
25 sufficient to try and improve that.
- 26 **Q.** Would there have been a change over time, so for example if somebody came to you
27 tomorrow disclosing abuse relating to a child, what would be the first step that you would
28 take in relation to that?
- 29 **A.** I'd have an obligation now to immediately report that to the registrar who will manage
30 complaints on behalf of the Church as a whole. I wouldn't be empowered in terms of any
31 process to begin any kind of process of investigation. However, I would still want to
32 respond personally to a person and to do my best to ensure that they had the support they
33 needed, any assistance that they needed and that they could see through the process of
34 bringing their complaint and allowing it to be well heard. If it related to an instance of

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

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

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

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

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

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

21 **A.** Yes.

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

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

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

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

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

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

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

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

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

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

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

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

19 **Q.** Thank you.

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

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

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

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

25 **Q.** Thank you.

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

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

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

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