

**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

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Ms Jenny Stevens, Mrs Matthew Gale and Ms Jaime Laing for The Salvation Army
Mrs Fiona Guy Kidd QC, Mr Jeremy Johnson and Ms India Shores for the Anglican Church
Ms Sally McKechnie and Mr Alex Winsley for the Catholic Church

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

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TRANSCRIPT OF PROCEEDINGS

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1 **Hearing opens with waiata and karakia tīmatanga by Ngāti Whātua Ōrākei**

2 (10.03)

3 **CHAIR:** Ata mārie ki a koutou katoa. Good morning Ms Anderson and good morning to you
4 Bishop.

5 A. Mōrena.

6 **QUESTIONING BY MS ANDERSON CONTINUED:** Mōrena Bishop Ross.

7 A. Mōrena.

8 **Q.** I'm moving on to a new topic this morning but linked to aspects that we talked about
9 yesterday. So I think you've confirmed yesterday, haven't you, that in order to be able to
10 design good systems to respond to something, you have to understand the nature of the
11 problem?

12 A. Yes.

13 **Q.** And in the context of understanding who's been abused in the care of the Church and why,
14 and what should happen, you first need to understand what information you've got about
15 what has actually happened in the past?

16 A. Yes, I agree.

17 **Q.** You've noted in your brief, I don't need to bring it up, but it's paragraph 61 of your first
18 statement, that in the 1980s there was a growing awareness of issues of sexual harassment
19 and of abuse in the Church. So are you saying that that's really at the genesis point of the
20 growth of knowledge within the Church that this is an issue for it?

21 A. Yes, that's my identification of when people were becoming more aware of this as an issue
22 for the Church.

23 **Q.** And that's consistent, isn't it, with the matters emerging in relation to the Catholic faith
24 overseas and also matters that are emerging in the Church of England overseas at around
25 that time?

26 A. And more generally in society I think, yes.

27 **Q.** I'm going to turn to some 2018 General Synod meeting minutes. They're at ANG0007970.
28 I'm just going to bring them up, we'll just look at the first page just to have you confirm the
29 document. What you're seeing on the screen at the moment is the list of attendees from the
30 three cultural streams and the laity that were attending.

31 **MRS GUY KIDD:** Just a matter of clarification, this is the General Synod Standing Committee
32 rather than the General Synod. My colleague might wish to tease that out.

33 **CHAIR:** Yes, clarify that, all right.

34 **QUESTIONING BY MS ANDERSON CONTINUED:** Yes, and that's the purpose of bringing

- 1 the document up here. So this is a meeting on 12 October 2018.
- 2 A. Yes.
- 3 Q. And what we're going to look through are the minutes which I assume are generally
4 accepted as being a reliable reflection of discussions at that meeting?
- 5 A. I appreciate they are—I'm not part of this body, but yes, I imagine they are.
- 6 Q. So although you attend the General Synod, am I right that the General Synod has various
7 committee structures under its umbrella?
- 8 A. That's right, including the Standing Committee which undertakes some of the general
9 responsibilities of the General Synod between its sittings.
- 10 Q. And how would you come to learn or be informed of what was happening, are these
11 minutes circulated to all bishops?
- 12 A. Yes, they normally are sometime after the event, I think once they've been confirmed
13 they're then circulated.
- 14 Q. So at a certain point these minutes would have come to you?
- 15 A. Yes, they would have.
- 16 Q. I'm just going to turn to page 15. So this refers to the Patricia Allan survey, that's the first
17 bullet point and I'll come back to this. So just to orientate the Commissioners, Patricia
18 Allan is a Reverend in the church retired, undertaking a PhD study and she comes forward
19 at a certain point, doesn't she, and offers to run a survey or a methodology to help the
20 Church understand the nature and extent of abuse, is that right?
- 21 A. Yes, that's my understanding of what happened, yes.
- 22 Q. And the bullet point that's highlighted there as one of the discussion points was to try and
23 retrospectively define a baseline where there hasn't been a uniform as an abbreviation of
24 collection of data may be impossible. Trying to extract information from the dioceses may
25 be difficult.
- 26 In terms of that comment there, do you think that accurately reflects your
27 understanding that there wasn't a baseline within either your diocese or within the Church
28 generally about the nature and extent of abuse?
- 29 A. I'm just looking at the context of the document as a whole to understand the idea of a
30 baseline in this context. So that's, I assume, my understanding would be that's referring to a
31 corpus of data and information that would give a place to begin from in relation to
32 measuring the extent of abuse that's occurred.
- 33 Q. So an inward looking process where what do we collectively know—
- 34 A. Yes.

- 1 **Q.** —about those that we have harmed and what do we collectively know about those that have
2 come forward?
- 3 **A.** Yes, and it relates to the comment that I made yesterday even within the diocese and the
4 way that records had been kept and stored, different approaches over the years by both
5 archivists and bishops that have made it very difficult to have, even within a diocese, a
6 good sense of the data that was available. So I think by extension that's definitely true
7 across the Church as a whole.
- 8 **Q.** So given the difficulty of just taking your own diocese as an example, you've outlined the
9 difficulty of compiling the information for the Inquiry and the fact that there's updating
10 information that's still been located?
- 11 **A.** Yes.
- 12 **Q.** So you're still in your process in your diocese of understanding what's happened in the
13 past?
- 14 **A.** That's correct, yes, in terms of drawing all of that data together. I'd like to think that we
15 found the majority or if not all of it now, but it's not impossible that there may be other
16 documents that are hidden within the wider set of files that are stored there.
- 17 **Q.** Is it fair to say that that's become a priority now because of the Royal Commission?
- 18 **A.** Yes, absolutely.
- 19 **Q.** My question to you is, when you're coming in as a new bishop in 2010, why—it doesn't
20 appear it was a priority for you at that time, would that be a fair observation?
- 21 **A.** Yes, I suppose you could express it that way. I didn't immediately, I guess, see the need to
22 begin to gather all of that data.
- 23 **Q.** It's not just immediately, is it, you didn't do anything up until the process of the Royal
24 Commission, did you?
- 25 **A.** No, I didn't, I accept I didn't understand the need to do that.
- 26 **Q.** And the survey that's referred to there, which is in evidence before the Inquiry, I'm sure
27 you've read the brief of evidence that Reverend Patricia Allan has filed?
- 28 **A.** Yes, I have.
- 29 **Q.** I'm going to take you to the survey document that you completed in this regard. This is
30 document ANG0014571. We're just going to go through beginning from page 2. So we're
31 going to just call out first of all probably all of A, making a complaint, all the bullet points
32 underneath that. So these are the questions that have come through on the survey, so this
33 first one's about making a complaint. And the question there is how do people know how
34 to lodge a complaint. We'll come back later because you make this distinction in your

- 1 evidence, don't you, between a complaint and a claim?
- 2 A. Claim, yes.
- 3 Q. We'll come back to that. But the language used in the survey is "complaint". So, what
4 would you have understood that word at that time to mean?
- 5 A. How somebody could draw to our attention that there had been an instance of inappropriate
6 behaviour.
- 7 Q. So effectively any disclosure?
- 8 A. Yes.
- 9 Q. And the next part of that sentence is what you've added in as a response, isn't it, that the
10 way that people would know is information posters displayed in churches?
- 11 A. Yes.
- 12 Q. That's the poster you referred to yesterday?
- 13 A. That's correct.
- 14 Q. And in response to who's usually the first person contacted, it could be anyone in the
15 diocese, a manager, an archdeacon or sometimes the bishop?
- 16 A. [Nods].
- 17 Q. Is that because you don't have a process that clearly says where somebody should come, or
18 do you have many doors through which people can come?
- 19 A. It's recognising that complaints could arise in a number of ways, so it could be as a result of
20 somebody seeing the poster, making contact with a diocese and office where they would
21 speak with a diocesan manager, or it would be that they have talked to somebody within
22 their parish we might then refer them to one of the archdeacons to discuss the matter with.
23 Or it could be, depending on the nature of it, that they speak to somebody who makes a
24 referral directly to me. So it's really recognising that complaint may come to our attention
25 through conversation with people who help them towards someone.
- 26 Q. So either through somebody picking up the phone ringing the number on the poster or
27 person to person interaction?
- 28 A. Yes.
- 29 Q. And in response to the question, what does this person do then, how does the complaint
30 become formal? You've indicated there the response after the question mark is what you've
31 inserted as the response, isn't it?
- 32 A. That's right.
- 33 Q. Advises the bishop. So everything comes up to you?
- 34 A. That's correct, that's what the current or the former Title D, the one that was in place until

1 recently, required.

2 **Q.** And the bishop appoints a person to meet with a complainant to provide pastoral support
3 and offer advice on options?

4 **A.** Yes.

5 **Q.** What would the options be that could be offered in that first initial meeting?

6 **A.** It would be explaining the way in which the Title D process can work, that there's the
7 option to have mediation or that it could go to a tribunal. Depending on the nature of the
8 complaint and the seriousness of it that it related to abuse or a matter perhaps of, you know,
9 failure in conduct. I mean not uncommonly we receive complaints that people are unhappy
10 about something that the vicar is doing that's not a standards issue but, you know, it's more
11 just things that are going on in the parish that they're unhappy with.

12 Sometimes therefore they won't be steered towards a more formal complaint, but
13 trying to find a pastoral solution for resolving more of a conflict issue in a parish, often
14 those come to us. But if it was an instance of abuse or misconduct, it would be about
15 discussing the opportunity for that mediated approach. But the first and foremost thing
16 would be to help a person to formalise their complaint by making a statement about it.

17 **Q.** Just want to check that I've heard you properly. Did you indicate that if it was a sexual
18 abuse matter that the mediation option would be explored?

19 **A.** No, if it was a sexual abuse matter there would be no question that it would be a formal
20 complaint to the bishop. We wouldn't be discussing mediation, we would be advising the
21 Police and discussing those options with the complainant if they wanted assistance to be
22 able to go to the Police. And then we would process it by no means by mediation.

23 **Q.** So in terms of responding to the individual coming forward at that time, are you saying
24 their options are to cooperate with a formal Title D process and/or go to the Police?

25 **A.** Yes, that's right.

26 **Q.** Do you think that leaves a big gap in the middle where there isn't actually anything that's
27 happening that's redress to the individual?

28 **A.** Along the way we would want to offer what support was appropriate and needed by the
29 person in a more pastoral way and that could involve immediate access to some counselling
30 to assist them through the process of the complaint.

31 **Q.** Would it be standard practice to be offering counselling and other forms of redress options
32 at that initial time where the options are identified here which is at that first meeting with
33 the complainant?

34 **A.** Yes, my expectation would be that those things would be discussed, as I've said, meet with

- 1 the complainant to provide pastoral support and offer advice on options.
- 2 **Q.** Do you think that at that time when somebody's having that first meeting which might
3 involve listening to the person about what's happened, and as you said yesterday, it might
4 be that an apology's given at that time, and then you're exploring options. Is there a written
5 document that you can give to people at that time so that they can understand, because, you
6 know, when people are suffering trauma it can be very hard to take in oral information, isn't
7 it, so is there a document you give them that outlines their options and their choices at that
8 point?
- 9 **A.** Our approach in the past where it's going to be a matter that's Title D is that we will ensure
10 they have a copy of the title, we recognise, however, that's a very legal document, it can be
11 difficult to interpret. And so, the person meeting with them would help them to interpret,
12 would explain it to them and what's involved in it.
- 13 **Q.** So would the person going to meet the complainant on that day be taking a copy of the Title
14 D with them?
- 15 **A.** They may or may not. They would ensure that they do receive a copy of it, however, and
16 with some explanations about what's involved. Now I acknowledge that we haven't had a
17 guide book, so to speak, that explains it, we've provided people with the title itself where
18 that's appropriate, where it seems it will be a Title D matter.
- 19 **Q.** And am I right that if we leave aside the mediation channel for the moment and just on the
20 determination channel, so just assume we're in a circumstance where you're dealing with a
21 serious level of sexual abuse, so you would be going down that determination track, what
22 are the redress outcomes that the complainant can achieve or receive at the end of that Title
23 D process?
- 24 **A.** The redress outcomes for the complainant?
- 25 **Q.** Mmm.
- 26 **A.** If there was a determination under Title D. Title D itself doesn't make any explicit for the
27 complainant in the title that I have been in the habit of using, not the new title, I haven't had
28 to deal with anything under that yet. But it would be a case for the diocese then to respond
29 in terms of what seems an appropriate redress for the person, but the title itself doesn't
30 provide for particular redress.
- 31 **Q.** That's right, because the outcomes that are specified relate to penalties that can be imposed
32 on the person who's alleged to have caused harm?
- 33 **A.** That's right.
- 34 **Q.** So Title D itself is not an avenue necessarily for any of those other redress outcomes that

- 1 you talked about yesterday that might be important to a person?
- 2 **A.** No, it's not, it's the process for holding the clergyperson, say, to account and determining an
3 outcome, determining the, you know, the facts of a matter and the related outcome, yes, that
4 relates to what should then happen to the clergyperson.
- 5 **Q.** And in relation to the comment that you made well then the diocese at the end of that
6 process might think about whether there's something they could do to help the relevant
7 individual, is that fact that that could happen recorded in a written document that's given to
8 somebody as they agree to participate in the Title D process?
- 9 **A.** No, it hasn't been.
- 10 **Q.** So what would you point to as some manifestation of an outline of what's actually available
11 to somebody who's coming forward with a disclosure of harm which fits in the response to
12 a claim side of the distinction you've drawn in your evidence, what is there to point to that
13 is potentially available to people seeking redress?
- 14 **A.** Yes, there hasn't been any documentation of those matters I regret, to be able to point to
15 anything in a documented way. In conversation we may point to and most predominantly
16 in the past it's been about support and ongoing counselling, depending on what the matter
17 has been, but we have failed to alert people to the fact that we could consider, say, financial
18 redress or other matters that they might seek that would help them.
- 19 **Q.** Or that might recognise, because yesterday we looked at the issue of, you know, the
20 impacts are lifelong?
- 21 **A.** Yes.
- 22 **Q.** So is it fair to characterise it that information's kept fairly close to the chest in the church
23 about the fact that there might be some avenue for something that costs more than an
24 apology?
- 25 **A.** I wouldn't characterise it as being kept close to the chest. What I would say is that we have
26 failed to fully consider both our responsibilities to people in that regard and to work with
27 them actively as to what is going to be helpful to them for the future. I suppose I'm saying
28 there could almost be worse than holding it close to the chest, that we haven't given actually
29 enough consideration of it in the first place.
- 30 **Q.** So if you were engaging with a survivor who'd come through a Title D process and it had
31 been found that this person had suffered the abuse at the hands of either the clergy or the
32 office holder, do you have a clear sense in your own mind about the process that you would
33 follow on receipt of knowledge of the outcome of the Title D process?
- 34 **A.** I would – I'd have to say first of all that I haven't, in my time as bishop, been in that

1 position because we haven't had such a Title D matter in the time that I've been bishop, not
2 a matter of that type. I'd like to think, however, that I would understand part of my
3 responsibility would be either to meet with the person myself or somebody to represent me
4 that was suitable to them to discuss the outcome and what should happen from here.

5 **Q.** So simply not something that you've experienced and therefore haven't really given thought
6 to?

7 **A.** I can't draw on an experience to explain perhaps what I have done, I'm saying that I would
8 like to think that as a result of that, of such a matter, that I would meet with the complainant
9 in a matter, the survivor in a matter to discuss with them what had happened and how we
10 could assist them in the future.

11 **Q.** Do you accept that both yourself and the predecessor in your role, Bishop Paterson, I think
12 you've made observations that Title D has not been used for a range of reasons, but there
13 are circumstances where it certainly should have been used?

14 **A.** Yes, I believe so.

15 **Q.** So if we were just making the assumption for the moment that you'd initiated a Title D
16 determination process and the victim survivor is participating in that because you need the
17 evidence from them in that quite formal court like process, don't you?

18 **A.** Yes.

19 **Q.** Are you saying that they – at the point of participating in the Title D they wouldn't know
20 that there was any option that some other redress outcome might be available to them at the
21 end of that process, what you've said is it would be a conversation after the outcome is
22 known?

23 **A.** Yes, what I've said is that in the past that has certainly been the case. So thinking back on,
24 you know, matters as I look at matters that had come to the attention of the bishops over the
25 years, and I'm not aware that that has been the case in the past that those options have been
26 made available to people ahead.

27 **Q.** I'm just going to return back to the document now. Just to summarise the last three bullet
28 points, it's the bishop who decides whether a complaint is serious, yes?

29 **A.** Yes.

30 **Q.** Auckland doesn't have a complaints committee?

31 **A.** No, but I seek advice as appropriate from others.

32 **Q.** But some other dioceses across New Zealand do have complaints committees, don't they?

33 **A.** Yes, some do I believe.

34 **Q.** Is there a reason why you haven't established one in your area, because normally if you

1 would be establishing a committee like that you're really looking to have the relevant
2 expertise, who are you appointing to that committee, clarity of their role, but in the absence
3 of a committee, you're saying you pull together people on an ad hoc basis?

4 A. That's correct, that's what I have done, yes.

5 **MRS GUY KIDD:** Sorry, there is a number of questions and comments in that and I think it
6 would be easier for everyone for clarity if we stick to one concept in a question.

7 **CHAIR:** It would also help the stenographer, Ms Anderson, if you could take it gently.

8 **MS ANDERSON:** Absolutely.

9 **QUESTIONING BY MS ANDERSON CONTINUED:** I'll just go back through there, so no
10 complaints committee in your diocese?

11 A. That's right, there is not a committee, no.

12 **Q.** So when you get a complaint you will, on an ad hoc basis, call together people to provide
13 the function of a complaints committee?

14 A. Yes, to offer me advice on what would be a good process.

15 **Q.** So that's your question you would have for them, "What process should I follow?"

16 A. In terms of how best to respond to the complaint and to the person presenting it, yes.

17 **Q.** And what level of expertise are you looking for in the people that you approach to give you
18 that guidance?

19 A. Some of it is people with the pastoral experience related to the issue that's been brought to
20 our attention. Some of it would be legal.

21 **Q.** So you're contacting a lawyer and you're contacting somebody with the relevant pastoral
22 experience?

23 A. Yes.

24 **Q.** Do you accept that in other jurisdictions in New Zealand where bishops have a complaints
25 committee, they might have taken care as to defining the role on the bit of paper that
26 explains what the role of the committee is, having the relevant expertise, do you accept that
27 that would be good process when you're pulling a complaints committee together?

28 A. Yes, although I had sought to seek for myself the advice that I thought is, you know,
29 appropriate in each case. I think one of the outcomes of the Title D that was put in place in
30 the year 2000 was that considerable responsibility or onus was returned to the bishop in
31 relation to complaints. So that a committee and a body of advice that had existed, that that
32 became dismantled over a period of time and that the bishop's role had become, if you like,
33 more isolated in that process.

34 **COMMISSIONER STEENSON:** Sorry, Ms Anderson, can I just ask a question.

1 A. Yes.

2 **Q.** With regards to the pastoral, do you mean for the complainant or do you mean for the
3 person accused? Can you just help me to understand the pastoral expertise?

4 A. Yes, it's advice to me in that case. So depending on the nature of the complaint, what the
5 substance of the complaint is, I'm seeking advice about how best to respond. So there
6 would be support offered to the complainant and to the respondent in terms of the person
7 I'm seeking out as to offer me advice in relation to the substance of the matter and how best
8 to respond.

9 **Q.** So in relation to the setting as opposed to potentially the, say, being trauma informed
10 experts or pastoral care?

11 A. Yes.

12 **Q.** Thank you.

13 **QUESTIONING BY MS ANDERSON CONTINUED:** Just turning over to the next page of the
14 document, the third bullet point down, one of the questions in the survey was "Who
15 investigates a complaint? What is their qualification?" And the response is, "If serious
16 we've begun to use a licensed private investigator, otherwise a senior clergyperson or
17 suitably experienced qualified lay person."

18 Can you explain the circumstances where you might think it necessary to use a
19 licensed private investigator?

20 A. Yes, that would be where there is perhaps dispute about the facts of a matter, so if a
21 complaint has been brought to me and then the respondent has been asked to make a
22 response and they deny or dispute the facts, then it allows for the fact that in some
23 circumstances a person who is qualified to investigate a matter could be used.

24 **Q.** Have you used that mechanism?

25 A. No, but it's been – was used for a while in relation to some of the Anglican Trust for
26 Women and Children matters.

27 **Q.** Just coming down to the fifth bullet point, we've touched on some of these aspects, the
28 question in the survey is, "What is the usual procedure in the dioceses of or for dealing with
29 a complaint, (a) under Title D and, (b), other" and you're asked to give a full as explanation
30 as you can. Do you want to read out what you've responded, what's written there as your
31 response?

32 A. "For Title D we follow the provisions of the canon with the bishop deciding if there is a
33 matter of ministry standards to address, progressing to either mediation or Tribunal, with a
34 report back to the bishop who makes a determination and imposes an outcome. For other

1 matters which have tended to be a break-down of relationships within the ministry unit, we
2 have used either the archdeacon to broker peace and resolve the issue or have appointed
3 two independent people (one lay, one ordained) to undertake a listening process in the
4 ministry unit, hearing all affected who have a view on matter, and then offering a report to
5 the bishop with recommendations as to possible resolution. The bishop and archdeacon
6 then implement those findings."

7 **Q.** Thank you. In terms of the distinction between the Title D process and other, in your
8 experience do the response of the church under your leadership, have they fallen in this
9 other category or have they fallen in the (a), Title D category?

10 **A.** So the many matters that have been brought to me over the time I have been bishop have
11 been about disputes within a parish over the way things are done and whether people are
12 happy with the style of leadership and what's going on, we've had to resolve quite a number
13 of those sort of issues that are not about abuse or a failure of standards. And that's what I'm
14 referring to in the latter sentences in that paragraph.

15 **Q.** So that description of how you would respond does not apply to somebody coming forward
16 with a disclosure of abuse?

17 **A.** No.

18 **Q.** So they're only in the Title D category?

19 **A.** That's correct, we've used the Title D process.

20 **Q.** Which then requires a decision by the bishop to either initiate a mediation under Title D or
21 a formal determination process?

22 **A.** Yes.

23 **Q.** Under Title D, one of those two pathways?

24 **A.** Yes.

25 **Q.** Just turning back to the – sorry, we'll just flick to the next page which is the spreadsheet.
26 So this is the nub of the survey which is wanting to have information provided about
27 complaints received in the last 30 years. This, of course, is not referring to complaints of
28 the nature you've just talked about in the parish, this is about complaints of abuse, that's
29 what the survey's directed at, isn't it?

30 **A.** Yes.

31 **Q.** And you said that it's asking for information by years, the nature of the abuse, whether
32 clergy were involved, whether other agencies were involved and outcomes; do you see
33 that?

34 **A.** Yes.

- 1 **Q.** And there's nothing in that box in terms of your response to the Patricia Allan survey, is
2 there?
- 3 **A.** That's right.
- 4 **Q.** And if we just move back to page 1 we see at the top there's an e-mail dated 31 July 2019
5 from you to Patricia Allan. I'll just wait for that to come up. And your response, you're
6 offering an apology, aren't you, for the delay in response?
- 7 **A.** Yes.
- 8 **Q.** Because you had been overseas, and you were under-strengthened in your team?
- 9 **A.** That's right.
- 10 **Q.** Would you read out the second paragraph of that e-mail please?
- 11 **A.** "I have answered it to the best of my ability perhaps without some of the detail for which
12 you may have hoped, but the flavour should be there. I am not prepared to give the detail
13 requested in section F for the purposes of a survey, mostly for reasons of confidentiality,
14 but also because of the huge amount of work involved in undertaking the research, which
15 only I could do."
- 16 **Q.** Would it be fair to interpret that as displaying a lack of interest at that point in time of
17 knowing anything about the nature and extent of abuse in the care of those in the Anglican
18 Church in the Auckland region?
- 19 **A.** No, I don't think it would be fair to characterise it in that way. That was a year which was a
20 particularly pressured year for me, my assistant bishop was very unwell and on long-term
21 sick leave, I was under quite a lot of pressure in terms of workload and I didn't understand
22 the survey to be a formal inquiry. I –
- 23 **Q.** It's not a formal inquiry, is it, it's what I talked about this internal-looking process?
- 24 **MRS GUY KIDD:** I'd ask if the witness could be allowed to finish his questions. It's very
25 important.
- 26 **CHAIR:** Thank you. I think continue with your question, I think it was asking for clarification of
27 the answer, but maybe the bishop was going to give the answer anyway. So you ask your
28 question and then we'll allow him to answer.
- 29 **QUESTIONING BY MS ANDERSON CONTINUED:** Well, perhaps I'll allow you to continue
30 and I'll come back to any follow-up questions I've got –
- 31 **A.** Certainly.
- 32 **Q.** – once you've given the full answer.
- 33 **A.** Certainly. I didn't understand this to be an inquiry into the Diocese of Auckland in those

1 matters, I understood it to be a piece of research being undertaken by an individual. I didn't
2 have the capacity at that time, we didn't have a person working in archives who could have
3 done this work. I would have had to have gone and undertaken a search in the bishop's
4 confidential records in the archives myself. I felt I didn't have the capacity for that and I
5 was uncertain about disclosing the information for reasons of confidentiality.

6 **Q.** Did you take legal advice on that issue of whether confidentiality would prevent you
7 providing anonymised information in response to a survey?

8 **A.** No, I didn't.

9 **Q.** So it was a judgment call?

10 **A.** Yes.

11 **Q.** Do you see that it might have been helpful to have contributed at that time the information
12 as I was starting to discuss with you, we touched yesterday on the value of an
13 inward-looking review by the church of its own circumstances, its own history?

14 **A.** Yes, in hindsight I can acknowledge that that would have been a more helpful thing to have
15 done, I acknowledge that.

16 **Q.** Thank you. I'm going to move on from that document now, turning to the responses that
17 were provided by you in relation to notices issued by the Inquiry. For those watching who
18 might not understand what that process is, the Inquiry has a legal power under its
19 legislation to send a formal notice requiring information to be produced to it and that is a
20 tool that has been appropriately used by the Inquiry to seek some of the baseline
21 information about the nature and extent of abuse in the care of the church.

22 So the first, just if we go to the very top of that page, just call out the language at
23 the top, the header. This is a response to notice number 11 for the Anglican diocese. We
24 don't need to turn to it, but I think you'll recall that you've signed this document --

25 **A.** Yes.

26 **Q.** -- and it's been provided to the Inquiry, and you've signed it on 12 June 2020?

27 **A.** [Nods].

28 **Q.** Without needing to go into the detail, this was the first time the Inquiry was seeking
29 information and it broadly covered what do you know about who's been enrolled where, so
30 to try and understand participation in the church and associated organisations as a first
31 component of the information, and it was also the first time that the Inquiry was asking for
32 data on complaints. Do you recall that?

33 **A.** Yes, I do.

34 **Q.** And if we turn to page 3 of this document, there's a table that begins on the last quarter of

1 the page headed "Abuse Data". Just calling that out, so anonymised information and the
2 response you've provided indicates across different time periods, we don't yet need to go to
3 the next page but just looking at this for the moment, referring to categorisation of known
4 abuse and alleged abuse is a mechanism that's been used in this response, and when you've
5 put the first entity there of – you've summarised it as an incident of sexual abuse
6 molestation between a child, parish member and a priest and that's in the alleged abuse
7 category. I'm just wanting to understand the basis on which you've differentiated where
8 you've entered somebody as being known abuse or alleged abuse?

9 A. It's where we've had information of an allegation but there was no evidence of an outcome
10 or whether a matter was proven.

11 Q. So simply a record on the file that somebody's come forward with a disclosure but you
12 couldn't tell from the file what steps had been taken in response to it?

13 A. That's right, yeah.

14 Q. And so presumably also, no record on that file of a redress response to the person who'd
15 come forward?

16 A. That's right.

17 Q. In this document you explain the steps taken to try and find the information that's been
18 requested and to be able to respond to this notice. So you indicate that the archives have
19 been searched?

20 A. That's right.

21 Q. And you make some observations that might have affected the integrity of the information
22 you were able to provide at that time. One of the notes you've made is "early bishops
23 personnel files appear to have little relevant information". Can I take it that what you've
24 done is either you or you've had somebody look at those bishops' personnel files? Can you
25 explain to us just what is a bishop's personnel file?

26 A. It's a file on each clergyperson that a bishop maintains with correspondence and other
27 matters that have related to the time of their ministry, the clergyperson's ministry,
28 interactions between the bishop and the clergyperson.

29 Q. And in your keeping of your records now that you're in this role, knowing what you record,
30 was it a surprise to you to see the minimal records that you saw in the older files?

31 A. Yes, it was. Although it's hard to know the level of correspondence and interaction that had
32 been, so – but I would have expected to have found something more than I did. And just to
33 be clear, the majority of that search was undertaken by a researcher in archives that we

- 1 appointed for that purpose.
- 2 **Q.** Yes, I think that's noted on the responses, so at that time you'd engaged a researcher?
- 3 **A.** Yes.
- 4 **Q.** And it sounds, from what you said yesterday, that that researcher is continuing –
- 5 **A.** That's right.
- 6 **Q.** – that sort of work?
- 7 **A.** Yes. And so the matters that he found, he reported to me and discussed with me and
8 explained the process that he had been following.
- 9 **Q.** I'm going to now turn to the response to notice number 12, which was asking for much
10 more detailed information about complaints. We're going to do that in two parts. One is in
11 relation to the anonymised parts of the information that I can call up on the screen. I'm also
12 then going to ask you some questions about documents that were in an appendix, but we'll
13 do that in hard copy form, a copy will be made available to you and the Commissioners.
14 And that's because of the sensitivity of some of the material, it's better just to ask questions
15 about that.
- 16 **A.** Thank you.
- 17 **Q.** So again, I think we can agree that you've signed the response to notice number 12?
- 18 **A.** Yes.
- 19 **Q.** And that you signed that on 24 June 2020?
- 20 **A.** [Nods].
- 21 **Q.** Can I just call up the last page of that document. Sorry, just a moment while that comes up
22 on the screen. So one of the declarations, you've crossed out the confirmation that you're
23 unaware of any documents that have been destroyed and you've quite properly noted there
24 that you've found that the sexual harassment correspondence for 1993 to 1996 that that
25 information was missing from the archives?
- 26 **A.** Mmm.
- 27 **Q.** Would that sexual harassment file, because presumably there are files for subsequent years?
- 28 **A.** Yes, there are files related to particular matters that that committee had assisted in from
29 other years, but we couldn't find anything related to those three or four years.
- 30 **Q.** So just to orientate Commissioners, there was a Sexual Harassment Monitoring Group
31 established in about 94, wasn't it –
- 32 **A.** Yes, the early 90s, yes.
- 33 **Q.** – in the Auckland region, and then it was discontinued in 2000 with the Title D reforms.

- 1 So is it right that the files for 96 through to 2000 are available?
- 2 A. Yes, matters that the Sexual Harassment Monitoring Group had attended to in that period
3 we can find files related to work that they had done, but nothing from this period noted
4 here.
- 5 Q. You were a member of the Sexual Harassment Monitoring Group from 96 to 2000?
- 6 A. Yes.
- 7 Q. And I think the protocols and the documentation relating to that committee stipulate certain
8 record-keeping including statistics and other information, is that right?
- 9 A. That's right.
- 10 Q. And is what would be contained in the sexual harassment – am I right there would be a
11 folder relating to Sexual Harassment Monitoring Group for the years 96 through to 2000
12 when you were a member?
- 13 A. Yes, the group would deal with matters, but not hold records itself, they would be handed
14 over for the bishop to keep confidentially.
- 15 Q. So the committee itself didn't keep a centralised record of abuse that was occurring, that it
16 was examining?
- 17 A. No, those matters were handed on to the bishop, the committee acted on behalf of the
18 bishop to manage complaints, any matters brought to its attention, and then the paperwork
19 related to that would be returned to the bishop for archiving confidentially.
- 20 Q. So the reference there to the file that's either been destroyed or otherwise disposed of for
21 sexual harassment in 93 and 96, would that be the bishop's file, his file where he might
22 have kept a file with that title?
- 23 A. It was – yes, there were files that were now in the archives so I don't know whether the
24 bishop at that time held them for a period, but this was in the file box in archives and there
25 was a note in the file box to say that this particular file was missing.
- 26 Q. Can we come to page 2 of the document. We've got a box under paragraph 4, could we
27 have all of that called out please. So what's been asked by the Inquiry is for all
28 documentation in relation to establishing or managing complaints of abuse. And what
29 you've identified there is Title D, certain 96 guidelines. But you've noted, haven't you, in
30 relation to the 1996 guidelines, this was superseded by a Title D provision in 2000?
- 31 A. Yes.
- 32 Q. So am I right this is consistent with what you've been telling us, that there's no specific
33 document available to give to a complainant coming forward with a claim of abuse, other

- 1 than giving them a copy of the legal document that is the canon?
- 2 A. That's right.
- 3 Q. And what you've confirmed in the box below, box 5, is that before 1990 no policies
4 specifically relating to sexual harassment was in place that only Title D was available at
5 that time?
- 6 A. That's right.
- 7 Q. So you're saying it's effectively bookend, pre-1990 only Title D, in the period 1990 to 2000
8 there's a mixture of factors in the mix processes?
- 9 A. [Nods].
- 10 Q. But from 2000 back to the pre-1990 circumstance?
- 11 A. A reliance on Title D, yes.
- 12 Q. And so we've agreed, haven't we, that Title D itself is not a redress process?
- 13 A. That's right.
- 14 Q. So no redress process prior to 1990, because you've only got Title D then?
- 15 A. Yes.
- 16 Q. And no redress process from 2000.
- 17 A. No, there was Title D all the way through those years as well, and the processes around the
18 Sexual Harassment Monitoring Group were to try and make up for a recognised gap in the
19 effective ability to make use of the old, the pre-2000 Title D. So bishops had been reluctant
20 to use that because it required calling a Bishop's Court was the only thing that could be
21 done. These processes were established in order to try and manage matters more
22 effectively aside from the Bishop's Court. That was the intention of them.
- 23 Q. Is that also influenced by matters that Louise Deans spoke to with the ordained women's
24 conference and the recognition by the women at that time that sexual harassment policies
25 were needed within the church?
- 26 A. Yes, that was one of the factors that had given rise in my understanding to those decisions
27 to establish those policies, because I think that was in the late 80s.
- 28 Q. And so what would you point to now as the sexual harassment policies in your diocese?
- 29 A. Our Health and Safety Working Group does have a policy on bullying and abuse that is
30 current in the diocese.
- 31 Q. It wasn't current, was it, at the time that you gave your responses to the number 92 because
32 I think you identified that was in draft and subject to legal –
- 33 A. That was in draft form, that's right.
- 34 Q. Turning now over to paragraph 10 on page 3, what the Inquiry was seeking was

1 information about how the documents that the church had prepared that related to managing
2 complaints or disclosures of abuse, firstly had regard to domestic human rights obligations
3 or international human rights obligations, Te Tiriti o Waitangi and tikanga Māori, Pacific
4 peoples and other vulnerable groups, for example, those with disabilities and mental illness.
5 And you understood, didn't you, that this is clearly within the scope of what the Inquiry is
6 looking at?

7 A. Yes, yes, indeed.

8 Q. And the response there, you've indicated that in relation to human rights a Bishop Gilbert
9 sexual harassment resource guide was relevant?

10 A. Yes.

11 Q. Just simply because it makes a reference, the second comment there – the reason is because
12 there was a reference to Human Rights Commission in it. And in relation to Te Tiriti,
13 Pacific peoples and other vulnerable peoples you've entered N/A, am I right you intended to
14 convey they were not applicable?

15 A. Yes, it might not be the best way to have shorthanded that, what I was trying to indicate
16 was that we couldn't find any evidence for how those things had been taken account of in
17 the documentation.

18 Q. Does that surprise you given the constitutional arrangements for the church where – would
19 it be right to characterise it that there's strongly express reference to the Treaty and to the
20 principles of partnership and bicultural development?

21 A. Within our constitution, yes, there is.

22 Q. And so how might, you know, leaving aside the past, how might, in a future-focused
23 manner, might you look at applying those commitments in your constitutional – they're
24 more than commitments, aren't they, they're a direction – into how you develop your
25 policies and procedures for people coming forward to disclose abuse?

26 A. I think that we have probably relied too much on the structures that we have in place now
27 where we work as partners across the Tikanga, and so I think the lived reality often within,
28 not just the Diocese of Auckland but with many other dioceses, is that we have
29 relationships with our Tikanga partner, but have failed to pay as much attention to those
30 matters within our own diocese. There's been a sense in which in some of our lived
31 experience things have been perhaps even more monocultural than they once were. We've
32 relied on the structures for Tikanga Māori, say, to give experience to that tikanga.

33 Q. Without looking to incorporate that tikanga into your own practises?

1 A. I think there are ways in which we do, but in relation to policy and matters like this we have
2 not taken those things, obviously have not taken those things into account in written
3 documentation. We have a lived partnership relating to our other partner, but I think the
4 lived experience of the church, I think we've been struggling within different ways over the,
5 gosh, you know, coming up for 30 years since our new constitutional arrangements were
6 put in place, is that our lived experience as a New Zealand diocese is that we've sadly
7 become at times even more monocultural than we once were, the absence of Māori in our
8 midst, if you like.

9 Q. So in terms of future processes, can you think of what steps you might take in your
10 leadership role in the church to ensure those aspects of tikanga Māori, Te Tiriti are
11 incorporated into your processes?

12 A. Yes, we clearly need to take more tikanga advice from experts about how we should do
13 that. I think we often find ourselves struggling a bit in all sorts of respects in this regard to
14 say what does it mean in practice or in substance to begin to try and make sense of some of
15 those things within the Diocese of Auckland.

16 Q. We're going to turn over the box to paragraph 13 on page 4.

17 **COMMISSIONER ERUETI:** Do you mind, counsel, if I just ask. Thank you for your candour.
18 So the sense is that the Treaty issues are over there, if you like, within the Tikanga, the
19 Pihopatanga o Aotearoa, by which I mean Bishop Don Tamihere in his realm, if you like,
20 as opposed to your particular diocese in Auckland?

21 A. I think what I'm trying to give expression to is that sadly the day-to-day lived experience
22 under our constitutional relationships is that it's been too easy to, you know, avoid perhaps
23 is not quite the right word, but to avoid the lived experience of our bicultural arrangements,
24 Māori and Pākehā worshipping in different places most often, strong expression of tikanga
25 within Tikanga Māori but congregations that are now perhaps more monocultural
26 struggling to know how to give effect to those things in their own life, I think that filters
27 through into some of the structural issues within the life of the diocese.

28 I want to say there's considerable effort made to maintain good relationships
29 across Tikanga, certainly between myself and the Bishop of Te Tai Tokerau, that is the
30 case. But in terms of perhaps a more lived, flax roots lived intermingling of life, I think
31 that's been quite challenging for us to actually give expression to.

32 Q. Thank you. And I'm just trying to get a sense of where the realm, is the tikanga realm
33 compared to your diocese. So is it correct that there are seven dioceses within the Pākehā
34 Tikanga?

- 1 A. Yes.
- 2 Q. And then five within the Māori Tikanga?
- 3 A. Aye.
- 4 Q. And they're geographical those regions?
- 5 A. Aye.
- 6 Q. Do they overlap with the other dioceses?
- 7 A. They do, the majority of my diocesan boundary interacts with Te Tai Tokerau and then
8 parts of North Waikato that are within the Auckland Diocese and through to Coromandel
9 are part of Te Manawa o te Wheke. So we relate to two partners but predominantly to
10 Te Tai Tokerau.
- 11 Q. There's a geographical dimension, but also you mentioned that for the Pīhopa of Aotearoa
12 there's also you mentioned Hato Tipene and Wikitoria, these other Māori schools, so is it
13 also that certain Māori kura in other organisations also fall within the Pīhopa o Aotearoa
14 realm?
- 15 A. There could be, but I'm not aware of what they are.
- 16 Q. I can take those issues up in later questions. Thank you, appreciate it, kia ora.
- 17 **QUESTIONING BY MS ANDERSON CONTINUED:** Just turning to paragraph 13 in the box
18 under that on notice number 2. Just the heading that's cut off there I'll read into the record.
19 "Documentation dealing or illustrating information available to claimants about the claims
20 redress process." So this is where you're identifying, we've had some discussion about this
21 so we won't need to spend much time here, but this is where you're identifying firstly the
22 Title D is what's available to complainants to know about what the process might be, but
23 we've agreed, haven't we, that that's not really a claims redress process?
- 24 A. That's right.
- 25 Q. And then you refer to the sexual harassment poster contacts?
- 26 A. Yes.
- 27 Q. The Title D 2010 revision and again the last two boxes you're referring to a sexual
28 harassment poster and "Harassment is never okay" poster. Are they two different posters?
- 29 A. Yes, I think the current poster is the "Harassment is never okay" poster and the other one
30 was an earlier version of it, it's not current now.
- 31 Q. We'll just call a copy of that poster up. Can we enlarge that just a little bit. This is the
32 poster that was in appendix to your witness statement, is that right?
- 33 A. That's right.
- 34 Q. Just a couple of questions in relation to this. Where would this be displayed?

- 1 A. It's asked to be displayed in a prominent place in each of our churches, ideally in the foyer
2 of the church or another place where notices are normally kept, so a public place.
- 3 Q. So intended really to be related to the religious community as opposed to your associated
4 institutions like the Anglican Trust for Women and Children facilities?
- 5 A. That's right.
- 6 Q. When was this poster developed, do you think?
- 7 A. Several years ago now, but I'm sorry I couldn't tell you exactly what year.
- 8 Q. And so it refers there to the Anglican Church has a confidential procedure to handle
9 complaints, concerns and complaints about people in ministry?
- 10 A. Yes.
- 11 Q. What is that confidential procedure that's referred to there?
- 12 A. It's the opportunity to speak with somebody to discuss a concern that you have and then be
13 helped to make a decision as to what you would like done about that.
- 14 Q. So in that procedure where a person's making a choice about what they would like done in
15 relation to that, do you outline what the range of options available to them are, like do you
16 say "We've got this menu, what do you need from it?" Or is it that the person needs to
17 articulate perhaps what they might want and then you might need to think about whether
18 you can accommodate that?
- 19 A. I think it's perhaps both of those in a sense, that it's understanding what the nature of the
20 concern or complaint is, and then helping a person to understand some of the ways in which
21 we could deal with that, and then inquiring of them what it is that they feel they would like
22 us to do or they might need in order to help them to resolve the matter.
- 23 Q. So that confidential procedure is really a practise as opposed to a written document?
- 24 A. Yes. The procedure is around the opportunity to meet with somebody to discuss process
25 and options, the complaints process, of course, is the Title D process.
- 26 Q. And in terms of the language in the next text, would you like to read that out please, the
27 next paragraph?
- 28 A. "The Anglican bishops of New Zealand have stated clearly that all such complaints will be
29 taken seriously. Further they state that any form of harassment or abuse is unacceptable to
30 the church."
- 31 Q. In terms of the language, there's a distinction drawn there in the language, isn't there,
32 between harassment or abuse?
- 33 A. Yes.
- 34 Q. Can you explain what you think the person reading that poster should understand through

- 1 that distinction?
- 2 A. My understanding would be that harassment are behaviours that are unwelcome, they may
3 relate to verbal comments or they may relate to somebody initiating too much contact,
4 wanting to have too much personal information, things where a person is left feeling
5 uncomfortable about the nature of the relationship. Abuse is in the category where specific
6 things have taken place which are failures in the standards of ministry.
- 7 **Q.** Do you accept that the language of abuse is really in the small print on the poster?
- 8 A. Yes, the main word is "harassment", yes.
- 9 **Q.** Are these posters published in a variety of languages?
- 10 A. No, they're only in English.
- 11 **Q.** And displayed in church buildings but not necessarily social services facilities associated
12 with the church?
- 13 A. No, because the social service facilities would have their own processes for dealing with
14 those matters, they're not under our direct control.
- 15 **Q.** In thinking about the range of disabilities that a person might have, if this is your – I think
16 you've identified that this is the main proactive tool to encourage people to come forward?
- 17 A. Yes.
- 18 **Q.** Can you see any issue with certain disabilities might have with this being the means of
19 communication of that message?
- 20 A. Yes, reflecting on it now I can see that a person who is blind would obviously not be able to
21 read it. You've mentioned other languages, if language was a barrier they wouldn't be able
22 to understand it. Yes, I can accept there would be situations where this could make it
23 inaccessible to some people.
- 24 **Q.** Do you think that accessibility issue is something that you'll take away from our
25 conversation today and think about how this information can be made more accessible?
- 26 A. Yes, and reflecting on the conversation we had yesterday around our need to be more
27 proactive about how we attend to these matters, I think these things belong together.
- 28 **Q.** Might that reflection after our conversation include whether simply the large letters
29 "Harassment" is sufficient message in itself?
- 30 A. I thank you for drawing that to my attention, certainly gives me something to reflect on in
31 relation to what the poster is seeking to convey.
- 32 **Q.** I'm just going to ask you about the back – this is the public facing document, "Come to us
33 with your concerns, we've got a confidential procedure." In the engine room behind this,

- 1 what would happen if somebody rang this number?
- 2 A. They would speak to the diocesan manager who would have an initial conversation with
3 them to establish the nature of their complaint or concern and undertake to have a person
4 then be in touch with them to be able to discuss it in more detail. They would then bring
5 that –
- 6 Q. Can I just pause just to break that down. So the diocesan manager, what level of training
7 would they have in a trauma-informed response to somebody making a disclosure for the
8 first time?
- 9 A. I admit they've had no formal training in that matter.
- 10 Q. So they would be the general administrative person in the office, is that right?
- 11 A. A senior member of the staff to be a point of contact.
- 12 Q. So just to get back to – they receive the call, would they take notes or make a record?
13 What would happen in terms of process at that point?
- 14 A. Yes, they would take some notes and make a record of the phone conversation, and then
15 would, as soon as possible, discuss the matter with me, bring it to my attention as a
16 complaint that has arisen.
- 17 Q. And then in your bishop's role you would direct the response to that disclosure?
- 18 A. Yes.
- 19 Q. Is that diocesan manager simply able to take those calls 9 to 5? What happens if somebody
20 wants to ring at a different time?
- 21 A. That is a 9 to 5 number, yeah.
- 22 Q. So somebody ringing after that hour, so is that a DDI number that's in there?
- 23 A. Yes, it is, it would go directly to her voicemail.
- 24 Q. Because sometimes numbers like that can be linked through to somebody who can be
25 on-call 24/7, the phone number goes through to a – directly to a cellphone, doesn't it?
- 26 A. Yes. I think it's the case that the diocesan manager may well now have her DDI
27 permanently linked to her cellphone, but I'm not positive about that.
- 28 Q. And in terms of the number that's there, would that be somebody would normally dial an 09
29 prefix for that?
- 30 A. Yes.
- 31 Q. So are you confident that if you dialled that now that you would get the diocesan manager?
- 32 A. The DDI that's there, yes, that is her DDI.
- 33 Q. I just want to test that, because, would it surprise you to know that when we've dialled that

- 1 number it goes through to a number unobtainable?
- 2 A. That does surprise me, yes.
- 3 Q. Have you got your phone with you?
- 4 A. Sure.
- 5 Q. Would you like to pull it out and see happens with the 09 prefix?
- 6 A. Just have to switch it on again, I've had it off for the hearings.
- 7 Q. On speaker please.
- 8 A. "...please check the number and redial." Do you want me to play that again?
- 9 Q. Yes thanks, to get it on the transcript.
- 10 A. "The number you've dialled is not currently allocated to a phone. Please check the number
11 and redial."
- 12 Q. So it appears there's a technology issue in the background there too. We don't know how
13 long that's been the case do we?
- 14 A. No, and I can only express that I'm highly embarrassed by that.
- 15 Q. Well, as my grandmother says, no-one ever dies from embarrassment. But it is of concern
16 that somebody seeking to reach out might receive that as their initial response?
- 17 A. Indeed it is.
- 18 Q. The next point drawing on this poster that I wish to ask you about is the distinction you
19 draw in your evidence between complaints and claims?
- 20 A. Yes.
- 21 Q. And we've had some discussion about that already. You note yourself in your own
22 language in your evidence that the distinction between complaints and claims might be a
23 distinction without a difference?
- 24 A. Yes.
- 25 Q. Can you explain your thinking when you've articulated it in that way?
- 26 A. Yes, I understand that some people who seek to bring a matter by way of complaint to us
27 may also have an expectation that as a result there will be some form of tangible redress
28 that they're making a claim to seek to see something happen in response.
- 29 Q. So if somebody's coming through making a phone call through the process that's referred
30 here in the poster, would the diocesan manager and you be receiving that as a complaint or
31 a claim, or would you think of it as both?
- 32 A. I think I would think of it as both, it's almost a technical distinction I'm making in the
33 evidence that I presented, but in receiving a complaint, have in my mind an anticipation
34 that there would be some resolution for a person that would be by nature of a claim. In

1 other words, I anticipate that most people would expect something to happen as a result
2 beyond the decision about action against the clergy person.

3 **Q.** And I think you've expressed it as somebody comes in but in the back room the church has
4 got two mechanisms, the complaint process, the Title D process, and then the claims
5 process. I'm still struggling to see where there's anything more than an ad hoc claims
6 process. And by ad hoc I mean just responding on a case-by-case basis to somebody
7 coming forward with nothing developed around how you might be responding to that?

8 **A.** Yes, it's fair to express it that way. It has been worked out case-by-case with people rather
9 than on the basis of a policy document.

10 **Q.** On that case-by-case basis, how do you in your role and how – so I'm going to ask it in two
11 parts, you in your personal role as bishop and generally from your knowledge of the
12 church, how do you think the concept of a quality of outcome for similar experiences has
13 been accommodated through that ad hoc process?

14 **A.** I think that overall there has been a lack of consistency across the church. I'd like to think
15 there's been more consistency within the diocese, but that then depends on each bishop, so
16 each bishop would follow their own sense of what is the best or right thing to do, and
17 therefore act in a consistent way as an individual. But there's no question that one of the
18 issues that we have recognised we need to address across the church as a whole is
19 consistency of approach and response.

20 **Q.** And to achieve that consistency in response, would you think it's a kind of tool like a
21 matrix? I'm not sure whether you followed the evidence in the State redress hearing, did
22 you follow that evidence?

23 **A.** I'm sorry I didn't.

24 **Q.** And again, in the interests of time I won't take you to the documents, but there was
25 evidence given on behalf of the Ministry of Health, and they have a matrix approach to
26 when somebody's coming forward and looking for resolution outside of a court process,
27 they look at certain factors?

28 **A.** I'm aware of that and I've seen one piece of evidence that was discussing the health system,
29 the DHBs, the CHFA and so on where I saw one of those matrices.

30 **Q.** Is that the kind of tool that you think would be an appropriate tool to have in place to help
31 achieve that equality of outcome?

32 **A.** I think it would be and I think it would give both a lot more confidence to complainants and
33 survivors. I think it would also help the church enormously to understand where we should
34 be going, where we should be heading with somebody.

- 1 **Q.** What are some of the factors that you think would need to be calibrated in a matrix of that
2 type?
- 3 **A.** I think they'd be both about the level of seriousness of the abuse itself, but then also
4 alongside that the impact of the trauma on the person through succeeding years.
- 5 **Q.** So really a continuum of severity of abuse and impact?
- 6 **A.** [Nods].
- 7 **Q.** And what do you think would be a relevant process to determine that impact?
- 8 **A.** I would imagine it would need the expertise of people who were skilled in working in
9 trauma-related areas.
- 10 **Q.** And in terms of having a matrix like that to guide decision-making, do you think that that's
11 the kind of material that should be, in the interests of transparency, be available to anyone
12 coming forward with a disclosure of abuse?
- 13 **A.** Yes, I believe that would be a fair thing to do.
- 14 **Q.** And what other written material do you think would be good to give that person the first
15 time they came forward?
- 16 **A.** I think at best we should be providing them with any written policy that exists about
17 harassment and abuse in the church, we should be giving them a clear guide as to how any
18 process of complaints or redress would work in practice, and then the kind of things that
19 you were just talking about in relation to outcomes and redress and what tangible options
20 might there be, that kind of documentation would be really helpful for people, I can see
21 that.
- 22 **Q.** There can be a tension, can't there, if we go out there publicly and say well, if you've
23 suffered something that we categorise as level 5 seriousness of what actually happened to
24 you, and a level 5 being the most extreme seriousness of the impact it's had on your life,
25 and if you're in that category the compensation amount that we might be looking at would
26 be, a figure we know that's in the public domain from the Jacinda Thompson settlement
27 \$100K, putting that on a document, and making that publicly available, are there concerns
28 that you would have about making such information available to victims and survivors?
- 29 **A.** I think that we've lived too long out of those kind of concerns and I think we now need to
30 err completely on the other side of transparency. For too long we have sought to avoid our
31 responsibility in that way, and so I am at a point in my own thinking where I would rather
32 take the kind of risk that you identify than not.
- 33 **Q.** Thank you for that.
- 34 **MS ANDERSON:** I think, Madam Chair, that might be a suitable point to conclude. I think when

1 we come back I'll probably have maybe about another 25 to 30 minutes questioning before
2 we transition to the next witness.

3 **CHAIR:** Thank you. Time for a break, 15 minutes and we'll resume.

4 **Adjournment from 11.27 am to 11.48 am**

5 **CHAIR:** Yes Ms Anderson.

6 **MS ANDERSON:** Thank you Madam Chair.

7 **QUESTIONING BY MS ANDERSON CONTINUED:** Bishop Ross, turning to a different
8 topic, we're going to look at the experiences and the response to them in relation to
9 witnesses Mrs D and Maggie Wilkinson. Do you recall their evidence –

10 A. Yes, I do.

11 **Q.** – from last year? And just to orientate Commissioners and members of the public
12 watching, these were both young women who were in St Mary's Home for Unwed Mothers
13 at different intervals but experienced very similar levels of abuse, both – and I'll get you to
14 confirm whether you accept my summary in very high level terms, that there was physical,
15 psychological and sexual abuse occurred to them when they were in there, not sexual abuse
16 not in relation to both of them but certainly in relation to Mrs D?

17 A. Yes, that's – I would accept that as a summary of their evidence.

18 **Q.** So in terms of accepting that as a summary of their evidence, do you believe them?

19 A. Yes, I believe them.

20 **Q.** So you believe that happens. Before I go into, because it's important we just track through
21 what happened to somebody when they came forward with a claim, and although St Mary's
22 Home is under the umbrella of the Anglican Trust for Women and Children, you've
23 confirmed in your evidence that there's actually a close relationship between the Auckland
24 diocese and the Anglican Trust for Women and Children?

25 A. Yes.

26 **Q.** And that close relationship includes that any financial compensation is 50% paid by the
27 Auckland diocese?

28 A. Yes.

29 **Q.** I've got a query that you might be able to help me with. Does that mean that there's shared
30 decision-making over a response to somebody coming forward seeking financial
31 compensation?

32 A. Do you mean in relation to the quantum or just – if you could just explain your question
33 again please?

1 **Q.** Well, certainly in relation to the quantum. So when somebody comes forward, leaving
2 aside the two case studies that I'm going to be referring to, someone comes forward with a
3 disclosure of abuse to the Anglican Trust for Women and Children, you've indicated that
4 the trust itself carries out the investigation?

5 **A.** Yes.

6 **Q.** At the end of that investigation and when information is being gathered, is there then a
7 discussion between yourself as bishop and the Anglican Trust for Women and Children
8 about what the right response is in the circumstances?

9 **A.** Generally not, generally we are in the habit of relying on the Anglican Trust for Women
10 and Children to have done their work and to bring us a recommendation about the action.

11 **Q.** And in the recommendation for the action, in receiving that recommendation, are you the
12 decision-maker about what the outcome is?

13 **A.** No.

14 **Q.** Who is the decision-maker?

15 **A.** The trust themselves, and I'm not altogether sure where the responsibility lies, but the
16 trustees working with the CEO, I believe, come to a decision. I think they do have a
17 subcommittee for managing issues where there are complaints of abuse.

18 **Q.** But if your diocese has to put its hand into its pocket to contribute to a financial outcome,
19 that decision-making is not made outside the diocese, is it?

20 **A.** No, as I said we accept a recommendation from the ATWC and there is a standing
21 agreement that where they have acted to resolve those matters and they will involve some
22 financial settlement that we will meet half of the cost of that.

23 **Q.** So you get a recommendation and then there is a decision to accept that recommendation?

24 **A.** Yes, there is that decision, yes.

25 **Q.** And if there is a decision to accept that recommendation that the payment might be, just to
26 pick a figure out of the air, \$30,000, in deciding to accept that recommendation, the
27 Anglican diocese would be accepting that it's contributing 50% of that payment?

28 **A.** Yes.

29 **CHAIR:** Can I just ask, does the recommendation include the monetary figure? So it says we find
30 that this is a valid claim and we recommend that \$30,000, for example, is paid and that's
31 accepted without question, is that right?

32 **A.** That's been the kaupapa in recent times, yes.

33 **Q.** Thank you.

34 **QUESTIONING BY MS ANDERSON CONTINUED:** How far back does that recent times

- 1 stretch?
- 2 A. I think it would be over the last – well, perhaps I should say first of all, the 50/50
3 arrangement has been in place since before I became the bishop, but it's probably been the
4 last five years that there's been a shift in thinking and response that's been more open to and
5 proactively seeking out the opportunity to make financial redress to people.
- 6 Q. You referred yesterday to the Anglican Trust for Women and Children going through a
7 process to look back at people who had come forward and perhaps not received an adequate
8 response?
- 9 A. Yes.
- 10 Q. And to then perhaps be suggesting alternative responses to them, is that right?
- 11 A. That's right, yeah, where matters were not reasonably resolved and where the trust has felt
12 that some element of redress of some form, perhaps financial compensation, should have
13 been offered and wasn't, those have been revisited and the ATWC has had a person now
14 working – a trained person working on that.
- 15 Q. So is that an activity that's still in train, not yet concluded?
- 16 A. That's right, they're still working on those matters.
- 17 Q. Do you have a sense of how long that work programme might take?
- 18 A. No, I'm sorry you'd have to ask the ATWC that.
- 19 Q. I just wondered whether it would be affecting your future forecasting of budgeting?
- 20 A. We're given some idea of the number of cases that may need to be resolved in that way, so
21 that's given us some sense of provision we would need to make.
- 22 Q. In terms of the evidence of Mrs D, one of the aspects that she talked about was the
23 experience of hearing another person in child birth in agony and then being transferred to
24 hospital and with the inference, I think the confirmation that that person did not survive
25 delivery of their child. Do you accept that that's a very traumatic experience –
- 26 A. Extremely.
- 27 Q. – to have had to listen to?
- 28 A. Yes, it's frighteningly so.
- 29 Q. And if you were thinking of that in a severity of what happened, reflecting back to our
30 matrix, if you had a 1 to 5 scale in a matrix, where do you think you would put an
31 experience like that?
- 32 A. Recognising that I'm not trained or experienced greatly in those matters, I would
33 nevertheless imagine it would be at the upper end of such a scale.

1 **Q.** Just a side question that arises from that answer. So given that you're not trained, when
2 you've been making settlement offers to people, what's been your touchstone or guide for
3 deciding what figure to offer?

4 **A.** In relation to these ATWC matters or any matter?

5 **Q.** No, generally.

6 **A.** Generally, well, the few times that I have been part of those, they've been negotiated with
7 the person themselves, because we haven't had such a matrix to determine what an
8 appropriate offer should be.

9 **Q.** But I'm talking about if you've got somebody coming to you saying "this happened to me"
10 and you've decided well, yes, compensation does seem appropriate in the circumstances,
11 what guides you as to how much to offer?

12 **A.** Where I've been part of compensation being provided it's been in relation to the ATWC
13 matters.

14 **CHAIR:** Are they the only matters of compensation that you've dealt with?

15 **A.** In the time that I've been bishop.

16 **Q.** In the time that you've been bishop?

17 **A.** Yes.

18 **Q.** Thank you.

19 **QUESTIONING BY MS ANDERSON CONTINUED:** I'm going to take you to the apology
20 letter that you sent to Mrs D in December 2012. I think this document was in evidence in
21 the earlier hearing. I'll just call out paragraph 2. So in the preamble in the preceding
22 paragraph you've acknowledged the courage it's taken to come forward and to bring the
23 concerns to the diocese and to yourself personally and that you've received the expression
24 of the considerable pain that she's experienced and the impact of those events on her life as
25 a whole. Do you want to read out the apology you've offered here?

26 **A.** "I wish to reiterate some of the things which I said to you at our meeting, especially by way
27 of apologising to you for what you have experienced. I very much regret and apologise for
28 the decisions that were made on your behalf by the staff at St Mary's in arranging for the
29 adoption of your daughter without your permission. This should not have happened".

30 **Q.** Can we just pull out the following paragraph.

31 **A.** "I apologise for the lack of care shown in placing your daughter with a family that was not
32 appropriate and who ultimately treated your daughter badly. Along with you, I am grateful
33 for the compassion shown by the second family who contacted you and allowed you to
34 regain the parenting of your daughter."

- 1 **Q.** That's a reference there, isn't it, to the experience of, even though Mrs D didn't intend that
2 the child would be put up for adoption, it did go through that process and then she had the
3 trauma of learning that that child had been significantly harmed –
- 4 **A.** Yes.
- 5 **Q.** – by the family that it had been placed with?
- 6 **A.** Yes.
- 7 **Q.** And you go on to make other comments of what you're sorry for in this letter. My question
8 for you is when we talked at the beginning about the importance of a fulsome apology, is
9 what you've done in this letter – and we're happy to put more of it up on the screen if you'd
10 like to read through it all, take a moment to do that, is just to –
- 11 **CHAIR:** Would you like that opportunity, Bishop, just to see the whole letter?
- 12 **A.** Yes, I did re-read it yesterday, but yes, I'm happy to have it in front of me so I can refer to it
13 thank you.
- 14 **Q.** Would you mind just bringing up the whole of that and enlarging it so we can see the letter
15 in total if that's possible technically. Thank you.
- 16 **A.** Then there is a second page I believe.
- 17 **QUESTIONING BY MS ANDERSON CONTINUED:** If you're ready we can move over to
18 page 2.
- 19 **A.** Sure.
- 20 **Q.** We'll just pull up the two paragraphs on page 2. So that ends, doesn't it, with the
21 expression of the sincere apology and an offer of "If there are further matters you'd like to
22 discuss or raise with me I hope you'll feel able to make contact"?
- 23 **A.** Yes.
- 24 **Q.** So a first question in relation to the letter is now looking at it, does that fit, do you think,
25 what you identified as a need for a survivor to receive a fulsome apology?
- 26 **A.** I'll say that I did my best at the time to offer such an apology to try and reflect to the person
27 the things that I had heard that they were the sources of the harm that had been caused them
28 and to apologise for them.
- 29 **Q.** At the end of that letter where you're suggesting that if there are further matters that could
30 be discussed or raised with you, what were you contemplating at that time?
- 31 **A.** I was contemplating the fact that an apology may not be enough. My memory is it's what
32 the complainant came seeking in the first instance, the opportunity for me to hear her
33 experiences and for me to apologise on behalf of the church. But I did accept that the

- 1 complainant might have further matters that could be an expectation of us.
- 2 **Q.** So it is an invitation to come forward and ask for something perhaps a bit more tangible,
3 whether monetary or otherwise?
- 4 **A.** Yes.
- 5 **Q.** But we know what happened, don't we, that when she did come forward seeking something
6 more, nothing was forthcoming was it?
- 7 **A.** No, we failed her.
- 8 **Q.** If you were looking at making a decision today in relation to Mrs D, I don't want to get too
9 much into the details, but using her as an example, you say you failed her. My question is,
10 for other people coming forward, what steps might you be taking to make sure that you
11 don't fail similar people in similar circumstances?
- 12 **A.** If I think of my own actions in relation to this one as an example, I think my failure was to
13 pass it to someone else and then not do any follow-up myself to ensure that real action had
14 taken place. So I referred it through to our diocesan manager and on to the ATWC where
15 unfortunately it got caught in a lack of action and some of those arguments about limitation
16 and so on that were other legal framework in which things were being handled more then.
- 17 **Q.** Yeah, because there was a long period of delay, wasn't there?
- 18 **A.** Yes, there was.
- 19 **Q.** Because it took Mrs D a period to come back, she came back following your apology?
- 20 **A.** It was a year later when she returned to me, yes.
- 21 **Q.** And then following that you referred it to the Anglican Trust for Women and Children and
22 then a year later Mrs D had to also follow-up on getting a response?
- 23 **A.** [Nods].
- 24 **Q.** We're just going to look now at the response that she received which is document
25 ANG0004476. It will arrive shortly. So we can see that this is Hesketh Henry, the lawyers
26 who acted regularly for the diocese and the trust, weren't they?
- 27 **A.** Yes, that's right.
- 28 **Q.** And the date of the letter is 19 May 2015. I'm just going to call up, this is the response to
29 the request for financial compensation, and you recall, don't you, that Mrs D wasn't legally
30 represented?
- 31 **A.** No, she wasn't.
- 32 **Q.** So it identifies you have asked for financial compensation from the trust for your
33 experiences at St Mary's Home and afterwards. "The focus of the trust is on the current
34 needs of at-risk families and the trustees have a responsibility to use the trust's resources

1 best to meet those needs."

2 Do you think that that's an appropriate focus of the use of that language which
3 really says, "We're focusing on other people in terms of what we're doing, we're not going
4 to use any of the trust funds in terms of repairing harm"?

5 A. It's an attitude that existed and that I do not believe is the right one, at the time it's sadly the
6 approach that was taken and there has been a shift in thinking and approach by the trust
7 away from that to recognise in fact that there's a responsibility not only to the people who
8 are their clients now but to people who were in their care in the past and who were not
9 cared for appropriately. So there's been a shift of thinking in these past years.

10 Q. And we see in the next paragraph, don't we, that they identify themselves as the trust's legal
11 advisors?

12 A. Yes.

13 Q. But am I right and do you agree that they're often represented in other correspondence as
14 being advisors to both the diocese and the trust?

15 A. Yes, they have represented both of us.

16 Q. So would the instructions for this letter have come from a combination of the diocese and
17 the trust, or would it have been the trust only?

18 A. It was advice driven by the trust's approach, but I won't deny that we have a responsibility
19 alongside it for, either passively or actively, supporting that advice at the time.

20 Q. But you may or may not recall whether you actually gave instructions and approval to this
21 letter?

22 A. No, I can't, but I'm not resiling from, nevertheless, a responsibility to the letter.

23 Q. So we see the reference to "You may wish to get your own lawyer", but a comment in the
24 last paragraph, "The trust is very willing to continue a process of reconciliation and healing
25 and is willing to discuss options with you or your lawyer to assist that process." So you'll
26 recall we spent quite a bit of time on that language in our conversation yesterday?

27 A. Yes.

28 Q. What do you think might be – are you able to – you may not be able to answer if it's not a
29 letter you've given instructions in relation to, but that reference to reconciliation and
30 healing, what do you think might be being offered there?

31 A. I can't say for certain, I imagine it was perhaps an invitation to further compensation and it's
32 followed up by a sentence around – a conversation sorry, further conversation is followed
33 up by a sentence around counselling, so it may – those two things perhaps are connected.

1 But my comment would be, and I believe the trust would agree with this now as well, that
2 it's just not an appropriate approach to take, and from a survivor's point of view, to deny
3 any opportunity for tangible redress and then talk about reconciliation and healing is quite a
4 juxtaposition of views.

5 **Q.** Putting on your bishop leadership hat, the role that you occupy, what scope do you see for
6 you as a leader in the Auckland region to influence the nature and tone and response to
7 claimants in these other organisations, because in this context, of course, there is this
8 relationship with ATWC, but there are other related institutions that you don't have that
9 financial arrangement with, so –

10 **A.** No, that's right.

11 **Q.** – just speaking to what opportunity do you see as a leader to influence those institutions'
12 responses to people coming forward?

13 **A.** I think it's about that general thing that I made reference to earlier on in my evidence, that I
14 think the leader of any organisation and its governing body together have a responsibility to
15 set the tone and the culture for the organisation to establish what the expectations are, the
16 way in which we aspire for things to be and to be done. And so, I accept that as the bishop,
17 I should take a lead in that regard. And I'll acknowledge in relation to this matter it's an
18 example of where we together, and I at times myself, have been slow to be able to do that
19 and bring about effective change, the kind of approach that would be an appropriate
20 approach to people.

21 **Q.** So in terms of the commitment that you've expressed in your second witness statement, do
22 you think that that encompasses what you've just been talking about, about stepping up and
23 leading in that way?

24 **A.** Yes, seeking to do so more effectively, I won't pretend even now to be doing that perfectly,
25 but sometimes within the church we talk about repentance being the idea of turning around
26 and facing in a different direction and I think that's the kind of journey that we're on, we're
27 seeking to turn around and look at things in a different way, take ourselves in a different
28 direction in these matters. But I acknowledge too it's a journey that we're on and we won't
29 pretend to be anywhere near doing it perfectly yet.

30 **Q.** Just in the interests of time, I'm going to talk with you very briefly about Maggie Wilkinson
31 then I've just got some final concluding comments for you before the Commissioners have
32 an opportunity to question you. So knowing that Maggie will be listening and watching
33 this, apologies Maggie if I don't go through this in the detail that I might otherwise have

1 done with more time available.

2 **CHAIR:** I know that time is an issue, do watch your speed both of you please.

3 A. Thank you.

4 **QUESTIONING BY MS ANDERSON CONTINUED:** We know, don't we, that Maggie had a
5 very terrible experience at St Mary's Home and that she considers that her daughter was
6 effectively abducted from her and that she had inappropriate medical examinations, she
7 received drugs that were administered without her consent and she had long-term physical
8 injuries from substantive medical attention.

9 A. Yes, that's in her evidence, yes.

10 **Q.** And again, I'm understanding you to believe that that's what happened to her?

11 A. I accept her evidence, I have no reason not to. Can I just add as a preface to all of this that
12 I've not been directly involved in the Maggie Wilkinson case, I'll do my best to make
13 comments as you ask me the questions about them.

14 **Q.** The history is she did receive an apology in the 1990s from Bishop Gilbert at the time, but
15 she's a person who came forward initially through legal representation, so she had
16 representation by Cooper Legal for a period, trying to get a financial settlement. All that
17 she received was the apology and funding for six counselling sessions. She had paid over
18 \$10,000 for her legal services. I'm asking you to assume that that's correct?

19 A. Yes.

20 **Q.** Because that's her evidence. And then when she couldn't afford any longer to have legal
21 representation she continued representation herself?

22 A. Yes, that's as I understand it from her evidence, yes.

23 **Q.** And she's a person who very much wanted access to her personal records from the time to
24 find out what drugs she'd been given and other information, and we know, don't we, that
25 none of that information was available to her?

26 A. No.

27 **Q.** So Cooper Legal was communicating with Hesketh Henry, Cooper Legal was suggesting
28 that \$30,000 would be a reasonable settlement?

29 A. Yes.

30 **Q.** You accept that's the content of the letters?

31 A. Yes.

32 **Q.** Assuming that's –

33 A. Yes.

- 1 **Q.** – correct for the moment? We're going to look at the Hesketh Henry letter – sorry, before
2 I go there I'm going to the 1 March 2016 Hesketh Henry letter, ANG0004545. Thank you.
3 If we could call out the third large paragraph, actually include the fourth. So we see here
4 that there's a reference to the objects of the trust of which they're responsible and the needs
5 of present and future beneficiaries. So it's a continuing theme –
- 6 **A.** Yes.
- 7 **Q.** – passed through the communication, isn't it?
- 8 **A.** Yes, it is.
- 9 **Q.** And over on the second page the third to last paragraph is that the trust and the diocese do
10 not believe that a payment of compensation is an appropriate response but they remain
11 willing to engage in a process that may lead to reconciliation. So again, pretty much a door
12 closed to the idea of any financial compensation?
- 13 **A.** Yes, it was.
- 14 **Q.** And some reference to this concept of reconciliation?
- 15 **A.** [Nods].
- 16 **Q.** I'm going to call up document ANG0004556. Just calling up the bottom – I'll just give you
17 a moment to read that.
- 18 **A.** Yes, thank you.
- 19 **Q.** This is an e-mail directly from Maggie to you where she's advising that she can no longer
20 afford, for financial reasons, to have Cooper Legal represent her and indicating that she was
21 devastated by the response that she got from the Hesketh Henry letter and asking again for
22 a further response?
- 23 **A.** I do note it's a letter to Hesketh Henry with me copied in rather than directly to me, it's
24 addressed to the lawyer.
- 25 **Q.** Yes, so that's to Christina Bryant at Hesketh Henry and cc'd to you?
- 26 **A.** Yes.
- 27 **Q.** And at the bottom of that what she's saying is "I do hope for some humanity". Above that
28 we can see a short e-mail where Maggie has forwarded this to Lambeth Palace in the UK.
29 So that's the Church of England, I've forgotten the title, the Archbishop of Canterbury, isn't
30 it?
- 31 **A.** Yes.
- 32 **Q.** So she's shared that, "I am writing in the expectation that I will receive a response." Then if
33 we go to, just navigating to an e-mail that you've sent to the UK?

1 A. No, it's an e-mail sent to the General Secretary of our church, Michael Hughes.

2 Q. Sorry, who will be responding to the UK, yes.

3 A. Yes.

4 Q. Thank you for that clarification. So we see dated 25 May you've copied it to Philip
5 Richardson, Kevin Brewer and Christina Bryant. And there you're expressing the view,
6 aren't you, that this has been worked through very carefully and the solicitors have also
7 been involved, the diocesan solicitors, so that's Hesketh Henry, isn't it?

8 A. That's right, yeah.

9 Q. And you can see in that second to last paragraph your conclusion is, "It is not a case that we
10 consider that a financial settlement is appropriate."

11 A. [Nods].

12 Q. So just to confirm, that's a view you held in 2016?

13 A. That was the view that had been taken at that time and, as we've noted, it was taken in
14 relation to quite a number of cases, a reliance on legal advice as to whether there was any
15 legal liability for compensation.

16 Q. And if you were sending that communication today, what do you think you might be
17 saying?

18 A. I think now I'd express, personally express the view that both the diocese and the trust are
19 taking a different view to those matters. I can't comment directly on the current standing of
20 Maggie Wilkinson's case because, as I said, it's not one I'd been directly involved with, I've
21 been on the fringe of it where aspects like this had been brought to my attention. But that I
22 have some confidence that the trust itself would want to engage in a more positive and
23 conciliatory way than this represents.

24 Q. Thank you. So that concludes my questions in relation to those experiences that were in
25 evidence before the hearing. The last questions I have for you are brief and relate to the
26 three themes that I outlined in my opening address that have come through the evidence of
27 the survivors in the hearing last year and they were grouped up. I'm just going to ask you
28 questions, not about all of them because we don't have that much time, but now that we've
29 gone through and concluding this conversation, where you think, you know, you want to
30 leave the Commission with your understanding in relation to how effective the Church's
31 response has been in meeting the needs of survivors indicated.

32 So the first theme that I addressed that had come through was the need for a
33 trauma-informed engagement and support and responses to disclosure of abuse. Sitting
34 here now, what would you like to say about the adequacy of meeting that need that you've

1 experienced in your ten years as a bishop?

2 A. I would say that we have largely not taken account of survivor experience and need, nor the
3 aspect of the trauma that has been woven through their life since the particular incident that
4 might be the subject of the complaint and that that is a big area where we need to develop
5 our understanding and work much better on our policies and responses.

6 Q. And in relation to that initial risk assessment and reporting, what we heard is people want
7 to know with certainty about what the process is and what choices they can make?

8 A. Yes, there's a lot more documentation that I think we should provide so that people not only
9 have things explained to them in some way, but there's a consistency of information that's
10 made available for somebody to take away and have available as a reference point for them.

11 Q. And do you agree that in making available first you have to develop the resources?

12 A. Yes.

13 Q. And I think you'll agree that it's really important that there's a survivor input in the
14 development of those resources and that the church will need to be looking at how does it
15 bring that into its processes?

16 A. Yes, indeed. I understand that part of the work of the Ministry Standards Commission will
17 be about developing some of those kind of materials so that they're not only available, say,
18 in the Diocese of Auckland, maybe work that we had done, but they are available as a
19 consistent resource across the church.

20 Q. And one of the other matters I outlined is a theme that had come through is they really
21 wanted to know how their experience was going to be investigated and assessed. Have you
22 got an observation you now wish to leave with your comment for the Inquiry about the
23 adequacy of responding to that need?

24 A. Yes, I think it would relate to my previous answer where I think both consistency of
25 response, clear documented policies that are available to people, so that they can
26 understand what it is that the church will do and can offer, I think that will be critical for
27 people to be able to participate in our processes with more confidence than they have been
28 able to.

29 Q. Thank you Bishop Ross. Those are my questions. The Commissioners may well have
30 some questions for you.

31 **COMMISSIONER ERUETI:** Tēnā koe Bishop Ross, kia ora anō. I've just got some brief
32 questions and it seems clear that in terms of the constitutional arrangements of the Anglican
33 Church that the Treaty has a prominent role and there's been thinking in the early 80s about
34 the fundamental structure constitutionally of the three primates.

1 The sense also, and we discussed this yesterday with the Salvation Army, is that
2 when it comes to Title D and these redress processes that somehow these values and
3 directions don't factor into the development and design of the processes, or actually how
4 they operate also.

5 A. I think that's a fair observation that we – perhaps it's been one of those aspirational things,
6 but when it comes to actually the process of design and weaving those kind of ideals into
7 our documents I think we've struggled to understand how to do that.

8 Q. But perhaps, we can raise this question with Bishop Tamihere, in that jurisdiction I would
9 assume that there would be a different approach?

10 A. There would be – the Title D processes have always provided for the application of
11 appropriate tikanga to the way in which the procedures will be implemented. So I guess in
12 that sense the provision is there but in a very latent way in terms of what's written. I would
13 imagine that within a Tikanga Māori setting then they would be very much to the fore in
14 the way that a process was heard and managed.

15 Q. Yes.

16 A. I think what I was trying to give expression to before that within a Pākehā setting we've
17 struggled to understand how to weave those things.

18 Q. Yes, and I can explore those issues with Bishop Tamihere later. But just to be clear in the
19 design of Title D, from 2000 onwards, there was no input from Māori or survivors or
20 Pasefika into the design of that process?

21 A. There was input from Māori and Pasifika, there was a Three Tikanga Working Group that
22 established a new title deed. I don't believe there was any input from survivors, however
23 I could be wrong about that, I wasn't involved with that, the detail of the work.

24 Q. That Three Tikanga Working Group follows from the three tikanga primates, is that right,
25 so contribution from within the church?

26 A. Ae.

27 Q. Great. So you can really only speak for your diocese, but with the development of your
28 redress processes, is it safe to say there was no input there and you say it's kind of
29 case-by-case, it's developing as it goes and not reduced to writing, no input there by either
30 Māori, Pasefika or survivors?

31 A. That's correct.

32 Q. The other quick question I had, I was puzzled. I understand in a way how you talked about
33 the monoculturalism that's fostered by the separation into the three primates. But at the

1 same time with Auckland being so multicultural and such a large Māori population and
2 Pasefika as part of your congregation, yet there's still this monocultural approach
3 towards resolving abuse.

4 A. I think what I was trying to give expression to and perhaps didn't do well is that I was
5 trying to talk about our lived experience and then out of our lived experience how we bring
6 things into our policies. In many of our local churches there will be considerable amount of
7 multiculturalism. In terms of Tikanga Rua, our lived experience is that mostly now Māori
8 worship within Tikanga Māori. And I think one of the challenges the church has been
9 trying to face these past 30 years is how, while allowing for autonomy and
10 self-determination by tikanga, in terms of their life and mission, how do we also manage to
11 continue to weave the three together in our lived experience beyond the constitutional
12 structures that are detailed. And I think that then flows into a lot of the issues like these
13 policy things.

14 Q. Fascinating, thank you for your evidence, I really appreciate your directness.

15 A. Kia ora.

16 Q. Kia ora.

17 **COMMISSIONER STEENSON:** I don't have any questions, tēnā koe.

18 **COMMISSIONER ALOFIVAE:** Thank you Bishop Ross. Just, if I can just pick up the point
19 that Commissioner Erueti was raising around the population make-up in your different
20 congregations. So in your diocese do you have some figures around the percentages of
21 Māori, Pacific, other, there might be Asians?

22 A. I'm sure there would be some, I'm sorry I don't have them to hand, I'm not able to call them
23 out, but I'm sure there would be.

24 Q. Do you have a sense, though, of the predominant population?

25 A. In our congregations? Predominantly Pākehā.

26 Q. Older Pākehā?

27 A. Ae.

28 Q. So a bit of a problem retaining the younger ones?

29 A. Ae.

30 Q. Like many mainstream denominations. Thank you for explaining very carefully and clearly
31 the Title D process, I don't have questions around that. But I do want to ask some questions
32 that Ms Anderson asked right at the beginning around leadership. So given the emphasis
33 on abuse and the redress process, as the Bishop of Auckland, do you consider that this is
34 something that perhaps your congregations should have a view on or be able to express a

- 1 view on?
- 2 A. They're able to, through our Synodical process, which is our annual parliament, if you like,
3 for the diocese, where each parish sends their clergy into lay representatives of the parish to
4 consult together over matters of policy and the rules that govern the church, and these
5 matters over the years have been discussed in those fora.
- 6 Q. That's really for those who are actively interested in discussing matters. So big topics
7 might be land and finances, but then when we get to social theology like the matter we're
8 specifically covering in our hearing, redress and abuse, would it be fair to assume that that
9 takes a lower level, given it's not a topic that's comfortable to always socialise?
- 10 A. All I do know is that over the years some of the policies and information during the years
11 where there was developing awareness of issues of harassment and abuse were brought to
12 the Synod and that those documents were discussed, some of which are in our – I think
13 they're all in our evidence, where we were trying to establish definitions, understandings,
14 policy, those were matters that the Synod discussed.
- 15 Q. So it's not a point of criticism, but often the prevailing view always rules, so if there was
16 more who didn't want to talk about it it falls off the menu, if there are those really actively
17 pursuing it it would rise to the top. So given your leadership role and how influential you
18 would be, is this an issue you think would be worth taking up?
- 19 A. Yes, I think it's one worth us picking up. Perhaps I could also just say, though, that
20 I referred to the professional boundaries training that we use, I particularly spoke about that
21 with clergy. But that we also undertake that with lay people who are in those sort of
22 positions of care and that at times we've run those for groups within parishes, so rather than
23 just come to the seminar, we've gone to the parishes. So I think that helps raise awareness.
- 24 Q. But there might be a more easier way, like in Sunday sermons to raise it. So would I be
25 right to assume there would be a common calendar that the Anglican Church would use?
- 26 A. Yes, there is.
- 27 Q. So every Sunday doesn't matter where you are in the motu, each Anglican Church would be
28 more or less receiving the same message?
- 29 A. Ae, they'd be reading the same readings from scriptures but then the message is locally
30 determined.
- 31 Q. Of course.
- 32 A. Not personalised, so it's not quite that prescriptive, if you like.
- 33 Q. But certainly there are ways actually within your processes right now that you could utilise
34 more effectively perhaps?

- 1 A. I'm sure there would be.
- 2 **Q.** In actually raising the issue so that change is driven from within the congregations rising
3 up.
- 4 A. Ae. I'm sure there would be communication mechanisms that we could use to influence in
5 that way, yes you're correct.
- 6 **Q.** But it requires the courage and the leadership that was in the opening document that
7 bishops on ordination commit to.
- 8 A. Yes, it does. One of the other things, if I may say, that is in the ordination document for a
9 bishop is to say that as bishops we are expected to be able to speak about matters, whether
10 or not we are able to do so. And I think that says something about the reality check that
11 there are considerable matters before bishops that sometimes can seem overwhelming in the
12 demands of them. I'm not minimising the importance of this one, but I recognise that in
13 that leadership role that on the ground it can be challenging sometimes to get the priorities
14 right.
- 15 **Q.** And just one more question, just around the language that's used. So in the letters we see
16 the phrase "reconciliation" a lot. So we know that there's a secular meaning to the word but
17 then there's also obviously the spiritual premise in which you'd use it in a church context.
18 And it's always associated to counselling or there's a link back to counselling and perhaps
19 some other wrap-around services that the church or ATWC might be able to offer. I just
20 want to test with you, was that the intended use of that word "reconciliation"? So it's a big
21 concept obviously within the church itself, but in a secular application it can mean
22 something quite different?
- 23 A. I don't know in practice how different it would be, because I think at its best it would be
24 about a process that allows, say, two parties to put their point of view to grow in their
25 understanding of one another, to offer apology where hurt has been done, I'm talking very
26 general ways now about the idea of reconciliation, come and try and reach a point where
27 there may not be agreement, but where people can grow in their understanding and respect
28 and, if you like, reconcile in that sense.
- 29 **Q.** Because one of the – perhaps one of the biggest impacts that we've heard from our
30 faith-based survivors is the spiritual distress that the abuse has caused and what that costs
31 them in terms of a life course approach.
- 32 A. Yes.
- 33 **Q.** So you can't put a value on that.
- 34 A. No, it's impossible to and I've been very conscious in some of the witness statements I have

1 read and heard about the church that they had looked to for their spiritual nurture and
2 well-being that had taken that from them, and that loss of trust and confidence in the church
3 then presents a huge barrier for people to be able to recover, I think, easily in any sense of
4 spiritual well-being where the organisation they looked to for it had denied it to them for
5 abused it. I think that's a huge issue.

6 **Q.** That might be another tenet that you might look at in terms of the matrix.

7 **A.** It's been on my mind as to not only that, but also how do we attend to that matter as the
8 organisation responsible for it in some cases where that's been part of people's experience.

9 **Q.** Thank you, Bishop, no further questions from me.

10 **CHAIR:** Bishop Ross, I just want to raise one issue. You've used the word "overwhelming" and
11 I sense your deep sense of being overwhelmed by this issue. Would I be right in that?

12 **A.** Ae, yes Commissioner, yes, it is overwhelming.

13 **Q.** And you're not the only one, I think we've seen that through the State and through other
14 faith-based institutions. The response to the tension which you referred to in your brief of
15 evidence paragraph 75, the tension is that the relationship between bishops and clergy can
16 make it difficult for bishops to make objective decisions. That's a big tension. The
17 response to that has been to have a new process which you describe as being objective,
18 putting the matters into a more objective form. But that form still lies within the compass
19 of the Anglican Church, doesn't it?

20 **A.** Yes.

21 **Q.** What I want to raise with you is something that will be of no surprise, that is that, of course,
22 the Royal Commission is looking to hear and understand the very powerful calls for a
23 complete independent system. Have you given any thought to that to how the Anglican
24 Church – you may not personally be able to speak on behalf of the church and I will respect
25 that if you can't. Have you personally given any thought to whether that would be
26 something that you would accept could happen?

27 **A.** Yes, I can't speak for the church as a whole, but I can speak for myself and I will. And that
28 is that I personally would be quite open to such a possibility. Obviously, it would need to
29 be something we'd have to work on in a very collaborative way with survivors listening
30 very carefully to them and what they would need from something like that, and then
31 obviously make our decision about whether we could buy into it. I would hope that we
32 could, however.

33 **Q.** Yes, that would depend on the way it was established and the form it took.

34 **A.** Yes, one can't make a commitment to an idea and say we'll sign up to it, but I think to the

1 concept we'd be very open, well, I personally would be very open to that and I think it's –
2 I appreciate you saying more objective in relation to the new process.

3 **Q.** Yes.

4 **A.** Because I think it is more objective, but of course it's not totally objective, because it is still
5 an internal mechanism.

6 **Q.** That's right, and possibly, the phrase that's been coming to me is the phrase from the Bible,
7 take this cup from me.

8 **A.** This is a cup I'm glad to have taken from me, I think there was some reluctance. Well, not
9 only in the sense of just that will be easier, actually not about that at all. I think bishops for
10 a while struggle with the idea of, you know, understanding our responsibilities as the
11 person who gives the licence and then having aspects of that removed from us.

12 **Q.** That's right.

13 **A.** I think we've all come to realise actually it's just a simply very necessary thing if our
14 processes are to gain any sense of real credibility.

15 **Q.** Which brings us back to the tensions that you so rightly referred to in your brief evidence.

16 **A.** It helps to mitigate that tension, I know it doesn't totally solve it, but it's mitigated and I am
17 now much happier with an appropriately trained person with a good body of advice then
18 instructing a bishop as to what must happen.

19 **Q.** Thank you very much and thank you for being here, putting yourself under fire and –

20 **A.** It's important.

21 **Q.** – for responding so genuinely, we real appreciate that.

22 **A.** Kia ora.

23 **Q.** You are now liberated.

24 **A.** Thank you.

25 **CHAIR:** Ms Anderson, Mr Johnson is going to lead the next witness, I understand, would you
26 like to start now or would you like to take an earlier adjournment?

27 **MR JOHNSON:** Entirely in the Commission's hand on that, we'll only have 15 minutes, it might
28 make sense to adjourn now.

29 **CHAIR:** I think it makes some sense. Ms Anderson do you wish to comment on that?

30 **MS ANDERSON:** That seems entirely sensible.

31 **CHAIR:** In that case we will back at 2 o'clock.

32 **Luncheon adjournment from 12.45 pm to 2.02 pm**

33 **CHAIR:** Good afternoon Mr Johnson and welcome to the Tribunal, it's your first appearance I